

**Sworn Detainee Statement**

I swear to the things I did and I swear, the things I said I didn't do, I didn't do. I still swear to tell the truth.

*The Personal Representative read each point on the Unclassified Summary.*

- **3(a)1 The Detainee admitted that he traveled to Afghanistan to join the Taliban and fight.**

Personal Representative: I was a member of the Taliban, but did not fight against the Americans. When the Americans came to Afghanistan, I was wounded and staying at home.

Detainee: I wasn't with the Taliban at that time. I did not join the Taliban when Americans were in Sherberghan. My leg was okay at that time, that's why I went to the city and got captured by the American forces.

- **3(a)2 The Detainee trained at the Pul Sayad compound.**

I wasn't fighting [with] the Taliban at that time, but I was with the Taliban during that time.

- **3(a)3 The Detainee received training on the AK-47 at the Pul Sayad compound.**

Actually, I didn't get training on the Kalashnikov on that compound. In Afghanistan, everyone learns how to use a Kalashnikov at a very young age. I knew how to use a Kalashnikov.

- **3(a)4 The Detainee stayed at the Taliban-controlled compound called Shaker-Dari.**

Yes, that's true.

- **3(a)5 The Detainee was a guide for foreign fighters at a Taliban house in Kabul, Afghanistan.**

I haven't seen them in Afghanistan at all. I see foreign people here in Cuba. I haven't seen anybody. This is not true.

- **3(a)6 The Detainee was connected to a forward commander for the Taliban.**

Yes, he was my commander; he was my leader.

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- **3(a)7 The Detainee was in the company of a man who was involved in rocket attacks against U.S. forces in the Khost province.**

No. This is not true.

- **3(b)1 The Detainee admitted to being in at least one firefight against the Northern Alliance.**

Yes, this is true. I was in that fight.

- **3(b)2 The Detainee was wounded, in the left arm, during that firefight and airlifted off the front lines.**

Yes.

- **3(b)3 The Detainee had his left leg blown off during a mortar attack in Kabul, Afghanistan.**

That's true, too.

Tribunal President: Mohammed Yacoub, does this conclude your statement?

Detainee: In here, I'm kind of affected by the Tribunal. I can't even speak very well. I have a phobia of a lot of people, so I couldn't be a guide for the foreigners in Afghanistan. That's not true.

Everything that I really did, I've already told you, but the things I didn't do, I swear on Allah. Like in Khost, I've never been in Khost and I've never had friends in Khost.

During the interrogations, I was asked about (inaudible) Hakarim (phonetic). I told them he was from Khost. Maybe my statement about his gave the wrong idea, but I don't know anyone in Khost.

Again, swearing to Allah about the foreign fighters in Afghanistan; I haven't seen anybody. When I came to Bagram, they were asking me questions in interrogations. I heard Al Qaeda's name and I heard about Al Qaeda here in Cuba. This answers allegation 3(a)5. This is not true.

About the Pakistanis, I saw them when I got captured. They took me to jail in Bagram. There were some Pakistanis in jail, but before that I haven't seen them.

Tribunal President: Is there anything else you'd like to make known to the Tribunal at this time?

Detainee: Like what?

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Tribunal President: Anything else that you may feel is important in determining your enemy combatant status?

Detainee: Actually, thank you to all of the members of the Tribunal; it's very nice of them. I came here and they will be determining my status; whether I'm staying here or going back to my home country.

All these statements I've told you, I've already told my interrogator and my Personal Representative. I said everything truthfully. I've told the truth from the beginning until now.

**Personal Representative's Questions to Detainee**

Q: During our interview, you made some comments regarding Americans in Afghanistan. Would you like to tell the Tribunal what you told me?

A: What did I say? Remind me.

Q: Regarding Americans building in Afghanistan.

A: In Cuba, I heard that Americans were in Afghanistan building streets between Kandahar and Kabul. They are rebuilding Afghanistan and I was very happy to hear that. I appreciate that because Americans went all the way to our country to help our people, so I appreciate that.

The reason I joined the Taliban... everyone in the government only did things for their benefit. Like Miloma (phonetic), he was doing everything for Kandahar, because he's from Kandahar. He was building the bazaar, shopping centers and houses. He was working only for Kandahar and didn't do anything for our province, which was Sherberghan.

