

Summarized Sworn Detainee Statement

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

The Recorder presented Exhibits R-1 thru R-4 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 explained that the Tribunal had approved the detainee's witness requests and a Department of State request went to the home country of the witnesses but no response was received. As a result the Tribunal President determined that the witnesses were not reasonably available and the Tribunal would continue with out them.

Tribunal President: Personal Representative I notice on the Detainee Election form he requested two non-detainees. Were you also referring to the photo in the refugee camp?

Personal Representative: Ma'am refreshing my memory from the meeting that we had regarding the witnesses. I believe what the attempt was he lived in a refugee camp with many refugees and thought the one witness would be able to help with a photograph identify others who would be able to testify that he was a refugee. If it would please madam President I can read the very brief expected testimony.

Tribunal President: Actually I think I have it here. I just want to make sure that was the one that we determined early on was not relevant to the unclassified summary. I just wanted to verify that was in fact the person.

The Detainee did take the Muslim oath.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

The Personal Representative included each accusation in his statements below and gave the detainee a chance to respond to the allegations. The allegations appear in italics, below.

Personal Representative: Shakhrukh and I had met on the 05 Nov 2004, for approximately an hour and a half. Which was five weeks ago. In addition, during our preliminary meeting prior to this tribunal, Shakhrukh had told me about some problems with his teeth, which have affected his throat. When asked if he still wanted to participate, he stated that he did. I just ask that you understand that he will speaking softly and in addition I will assist him in presenting and disputing each of the pieces of evidence brought against him. I would first like to quickly identify based on our meeting

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which items of evidence are in direct dispute and why. Then allow Shakhrukh and myself to provide additional details as to the reason why he is disputing.

3.a. The detainee is associated with forces that are engaged in hostilities against the United States or its coalition partners

3.a.1. Originally from Uzbekistan, the detainee traveled to Kabul, Afghanistan via Dushanbe, Tajikistan, and Konduz, Afghanistan.

Regarding item one that he is from Uzbekistan, traveled to Kabul to Afghanistan, yes that is true. In a moment he will explain the circumstance as to why he traveled.

3.a.2. The detainee spent one and a half years in an Islamic Movement of Tajikistan camp near Dushanbe, Tajikistan.

Regarding number two, spending time in the Islamic Movement of Tajikistan camp. He spent time as a refugee for a period of time, but not in the Islamic Movement of Tajikistan camp.

3.a.3. The detainee willingly became a soldier in the Mujahidin Army.

3.a.4. The detainee traveled to Afghanistan to participate in jihad against the Russians and the Northern Alliance.

For items three and four he did not willingly become a soldier in the Mujahidin Army. He did not travel to Afghanistan to participate in jihad against the Russians or the Northern Alliance.

3.a.5. The detainee had an AK-47 while at the camp near Dushanbe, Tajikistan.

Likewise on Item five he did not have an AK-47.

3.a.6. The leader of the Islamic Movement of Tajikistan is also the leader of the Islamic Movement of Uzbekistan.

Item six, I believe as he told me it is not true and this is knowledge that he has, that the leader of the Islamic Movement of Tajikistan is not the leader of the Islamic Movement of Uzbekistan. From what he told me those two organizations have different leaders.

3.a.7. The Islamic Movement of Uzbekistan is a designated foreign terrorist organization.

On number seven about the Islamic Movement of Uzbekistan being a designated foreign terrorist organization. I do not have any direct notes to that during our meeting, but in a moment you will be given the opportunity to express your understanding of this statement.

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3.a.8. The detainee was captured by the Northern Alliance in Mazar-E-Sharif, Afghanistan.

Finally item eight the circumstances of his capture, he will help to explain that as he explains his status as being a refugee from Uzbekistan who travel to Afghanistan and subsequently captured.

Are you now Shakhrukh willing to explain to the tribunal the reasons why you left Uzbekistan, your refugee status and the statements you have told me?

