

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MUHAMMAD KHANTUMANI,

Petitioner

v.

GEORGE WALKER BUSH, *et al.*,

Respondents.

Civil Action No. 05-526 (RMU)

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.

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 Muhammad Khantumani that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted by an OARDEC staff member. This staff member also redacted information that would personally identify U.S. Government personnel and foreign nationals in order to protect the personal security of those individuals.

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

Dated: 15 July 2005

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 992

3 - MAR 2005

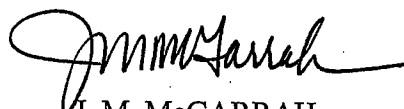
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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #312**

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 #312 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.


J. M. McGARRAH
RADM, CEC, USN

Distribution:
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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] Commander, JAGC, U.S. Navy; Member
(JAG)

[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

17 December 2004

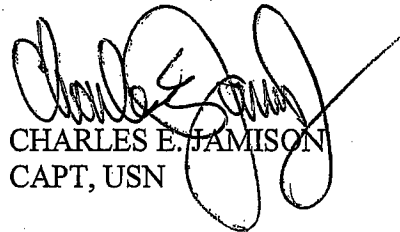
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN 312

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#: 312

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) Memorandum for the Record of 4 December 2004 (U/~~FOUO~~)
(6) (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 9 December 2004, the Tribunal determined by a preponderance of the evidence that Detainee #312 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 forces 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 #: 312 **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 forces 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 conducted this hearing on 9 December 2004. The Recorder presented Exhibit R-1 and R-2 during the unclassified portion of the Tribunal. The principal exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee is associated with the Taliban or al Qaida; the detainee traveled from Syria to Afghanistan in 2001; the detainee's father is a veteran Mujahidin fighter; the detainee trained at [REDACTED] training camp in 2001; the [REDACTED] training camp was a basic training facility for Jihadists against the coalition; while at [REDACTED], the detainee trained on the Kalishnikov rifle, pistols, light weapons, grenades, and the Bika weapons system; the detainee admitted to traveling through the Tora Bora Mountains in Afghanistan; the detainee was in Kabul, Afghanistan when it was defeated; and, after the fall of Kabul, the detainee fled to Jalalabad and subsequently to Pakistan, where he was arrested. 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-3 through R-24, commenting that Exhibits R-3 through R-8 supported the Unclassified Summary of Evidence and Exhibits R-9 through R-25 provided amplifying information. The Personal Representative presented Exhibits D-c and D-d, providing brief comments.

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-24, and D-a through D-d.
- 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 father, [REDACTED] was approved. See Enclosure (5) to the CSRT Decision Report.

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 Exhibits R-1 and R-2 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. Exhibit R-2, the FBI redaction certificate, provided no useful information. 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 that his father drew him to Afghanistan from Syria. He further stated that he had no knowledge of his father's activities while he was in Afghanistan and desired to return to Syria to complete his studies. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

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 Pakistani officials in the presence of U.S. officials tortured him, and in a U.S. facility. He also claims that U.S. soldiers abused him. 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 11 December 2004. These allegations, on behalf of both detainee and his father, have previously been reported on 22 November 2004, following the father's Tribunal.

7. Conclusions of the Tribunal

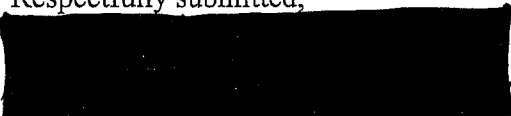
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- 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 forces 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,


Colonel, U.S. Army
Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that the Detainee understood and had no questions.

Making reference to the Detainee Election form, the Tribunal President confirmed the Detainee's participation, and that he had requested one Witness that was readily available. Also indicated on the Detainee Election form was a written statement from the Detainee, Exhibit D-B.

The Unclassified Summary of Evidence (Exhibit R-1) was read in full to the Tribunal by the Recorder. Also provided to the Tribunal by the Recorder was Unclassified Exhibit R-2.

The Tribunal President then permitted the Detainee to present evidence, and advised him he had the assistance of his Personal Representative in doing so.

The Detainee took the Muslim oath.

Tribunal President: Personal Representative, would you read each allegation, and allow the Detainee to respond to each of the allegations?

Personal Representative: Madam President, the Detainee has prepared in writing a statement he'd like to read to the Tribunal that addresses all of the allegations.

Tribunal President: (to the Detainee) Would you prefer responding to the allegations, submitting your statement, or reading your statement?

Detainee: If there's no objection, I will read the statement.

Tribunal President: OK.

Personal Representative: I have a translated copy of Exhibit D-B, which is the statement he is going to read into the record.

Detainee Statement (Exhibit D-B)

Before I begin defending myself, I would present my gratitude to all the members at this tribunal and to the personal representative and the translator and to everyone who helped in allowing me to defend myself; but unfortunately, I would like to let you know that we have heard, and several times, about this court, that it is merely a game presented against the detainees. As for the two words "Enemy Combatant", this is the verdict that has been presented to every detainee, for as I have understood, that the detainee, no matter what he did, this verdict will not be lifted for him even if he did the impossible. But, I said a game, not to mock anyone present now, but that is what I heard and I grew more sure that

it is a game when I heard that all the detainees are enemy combatants and I haven't heard of one who has left as innocent except for one person.

At the start of defending myself I will say that there are numerous and many issues that you must look at, and among these issues is my story and I will say it in a moderate manner, neither long nor short and if you want details about every word then I will elaborate.

The story is; I am the detainee owner of the number 312. I left Syria in the year 2001, at the end of the sixth month, with members of my family. Their number comes to nine, and I am their tenth. Our departure, all of us, was with papers that were in order – visa, passport, necessary stamps – so we left Syria to Iran. When my father called to the hotel and said come to the Iranian-Afghan border, we went to him. After that, we went to Kabul and we stayed in it the whole time, three months, and yet close to two months and more after our stay in Kabul, my uncle's wife came and her kids and their arrival was only one week before the events, I mean the event of the eleventh of September. Our stay in Kabul was in a house that my father had rented. During our stay in Kabul, I did not leave the house except to go to the supermarket close by. I was always discussing with my father and asking to go back to Syria again to continue my studies, but he said to wait until he had collected his money and after that we will go to Saudi Arabia. After that, the events happened and America announced that there would be a war against Afghanistan, so we left immediately after America's announcement of the war. We left to Jalalabad so we could go to Pakistan to save ourselves from the war. We stayed in Jalalabad for a period of one month and after that we left with the family to a village so we could leave to Pakistan. At our arrival, and before our family got out, the residents of the village told my father that two of you should stay here and two should go with the family so my father chose me to remain with him and the family left to Pakistan. The reason that made the village's residents separate us is that highway robbers and thieves are abundant, so if they see you they might kill you and kill the children and take the women. After that, the village people took my father and me to another village and we stayed in it for a few days. After that village, we went to another village and we stayed in it for a few days as well. After that, the village people told my father that there was no means of getting to Pakistan except by walking in the mountains, so we walked in the mountains for three days, keeping in mind that we didn't know the name of those mountains or the name of the villages. Upon our arrival in the Pakistani village, we stayed in it for a few days and after that they took us to the prison; that was in the first day of EID, in the afternoon. Keep in mind that we had not done any crime or any illegal act.

