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Summarized Detainee Statement

Tribunal President: I understand there may be some confusion about the name that we should use. Personal Representative would you clarify that information for us please?

Personal Representative: Yes, ma'am. The government has his name as Abdul Hafiz, but the detainee prefers to use the name Abdul Qawi.

Detainee: Yes.

The Tribunal President informed the detainee regarding the Convening Authority for the Tribunal, the purpose of the Tribunal, and his rights under this Tribunal.

Tribunal President: Abdul Qawi, do you understand this process?

Detainee: I am listening and sitting here; yes, I understand.

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

Detainee: Yes.

Tribunal President: You have questions?

Detainee: Yes.

Tribunal President: What are the questions?

Detainee: Should I ask now or at the end of the Tribunal?

Tribunal President: If you have a question in reference to the process, you can ask the question now.

Detainee: I am asking about all the evidence and the classified information about me. If someone has accused me of all these accusations about me, I would like to look at all the evidence and documents to find out if it is true or not. I am not sure, so I don't understand why I cannot see these documents.

Tribunal President: You have had the opportunity to look at the unclassified evidence, and you will have the opportunity to response to the unclassified evidence in just one moment. The classified information cannot be seen by you for reasons of national security. Do you have any other questions?

Detainee: Actually, I am a human, a member of this world. But I don't know which documents or which evidence you are basing your decision on concerning my status. If

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some classified information states something about me, I would like the opportunity see it and refute it. I feel I have the right to know about the classified information.

Tribunal President: This Tribunal has not seen the classified information yet. Our decision will be based on the unclassified evidence, as well as your statement, and also the classified information.

Detainee: Actually, I have never been in a Tribunal. This is my first. In our culture, if someone is accused of something, they are shown the evidence. In Afghanistan, when they accuse someone, they tell them all the evidence.

Tribunal President: I understand. This Tribunal does not make the rules. These are rules that are determined by higher authority in Washington, D.C. This Tribunal cannot change the rules at this time.

The Tribunal President continued with the Tribunal process. The Recorder introduced the Unclassified Summary of Evidence (Exhibit R-1) and the FBI redaction certification (Exhibit R-2). The Recorder then began to explained the Unclassified Summary of Evidence.

Recorder: Madame President, I direct your attention to the Unclassified Summary, paragraph three, point number one, and I will read through all eight points. The detainee was affiliated with the death of two individuals in Kabul, Afghanistan, and worked for the Taliban 40-Man Militia group under a known Taliban commander.

Detainee: Is it okay if I answer that question?

Tribunal President: Allow us to go through each point first, and then we will go over it again and allow you to answer the allegations.

Detainee: I have a sickness, and I may forget from number one to number eight, which allegation is which.

Tribunal President: Abdul, we will read each point again, and after each point, you can respond to each point.

Detainee: Okay.

The Recorder read the rest of the Unclassified Summary of Evidence, and had no more evidence to present during the unclassified portion of the Tribunal.

Tribunal President: Abdul Qawi, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. I understand that you want to present information to this Tribunal. Would like to make your statement under oath?

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Detainee: I don't know about the laws and regulations. Whatever it is, I will do it.

Tribunal President: Abdul, we can administer a Muslim oath to you.

Detainee: Actually, I don't have any claim on Americans. I don't have anything to claim on Americans, but Americans have claims on me as an enemy combatant. America brought me here.

Tribunal President: My question to you Abdul, is if you would like to take a Muslim oath. Yes or no.

Detainee: Whatever the law is, because all these statement I have said are all true. So I don't know if it is still necessary for me to do the oath (inaudible). I was just in my home when they captured me and brought me here. I didn't do anything. So whatever I said is true. It is all true. If I have to take an oath, so I don't know.

Tribunal President: Recorder, administer the Muslim oath.

Personal Representative: Your Honor, before in our in interview yesterday, I went over this issue with him, and he told me that he did not want to take the Muslim oath for some cultural reasons. He might feel more pressure because of the Tribunal.

Detainee: I talked with my representative yesterday that our culture in our country is, if you take the Islamic oath, and in a situation where the witness is not available or not present, then the next person takes the oath. I don't know. I told my representative, if that's the first time, I could take the oath. But if there is another Tribunal, then I don't feel comfortable in taking the oath. But if there is only going to be one Tribunal, then I can take the oath.

Tribunal President: Abdul, this is the only Tribunal that you will be before. There is another board, depending on if we decide you are an enemy combatant or not. You are not required to take the Muslim oath, and we will still consider your statement whether you take the Muslim oath or not. We want to consider your religious beliefs and we will administer a Muslim oath if you would like. Abdul, I need an answer, yes or no, right now, so we can move on.

