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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 Personal Representative provided the Tribunal with the Detainee election form labeled Exhibit D-A.

The Recorder presented Exhibit R-1 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence. The Detainee interrupted trying to answer allegation number 3a1. The Tribunal President explains to the Detainee that he will have a chance to address the allegations at a later portion of the hearing. The Detainee apologized and claimed he was mentally unstable and had not realized it was not his turn to speak. The Tribunal President recognized the detainee's understanding and continued the proceedings while encouraging the detainee to ask if had questions about the hearing.

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The detainee acknowledged he wished to make sworn statements. The Recorder administered 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 supported anti-coalition forces engaged in hostilities against the United States and its coalition partners.

3.A.1. The Detainee owns the compound that several individuals fled to after ambushing United States Special Forces and Afghanistan Military Forces.

Detainee: First of all I am a shopkeeper. I own my store. Every morning I go to the store and come back in the evening. At that time there was nobody in my house.

3.A.2. The Detainee knows one of the attackers who ambushed United States Special Forces and Afghanistan Military Forces.

Detainee: I did not know anyone.

3.A.3. Afghanistan Military Forces in Lalmai Village, Khowst Province, Afghanistan detained the detainee.

Detainee: Like I said earlier, every evening I go home after [working at] the shop. That day, when the market closed, I closed my shop and I was going home when the Afghan soldiers stopped me. When they stopped me, I asked them why. They asked me where I lived and I pointed to my house and they said that my brother had fought with them and I had to go with

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them. I told them I didn't know anything about that and I didn't know what my brother had done. They just took me with them.

Tribunal President: Habib Noor, does that conclude your statement?

Detainee: Other than that, the only thing I can say is that I am a poor man and I just run the store to make money for my family. I have a family, kids and a home. I don't know anything about that. They captured me wrongfully. I did not do anything. I am innocent. I am mentally ill because I fell from a mountain back home and I had surgery in Afghanistan. So sometimes I do not know what I am talking about because of my illness.

Tribunal President: How do you feel today?

Detainee: I am fine but when I talk a lot then I don't know what I am talking about. I get lost while I am talking.

Questions from the Personal Representative to the Detainee:

Personal Representative: How far were you from your house when you were captured?

Detainee: Like ten minutes walking.

Personal Representative: Were you aware of any fighting going on at your house or compound?

Detainee: No, I had no knowledge.

Personal Representative: And how far is the shop from your house?

Detainee: It is in the city.

Personal Representative: How far away is that?

Detainee: In a car, it is about a half an hour drive, because I live in the village and the shop is in the city.

Personal Representative: When you are away, are your wife and children in your home?

Detainee: Yes.

Tribunal President: Traditionally or culturally, what occurs if a stranger comes in to the compound while the men are away?

Detainee: They cannot come to the house.

Personal Representative: Are there any men left at home during the day?

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Detainee: No, nobody.

Personal Representative: What did the Afghanistan military forces tell you, after you were captured?

Detainee: They asked me where I lived and I pointed to my house and they said that my brother fought with the Afghan soldiers and they handcuffed me and took me.

Personal Representative: Is your brother older than you or younger than you?

Detainee: I have an older and a younger brother.

Personal Representative: Which brother did the AMF refer to?

Detainee: They didn't tell me which brother. One of my brothers is in Saudi and the other one is deaf. The older brother is deaf and can barely see. He lives in his house and I live in my house, and the other one is in Saudi.

Personal Representative: Which brother did you think they were talking about?

Detainee: I don't know.

Personal Representative: Are you close to your brothers?

Detainee: He is my brother and yes, I know my brother well.

The Recorder had no questions for the detainee.

Tribunal Members' Questions

Q: Based on what you said, I have two possible conclusions. I will tell you what they are and you tell me which one you think is more likely the truth, OK?

A: (Detainee nods in agreement).

Q: The first is that some people went to your house after they had done something but you didn't know anything about it because you were at your shop; the second is that nobody could've gone to your house because the only people in your house were the women and the children and therefore they would not have been allowed in.

A: No, no one comes to my house.

Q: And you know that because your wife and children were there without a male present?