During our stay in Kabul, my father's job was in a restaurant. I did not see the restaurant, but I saw him, how he prepared the food in the house and then went in the morning to the market to sell it.

As for the members of my family, they were all with my family (sixteen individuals). Among them was my grandmother, aged 67, and an infant also, his age was eight months.

As for the presence of these two people in this family, these two people did not have teeth, so that should clue you in and make clear to you my father's good intentions and the purpose for which he left. And his arrival with two people such as these should also make clear to you that he has no relationship with fighting or war or any groups or al Qaida or Taliban.

I will begin the defense of myself. I state that the truth and the facts of the story that I present to you now, so if you want the truth and the facts, then this is it. If you want otherwise, you can take what you want. The personal representative has presented the accusations and the core accusation says that I am from the Taliban or al Qaida.

First: If you wish for me to swear that this item is incorrect, I am prepared and I have a witness to testify that I have no relationship with anyone from al Qaida or the Taliban or any other group.

Second: As for the two words Taliban and al Qaida and other words like Jihad and Mujahiden, I had not heard of all these words before, but I had heard them for the first time in the prison here when I was asked before by the interrogators. "Are you Taliban?" I would say no. "Are you Qaida?" I would say no. I say to you simply and easily that I am not from the Taliban or from al Qaida or even from any other group. In fact, I am against any person who commits hostile acts and violent acts. For my father and I, we wish for every person in the world to live with freedom and safety and peace and peace of mind whether that person was small or big, man or woman. And we said in the interrogation that when the events happened, I mean the 11th of September, we cried and we were greatly saddened and we said in the interrogation also that my grandmother, this old woman, cried and said "what is the innocent people's fault, to be killed?" And me, my whole life, I never left Syria and never left my city and this was the first time I had left my country and my age when I left was close to eighteen years. And you could know, from our stay here in this place, if we were combatants to you or non-combatants, for each one of you can go back to my behavior file and look for yourself. But despite that, I will mention to you many pieces of evidence that will show you that we have no relationship with any of the groups at all, neither my father nor me.

From these stories and pieces of evidence:

Several times my father and I saw a piece of metal that could have, as the soldier said about it, been used as a weapon and could have caused harm. When we saw these pieces, we took them immediately and turned them in to the soldiers. This happened approximately over 15 times and this is all recorded with the date and time. In the very recent past, on the 20th of November, I saw two pieces of metal in [REDACTED] and I gave them to the soldier. Also, on the 29th of November, I saw in the walkway of [REDACTED] a piece of metal 5 cm long and I gave it to the soldier immediately. On the 2nd of December, in [REDACTED], my father saw a piece of metal and gave it to the soldier. On the 4th of December, I saw a piece of metal and I gave it to the soldier and also on the 4th of December, at night, in [REDACTED] a soldier gave me a mask to hang my Koran. This mask comes with a piece of metal, and the soldier forgot to take the piece of metal

from it before giving it to me. So, he gave it to me with the piece of metal in it. I took the metal and I gave it to the soldier and he thanked me and he wrote that on the computer.

And I have mentioned these stories first because I remember the date and the other stories are bigger and more dangerous than the first story. I have done very good deeds that show you my good intentions and my honesty and my father's honesty. It does not make sense at all if I was an enemy combatant, that I would give back those things and the pieces of metal that could inflict harm. And another story: one time I was in the walkway in [REDACTED] and I saw a piece of metal 20 cm long, so I took it immediately and gave it to the soldiers. After this good deed one of the soldiers came and instead of thanking me, he proceeded to threaten to kill me. He said I will cut your head and your neck, without me doing anything to him. Look at how the reward was from this soldier, instead of thanking me for this deed he threatened to kill me. And the supervisors afterwards kicked him out of the Block and wrote a report about that and all the supervisors saw this that day.

And the other story in [REDACTED] I also saw a piece of metal inside the room and that metal was the remains of welding, and I told the soldier about it.

And the other story happened in [REDACTED] in room [REDACTED] I saw breakage in the fence and I notified the authorities about it. The room is still there and you can see it and the soldiers can all testify that my father and I have done this thing and they will also testify that we have no problems with any of the soldiers. We have maintained good behavior and fine manners in spite of all the pressures around us and in spite of the threats and the torture that we have been through. I will mention the stories where we have been through torture and threats, and I will mention where that was, and I will mention the reason also.

During our stay in the Pakistani prison, we were subjected to beatings and harsh torture. The torture led to my nose being broken; you can see it in front of you now. During the time we were being tortured, there were Americans present.

During our stay in the American prison in Kandahar, we were subjected to torture. The reason was that they wanted us to say that we were from al Qaida or the Taliban by force. My father's forehead was fractured and the Red Cross saw this and wrote a report. My left hand was fractured and I suffered many diseases as well and there were also other methods of psychological pressure and fatigue like sleep deprivation for long hours and not going to relieve yourself and that is among the necessities for humans. That prison was under the management of Americans.

During our stay in [REDACTED] we were subjected to bad treatment and the reason was so that we could say, by force, that we were from al Qaida or the Taliban. In one of these stories, one of the interrogators brought two wires connected to electricity and said that if you do not say that you and your father are from al Qaida or Taliban, I will place

these in your neck. Another time, he drew knives and said "if you don't say you are from al Qaida or Taliban, we will bring the knives and cut your hands and put salt in them."

Also, in that same place, one of the interrogators beat me in my face and at that time I was drinking water, so he hit the cup and hit me as well. The reason was that he wanted me to say by force that my father and I were from al Qaida or Taliban. Also, in [REDACTED] the soldiers came and threatened us and told us "we killed your family."

During our stay in [REDACTED] we were exposed to death threats and threats of handing us over to other countries so they could torture us there, and after that they would bring us back here.

And I told you that one time after I gave the soldier the metal, which was 20 cm long, the soldier threatened to kill me.

Also, the soldiers in this place told us twice that they killed our family and they said we know that they are 14 individuals. After that, the interrogators tried pressuring and torturing us, to compel us by force to say that we were from al Qaida or the Taliban. When they failed at what they wanted, they came to us with temptation and enticement and they proposed to us that we lie about the detainees in this place in exchange for a car, a house, and American citizenship. They told us "lie about the detainees and we will give you these things"; we refused because we do not know anyone. I am sure that this method of temptation was followed with many of the detainees. I am sure that many of the detainees lied about other detainees without prior knowledge and all this false cooperation happened for the sake of personal advantage and for the sake of the implication of the detainees and for the sake of getting out of this place. So I ask of you to look into my case thoroughly. And finally, of this accusation I repeat again that we are not from al Qaida or the Taliban or any other group at all and we don't have any relationship with wars or fighting. My father will testify that I am not of any group at all, and my family will testify that I am not of any group at all. They will testify that my father also does not have any relationship with any group at all. One of the interrogators made a request of me and said to me "if you said that your father is from al Qaida or the Taliban we will take you out of this place and we will send you home." I told him that my father is not from any group at all and this is the truth, for my father is a food seller only and nothing else.

