

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 Tribunal President then offered the Muslim oath to the Detainee. The Tribunal President also confirmed that the Detainee had requested two witnesses, both of which were available for the Tribunal. The Detainee and both witnesses took the Muslim oath before testifying.

The Recorder read all unclassified evidence in full to the Tribunal. The Personal Representative then stated each point of unclassified evidence separately to allow the Detainee the opportunity to respond, and included previously attained statements from earlier meetings.

Tribunal President: Do you still wish to provide information to this Tribunal?

Detainee: I don't have any documentation or proof or any evidence. I'm innocent and not guilty. I was one of the people working for the Karzai government. I don't have anything with me [to prove this].

Tribunal President: We welcome your statement, and you'll be given an opportunity at this time to make that statement, then we may have questions, and we'll call your witnesses to come in and testify.

Detainee: OK.

The Tribunal President then offered the Muslim oath to the Detainee; the Recorder gave the Detainee the Muslim oath.

Personal Representative: I will read the statements, and you may respond how and when you like. (3.a.1) *The Detainee served as the governor of the Narang district while the Taliban was in power.*

Detainee: I did not work for the Taliban government, but the Karzai government as a district officer in Pashat district, not in Narang. There is no Narang district in Afghanistan; I have not heard of it.

Personal Representative: (3.a.2) *During a raid conducted on his residence 2 May 2003, the Detainee was apprehended in possession of assorted Taliban paraphernalia; items for making improvised explosives and information about military posts.*

Detainee: That does not make sense because I was a district officer for the Karzai government. I would not make trouble for myself or the government. This is not true.

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There is no need for that. If they have proof, or capture or find anything with me, that would be a different issue. I would not do that.

Personal Representative: *(3.a.3) The Detainee gained experience with weapons during the Russian jihad.*

Detainee: I didn't have any training on weapons; I'm a poor man, and there is no need for me to have any weapon.

Personal Representative: *(3.b.1) The Detainee participated in military operations against the coalition. A witness observed the Detainee discussing rocket attacks on coalition forces, as well as transporting missiles.*

Detainee: If I talk about it, then where is my statement or speech? Was it recorded? I worked and supported for the government. You people work for the government; are you doing anything against the government? I would not do anything against the government.

(3.b.2.) The Detainee fired rockets at coalition forces.

Detainee: When America came to Afghanistan we were very happy because they could help our security and help us to live in peace. I still say I was working for the government, and I have a lot of respect for America.

(3.b.3) The Detainee provided weapons to the Taliban.

Detainee: This was not true because I was not in a battle, or a commander or a boss. I hated Taliban as I hated Russia. They came and robbed my house, arrested my brother in Jalalabad, and took 6 rifles from me. Then they put us in jail for one and a half months, and didn't release my brother; I don't support the Taliban.

Tribunal President (to the Detainee): Does this conclude your statement?

Detainee: I have nothing to say because I'm still saying I'm innocent. I should not be here. I shouldn't even be at this Tribunal. I'm innocent, and I don't know why I'm here. I'm requesting that I'm still innocent. I have small children at home, and I still want to support the new government. Actually, the Taliban was very oppressive. You are good people and respect human rights. Whoever sold me took money from the Americans. Whoever reported me, I'm thinking, was a friend of the government. When Americans came to my house, they said lay down on the floor. I laid down. They took me away for two days and beat me up badly. I'm still sick since that time. I'm not blaming you. The new people do not want the new government growing up. Americans hit me and beat me up so badly, I believe that I'm sexually dysfunctional. I don't know if I'll be able to sleep with my wife or not. Since that time, I'm really sick. I can't control my urination, and sometimes I put toilet paper down there so I won't wet my pants. I will not say anything if there is justice and honesty. I'll leave that up to you. I just say I'm very innocent.

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Tribunal President: Very well. We will accept whatever you want to tell us today, and take it into strong consideration as we make our decision.

