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Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Tribunal President: Mohammed this form exhibit D-A lets us know that you want to participate in the Tribunal. It also identifies that you requested for us to inventory your personal items at the time of capture. And I understand from your Personal Representative that it was done. Personal Representative if you could us a brief description of that event.

Personal Representative: Yes Ma'am. The inventory at the time of capture stated that there was a blue notebook and nothing else.

Tribunal President: Thank you. Do you understand Mohammed?

Detainee: Where did they find it?

Personal Representative: That was in his inventory of items at his time of capture. I do not know the exact time and date of his capture.

Detainee: I did not have a book. All that I had at that time was money and a passport.

Tribunal President: And the inventory did not include the passport?

Personal Representative: That is correct Ma'am.

Tribunal President: And it did not include the money?

Personal Representative: Correct.

Detainee: All that I had on me at that time was money, a passport and it was stolen from me.

Tribunal President: We will make note of that.

Personal Representative: I would like to add Ma'am that we have no record of what the Afghanis may have taken from him.

Tribunal President: OK. Thank you, Personal Representative.

The Tribunal President asked the Detainee if he wished to present information or make a statement.

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Detainee: I have one witness that was present with me in Afghanistan. His name is Mohammed. He is here. I didn't bribe anybody, but the Afghanis asked us for some money.

Tribunal President: OK. Let me clarify a couple of issues. Mohammed, did you tell your Personal Representative that you wanted a witness to be here?

Detainee: I asked for his name. The answer was, he doesn't know him.

Tribunal President: Personal Representative, during your initial interview, did Mohammed ask for a witness?

Personal Representative: Not to my knowledge, Ma'am.

Tribunal President: Were you the Personal Representative that was assigned during the initial interview?

Personal Representative: Yes, Ma'am.

Tribunal President: Mohammed, did you have the understanding that you could ask for witnesses during your initial interview?

Detainee: Yes, but I didn't know his full name. All that I knew was that his first name was Mohammed and I had heard that the Americans had captured him. Where he is now, I don't know.

Tribunal President: At this point, all you can give us is one name?

Detainee: All that I know is that his name is Mohammed.

Tribunal President: That's a very common name.

Detainee: I don't know his complete name.

Tribunal President: And Mohammed would be very difficult for the Tribunal Team to try to locate. If we don't have the full name and the description of the individual, it would be hard to locate him.

Detainee: I don't know his full name.

Tribunal President: OK, Mohammed we are not able to approve of your witness request at this time, if we don't have the full name and the description of the individual.

Detainee: I understand.

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Tribunal President: Personal Representative do you have a question?

Personal Representative: Yes Ma'am. Just for clarity, was Mohammed ever in US custody?

Detainee: One day, they arrested the witness that I am requesting and I. I only know his first name. We were in Afghani custody.

Tribunal President: Personal Representative, does that answer your question?

Personal Representative: Partially, Ma'am. If he was ever handed over to the US, that would be a different type of search we could do.

Detainee: I was captured with my friend by Afghanis and they handed me over to the Americans.

Personal Representative: Did they hand your friend to the Americans?

Detainee: Yes.

Personal Representative: Can you give us a physical description of your friend?

Detainee: He is taller than me. Average. He is a regular man. All that I know is that his name is Mohammed.

Tribunal President: Do you know what he could testify to? Are there are any allegations on this unclassified summary that he could dispute?

Detainee: He can dispute one thing. Number five. When the Afghani people asked us for some money to let us go.

Tribunal President: And that was at the time of your capture?

Detainee: After we were captured in Afghanistan, they put us in a place and brought in a translator. The translator asked us if we had any money we could offer. If so, they would let us go.

Tribunal President: Personal Representative, you have a comment?

Personal Representative: From the administrative point of view, if you choose to try to locate the witness, that will take about a day and one-half. There is an organization that looks for off-island witnesses. I would need to ask many more questions, like eye color, age, height, and nationality, and try to get what I could.