The first accusation, and it states that I traveled from Syria to Afghanistan in the year 2001. The answer is yes, I traveled from Syria to Afghanistan with papers that were in order and official and it is available to you. That was in the sixth month of the year 2001, in the end of the sixth month.

Syria, which is my original country, did not forbid any person from going to any place in the world except for one country, and that is Israel. It was written on the passport "travel to everywhere in the world is permitted except for Israel" and you can go back to the Syrian passport office and look into this piece of information.

Therefore, I don't see any problem in this accusation because I proceeded with papers that were in order and through legal means. And I did not commit anything illegal. Knowing that I entered before the events of the eleventh and before the war and in Afghanistan, I stayed at the house during my whole time and I did not leave it and my father can testify to that.

The second accusation says that my father is a veteran mujahideen fighter. My father has defended himself against this accusation at his trial, but I will repeat again that my father does not have any relationship with al Qaida or the Taliban or any group at all. Neither does he know wars and he doesn't have any relationship with wars and he didn't leave Syria, except twice and both times were in the year 1999, once to Saudi Arabia and the other time to Afghanistan. So how can this accusation say that he is a veteran fighter, when in his entire life he's never left his country except for those two times? My father worked in a restaurant in Kabul and I haven't seen this restaurant, but I saw how he used to place the food in the house then go in the morning to the market to sell it. I swear, if you wish, that my father is not a fighter and not al Qaida or Taliban and does not belong to any other group at all.

NOTE: The detainee skipped accusations 3, 4 and 5 on the Unclassified Summary of evidence for reasons noted below.

The third accusation [Number 6 on the Unclassified Summary] says that the detainee admitted that he traveled through the mountains of Tora Bora in Afghanistan.

At this time, the Detainee departed momentarily from his written statement and stated the following.

Detainee: Would you permit me to ask a question?

Tribunal President: Yes.

Detainee: Regarding [REDACTED] would you like me to respond to that or not?

Tribunal President: Do you want to complete your statement here first, then respond to that allegation?

Detainee: OK.

The Detainee resumed reading aloud his written statement Exhibit D-B.

I said in the interrogation, when I was asked how I got out of Jalalabad, I said that I got out of Jalalabad with my family to a village and after that we got separated from our family. My father and I were left, and the residents of the village took us to another village. We stayed in it for some days and after that we went to another village and we

stayed for some days as well. After that, the residents of the village said that there was no way to get to Pakistan except for walking in the mountains. So we walked in the mountains for three days, not knowing what the name of those mountains were, nor the names of the villages that we stayed in. That is all what I said in the interrogation and I did not say anything more.

The fourth accusation [Number 7 on the Unclassified Summary] says that the detainee was in Kabul when it was defeated.

The Tribunal President briefly interrupted to make a correction as to the sequence of the allegations.

Tribunal President: The third accusation [according to the Unclassified Summary] reads the Detainee trained at [REDACTED] training camp; just so we clarify this is not actually the third accusation you just read. If you don't mind, could you please explain or respond to the third accusation.

Detainee: Could I ask the Personal Representative a question?

Tribunal President: Yes.

The Detainee spoke briefly with his Personal Representative

Detainee: (addressing the Tribunal President) The other accusation talking about this place is the first I have heard of this place; I have never heard of this place before. I don't know where it is: is it in Turkey or Syria? I don't know where it is.

Tribunal President: What place?

Detainee: The [REDACTED] camp.

Tribunal President: So, if I understand you, you did not know where [REDACTED] was?

Detainee: No, not entirely.

Tribunal President: Then let me ask another question. Is the rest of your statement going to correspond to the Unclassified Summary?

Detainee: Yes, but according to the portions about [REDACTED] I have told you and my Personal Representative that I have not heard of this place before.

Tribunal President: It might be helpful for us, when we put this into a transcript, that we identify which allegation you're answering and that you read it, so we know what the answer is; do you understand?

Detainee: The third accusation [in Detainee written statement Exhibit D-B], is the sixth accusation written on the Unclassified Summary.

Tribunal President: That's the reason I wanted to clarify it, so when it's admitted into the record and someone else is reading it, they won't be confused when they look at your statement and it reads third or fourth allegation on the Unclassified Summary; do you understand?

Detainee: Yes. Very well. I wrote nothing about at all numbers three, four and five, because I know nothing about this place, and I don't know anything about these weapons.

Tribunal President: So does the fourth allegation in your statement correspond to the fourth allegation on the Unclassified Summary?

Detainee: No. Numbers three, four and five, I wrote nothing about at all because I wanted to answer them orally.

Tribunal President: I understand; I just wanted to make it a matter of record that they actually do not correspond to the Unclassified Summary.

Detainee: I erased three, four and five, and made number three about the mountains of Tora Bora. I'm talking about the fourth accusation, but you have the fourth as the seventh accusation. My fourth [from his statement] says that I was in Kabul when it was defeated.

The Detainee resumed reading his statement at this time.

The answer: I said in the interrogation that when I heard that America was going to start war against Afghanistan we left Kabul to Jalalabad. We didn't see the war; we didn't see the defeat of Kabul or even the defeat of Jalalabad. This accusation is incorrect and the date proves that to you and my father, if you ask him, will tell you when we left.

The fifth accusation [Number 8 on the Unclassified Summary]: says after the fall of Kabul the Detainee fled to Jalalabad and then to Pakistan where he was arrested.

The Detainee stopped reading his written statement at this time, and addressed the Tribunal President.

Detainee: Will you permit me to go and pray?

Tribunal President: We need to go ahead and try to complete this.

Detainee: The time is very specific, if you would allow it.

Tribunal President: Yes, we will take a brief recess to allow you to pray.

Detainee: Thank you.

The Tribunal President recessed the hearing briefly to permit the Detainee to pray, and reconvened shortly thereafter. The Tribunal President then allowed the Detainee to continue reading his written statement aloud to the Tribunal; note that the Detainee repeated the last accusation before continuing.

The fifth accusation [Number 8 on the Unclassified Summary], says after the fall of Kabul the detainee fled to Jalalabad and then to Pakistan where he was arrested.

The Detainee added the following (not from written statement.)

Detainee: Of course the fifth [from my statement] is the last accusation [# 8] on the Unclassified Summary.

The Detainee continued reading his statement.

The answer, as I have mentioned to you, is that we left Kabul before the start of the war. So how can the accusation say that we left after the fall of Kabul? I do not know.

