

Summarized Unsworn 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 the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal. The Detainee requested to have a copy of the Unclassified Summary of Evidence and was then instructed that he be given an opportunity to respond to each allegation.

The Recorder presented Exhibits R-2 and R-3 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 Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.

Detainee: I swear that if I say something it would be true.

Tribunal President: Would you like to an oath to that?

Detainee: I will talk everything about everything I'm asked. Every word that I speak will be truthful. I'm ready but if you don't accept my words then I swear.

Tribunal President: It's up to you.

Detainee: If you need me to swear, I will swear. But whatever I say will be truthful.

JAG Tribunal Member: Treat it as un-sworn (to Tribunal President).

Personal Representative: Previously you said you would take the Muslim oath. Do you want to take the Muslim oath or not?

Detainee: I am ready. I don't have any problems.

The Detainee opted to take the Islamic oath prior to making his statement to the Tribunal.

3.a.1. Detainee facilitated the travel of individuals from Meshad, Iran to the border town of Tayyebat, Iran, which is near the Afghan border in 2001.

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Detainee: The first one, number one, about the year 2001; I have talked to my Personal Representative and I have said that I have not engaged.

Personal Representative: Would you like to read what you have said (to Detainee)?

Detainee: Yes.

In 2001 I was living in Meshad, Iran. I have not traveled from Mashad to Tayyebat in 2001. I was captured in Iran in March 2002, then they brought me to Afghanistan. I did no traveling. I was a taxi driver. I traveled 5 to 10 KM around the city, not 3 hours to Tayyebat.

Once I took Abdulla Aziz from Meshad to Tayyebat in 1999. I basically did it just for the pay. Someone called me and asked me pick up this person and I took him to Tayyebat. He (referring to Aziz) had the legal documents he needed. My friend asked me to take this Sunni on this trip so he could find Sunni food and I wanted to make some money. The manager of the hotel said this man wanted Sunni food so I went along to help and earn money. I met Abdulla Aziz three times. When I went from Meshad to Tayyebat with him and later returning. My third time, he called me on my cell phone and asked if I could take his friends for Sunni food. I did this five to seven times.

It was to my own will to talk about this situation. On my own will I decided to talk to American Interrogators. How did America know that I was in touch with Abdulla Aziz? I was the one who told them that I had talked to Abdulla Aziz. I talked everything truthful to my interrogators. My Personal Representative said that it was in 1999. Only one time I went to Tayyebat with Abdulla Aziz that I have not went with anybody else. I am a taxi driver even if you come and ask me to bring you somewhere I will bring you. I don't not belong to any group and to make a living for my wife and child I did this. What else can I say? For three years I've been telling the truth on whatever I'm asked. I have told this of my own will and I have told them in year of 1999 one time I went with Abdulla Aziz. It seems that American interrogators does what he likes to do, because I have said that it was in 1999 I have done but it says it was in 2001.

3.a.2 Detainee associated with the leader of al Wafa, Abdulla Aziz, and received payments for arranging the travel of individuals to and from Afghanistan

I don't know who al Wafa is. I don't know anything about al Wafa. Only interrogators told me about al Wafa. Abdulla Aziz would call me and ask me to take his friends for Sunni food. Since I was a Sunni and knew about Sunni food. I went to the hotel with food from the restaurant. I was just doing this to earn money for my family.

I will try to explain this more. All this happened from 1999 to 2000. Abdulla Aziz sometimes called me and told me to get food for his friends and this is common between Muslims. Those people who come to Meshad, they have documents and they were at the hotel so I did not see anything to me to worried about them. I only helped them put food

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in out of their mouth not to go in and out of Afghanistan. In here it says that I received money but it was like petty money like \$2, \$5, \$10. I'm ashamed of myself when I see here that I got money for this. I did not receive major money from these people. If I was sent to buy food, and there was change left, I kept the change and they would give me a little bit more money. All the time that in the year and half, that I worked with these people, I did not make more than \$1,000 approximately. I have told them that the money in American money would be about \$1,000. My interrogator told me the amount of money you said you took from them, if you convert it to American dollars. I'm ashamed that it says here that I got money from them. I have not brought anybody in and out of Afghanistan. I have not done this and would have told the interrogators that the same I told them that not Abdulla Aziz.

3.a.3. Al Wafa is a known Terrorist organization as directed in Presidential Executive Order 13224

So. It has nothing to do with me. Al Wafa is not up to me. I don't have anything to do with al Wafa. Al Wafa, is whatever it is and is for itself. I don't have anything to do with it. I have worked with Abdulla Aziz and it didn't say in his forehead that he a dangerous person so I would know. In that year that I knew him, it didn't seem that he was odd and he could not ask me something that would seem odd.

3.a.4. Detainee forged documents to facilitate the escape of al Qaida members.

Respectful lady, if I was forging documents I would do it first for myself so I would be not detained. I flatly deny this. I have not made any forged documents and I am not a person to do such a thing. If you read how I was detained and how I was chained and how I'm in Cuba right now.

The Tribunal President asked if that had concluded the Detainee's statement.

Detainee: About this forged document that I helped al Qaida members, I would like to make another statement.

Tribunal President: Please do.

Respectful Lady, if I were forging documents for al Qaida members the first person who would have wanted me to forge for him, would have been Abdulla Aziz. From what I know from what the Detainees here have told me, Abdulla Aziz was arrested in Pakistan. If I had forged documents for him, Abdulla Aziz would have come to Iran. Abdulla Aziz did not have my address. Abdulla Aziz didn't know any information about me. Abdulla Aziz did know that I'm not this kind of person. Respectful Lady, Abdulla Aziz only had my cell phone and after that I sold my cell phone and I did not have any contact with him. I am a person that is educated. I studied in Afghanistan. I studied economics. All my life in Afghanistan I have worked as a pharmacist. I am not a person to carry a weapon. I escaped from the Taliban's bad régime to Iran to make an easier life for myself. I am

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under so much pressure that I would like to speak more but I cannot. I cannot speak more.