Detainee: If it is needed of me, if this is your law or regulation, then I will.

Tribunal President: Recorder, please administer the Muslim oath.

The Detainee was sworn using the Muslim oath.

Tribunal President: Abdul Qawi you may begin, and please remember to speak in shorter sentences so we can make sure we can translate everything that you say.

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Detainee: I don't know. Sometimes the Pashtu language is the way it is. It is longer.

Tribunal President: I understand. We will use the Personal Representative to read each allegation and you will be able to respond to each allegation.

3.1. Detainee was affiliated with the death of two individuals in Kabul, Afghanistan, and worked for the Taliban 40-Man Militia group under a known Taliban commander.

Detainee: I don't know about killing anybody or those two people that got killed. I do not work for the Taliban. You can ask about me, if you have any Taliban members here. I am a poor person.

3.2. When captured, the detainee was in possession of a personnel (sic) phonebook and a satellite telephone.

Detainee: Actually that was not mine. The telephone was not mine. I don't even know how to use that telephone. It belonged to somebody named Abdul Hafiz. I was working to bring peace. I was working for him as a laborer. He gave me the telephone and I had it with me when I was captured. That is how they found the telephone on me when I was captured.

Tribunal President: Abdul, can you repeat the name of the person who owned the telephone, and please spell it.

Detainee: Actually, his name was Abdul Hafiz. Abdul. A-B-D-U-L. Hafiz. H-A-F-I-Z. [Spellings provided by translator.] I am not educated. I don't know how to spell his name. I was working for him to bring peace. He gave me the telephone in the morning and told me to put it in my pocket. He told me to work and preach to the people not to fight. That war is not good. This is the reason that I lost my leg. Fighting is not good. War does not have good consequences. I had this phone with me until I got captured.

3.3 The detainee's fingerprints were found on the phone.

Detainee: Of course, I held it and grabbed it with my hands. At the time he gave me the phone, I held it with both of my hands and I put it in my pocket until the time I got captured. Then I took it out from my pocket and held it with both hands. Of course my fingerprints would show on the phone. This is obvious.

3.4. The detainee attempted to call an Al Qaida member who is linked to the murder of an International Committee of the Red Cross worker.

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Detainee: The telephone was not mine. I don't know how to use it. I don't have any information or know what Al Qaida is. I heard about Al Qaida in the (inaudible) and here in Cuba.

3.5. The Al Qaida member is identified as a Taliban and Al Qaida commander.

Detainee: Me? The detainee?

Personal Representative: The member that he is accused of calling.

Detainee: There is a big difference, because I was working to bring peace. These allegations accuse me of causing war and fighting in Afghanistan. I did not call anybody because I don't know how to use the telephone and it did not belong to me. It does not make any sense because I working to bring peace and would not call someone to do such a thing.

3.6. The detainee's satellite phone has been linked to the International Committee of the Red Cross murder.

Detainee: I don't know about that because that telephone was not mine. If I was using that telephone, or any other evidence on me, or any proof that I was killing someone, I don't know about that. It might be, but that telephone was not mine.

3.7. The detainee admitted he knew that the phone in his possession contained telephone numbers of individuals who were enemies of the U.S.

Detainee: That is not right because I still say that phone was not mine. If I could not use the phone, how would I know whose number is on the phone? I never admitted to a thing like that. Perhaps it was a mistake or misunderstanding in the translation. It does not make sense. The telephone was not mine and I did not know how to use the phone, so how was I to know whose number is on the phone?

3.8. When the detainee was queried regarding his knowledge of the International Committee of the Red Cross murder, he stated he did not know where "he" was killed. Detainee was then advised that he was not provided information regarding the International Committee of the Red Cross' (sic) gender.

Detainee: I did not know anything about it. That's why I did not give any information. I did not know anything about this killing, this member of the International Committee of the Red Cross. If someone gets killed close to my village, close to my house, then maybe I would know. But he got killed in Afghanistan, somewhere that I don't know. I don't have any information because I did not know anything about it. I am from Kandahar, the city of Kandahar, where we have a village. I am from the village called Marroof. Sometimes the water hits the ground, like a channel. There is a water pump near my house.

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Tribunal President: Abdul, that is the end of the allegations. Would you like to add anything else to your statement?

Detainee: Actually, since they brought me here, I told all the information regarding my file or chart. Everything I knew. But I would like to ask where the International Committee of the Red Cross person was killed? The reason I gave my address was because my house was there. So if that person was killed near my house, I would like to know.