Detainee: Thank you very much. Thanks to all of you. This was my fault because I was working for the Karzai government. I still worry about my kids, if they go to charity, or how they survive back home. I don't know who reported me to the Americans; these are opposing the government. There's documents and evidence to show, it's obvious, that I was a district officer.

Tribunal President: Thank you for your testimony today.

Detainee: During the Taliban, I was a carpenter. I hated the Taliban as much as I hated the Russians.

Tribunal President: We may have some questions for you, but does that complete your statement at this time?

Detainee: Yes.

The Tribunal President then opened up the floor for questions of the Detainee from Tribunal Members.

Tribunal Member: Good afternoon. We appreciate your testimony, but there a few things we want to clarify, please. Have you been a carpenter all your life?

Detainee: During the Russian jihad, I was a carpenter, too.

Tribunal Member: But carpentry was the primary means of supporting you and your family?

Detainee: Yes, because I was very poor and didn't have extra land or any other business. The only thing I could do was carpentry. This is why I had a lot of cuts and bruises from working hard.

Tribunal Member: You mentioned that you were a district manager; what does a district manager do?

Detainee: Actually it was very new; there wasn't much stability at that time. As a district officer I would try to bring security to the district and peace for the people. If someone had charges against each other, I would take care of that. It was my job.

Tribunal Member: If your previous skills were as a fighter and a carpenter during the Russian jihad, how is it you were qualified to be a district officer?

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Detainee: Actually I was applying for a higher position than that. We were working to bring the king back to Afghanistan. Because the sheik and Karzai came at the same time, I ended up with the job as a district officer. I didn't do jihad a lot, but my brother did. He was martyred during the jihad.

Tribunal Member: We express our regrets on the death of your brother.

Detainee: Thank you very much.

Tribunal Member: I want to return to when they raided your house, and you were there at the time. Was it both American soldiers and Afghan soldiers, or just American soldiers?

Detainee: I haven't seen any Afghan soldiers; I couldn't really see them. I was far away from them when they called my name. At my house, they found no weapons there or on me.

Tribunal Member: So you believe a personal enemy of yours is the one who accused you of being with the Taliban?

Detainee: I'm not sure; I don't know my personal enemy. I'm thinking that would be one of the members of the Taliban or HiG organization. These are the people playing games for their own benefit. They reported me to take money from the Americans. I'm thinking it was one of them.

Tribunal Member: I hope that you appreciate it's very unusual to hear that you were with the Karzai government, and that American soldiers would come in your house and beat you, if you were with the United States.

Detainee: Actually, this is not America's fault; they did not know me. Someone reported me; whoever it was, took some money, and this is why they did that and are ruining my life.

Tribunal Member: Have you ever been visited by an Afghan government delegation since you've been here?

Detainee: Yes.

Tribunal Member: Have they offered to help you in any way?

Detainee: When I saw him I got very upset; I was gritting my teeth and I couldn't control my emotions. He was asking me why I was captured if I was a district officer. I would say I don't know, and that I have the same question. When they captured me, I was a district officer. Then he told me he was here for a couple of days, and asked if I had any messages for when he goes back.

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Tribunal Member: How long ago was that, if you can remember?

Detainee: I'm not sure, maybe 10-15 days ago. I asked my Personal Representative if I could see them again, but haven't had the chance.

Tribunal Member: So the visit was very recent?

Detainee: I saw my Personal Representative 15 days ago and asked him, but he hasn't gotten back yet.

Tribunal Member: You corrected the statement that there was no Narang district; where is Pashat?

Detainee: I was the counselor during the Karzai government in Pashat.

Tribunal Member: Where is Pashat?

Detainee: It belongs to the province of Kunar, in a district of Kunar.

Tribunal Member: Is it a city or a district?

Detainee: It's a city with a little bit of people; it has a bazaar. In Afghanistan, there's a lot of destruction, and a lot of places destroyed.

Tribunal Member: I noticed on the map there is a Narang city in that district.

Detainee: Maybe, but I swear I haven't heard that name.

Tribunal Member: Are you familiar with the Kunar River?

Detainee: Yes.

Tribunal Member: Lived there a long time? How long have you lived in that area (Pashat)?