Regarding our departure from Jalalabad to Pakistan, this is true, for we left Jalalabad to save ourselves from death and that is the biggest proof that shows every rational person and every individual that we are not combatants and we are not fighters and we are not terrorists and we do not have any relationship with Al Qaida or the Taliban or any other group. This accusation shows you that we escaped from death to save ourselves, for the terrorist or the combatant, as you say, likes to die. But we are the opposite: we do not like death and the proof is that we left Jalalabad to Pakistan. If we liked death, we would not have left Afghanistan. For the person who has a mind knows that we have nothing to do with any of these wars or fighters and the accusation says he was arrested in Pakistan. It should say he was sold in Pakistan, for we ourselves were not arrested by anyone, but we ourselves entered the Pakistani village and the residents of the village handed us over to the Pakistani Authorities. We did not commit any crime or any illegal act.

Finally, this is our true story in front of your eyes and firstly and lastly I say to you that I have heard before that everyone in this place has been determined to be an enemy combatant before the trial starts and this verdict I am positive that no matter what I present in terms of evidence or witnesses or oath, I am sure that this verdict will not be lifted and thank you to everyone who is present in this hearing. The end.

This concluded the oral presentation/reading of the written statement by the Detainee.

Detainee: Thank you for giving me the opportunity to pray.

Tribunal President: You're welcome. I have to clarify to you that this is not a court, and you are not on trial. It is the responsibility of this Tribunal to determine if you should remain an enemy combatant.

Detainee: Very well.

Tribunal President: Does that conclude your statement; is there anything else you wish to add?

Detainee: No.

Tribunal Member Questions to Detainee

Q: Where was your passport when you were arrested?

A: When they caught us in Pakistan, I had my father's, and mine. He didn't know I had it. Here [in Cuba] I told him I had it with me. The Pakistani police took them and said they'd give them to the Americans.

Q: You said your father told you you'd leave Afghanistan after he collected the money; what money was that?

A: The money he was working for; he would gather all his things and possessions and go.

Q: How long had your father been in Afghanistan before you arrived?

A: I don't remember the exact date, approximately a year and three or four months.

Q: Did your father pay for your travel and the rest of the family also?

A: No, the money we used was our money from Syria. That's what I know, and I don't know if my father knows something different.

Q: When you and your father separated from the family, how many men were still left with the family?

A: I don't know. I didn't see them leave; I was a young man at the time and you could ask my father.

Q: Did you have any weapons with you when you were arrested?

A: Neither when I was arrested, or before my arrest.

Q: Did your father have any weapons on him when he was arrested?

A: No.

Q: What about the family, when they were in Afghanistan, did they have any weapons?

A: In Kabul, we did not have weapons, but in Jalalabad when the problems started, my father had a small gun to defend himself, to defend the family in case anything happened. He didn't use it and no one else ever used it.

Q: How old are you?

A: Approximately 21, now maybe 22; I was born in 1982.

Q: You speak very well; what is your education?

A: What do you mean, Arabic or English?

Q: What level of education?

A: High school; secondary education is the same as high school; I just wanted to clarify that for you.

Q: I would like to clarify something else; you've made allegations you've been abused. As you know, your father previously spoke before a Tribunal. At that time, the same issues were raised; we've already notified the appropriate authorities about what you told us.

A: You remember last time [when Detainee was a Witness for his father], when you looked at my nose, I think you remember.

Q: Could you tell me how you got from Syria to Afghanistan?

A: Of course, we left Syria by train, and it went from there to Iran. On the way between the two there is a lake, so we went by boat from the border of Turkey to Iran. After that, we went on an Iranian train to Tehran.

Q: And from there?

A: After that, by bus to Meshad, and then to a hotel. We left on Saturday, and my father called to see when we left. We got there after about four days. After getting to the hotel, we called my aunt in Syria, and told them we were there and gave her the address. My father called my aunt, and she told him where we were, so he called the hotel. He told us to come to the border. After the border, we went to Herat.

Q: What was the first city you went to in Afghanistan?

A: Herat.

Q: And how did you get from Herat to Kabul?

A: On a plane; after the plane we got to Kabul.

Q: What was the reason you simply didn't take a plane from Syria to Kabul?

A: I don't know; maybe it was cheaper. When I first left, I did not know I was going to Afghanistan. My father first said, come to Iran.

Q: You said you left Kabul before any fighting started; is that right?

A: Yes.

Q: Why didn't you head back for the Iran border as opposed to the other direction?

A: I don't know; my father said we'd go to the Pakistani border and go out from there.

Q: You didn't ask him why?

A: No.

Q: What did you do in Syria?

A: I was a student.

Q: In high school?

A: Yes.

Q: You said you hadn't heard of the Taliban until you arrived here; is that right?

A: In the American prison in Kandahar.

Q: In school, they never told you the government of Afghanistan was the Taliban?

A: We do not study governments.

Q: And you'd never heard of Osama Bin Laden from the Russian-Afghan war?

A: I'd like to tell you that in our house we don't even have a television.

Q: I don't understand why it is you broke up the family when you left Afghanistan.

A: The residents of the village told us that since we have women and children; eight children and four women; they said if the highway robbers saw you, that you are four men, and they might kill all of you and then take the women and children.

Q: Why was that more likely with four men than with two? I would think it would be just the opposite.

A: They might think we're combatants; they might think anything, do you know what I mean? If they saw only two men, they would think they're just going out and escorting them out. That's my opinion, I do not know.

Q: How many guides went with the rest of your family?

A: I don't know. If you ask my father, he might know, but I do not know.

Q: Were the guides male?

A: I don't know.

Q: You didn't see them leave?

A: I saw that they left, but I didn't see how many went with them. We had no news about them after that.

Q: From Jalalabad, where did you go?

A: If you just take the whole story from my father, it would be better. I'll tell you we went by car to a village; after the village, they said separate them so they could go to Pakistan.

Q: You don't know the name of the village?

A: No, I don't know. If I knew, I would've told you; I don't have a problem [with that].

Q: Where were you headed in Pakistan?

A: We went on the presumption the Pakistani residents would take us to an embassy or house or help us find a way to get out instead of to prison.

Q: Did you have a way to meet up with the rest of the family?

A: No; I don't know. I think my family went home, and I don't know how they went or when they got there. They left going back to Syria, so I don't know.

Q: You never heard of a plan between your father and the family?

A: I didn't hear anything. I'm sure if you ask my father, he'll tell you the story.

Q: You said that you didn't leave the house the entire time you were there in Kabul, except to go to the market; why?

A: Where would I go? I don't know the language, I don't know the people, I don't know the way or anything.

Q: You didn't want to sightsee or visit a mosque or anything?

A: No, I was asking my father to go back to Syria.

Q: Were there other Arabs there for you to talk to?

A: I don't know; I didn't even talk to Afghans.

Q: But you did go to the market?

A: Yes, it was close by the house, just to buy stuff for the house.

Q: But you didn't go to your father's restaurant?

A: No.

Q: Why didn't you help him with his business?

A: I was asking him to return to Syria. This was his work, I don't know, I was a student.

Q: In Kabul, you still didn't see Taliban because you'd never heard of them?

A: I didn't know anyone.

Q: You never had any run-ins with the authorities?

A: Neither in Syria or Afghanistan; I never had any run-ins with anyone.

