

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ABD-AL-NISR MOHAMMED )  
KHANTUMANI, )  
Petitioner )  
v. ) Civil Action No. 05-0526 (RMU)  
GEORGE WALKER BUSH, *et al.*, )  
Respondents. )  
\_\_\_\_\_ )

**DECLARATION OF TERESA A. McPALMER**

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Abd-al-Nisr Mohammed Khantumani that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. An OARDEC staff member redacted information that would personally identify U.S. Government personnel and foreign nationals in order to protect the personal privacy and security of

those individuals. This individual redacted references to camp names and cell numbers relating to Guantanamo Bay, Cuba, because such information relates to sensitive operational information and security.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 16 August 2005

Teresa A. McPalmer

Teresa A. McPalmer  
CDR, JAGC, USN



**Department of Defense  
Director, Combatant Status Review Tribunals**

OARDEC/Ser: 856

29 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 307**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #307 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

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19 Jan 05

## MEMORANDUM

From: Assistant Legal Advisor  
To: Director, Combatant Status Review Tribunal  
Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN #307

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #20 of 8 Nov 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

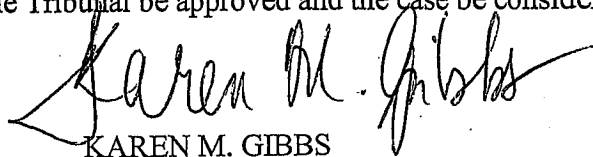
- a. The detainee was properly notified of the Tribunal process and elected to participate by attending the CSRT, and by providing a written statement, an oral sworn statement, and by responding to questions posed by his personal representative and the CSRT. *See* Exhibits D-a and D-b, and Enclosure (3) to Encl. (2).
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee did not request that any documentary evidence be produced. However, the detainee did request that his son, a witness-detainee, (ISN # [REDACTED]) be called to testify on his behalf. The CSRT approved the request, and the witness-detainee testified.
- e. The Tribunal's decision that detainee #307 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 307

3. I recommend that the decision of the Tribunal be approved and the case be considered final.

A handwritten signature in black ink, appearing to read "Karen M. Gibbs". The signature is written in a cursive, flowing style with a large initial "K".

KAREN M. GIBBS  
CDR, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED] (JAG) Commander, JAGC, U.S. Navy; Member

[REDACTED] Lieutenant Commander, U.S. Navy; Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

14 December 2004

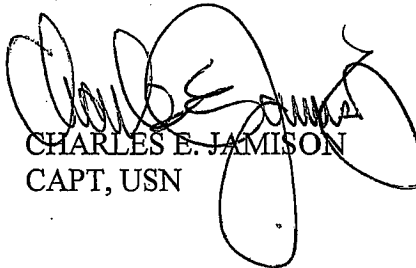
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN 307

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].

  
CHARLES E. JAMISON  
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #20  

(U) ISN#:   307  

Ref: (a) (U) Convening Order for Tribunal #20 of 8 November 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

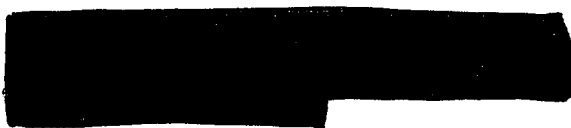
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee and Witness Testimony (U/~~FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 3 December 2004, the Tribunal determined by a preponderance of the evidence that Detainee #307 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

  
Colonel, U.S. Army  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL:       #20        
ISN #:       307      **1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting al Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The Tribunal commenced this hearing on 20 November 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. That exhibit, the Unclassified Summary of Evidence, indicates, among other things, that: the detainee is associated with al Qaida or Taliban forces; the detainee, a Syrian national, traveled to Afghanistan in 1999 via Syria, Turkey and Iran, finally arriving in Kabul, Afghanistan; the detainee sent for his family in July 2001 and they arrived in Kabul Afghanistan via a Taliban airline plane; the detainee was on a list of captured Mujahidin members; the detainee allowed Arab fighters to stay in his house; the detainee was identified by a senior al Qaida operative as reportedly being part of a terrorist group; the detainee and his family departed Jalalabad heading towards the Pakistan border as the situation escalated; the detainee and others were turned over to the Pakistani police and were arrested; the detainee was in possession of 100 Saudi riyals and approximately 3,000-5,000 Pakistani rupees; the detainee escaped from custody when some prisoners overpowered the guards and flipped a transport vehicle; the detainee and others were recaptured by the Pakistani police; the detainee was in possession of a Casio watch – a model which has been used in bombings linked to al Qaida and radical Islamic terrorist improvised explosive devices; and the detainee has been identified as being affiliated with al Qaida or other Islamic extremist groups. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings. He submitted a written statement, Exhibit D-b, and then answered Tribunal members' questions. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee called one witness.

During the classified session of the Tribunal, the Recorder presented Exhibits R-2 through R-25, commenting only that highlights on the documents in pink were made by the Recorder, those in yellow by the Personal Representative. The Personal Representative neither presented classified exhibits nor made any comments on the classified evidence.

After reading the classified and unclassified exhibits, the Tribunal determined that it required more information. The Tribunal posed a number of questions to the Recorder, and then recessed the Tribunal to allow the Recorder an opportunity to do further research. On 3 December 2004, the Tribunal reconvened. During that session, the Recorder submitted classified Exhibits R-26 through R-29. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

### 3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-29, and D-a and D-b.
- b. Testimony of the following person:

ISN # [REDACTED] (See Enclosure (3) to the CSRT Decision Report).

- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

### 4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The detainee's one witness request, for his son [REDACTED] was approved.

The detainee requested no additional evidence be produced.

### 5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

- a. The Recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to other evidence to support the assertions in the Unclassified Summary of Evidence.

b. As noted in paragraph 2, above, the detainee submitted a written statement and provided sworn testimony, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee denied being a member of the Taliban or al Qaida. He asserted instead that he was a businessman in Kabul, drawn to Afghanistan from Syria by Kabul's superior business environment. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). His written statement is attached as Exhibit D-b.

#### **6. Consultations with the CSRT Legal Advisor**

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations made by the detainee in his written statement and in his testimony that he was tortured by Pakistani officials in the presence of U.S. officials and in a U.S. facility, and that he was abused by U.S. soldiers. His son, detainee # [REDACTED] also testified that he was abused. As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 22 November 2004.

#### **7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners.

#### **8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]  
Colonel, U.S. Army  
Tribunal President

Summarized Sworn Detainee Statement

*The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.*

*The Recorder presented Exhibit R-1 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).*

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

*The Detainee took the Muslim oath.*

*The detainee submitted a written statement with answers in regards to the accusations; it was translated into English for the tribunal. The detainee entered this document as Exhibit D-B.*

*The Tribunal President stated a short recess would be necessary so that the tribunal panel can read the detainee's statement Exhibit D-B. Then the tribunal members will ask the detainee questions in regards to his statement.*

Recorders' Questions

Q. What type of airline or flight did you fly your family on to get to Afghanistan?

A. I didn't use the airliner.

Q. How did your family get to Afghanistan?

A. I contacted them at my sisters' house, and then they came by vehicle.

Q. Your family did not fly to Afghanistan?

A. No.

Q. How many people in your family traveled to Afghanistan?

A. My mother, wife, youngest son, the son that is here with me, and then my brother and his wife and children came down. They came to Afghanistan this way.

Recorder: Thank You.

