

**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-2 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 Detainee did want to 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.*

*3.a. The detainee is associated with the Taliban*

*3.a.1. On 27 March 2003, a Red Cross convoy was attacked in Afghanistan, and a member of the Red Cross was murdered on the scene.*

Detainee: I am not aware of the Red Cross members and the convoy. I haven't seen it. Nobody has seen me do anything to that convoy. I never took a gun in my hand and all of my people in my country are witnesses that I'm a person working with a shovel in my hand. I'm not aware of what happen to the Red Cross people. In that mosque somebody told me about that. I'm not a mad person (what he mean is not mentally disordered). Red Cross never killed my father or my relatives. You can get information from my country. I'm not a person dealing with guns. I'm also not aware of these accidents. They were mean with me. They put me in a jail, they were harsh on me, they told me that you did it and I'm not aware of it at all.

*3.a.2. Prior to the 27 March 2003, incident authorities in the Shahawali Kot area of Afghanistan were informed of a group operating in the area with the intent to do harm to westerners.*

Detainee: The attack could be by a means of a shovel, pick, gun or whatever. Not with clothes (one pants and one shirt) in the middle of the creek. If they found such a thing on me in my home then yes I am responsible for it. For instance, if I attack you in here right away I'm telling you. If I attack I will have something on me proven I would attack you and I did attack you. I know that Americans are not mean people but this is not correct if I'm in detention and these harsh times for these allegations.

*3.a.3. The detainee lives in Shahawali Kot, Afghanistan.*

Detainee: Yes I am living in Shahawali Kot.

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*3.a.4. The detainee is suspected of being a bodyguard of the individual responsible for the killing of Red Cross personnel.*

Detainee: A bodyguard would have a weapon or something to prove that they are a bodyguard. If I were a bodyguard there would have been evidence on me like a knife, gun, or something to prove my identity as a bodyguard. When they arrested me I never had such a thing on me to prove that I was a bodyguard. Basically I'm a poor guy and I don't have a father or a brother. I only have a senior mother with five kids. Even if someone gave me the responsibility of the United States, I would not accept it because I have to support my family.

*3.a.5. On 03 April 03, individual name Abdul Ghaffar was known to possess a satellite phone.*

Detainee: If they arrest me and I had such a thing on me then I would accept that responsibility. I have never had such a telephone in my hand, I never used it and I don't know how to operate it. I don't know why they brought this against me because I did not have it. If it was a satellite phone with me, today they could prove that this is your satellite telephone by evidence. I have never seen in my life such a telephone. I don't know what kind of situation this is. All I know that this is kind of mean on me.

*3.a.6. The detainee was captured in a creek bed by U.S. Forces on 21 April 03.*

Detainee: I was in my home and my mother woke me up because I was very tired from working in the potato and okra farm. It was the sound of the helicopter why my mother woke me up to go outside to go out and check on the cattle. When out from the door, there is a dried creek in front of us and when it is raining the water is running in the creek. I went out to the creek and I heard the sound of the helicopter, it was trying to sit down. At the time I could see the dust going up so I was trying to keep myself from it and I sat down. When the helicopter completely sat down. I wanted to go back to the my home but I saw from the corner of the wall three people they came and warned me to keep your hands up, then they arrested me. At the time I wanted to get up and go back home. I was confused thinking should I go or not. This is the time the three soldiers came and point the gun at me and said don't move. When they arrested me they put the cover on my eyes, then they tied up my hands and then they transferred me from place to place; finally I arrived here and I don't know why I was arrested. If I was an enemy of combat or a person with strong fighting there should be evidence on me that I did that. Why am I being counted as an enemy of combat with no evidence? I never worked with any kind of government; in this government or previous government, I was never involved. I'm a farmer. I have my family and I have to serve for them. I have six to seven kids of different ages. Why would I leave my kids? I have to serve them first. Even at the time of the Taliban, which was two periods on Afghanistan authority. I have never been with them for during their service. Why is it now these allegations are against me and now I'm an enemy of combat? We thought with Americans coming to Afghanistan would be a help. I can see now that it is worst than the Taliban. They brought me from (inaudible) up to Cuba. Right now it is roaming between people that

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Americans are helping and giving jobs to people paying \$5000. I'm the kind of person that has never seen a dollar and I don't know what it is. What I'm thinking is that I have animosity in my enemies. They handed me to the Americans because for their revenge they send me here and my family would be in trouble, this is what I'm thinking. I don't see any problem with me and the animosity is the basic cause for this. I was happy for my government and my country. If they were kind and friendly with me I could get a hundred people from my village or my country and those people were aware of my situation. They know that I fought in my life. I have never put my hand on a gun or done such an action. Even at the time of Jihad (he referring to the time of the Russians) I didn't pull up any weapon because the only purpose I had in my mind was serving my mother and my sister. My family was not happy about going into Jihad because my mother was getting upset when I was trying to talk about Jihad or going to Jihad.