I got captured the day the Americans came, so I didn't see what they did in Afghanistan, but I heard they were rebuilding schools, rebuilding streets and doing a very good job. We, as Afghans, need someone to help our country and treat all the people the same way. It's something that I appreciate and we really need it. So, now that Americans are helping us and rebuilding our country, we should support that. I support this and there is no reason for us to fight against them [Americans].

The time you guys are counting me as an enemy combatant, I wasn't because when I was with the Taliban, the Americans were not in Afghanistan. The reason I went to join the Taliban was because I was not at my house with my family. I didn't want to see my family or be with them, so that's why I went to the Taliban.

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I joined the Taliban because I thought the Taliban would be one power, or one organization that can get rid of bad people and oppressive people, like Dostum, Massoud and (inaudible). They killed a lot of innocent people and a lot of Yankees. I wanted one group to be able to bring peace to the country.

When the Taliban came into power, they got very conceited and they brought Al Qaeda with them and the other foreign powers. Then Massoud went and got help from Russia, so they were fighting between each other. I was happy when America came because there was no Massoud and no more Taliban.

In Afghanistan, I did not know the Taliban had relationships with foreigners or Al Qaeda. Now, in Cuba, we know that they [Taliban] had associations with Al Qaeda and that's why I'm very happy. Now, I don't support the Taliban and I don't support Massoud because they're both bad.

There are two accusations about me that are not true. The one is that I was a guide for foreign fighters. This is completely not right; this is not true.

About Khost, I've never seen Khost and I've never been there and I don't have any friends there.

The point about having an association with the Taliban Commander, that's true. Yes, he was my commander and I was there.

The point about my left hand; I was there [battle] and injured my hand.

This is all of my statement. I've told my Personal Representative and I'm telling you. If you believe me, I swear and it's good. Otherwise, I don't have any witnesses to bring, so it's up to you.

I'd like to stay something else if I have permission.

Tribunal President: Certainly.

Detainee: I gave my address to the interrogators and it's in my case. You guys can go ahead and ask about me. Ask if any of my relatives or anyone from my house saw me with a car or with any foreigners. I always walked home and I never used a car because I didn't have a car. I didn't have any association with foreign people.

I couldn't even be a guide to ten people or even give directions to other people because I wasn't able to do that.

I'm sorry if I said something extra of if I wasn't very polite. I apologize.

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Tribunal President: Not at all. It is not necessary to apologize. We welcome whatever you want to provide to us in your statement.

Detainee: The statements and accusations that were written down, I didn't do these things. Some of the things here [Unclassified Summary of Evidence] are not right.

I told my Personal Representative the other day I'm very happy with the Americans. I don't blame the Americans for capturing me. I blame someone who reported me; I got captured because of him. At the end of the world, on the last day, I will ask him why he did that.

I want to say something else that I forgot about. The day in Sherberghan, they were asking me for 10,000 Afghanis but I was poor and didn't have the money to give to them. They said if I gave them the money they would release me. I was not released and they said that if I did not pay, the Americans would capture me.

**Recorder's Questions to Detainee**

Q: In your answer to the first point; traveling to Afghanistan to join the Taliban and fight the Jihad, you mentioned you were already wounded and you were at home.

A: When I came from Pakistan, I was fine. Then I went to the Taliban and then we went to Pul Sayad and from there we went to the North. During the fight in the North, I was wounded.

I did not go with the voluntarily, but I was just starting my (inaudible) but they made me go with them because I couldn't go back home. I didn't have money for my bus fares, so I had to go with them. I thought I'd stay for a couple days, they could pay me some money and I'd go home.

Q: The last part of your answer was that you were not Taliban when the Americans were there. My questions are when did you stop Taliban and how do you break the association?

A: Yes, when I got wounded I stayed home and I quit. My leg got wounded, and my brother came to take me home. I was home since...there was talking on the radio about Americans coming to Afghanistan and taking Afghanistan. Then Mazer-e-Sharif was taken by them and then I had to stay in Sherberghan.

Q: Mazer-e-Sharif was taken by whom?

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A: By Dostum and the Americans. They bombarded...I was in Sherberghan. I did not go home. I was far away from home somewhere, and I went home then.

**Tribunal Members Questions to Detainee**

Q: Good morning. I have some questions so I can better understand the story you've told us today. Are you originally from Pakistan?