Tribunal Members' Questions

Q. You arrived in Afghanistan in 1999, is that right?

A. Yes.

Q. When did your family join you in Afghanistan?

A. I personally don't know the time frame, my son told me it was in 2001. I don't know how to count the months.

Q. Do you know if that was before or after September 11?

A. Before.

Q. You were staying in Kabul?

A. Yes.

Q. When did you leave Kabul?

A. We heard about the problems that happened in America, and we wanted to leave Afghanistan.

Q. Before the bombing started in Kabul?

A. Before everything. We wanted to save our lives, and that's why we wanted to leave before it started.

Q. When did you get separated from your family?

A. I don't know exactly, it might have been the first of Ramadan or the second of Ramadan.

Q. How did that happen?

A. The guide that was helping us to leave told us to leave. He came and said we have to leave quickly because things are getting worse.

Q. How did the family get separated?

A. When we were all together, the guide told us we had to leave from Jalalabad to the village. The family and I stayed there for two days. The guide came to this village and said we cannot take all of you; we cannot take the men.

Detainee: The guide said that we have to choose two men; two men will have to stay here. We can manage to take all the women and the children. I then watched my family get into the car, after that my son and I stood there. Everyone else left. I am not sure which way they went.

Q. There are statements in here that you have been tortured and abused. Have you been tortured or abused by any United States personnel?

A. I don't know if they were Americans or not. They did not torture us personally or physically, but the Pakistan authorities were torturing us really hard, and they were looking and standing right there. The Americans were present. I am sure about that because they were the one who interrogated us.

Tribunal President's Questions.

Q. You indicated in your statement that your family was very poor. How did you pay for your trip from your country to Afghanistan?

A. I didn't say that my family was really poor; I said we have economic problems and poverty problems in Syria.

Q. So you traveled by land in a car, bus or taxi?

A. I used mainly the big bus; like Greyhound.

Q. When you left Syria, did you go to any other country before going to Afghanistan?

A. I went through Turkey, Iran, then Afghanistan.

Q. At any time when you were in Afghanistan, did you or your family have to have weapons to protect yourself?

A. No, I didn't have to have a weapon to protect my family. The city was usually very peaceful and you didn't need protection. I never had any problems.

Q. Did you need any financial support from anybody in Afghanistan while you there? When you first got there?

A. No.

Q. Where did you stay when you first arrived in Afghanistan?

A. You mean which region in Afghanistan?

Q. The city or village?

A. Kabul.

Q. You spent the entire time you were there in Kabul?

A. Yes.

Q. Why did you pick Kabul?

A. There is economic activity, which means work.

Q. While you were in Kabul, did you see any fighters or soldiers in and around the city or the place you were staying?

A. No.

Q. When you first arrived in Kabul, did you stay in an apartment, hotel, or guesthouse?

A. When I first arrived I stayed in a hotel. After that, four of the Afghani intelligence came at night to talk to me in Arabic. They said there is an Arabic man here, and they took me to that man the following morning. They introduced me to this man, gave me his name, and said you are going to stay with me. That is how I stayed with him for free.

Q. Do you know the name of this man?

A. [REDACTED]

Q. You identified him in your document?

A. Yes.

Q. Did you have to pay him to stay at his place?

A. No.

Q. Did you have to perform any duties or responsibilities while you were there?

A. No. I used to prepare my food and sometimes they ate what I cooked.

Q. Was this place a hotel, guesthouse or the house of your friend?

A. It was just his house. I stayed for nine months with him and I never saw anyone at his house.

Q. He was there all alone? It was just you two?

A. He had a family.

Q. Once your family arrived, you moved into your own place?

A. Yes, I went to get us a place. Also, once my family arrived, I saw less and less of the man.

Q. You had your passport when you left Syria?

A. Yes. My passport was legal; it had all the stamps in it.

Q. When you were captured, you had your passport?

A. Yes, it was in my son's jacket.

Q. Your son told you he had your passport?

A. Yes.

Personal Representative Questions

Q. You sent for your family in July 2001 then arrived in Kabul, Afghanistan, via Taliban airline plane?

A. This was a civilian plane, for everybody. It is not Taliban plane.

Q. When we first met, you said you contacted your family, you waited for them in Herat, then they traveled on Ariana Airlines, a civilian airline. Is this true?

A. When I contacted my family, they came to a border area called Harivat, a border city. I was there at the reception area.

Q. Did your family arrive on Ariana Airlines, a civilian airline?

A. I told you they traveled by land.

Q. Were you ever actually on the transport vehicle that was overpowered by the prisoners?

A. No. I did go into details in my statement about all of this. We were in prison, my son and I, and the Pakistanis tortured us to the point that we admitted we were on the bus. They said to be careful. If we changed just one word in what you say to the Americans, they were going to bring us back kill us. So, we were told not to change a word. You are looking for the truth right?

Tribunal President: Yes.

Detainee: As I said, the land trip was from Turkey to Iran to Afghanistan. Our trip was legal; we had our documents with our passports. I did mention that I brought my brother's wife just one week before the incident that happened in America. Do you think if I knew these things were going to happen that I would take my family and my brother's family there? My mom is 70 years old. I have grand kids; the baby is 8 months old. By looking at that, you will see I am not a terrorist. Let me ask you, would you take your family there if you knew that has happening? It is up to you, just be fair and just. I was looking for happiness for my family and look at me now. You can go to Afghanistan without any papers and I have all my families' passports. Before I went to Afghanistan, I first went to Saudi Arabia just to see the cost of living. It was too expensive though. This white hair that you see is proof I have worked hard. My father died when I was really young. When he died, I had to support my family. My younger sister was only one year old. Since I was 9 years old, I have had many hard jobs.

Tribunal Member: How did you get your family from Herat to Kabul?

Detainee: By plane.

Tribunal Member: What type of plane?

Detainee: Ariana. It is the only normal, civilian airline. They are well known; you can look them up if you like.

*The Tribunal President stated a recess is necessary to bring in the witness.*

*The witness was brought in to testify on behalf of his father (the detainee).*

Tribunal President: What is your name?

Witness: [REDACTED]

Tribunal President: [REDACTED] I want you to understand you are a witness for your fathers' tribunal. The tribunal will ask you questions to clarify some issues on the unclassified summary that your father made. Then your father will ask you some questions. This is not your tribunal.

*The witness took the Muslim Oath.*

Personal Representative: Why did only you and your father travel to Pakistan, and not your whole family?

Witness: When we arrived at the village, we were all together. The guide told my father that there robbers in the roads. Of course, we had women and children with us. There were about 14 to 16 people: 4 women, 8 children, and us. The guide said it was dangerous for us if people see us traveling with women and children and men. They might kill the men and keep the women.



They told us that we had to choose: leave two men here and we'll will take two of the men with us. So, my uncle and my brother in law went with the family, and my father and I stayed there. After that, we went to Pakistan in separate directions. We heard that they were killed. I was even told here 3 times that the Americans killed our family. The soldiers here even threatened to kill me. If you don't believe me go, back to my file and look on the computer and you will find that information. At that time, I even did something really good. I found a piece of metal about 26cm long, and I gave it to the soldier right away. After that, he brought me back to my cell. He wanted me to wash up. Then he started threatening me. He said "I will cut off your head." After that, some other people that were in charge came in and threw that soldier out. They took my father to the emergency room because he was really sick and in bad shape cause he was upset at that time. Just now, I found another piece of metal and the guard came in the room to get it.