Tribunal President: We're certainly willing to listen if you have something else you feel we need to know.

Detainee: I have talked to interrogators about Abdulla Aziz and have been a shown picture of Abdulla Aziz. I don't believe that Abdulla Aziz would be a truthful witness; otherwise I would ask him to come here. Abdulla Aziz is right here. You caught him. I know that Abdulla Aziz, he would not come here to testify for me.

Tribunal President: Personal Representative, did you have anything else?

Personal Representative: I don't have any further questions for you.

Detainee: The last thing that... I am married and I have a child and they are waiting for my return in Afghanistan. I'm trying to provide for my family, for my son, a life that he wouldn't be like me in chains.

Tribunal President: Recorder do you have any questions for the Detainee?

Recorder: No.

Tribunal President: Do any Tribunal members have any questions?

Tribunal Members' questions

Q. Have you ever had any military training?

A. I did not have any military training.

Q. Were you born in Iran or Afghanistan?

A. I was born in Afghanistan and during the time of algerree (ph). I moved to Iran.

Q. Why did Aziz come to you for Sunni food? Were there no other Sunnis he could go to?

A. I did not know Abdulla Aziz. I did not have any contact with Abdulla Aziz except my friend. He introduced him to me. I told the interrogators everything about my friend who introduced Abdulla Aziz to me.

Q. How long did you spend with Abdulla Aziz when you took him for the taxi ride back and forth? How many days? How many weeks?

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A. Only one time in the last part of 1998 and beginning part of 1999 only one time. From Meshad to Tayyebat which is three hours ride. I do not speak the language of him. Only with friends we have talked. The first time the manager of a hotel translated his words to me.

Q. Who captured you in Iran?

A. Iranian police.

Q. Do you believe in jihad?

A. Jihad is about the time of prophets. I don't understand the meaning in the Quran about jihad.

Detainee: If you want me to explain how I was arrested?

Tribunal President: Certainly, we do.

Detainee: All the refugees during Taliban came to Iran. They did not have proper documents. In the year of 1988 the United Nations and Iranian Security Forces sent all the refugees that came to Iran during Taliban. They have to come register themselves with the Iranian government. After that we were given a piece of paper that much (showing a folded sheet of paper to the Tribunal to illustrate the size of the document) which was a picture of myself my wife and my child, my son. It said that the people with the picture could live in Iran and with the United Nations have registered ourselves with the government of Iran. Every three months we had to go and sign it again. The time the three months had run out and I was going to renew it. I had the registration... when the police pull you over you have to show your documents and that registration card that I have; I had put it between that paper that I showed the police when I was pulled over. That day President Bush had announced that Iran is not a good country and now Iran, everything wasn't normal that day. Police were everywhere and they were looking for everything. Even though I was a taxi driver, Afghans are not allowed legally to work in Iran. I was illegally working. Afghans, they could only work illegal jobs in Iran. The way I speak is the same way Iranians speak. I don't have any ascent. So when the police asked me where you are from I would answer that I am Meshad or Tayyebat. I would tell them that I'm from Tayyebat or Meshad. That night the police stopped me and asked me for license and registration. I had told them that I forgot my license at home and here is my registration. When the police saw the registration with my Afghan refugee status card was in it and he looked at and saw that I was Afghan and you are working illegally. And that's how I ended up here. Iranian police, you don't understand you don't know how they are. Nobody had understood the fact that, that's how I arrived in Cuba. I have explained to everyone that I did this.

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Tribunal Member's question:

Q. Did the Iranian police hand you over to the United States?

A. No. When the Iranian police arrested me, I was one month in the Iranian Prison after that one plane from the government of Afghanistan. They took me from the prison to the airport in Meshad. I thought that Afghan forces would obtain. There were ten of us. Six Arab, two Afghans, one Uzbek (ph), and one tongee (ph). The Afghan forces came and took possession of us from Iranian forces. That night American interrogators asked me questions and I told them all this.

Tribunal President: I want to thank you for participating in this Tribunal today.

Detainee: I thank you and I thank the government of the United States to come to decide about what's going to happen to me.

Tribunal President: Do you have any other evidence to present to this Tribunal

Detainee: I have talked on my own, my own (inaudible). If I was a bad person, if I was trained not to talk I would have denied everything connecting me to Abdulla Aziz. I would have said I don't know anything about it.

The Tribunal President confirmed that the Detainee had no further evidence or witnesses to present to the Tribunal.

Detainee: One more thing that I add; when I went with Abdulla Aziz to Tayyebat, I wasn't a taxi driver myself. Because I was not allowed to perform a job taxi on that route, so there was an Iranian taxi and Iranian taxi driver. Because police would ask for permission or documents and I am not allowed. I don't have a permit to drive on that route.

Tribunal President: Okay, we will make note of that.

Detainee: I don't know what else to say. My heart is not bad. My heart is sad and I don't know what else to say.

The Tribunal President explained the remainder of the Tribunal process to the Detainee.

Detainee: I have never been in this situation before. I have never known all these words. If you three are the ones who decide of my fate?

Tribunal President: We will make a determination of his Enemy Combatant status.

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Detainee: Don't look at these (referring to the Unclassified Summary of Evidence) this is not my words and this has nothing to do with me.

The Tribunal President continued to explain 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.

Colonel, United States Army
Tribunal President

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