

**Summarized Sworn Detainee Statement**

*The Tribunal President began reading the Tribunal instructions to the Detainee. Upon completion of the swearing in of the Personal Representative, the Detainee interrupted and stated the following:*

Detainee: They (referring to the Personal Representative) have not fulfilled their duties before, how are they going to do it right now?

Tribunal President: The Personal Representative has fulfilled all the duties that she can.

Detainee: Fine.

*The Tribunal President then went on to explain the rest of the Tribunal process. When asked if he, the Detainee, understood this process, he stated the following:*

Detainee: You have told me about this process, can I have the Urdu translation of this process so I can read it right now?

Tribunal President: No. That is what your translator is here for right now.

Detainee: I want to know the benefits and guidelines I have so I can follow them to speak up for my testimony.

Tribunal President: Basically, you can provide us an oral testimony today.

Detainee: Fine.

Tribunal President: Do you have any other questions concerning the Tribunal process?

Detainee: Yes. I hope you will do 100% justice with me. Up to now, the Personal Representative has not answered my questions satisfactorily.

Tribunal President: We are an impartial panel that is here to look at your case.

Detainee: OK. Fine. As I have told you before that my PR has not given me the answers to satisfy me.

Tribunal President: Well, you may ask questions of me.

Detainee: Can I have the Urdu translation of the evidence?

Tribunal President: We're not to that point of the proceedings yet. However, you will be able to look at that and address each one of those points on there.

Detainee: This is the first time I've seen that paper, because those papers [are supposed to be] given to us four months before.

Tribunal President: Are you talking about the paper notifying you of having the Tribunal?

Detainee: Yes.

Tribunal President: We don't have a translated copy of that letter available, do we?

Personal Representative: Yes, ma'am.

Detainee: I need that.

Tribunal President: We'll take a brief recess while we locate it; otherwise, we'll drive on.

Detainee: You have those papers?

Tribunal President: If she can locate it, we'll try to get it for you.

Detainee: You are hoarding those papers.

Tribunal President: We are not here to debate this issue.

Detainee: If you cannot do that, what can I expect of this process?

Tribunal President: We will take a brief recess to see if we can find this.

*At this time, the Tribunal President took a brief recess while the translated version of the notification documents were retrieved for the Detainee. The Tribunal was quickly reconvened. The Recorder summarized the nature of the evidence in full.*

Tribunal President: I notice (on the Detainee Election Form) that you have requested three letters from your family you have received here at GTMO. I understand from the Personal Representative that she made an effort to find those letters. As such, she has not received any official notice back that they can be located. We understand those letters were written from family members, and they were with you one month prior to your capture; as such, they would not have any first-hand knowledge prior to your capture. Based on this, we determine that these will not be relevant to your enemy combatant status. At a later point in the proceedings if we deem they do become relevant, we will reconsider this request. Do you wish to present evidence at this time, and do you wish to make a statement under oath?

Detainee: Whatever you like, I have no objection. First of all, I have to say that I do not know the process and when to speak, because I have never been to a Tribunal. Due to that, do I have the benefit to speak of whatever comes to my mind; can I do that?

Tribunal President: Basically what we're concerned about today are the points on the unclassified summary.

Detainee: OK. What is the process if you say ten things? I don't have a pen and paper to write it down and I [might] forget the process.

Tribunal President: We'll have the Personal Representative read each point, then you may respond to each one; she'll read one point, then you can respond to that one, then she'll read the next one, etc. The first thing, though, is I need to know if you will take the oath.

Detainee: OK.

*The Detainee stood up in place and was then administered the oath by the Recorder.*

Tribunal President: You may begin and your Personal Representative can assist you.

Personal Representative: (3a) *The Detainee is a member of al Qaida.*

Detainee: The first one is wrong. You ask me that, and I cannot present any proof. Can you give me the proof?

Tribunal President: At this point, all we can see is the unclassified summary; that's all we've seen on you.

Detainee: Fine.

Personal Representative: (3a.1) *The Detainee directed a network of ten madrassas' in Pakistan prior to his capture by coalition forces.*

Detainee: Can I respond on this? First of all, I have told you since the beginning that I have no madrassas. I'm telling you that I not only have one madrassas, now you are telling me I have 10 madrassas. I challenge you to give me proof. Whatever punishment you have for me I will gladly accept. If you can prove just one madrassas, I can accept detention for ten years.

Tribunal President: This Tribunal is an administrative process; there is no punishment.

Detainee: Madam, I am saying the same thing that madrassas are on this earth, not on a [another] planet. For three years, why can't you give me proof of the 10 madrassas? Madrassas is not something you can hide in someone's pocket so you can't see it.