Tribunal President: At this time is there anything you would like to tell the tribunal about your case?

Detainee: Yes.

Tribunal President: This is your opportunity.

Detainee: We were very happy (U.S.) came into our country because our country was under the harsh time of a dry year. At that time I borrowed 50 kilos of wheat from somebody and I have to pay him by working as a laborer for this person and that person. Right now, regarding to the hard economy, this year I send my little kids to my father-in-law house. I don't know what will happen. Why do Americans want to be mean to me? What is my crime? What crime was I arrested and detained in here for? Americans, instead of helping us with the poor and innocent people because our economy is not straight. They brought those innocent people to jail. Instead of helping and providing food my kids, which I'm not with them because I am sitting in this jail. Even though I didn't have a gun and I didn't do anything I'm still in this detention. What will happen to my children? Isn't this very mean to me?

Tribunal President: Let me tell you at this point. The only thing we know about your case is the unclassified summary. That is all we've seen about you.

Detainee: I want to say this in my testimony. This is a request for you all. Please look at my case and pay attention to it. If I have any evidence that proves my guilty being. I am responsible for it. This is my request.

***The Personal Representative and the Recorder had no further questions.***

Tribunal Members' questions

Q. You mentioned that maybe an enemy turned you in. Did you say that?

A. I don't know exactly. This is my idea. There had been chaos for twenty-five years in Afghanistan. People have animosity toward each other. We could see

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that Americans paid \$5,000 for each person. People handed different people to them. These people are thinking that once the people go to jail, like the time of the Russians, they will not return again. I'm thinking strongly it could be a person behind this that is thinking that my family, my sister, and my mother should be alone and they sent me to jail. Americans should not accept a person from just anyone for detention; they should have proven documents with him. I had only my clothes when I was arrested. There were no documents to prove that I did such activities.

- Q. How many people are in your village?  
A. Our village is a very big village. I don't know how many people are living there.
- Q. Is everyone of the same tribe?  
A. No there are different tribes.
- Q. You mentioned you father past away. Did he die from violence?  
A. No. He past away from a sickness, I was only twenty-five years. I (inaudible) only three years ago because he past and I (inaudible).
- Q. Do you know if your home was searched after you were captured?  
A. No. They didn't search my home.
- Q. Would you have had weapons in there?  
A. No, except for canton beds, pillows, floor, shovels that I work with and some knives that I use to cut tomatoes and eggplant for cooking.
- Q. Can you write?  
A. I can write a little bit. Only I can understand. It is not fluent.
- Q. In your village are there other people with the name Ghafaar?  
A. It is four or five people.
- Q. Do you always spell your name the same way?  
A. Yes it is all the same.
- Q. How old are you today?  
A. 47
- Q. You indicated that you wanted to join the Jihad but your family would not let you. Have you ever received any military training?  
A. No I have never had any military training. I never served the government. I have never been with people who have been supporting with guns.
- Q. Have you ever traveled outside of Afghanistan?  
A. No.

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- Q. So you don't have a passport or no identification?  
A. From my village up to Kandahar I have traveled, but not more than that. I know names of the province from the books we studied in the very primary classes and more than that I don't have information about the cities and province.
- Q. No passport?  
A. No.
- Q. Do you know whom the Red Cross is? Have you seen Red Cross personnel in Afghanistan?  
A. I have seen the Red Cross over there. They are helping organizations; they help doctors and watching the kids. One time in the bazaar over the loud speaker they were announcing about the (inaudible). My teeth were painful and I went over there to get treatment, they said no that these doctors are only for vaccinations and kids doctors not more than that. They were helping us with the wheat and other stuff over there.
- Q. Have you ever seen any violence against the Red Cross?  
A. No I have never seen such an action against the Red Cross. I am a simple farmer. All day I'm working and not going anywhere except for supporting my family by working for this person and that person. Right now also people are asking for the money that I borrowed from them. I said to my mother you have to find some people to pay for that.
- Q. When you were arrested were you arrested by Afghani troops or Americans troops?  
A. It was dark but when they (inaudible) it was American Forces.
- Q. Were you the only one arrested?  
A. At that that time no but when I transferred to Bagram it was four or five people and one of them was released from Bagram. The other guys were released from Kandahar.
- Q. Have you seen any of your villagers here in Cuba?  
A. No.
- Q. Your story about the ditch, I need to clarify. Were you in the ditch or beside it?  
A. Like I described it. The helicopter was coming to sit down and the wind was blowing the dust. The ditch is not too far from my home. I went to ditch and kept myself down. When I stood up the three soldiers from the opposite direction from a narrow spot came and put the gun on me and arrested me.
- Q. I'm assuming if you lived in Afghanistan all of your life, you knew who the Taliban were?  
A. A person who is working in that area will know the limit of his professional area. With the type of work that he is doing he will know those peoples. I'm a farmer

