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Summarized Detainee Testimony

Tribunal President: Mustafa Ibrahim Mustafa Al Hassan, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present information to this tribunal?

Personal Representative: I want to answer back to those accusations.

Tribunal President: Would you like to make your statement under oath?

Detainee: There is no need for it, for the oath.

Tribunal President: Personal Representative would you like to read the accusations that are on the unclassified summary and the translator will translate it and Mustafa will respond.

Personal Representative: He has a translated copy and he will respond to it.

3 The detainee supported the Taliban

3(1) The detainee departed Sudan to Pakistan en route to fight the jihad in Afghanistan.

3(2) The detainee supports the Taliban

Detainee: The first accusation, "the detainee supported the Taliban." I do not know the Taliban. I just know that the country is Afghanistan. It's a Muslim country like any other Muslim country and I know they are ruled by Islamic rule. If you consider me knowing that as help to Taliban I don't know how that could be. Second, I'm from Sudan and Sudan is very far from Afghanistan. We hear about Afghanistan, we are living in Sudan just like any other country. But the things that happened during the investigation, I want to clarify some things to you. I came to find the accusation that I went there to declare Jihad. That is not true. I went there to trade and to study. That was the reason for me going to Pakistan. You can clarify that, you can look at my information, you will find out I trade in clothing. After that, after me going to Pakistan, only for studying or trading. And you have my passport, you can look at my passport, look at the dates. I entered Pakistan after the war ended. I went there, I had a permit, a resident visa, for 15 days only. After my 15 days were expired, I went to the embassy to get an extension on my visa, my resident permit. I went to the Pakistani Embassy to extend my visa, but they didn't give me an extension. At the time this happened, they were arresting all the Arabs and they were accusing them. Any Arabs in Pakistan were being arrested at that time. I tried to leave Pakistan because I was afraid of being arrested, plus my permit was expired and I was afraid they would arrest me and accuse me of anything and detain me, I was afraid of that. I went from one place to another, I was taken via car. I went somewhere to look for this person who was going to help me get out of Pakistan because my permit was expired and the situation in Pakistan was getting worse, especially for foreigners. Anyone was being arrested. I was afraid of

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being arrested. I went to that man to get help. This person's job was smuggling people outside of the country. It's not official but it was a last result for me, I had no other choice, I was under pressure. I was in a bad situation and I just wanted to leave the country. So I went to this smuggler that smuggles people unofficially out of the country. You usually do not know where he will take you. Whatever way is open is the way you go. I was waiting for him to smuggle me to go to Iran. In Iran, I would go to the Sudanese Embassy and apply for official paperwork so I can go back home. I did not know who that person was, what was he was associated with, what party he was with. All I know was that he smuggled people and I just wanted to leave the country and he was the only man there to help me leave. I don't have any information about the man, where he is from, what organization, what party he belongs to, I did not know that. My time period there was short. I only stayed in that country for about one month. The language made it very difficult. I speak Arabic, they speak Urdu. A lot of the time I wouldn't know the direction. I wouldn't know what they were saying. I don't even know the direction, I usually would stop the taxi and ask them where do I do paperwork, passport, where is that office, can you take me there. I didn't even know the direction to visit or go anywhere in that country. So how would I know which people are which organization? I didn't know that. That was my answer to the first and second points.

3(3) The detainee is associated with the Dawaa wa Irshad non-governmental organization.

3(4) Dawaa wa Irshad is a terrorist organization.

I do not know that organization. Even in Sudan we do not have that organization in Sudan. And the detainee entered Afghanistan...I never entered Afghanistan. How am I going to help the Taliban if I don't even know who the Taliban are? When I went to Pakistan, the Taliban ended and there was a new government formed in that country. How I going to aid those people if I don't even know anything about them?. I never went to their country. They don't even exist where I was. How do I help something like that? In Baghram, when the investigators were interrogating me, when I told them I went there to trade and I went there to study, they hit me they tortured me. They said, "you are a liar" and they kept hitting me and tortured me. I said the same story when I was interrogated by two American teams. I told them the same story that I went there to study and trade in clothing. They even told me I didn't have any connection to any terrorist and that I was in Baghram. I don't why I was in Baghram. In Baghram, they told me, you are a liar, what you said in Pakistan is all wrong and they hit me and they accused me of things "you came here for Jihad", "you came here for that", "the people detained with you accused you of those things." I think those people said it because they were being tortured like me, so they made things up. And that's my true story.

Tribunal President: Try to avoid both of you talking at the same time so we can make sure we get what is being said. If it's helpful to you translator, have him speak in shorter sentences or paragraphs.

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Detainee: It was the same story I told you before, and the same story I told in Baghram, that all those accusations are wrong, and I'm repeating the same story again. That is the true story and that is why I'm here. I want to tell you my story that I told to them before. That's what happened. It should be clear. I never entered Afghanistan. You have my passport. They were torturing us with electricity and they made us walk on sharp objects. They hit us a lot, and because of the pain we just said anything. That is I think what happened to those people that accused me. That is my true story. You have my passport and the dates I entered Pakistan. That is my story.

