

Summarized Unsworn Detainee Statement

Pres: Do you have any questions about the process?

Det: How can I bring evidence or witnesses if I have no way of getting them?

Pres: You have the opportunity today and we will provide it to you in this Tribunal session, to make a statement.

Det: I have other evidence, passports, and pictures, available in Washington.

Pres: Documents probably won't be needed at this Tribunal session. You have had an opportunity in previous interviews to identify any witnesses you would like, and you have identified no witnesses.

Det: I was not asked if I had factual or material evidence.

Pres: An opportunity should have been given to bring that to the attention of the Personal Representative.

PR: I read the Notice to Detainees, which had been provided, and we went over it paragraph by paragraph, and this included that he would have the opportunity to present witnesses or documentary evidence.

Det: I probably misunderstood.

Pres: What evidence do you think would be relevant that might be available?

Det: I don't have any. All of my paperwork is available in Washington. It's nothing more than passports and some personal pictures. You can use these documents as evidence.

Pres: If we feel that we need those, we will make them available to the tribunal as we deliberate on your enemy combatant status.

Pres: Do you think any of that paperwork would have any relevance on your enemy combatant status?

Det: It depends on what questions you ask me.

Pres: We will take that into consideration and if we feel that it will, we will ask for that information.

Det: I have no more questions at this time.

Recorder handed exhibits R-1 and R-2 to Tribunal President.

Det: What is written in R-2 and R-1?

Pres: That information has been made available to you through your Personal Representative.

As the Recorder stated the nature of the evidence in the Unclassified Summary, exhibit R-1, the Detainee stated that the translation was different. The document he saw stated something different. Detainee asks if the document says he was a trainer or was being trained.

The Recorder re-read item.

The Personal Representative stated that item 3a in his copy of the Unclassified Summary, R-1 was slightly different than what the Recorder was reading.

Upon comparing the R-1 document in the possession of the Personal Representative and the R-1 document in the possession of the Recorder, the President noted that there was a bit of a difference in the documents and ordered a recess to further investigate.

The President stated the reason for recess. Exhibit R-1, the Unclassified Summary of Evidence, was an erroneous document, and the Unclassified Summary of Evidence that was made available to the Personal Representative, and subsequently to the Detainee is, in fact, the correct document and will be re-submitted. That version of the Unclassified Summary of Evidence will be submitted to this Tribunal as exhibit R-1. Once submitted, that will be the only exhibit R-1 considered when the Tribunal goes into deliberations.

Det: Will you repeat the allegations?

Pres: Yes, we will.

Summarized Sworn Detainee Statement

The Detainee will address each point in the Unclassified Summary, with the assistance of the interpreter, reading each point to him.

3.a. Detainee is a member of Al Qaida.

1. Detainee admits being a member of Al Qaida.

From the beginning, I never admitted to being an Al Qaida member. I was in Afghanistan and with Arabic fighters in Kabul.

2. *Detainee traveled to Afghanistan and joined Al Qaida to fight against the United States and the Northern Alliance.*

When I went to Afghanistan, it was not to fight; it was an emigration from Bosnia with my family. In Bosnia, we were told we had to leave the country. Because I was a printer in the Bosnian Army and I was in the military, I could not go back to Egypt. I couldn't go anywhere. Some chose to go to Afghanistan because it's a Muslim state. I left first to see the conditions there and then was trying to go back to get my family. Life was not good.

If you say that I left Bosnia to go to Afghanistan to fight America, it is not reasonable. There were already many American troops and United Nations troops in Bosnia. If I had the inclination to do that, there had already been 4 years of fighting. If I wanted to do that, I would do it in Bosnia. Why would I leave Bosnia to go to Afghanistan to fight Americans?

I left Bosnia before 9/11, before anything happened in America. I was already in Afghanistan.

You say I left Bosnia to Afghanistan to fight Americans. How can you know what is in my mind and in my heart or my intentions?

3. *Detainee admits that he attended explosives training at Al Farouq training camp and went on to be a trainer on IED components at Tarnak Farms.*

I already trained people there because I have (inaudible) civilians before. Massoud and Dostum were our enemies before. They are fighting Muslims. There are no rules in the United States to prevent it if you want to fight for religion. There are no rules to direct me not to defend people.

To make it clear, I wanted to fight Massoud and Dostum because they were fighting other Muslims.

I had left my country, Bosnia. I had Bosnian citizenship. When I went to Afghanistan, I was trying to find a home and live there and to bring my family from Bosnia. There, they spoke too much about aggressive doings of Massoud and Dostum and his brother Fahim. They killed a lot of Muslims in Afghanistan. It is my belief to defend weak people, anywhere. Massoud and Dostum killed people in this country. I had to go to fight. It is my belief.