Detainee: Actually in Pashat, I did my job as a district officer for 8 months. I had been living in Nowabad (phonetic).

Tribunal Member: How close is that to Pashat?

Detainee: Far away from Pashat.

Tribunal Member: Is it northeast, southwest?

Detainee: The other side of the river.

Tribunal Member: Where the sun comes up?

Detainee: It is the side of sunrise, but my house is on the side of the sunset. I think that this place is in the south.

Tribunal Member: So you've been in that area for several years now, and you worked for the district manager for 8 months, but lived in the area a lot longer?

Detainee: I didn't live there; the government sent me there.

Tribunal Member: Can you tell me anything about a camp called Derunta around there in that district?

Detainee: Derunta is in Jalalabad. It is not near Kunar.

Tribunal Member: What can you tell me about Derunta Camp?

Detainee: Are you talking about Derunta Band? I know of the band, but not the camp.

Tribunal Member: Tell me about the band?

Detainee: They were stationed for electricity.

Tribunal Member: Ever hear of an individual referred to as "Red Eye" in that area?

Detainee: No.

Tribunal President: Were you born in Afghanistan?

Detainee: Of course I was born in Afghanistan.

Tribunal President: So you've lived in Afghanistan all your life?

Detainee: I lived all my life there. When the Russians came, I went and lived at Baichina (phonetic) Camp as a refugee sometimes.

Tribunal President: When the Taliban was in control of Afghanistan, what was your means of support; what did you do for a living?

Detainee: I was a carpenter. Even the Americans probably saw my tools still in my house.

Tribunal President: Did the Taliban at any time attempt to recruit you, or request your support in any way?

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Detainee: I was not that famous. Not famous enough for the Taliban to ask for support. Even if I was not an important person, someone indicated or thought I was an important person and reported me to the Americans.

Tribunal President: Well, somebody in the Karzai government considered you an important person to hire you, a carpenter, as a district manager.

Detainee: Actually, I was working with Haji Jahndat (phonetic). He was my commander when I was a district officer. Before that, security was very bad down here. Five of the people from the council were killed in the Pashat district. There were a lot of thieves, and I was there to keep the security. I wasn't very strong to think of myself as a district officer, but God helped me, and people were very happy to have me as a district officer.

Tribunal President: Why, once you were arrested, did he not come to your assistance?

Detainee: I don't know. God will help me. My children are very young kids, and maybe they are too small or scared to go and tell him.

Tribunal President: But the commander you had worked for -- surely, if one of his district officers had been arrested he would've been aware of that. If you'd have been doing a good job, and he thought you were innocent, he should've come to help you. Why did he not?

Detainee: I don't think at that time, the Americans were listening to anybody. They were only listening to the report or the document more. There was this man named Ruhhalou (phonetic) who was captured, and the whole province went to try to help release him. They tried by a bail bond, but he's still in jail. People came from 4 provinces to help him, but they did not listen. One day, I had the documents proving I was working for the government. They had them here, but I don't know what they did with them. They keep asking me to cooperate, and tell whatever I know, and they're still holding me up in prison.

Tribunal Member: The two names of the people you said were captured Ruhhalou and Sabralal, is that correct? Is Sabralal one of the individuals you asked to testify for you today?

Detainee: Yes.

Tribunal Member: Is the second person Ruhhalou or someone else?

Detainee: I don't know them very well, but the other one is Taj Mohammed.

Tribunal Member: You said you actually have papers signed by Khan saying you were district officer?

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Detainee: I was working hard, and I tried so hard; running up and down, trying to get a job with the government. I had all these documents from the internal ministry and the procedure was to become a district officer. I'm unsure where the documents are now. Karzai signed the application and assigned me as a district officer, and that document was lost in the internal ministry. So, I got another document signed by him. They still have the contract I signed.

Tribunal Member: Thank you; I have nothing further, sir.

Tribunal President: (to the Detainee) Thank you for your testimony here today. Do you have anything else for the Tribunal today?