Tribunal Members' Questions

Q. Why did your father go to Afghanistan?

A. The only thing I knew was that he was going to Saudi Arabia. Why he went there, I don't know. He first told the family he was going to Saudi Arabia to work. That is all.

Q. Once he arrived to Afghanistan, did he call or write letters to let you know he was in Afghanistan?

A. We don't have a phone at home. But he did call my aunt and told her to tell us to come and join him. Then we first went to Iran. He called my aunt's house after 4 days to ask where we were at, and she told him we had just left. We got to the hotel in Iran and called our aunt to tell her what hotel we were at. Then he called my aunt and she gave him the information about us. Then he called the hotel. After that, we came to join him.

Q. You all had passports and visa's with all the stamps?

A. Yes, everybody did.

Q. Were you arrested with your father? Captured with your father?

A. Yes.

Q. Where were your two passports when you were captured?

A. They were with me.

Q. Both of them?

A. Yes. He didn't know his passport was with me.

Q. Were both passports picked up when you were captured?

A. Yes, they were taken by the Pakistani authorities.

Q. After you were captured, were you ever involved in an escape?

A. The interrogators talked about this incident with us so many times. If you look at my nose, you can see it is broken. They took us to the first prison where we stayed for five days. Then, we went to the second prison where there were a lot of people. Then, we were sent to the third prison. After that, they asked us who was in the bus. We didn't know anything about a bus. I don't know why they took me and they separated us. They tortured me a lot. I know that you can see that by looking at my nose and see that it was broken.

Q. Was that done by a Pakistani or an American?

A. Pakistani. It was an unfortunate thing that Americans were present and they could see that they were torturing us. All that torture was just for us to say we were on the bus. We didn't know anything about this bus. We tried to say no, no, no, but they just keep torturing us. Then they broke my nose and I said I was on the bus. After they tortured us, the Pakistanis said we were going to America for two days. They said if we changed what we said, they would come and kill you, definitely for sure.

Q. How old are you?

A. I think about 22 years old.

Q. What did you do in Syria before you went to Kabul?

A. I was a student.

Q. What did you do in Kabul?

A. I came to visit my father, with my family.

Q. You went to Kabul to stay permanently, didn't you?

A. I didn't know in the beginning where I was going. All that I knew when I left Syria was that we were going to Iran, and from Iran to Saudi Arabia. At that time I was only 17. At that age, it was not my place to ask where we are going.

Q. Was life in Kabul better than life in Syria?

A. I didn't go anywhere. I went to the store and then went right back. I had some problems with my dad, because I really wanted to go back and finish school.

Q. Do you know [REDACTED]?

A. No.

Q. You never met him?

A. No.

Q. Have you ever used a weapon?

A. No.

Tribunal President's Questions.

Q. What was your father's business in Afghanistan?

A. He was preparing food for a restaurant. I've never seen or been to the restaurant.

Q. The place that you lived, was it a house or a hotel?

A. It was my father's house; we were renting it.

Q. Do you remember seeing any people coming and going from your house? Renting a room?

A. To begin with, the house was really small. There were 16 people living in that house.

Q. Is that a yes or no?

A. No. Sorry, I meant to answer the question.

Q. Were there any weapons in the house? Any weapons for protection?

A. When we were in Jalalabad, there was a gentleman who used to walk with my father who had given a small pistol to my dad for protection.

Q. Did you ever have to use the pistol?

A. No.

Q. Did anyone in your family have to use the pistol?

A. No, we never used it at all.

Q. When you were leaving Jalalabad, did you have to flee or escape to the mountains?

A. Yes, after we went to the first village and the second village, there was no other way and there were no roads open. So, we had to go to the mountains.

Q. Did you have to stay in the mountains?

A. Yes, when we rested at night.

Q. How long did it take you to get through the mountains?

A. I really don't know. But I think it was 3 days.

Q. Did you have assistance leaving the country? Did you have a guide?

A. Yes, we were forced to have someone guide us since we didn't know the area. Whenever we got to the village, people would help us to the next village. Then we got to the road leading into the mountains. We had two guides help us since we didn't know where to go.

Q. Did you travel with a group of people to get to Pakistan?

A. It was just those two Afghanis that were with us; they said they will stay with us to Pakistan.

Q. Where you actually across the border into Pakistan when you were arrested?

A. Those to guy took us to a village and said this was it, they said it was our Embassy and they will be able to help us; but instead it was a jail.

Q. Did the people that took you to the jail. Did they have weapons with them?

A. No.

Witness: If I may add something, you were talking about weapons. In Syria you are not allowed to have a big knife, if you have one they will take you jail and they will give you a big fine. That is why I have no knowledge nor do I have anything to do with weapons. I went from home to school, and from school back home.

*Tribunal President asks the detainee if he has any questions for his son?*

Detainee: When you asked me if I had a weapon to defend my family or something of that nature. It was different in the question you asked my son. The question to me didn't guide me answer the same thing about the pistol.

Tribunal President: If I asked you the same question that I asked your son what would be your answer?

Detainee: I would have told you that yes; I had the pistol to protect the house from robbers.

Witness: Tell her in all reality we had no problems with nobody. I know it is not my tribunal by I wanted to clarify, that you would an enemy combatant that I would have spent three years hear without ever causing a problem. Also this metal issue, I found it and told the guard. In [REDACTED] I seen a big hole/opening there and I reported it. Even now when I was waiting to come into here I found some metal and told the guard that is standing outside.

*Tribunal President stated a brief recess is necessary to remove the witness.*

Tribunal President: Abd al Nasir do you have any other evidence to present to the tribunal?

Detainee: No, that is all I have. I just wanted to thank you. I want you to really take into consideration; you should really want the truth or if you don't that is up to you. I have been telling you the truth. We are all going to die and everybody will get his share in this or another life.

*The Tribunal President confirmed that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explained the remainder of the Tribunal process to the detainee and adjourned the Tribunal.*

**AUTHENTICATION**

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

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, United States Army  
Tribunal President



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**Combatant Status Review Board**

TO: Tribunal Member

FROM: OIC, CSRT (05 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – KHANTUMANI, Abd Al Nasir Muhammad Abd Al Qadir

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with al Qaida or Taliban forces.

The detainee is associated with al Qaida or the Taliban forces.

1. The detainee, a Syrian national, traveled to Afghanistan in 1999 via Syria; Turkey and Iran; finally arriving in Kabul, Afghanistan.
2. The detainee sent for his family in July 2001 and they arrived in Kabul Afghanistan via a Taliban airline plane.
3. The detainee was on a list of captured Mujahidin members.
4. The detainee allowed Arab fighters to stay in his house.
5. The detainee was identified by a senior al Qaida operative as reportedly being part of a terrorist group.
6. The detainee and his family departed Jalalabad heading towards the Pakistan border as the situation escalated.
7. The detainee and others were turned over to the Pakistani police and were arrested.
8. The detainee was in possession of 100 Saudi riyals and approximately 3,000-5,000 Pakistani rupees.
9. The detainee escaped from custody when some prisoners overpowered the guards and flipped a transport vehicle.