Tribunal President: Mustafa does that conclude your statement?

Detainee: I don't have anything additional.

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

Personal Representative: One question. You indicated you went also to study. Did you try to register at a university?

Detainee: I went to a University in Karachi. They asked for the visa. They would register me if I had the permit. When I went to school to register, they asked for me to go and extend my permit so I can be officially registered but my only problem was getting a permit. I wasn't able to get my permit extended so I couldn't complete my registration process.

Tribunal President: (To Personal Representative) does that conclude your questions?

Personal Representative: That's all I have.

Recorder has no questions for the Detainee. Tribunal Member's begin questioning Detainee.

Tribunal Member: How did you get from Sudan to Pakistan, what route?

Detainee: It's in my files, how I went from there.

Tribunal Member: I have not seen the files.

Detainee: From Sudan to Syria and then to Pakistan.

Tribunal Member: Did you pay for your travel?

Detainee: For sure.

Tribunal Member: Does Sudan have an embassy in Pakistan?

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Detainee: Yes

Tribunal Member: When you arrived in Pakistan, did you register at the embassy?

Detainee: If you have a visa from that country, you don't have to go and register at the embassy. Unless you have a major problem. Or if it's a personal visit and you don't have a visa, you don't have to register with the embassy.

Tribunal Member: You had no reason to go to the embassy until your visa expired?

Detainee: At that time yes.

Tribunal Member: While you were in Pakistan, did you ever have to travel to Afghanistan?

Detainee: From the time I entered Pakistan, while I was detained, I was there for about a month. That's all the time I spent there was one month.

Tribunal Member: What did you plan on studying at the university?

Detainee: Islamic study and Arabic language. I had time on my hands to study and do trade, I wanted to do both because it was a good time to do it.

Tribunal Member: How long did you want to remain in Pakistan?

Detainee: I was planning to register and when I had a vacation period during school, I would go back and visit my family.

Tribunal Member: How long did you plan on staying in Pakistan? When you were in Sudan, how long did you plan on leaving for Pakistan in order to study?

Detainee: Before when I was in Sudan, I didn't know when the school period started or ends, but after arriving in Pakistan, and reading the schedule and school programs, I found out it was about 2 to 3 years of studying to graduate. There was a vacation in between terms.

Tribunal Member: When you were in Sudan, how long did you think you were going to be gone?

Detainee: I didn't put a time because I didn't know exactly. I didn't know what would happen once I got there.

Tribunal Member: Did you plan on studying at that time?

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Detainee: Yes

Tribunal Member: I don't understand why you would have only got a visa for 15 days.

Detainee: Usually, this is how it's done. If the university accepts you, then you will be able to get a longer visa. But if they don't accept you yet, they don't give you a long visa. They only give you about 15 days. When I was there, I had a 15-day visa, I had a chance to extend my visa to come study there.

Tribunal Member: How did you find out about that process? How did you know that was the way it usually works?

Detainee: When I came to Pakistan and I visited the university, they showed me the programs. My passport said worker on it, I had a problem with that. It doesn't say student. If it said student, it would have been much easier. That is why it was only a 15-day visa.

Tribunal Member: What was your trade business? How did that work?

Detainee: I did the same kind of work back in Sudan, trading clothes, and in Malaysia. I did the same kind of work, it was the kind of work I wanted to do, trading clothing.

Tribunal Member: Who did you trade with?

Detainee: I worked alone. I sold the product, I didn't belong to a company.

Tribunal Member: Where did you get the product?

Detainee: From the market, I buy and sell.

Tribunal Member: During your statement, I understand that you say that you had no relation with the Taliban. But I didn't understand your response regarding Dawa wa Irshad. Are you familiar with Dawa wa Irshad?

Detainee: I had no knowledge of it before, but when I was arrested, the interrogators were asking me about it. That's when I know. I didn't know them. I came from Sudan, I have no idea who they are. I don't know anything about that organization. I never worked for any organization.

Tribunal Member: What was your job in Sudan?

Detainee: Trade and agriculture.

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Tribunal Member: Did you ever have any type of weapons or military training?

Detainee: No

Tribunal Member: I just wanted to make sure I understand, when you traveled to Pakistan, was it after the September 11th 2001 attacks in the United States?

Detainee: After the Taliban was finished. After the war. Its in my passport, the dates are in my passport. When the war was happening I was in Sudan at that time.

Tribunal Member: How were you arrested by the Pakistanis? How did that happen?

Detainee: Because I'm a foreigner and my color, they usually ask, "What are you doing here?" Any checkpoint I would go through, they would ask who are you and they look for your paper.

Tribunal Member: Were you arrested by yourself or were you with other people?

Detainee: With other people.