A: No, I'm from Afghanistan.

Q: Was there a time you moved to Pakistan before returning to Afghanistan?

A: Yes, I went by myself to Pakistan. My family did not go to Pakistan.

Q: What was the reason for going to Pakistan?

A: The fight in the house. I got mad at my family and I decided to go to Iran; that was my goal. I didn't have enough money to make it to Iran so I went to Pakistan.

I've said my whole story from the day I left my house to when I went back to my house in my interrogations. My story is in my file. If you want me to tell my story over and over again, we'll be here until evening. That's okay, I'll tell you my story.

Q: We're not going to ask you to repeat all of it, but we do not have access to your file before coming to the tribunal. Our purpose is to try to understand what you did and why you did it.

The Pul Sayad compound, is that in Afghanistan?

A: Yes, it's in Afghanistan.

Q: Is that a military training camp?

A: I was a line. On one side of the line were Massoud's fighters and the other side was the Taliban.

Q: Was there an actual Pul Sayad place where you get training on weapons?

A: We were soldiers, like MPs. There was no military training or anything, except we had AK-47's with us. During the day, we were in our rooms, and at night, each soldier had to do two hours as a guard.

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Q: Is this the same time you were at the Shaker-Dari compound or was that a different time?

A: No, that was a different time. The person with me asked me to go to Kandahar.

Q: So, Pul Sayad is not near Kandahar?

A: It's very far away. I didn't want to go to Kandahar. I asked the person with me to give me some money so I could go home. He told me not to go home because the places I'd pass to go home were all occupied by the enemy and they would capture me. He told me to wait and to go with him to Kandahar.

Q: Was your home in the part of Afghanistan that was controlled by the Northern Alliance?

A: Yes, my house is in the North and, at that time, Massoud had control of the area.

Q: You said earlier that you fought against Massoud, Dostum, Rabbani and Hekmatyar. Those four leaders?

A: Yes, I said that. The Taliban was telling us they were not good people and we had to fight against them and make them leave the country.

I did not know that the Taliban was worse than them. They have associations with bad people.

Q: The Taliban told you that Massoud was getting aid from Russia, so that's why you thought it was okay to fight them? Even though they were Muslim?

A: They told me to fight him because he got help from Russia.

Q: Was there a time you actually stayed at a Taliban house in Kabul?

A: First, there was a man named Malek. He joined the Taliban and gave the North to the Taliban, surrendered the North to the Taliban. Then he said he was going to help the Taliban get the North, but he played games with the Taliban. Malek actually tricked the Taliban so he could kill the Taliban.

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When the Taliban went north with him, he killed them all. The Taliban had to come back to Kabul, Herat and Kandahar. They left the north to the Northern Alliance.

The second time the Taliban went to the location, I was wounded; my leg was cut and I was in the hospital. I wasn't with them.

At that time, Malek skipped the country and went to Iran. Massoud went to (inaudible) and Dostum went to Turkey. The Taliban occupied a lot of locations and I went home.

Q: During the fighting, there was a short period of time you were in Kabul?

A: What period of time? When my leg was injured and I was in the hospital? That time?

Q: Any time. Was there more than one time?

A: When I came from Pakistan, I went with them to Pul Sayed for one to one and a half months. From Pul Sayed I went to Kandahar for about 15 days. Then I was told some people would be sent to Kabul and I could go with them, and after Kabul I could go home.

The guy with me was named Haji Satar, Mullah Satar. The person with me in Pul Sayed introduced me to Mullah Satar. They told me they would take me to Kabul, but he lied. He lured us into the car and the car went a different direction. It went to Herat, not Kabul.

I did not know which way we were going and from Herat, they took us to Bahrest (phonetic) and then to a district named Marrah (phonetic). The Taliban was having a fight with Malek there.

During that time, they made me to fight and that's when I got injured on my left arm. They put me on the plane and took me to Herat. I hadn't healed very much; I was still wounded and they sent me back to Herat.

When I got to Herat, I asked where Mullah Satar was. In Kandahar I asked for him and they told me he went to Kabul. From there, I went to Kabul. When I was in Kabul, he was Shaker-Dari.