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Exhibit 1 1998

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10. The detainee and others were recaptured by the Pakistani police.
  11. The detainee was in possession of a Casio watch – a model which has been used in bombings linked to al Qaida and radical Islamic terrorist improvised explosive devices.
  12. The detainee has been identified as being affiliated with al Qaida or other Islamic extremist groups.
- 
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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1999



## **Detainee Statement (ISN 307)**

I, the detainee Number 307 would like to thank you for giving me the opportunity to defend myself and to clear myself from these charges against me, but before I start defending myself, I see that it is necessary for you to know a few things about me and my case, especially that you didn't review anything of what happened to me during the three years of my detention.

I am going to start with my life in Syria this country where poverty is rampant and also economic problems, and you know Syria very well and its economic problem that made making a living and putting food on the table and getting the household necessities, especially for a poor person. I was always looking for an alternative country that I could immigrate to and live with my family. I thought about going to the free world which is the western world, especially after I heard a lot about freedom, stability, justice in these countries but all the doors were closed and I tried to go to Saudi Arabia and I was finally successful and I went there in 1999 to investigate and to see the way of living in that country but I realized that getting residency is almost impossible and the cost of living is high. I came back to Syria and I heard afterwards about Afghanistan and this was through television and I made the decision to travel to this country and to check the situation myself and see if it was suitable for me to live there with my family.

I traveled to Afghanistan at the end of 1999 and when I arrived there I found that it is stable and safe country and there were no problems during my stay there and 9/11 incident didn't happen until after my family got there. I was self employed by selling prepared food in afghan markets and this was my job in Syria and I kept working this way in small manner for about nine months, after that I bought a small kiosk and I started working in bigger and broader way at the same time I decided to bring my family and my work continued in this kiosk for about seven months, and after approximately one year and four months had gone by I was doing very well. I brought my family and they were about fifteen people, among the ten people that came first were my mother, she's sixty seven years old, my wife, my daughter, my oldest son and my youngest son, who is fourteen years old, my daughters husband, my daughter's three kids and their ages are eight months, one year, two years, my younger brother, and these were their ages when they came to Afghanistan.

I would like to tell you some very important things:

The words like "Al Qaeda", "Taliban", "Mujahideen", "Jihad", "Parties", I didn't know them before and I acquired the knowledge about them at this place from the interrogators. The arrival of my family to Afghanistan, among them my mother, who is old in age, and my daughter's son, who is young, and other women, is clearly showing you my truthfulness and my good intentions and the goal that I left for.

I would like to tell you the story of the last members of my brother's family, and they are (my brother's wife, his kids, their ages 5,6,2,10 and 12 years). They arrived to Afghanistan just one week before the incident of 9/11/2001, so if I did have any relation or any connection or if I am a Mujahideen member of Al Qaeda or the Taliban, I wouldn't have brought my family first of all, or my brothers family, just one week before the 9/11 incident, second of all. And this does not make sense and it is unbelievable that I am from the Taliban or Al Qaeda or Mujahideen member, so how could I bring my family to death if I was? I would like you to understand this very well if you would.

Also among the very important matters is how we got to this place.

Our residence was in Kabul and after we heard about the 9/11 incident and the tension and the preludes that indicated that there will be a war from the American forces, I started looking for a way and quick solution to save myself and to save my family from this tragedy that will be and that will affect civilians like myself and my family, I went to Pakistan, fleeing from this situation. After I parted from my family in Jalalabad, and that was in the second day of Ramadan and at that time the only one left with me was my son, who is with me here. And I didn't receive and news about my family except that the soldiers informed us that the American authorities killed them.

I had many illnesses afterwards, but after our arrival to the village in Pakistan, some of the villagers turned us over to the Pakistani Authorities and this was without committing any crime or any illegal act. And in spite of that we were delivered to the Pakistani Authorities. During our stay in the Pakistani jail, we suffered harsh beatings and terrible torture. And all this was a movie arranged by the Pakistani authorities to get us into the bus problem and we didn't know and we didn't see this bus, but this was an empty story arranged for us by the Pakistani military and during the beating by son's nose was broken and the American doctor examined him in this place and after the examination he determined that he needed a surgical operation, but he said that will happen in six months and the doctor didn't come back and I was struck by many illness and he was too and the details about this bus issue will come during the bus accusation.

Note: During our torture in the Pakistani jail, there were two American officials knowing that we were not allowed by the Pakistani or American authorities to meet a lawyer or a humanitarian organization or ambassador and they didn't present us with any accusations. Regarding the presence of the two Americans during torture, if you think this is an imaginary story I will tell you two proofs showing that this thing happened before with others and with us, this happened with the Iraqis when you entered Iraq, Iraqis were tortured in the presence of American and there were pictures as proof that came out to the world and those Americans were tried and this is the story according to the interrogators. And we were tortured upon our arrival to Kandahar and we were subject to harsh beating and my nose was broken (illegible) and the Red Cross saw that and wrote a report about it and this person still is in that place.

And also we weren't allowed neither in Pakistan nor Kandahar to meet with any lawyer or humanitarian organization to clarify our legal situation and the operation of our transfer from Pakistan to Kandahar wasn't subject to the local laws or to any international laws. And the beating and the torture of the detainees in the prisons-in Pakistan and Kandahar and other prisons like Syria that the interrogators threatened us with-its known by all organizations and everybody and especially you know that. Upon our arrival to Kandahar, the military investigated with us many times and in Kandahar the treatment was very very bad, which included deprivation of sleep for long hours, deprivation of going to the bathroom and other humiliations and the duration was one month and also in Pakistan I also remember another time my forehead was broken and my arm was fractured and this was done by American soldiers. After that we were transferred to Guantanamo Bay, Cuba- and the treatment was very bad also.

Today when you look around you in this prison, you see that a lot of soldiers are polite and they treat the detainees in a way that is not bad at all and also the health of the detainees is not bad. Also in the past few weeks the food improved and the people in

charge always tell us the situation will improve and they will be better in the days to come. Therefore I want to bring your attention to this sentence that was repeated by the interrogators and the people in charge in this place, that the situation will improve a lot. Be aware and sure that this proves that the treatment was bad initially and the pressure and the bad treatment in this place continued for approximately two years or more.

After the introductions about my life and what happened to me and my son I will try to start to respond to the accusations against me, to try to defend myself and my son.

You are aware that I was not allowed to get a copy of the accusations and I wasn't given a translated copy from the translator so I could think about it and prepare my defense.

This is concerning myself, but I could remember many of them but it wasn't in the same order you have.

First Accusation: You addressed this accusation at me by saying that I am from Al Qaeda and the Taliban.