Q: I get the impression you and your father didn't discuss your plans very much; is that correct?

A: What do you mean plans exactly?

Q: You don't seem to know of any of the plans or movement of the family; I'm wondering why that is.

A: I am a young person, it's none of my business. For me it was just come, come or go, go; do you understand?

Q: Yes, I do. My understanding is that you're the eldest son, is that correct?

A: I have a sister that's older than me.

Tribunal President Questions to Detainee

Q: Why did you and your family go to Afghanistan? Help me to understand why you left your home country for another country.

A: We went to visit my father; that was all I knew.

Q: Do you know why your father went to Afghanistan?

A: He said he was leaving to work; he said he was working in Saudi Arabia.

Q: He said he was working in Saudi Arabia?

A: He said he would go to work in Saudi Arabia.

Q: Yet he ended up in Afghanistan?

A: I don't know; you can ask my father.

Q: I get the impression you didn't have an option of whether to stay in Syria or go to Afghanistan.

A: I got out to see my father.

Q: Were you going for a short visit or to live in Afghanistan?

A: I didn't know I was going in the first place; my father said come to Iran.

Q: So you didn't know why you were going to Iran, either.

A: I knew I was going to see my father in Iran, but I didn't know where he was.

Q: And you didn't know how long you were going to be gone?

A: No.

Q: You didn't have the opportunity to complete your education?

A: After Afghanistan? Of course not, I went to prison, so how could I continue my education?

Q: I didn't know if you had received any type of training in Afghanistan while you were there.

A: I told you I didn't leave from the house.

Q: Do you know if your father was encouraged by anyone in his country to go to Afghanistan or Saudi Arabia?

A: No. I wish you could see how I looked when I first got captured; if you saw me you'd think I looked about fifteen years old.

Q: I need to verify your reasons for leaving Kabul.

A: After the problem occurred in America, we heard America was going to start a war against Afghanistan. We left in order to save ourselves, and our family.

Q: How did you get that information?

A: My father maybe heard it on the radio; I don't know.

Q: Was your father the only one working in your family in Afghanistan?

A: Yes. The rest of us all sat in the house, and wouldn't leave except to buy something, and come back.

Q: I guess that was really uncomfortable; you didn't know the language, everybody is there waiting for your father to bring the food; did the family help in the restaurant at all?

A: He would prepare his things, and the rest of us just prepared food for us. We washed the clothes, the floor; we were busy all the time.

Q: You were in Kabul one month?

A: Three months.

Q: Then you traveled to Jalalabad, right?

A: Yes.

Q: How long were you in Jalalabad?

A: About a month.

Q: How did you travel from Kabul to Jalalabad?

A: By car.

Q: Was that your car?

A: No, we have no car.

Q: You rented it.

A: No like a transportation service.

Q: Like a taxi?

A: It fit the entire family; we were all in one car.

At this time, the Tribunal President recessed briefly to bring in the Witness. The Detainee was informed he would have the opportunity to ask questions. The Witness was brought in, and given the Muslim oath by the Recorder.

Tribunal Member Questions to Witness

Q: Is the Detainee your oldest son?

A: I have a daughter that is older than him.

Q: When [the Detainee] came to visit you, where did he think he was going to?

A: For him to come to me, I told them to come to me. Truthfully, they knew I was in Saudi Arabia. I said come to Iran, and after I met them, I would call my sister's home to know where they were. I knew they were in Iran, and I called them at the hotel. I told them to come to the border of Afghanistan; from there at the border I received them; that's it.

Q: From Pakistan, how did they travel to Afghanistan?

A: They did not enter Pakistan.

Q: I'm sorry, Iran to Afghanistan?

A: By land, of course, the whole way.

Q: Does your son know how to use weapons?

A: No.

Q: Who financed your family's travel?

A: They had money.

Q: Why is it they simply didn't fly to meet you in Kabul?

A: They didn't know I was in Kabul or Afghanistan.

Q: Why didn't you tell them?

A: This is something personal; his mother knows I went to work in Saudi Arabia.

Q: Did you leave Kabul before the fighting started?

A: Yes.

Q: Why?

A: To save ourselves, why else?

Q: The fighting hadn't started yet; why did you feel the need to save yourself?

A: When I heard America was going to start a war, I left.

Q: Why didn't you go back through Iran?

A: Jalalabad was closer to Pakistan.

Q: Why did you go to Pakistan?

A: To return to Saudi Arabia.

Q: To return to Saudi Arabia as opposed to Syria?

A: It was my intention to go to Saudi Arabia, that's what I thought.

Q: So when you entered Pakistan, what was your plan from there?

A: When we entered my plan was to go to Saudi Arabia.

Q: Right, but how?

A: By way of travel.

Q: From my map, you were going the wrong direction; what was your plan to get from Pakistan to Saudi Arabia?

A: There are many ways available; from Pakistan to Iran, from Iran to Syria, and then Syria to Saudi Arabia.

Q: I understand your family was broken up just after you left Jalalabad, but before you entered Pakistan; is that correct?

A: Yes, that's correct.

Q: Where did you intend to meet them?

A: Really I told them to go to Syria; there they would make do, and me and my son would travel to Saudi Arabia. That's what I thought; it was all thoughts.

Q: My thinking is that you'd establish a meeting point inside Pakistan; obviously, you didn't do that, could you explain why?

A: No, we didn't agree on any meeting point.

Tribunal President Questions to Witness

Q: What did your son do the three months in Afghanistan?

A: Sitting at home.

Q: Did he not help you with your business?

A: No; he was just at home; he didn't help.

Q: What was your reason for leaving Syria and going to Saudi Arabia, and then to Afghanistan?

A: To live free, and to work and make money.

Q: Were you not free in Syria?

A: In Syria, you are free, but don't have the money to open your own place to sell chicken and other types of food, you'd need a million or two million in Syrian currency to do that, close to 40,000 Syrian dollars. In Afghanistan, a small amount would enable you to open any business you want to open.

Q: What was your business?

A: It was small, and then my family came; when they came, I wanted to open a larger venture, so I rented a place. I had just rented it and hadn't started to prepare it yet. When I rented it, all the problems started and all the hopes we had for this place were lost.

Q: When you say we, who is we?

A: My family.

Q: But your son seems not to know what you're doing and why you went to Afghanistan?

A: We didn't know, but when they came, they knew.

Q: So the dreams and hopes with your family weren't there until your family got to Afghanistan?

A: The hopes and dreams someone would want to have in this world; what happened the currency and money was lost, and now we are here.

Q: Why did you move to Saudi Arabia?

A: I went to do the Hajj or Pilgrimage. The money I had was not enough to bring my family over; I didn't have the money for them to have a place to stay and transportation. That prevented me from living and staying in Saudi Arabia, because I wanted to live there but I wanted to live with my family.

Q: So why did you go to Afghanistan after leaving Saudi Arabia?

A: Because I heard you didn't need a visa or anything from the TV and media.

Q: So you were able to get into Afghanistan without a passport or visa?