Detainee: I have no more questions or anything to say. God be kind and help me. I'm still concerned because I was a member of the government and worked for the government. I'm very upset and I need treatment. I'm worried about my children, and I've suffered a lot of damage since I've been here.

Tribunal President: I'm sure if you make it known to the medical personnel here when making sick calls, that they'll take care of you.

Detainee: Every day they just give me a tablet. I want an X-ray of my body and to get a diagnosis of what is wrong with me.

Tribunal President: When was the last time you talked to medical personnel here at Camp Delta?

Detainee: Every morning they make rounds. They come all the time, but they just give me a tablet. I don't know English, but I tell them every day and I point at where the pain is, and I have problem urinating. I think they take it as a joke and they laugh. I am apologizing, but I think my testicle was damaged when I was beaten that time.

Tribunal President: I will instruct the Personal Representative to make a call to the medical personnel at Detainee control, to give special attention to this Detainee.

Detainee: The good thing is if they will take the X-ray of my whole body, then they'll know what is wrong with me.

Tribunal President: We'll make sure to follow-up on that. Whatever medical attention is needed, hopefully they'll be able to provide.

Detainee: Since I've come to Cuba, I've had pain. The other day the MP's or soldiers took away my pen. I had permission to have the pen with me in my room.

Tribunal President: That's beyond our authority here whether you have a pen or not, but we will make your need for medical attention known.

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The Tribunal President then took a moment to allow the first of two witnesses to be brought in to the room. The Tribunal President then verified this was a witness requested by the Detainee, and requested the witness identify himself.

Tribunal President: (to Witness # 1): We require you to take the Muslim oath, and that you tell the truth today.

The Witness agreed to take the Muslim oath, and was given the oath by the Recorder.

Tribunal President: Personal Representative, do you have questions for this witness?

Personal Representative: Yes, sir. (Now addressing Witness # 1): How do you know the Detainee?

Witness: I was a goat keeper, and he was doing the carpentry, so I saw him down there.

Personal Representative: Is there anything you want to explain, such as if you knew him well?

Witness: I know the time I was working as a goat keeper; I heard he was a carpenter. I heard later he was a district officer.

Personal Representative: Was he (the Detainee) a member of the Taliban?

Witness: During the Taliban he was doing carpentry.

Personal Representative: Do you know who he worked for?

Witness: He was working for the new government of Karzai.

Personal Representative: Have you ever known the Detainee to carry weapons?

Witness: No, I haven't seen that. Only time I've seen him I've seen the carpentry tools.

Personal Representative: (to the Tribunal): That was all the questions we discussed previously.

Witness: I told you yesterday that I knew him a long time, and he could be my witness also. Whatever I knew about him I would tell the Tribunal, and I would say the same thing to President Bush.

Tribunal Member Questions of Witness # 1

Q: Good afternoon. How long did you say you have known the Detainee?

A: About three years before jail; a total of 2-3 years, but 2 in jail.

The Detainee interrupted and stated "I was a carpenter during the time of the Taliban, so I have known the witness about 3 years." *The Tribunal Member then continued to ask questions of the Witness.*

Q: In Afghanistan, how often did you see him (the Detainee)?

A: Maybe 4, 5 or 6 times, but I was busy with my goat keeping. Anytime I saw him he was doing carpentry work.

Q: Did you ever have any business dealings with him?

A: I was in Afghanistan; I was just a goat keeper. Here in Cuba they think I am an important person.

Q: Where did you learn your English?

A: In Cuba.

Q: So all your English came from right here?

A: I actually learned the Koran in English here.

Q: No English back in Afghanistan?

A: I couldn't even understand Pashtu words before.

The Tribunal President then took a short pause to allow for Witness # 1 to be removed, and for Witness # 2 to be brought in to the Tribunal. Once Witness # 2 was brought in, the Witness was administered the Muslim oath.

The Tribunal President then opened up the floor to questions from the Personal Representative and Tribunal Members, once he confirmed that the Detainee had no questions of the Witness.

Personal Representative (to Witness # 2): How do you know the Detainee?