I am neither from Al Qaeda nor from Taliban or any other organization, neither directly as a member, or someone in charge, nor indirectly as support or otherwise. On the contrary, I hate everyone who commits hostilities against any person in the world or any country and I said during the interrogations that when the 9/11/2001 incident happened, we were very sad and we cried, me and all my family, especially my old mother, she said, "what's the crime of innocent people, to be killed?" We all love for everyone in the world to live in peace and security, whether the person is Muslim, Christian, Jewish, or anything else. One this earth, everybody should live with freedom, justice and peace. In this place and through your observations or me and my son, you know that have no relation with anyone from Al Qaeda and Taliban fighters. For all our time in this place, we never caused any problems to any of the soldiers or the interrogators, if you review our behavior file, you will see all what we did and you will affirm that we don't have any relation with anything in spite of all the pressures around us from the clinic, the interrogators, the soldiers, we always give the best cooperation with everybody and in spite of me being separated from my son for approximately one year, I stayed, my son and I without problems and from the stories that happen here, you will know if we are your enemies and combatants against you or not. Many times, approximately five times, I saw pieces of metal in the walking area and I delivered it to the guard and also my son saw a piece of metal 20 cm long, he brought it immediately and gave it to the soldiers and after this good act immediately one of the soldiers threatened his life. This is all documented by the date and the hour, if we were combatants, we would have hidden it and used it as a weapon so I would like you to understand that very well if you would. I would like you to tell me and I will be extremely thankful about the way I could defend myself, how could a detainee in this place who has only his only his bed and his clothes defend against such accusations, if I tell you I am ready to swear a hundred times that I am innocent from these accusations and is this is what you want, then I am ready. And if you want me to talk about my story in Afghanistan with ample details and how I used to prepare the food at night and I would leave at dawn to go to the markets and sell my food and I come back home right before dusk and I repeat the same thing the following day by preparing the food and going to the markets, I didn't have any significant relationship with people except two individuals, one of them my associate, he used to help me in buying supplies and other thing and managing work and his name was [REDACTED] and I was living in his house-and this was before the arrival of my family- and the

food was prepared and cooked in his house and the other person that I knew in Afghanistan is the person that was introduced to me by [REDACTED] and this person used to work with us in selling food in the markets because he mastered Arabic and Farsi and he was honest in his work and his name was [REDACTED]. My relationships in Afghanistan did not exceed these two individuals and I am swearing to you today that what I am saying today is the truth and this is my case and my story as it happened and I assure you if these two individuals were asked to testify in this tribunal about my story and my truthfulness of my words that I am saying today, they will swear and testify to that. Another side issue, I would like to tell you about, which I told the interrogators before; it is the story of my departure from Afghanistan to Pakistan. The individual who helped me and prepared the way in those very difficult days was [REDACTED] who was working with us in the restaurant. The methods that I was subjected to, me and my son and others, during the interrogation, was disgusting and subject to suspicion and contained a lot of intimidation and if they weren't successful with the intimidation, they tried to arouse our interest and among the things they used to say to us all the time is "Just say you are Al Qaeda or Taliban and there will be no problem" (I was subjected, my son and I, during our stay in the old prison and the current prison to threats and intimidation to be delivered to Syria and other countries to be tortured, and one of the interrogators in the old prison drew some knives as a form of torture and he brought two electrical wires and he said if you didn't say that you are from Al Qaeda, I will put these on your neck) and we refused to say these words because we weren't like that and I am not exaggerating that they repeated this sentence more than a hundred times at least and also after they separated us they used to tell my son, "Say that your father is Taliban or Al Qaeda and if you say so we will release you from this place to your home and they offered him many forms of temptation and threats and they also told him, "If you say that your father is Al Qaeda or Taliban, we will release you from this place and we will give you money, houses, cars and American citizenship, but he refused and he stayed true to what he had been saying all along, which is our words to them, "if you wanted the truth, the truth has no Al Qaeda or Taliban or fighting or terrorism or anything of this nature, but the truth is hard work in the Afghani markets-Kabul" If what the interrogators that presented these accusations were saying was true, it would not have been necessary for tens of them to pressure me and my son all this time to say that we are from Al Qaeda or Taliban or fighters or terrorists.

If you want me son to testify that I am not Al Qaeda or Taliban or a fighter or a terrorist he is ready and willing to swear.

(Line Illegible-Page 8)

We have to understand very well the meaning of the words and terms used in this sentence, "Mujahid Member". As I learned during the past three years and as I understand linguistically from the two words Mujahid Member, is that for somebody to be described as such, he has to carry a weapon first, then go to a place where the enemy is and participate in some sort of military confrontations and there is no doubt before that he has to have trained on carrying a weapon and on different military matters and for sure as you know, being military, the first step is the most important in the military training and that could take some long time and lets take a look together to my son and his official papers, that you have, or it is with the American authorities. And what I mean by official papers is the passport. Lets look at his date of entry into Afghanistan, when was it, and

lets look also to the date of his capture, when was it, at the time we will know the length of his stay in Afghanistan.

I say the date of his entry to Afghanistan was the end of the sixth month of 2001- and our detention date was the twelfth month of 2001- so from his arrival to Afghanistan until the time of his capture is a period of five months. Among these five months, one month was full of problems and we didn't have stable housing or lodging and that's because we had the intention of leaving Afghanistan because of the reason you know, which is war, so we are left with four months and I would like us to agree with each other that anybody who come to a strange country needs some time to adjust with the climate and the people, in particular regarding my son, he hadn't seen his father in a long time and he came to see his father and to visit with him and no doubt he needs to spend time with his father so let us say that he needs one month at least to see his father and spend time with him, therefore the period is now only three months. So lets say a person who is eighteen years old, who doesn't have any background in using weapons and the art of fighting and war, he came from his country, Syria, to a new country for the first time he steps foot in this country, and he came to this country with women and children, so how can he become as you say, a Mujahid member, this is an impossible thing, and the sentence Mujahid member, the meaning of the first word (member), that he is a member of a group out of many groups, and as we said before, to be a Mujahid member, as you say, he would have had to participate in some kind of fighting against some kind of enemy. What enemy is this that my son fought against and he didn't know the country or the language or the people and he didn't have the necessary time to be as you say a Mujahid member. And he didn't know anything of these matters we are talking about now, for these talk is not true and it is unrealistic and I can prove that to you with solid proofs and if you want I can swear to that and I am ready to do that. Even though I don't know the people, the language, and the country.

Observation 1: I would like to inform you that in this country of Syria nobody is allowed to carry a machine gun, pistol or even a knife that is one finger long and the punishment for whoever carries this knife is prison for no less than one year and a monetary fine and for the person who carries a machine gun, the punishment is prison for life. My son, even in Syria, never committed any hostile act against anybody and he never carried, or could carry, anything that could be considered as a weapon, so how could somebody like him come to Afghanistan and in a very short period of time become Mujahid member? This talk is not true and unbelievable. And also you can confirm yourselves whether my son is a fighter or not from his stay in this place for these past three years by looking to his behavior. If you look into this matter you will see that he was always helpful to the soldiers and to the interrogators, and he never had any violent fits, or any strong reactions, inside or outside the prison, knowing that the psychological pressures that he was subject to were very very strong, among them the threats, he was threatened by the soldiers to be killed, him and his family, and the pressure on him for eight months after they separated him from me during the interrogations, he used to be taken and left in the interrogation room for hours without interrogators under the air conditioner, and other humiliations. In spite of all that, he didn't do anything against the American authorities, so if he was a fighter, do you think that under these pressures any human being will keep quiet? I don't think so.

Observation 2: His actions prove to anyone in the world that he wasn't a fighter and I am going to tell you two stories: The first, one time he was walking and he saw in that walking area a piece of metal shaped like a knife, with a length of 20 cm and he gave it right away to the soldiers and all the people in charge saw that-the junior officer, the senior officer and the captain-immediately after that, one of the soldiers, instead of thanking him for this act which saved the lives of many soldiers, he instead threatened to kill him and said I will cut your head off and cut you to pieces, and after that immediately, the senior people in charge and the doctors took that soldier from that area and wrote a report detailing what happened. I am telling you if he was an enemy combatant, would you think he would give the soldier a weapon like this that he found, so I am begging you to judge him fairly, and if you want to be sure, I am asking you after we are done to go to his behavior file, and after this incident I would like the tribunal members to look into matters with precision and justice.