A: I had the passport and it was in order, but you don't need a visa there like other places in the world.

Q: Like a work visa?

A: Residence visa, work visa, you don't need any of that stuff.

Q: Were you encouraged by anyone in Saudi Arabia or Syria to go to Afghanistan?

A: I don't know; I don't know anyone really.

Q: Did you know anyone in Afghanistan?

A: The person I stayed with, I didn't know. I stayed with him and the Taliban intelligence took me in. This person the Taliban intelligence introduced me to was [REDACTED]

The Detainee interrupted the translator to clarify a statement from the Witness.

Detainee: My father [Witness] stayed in the hotel, and from the hotel, the Taliban intelligence took him to meet the person he stayed with.

The Tribunal President then resumed questioning the Witness

Q: Why did you stay with someone you didn't know anything about?

A: Because he helped me and was nice to me, and he would come with things from the market so we could work together. We worked together; me with my efforts and him bringing things from the market, and we'd prepare them together.

Q: So this was your partner?

A: No, but after I got to know him, he became my partner.

Q: Was he an Arab or Afghani?

A: An Arab.

Q: Was he from Syria?

A: He said he was from Syria and his accent was from Syria, I don't know.

Q: Did Mohammed [the Detainee] receive any type of training when he was in Afghanistan?

A: No, it was quite the opposite. He was always saying, "Father, I want to return to continue my studies." I would tell him to wait a little; God willing I will work, and then we will go to Saudi Arabia and you can continue your studies. That is what I used to say.

Q: So it was not your intention to stay in Afghanistan with your business?

A: If things were the way they were in the beginning, I would've collected the money and gone. You have to have a lot of money in the outside world, not just a little bit.

The Tribunal President then asked if the Detainee wished to ask questions of the Witness [his father].

Detainee: I would like to comment on the first question the official asked here. He said how did you get from Iran to the Afghan border. That was by car, but after that it was by plane. After we got to Afghanistan, we got on the plane. I would like to agree with what he said; from Iran to the border of Afghanistan was by car.

Tribunal Member (addressing the Witness): Do you agree with that, sir?

Witness: Yes, of course, and we discussed this in the last Tribunal; all travel was by land except in Afghanistan where they took a plane. And don't say it was a Taliban plane, it was a civilian plane; just so you have no doubts, and the company was called Ariana Afghanistan.

Tribunal Member: The Taliban came and met you at the hotel? How did they know you were at the hotel?

Witness: Every government has its own intelligence, and they work with the hotels, and know who stays at the hotels. They knew about me from the owner of the hotel.

The Tribunal President confirmed there were no more questions for the Witness, and recessed briefly to allow the Witness to be removed from the Tribunal.

Upon reconvening, the Tribunal President asked observers and members of the press to remain quiet, reminding them that any talking could easily be picked up by the recording devices being utilized in the Tribunal.

The Tribunal President confirmed there were no additional questions or evidence to present, and began reading the remainder of the hearing instructions to the Detainee. Before the Hearing was adjourned, the Detainee interrupted to state the following:

Detainee: Miss, we do not want to return to our country; is that understood?

Tribunal President: You do not want to return to Syria?

Detainee: No.

Tribunal President: Do you have a preference of a country; we don't make that decision, but we will make it a part of the record.

Detainee: Any country my father and I can live, and we don't really have problems in Syria, but we heard about political asylum. We don't want to go to Syria because we heard if we return there, they would kill us. The reason is because for the first three years, you've been saying "terrorists, terrorists." If we return, whether we did something or not, there's no such thing as human rights; we will be killed immediately. You know this very well.

Tribunal President: We'll make that a part of the record.

Detainee: My father and I; is that OK?

Tribunal President: I understand.

Detainee: OK, thanks a lot.

The Tribunal President then adjourned the open session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 2 DEC 04

Start Time: 1000

End Time: 1145

ISN#: 312

Personal Representative:  LTC, US ARMY

Translator Required? YES Language? ARABIC


CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

Personal Representative Comments:

Detainee will participate and provide a written statement, which he might read into the record. He has requested one witness, his father who is also detained.

Personal Representative: 

Detainee Statement

Before I begin defending myself I would present my gratitude to all the members at this tribunal and to the personal representative and the translator and to everyone who helped in allowing me to defend myself but unfortunately I would like to let you know that we have heard, and several times, about this court, that it is merely a game presented against the detainees and as for the two words "Enemy Combatant", this is the verdict that has been presented to every detainee, for as I have understood, that the detainee, no matter what he did, this verdict will not be lifted for him even if he did the impossible, but I said a game not to mock anyone present now, but that is what I heard and I grew more sure that it is a game when I heard that all the detainees are enemy combatants and I haven't heard of one who has left as innocent except for one person.

At the start of defending myself I will say that there are numerous and many issues that you must look at and among these issues is my story and I will say it in a moderate manner, neither long nor short and if you want details about every word then I will elaborate.

The story is: I am the detainee owner of the number 312, I left Syria in the year 2001 at the end of the sixth month with members of my family their number comes to nine and I am their tenth and our departure, all of us, was with papers that were in order-visa-passport-necessary stamps- so we left Syria to Iran and when my father called to the hotel and said come to the Iranian-Afghan border we went to him and we went after that to Kabul and we stayed in it the whole time, three months, and yet close to two months and more after our stay in Kabul, my uncle's wife came and her kids and their arrival was only one week before the events, I mean the event of the eleventh of September and our stay in Kabul was in a house that my father had rented and during our stay in Kabul I did not leave the house except to go to the supermarket close by and I was always discussing with my father and asking to go back to Syria again to continue my studies but he said wait until I collect my money and after that we will go to Saudi Arabia. And after that the events happened and America announced that there would be a war against Afghanistan so we left immediately after America's announcement of the war, we left to Jalalabad so we could go to Pakistan to save ourselves from the war and we stayed in Jalalabad for a period of one month and after that we left with the family to a village so we could leave to Pakistan and at our arrival and before our family got out the residents of the village told my father that two of you should stay here and two should go with the family so my father chose me to remain with him and the family left to Pakistan [and the reason that made the village's residents separate us is that they said that highway robbers and thieves are abundant so if they see you they might kill you and kill the children and take the women] and after that the village people took me and my father to another village and we stayed in it for a few days and after that village to another village and we stayed in it for a few days as well and after that the village people told my father that there was no means of getting to Pakistan except by walking in the mountains so we walked in the mountains for three days, keeping in mind that we didn't know the name of those mountains or the name of the villages and upon our arrival to the Pakistani village we stayed in it for a few

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days and after that they took us to the prison and that was in the first day of EID in the afternoon. Keeping in mind that we had not done any crime or any illegal act.

Note # 1: During our stay in Kabul my fathers job was in a restaurant, I did not see the restaurant but I saw him, how he prepared the food in the house then go in the morning to the market to sell it.