A: Every day, I go to the shop and I come home in the evening. No one comes to my house before then. And if someone had come, I would've known when I got home.

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Q: And your wife would've told you if that had happened?

A: In our culture nobody goes to the house if there are only the females and the kids in the house.

Q: Except other males in the family, correct?

A: No, no one else can come to my house.

Q: Right, but your brother might have?

A: No, my brother has his house and I have my house. He can go to his house but not to my house.

Q: I understand your shop is a half an hour from your house, is that correct?

A: Yes.

Q: How do you get back and forth?

A: In a taxi.

Q: You hire a taxi everyday to go back and forth from work?

A: It is a taxi that people get on to go to the bazaar. You pay two rupees to go to the bazaar.

Q: What do you sell at your shop?

A: Sacks, just empty sacks.

Q: Who purchases those sacks?

A: We make it and people buy it to put stuff like vegetables and potatoes.

Q: How long have you run that shop?

A: Two years.

Q: Can someone who works near or at your shop confirm that?

A: There are a lot of stores next to me.

Q: Who runs the store right next to yours?

A: There are a lot of people from different areas. We just call him Haji. I forgot his real name. If you want a witness you can ask anyone in the ten or twelve stores next to mine. I can give you every person's name in the next ten stores. I can give you my neighbor's name. I told my PR the other day that I can give him a witness name but he said that because they are in the country of Afghanistan it is hard to locate them. That is why I didn't mention him but if the Tribunal wants I can give them a name of the shops or of my neighbors.

Q: All I am looking for is if you know the name of the neighbor in the store right next to you and I think you have already answered that.

A: Yes.

Q: What village do you live in?

A: Lalmai.

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Q: And where is your shop located?

A: In a bazaar in the town of Khowst.

Q: Can you describe your compound? How large was it? Does it have a courtyard?

A: It was a big compound divided in the middle, half is my brother's and half is mine. On my side, I have three rooms.

Q: So your brother shares the compound with you or the yard that adjoins the two houses?

A: We do not share anything. There is a room we divided in half, this is my side and that is his side.

Q: Is this the brother who is deaf or the other brother?

A: The older brother is separate. The other brother is living with me.

Q: What does your older brother do?

A: He is a farmer.

Q: Your other brother living in Saudi Arabia: When was the last time you heard from him before you were detained?

A: Because of my mental problem, I don't know how long ago that was and I don't want to give you the wrong answer.

Q: Did your brother send money from Saudi Arabia?

A: He just left like six months ago when I was there, so there wasn't that much time for him to send me money.

Q: When did you close shop that day? Was it after evening prayers?

A: Usually the market closes before sunset, so I closed my shop and I was going home.

Q: I understand you have a wife and children, how many children?

A: I have three sons and three daughters.

Q: How old are they?

A: They are small, (the Detainee gestures their height - approx. up to 4ft.).

Q: I am guessing the oldest is ten years old?

A: I don't know how old they are. I just measure them by height. I know he is my oldest because he is the tallest.

Q: OK, but he is not old enough that his voice changed, he is still very young?

A: I don't know how old he is.

Q: Your older brother, does he have a family as well?

A: He also has kids that are small also.

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Q: Are your wife's relatives near by?

A: They are far [away]. They live in the mountains.

Tribunal President: Habib Noor, do you have any more evidence?

Detainee: No, nothing else, but all I request is that you understand that I am innocent and wrongfully accused. I was just making sacks to sell at the bazaar to make money for my family. I would like to go home because I am worried about them.

Additional Tribunal Member Question

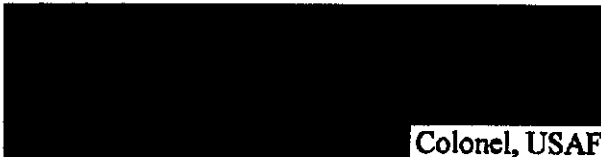
Q: Did either you or your older brother have a weapon at home?

A: No, not even a small one. We are poor and innocent, we do not do that.

The Tribunal President explained the remainder of the Tribunal process to the detainee and adjourned 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, USAF

Tribunal President

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