Tribunal President: Abdul, we don't know where. We don't have that information here. We only have the information in front of us now.

Detainee: If you guys don't know, I don't know either. This is one of the allegations in my chart, in my file, that a member of the International Committee of the Red Cross has been killed. So if you guys don't know, then I don't know either. Why then, are you blaming me for these deaths? I am not guilty, so why do you claim that I am guilty?

Tribunal President: We will ask you, Abdul, some more questions and then maybe we will be able to determine some answers. We are not able to answer the questions in reference to the International Committee of the Red Cross member.

Tribunal President: Personal Representative, do you have any questions for the detainee?

Personal Representative: No ma'am, I do not.

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

Recorder: I have one.

Recorder: Abdul Qawi, point number seven says the telephone contained numbers of individuals who are enemies of the U.S. Can you tell me what you meant by a possible translation problem?

Detainee: The reason I said that was that the telephone was not mine, and it did not belong to me, and I did not know how to use it. I could not operate it, and I don't know whose number it was on the phone because I don't know how to see the number or use the phone. But someone gave the phone to me, and I had it until I got captured, and I took it out of my pocket and gave it to the Americans.

Recorder: And was that mistranslated?

Detainee: Actually, if I knew the telephone had some numbers, which would cause trouble for me, how do I say that? Of course I am saying my situation may not be right,

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because I never used the phone or I did not know how to use the phone. So how can they accuse me of knowing these people's numbers?

Recorder: Thank you. That's all I have, ma'am.

Tribunal President: Thank you. Do any Tribunal members have any questions for the detainee?

Member: Yes, ma'am. Earlier you mentioned that you had a sickness that might make you not remember. What is that?

Detainee: Actually, I have the disease of forgetting everything. I remember something and in the next minute, I can't remember. Even when I pray, when I use beads for prayer, sometimes I forget to say the verses when I use it. This is the kind of disease I have. I told them on the first day I was brought here that I have this kind of disease.

Member: When you worked for Abdul Hafiz, what exactly did you do?

Detainee: He told me, let's work to bring peace, that war is not good, and I said, okay, I will work for you.

Member: That's all I have, ma'am.

Member: Was Abdul Hafiz a good person?

Detainee: I saw nothing wrong with him. I did not see anything that would tell me he was a bad person. I did not ask him any questions. He had this motorcycle. That was it. I did not see any bad behavior.

Member: Did he work for an organization?

Detainee: No, I don't know about any organization. They were like a tribe, a kind of organization to try to bring peace.

Member: Did Abdul Hafiz work for any organizations?

Detainee: You mean an organization like the obvious organizations in Afghanistan, like an Islamic organization? Do you mean these organizations? What do you mean?

Member: Yes. Like some type of organization that would be an international organization coming and working for peace.

Detainee: Actually, I don't know about that because I wasn't given permission to ask him, because I just worked for him and he was my boss. I was just a worker. Normally, in our country, bosses ask all the questions from the worker. The worker does not ask the

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boss questions. He told me the Pashtu government, and all these people that speak Pashtu, that this was our government and let's work for the peace. He was preaching in the village to bring the peace, for the peace.

Member: What was Abdul Hafiz doing on the morning that you were captured?

Detainee: Actually, he was with me, but we separated because his motorcycle was not working. He had some problems and he told me he was going to fix his motorcycle. We went our separate ways and that's when I was captured.

Member: Why would Abdul Hafiz give you the telephone if you did not know how to use it?

Detainee: Actually, he told me we were coming from Kandahar to Mazat, and he asked because there was a checkpoint, a place we were not supposed to pass. He told me that he did not have any documents to have the phone with him. So he said, "You can have my phone because you are handicapped and I don't think they will search you. They would probably search me and ask me where the documents or the permission to carry the phone with me [is]." This is the reason he gave me the phone. I even told him that I did not know how to use the phone and he told me don't worry about it. If they asked me why I have the phone, he said he will talk to them about that. I am sorry if I say anything, because from the first day my brain is [not] working properly. If I said something in my interrogation that was different from what I am saying today.

Member: Just a minute ago, you indicated that the man with the motorcycle went to get it fixed and you split up. You kept the phone. But you also said that he would tell them why you had the phone if you got captured with it. But if you weren't with him, how could he help you?

