

Summarized Sworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents.

At the conclusion of the Recorder's description of the contents of Exhibit R-1 the Detainee began to speak. The Tribunal President then informed him that there were a couple of other administrative matters that needed to be addressed and he would then be allowed to make his statement.

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President confirmed that the Detainee had three documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have two witnesses participate in the Tribunal on his behalf.

The Recorder administered the Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

3.a.1. The detainee traveled to Kabul sometime in later 2001.

The truth is I didn't volunteer to travel there. I was forced because I was a prisoner; I was moved from a Kandahar prison to Kabul by the Northern Alliance.

3.a.2. The detainee was identified as an Iraqi national affiliated with al Qaida.

That is true. I am an Iraqi citizen but I am not associated with or a member of al Qaida. When I was there, there was no such thing as al Qaida.

3.a.3. The detainee resided at a guesthouse near Kabul, Afghanistan, frequented by people training at a terrorist training camp in Afghanistan.

That is true. I did not live in that house but I visited that house about three times.

3.a.4. Al Farouq is best known as a basic training facility for jihadists. Training at this facility was conducted in four phases: small arms firing; physical conditioning, map reading, topography, and explosive devices.

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The truth is that I never went to Al Farouq training camp and I do not know what goes on in there.

3.a.5. The detainee received military training in the Iraqi army.

Yes it is true that in 1993 I did enter the Iraqi military but it was not voluntarily. Every person in Iraq was forced to join the military army. The military there is mandatory.

3.a.6. The detainee trained with the following weapons: AK 47 rifle, 7.62 mm PK machine gun and mortars – 82mm, 120mm, and 160mm.

The way the interrogator asked me what kind of weapons they were using or training on at that camp in the Iraqi military. I told them light weapons. They trained them on Kalashnikov, those types of weapons. I didn't tell them that I trained on them but told them that the Iraqi military trained on them.

I explained to them the military division I was in, which was the army; our weapons were a Kalashnikov in the army.

3.a.7. The detainee acknowledges that in 1999 he fought on the front lines against the Northern Alliance with the Taliban near Mir Bachel Kowt.

This is true. I was on the front lines but there was no war to speak of at the time.

3.a.8. The detainee was imprisoned by Northern Alliance and subsequently transferred to United States authority.

This is true.

Tribunal President: Does that conclude your statement or is there something else that you would like to tell us?

Detainee: I wanted to bring to the American justice that I do not have a psychological disease like the other Arabs here that are detained. The only mistakes that I have done was traveling there in 1999. I already was punished or paid for that being detained for five years for leaving.

I hope from the American government and justice to look at my case and see that I am a victim as an Arab in Afghanistan.

In 2002, I was detained in prison and they accused me of being an American spy. And honestly, I was not an American spy. I was put in prison and the Taliban tortured me in the worst way that you can think of until I was handed over to the American forces.

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Since the year of 2000, I haven't had any freedom. And thanks to God, I have never did any hostilities against any people on this earth; on this planet.

Tribunal President: At this time we may have some questions for you. Will you be willing to answer some questions?

Detainee: Yes.

Tribunal President: Personal Representative, do you have any questions for the Detainee?

Personal Representative: Yes Ma'am, I do.

Personal Representative's Questions to Detainee

Q: Can you explain why you went to Afghanistan and how you got there?

A: That is a good question. I escaped from the Iraqi military at the end of the year in 1994 and entered Kurdistan. In Kurdistan, I stayed approximately one year and then went to Iran. In Iran, I worked in a shoe factory. It wasn't uncovered how the people, the way the Iraqi people lived in Iran, especially the people that did not have their official documents. I was one of the people that did not have their official documents when I entered Iran.

In mid 1999, the Iranian government did an attack or a raid with the Iraqis that were there. So I traveled from the city I was living in to another city. And that city was not a border city, but it was close to Afghanistan. About two months later, they were asking about everyone that worked at that shoe factory. I wanted to keep quiet as an Iraqi because the Afghans that were with me were speaking Farsi and I was speaking Farsi also. If I had said that I was an Iraqi, they would have handed me over to the Iraqi government. I kept quiet and they threw me on the border of Afghanistan. That's what happened and how I entered Afghanistan. After they took everything I had, including my money, I was forced to go to the Afghani government to help me go back to Iran. Unfortunately, they did not help me, they told me in order to get help, you have to go to the front line in Kabul. That is how I entered Afghanistan.