The other story is more dangerous than the first story, that he found a crack by the room window, it was very big and he immediately informed the authorities and the people in charge and this room still exists now and you can check out the place the he informed the authorities about and this room is in [REDACTED] [REDACTED]. And one more time, I am asking you to look into things and words with a just eye.

Observation 3: Also my son in Syria was successful in his studies and he had only one year left to graduate, during his stay in Afghanistan, he always wanted to go back to Syria and he asked me for that to happen as soon as possible so he could finish his studies, but at the end, I told him just be patient until I save money, and then we will all go to Saudi Arabia. After that, these problems happened, and I hope this tribunal is the beginning of the end. And again, I hope that these words will have the desired effect on you and that it is sufficient and convincing.

Note: I am asking you for a copy of his official papers that he entered Afghanistan with, especially the date of his entry, if you would, for it to be a proof to this story.

The second accusation, in regard to me housing Arab fighters in my house:

The answer, in short, to this accusation is that I, before the arrival of my family, I didn't have a house, I myself did not own a house, so from this you would assume that I housed them after the arrival of my family.

You know very well from our official papers that the date of our arrest was the twelfth month and the date of my family's arrival was the sixth month, so finally it can be completely understood that the incident of 9/11 had not happened yet, and the war also had not happened, so it understandable there was no need for housing or lodging before the war because people needed housing after the war.

After the declaration of war, after we heard it, we left Kabul to Jalalabad and we left our house and we left to Jalalabad to save our lives and in this tough period that me and my family had been through in Afghanistan because of the troubles and the problems that were created by the war, a person needs a longer period of time to travel from one city to another, and this takes a long time and many days. From our departure to our arrival to Jalalabad and getting ourselves ready for the trip to Afghanistan, and our need to find somebody to take us to Pakistan and to help us on this difficult trip, this act took many days and after our separation from our family in the first village, and that was in the second day of Ramadan, and after that the rest of the trip was not continuous, me and my son, in these days, we went from one village to the other until we got to Pakistan, and our

situation at the time, if I were to describe it, I would say we were homeless and refugees, we ourselves needed somebody to house us in these days and in those villages. In this time, and through these problems, its clear to you that in the time of war when there were fighters, its obvious to you that me and my family were homeless, so how could we house other people.

Neither me nor any member of my family did ever house any Arab or non-Arab fighters. I didn't have anything to do with this war, and neither did any member of my family, directly or indirectly. And we didn't help any of the fighting factions or non-fighting factions and I didn't have any relation and I didn't see any Arab and I didn't know anyone of them and I didn't house any of them and I didn't house anyone, period. Me and my family were new strangers in Afghanistan, we didn't have any relation with people or any social relations and the beginning of the war took us by surprise and destroyed all our hopes and dreams of a better life and we were forced to leave our possessions from house furniture and work tools to save our lives and to escape death, knowing that the victims of wars are always the civilians, the innocents, the women and the children. And finally I swear (illegible line)

I also swear that I don't know anyone in Afghanistan except [REDACTED] and [REDACTED]. And also if my family is still alive, they will testify, their women and their men, that nobody in Afghanistan came to our house.

Observation: I would like to tell you that [REDACTED] and [REDACTED] never entered my house even though [REDACTED] is my associate and [REDACTED] helped us leave, so how is it possible that I housed fighters, so this is not true and this is a lie.

The fourth accusation regarding getting my family out:

In regards to this accusation, I am going to ask the following question and I am going to answer it. The question is, do you mean by this accusation that this is an accusation against America or it is an accusation against my family itself because of the great hardship they suffered because of the beginning of the declaration of the war in Afghanistan that I didn't cause in any way?

Answer: If this was an accusation against America, I am really wondering how getting my family out, which included women and children, all unarmed, and obviously the did not train militarily, especially the children, and there were eight of them, the oldest was fourteen and the youngest was still an infant, so how is it possible for these civilians to constitute a danger for the great America or any other country and how is it possible for me mom who is almost seventy years old, how is it possible for this old lady to present a danger to the great America and how is it possible for people with experience, like the American authorities, who are responsible for this issue in this place to make my family travel from Syria to Afghanistan among the accusations? This is a strange thing, the sound minds will wonder about. And I am asking you to accept what I am saying and you to see its logic.

But if getting my family out in itself is an accusation after the beginning of the war and after all this hardship and the suffering that my family has endured, I consider that I made a mistake towards them, because I didn't know what will happen, if I had known that this will happen, I assure you I would never have left Syria and I would have accepted my life there in spite of all the problems and hardships.

The fifth accusation and I am going to start by responding to it, and it is in regards to being a Syrian citizen.

I told you before that the situation in Syria wasn't good, and my desire was to find a better life for me and my family and this is a natural desire, which is in every human being and the instinctive urge in a human being pushes him to try to improve himself, knowing that not all attempts in this matter are successful, yes I left Syria with the desire for a better life, I went to Afghanistan in a trip that lasted many days, and it was a land trip and this trip was full of hopes and happy wishes and I left Syria in a legal way and I didn't commit any crime in Syria or any other country that will cause me to run away from my country Syria to any other country, I am not one of those who breaks the law, in a small or big manner.

My passport is with the American authorities, and it is an original passport issues by the Syrian authorities, and it has all the legal and necessary stamps that allowed me to leave Syria and to go through Turkey, Iran and then Afghanistan. If you would like me to give you details about this trip, I am ready to do that.... There was no bad intention in this trip towards any human being in the world; my only goal from this trip was to find a better life for my family and myself.

What is strange, and what makes you wonder, is the presentation of these accusations, and the need for me to defend myself against something that happened in a legal way and that that didn't cause any harm to any human being and that is not considered a crime in any place in the world, not in this time, nor in the dark ages. I tried hard to see the point of view that makes this trip an accusation, but I couldn't find this point of view.

I am asking you, as you are listening to my words, to agree with me that this is not an accusation, as it is for most of the other accusations against me, they are not accusations either.

Finally, I present my reply to the fact that I left with a Syrian citizenship. I am very thankful to the person who wrote this accusation for describing this point, for this shows that the American security authorities attest and confirm to you that I, the accused, have used the original travel documents from my country Syria, and I went through Turkey and Iran, then Afghanistan in an official way and there is nothing in it that is against the law.

This shows you that I am not wanted, or a terrorist, or from the people that are involved in terrorist acts, because these kinds of people always use forged documents and they commit unlawful acts. In the end, this shows you that I was truthful in this particular point and in the rest of the accusations in general. And as my documents showed the truth, so it will be clear to you the truthfulness of my words regarding all the accusations. The sixth accusation says that I was captured and that I had 100 Saudi Riyals and 3000 or 5000 thousand Pakistani Rupees.

When I left Syria I had money and when I was in Syria I had money and when I was in Afghanistan I had money and when I left it I had money and when I was kidnapped in Pakistan I had money, so is the presence of money with a person a crime, for if it is so, then all human beings are criminals and they are grouped with me in this crime because they have money.