Madrassas is a place or community like a high school; they are all over the world, it's not a small place. The other thing, regarding that I pulled some people to go to the battlefield for the other people; a madrassas is an organization or place where they give education to the people. Like the headmaster of a school or owner, he knows all of his students, and all of the people of the madrassas would not like to lose their own people, and do not give their people [away] to other people. A madrassas is not the name of walls, floors or a ceiling, a madrassas is the name of the people. If I have 10 madrassas' and was running them and was so busy, how could I go over there and leave my madrassas' behind? When I entered into Afghanistan on September 23<sup>rd</sup>, I entered there legally with a passport and visa. The proof of this is present in Pakistan and Afghanistan. When I entered over there, they registered my own passport and ID into their register. I have thought about all this since I entered at Bagram, and I have repeated this to my interrogators many times, too. I don't understand this; why you have not confirmed this with Pakistan? If you have not done so, why not? I have not told them anything so complicated that it would be so hard to find out about that. I know very well the date and month I crossed the border and I went over there. To confirm this from Pakistan is not that hard. I am sorry that up to this time you have not confirmed this. The basic thing is this: if I went over there with 10 madrassas', the next charge you say, is that I went over there with 2,000 people. If you solve this problem (with verifying the date I crossed the border), then this problem will be solved. If a person (must) enter with a passport (to get in) legally, then there are about 2,000 people that entered over there illegally. As of now, I am not allowed to have the letters and witnesses, and I've been here for three years waiting for a resolution to all of that. When a person enters another country legally, of course, he hasn't done so to do the fighting. I entered over there September 23<sup>rd</sup>, and after one and a half months, I got surrendered. In this time that I did all these things with 2,000 people, how do you think I had the time? If somebody is smart, and think with his brain, he could figure all this out. I am a shopkeeper. The proof of this is that my store is still open over there. The letters from my family show my store is still running. It is clearly written in the letters the condition of my store, and how my daughter is doing. It also talks about why I went to Afghanistan. I went over there to bring back my brother. For information, they (the Detainee's family) wrote in those letters my brother's name and why I went over there.

Personal Representative (3a.2): *The Detainee conspired with high-ranking al Qaida leadership to recruit fighters from his madrassas'.*

Detainee: Madam, when there are no madrassas from where I was recruiting fighters. As I told you before, why don't you give me the proof as to where the madrassas are? I am ready to get the punishment for those, and I've been suffering for three years over here. After my punishment, America should give me the proof and show me these were my madrassas. If you punish me, it is most necessary you show me the madrassas from which you punish me. Give me those madrassas back, if they exist. If not, then make it ready for me.

Personal Representative (3b): *The detainee participated in military operations against the United States and its coalition partners.*

Detainee: I did not participate in any action. The reason I went over there I already told the interrogators. I stayed in Kandahar for 1 night, and 10-15 days in Kabul. Then to Kaduz; over there I stayed a month or 20-25 days. In that time, from where and when did those 2,000 people come over and conspire with al Qaida and other things? If you connect all these charges with the other, they are wrong. I had not seen the Americans with my own eyes over there; I only saw airplanes. The only other time I saw Americans was when I was in jail when they interrogated me. I never saw them anywhere else.

Personal Representative: (3b.1) *The Detainee assembled a force of approximately 2,000 Pakistani and Arab fighters to battle the United States and coalition forces.*

Detainee: As I told you before, I entered there but only by myself. Where are these 2,000 people? Where are the Arabs in Pakistan with me? There are no Arabs in Pakistan.

Personal Representative (3b.2) *The Detainee led his force against the Northern Alliance on the field of battle in the vicinity of Takhar, Afghanistan.*

Detainee: I stayed in Afghanistan for one and a half years; I never heard in jail of this place. Where is this place? Is it a city or town? What is this? We were detained in jail with over 3,000 people from all over Afghanistan and other places, and I still never heard of this place.

Personal Representative (3b.3) *The Detainee led a portion of his force against the coalition on the field of battle in the vicinity of Konduz, Afghanistan, where he was eventually captured by the coalition.*

Detainee: First of all, I don't have those people to get them ready. I went to Konduz to bring back my brother. I was not captured. America is also a witness of this. The Red Cross is also a witness. The people from the jail in Afghanistan are also witnesses. They brought me over to this place after 1 ½ years when this camp started. Other people got word of an idea that they would get passage to go back. I never fought the Americans and I didn't get caught fighting the alliances. I got surrendered and I stayed in the jail. I did not get captured; you can witness this yourself.

Tribunal President: Does that conclude your statement?

Detainee: That's not my statement; that's my answer. If you have more questions, I will give you the answer.

*The Tribunal President then offered Tribunal Members the opportunity to ask questions of the Detainee. The Tribunal Member questions follow.*

Q: You stated your brother was in Konduz; what was he doing there?

A: He was there for fighting.

Q: You wanted to bring him back from fighting?

A: Yes. He went on fighting, but he was quite new; he had left the home maybe 20 days before.

Q: Did you bring him back because you did not believe in fighting?

A: We have no concern with the fighting. Our family situation was not that good and my father wanted him to be back.

Q: Your brother was fighting with whom?

A: The side of the Pakistani Taliban.

Q: When you surrendered, did you have any weapons with you?

A: No. I don't have anything.

***At that time, the Tribunal Members concluded their questions. The Detainee then stated the following:***

Detainee: I have a question. It's written on this paper that America is keeping me over here as an enemy combatant. I need the answer for that.

Tribunal President: I don't understand the question. Is the question is you want to know if you are an enemy combatant?