Q: Just to clarify, when were you first imprisoned in Afghanistan?

A: If my memory doesn't betray me, at the beginning of the year of 2000.

Q: You had stated that you visited in Kabul. Why did you go there?

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A: The house that I was in at the front lines did not have a shower or a bathroom, a place where I could clean my clothes, clean up so I was forced to go to the guesthouse and do those things.

Q: What did you do on the front lines?

A: There wasn't really anything to do on the front lines besides guard duty.

Q: During our interview you said that you had deserted the Iraqi Army. Can you tell us why?

A: I escaped from the Iraqi army and went AWOL for the following reasons. My situation was not good. My family and I didn't own a house so we rented a house. The unit where I was stationed was in the north and my house was in the south. The salary that the Iraqi gave me was small and I couldn't afford to travel from the north to the south.

In addition, the Iraqi army victimized a lot of members of the Iraqi army. I was one of the people that were suffering from the Iraqi military. I wasn't able to withhold myself in the Iraqi army. I was a young person at the time and I wasn't thinking the right way and wasn't able to figure out what was happening around me. With the reasons that I mentioned, I felt like a caged bird. This feeling helped me escape from the Iraqi army and now I feel guilty for following that feeling.

I hope to go back to my family and give society the rights and have my rights also.

Tribunal Members' Questions to Detainee

Q: How old are you?

A: I am 29 years old.

Q: When did you enter this location?

A: I was born in 1976 and this is my third year here.

Q: I'm a little confused on your being captured by the Northern Alliance. I want to clear some of that up. I will ask you some questions in that area. You were first captured when, when you were in Afghanistan?

A: I was captured and arrested by the Arabs in Afghanistan on February 15, 2000.

Q: These Arabs that you are referring to, were they apart of the Northern Alliance?

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A: No, they were with the Taliban.

Q: They arrested you because you were accused of being an American spy?

A: Yes. I was arrested and accused of being an American spy. Unfortunately the people who arrested me did not know anything about human rights. They did not give me a chance to say anything; they just threw me in jail.

Q: Were you an American spy?

A: No I'm not an American spy.

Q: Do you know why they suspected you of being a spy of some sort?

A: Yes, I know why. At the beginning they arrest a man name Abdul Rahim Jenko. This man I met with in the guesthouse in Kabul, I gave him about half of a dollar to help him buy shoes. He asked that of me. After a short time he was arrested and accused of being an American spy. I don't know if he was forced to say that I was an American spy or if he wanted me thrown in jail. He confessed against me saying that I was a spy working with him for America. He said a lot of lies about me and thank God I had an interrogator name [REDACTED]. He confessed in front of the interrogator and said that he made me suffer and told a lot of lies on me in front of all those Arabs. His confession is on a piece of paper and is here in Cuba. For that accusation, I was detained in a Taliban prison.

Q: How long?

A: From 2000 until now.

Q: Where were you taken from on February 15, 2000?

A: From Kabul.

Q: Where were you in Kabul when you were arrested?

A: I was on the front line and they put me in a car and took me to a guesthouse and from the guesthouse I was taken to Kandahar.

Q: If I understand this correctly, the Taliban arrested you and turned you over to the Northern Alliance?

A: There is clarification needed and I will clarify it for you. I was not arrested by the Northern Alliance. In September 2000, we were in a detention facility. There were 1,800 people and only six were Arabs. When the Taliban government fell,

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the Northern Alliance came and took over the detention facility and that is when I was taken. I was the only person that was in the second wing and all of the foreigners were in the first wing. I was taken from there to Kabul by the Northern Alliance. And they told me they were going to give me to the new government and said they would tell them that I was a prisoner of the Taliban and give me the official paperwork in order for me to go back to my family. That is how I got from Kandahar to Kabul and in Kabul I was put in prison and left there for three and one half months. After that I was handed over to the American forces.

Q: According to your testimony, you have been a prisoner since February 15, 2000?

A: Yes sir. I do have proof that I was arrested in that year and based on the testimony of Abdul Rahim Jenko, the person that was in prison with me.