If Massoud and Dostum are American allies, they were not an alliance before September 11th, were they? I think they were not American allies. Did you have an alliance with Massoud and Dostum before September 11th? No. The alliance was formed after September 11th.

4. *Detainee met Usama bin Ladin.*

I agree with that. I saw him at a meeting. There was a big meeting. I saw him face to face, but I never talked to him. He is hard to speak directly with because he is always surrounded with guards and protection around him. What is the point if I saw Usama bin Ladin? I saw many people there. It doesn't present a charge.

This meeting occurred at the end of July, 2001; before September 11th. There were about 250 people at that meeting. He (UBL) was surrounded by guards. I saw him (UBL) through the people. I was anxious to see him face to face, but I don't think that is anything against me.

3.b. *Detainee engaged in hostilities against the United States.*

At that time, there were no Americans in Afghanistan. There was no army and no civilians. The only fighting was between people who were escaping from (inaudible) the people of Afghanistan.

Because the Americans offered \$5,000.00 to anyone who captured us, they were fighting us and they kept us alive to get the \$5,000.00. Fighting against the American Army, and Air Forces, and any kind of military operations...There was no one in Afghanistan to fight...no one. There was no fighting against Americans. If there were any American soldiers saying they were fighting in Afghanistan, bring them here to me and show the evidence.

The American people formed an alliance with Massoud and Dostum and these people are against Muslims. According to Geneva, and the United Nations rules, it's against the international war rules.

1. *Detainee fled Jalalabad, AF on 18 November 2001, after the area fell to allied forces. Detainee traveled with fighters armed with Kalashnikovs, RPGs, ammunition and hand grenades.*

Because of the bombing and American airplanes and many killed and wounded people, the military and army left and escaped their positions and left everything. I was fighting and preventing the advancing of Dostum and Fahim. Because of that, there were more wounded people and more bombing, we left to escape from there to Pakistan.

We left everything. We were moving through mountains and caves; there were hundreds of families, children, women and people were climbing through the mountains. What were we to do? Some people were escaping from other fronts, near Jalalabad and Kabul. There were too many people there.

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With all the bombing and people dying, there was crazy killing and bombing. Some people were fine and others were already scattered everywhere.

We were running and escaping toward Pakistan. Also, there were no American soldiers to fight there. People were trying to capture us for money, the \$5,000.00.

There were no American forces there.

I was not armed. We left everything in Bagram. It is hard to carry weapons over mountains; it's a very long distance and takes about 3-5 days to walk through the mountains to Pakistan. It was not reasonable to carry weapons with us. The weapons were too heavy.

2. *Detainee was injured by shrapnel, captured, and turned over to Northern Alliance forces.*

I was hurt only because of the bombings of the American Air Force. I was in the mountains for many months. Someone took me to a house. This man helped me and another man in Jalalabad.

I was wounded already. Because I was wounded, does it mean I am an enemy of the United States? I don't think so. I had wounds on my hand, shrapnel in my back because the Americans bombed me. To me, America was trying to kill me.

Det: I have read the definition of Enemy Combatant in the Arabic translation, and it means that you are aggressive against the United States, right?

Pres: The Tribunal will determine if you are properly classified as an enemy combatant and the interpreter will read the definition to you.

Det: This definition is different from what we were told. I understand your statement.

Summarized Answers in Response to Questions by the Personal Representative

Q: Previously, it was indicated that there was an error and that was that Al Farouq had been listed as a location for training when it should have been Abu Ubaida.

A: There were two camps for training. I was training people at Abu Ubaida, not Al Farouq.

It said that I trained people in IEDs (Improvised Explosive Device); that is not right. I trained people in military explosives, mines and grenades. I told interrogators about it. They said that if I can help them, help them. I told the

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interrogators that I would help them to know everything because I have prior experience. I did it in the past; there is a difference.

Summarized Answers to Questions by Tribunal Members

Q: Thank you for being candid. You mentioned seeing Usama bin Ladin. Would Usama Bin Ladin recognize you?

A: No.

Q: He would not know you from anyone else in the world?

A: No.

Q: So, you were merely present at a place he came through and you were part of a group that went, oh, there he is over there. You saw him, but he doesn't know who you are. Is that correct?

A: He does not know me. That was the first and only time I saw him. It was said that I spoke with him, but that did not happen. He wouldn't recognize me; he does not know me.

Q: You mentioned that once you went to Afghanistan to find a place to move your family, you became aware of the violence or atrocities that were being done to the Afghanistan people by the troops in the North. You felt it an obligation to assist the Muslims. Were the people in the North also Muslims?

A: Yes.

Q: So, it was, as you referred to it, a republic or civil war, between people inside a country; people of the same religious beliefs, similar backgrounds, fighting for power?