Tribunal Member: Who were the other people?

Detainee: They're with me here. In Pakistan the driver, maybe another person.

Tribunal Member: Anybody have weapons on the time they were arrested?

Detainee: No only my clothes were with me, our clothes.

Tribunal Member: Were you arrested in a house?

Detainee: No in the street, at the checkpoint. In the street in Pakistan.

Tribunal Member: What city was that?

Detainee: Close to Peshawar. I don't know the location but when they brought us to the detention facility the told us we were close to Peshawar.

Tribunal Member: Was it anywhere near the Afghanistan border?

Detainee: I do not know where the borders are, that was my first time going there. I didn't know the roads very well, I do not know exactly where we were. The guy was telling us he was going to take us to Iran. In Iran I would be able to get my official paperwork done and go to the Sudanese embassy.

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Tribunal Member: Why didn't you go to the Sudanese Embassy in Pakistan?

Detainee: In the newspaper, and I heard that they were arresting all the foreigners. I had a problem, I couldn't travel. I couldn't go to the Sudanese Embassy, I was afraid of being arrested. My visa expired so I was afraid to go there.

Tribunal President: How did you travel from Sudan to Pakistan?

Detainee: By airplane. From Sudan to Syria, and from Syria to Pakistan airplane.

Tribunal President: And how did you travel from Pakistan to Afghanistan?

Detainee: I never traveled to Afghanistan. I have never seen it.

Tribunal President: Where did you stay in Pakistan?

Detainee: I stayed in Karachi and Peshawar.

Tribunal President: What places did you stay in Karachi?

Detainee: I stayed in a mosque and then I went to Peshawar.

Tribunal President: Where did you stay in Peshawar?

Detainee: Again, I stayed in a mosque. Because the man who was telling me he would help me, that's where he would stay.

Tribunal President: Did you know anyone in Pakistan?

Detainee: No I don't know anyone?

Tribunal President: Had you traveled to Pakistan before?

Detainee: No, I never traveled.

Tribunal President: That was your first time going to Pakistan to trade?

Detainee: Yes, the first time.

Tribunal President: Why was your visa denied at the Pakistan Embassy?

Detainee: They said, "We are having a lot of problems with foreigners in our country. We can't give you an extension on your visa. This is all you have."

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Tribunal President: So were they expecting you to go back to Sudan?

Detainee: When I saw them, I only had a couple of days left on my visa and they just denied me, they would not take any explanation.

Tribunal President: And why did you not go back to Sudan then?

Detainee: I was hoping to try again so I can stay there and study at the university. I was hoping to try again.

Tribunal President: Help me to understand, if they turned you down the first time, why did you think they would not turn you down again?

Detainee: Possibly. You can try more than once.

Tribunal President: Earlier. You said that you entered Pakistan, after the war was over. Can you give me a month and a year?

Detainee: It was December. It was the end of the 12th month and maybe the beginning of the 1st month. January. It's in my passport. And the days I entered Pakistan.

Tribunal President: I don't have access to the passport right now so if you could give me a year.

Detainee: What time was the war? What year was the war on?

Tribunal President: 2001

Detainee: At the end of 2001.

Tribunal President: When did you decide to leave Pakistan?

Detainee: After denying me a visa and after visiting the university, and the university would not complete my registration due to not having a visa, that's when I decided to leave.

Tribunal President: Can you give me the month and the year?

Detainee: January or the end of the first month. In the same month.

Tribunal President: That was the same time you entered Pakistan.

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Detainee: Not the same day but maybe the same month. In the same month but not the same day. I do not remember the dates exactly because it's been a long time. Like 2 years.

Tribunal President: Who was the person who was going to smuggle you out of Pakistan?

Detainee: His nickname, people call him, Abo Bakar, he's Pakistani. I don't know his real name.

Tribunal President: Repeat that for me again

Translator: Abo Bakar.

Tribunal President: How did you know how to contact him?

Detainee: In the mosque people told me he would be the one.

Tribunal President: Did they give you an address or a telephone number for Abo Bakar?

Detainee: No they didn't. But he came to the mosque.

Tribunal President: Were you the only one he was going to smuggle out of Pakistan?

Detainee: I don't know. In the vehicle it was just me and him. I don't know if he had other people waiting somewhere.

Tribunal President: Did you have to pay him to smuggle you out of Pakistan?

Detainee: Of course, I agreed for an amount of money, but we agreed I would pay when he gets me there.

Tribunal President: How much was that?

Detainee: I do not know exactly. I don't remember exactly.

Tribunal President: Mustafa do you have any more evidence to produce to this tribunal?

Detainee: No, I don't have anymore evidence, only my statement.

Tribunal has no more questions for the Detainee. Personal Representative has no more questions or witnesses to present.

Tribunal President: With all unclassified evidence having been provided to the tribunal, this concludes this tribunal session.

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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. Army
Tribunal President

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