I am not one of the rich, and my financial means are limited, but I used to work long hours selling food in Afghanistan to make money and this is a normal thing that must be done in human life and here I am not talking about millions of dollars, and if I had this



amount you would not find me here and I would not have left my country in the first place, and also I didn't even have hundreds of thousands, and if I did have then I would also have not left my country and I didn't even have thousands of dollars, but all I had was a small amount in my view and according to my work and according to Afghanistan, which I was living in. All that I had in Afghanistan was approximately four thousand dollars and that is the amount that I had accumulated after a lot of work and a lot of effort, the whole time I was living in Kabul and that is the amount that I supported myself with, and supported my family with when they came to me. Where is the wonder and where is the crime here in this matter and how could that be an accusation, that a man with the responsibility of a big family who has little money, how that could be a crime, I do not know. And it was stated in this accusation that the money I had when I was captured was 100 Riyals and 3000 or 5000 Pakistani Rupees, this figure is wrong, and the correct number is 1000 Riyals and 4000 thousand Rupees and this amount altogether amounts in dollars to approximately (\$335) and this is the below the minimum amount that two people need in similar difficult circumstances that we have been through, my son and I.

So I ask you, if I had stayed, my son and I, in these circumstances, without money, and had been saved, is it better, or if we had stayed without money and we died better. You have the answer. It is a fact, and among the things that two people cannot disagree on, that money is the only way to do things like buying stuff and transportation. And only a crazy person can deny this truth, for I have never heard of someone buying food with dirt, for example.

In regards to the existence of Saudi Riyals with me, or the Pakistani Rupees, before I left I exchanged all my money to Riyals because I was hoping that I will leave, my son and I, and that we will go to Saudi Arabia. In regard to the Rupees, in Afghanistan, people use Rupees and Afghani currency and others.

Note: Afghanistan, like any other country, has all other currencies and this is well known by everyone.

(Illegible line)

Now you are looking at a prisoner in this camp and without exaggeration, this prison, and the prisoners in it, are among the most famous prisoners in the world, and this issue took a very long time and it is one of the most famous issue. Be sure that all my life I've never been detained or imprisoned and I never stood before any tribunal, and this is among the reasons that made my departure easy. A Syrian citizen who wanted to travel must have a passport and visa to travel. This passport and this visa are not given to criminals, the wanted and the terrorists and the like. And my passport is in the custody of the American authorities, and you can verify that and this is clear testimony and evidence from the Syrian authorities to confirm to you that I am not a criminal or a terrorist or a fighter or wanted.

I will start by defending my son and myself against this accusation.

In regards to the accusation saying that the detainee escaped from prison, I would like to confirm to you that this is not true, and I will do that with proof and evidence.

First: When the villagers delivered us, and before they delivered us, they weren't carrying any weapons, and they didn't threaten us with any weapons, and we didn't present any resistance, and there were no problems between them and us.

Second: When we arrived to the prison, and in the Pakistani authority custody, and behind a lot of walls and bars, we were very heavily guarded, twenty four hours, by the Pakistani police, we always see a policeman, he never goes away, and we were behind bars and walls- I am asking a question and I will answer it:

What is easier, to escape from prison, full of police, weapons, walls and bars, or to escape from the villagers, who didn't carry weapons, and there were no bars or walls between them and us. I am sure, 1000 percent, that our escape from the village was easier. Our escape from the prison, and the armed police with different kinds of weapons, and we were behind walls and bars, is difficult and impossible, and this thing didn't happen at all, neither with other imprisoned people, nor by ourselves.

Knowing that me and my son, we didn't try to escape from the village, we didn't try to escape from the Pakistani police, we didn't try to escape from the Pakistani prison, that means we didn't try to escape, and we didn't escape from any place.

And also when we were transferred to Kandahar, we didn't try and we didn't escape and also when we came to Cuba, we didn't try and we didn't escape, and during the three years here, everybody knows that no resistance ever came from us against the soldiers, or that interrogators, or the prisoners and all the soldiers and the interrogators testify that this is true and that the resistance never happened, but the exact opposite, my son, when he saw in room [redacted] at Camp [redacted] the breaks in the window screen, he told the soldiers and the security forces immediately and we always try to prove our innocence and our truthfulness.

In regards to the accusation that said that detainees flipped over a car, I am saying in response to this false talk, that I have a lot of important things to say to defend myself and my son in regards to these false accusations that is against me and my son in this tribunal and I am going to divide my talk into three points.

First point: I am asking you officially to review the official reports and the newspapers in regards to this incident, there was a lot of talk about it internationally, and this is a known and documented incident in the newspapers and the media, and after you review it, its details, you will know the date this incident happened was in the fourth day in our Eid (holiday) and I don't have the means now to tell you the dates in the Roman calendar but you can find out easily from the press and the media the official reports.

I was with my son in custody in Pakistani prison when this incident happened, when the villagers delivered us to the Pakistani authorities, this was the first day of our Eid and it was in the afternoon and after that prison, the Pakistani authorities took us after putting us in shackles in another prison and we stayed there about five days and after that a lot of people came to the prison and then the authorities moved all of us to another prison and this prison was the third for me and my son. The Pakistani military said we were in Kuhat prison. And after that the authorities who was in the bus and we didn't know anything at that time about the bus or anything else related to this incident and after that the Pakistani authorities took us and told us you were in the bus. We told them the truth, which is we didn't know anything about what they were saying. After that they separated me from my son.

Second point: After they separated us, they started torturing us to say by force the sentence that we were in the bus and I was telling them I don't know anything about the bus and also my son said so. And whenever one of us refused to say that phrase they increased the torture until my son's nose was broken, and he caught many illnesses and I

caught many illnesses also, until we said that we were in the bus, and in truth we didn't know anything about it and after that they reunited us in the prison and after that they put us with the detainees and after that we learned from the Americans the bus story. Before delivering us to the American authorities for interrogation, the Pakistani authorities told us the Americans will take you for only two days and they will bring you back to us and if you change your story we are definitely going to kill you. After that the Americans took us, but when we arrived to Cuba we told the Americans immediately what had happened.

Third point: It is the location of the incident and the location of our detention, and I am asking you to go back and to make sure through maps of the Pakistan and Afghanistan borders from all sides and from the Jalalabad side, you will get a clear and honest view of the impossibility of us being there or participating in this problem, knowing that we didn't know which village we were captured in, but all what we know is that we were captured at the Afghan-Pakistani border on the Jalalabad side. After you will review the appropriate maps for both areas, the truth will be clear to you and you will see the lies in this accusation in particular and in all the rest of the accusations in general.

If you want me to swear to this I am ready and my son is also.

The eighth accusation in regards to getting on the plane in Afghanistan.

This accusation made me smile and laugh and I would like to say to you that is true, yes, I admit that I and my family got aboard a civilian plane, not a Taliban plane. And I would like to inform you truthfully that this is the second time in my life and in all my family's life and especially the child who is eight months old, I am going to tell you the reasons for which we got into that civilian plane, but first I would like to tell you before mentioning the reasons why I laughed and smiled at this accusation, I am assuring you that by me smiling at this accusation, I am not ridiculing you or this court, but my smiles and laughs were because of the feelings that this trip created and my eagerness to take a plane with my family for the first time and I am imagining now the faces of the members of my family during that trip, some were happy, some were sick and vomited a little, but the kids enjoyed the trip the most.

In regards to the trip itself, it was from Herat to Kabul and the distance was very long, it was approximately one thousand (1000) km. The reasons are, you know very well that the roads in Afghanistan are very bad and also there are highway robbers and also traveling by plane is more comfortable and quicker than traveling by car, especially for me and my family which contained children and women and if we had traveled by land, they would have suffered great hardship, especially since before their arrival to Afghanistan, they had been through a long trip from Syria to Iran and also among the important reasons for me is that traveling by plane is cheaper than by car.