Detainee: I don't know. Like I said, we were coming from Kandahar to Azarga, I was in the car and he was riding his motorcycle. This is when he gave me his phone, because he did not have permission or the right documents to carry the satellite telephone. He told me if I was to be caught with the phone, that he would speak up for me. That was when I was coming from Kandahar. This is when he gave me the phone. It was before my capture. He did not tell me anything. He would help me with the phone or something. If I knew that this would get me in trouble or put me in jail, I would have never carried the phone with me.

Member: No further questions.

Tribunal President: Abdul, have you lived in Afghanistan all your life?

Detainee: Actually, I have lived in Afghanistan all my life except for the times in Sheen, Pakistan. Then from Pakistan we went to Spin Buldak, and then we came to our place. So sometimes, yes I went to Pakistan, and then to Sheen, to come to my house. But my

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family, since I got captured, moved to Sheen. They are living in Sheen now, which is in Pakistan.

Tribunal President: Did you get paid for working for Hafiz?

Detainee: Actually, not Abdul Hafiz, but Abdullah, who promised me that he will pay me five to six thousand (inaudible) a month. This is why I was working. Otherwise I would not have worked.

Tribunal President: Who is Abdullah?

Detainee: Abdullah was the one -- it is in my file and my chart -- Abdullah was the one who sent me to Abdul Hafiz. He gave me the job to work for Abdul Hafiz.

Tribunal President: Did Abdullah pay you?

Detainee: No, I did not get anything because we would get paid at the end of the month. But before my month was over, I was captured.

Tribunal President: So you worked for Hafiz for less than one month?

Detainee: Actually, I did not even spend a day with him. Because that day we went to work, and his motorcycle was damaged, and he went fix it, and I got captured.

Tribunal President: Abdul, what did you do before going to work for Hafiz?

Detainee: Actually, I did not work because I was handicapped, and I could not do any job. I would just ask people to help me. I would ask for charity or donations. I was living my life this way.

Tribunal President: And where were you living at that time?

Detainee: When?

Tribunal President: Just before you went to work for Hafiz.

Detainee: I was in Chamoot.

Tribunal President: How long were you living in Chamoot?

Detainee: About eight to nine days.

Tribunal President: And where did you come from before Chamoot?

Detainee: I came from Marroof. I am from Marroof.

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Tribunal President: Did you see any fighters while you were moving from Marroof to Chamoot?

Detainee: No, because it has mountains and houses. Very poor people.

Tribunal President: Can you tell me what month and year you left to go to work for Hafiz?

Detainee: I don't know about the year or the date. If you can, see the date I got captured. I am not sure. I think I have spent 17 months here already. I got captured before Ramadan. Again, right now, I am not sure. But you can just figure it out from the date of my capture.

Tribunal President: Okay. Where were you arrested?

Detainee: There is another district of Kandahar, they call it Kahqraz. This is near Kandahar, and there is the village of Zaboodacon.

Tribunal President: Did you have to have a passport or visa with you while you were traveling from place to another?

Detainee: No, they don't use passports for people from Afghanistan. I am Afghani. I have the right to go from one place to another.

Tribunal President: Was there an I.D., or identification papers needed?

Detainee: No, it was not necessary because I was an Afghan. My nationality was Afghan, therefore I could go.

Tribunal President: Do you know why you were arrested?

Detainee: The reason, yes. I think I was captured because of this telephone. They told me all this stuff was in the phone, all these accusations about me are due to this telephone. Because of this telephone, I was captured. I still say I have nothing to do with this phone and was just working to bring peace. If I knew, I would not carry the phone.

Tribunal President: Who was it that arrested you?

Detainee: Americans.

Tribunal President: So Americans were at the checkpoint?

Detainee: Actually, it was not at a checkpoint, it was on a plane. I just ate and slept in the room and they came and captured me.

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Tribunal President: It was a what?

Translator interjection: Plane, maybe it was a helicopter, maybe he does not know.

Tribunal President: Abdul, were you attempting to board the airplane?

Detainee: Actually, they told me to go with them. I said, "Will you give me clothes?" They told me yes. I said, "Okay, I'll go with you." Then they put handcuffs on my hands.

Tribunal President: Do any Tribunal members have any other questions?

Members: No, ma'am.

Tribunal President: Abdul, do you have any other evidence you would like to present to the Tribunal?

Detainee: Evidence for what?

Tribunal President: Any other information that will help us to make the right decision.

Detainee: Actually, no, I don't have any other evidence or information. This is the condition that they brought me here for. I just told you about it and that was it. And I didn't do any bad or anything wrong. If I was doing something, then I probably--in that time I was in Afghanistan to defend myself.

Tribunal President: Personal Representative, do you have any other evidence, or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No, ma'am.

Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal 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

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