Detainee: Yes, I'm ready. First of all the reason I left Uzbekistan to Tajikistan, it wasn't because I wanted to join the Mujahidin Army. While I was in Uzbekistan visiting with my family. I never heard of Islamic Movement of Uzbekistan or Islamic Movement of Tajikistan. When I left Uzbekistan and went Tajikistan, the war between the Islamic Movement of Tajikistan and the Tajikistan government was over. When I came to Tajikistan I stopped at a location near Tu Schuan(ph) the capital of Tajikistan which is called Orshengizaboff(ph). I stayed there for a while in the refugee camp and far as I know they didn't have any mujahidin or terrorists in there. I had to stay about one and a half years among those refugees. My intention was not to stay in Tajikistan for that period of time. I actually wanted to go to Turkey. I had difficulties going to Turkey because I didn't have a passport, which I was too young to have, and I didn't have enough finances to get there. That is why I took the job with the Tajiki(ph) government with all of those refugees. I was transferred to Afghanistan. I had to travel to Afghanistan. From Tajikistan through Kuntos(ph) we would travel to Afghanistan but I didn't stay in Kuntos(ph). We also stayed wherever ((inaudible)) in Kabul and we stayed at the central part. The place is called Batrabatowin(ph) and it was a garage type of place. At that particular time I was helping refugees to fix up things like cars or roofs. During that time I didn't have any type of activities against the Russians or Americans and I didn't have any intention to have anything against them. In about five or six months, I owned a car. I was using that for a taxi. When I was in Tajikistan I was living among the refugees with the help of Tajiki(ph) government and I didn't have and kind of AK-47, the weapon here you mention in my unclassified summary. The people who work for the government who were guarding us did have a weapon. Islamic Movement of Uzbekistan and the Islamic Movement of Tajikistan have different leaders and I didn't see neither one of them, but I heard that the leader of Islamic Movement of Uzbekistan is Jamal Wana Magundee(ph). I have never seen him. Neither one of those leaders from Islamic Movement of Uzbekistan or Islamic Movement of Tajikistan has been in the refugee camp. Unfortunately you will not be able to get any kind of statement from the witnesses I requested from Afghanistan. I hope to have one more attempt to the refugees who stayed in Tajikistan with me. They all know me very well and know whom I am. I have already told my Personal Representative about it.

Personal Representative: To get some clarification as I had said, I had taken notes during our meeting and by working with Shakhrukh to help the President get a better understanding of the circumstances. You had told me during our meeting the reason why you had originally left Uzbekistan as a child.

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Detainee: Would you like me to reply to your comments?

Personal Representative: I could either explain to you what you had explained to me or if you would like, you could go ahead and explain it to the tribunal.

Detainee: Yes explain

Personal Representative: You told me in Uzbekistan that your uncles were jailed and killed by the Uzbekistan government?

Personal Representative: I think you said that it was five uncles that were killed.

Detainee: One was killed; five were jailed, including my father that made six people.

Personal Representative: Your father was jailed as well.

Personal Representative: Help me understand. They were sentenced by the government for twenty years because of their Islamic religious beliefs?

Detainee: Yes

Personal Representative: Is this why you were forced to go to Tajikistan?

Detainee: Yes

Personal Representative: Ma'am, if it pleases President if I may conduct this and do it with both statements and ask questions for clarification?

Tribunal President: Yes, go ahead.

Personal Representative: How long were you a refugee in Tajikistan?

Detainee: It was about a year and a half.

Personal Representative: You also explain to me that you and others tried to get back to Tajikistan but you were told no.

Detainee: Yes

Personal Representative: Did the government Tajikistan provide the transportation to return the refugees?

Detainee: They only provided transportation to take us to Afghanistan.

Personal Representative: Is that how you ended up as a refugee in Afghanistan?

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Detainee: Yes

Personal Representative: How long were you a refugee in Afghanistan?

Detainee: About two years.

Personal Representative: Is that where you got your occupation to drive a car?