These are the reasons that pushed me to travel by plane with my family from this city Herat to Kabul. Our only intention to move from one city to another and also to settle in Kabul, and of course this trip is not part of some conspiracy against the United States, knowing that we made this trip before the beginning of the war and before the 9/11 incident.

I assure you that this plane was a civilian one and there was nothing to make us suspect or think otherwise. The color of the plane was white with blue writing on it and the writing was Ariana Afghan, and as we understood, this was the Afghani Airlines  
(Illegible line)

I would like to start my defense by asking my audience on this board to look at their watches if they would and I am not going to ask whoever owns a Casio watch to identify themselves fearing that he would be accused of this accusation, but I will be satisfied knowing how many of you own this Casio watch.

I am assuring you that Casio company is well known international in the East and the West and I am assuring you all the watches in the world and all the companies make the same watch, and no two people could argue about this, that all the watches are made to tell the time, and this is the only thing I know and nothing else, and I am assuring you that me buying this watch was with good intention and just to tell the time and nothing else, and I didn't have any other reason, and if I knew that one day this watch will be against me, I wouldn't have bought it in the first place and I would have bought another brand except for this one, and had I known that my trip without my watch would have lessened my problems, I wouldn't have worn one in the first place, I would just ask people around me about the time. I want to add that a lot of people around the world today own this watch, in Syria, in America, in Saudi Arabia, and all the countries of the world, and I have seen lots of American soldiers wearing this watch and this is testimony from all over the world about the quality of this watch and its capabilities and these are the reasons that caused me to buy it and it is also cheap and it works well for many years, and you can examine it and when you do that, you will conclude that what I am saying is true and you will know that I only bought it for the reasons I mentioned to you. In the end, if this stays as an accusation against me, then the whole world is my accomplice in this crime because all of them own this watch, so I am requesting you to look into this matter if you would.

Accusation eleven and twelve in which you say first that an old associate said that I am part of terrorist parties and second is your saying that I have been identified as part of terrorist parties also.

As I told you, I tried to immigrate from Syria to Saudi Arabia then I went back to Syria then I traveled to AF and these two trips were both in 1999 and I was at that time forty (40) years old and this is not a young age and I have a lot of responsibilities and I had a house, a wife and three children, and I am the only breadwinner for myself and for them. My age is not the age of a young man who is free of family attachments who would like to look for exciting projects or something like that. My trip to Afghanistan was the first and only time that I set foot on the land of Afghanistan. I didn't have any prior relation to Afghanistan and I didn't even know anything about it before I heard about it on television, and I didn't have any relation with any individual who had a relation with Afghanistan. When I came to it, my only goal was to work and save money, and nothing else.

I would like to add to this that in my country Syria, that if any individual is known to have tendencies or relations or any contact with any party or group, he would be subject to harsh punishments, that could be imprisonment for life, and I am repeating again that in my short life in Afghanistan I didn't have any contact or relations with any group or any party. I was living there as a foreign citizen who is making a living for himself and his family.

In regards to the one accusation that says there is an old associate who talked about me and said that I am part of a terrorist party, this talk is not true at all, and it appears to me that he made a mistake, and I am asking you to put me in front of this associate for the second time for him to take a good look at me and to look at my height and my form and

I hope that after that the truth will come out after the scrutiny and after he looked at me, for I am sure that this is a mistake, and there is a witness who is my son, that I am not a part or member of any group or terrorist party or non terrorist for that matter and the both of us that this is not true and that I am innocent of this accusation and from others and if you believe this accusation, and the other accusations, you will doing me a great injustice.

(Line illegible)

I am wondering one more time, in regards to me leaving Jalalabad in spite of the hard conditions; could this clear me or is this point going to make me a criminal. If this point clears me then I am happy for that and I am thankful to the writer of this accusation, and if this point makes me a criminal then I would like to discuss this with you.

It was said that I am part of a terrorist party. The terrorist as you know, and as the 9/11 incidents proved to you, don't care about death, on the contrary, they yearn for it. As for me, I fled hoping to save myself and my family from death and when we fled, we left all our possessions in Afghanistan, and we had only our civilian clothes that we were wearing when we left, and our official papers and a little bit of money. We fled from war and death to save ourselves and the modern history with all its wars shows you and also the media shows you how the civilians are always the victims of these wars, for they are the ones who die the most in wars and they are the ones who's women are displaced and they are also the ones who's women are raped and also at the same time you hear the cries of their children and I would like you to imagine for a moment the scene of me, my son and my old mother and the rest of my family in that terrible time and those harsh moments, how the look of each of us was. We didn't have a home to house us; we didn't have anybody to help us despite what I told you in the first accusation. People abandoned us and we were looked at as merchandise that could be bought and sold. I am asking you, is this picture in your judgment the picture of terrorists or is it the picture of refugees fleeing, in fear for their lives.

The third accusation is that I am a Mujahid member of (illegible)

To tell you the truth, that me and my son, we left talking about this accusation at the end and the reason for that is that really, we didn't know, neither me nor my son, how to defend ourselves against this accusation.

What happened to my son and me is not a fictitious story or a one of Hollywood's movies. It is the bitter truth that we lived through, my son and I. And you see me now in front of you in my orange clothes and the shackles in my hand and I cant drink from a cup if I wanted and I cant go to the bathroom and I cant even turn these easy pages that I am trying to defend myself and my son with. I have nothing, I was robbed and everything was taken from me and I am asked after all this to prove my innocence. The person that gave you these accusations to address to me, he was sitting on a chair, drinking some hot coffee and he had everything he needed to make his job easy, and it took him and it took other interrogators three years to prepare and present these accusations and perhaps he was talking to himself and to the others, should we put this accusation or not, maybe they said, there is no harm, we have plenty of paper and ink is cheap and one more accusation will not hurt us and maybe it will accomplish what we wanted to indict this person. I would like to ask how much of their time did it take to write these accusations and how long the work they did took and I don't know if they thought of words that are in my

point of view among the most beautiful words, like truth-justice-fairness-honesty-or if they didn't think of them.

I am telling you simply that I am not a Mujahid member and neither is my son, and I showed you before that my field of work is food and I showed you how I brought my family to Afghanistan to live a better life. Every human likes to improve his work and live with his family a happy life and I mentioned to you before that I don't know anybody in Afghanistan except [REDACTED] and [REDACTED]

I am saying one more time and I am asking how could a person like me be a Mujahid member against the United States and its allies even though I arrived in Afghanistan before the beginning of the war and before the incident of 9/11. I wish I had tangible evidence I could present to you to show the truth and I would have loved also if you could have seen me preparing my food and selling it and I would have loved if you had seen me saving money, little by little, to bring my family, and they came as you know before the beginning of the war. I wish that you had seen me working, like I said, so that you yourselves would clear me from this accusation and the rest of the accusations.


In the end, I don't have anything tangible to present to you except my son's testimony or my family's, if they are still alive. I swear to you that I am not from Al-Qaeda, or Taliban or any terrorist party or a Mujahid member.

At the end of this session before I finish my statements I would like to ask you if you have any questions regarding what I have said, I am ready to answer.

My thanks to everyone in this session, including the member, the translators and others, and I thank especially the personal representative, and thank you all for listening.

## Personal Representative Review of the Record of Proceedings

I acknowledge that on 06 December 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #307.


 I have no comments.

My comments are attached.

  
Name

LCDR, NC, USN

06 Dec 04  
Date

  
Signature

ISN #307  
Enclosure (5)