Note # 2: As for the members of my family they were all with my family [sixteen individuals] among them my grandmother and her age was 67 and an infant also, his age was eight months. As for the presence of these two people in this family, these two people did not have teeth, so that should clue you in and make clear to you my father's good intentions and his purpose for which he left. And his arrival with two people such as these should also make clear to you that he has no relationship with fighting or war or any groups or Qaeda or Taliban.

I will begin the defense of myself. I state that the truth and the facts is the story that I presented to you now, so if you want the truth and the facts, then this is it and if you want otherwise you can take what you want.

The personal representative has presented the accusations and the core accusation says that I am from the Taliban or Al-Qaeda.

First: If you wish for me to swear that this item is incorrect I am prepared and I have a witness to testify that I have no relationship with anyone from Al-Qaeda or the Taliban or any other group.

Second: As for the two words Taliban and Al-Qaeda and other words like Jihad-Mujahideen-I had not heard of all these words before but I had heard them for the first time in the prison here when I was asked before by the interrogators are you Taliban I would say no-are you Qaeda I would say no.... I say to you in a simply and easily that I am not from the Taliban or from Al-Qaeda or even from any other group, in fact I am against any person who commits hostile acts and violent acts. For my father and I, we wish for every person in the world to live with freedom and safety and peace and peace of mind whether that person was small or big, man or woman. And we said in the interrogation that when the events happened-I mean the eleventh of September-we cried and we were greatly saddened and we said in the interrogation also that my grandmother, this old woman, cried and said what is those innocent people's fault, to be killed? And me, my whole life I never left Syria and never left my city and this was the first time I had left my country and my age when I left was close to eighteen years. And you could know, from our stay here in this place, if we were combatants to you or non-combatants, for each one of you can go back to my behavior file and look for yourself. But despite that, I will mention to you many pieces of evidence that will show you that we have no relationship with any of the groups at all, neither my father nor me.

From these stories and pieces of evidence:

Several times my father and I saw a piece of metal that could have, as the soldier said about it, been used as a weapon and could have caused harm. When we saw these pieces

we took them immediately and turned them in to the soldiers and this happened approximately over 15 times and this is all recorded with the date and time. In the very recent past on the 20th of November, I saw two pieces of metal in [REDACTED] and I gave them to the soldier and also on the 29th of November I saw in the walkway of [REDACTED] a piece of metal 5 cm long and I gave it to the soldier immediately and also on the 2nd of December in [REDACTED] by father saw a piece of metal and gave it to the soldier.

And also on the 4th of December I saw a piece of metal and I gave it to the soldier and also on the 4th of December at night in [REDACTED] a soldier gave me a mask to hang my Quran on and usually this mask comes with a metal and the soldier forgot to take the piece of metal from it before giving it to me so he gave it to me with the piece of metal in it, so I took the metal and I gave it to the soldier and he thanked me and he wrote that on the computer.

And I have mentioned these stories first because I remember the date and the other stories are bigger and more dangerous than the first story. I have done very good deeds that show you my good intentions and my honesty and my father's honesty with you in all our words and it does not make sense at all if I was an enemy combatant that I would give back those things and the pieces of metal that could inflict harm. And the story is one time I was in the walkway in [REDACTED] and I saw a piece of metal 20 cm long so I took it immediately and gave it to the soldiers and after this good deed one of the soldiers came instead of thanking me he proceeded to threaten to kill me and he said I will cut your head and your neck without me doing anything to him. Look at how the reward was from this soldier, instead of thanking me for this deed he threatened to kill me. And the supervisors afterwards kicked him out of the Block and wrote a report about that and all the supervisors saw this that day.

And the other story in [REDACTED] I also saw a piece of metal inside the room and that metal was the remains of welding, and I told the soldier about it.

And the other story happened in [REDACTED] in room [REDACTED], I saw breakage in the fence and I notified the authorities about it. And the room is still there and you can see it and the soldiers can all testify that my father and I have done this thing and they will also testify that we have no problems with any of the soldiers and we have maintained good behavior and fine manners in spite of all the pressures around us and in spite of the threats and the torture that we have been through. And I will mention the stories where we have been through torture and threats and I will mention where that was and I will mention the reason as well.

The first story: During our stay in the Pakistani prison we were subjected to beatings and harsh torture until the torture led to my nose being broken and you can see it in front of you now, and during the time we were being tortured, there were Americans present.

The second story: During our stay in the American prison in Kandahar we were subjected to torture and the reason was that they wanted us to say that we were from Al-Qaeda or the Taliban by force, my father's forehead was fractured and the Red Cross saw this and wrote a report and my left hand was fractured and I suffered many diseases as well and there were also other methods of psychological pressure and fatigue like sleep

deprivation for long hours and not going to relieve yourself and that is among the necessities for humans, and that prison was under the management of Americans.

The third story: During our stay in [REDACTED] we were subjected to bad treatment and the reason was so that we could say by force that we were from Al-Qaeda or the Taliban. In one of these stories one of the interrogators brought two wires connected to electricity and said that if you do not say that you and your father are from Al-Qaeda or Taliban I will place these in your neck and another time he drew knives and said if you don't say you are from Al-Qaeda or Taliban we will bring the knives and cut your hands and put salt in them.

And also in that same place one of the interrogators beat me in my face and at that time I was drinking water, so he hit the cup and hit me as well and the reason was that he wanted me to say by force that my father and I were from Al-Qaeda or Taliban.

And also in [REDACTED] the soldiers came and threatened us and told us we killed your family.

The fourth story: During our stay in [REDACTED] we were exposed to death threats and threats of handing us over to other countries so they could torture us there and after that they would bring us back here.

And I told you that one time after I gave the soldier the metal, which was 20 cm, long the soldier threatened to kill me.

And also the soldiers in this place told us twice, they said we killed your family and they said we know that they are 14 individuals and after the interrogators tried pressuring and torturing us to compel us by force to say that we were from Al-Qaeda or the Taliban, and when they failed at what they wanted, they came to us with temptation and enticement and they proposed to us that we lie about the detainees in this place in exchange for a car-a house-and the American citizenship and they said to us "lie about the detainees and we will give you these things", so we refused because we do not know anyone and I am sure that this method of temptation was followed with many of the detainees and I am sure that many of the detainees lied about the other detainees without prior knowledge and all this false cooperation happened for the sake of personal advantage and for the sake of the implication of the detainees and for the sake of getting out of this place. So I ask of you to look into my case thoroughly and finally, of this accusation I repeat again that we are not from Al-Qaeda or the Taliban or any other group at all and we don't have any relationship with wars or fighting and my father will testify that I am not of any group at all and my family will testify that I am not of any group at all and they will testify that my father also does not have any relationship with any group at all One of the interrogators made a request of me and said to me, if you said that your father is from Al-Qaeda or the Taliban we will take you out of this place and we will send you home so I told him that my father is not from any group at all and this is the truth for my father is a food seller only and nothing else.