Witness: When the Taliban regime fell, they lost control. I moved to the province and saw the Detainee there.

Personal Representative: Is the Detainee a member of the Taliban?

Witness: No.

Personal Representative: How do you know he was not a member of the Taliban?

Witness: In Kunar, I was against the Taliban, and I knew all the important members. What I know of him (the Detainee) is that he was not Taliban. If he was Taliban, then he wouldn't have been working in Pashat area as a district officer.

Personal Representative: Do you know who the Detainee was working for?

Witness: He was working for the Karzai government.

Personal Representative: Did he carry weapons?

Witness: I don't know. I saw him many times with no weapons; but I don't know. A district officer carries no weapons because they are civilians. In our constitution, weapons are only carried by the military.

Tribunal Member questions of Witness # 2

Q (to Witness): How long had you known the Detainee prior to Cuba?

A: After the Taliban regime fell. Since that time, I just heard his name before, but I had not seen him until the Taliban was gone.

Q: Would you have any reason to associate with him while in Afghanistan?

A: I was only hearing about him when he was coming for a business meeting, and I was going to. He (and I) were going to a council meeting.

Q: What was your occupation in Afghanistan?

A: I was working for the Karzai government, in charge of the military division.

Q: You assumed those responsibilities soon after the new government took over?

A: Yes.

Q: So it seems that if you had responsibilities like that, and he (the Detainee) did as well, there'd be occasions to see each other.

A: Our job descriptions were different. He was a civilian, and I was military.

Q: Who came here to Cuba first, you or him?

A: I did.

Q: Does your reason for being here have anything to do with him being here?

A: I do not know what reason he is here. I didn't even know he was here until I got here. I don't know what reason I am here.

Q: Would you just tell us briefly why you are here?

A: I don't know why, and I have no information about myself. Since the Taliban came, I fought against them until they left Afghanistan. I got a job after the Taliban left. When the Americans came I gave them rooms in places to live. When Americans came to see people, I made appointments for them. I went to the Americans to see them; when I talked to Americans I made times for appointments. One day, they set an appointment at 12:00. After the meeting and discussion were over, and after the meeting, out of the blue, the Americans stopped me. I don't know what my fault was except that I made the appointments for the Americans. For that reason, maybe I was captured. Other than that, I would see the Americans every day, and nothing happened. I don't know why they took me to Bagram. From Bagram, to here, I have had interrogations. I don't know what was going on, because I was happy when the Americans came, I didn't have to hide in the mountains from the Taliban anymore. I was happy for the Americans because I thought they would bring safety and security, but now look at me; it's been three years in Cuba. I don't know what my fault is. The Americans came and we were happy we would live peacefully, and live a normal life. What did we do? Actually, I'm so embarrassed of the people we fought against. They are here in Cuba, and now we are here in Cuba. Now we are in the same boat as they are. When they see us, they laugh at us. They say, there is the Karzai government and they are here too.

Q: You indicated the Detainee was a civilian, and your position came from the military? Is that a correct understanding?

A: Because he was a district manager or district officer. District officers always have a civilian rank, but I had a military rank. My job was military. I was hired from the ministry of defense, but I think now they hire from the internal ministry.

At this time, the Detainee requested a break from the Tribunal President because he needed to go to the latrine. The Tribunal President then confirmed there were no more questions of the Witness, and thanked him for his testimony. The Witness then stated the following:

Witness: I want you to take our request into consideration, because we are happy you are asking about us and reviewing our case.

The Tribunal President thanked the Witness for his testimony, and took a short recess to allow Witness # 2 to be removed, and to allow the Detainee to take a comfort break.

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Tribunal President (to the Detainee): Do you have any other information you wish to present to this Tribunal?

Detainee: I don't have anything else to say. I just want your kindness in taking care of our cases. I request it be finished soon so I can go home to my family, and to work for the government, and get my job.

The Tribunal President thanked the Detainee for his testimony, and explained the rest of the Tribunal process. 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.

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Colonel, U.S. Marine Corps
Tribunal President

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