Detainee: I was only as a taxi driver but before I was a helper for a cook and do other little things around the garage. The taxi driver was after about five or six months.

Personal Representative: I think it is important for you to share with the tribunal your circumstances behind your capture in Mazar-E-Sharif. Do you wish to share that with the Tribunal?

Detainee: Yes I will. While I was driving the taxi, the conflict with Afghanistan and America started. I thought it would not be safe for me to stay at that place anymore. I decided because it was dangerous for me to stay over there. I asked for help from a organization that was helping people and they told me in two weeks they would send me back to my homeland. I went to the UN to ask for help to send me back to my homeland and told me that they would be able to help me. I told them the entire story of how I ended up being in Afghanistan, what happened to my family, and how my dad was jailed and that I had to leave the country. They promised me they would be able to help me and send me back to my homeland, that nothing would happen to me and that I would be protected. He gave me a piece of paper. I guess it was some kind of travel document. So I would be able to travel along with. We were riding with five or six Afghans together towards (inaudible). They were all from Mazar-E-Sharif and I was going to drop them off because it is on my way to my destination. They were going to pay me for the ride but I told them that I'm not going to take money from you; you just have to show me the directions. The road is through the mountains and when we got to the place called Paliconbri(ph) and Zabadan(ph) I had been captured. I was captured by the Mondesto(ph) forces. After I was captured they took my travel bag and my car but they let the Afghans go. They handed me over to the American General where at that point we were at Mazar-E- Sharif. I told them my story and they saw the travel document that I got from the UN. They actually told me and promised me that they would help me get back to my homeland. I spent about a month at some kind of house it was a (inaudible). Aside from that there were about fifteen Pakistan people. I saw one other person who had an injury to his arm. The Pakistanis and me got transferred to Kandahar. I'm not sure how long I stayed, but it was about a month and a half I spent in Kandahar and after that they brought me here. They said that they were through with me and promise to send me back to my homeland, that why I'm confused. When they brought me here for interrogation I didn't want to talk a lot to them. It is still a lot of things inside of me that I didn't tell. I have been here about three years. They didn't treat me well here that is why I didn't tell them anything.

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Personal Representative: For the record, what Shakhrukh had shared with you here today is very persistent with what we discussed during our interview on the 10 November 2004. The last area I would like to address because I had stated this in the open remarks. During our interview I did not have any notes on item seven of the unclassified summary. You have had the opportunity to address all the other areas and I would like to give you the opportunity to tell them what you do or do not know about the item here that states the Islamic Movement of Uzbekistan is a designated foreign terrorist organization.

Detainee: I have never been a member of Islamic Movement of Uzbekistan. When I was in Afghanistan I was listening to the radio a lot because we didn't have a television so I listen to the radio a lot. I heard that there was a conflict between president (inaudible) and Amer Aofi(ph) the leader of Islamic Movement of Uzbekistan. They have some kind of conflict between each other. I know that in Uzbekistan there is a lot of people in jail and a lot have been killed in jail. Back in 1991 when our President (inaudible) was inaugurated, he actually swore on the crown that he is going to fair to Islam and that he was going to open mosques in Uzbekistan and he was to keep all of us safe and he never did that. That is why I can understand the leader of Islamic Movement of Uzbekistan. He actually addresses himself as Amer Mohammed Pukur Forque(ph the entire name). He said on the radio that our president is not Muslim, he was Jewish. Since he came he is not given any opportunity for Muslims to perform here. At the beginning he promised that we were going to work together but he also swore that during his presidency for twelve years at that time; he not going to see any Muslims in the country. That's how it became Islamic Movement of Uzbekistan. Jamar Wana Magundee(ph) became the general of the Islamic Movement of Uzbekistan. When the Islamic Movement of Uzbekistan formed, two Uighers actually fight a lot a people that were among them. Since Uzbekistan could not defeat the Islamic Movement of Uzbekistan because they have a lot of supporters, that is why I say in my opinion that's why the President decided that this is a terrorist organization. I also know that during Clinton's presidency before Bush, our president included this Islamic Movement of Uzbekistan as a terrorist organization during Clinton presidency. I just want to apologize to you that I didn't tell to my Personal Representative.