Tribunal President: I think the key here is determining the relevancy of the witness and of course determining if we can find the witness. Let me take a brief recess and discuss this with the Tribunal.

The Tribunal recessed for further discussion on the basis of possibly locating the Detainee's witness.

The Tribunal reconvened.

Tribunal President: Mohammed, before we go any further, I like to offer you the opportunity to take a Muslim oath.

Detainee: I don't have a problem with it.

Summarized Sworn Detainee Statement

Tribunal President: Mohammed, we need to clarify an issue with the unclassified summary. In your request for a witness, we as a Tribunal need to determine if the witness is relevant. So, we're going to look at item number 3(a)(5) and determine if the witness is relevant to this allegation. The allegation reads: "the detainee is a Taliban fundraiser who offered Northern Alliances Forces a bribe for his freedom."

Detainee: That's not right.

Tribunal President: OK. What I need to determine is if the witness will rebut you being a Taliban fundraiser.

Detainee: The witness doesn't know anything about fundraising. All he knows is that they asked us to give them a bribe to let us go.

Tribunal President: I want to make it clear. You're saying that the witness could add information concerning the bribe issue?

Detainee: It was just about the bribe because he was with me in Afghanistan.

Tribunal President: Is it your statement that you did not offer a bribe to the Northern Alliance?

Detainee: No.

Tribunal President: You did not offer a bribe to the Northern Alliance?

Detainee: No.

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Tribunal President: Then this Tribunal is willing to accept your statement as true to avoid delaying the Tribunal to look for a witness for just that allegation.

Detainee: I never supported the Taliban. This is not right.

Tribunal President: Will the witness be able to dispute any of the other allegations?

Detainee: The witness doesn't know anything beside what I mentioned before.

Tribunal President: OK, that makes it clear to me. Thank you.

Detainee: All that I know is the witness was with me at that place in Afghanistan.

Tribunal President: I understand. Mohammed, this is the opportunity for you to respond to the allegations. We will use your Personal Representative to read the allegation. You can respond to the allegation and add any comments that you wish. Do you understand?

Detainee: Yes.

Tribunal President: Mohammed, could you please speak up, so we can hear you?

Detainee: Yes

The Personal Representative addressed issues in the Summary of Evidence, as was discussed while assisting the Detainee in preparation for the Tribunal.

- **3(a) The detainee is associated with al Qaida and the Taliban.**

That's not right.

- **3(a)(1) The detainee traveled from his home in Saudi Arabia to Afghanistan via Bahrain and Iran, after 11 September 2001.**

Yes, that is correct, but I had no knowledge of the problems between the US and Afghanistan. I didn't know about any conflict between Afghanistan and the United States. When I was watching a TV, I found out the problem was from Japan. I went to Afghanistan for religious duties and to fast. This training was faster in Afghanistan because it was in the purest Islamic state. This training was not army training. I went there to complete my religious duties, do it fast, and go back home.

- **3(a)(2) The detainee was recruited to train for Jihad.**

That's not right.

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- **3(a)(3) The detainee reported to an Arab guesthouse in Kabul, Afghanistan, with the intent to receive military training.**

That's not right. It was a house for entertaining and I had no intentions of receiving military training. I have no desire to be trained as a military man. I did not know any of the people in that house.

- **3(a)(4) The detainee was taken into custody by Northern Alliance forces in Kabul, Afghanistan, in mid November 2001.**

I don't know the exact date but it was before Ramadan, one or two days before Ramadan. I was forced to stay in Kabul.

- **3(a)(5) The detainee is a Taliban fundraiser who offered Northern Alliance forces a bribe for his freedom.**

The Tribunal Team did not address this allegation, as it was discussed above.

Tribunal President: Mohammed, if you have other comments that you would like to make towards that allegation, please proceed.

Detainee: I have nothing to add. I never supported the Taliban and I never paid a bribe to anybody.