In Shaker-Dari there is another line between Massoud and the Taliban. Massoud and his soldiers were in Boudaret (phonetic) and the Taliban was in Shaker-Dari.

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In Shaker-Dari there was a fight against the enemies. The mortar exploded and they told me to get down and lay down, but my leg got injured. I was unconscious and I didn't know anything. They put me in the ambulance or the car and took me to the military hospital.

When I woke up I asked where I was. They told me that I was in the hospital. I asked about my leg and they said it was cut and they wouldn't let me talk that much.

I didn't have anyone there to take care of me. I didn't have my family or any visitors to take care of me. Also, when they cut my leg, they cut it a little bit, then they cut it again a little bit further, and then it got infected. I spent three to four months in bed, in the hospital.

The Taliban took the north and Malek escaped from it. Then the Taliban took the whole area. Massoud and Dostum were scared too, and they ran away.

At that time, they took all of the north, including the place I lived. So, they put me on a plane and took me to my place.

After that, my brother came and I went to Konduz and then I went to Mazer-e-Sharif and (inaudible).

I didn't want to go to my house, because I was still mad at the people in my home. My brother came and took me home. He apologized a lot to me and made me go home again.

When I went home, I spent most of my time there. We used to have a house in (inaudible) and we're living somewhere else and I lived with my brother.

- Q: If you remember, how much time passed between when your brother brought you home and you were captured?
- A: I'm not sure how long it took, but it was one to one and a half years that I spent out of my house, but most of the time I was in my house.
- Q: You said earlier that you thought one of your enemies reported you. Is that right?
- A: There was an organization from Sweden coming to Afghanistan to make plastic legs for the handicapped people. I went to Dahar (phonetic) to get a plastic leg. When you are injured in the Taliban, they don't care about

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you anymore; they just leave you. They won't ask for you and they don't care about you anymore. I had to take care of myself and ask for help.

I asked for help from the Red Cross and for the Swedish organization to make the plastic leg.

When they fixed my leg in Dahar and I went home. Then from my home I went to Konduz and then back to Dahar. When I got my leg fixed I went to Konduz and then to my house.

When I came home, it still hurt to walk on my leg. I told my brother I was going to Mazer-e-Sharif to have my leg fixed so it would do me some good. I told them that my leg was not good. They said they couldn't give me another plastic leg, but they could repair it. That time, after they repaired the leg, it was better.

At that time, there were two kinds of money in Afghanistan; one was Dostum's money and the other kind of money. I was owed 35000 Dostum's money and I decided to try to see Haji Satar and ask him to give me some money, but when I went there he wasn't there. His friend was there. He [friend] told me to stay for a few days.

At that time, people were talking about the Americans and the bombs started. That night he [unknown] came to Mazer-e-Sharif and I was still in Sherberghan. Mullah Satar wanted to run away from Konduz and go to Mazer-e-Sharif, but he died during the bombing.

When I was in Sherberghan, I was sleeping...the other Taliban left Sherberghan towards Mazer-e-Sharif. At that time I volunteered. At that time I had long hair and a long beard, and dressed in Afghani clothes.

At that time, in Sherberghan, I wanted to take a break to eat. I was walking and somebody told me to come here. It was a Pashtu and a Farsi speaking person. I went there and I got captured.

I had one coat, a turban and 800 Afghanis. They took my coat, turban and my money. My shoes were new. He took my new shoes and gave me his old working shoes. After that, they put me in the basement for 7 or 8 days. Then Ramadan came.

After 12 days of Ramadan passed, I heard that Konduz, and a lot of places in Afghanistan, were taken by the Americans. In Konduz, a lot of Taliban were in the fight and Dostum was killed in Sherberghan.

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When I told them that, I was told I would never see Afghanistan again and to just forget about Afghanistan. I told him that was okay; he could give me to the Americans.

Seven days passed and Americans came. When they were taking me out of the jail, they said it was my last chance. If I gave them the money, they'd release me. I told them that I wouldn't even give them 10 Rupees and to give me to the Americans.

There were two Commanders and one soldier. When we were walking, the two Commanders were in front of me and the soldier was behind me. When we were walking, we passed several doors. At the third door, there was an American on the roof for security.

I had a 100 Rupees bill and some change that someone gave me for charity in my pocket and I had two pair of prayer beads around my neck. There was an Uzbek guy who told me to hold my hands up so the Americans could search me.