The first accusation, and it states that I traveled from Syria to Afghanistan in the year-2001-the answer is yes I traveled from Syria to Afghanistan with papers that were in order and official and it is available with you and that was in the sixth month of the year -2001- in the end of the sixth year

Syria, which is my original country did not forbid any person from going to any place in the world except for one country and that is Israel, it was written on the passport "travel to everywhere in the world is permitted except for Israel" and you can go back to the Syrian passport office and look into this piece of information.

Therefore I don't see any problem in this accusation because I proceeded with papers that were in order and through legal means. And I did not commit anything illegal. Knowing that I entered before the events of the eleventh and before the war and in Afghanistan I stayed at the house during my whole time and I did not leave it and my father can testify to that.

The second accusation and it says that my father is a veteran Mujahideen fighter. My father has defended himself against this accusation at his trial, but I will repeat again that my father does not have any relationship with Al-Qaeda or the Taliban or any group at all neither does he know wars and he doesn't have any relationship with wars and he didn't leave Syria except twice and both times were in the year 1999-once to Saudi Arabia and the other time to Afghanistan, so how can this accusation say that he is a veteran fighter when in his entire life he's never left his country except for those two times. My father worked in a restaurant in Kabul and I haven't seen this restaurant but I saw how he used to place the food in the house then go in the morning to the market to sell it and I swear if you wish that my father is not a fighter and not Al-Qaeda or Taliban and does not belong to any other group at all.

The third accusation says that the detainee admitted that he traveled through the mountains of Tora Bora in Afghanistan.

The answer: I said in the interrogation when I was asked how I got out of Jalalabad, I said exactly that I got out of Jalalabad with my family to a village and after that we got separated from our family and me and my father were left and the residents of the village took us to another village and we stayed in it for some days and after that we went to another village and we stayed for some days as well and after that the resident of the village said that there was no way to get to Pakistan except for walking in the mountains so we walked in the mountains for three days not knowing what the name of those mountains were nor the names of the villages that we stayed in. That is all what I said in the interrogation and I did not say anything more.

The fourth accusation says that the detainee was in Kabul when it was defeated.

The answer: I said in the interrogation that when I heard that America was going to start war against Afghanistan we left Kabul to Jalalabad and we didn't see the war in the first place and we didn't see the defeat of Kabul or even the defeat of Jalalabad, so this accusation is incorrect and the date proves that to you and my father if you asked him will tell you when we left.

The fifth accusation: says after the fall of Kabul the detainee fled to Jalalabad and then to Pakistan where he was arrested.

The answer as I have mentioned to you is that we left Kabul before the start of the war so how the accusation can say that we left after the fall of Kabul I do not know.

Regarding our departure from Jalalabad to Pakistan, this is true, for we left Jalalabad to save ourselves from death and that is the biggest proof that shows every rational person and every individual that we are not combatants and we are not fighters and we are not terrorists and we do not have any relationship with Al-Qaeda or the Taliban or any other group, for this accusation shows you that we escaped from death to save ourselves, for the terrorist or the combatant as you say likes to die, but we are the opposite completely we do not like death and the proof is that we left Jalalabad to Pakistan and if we liked death we would not have left Afghanistan, neither us nor our family, for the person who has a mind knows that we have nothing to do with any of these wars or fighters and the accusation says he was arrested in Pakistan, but is should say he was sold in Pakistan for we ourselves were not arrested by anyone, but we ourselves entered the Pakistani village and the residents of the village handed us over to the Pakistani Authorities when we did not commit any crime or any illegal act.

Finally, this is our true story in front of your eyes and firstly and lastly I say to you that I have heard before that everyone in this place has been determined to be an enemy combatant before the trial starts and this verdict I am positive that no matter what I present in terms of evidence or witnesses or oath, I am sure that this verdict will not be lifted and thank you to everyone who is present in this hearing. The end.

12/2/2001

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (29 November 2004)

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

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 the Taliban or al Qaida.

The detainee is associated with the Taliban or al Qaida.

1. The detainee traveled from Syria to Afghanistan in 2001.
 2. The detainee's father is a veteran Mujahidin fighter.
 3. The detainee trained at [REDACTED] training camp in 2001.
 4. The [REDACTED] training camp was a basic training facility for Jihadists against the coalition.
 5. While at [REDACTED] the detainee trained on the Kalishnikov rifle, pistols, light weapons, grenades, and the Bika weapons system.
 6. The detainee admitted to traveling through the Tora Bora Mountains in Afghanistan.
 7. The detainee was in Kabul, Afghanistan when it was defeated.
 8. After the fall of Kabul, the detainee fled to Jalalabad and subsequently to Pakistan, where he was arrested.
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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Memorandum



To : Department of Defense Date 11/08/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 312 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/03/02

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/08/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED]

[REDACTED] or Intelligence Analyst (IA)

[REDACTED] IA [REDACTED]

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MEMO FOR RECORD
TO PR: #52
FROM: TRIBUNAL # 20

4 December 2004

SUBJECT: ISN # 312 Request For Witnesses/Documents

The Tribunal received and reviewed the witness request from Detainee # 312 to locate Detainee [REDACTED]. Detainee [REDACTED] will testify why Detainee #312 went to Afghanistan and what he did while he was there.

Detainee # 312's request for his witness is deemed relevant, reasonable and approved.

[REDACTED]

COL, USA
Tribunal President

Enclosure (5)

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2119

Personal Representative Review of the Record of Proceedings

I acknowledge that on 15 December 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #312.

I have no comments.

My comments are attached.


Name

15 Dec 04

Date


Signature

ISN #312
Enclosure (6)

PR Comments on the results of the Tribunal for #312

I do not believe the Tribunal gave proper weight to exhibit D-c. The purpose of D-c was not necessarily to prove that the detainee was not properly classified as an enemy combatant, rather it was to shed light on the veracity of the testimony of detainee [REDACTED]. While the spreadsheet is not a comprehensive document, it does show that detainee has provided information on over 60 detainees, currently at [REDACTED]. These detainees come from varying countries and backgrounds and were in widely separate areas of Afghanistan. In order for [REDACTED] to know over 10% of the detainees by sight and name, he would have to have known almost a similar portion of non-detained Taliban and al Qaida personnel in Afghanistan. This thought strains the imagination. Specifically regarding #312, detainee [REDACTED] indicated that he saw him at [REDACTED] training camp during his [REDACTED] one week of training in April 2001. All documentary evidence indicates that detainee was not in Afghanistan until July 2001 and therefore, [REDACTED] could not have seen him. I investigated [REDACTED] file and prepared the spreadsheet (D-c). After identifying over 60 detainees, I realized that a comprehensive investigation regarding each identified detainee was not possible. However, there were a limited amount that the detainee identified at [REDACTED]. I then reviewed the travels of each of the detainees that [REDACTED] identified at [REDACTED]. Based on the documents in our possession, not one of the detainees that [REDACTED] identified at [REDACTED] was in the country at the time that [REDACTED] would have been able to identify them as being trained at this camp. Barring each of these detainees having elaborate cover stories that have not been compromised over the length of their detainment, the testimony of [REDACTED] should not be relied upon.

[REDACTED]
[REDACTED] LTC, US ARMY