Tribunal President: Mohammed, does that conclude your statements and comments?

Detainee: No, I don't have any more statements or comments.

Tribunal Members' Questions to Detainee

Q: How old are you?

A: 28 years old.

Q: What did you do in Saudi Arabia before you went to Afghanistan?

A: I was a mechanic in a company.

Q: What religious obligation did you have that you went to Afghanistan to complete?

A: Everyone in Saudi Arabia and the clerics there know that we have to complete our religion to do so.

Q: Did anyone in particular suggest that you go to Afghanistan?

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- A: One person suggested it to me to complete my training in Afghanistan.
- Q: Who was that?
- A: I don't know.
- Q: How did you come by this information?
- A: In the mosque.
- Q: From a preacher?
- A: I don't know.
- Q: Why did you go to Bahrain?
- A: I was short on money and had to go to Bahrain.
- Q: Was it cheaper to go to Bahrain and Iran rather than simply fly straight to Afghanistan?
- A: Going from Saudi Arabia to Bahrain is not a big deal. It is a very short distance. I went to Bahrain.
- Q: Is Saudi Arabia a pure Islamic state?
- A: Yes, of course it is.
- Q: Who paid for your travel?
- A: I did.
- Q: When did you learn about the attacks on September 11th? The allegation is that you began these travels after September 11th, but you told us that you didn't realize that the attack had taken place, but then you also said that you saw it on television. When?
- A: When I was in Saudi Arabia, I heard about it.
- Q: I'm surprised that you would go to Afghanistan at that point. Why did you leave then?
- A: I didn't know that a conflict would start between Afghanistan and the United States and wanted to complete my religion.

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Q: You testified that you could not leave Afghanistan. Who told you you couldn't leave Afghanistan?

A: I traveled to the Iranian border and they didn't let me in.

Tribunal Members' Questions to Detainee

Q: You said the house was an entertaining house. What is an entertaining house?

A: It's nothing like that. It is just a place where we sit.

Q: Did anyone have any weapons there?

A: I don't know. I was sitting in the house.

Q: How long did you stay at the house?

A: Approximately one month.

Q: You sat in the house for one month?

A: Almost one month, 25 to 30 days.

Q: You said the US had a problem with Japan, is that correct?

A: I heard that on the television. Japan wanted to start a conflict between the United States and Afghanistan.

Tribunal President's Questions to Detainee

Q: Did you receive your religious training while you were in Afghanistan?

A: No.

Q: Why not?

A: I wanted to go back, but I didn't want to be in the conflict.

Q: I need to understand. You sat for a month, but you never received any training?

A: I never was trained.

Q: Did you know anyone in Afghanistan before leaving Saudi Arabia?

A: No.

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- Q: Did someone assist you with your travel arrangements to tell you where to go, where to stay?
- A: Nobody assisted me.
- Q: Why did you choose to go to Kabul?
- A: The Afghani people took us to Kabul.
- Q: What Afghani people?
- A: They took us to Kabul, but I didn't know them.
- Q: Where did you meet these Afghani people?
- A: At the border.
- Q: So were the Afghanis guides?
- A: They were there to put us in an airplane and they left.
- Q: How did you know where to go?
- A: When we landed in Kabul, they came to us. They told us they knew where the Arabs hung around, and they took us there.
- Q: Was that just somebody in the airport?
- A: There were a lot of Afghanis.
- Q: How did you support yourself while you were in Afghanistan?
- A: I had enough money with me. There was one Afghani, and we gave him money to bring some food for us.
- Q: Did you have to pay for the Arab house?
- A: No, we didn't have to pay there.
- Q: Did you have your passport when you went to Kabul?
- A: Yes, I had my passport with me.
- Q: Did you have your passport with you when you were captured?

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A: Yes.

Tribunal Members' Questions to Detainee

Q: Do you speak Pashtu?

A: No.

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. Army
Tribunal President

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