Q: After this man confessed that he lied about you being an American spy, why weren't you released?

A: He confessed here that I am not an American spy. Arabs did not imprison him, Americans imprisoned him.

Q: The shoe factory that you worked at, what was the name of it?

A: This factory was not an official factory. They did have an official factory there but because I'm an Iraqi and didn't have my official papers, I wasn't allowed to work in the official factory. There was an Iranian who had official paperwork and he worked in the official factory. This man would bring unfinished products to the bottom floor and that is where we worked on them. There were 16 of us and that is how we worked. Those factories are in large numbers in Iran they don't have a name because they are not official factories.

Q: Who owned the factory?

A: It was just work and not a factory but the product looked like it came from an official factory and I know the name of the official factory. The name is Jim Koran (ph).

Q: How did you pay from your travel from Iraq to Iran?

A: In Iran and Kurdistan (ph) I was working with the Iraqi resistance led by the INC group and I worked with them for one year and in 1996 when the Iraqi military entered Kurdistan, I was transferred. The President of the resistance was ordered to leave Kurdistan and go to Turkey. Nine of us stayed behind in Kurdistan. I gave our name and numbers to other people. After the resistance group went to the United States of America, we were forced to leave the area. I was forced to

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go to a merchant and ask him for some money so I could leave Kurdistan. They helped me get to Iran.

Q: Did you have any travel companions for any part of your travels from Iraq to Afghanistan?

A: Yes, one person from Kurdistan to Iran.

Q: Who was that?

A: He wasn't a friend of mind and I didn't know him but he was like a smuggler. He would smuggle cigarettes and tea and he asked money of me so he could smuggle me into Iran.

Q: So you had no travel companions going into Afghanistan?

A: No, the Iranian government took me and threw me on the borderline.

Tribunal Members' Questions to Detainee

Q: When you were on the front lines and stated that there was no war. Is that correct?

A: It is true. I was there from June 1999 to the year 2000. At that time there was no war or fighting between the Taliban and the Northern Alliance.

Q: What were you on the front lines to guard?

A: We lived in a house with about 25 people there and six to eight people would hold guard on top of the roof.

Q: What were you guarding against if there was no war?

A: We were put there because on the other side of the line was the Northern Alliance and the guards were put there. The Northern Alliance was their enemies.

Tribunal President's Questions to Detainee

Q: You said they accused you of being an American spy. Do you speak English?

A: When I was arrested I did not speak English but I learned in this prison. I speak about 45 percent.

Q: I'm assuming that you mentioned it to them that it was a little odd that you didn't speak English if they thought you were an American?

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A: The person that they arrested that said I was an American spy, as far as I know, he is the one who spoke English.

Q: He was arrested by the Taliban shortly before you were?

A: Yes. He was arrested and then I was arrested.

Q: He too was turned over to the Northern Alliance just like you were?

A: Yes. We were in the Taliban prison. Taliban prison was made of two divisions, the first division and second division. The detainees would be moved from one division or prison to the other. When I requested to be moved from the second prison to the first, the person that testified against me also requested to be moved. He came there and started a problem with another Arab and was then transferred again to the second prison. In that prison before the Taliban fell, I requested again to be moved. I would like to clarify some points. After I was transferred to the second prison, I stayed there until September 14, Ramadan. The man that testified against me was moved to the first prison and he was there until the Northern Alliance came and took us all to Kabul. When they took me out of the prison, I was put in a car and not handcuffed. While sitting in the car I saw the other Arabs being brought from the first prison. They did not put them with me, they put them in the kitchen of the jail. I thought they were going to bring them with me but they took me alone. They put me in prison in Kabul and he was not transferred with me and remained there for the rest of the time.

Q: Is that person here?

A: Yes ma'am.

Q: So ultimately, he made his way here, just not with you?

A: At the beginning he was in prison in Kandahar and I was in prison in Kabul. In about two to two and one half months he was given to the American forces. After him, about three months after the Taliban government fell, I was handed over to the American forces.

Q: I'm assuming you know his story because you have spoken with him?

A: Yes, I spoke with him.

Q: Was it here that he revoked his story about you?