Tribunal President: Does that conclude your statement?

Detainee: That concludes my statement, but I just in case you are wondering why I didn't tell my entire story before the Tribunal or to my Personal Representative or to the interrogators. I just want to let you know that they torture me a lot here at the camp. They would not let me sleep thru the night; they were taken me to interrogations. I saw them beating other detainees, breaking their arms and legs. Also my letters I have been writing back home, they never received them but I did receive a few letters from back home. I received a letter from my mother and she wrote that you better not come back home. I just don't understand the reason for that. I just want to see if you can explain it to me? My understanding, that since you captured me, you have to present some kind of proof for holding me that long but it looks like it working out the other way around. I'm giving you the statements. My understanding is that the President of this Tribunal gets the information only from the interrogations but the interrogations (inaudible) that not

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true. I didn't have a good translator who could understand me well or who could not translate well and that could be another reason that you have all the statements that you have.

Tribunal President: I can tell you at this point the only information we have seen is the unclassified summary. In making our decision we look at two things. The first this is the information that the Recorder presents to us, and the second thing we look at is your statement. So any information that you could provide us would be useful.

Detainee: That is my statement and that is all I have to say to you. I just want to say that I'm not afraid to go back to my country. I'm not afraid to die. We all belong to Allah and we shall return to him. I'm just afraid because of me, they might torture my family.

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

Detainee: Yes

The Personal Representative had no further questions but had additional comments.

Personal Representative: Shakhrukh was very forth coming during our interview and with the exception, of his explanation of the Islamic Movement of Uzbekistan designation as a foreign terrorist organization. The reasons why I did not focus on that particular item during our interview was because that statement was neither allegation nor does it say anywhere that he is a member of that organization. I just want that to be clear for the record.

The Recorder had no further questions.

Tribunal Members' questions

Q. Do you know of any reasons why other witnesses like in Afghanistan would have said that you were Islamic Movement of Uzbekistan?

A. My witnesses should know my entire history and they should tell you I have never been a member of the Islamic Movement of Uzbekistan

Q. How many people were in your refugee camp at Afghanistan in that garage and how many were in Tajikistan?

A. If you count all the kids and their mother and everybody it would be about three hundred people in both of them.

Q. How old are you?

A. I'm not really sure because I lost my count at about 16 or 17 years old.

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Q. Did you attend school?

A. No I didn't go to school. I went to school but I came back from the schoolyard. I was very interested in sports and I was attending car repair (inaudible).

Q. What religion or most people in Uzbekistan?

A. Muslims. It was not only my family, but in Uzbekistan you go to any family and you will see the Islam member of the family in jail or tortured. To drink or to gamble, there are a lot of people who do that. If one family member serves Islam other family members actually join him. I'm not afraid to go back to my country. I know for sure that my uncle who has been killed in jailed, his son has been put in jail. I'm just expecting bad news that they are going to kill my father over there and then they are going to reach after me.

Q. Just a question about your route. You went Mazar-E-Sharif. If you were listening to the radio it seems to me, just from my basic knowledge, I thought Mazar-E-Sharif would be more dangerous than Kabul.

A. In Afghanistan I believe there wasn't any danger because the Americans had taken over Afghanistan at that time. If you are saying Mazar-E-Sharif was a dangerous place then Kandahar was supposed to be under the Taliban. After the Americans took over Kandahar, I thought there should not be any danger in Afghanistan.

Q. We see different uniforms, we some of the detainees in orange, some are in white. Do you know why you are wearing orange?