Detainee: No. On the notice that was given 5 months before, it says you are kept by the American Army as an enemy combatant; what is the answer for that?

Tribunal President: The purpose of the Tribunal is to ensure or confirm if that status is the correct one for you.

Detainee: Even our status was not confirmed up to now, then why was it written?

Tribunal President: The only purpose of our panel is to make sure the classification is correct.

Detainee: As you have charged me with all of this, I now have the right to present any proof or witnesses?



Tribunal President: Your Personal Representative has offered you the opportunity to do that.

Detainee: She did not answer me for that. She told me I was going to the Tribunal and that the President would deal with it. If you want to find out the reality about the facts, I am showing you the ways. Pakistan is not a country you cannot reach. You do not have a relationship with Pakistan? If everything is available, why have you not confirmed all of these things before?

Tribunal President: Again, let me tell you. This is the only information we've seen of you up to this point.

Detainee: Fine. I am giving you the proof that I have a store; the other proof is that you have letters. If I have that store, and you accuse me of having the madrassas, then who was running the madrassas when I had the store? It is clearly written in the letters that came recently. I was in Sherbergan the past year. Two months before, people were transferred about 4 different times. I was there for about 8 months. There was a leader over there named Ahmad Hahn. He's the governor of (INAUDIBLE). He belongs to the (INAUDIBLE) party. His people came to the jail and told us that people with the money can be helped to be released. I told them that if you give me the facility to contact my family, I can arrange to get the money. After that I was released from Shebergan to Mazar E Sharif. They sent me 250,000 Pakistani rubles. There is proof; there is a market in Mazar E Sharif. The money was handed over in that market. I received that money, and the proof of this is on a card that is with the Red Cross. That card is over there. The Red Cross knows about this very well. After receiving the money, they again detained me in the intelligence office and kept me in the basement. The Red Cross knows that for 3 months I was not in jail. The Red Cross came over here two times, but that's when they would hide me. The third time, I was presented to the Red Cross. They informed me before I saw the Red Cross that I should not tell them about the money. The name of the Red Cross person was "Falcon." He came to see all the detainees. I told him everything about the money, and he also talked about the money with the Americans. Again, I stayed in jail. Before that, Americans had already investigated me; I told them I was not a leader. As soon as I gave them the money, they told me I was the leader. The whole story is this: if you want to know and do justice, you can check all these things I have told you. I have proof for all these things I told you. The Red Cross has witnessed all this. When the money was sent over there, I have the proof. I also have proof I got the visa from the embassy in Karachi. When I crossed the border, I saw the number of my identity card and passport was written in their register. For 1 ½ years I was nothing until I gave them the money. And I disclosed the matter to the Red Cross, and they thought I insulted them by telling them about the money. After that, I was handed over to the Americans.

Tribunal President: Thank you for the additional information. We will take it into consideration when we make our decision.

*The Tribunal President then confirmed there was no more evidence to be presented, and began explaining the remainder of the process to the Detainee. The Detainee interrupted the Tribunal President and stated the following:*

Detainee: What do you mean?

Tribunal President: Let me continue to explain.

*The Tribunal President then resumed reading the remainder of the instructions. Upon mention of confirming enemy combatant status and notifying family, the Detainee then asked the following question:*

Detainee: Do I have to make contact with my family or do they make contact for me?

Tribunal President: We would encourage you to make contact with them to collect the information.

Detainee: You already have the proof; check what I have given you, and then I will also try.

Tribunal President: You'll get more information later as to what type of information they are looking for.

*The Tribunal President again resumed the instructions of the process to the Detainee, and stated the open hearing was adjourned. At this time, the Detainee asked the following question:*

Detainee: I have a question. I am sorry for that. As I told the Personal Representative, if I have witnesses and I want to bring them over here, she had explained a complicated system. Not me or anybody else can afford the expenses to bring anyone over here. First, to bring the witnesses over here is expensive, and the second thing is that they would need security for their life.

Tribunal President: The administrative review board process will have no witnesses, but this is where I would encourage you to get written statements from them. That certainly would help.

Detainee: I already told you that you have the letters, and the other witness is the government of Pakistan which can show I went over there legally. It is not that hard. I have the right to ask you to prove all this because I have been in jail for 3 years; that's 1 ½ years there, and 1 ½ years over here. Nobody has told me the reason I am here. Everybody asks me, but nobody tells me why. Everybody gives me orders and blame. I am a human being. I have also the right to find out about all these things. Nobody is ready to tell me who I can ask about this. I need the answer for this.



Tribunal President: I can tell you that we've given you all the information we can; the Administrative Review Board process will give you additional information.

Detainee: When will that be approximately?

Tribunal President: To be honest, I don't know what the date is.

Detainee: Then there is no benefit of you. I am an oppressed person, and I am just like the homeless people going from one place to the other. For three years, I went from one place to the other like a homeless person, and no one is telling me why this is happening to me. My family and my everything is distressed. I have a right to survive in the world.

Tribunal President: Your opinions or comments are noted for the record.

*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, United States Army  
Tribunal President