A: He was actually in the Taliban prison when he confessed and the Arabs made him suffer. I was with him at one period of time in a detention facility and he told me

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that he was ready to tell the complete truth to the interrogators about me. That is what happened and when my interrogator came, he wrote his testimony on a piece of paper and gave it to her.

Q: Is this gentleman one of the people that you requested to be your witness?

A: Yes.

Q: Did he agree to come to make a statement here today?

A: Yes. That is what my Personal Representative told me.

Q: You guys are OK and we are not going to have a problem with him being your witness, right?

A: No ma'am. There is not going to be a problem. Even when we were in the detention facility I told him that I forgave him and I knew what they did to him. He was suffering just as I was.

Tribunal President: Personal Representative do you have any other evidence or the Detainee have any previous approve witnesses to present to this Tribunal?

Personal Representative: Yes ma'am. I am handing the Tribunal three Internet news articles previously marked as exhibits D-B through D-D. First news article is titled, "Arabs Arrested in Afghanistan Claim That They Are Working for the United States"; that is exhibit D-B. The second Internet article is titled, "Arabs Spy Unfolds US-Israel Intelligence Plan"; it is exhibit D-C. The final article is titled, "Taliban Tying US Citizen on Spying Charges; it is exhibit D-D.

The Personal Representative hands exhibit D-B, D-C and D-D to the Tribunal.

The Tribunal took a short recess to allow the witness to be brought into the hearing room.

The Tribunal President explained to the witness why he was there and asked him to verify his name. (Abdul Zahir)

The witness was then sworn in using the Muslim oath.

The Detainee has no questions for the witness.

The Personal Representative questions the witness.

Personal Representative: Do you know the Detainee as Islam?

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Witness: Yes.

Personal Representative: Where did you know Islam?

Witness: I met him at a house in Kabul.

Personal Representative: Did Islam live there?

Witness: A very short time I saw him there.

Personal Representative: Did you know what Islam was doing during that time you knew him at this house?

Witness: I don't know exactly what he was doing there, but a few days ago someone was telling me that I had to be a witness for him, to say that you know that he was a Taliban prisoner. I can say that he was a Taliban prisoner.

Personal Representative: When did you first hear that he became a Taliban prisoner?

Witness: When I saw, at that time, for a very short time, that he disappeared, I heard that he became a Taliban prisoner.

Personal Representative: Did you know or hear of any reason why the Taliban imprisoned him?

Witness: I do not exactly know the reason but I heard that they said he was a spy.

Personal Representative: Do you know if Islam participated in or supported any hostile activities or planning of any hostile activities?

Witness: No.

Tribunal Members' Questions to the witness

Q: How many times have you seen the Detainee?

A: It's been a long time. I don't know the exact time but only when I went to the guesthouse I saw him there.

Q: For how long of a time period had you seen him at the guesthouse?

A: I saw him before at the guesthouse for a very short time but it has been a long time and I don't exactly know how many times, but it was for a very short time.

Q: Do you recall when it was, that you saw him there?

A: I don't know exactly the time of that day or that month but the time was during Taliban.

Q: Whose guesthouse was it?

A: That guesthouse belonged to Abdul Habid Iraqi.

Q: Was he apart of the Taliban?

A: Yes. I think he was working for the Taliban.

Q: What did the detainee do in Afghanistan to support himself?

A: I don't know.

Tribunal Members' Questions to the Witness

Q: Do you know why the Taliban thought the Detainee was a spy?

A: I don't know but I just heard that.

Q: Have you ever seen the Detainee at the frontlines?

A: I didn't go to the frontlines so I didn't see him.

The Tribunal took a short recess to allow the witness to be removed and allow another witness to be brought into the hearing room.

The Tribunal President explained to the witness why he was there and asked him to verify his name. (Abdul Ahim Abdul Razzak Jenko)

The witness was then sworn in using the Muslim oath.

The Personal Representative questions the witness.

Personal Representative: Do you know the Detainee as Islam?

Witness: Yes.

Personal Representative: Why did you say Islam was an American spy?

Witness: Because of the torturing that I was receiving.

Personal Representative: Why did you choose Islam versus someone else?

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Witness: Because they pressured me and they told me to say that he was a spy.