A. My understanding is because of the summary of the evidence against me that is probably why I'm wearing this orange uniform. I know that there are four levels of discipline. Every time I try to go one level up, they will do something to keep you in that level. I know that are a lot of detainees who don't want to talk to the interrogators and no matter what you tell them they are not going to change your level or change your clothes for that matter. I know that a lot of people have been tortured here at the camp. I always answer the question of the interrogators but when I get sick or need to see the doctor they always write it down and say we will make it but it has been so long. When I don't exercise I feel very week, that why I try to exercise inside my cell but MPs doesn't like it. That is the only I can keep myself healthy here is by doing some exercise because when you get sick you don't get any appointments here so what should I do? Every prison detainee should be allowed to exercise; I don't understand why they don't allow us.

Q. What about food. How many meals do you get in a day?

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- A. I'm not complaining about food. They give us three meals a day and that pretty much enough because I don't eat that much anyway.
- Q. Are you the only Uzbek? Are there any around you
- A. I'm the only Uzbek now but one time I had a neighbor with the number of 265. I was his neighbor in the echo block. I think they took him away to tango block.
- Q. You said you were going to Turkey, why?
- A. I heard that Turkey is a better country so I wanted to buy my taxi and go to Turkey. I didn't know the Pashtu language and my language is very close to Turkey language.
- Q. You said you left when you were about sixteen or seventeen. Do you know what year that was?
- A. No I don't remember. It was around September 1998
- Q. You had five uncles arrested.
- A. Did you have a large family? Yes I had a large family. My father and my brothers were arrested.
- Q. Were you the only one from your family that left?
- A. I was the only one. My cousin also left because he was into sports. He went to the competition in Russia and when he got back from the competition they put him in jail.
- Q. Question number three was that you did not willingly become a member of the Mujahidin Army were you forced?
- A. I willingly left my country. I never wanted to join the Mujahidin Army. It was not my intention and I never did.
- Q. You were never in the Army?
- A. No. I didn't want to stay with the Uzbek government because I saw a lot of tortures towards me and my family that is why I didn't want to stay in my country.
- Q. Have you ever had any military training, fired a weapon, or anything like that?
- A. No. I never even entered the army of Uzbekistan, which is my country also

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Q. Do you understand or speak English?

A. Good, thank-you, I know, I don't know, those kind of words only.

Tribunal President's questions.

Q. Have you ever had any military training?

A. No.

Q. At the refugee camp in Uzbekistan were you all Uzbeks or were there other nationalities.

A. Everybody was Tajik, I was the only Uzbek there.

Q. Did you know their language?

A. No. I did not

Q. Do you have any idea why they sent people from Tajikistan to Afghanistan?

A. I know that there have been a lot of refugees about a hundred thousand who left Tajikistan to Afghanistan. Most of them were killed during the war over there. Most of them just settled down there because their kids are married to the local people. Some of them had to return back Tajikistan but the Tajikistan government said that we don't have enough space for everyone. When the other people wanted to come back, they said you have to stay for awhile in Afghanistan because we don't have space for everyone.

Q. When you left to go to Tajikistan, did your parents approve?

A. No. Well, my brother was already in jail at that time and my mom was just crying and I know that she would not have let me go anywhere so I just left.

Q. In reference to the torture that you said here, you said that you had lack of sleep and lack of medical care, is there anything else that's happened to you reference your treatment here?

A. That was the only thing but we have only one mat and only one blanket and we have been here for three years. We need a little bit more than that. The Koran which is written in Arabic but I don't speak or read Arabic. I would like to have some Uzbeks books to make the time go by faster. I have requested those things several time in the interrogations but until now I didn't get anything. I think maybe because I didn't give them that much information. All this information I gave it to you and this is the first time I've actually spoken about this. I didn't tell

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the interrogators anything of this information; maybe that is why they are trying to hold back my request.

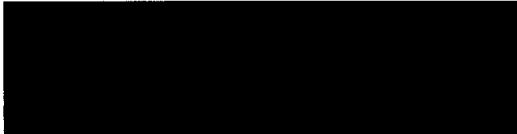
Tribunal President: Is there anything that you would like to present to this Tribunal at this time?

Detainee: That's pretty much it.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns 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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