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and I could recognize a lot of farmers from my village. A person who was working with the Taliban could recognize different Taliban members. If a person is working with Mullahs he could recognize Mullahs. I was a farmer. If you ask me about the Taliban and ministers I would never know who they are. Somebody working with the director of Kings should know those people with their higher rank and government. In our village there were two or three people that were Taliban but they disappeared and I didn't even know who they were. I never worked with the Taliban to recognize their members.

Q. Did you ever see anybody in your village that had a bodyguard?

A. No.

Detainee: Can I talk about the jail?

Tribunal President: If you think it pertains to your case to help us to make the determination, Yes.

Detainee: I'm talking about my personal interrogations. It was harsh on me. For example some of the questions like you are related to Bin Laden or Mullah Omar, they were very harsh and bother me very bad.

Tribunal President: I am aware of some allegations that you told your Personal Representative and those have been forwarded up to the appropriate channels.

Detainee: I'm asking in here because you guys are all responsible people. Why it's harsh on me this much?

Tribunal President: Again the only thing we know about your case is just simply what is here.

Tribunal President's questions.

Q. Would you consider you village a safe place to live?

A. I'm a farmer. Who will deal with me? Nobody deals with me.

Q. I know some of the larger villages had actual security forces to keep control. Did your village have one as well?

A. In our village we can see that some of the commanders were working for the government. They were up and down, they are over there, and we could see their chains with them. The American Forces were not. We were having a hard time with the Rebels and they were hard on us and we were happy the Americans were going to do security for us but right now no one is doing security.

Q. I guess I'm still just curious. I know through a lot of other detainees they have told us that they had weapons in their house because it was such an unstable area and they were concerned about their own personal safety. Would you have been

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allowed to have one? Would the government in your area allow you to have a personal weapon if you wanted one?

A. I'm a poor guy. I am not wealthy enough to keep a gun in my home. Those people keep a gun or rifle in their home are wealthy people and they protect them self from being robbed. I'm a poor guy and I don't have any type of machine gun or rifle. If I'm a poor guy and I have a machine gun or rifle in my home then that it self is my enemy. The other thing is Americans arrested me and maybe somebody reported it wrong. I'm thinking that because of my sister and my mother or because of the \$5000 Americans are putting their hand. A long time ago I shot three bullets in a gun and somebody shot it for me and that was in a marriage party. They told me if you pull the trigger and squeeze it hard you can shoot. I didn't anything more than that on a gun. The gun did not belong to me. I had an argument with one person. His name was Abdul Haleke(ph). He told me you have to go to my room. I rejected him because he robbed people and that is why I didn't go. This why I suspect that guy, other than that I don't have a problem with no one in the village. This is what I'm thinking because I have never had any problems with anybody. When people were talking that Americans are arresting people and paying money for each person, that guy told me I will hand you to the Americans. I told him to get up from here. I told him you can't do anything because I don't have anything on me. I'm thinking that this guy did do something to me.

Q. Would you say that \$5000 is a lot of money in Afghanistan?

A. In Afghanistan you are talking about \$5000. One dollar is a lot of money in Afghanistan currency. If I worked two years I could not make \$5000. Even three years I could not make \$5000.

Q. Did you work specifically for a specific individual or would you go to different people as they had jobs they needed for you to do?

A. This is sort of like a village deal. Five days I would work for somebody and probably five with somebody else, who ever needed me. After awhile if I needed to work on my land I had to do that one also. Sometimes I was cultivating tomatoes and eggplants and this was after I finished my work and I have free time and if somebody needs me then I would go and work for him, whoever needed me.

Q. Did they usually pay you in money or did they pay you in goods?

A. For one period of the harvest I would receive 50 kilos of wheat. This is how they would pay me. Five days if go and work for somebody and it is farmer work. For example I would cultivate for him. Then after those five days another person would come and need me to make a mud wall or something, I have to work for him. Then another five days if I have some free time I will work on my land to do the cultivation. Then if I finish my cultivation. I will work for anybody that ask me. This is the way I survive.

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*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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