Personal Representative: Do you have any idea why they would want you to accuse him as a spy?

Witness: Honestly, I do not know why.

Personal Representative: Where did you first meet Islam?

Witness: I met him in a guesthouse in Kabul.

Personal Representative: How long did you know him?

Witness: I sat with him twice and I sent him a letter so he could buy me shoes. They thought there was some type of relationship between us two.

Personal Representative: Do you know why he was at the guesthouse?

Witness: Every person goes there as a guest. It's like a hotel.

Personal Representative: Do you know what Islam was doing at the time for the Taliban?

Witness: Honestly, I do not have knowledge of that because I did not know him.

Personal Representative: When were you in his presence for the first time?

Witness: May 1, 2000.

Personal Representative: Did you hear if Islam participated in any fighting?

Witness: Never.

The Detainee questions the Witness.

Detainee: We were arrested in the year of 2000. And later I was arrested. But my question to a brother Abdul Ahim (ph) is did he hear or see that I committed any hostilities or fought anyone in Afghanistan?

Witness: Never.

Detainee: Was I in Afghanistan like the others or was I different from them?

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Witness: Honestly, like I mentioned before, I do not know if he was a Taliban or al Qaida. I met him in one month in the year of 2000. I mentioned in my Tribunal of all the incident and stories that happened, I mentioned it before in my Tribunal.

Tribunal Members' Questions to the Witness

Q: When was the first time that you informed anyone that you were pressured into stating that the Detainee was an American spy?

A: When I first told someone in Afghanistan that he was a spy?

Q: Yes, the very first time?

A: January 15, 2000.

Detainee: May I ask a question?

Tribunal President: Sure.

Detainee: I don't think he understood your question. Maybe you meant when did he confess to me about the other Arabs that he told that I was a spy.

Q: Yes. I was just trying to find out when he told either the Northern Alliance or the Americans that the accusations were false?

A: I understand. The first time was, I think, after 18 days after they arrested me and they took me to the guesthouse and started to interrogate me and they started pushing me and touching me. At that time it was in January 2000.

Q: OK. Just to make sure, I just wanted to find out when you finally told the Americans or the Northern Alliance that what you said was false?

A: Last time?

Q: No the first time.

A: The first time was when, I don't know exactly what date but I think it was in January 2000.

Q: Obviously you were tortured into saying the Detainee was an American spy but later after the fall of the Taliban, and the Northern Alliance took you out of the prison, did you tell anybody in the Northern Alliance or the Americans that the Detainee was not a spy?

A: Yes I did.

Q: When did you first tell them?

A: I told the military intelligence in Afghanistan in the detention camp in Kandahar.

Detainee: I have a question if you will allow me.

Tribunal President: Yes, go ahead please.

Detainee: Ma'am can you ask him about the paper that he wrote and the statement that he gave to them?

Tribunal President: The Detainee indicated that here you wrote a paper basically exonerating him?

Witness: What I wrote here about the Detainee?

Tribunal President: Yes.

Witness: Yes I wrote a paper to his interrogator and his interrogator took it to his file.

Tribunal President's Questions to the Witness

Q: I just have one question for you. When you were being tortured and they told you to implicate him did they give you any indication as to why; they didn't like him or why did they wanted him?

A: I believe because he was there and the best guy between them. He was a good man. They didn't like him because he was different from those people. They were evil people and nobody could live with them. So when they say mess with a poor guy like him and when I got to the guesthouse, nobody would help me or come to me but this guy because I spoke my Kurdish language and he was merciful on me. I had no money, I had no friends and he helped me and I got close to him. We had a relationship with each other.

The Tribunal took a short recess to allow the Detainee to be removed from the hearing venue.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no additional previously approved witnesses to present to the Tribunal and closed the open session.

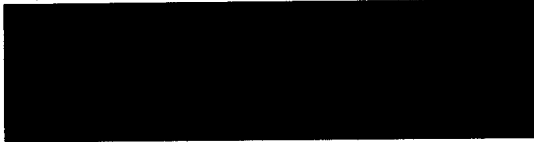
The Tribunal President explained the remainder of the Tribunal process to the Detainee and thanked the Detainee for his courteous participation.

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The Tribunal President adjourned the open unclassified session.

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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