A: Yes.

Q: And you believed that the innocent people of Afghanistan were being harmed by military force, is that correct?

A: Yes.

Q: So, once you went to Afghanistan and saw this, you desired to assist those innocent people?

A: Yes. I would like to add something. The Taliban people (inaudible) were being killed by Massoud and Dostum, even without fighting.

The Taliban and other people haven't experienced in fighting war. Massoud had a long time of fighting against the Russian Army. They were killing people who didn't have a chance to defend themselves. I think that is very bad.

Q: Do you believe that the aggression by the groups in the North was as bad as the aggression you experienced when you were in Bosnia?

A: It was not. In Bosnia, it was genocide against Muslims. What happened in Bosnia was big genocide. It started a long time ago. In Bosnia, events took place very quickly; in Afghanistan, everything was going slowly.

One time in a jihad, Massoud killed about 10,000 Muslims in about an hour. It was bad. People can't fight him because he has very strong military experience in fighting. We should support these people to live.

Q: When you were in Bosnia, did you appreciate the United States involvement and the United Nations involvement to stop the genocide against the Muslims?

A: Of course.

Q: After September 11th, you had already been part of the Taliban military as a military trainer?

A: Not officially.

Q: As a contractor, perhaps?

A: Yes.

Q: Assisting them or training them on the areas where you have your knowledge. What occurred after September 11th? Were you still training them?

A: After September 11th, I tried to leave Afghanistan. I wasn't involved anymore.

Q: At what point did you leave your employment, as a contractor, with the Taliban? Physically? When did you say, I'm not going to work today, I'm leaving?

A: I'm not working.

Q: You were training, though. You were, perhaps, a contractor.

A: People had training on mines, hand grenades and everything. I trained them in August.

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Q: After August...

A: I went to the front...

Q: You went to the front and you were fighting. How long were you there?

A: I was there in September. I heard about September 11th when I was there on the front.

Q: When did you leave there?

A: I tried to go out.

Q: When?

A: After September 11th, directly.

Q: September 12th? The same day, a month later, two months later?

A: I can't remember, really. My story is very complicated because I was there in the front, and I left and tried to leave Afghanistan to go back to Bosnia. At that time, I went back to Kabul and I tried to go out. There was no way out. I went to the Bagram front.

Q: How did you receive your injuries in Afghanistan?

A: In Tora Bora.

Q: Had you been injured in Afghanistan prior to that?

A: No.

Q: As you left the front, you mentioned that you did not take any heavy weapons with you?

A: When we were escaping, no.

Q: Correct. They would have slowed you down in your travel?

A: Yes.

Q: Did you carry even a pistol for personal safety, or a small rifle?

A: We didn't have them. We only had Kalashnikovs.

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Q: And those you left behind?

A: Yes. The Kalashnikovs are very heavy.

Q: Yes, we know...very heavy.

A: It is very heavy and I couldn't carry it, with other things.

Q: You are Egyptian, by heritage?

A: Yes. I was born in Egypt.

Q: How did you learn English so well?

A: I have studied it in college. I have a Bachelors of Science in Geology.

Q: You attained all of your education in Egypt?

A: Yes.

Q: Did you serve in the military in Egypt also?

A: No, I had medical problems.

Q: At some point, you went from Egypt to Bosnia to assist the Muslims in Bosnia?

A: I was in Greece. I went to Greece in 1990. I lived there for 2 years, until 1992. In 1992 we heard about the massacres in Bosnia, I went to work as a human relief worker.

Q: When you were in Bosnia, was that the first time you received military training?

A: Yes.

Q: Your total amount of training in the military would be from 1992 until 2001?

A: 1993

Q: All the way through until 2001?

A: I had training in Bosnia in 1993.

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- Q: Was there any period of time between Bosnia and Afghanistan where you were somewhere else?
- A: No.
- Q: You mentioned earlier that you were at Tora Bora?
- A: Yes.
- Q: Was that when you were retreating and trying to get to Pakistan?
- A: Yes.
- Q: How long were you in Tora Bora?
- A: During Ramadan. We were moving, escaping, hiding...
- Q: Would you say a month...a week?
- A: About two months.
- Q: Did you hear anything about Usama bin Ladin being in Tora Bora when you were there?
- A: No.
- Q: How long have you been here, at the camp?
- A: 2 ½ years.
- Q: How would you characterize your treatment here?
- A: My treatment is very good.

Summarized Answers to Questions by Tribunal President

- Q: Do you have any other information that you would like us to know?
- A: People are taken from their homes, their countries. All of them are considered Enemy Combatants and I don't think it's right.
- Q: We appreciate your participation in the Tribunal today.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps
Tribunal President

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