I was holding my hand up and the Uzbek was searching me. When he saw the money in my pocket, he took it and put it in his pocket. The American MP was standing there and saw this. He told him to give me back my money. The Uzbek put the money back in my pocket.

The American told me to look at the prison and to put my hands behind me. I did this and he handcuffed me and searched me again. They took me to a room that had a bathroom next to it.

There was a blanket was hanging that had a lot of bullet holes in it and I thought the Americans were going to kill me; I started praying.

The linguist in Afghanistan told me to take my clothes off because they wanted to examine me and search me again. I told them that I didn't want to be naked and needed a sheet to wear.

They told me to take my clothes off and they brought a black bag. They put my clothes and my beads in the black bag and they gave me clothes to wear. After that they covered my face and handcuffed me and then took me to another room.

I was sitting in the room on the floor and I heard noises. They brought five more people in; I didn't know them.

When they were picking me up from the floor, my legs went out, so they carried me and put me in the car. Actually, I didn't see because our eyes

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were clothes and our hands were tied. They put each person in a separate car. With me was an American MP and a Farsi guy. From there, they took us to Sherberghan airport to an American plane. There was another Uzbek and said this was the time they were giving me to Americans. At that time, I was hurting badly and I started cursing this Uzbek. Then he told me that I would never see my sister, mother, father, country or my home again. I said that was okay.

They put me on the plane and they took me to Bagram. I have a lot of stories to tell. I spent one and a half months in Bagram and then I came here.

- Q: Thank you very much; you've covered the details well.
- A: Thank you very much for asking me all of these things.
- Q: With respect to your leg injury, are you familiar with the battle of Mazer-e-Sharif?
- A: Yes, I was in the hospital and was told there was fighting at Mazer-e-Sharif and the Taliban had fallen.
- Q: You were in the hospital for a month, two months, three months?
- A: It was three or four months.
- Q: Earlier, you mentioned that you didn't meet any foreigners. What is your definition of a foreigner? You did a lot of travel around Afghanistan.
- A: When I was with the Taliban, I didn't even see a Pakistani. They are even considered foreigners. I didn't see anyone except Afghans.
- Q: All Afghans then?
- A: Yes. There were Afghans from everywhere, like Kandahar...
- Q: No Arabs from Saudi Arabia or Yemen?
- A: I swear I haven't seen any Arabs.
- Q: You said you were never in Khost. Khost is also a province that is bigger than the city. Were you ever in Khost province?

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- A: I haven't heard of Khost as a large province, but I've never been there. Afghanistan is my country and I've heard a lot of names from other provinces, but I didn't go to most of them.
- Q: Sherberghan, that is just west of Mazer-e-Sharif?
- A: I've heard the names of west and east, but I don't know if it's west or not. It's by the sunset side.
- Q: That works, thank you.
- A: The other side of Salanga (ph) is north.
- Q: That's good. Sunset works fine. Thank you.
- A: First is (inaudible), but it's near sunrise. When you go from my place, first Salanga to Mazer-e-Sharif and then Sherberghan.
- Q: Thank you, I have no more questions.
- A: I want to say something else. I gave my address to you guys and I even swore, but if you don't believe me or my swear, you can go ask about me in my country.

**Tribunal President's Questions to Detainee**

- Q: Is there any other information that you feel would be important to help us determine if you have been properly classified as an enemy combatant?
- A: I'd like to say one thing. You were accusing me of joining the Taliban. At that time, the Taliban was the government of Afghanistan. Even if I were in Afghanistan, now I'd join the government, if any government came. You have to support the government.

I didn't do any military (inaudible) in other countries. If I did activities in other countries, you can blame me for that. It was for my country. I was for Afghanistan and whatever I did, I did it in my country.

This is up to you. You can release me, keep me in jail or assassinate me; the punishment is up to you. If you have any proof, evidence or witnesses against me that I was with these foreign people, or if I had a friend in Khost that can prove this...

In Bagram, they said if I told the truth they'd release me. I've said the truth since the day I left my house, to the day I went back to my house.

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I've said the truth to them. This is your decision. I've already told you about what I was involved in. I will never do that again. I have my address with you guys and my letters and picture with you. I will never do that again.

**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. Marine Corps  
Tribunal President

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