

Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee then made the following question:

Detainee: I have a question about the oath. Is it that I have to or if I want?

Tribunal President: If you wish to. It's your choice whether you take one or not.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

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

Tribunal President: I see by the Detainee Election Form that you have elected to participate today evidenced by your being here. I also understand that you requested a witness, essentially anyone from your Madrassa. And I understand that basically you requested that they could testify to your good character. Essentially, character is not relevant to the Enemy Combatant issue and that request is denied.

The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath

Detainee: You asked me the question if witnesses are needed then I present the witnesses if not, and I don't have a witness for your questions then I answer for myself.

Tribunal President: Yes, and your witness request was denied but we certainly would be interested in your oral statement. Do you choose to make any statements that you would like to make under oath or not?

Detainee: I can do it under oath.

The Recorder administered the Muslim oath to the Detainee.

3.1. The Detainee attended the Shikay and Zaku Khel madrassas in Afghanistan.

Detainee: I say yes. I can testify that I was.

3.2. The Detainee was a student at the madrassa during the Taliban rule.

Detainee: In the time of the Taliban I wasn't a student in the madrassa. I have a witness I could tell you who is my witness.

Tribunal President: You can just tell us yourself. We don't need to hear a witness we certainly can hear it from you.

Detainee: I could provide you a witness but the individual is here in the camp.

Tribunal President: We essentially just need to hear your story. It doesn't have to be verified by somebody else. We will accept your word.

Detainee: At the time of the Taliban in this madrassa I was not attending... in this madrassa.

3.3. The Detainee acted as a guide to a group of individuals attacking the Salerno Fire Base.

Detainee: I don't know this kind of group. I did not have the group and I did not have anything to do with the group.

3.4. The Detainee acted as the guide for a group that had weapons, surveillance equipment (cameras and binoculars) and radios.

Detainee: I didn't see no cameras, no radios, and photo equipment with no groups.

3.5. The Detainee met with an Arab man and an Afghan man who gave him money prior to the attack on the firebase.

Detainee: I did not receive any money. Nobody gave me any money.

3.6. The Detainee was arrested for aiding personnel in operations against the Salerno Fire Base.

Detainee: I was not part of the operation and did not help the people who operated on the base. I do not know about it.

3.7. The Detainee was captured after the group that he was traveling with was engaged in a gunfight with the Afghan Militia Force (AMF).

Detainee: I was arrested on a battlefield. I was going on my way when I was arrested.

Tribunal President: Is there anything else that you would like to add to your statement?

Detainee: What about?

Tribunal President: Either these bullets or anything else that you would like tell us.

Detainee: The questions that I answered, you can ask my friends, the ones that I was captured with, the answers I provided are they true or not.

Tribunal President: Is there anything else you would like for us to know?

Detainee: No, I don't have anything else.

Tribunal President: Would you be willing to answer some questions we may have for you?

Detainee: Yes.

Tribunal President: I like to let Detainees know that at this point this (the Unclassified Summary of Evidence) is the only piece of information we have seen about you. So we may ask you some questions about your background and all simply because we don't know anything else about you other than this. Will that be all right with you?

Detainee: Why not?

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

Personal Representative: Just one point for clarification. Was it before or after the Taliban that you went to the madrassa?

Detainee: At the time of the Taliban in the named madrassas I was not attending to the madrassa. I was studying but in my own village somewhere else. Not in this madrassa.

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

Recorder: No ma'am.

Tribunal President: Do any Tribunal members have any questions for the Detainee?

Tribunal Members' questions

Q. Sir, where are you originally from?

A. I am from Afghanistan, province of Khost, Sakafel (ph) village.

Q. What brought you to the madrassa that you studied at?

UNCLASSIFIED//FOUO

A. Because I was uneducated and I wanted to be educated. That's why I went there to learn something.

Q. When was that?

A. I cannot remember because when I went there I was very little and I don't remember that time.

Q. Where in Afghanistan was the madrassa that you studied at?

A. Which madrassa are you talking about?

Q. How many did you study at?

A. At the time of the Taliban I went to a madrassa, which was located in my own village. I learned from our mala (ph). The madrassa was very close to my house. My home area.

Q. Do you recall when that was? You said at the time of the Taliban, do you recall about when?

A. I was very little. I don't remember no dates. At the time when the Taliban came to my area I was very little. I don't remember. At that time I was studying from my Imam, which is the mala (ph) in my own village. After the fall of the Taliban I went to second madrassa where I was captured.

Q. Have you ever received any military training?

A. No.

Q. Any training on weapons at all?

A. No. I don't know weapons. How could I train for it?

Q. Where were you living at before you were captured?

A. In my home. I was studying in that madrassa then walking home.

Q. Who was living with you in your home?

A. My father, he was living with us, now he is deceased, my brothers and my nephews.

Q. What was your job at that time if you had one?

UNCLASSIFIED//FOUO

- A. We have a small land. We were working on our land. We were growing corn, vegetables and wheat.
- Q. How old are you?
- A. When I was arrested, approximately I was 21.
- Q. Were you arrested before September 11th of 2001 or after?
- A. I cannot recognize September 11th.
- Q. Sure, let me clarify that. The attacks on the United States. Are you familiar with those?
- A. Yes.
- Q. Were you arrested before or after those attacks?
- A. After.
- Q. To the best of your memory, about how long after?
- A. I do not have no dates. I do not know about dates. All I heard from the radio that somebody attacked America.
- Q. Again, I'm not asking for a specific date but do you have an estimate of how many days? Not a specific date but an estimate.
- A. Previously I told that I don't know dates. I've been in this jail for the past one and half years. Probably one year before that.
- Q. Let me try it one last time a different way. Do you recall if it was winter time, summer time, what time of year as far as seasons are concerned?
- A. Summer time.
- Q. Can you just describe the facts and circumstances of your arrest? Who arrested you?
- A. I was walking towards the village with my friend and that village the Afghan soldiers were in there and they saw us and arrested us.
- Q. Did they explain to you why they arrested you?

ISN# 1050
Enclosure (3)
Page 5 of 8

UNCLASSIFIED//FOUO

001595

A. At the time of my capture they didn't tell me anything. When they took me to the base they told me that I attacked them and I did this and this. That's why we captured you. They didn't tell me what this was though.

Q. Who were you arrested with?

A. Another individual by the name of Salim.

Q. How do you know Salim?

A. I did not know him previously. I met him on the way going to the village. That was the time that I knew him.

Q. Were you arrested with anybody besides Salim?

A. At the time of my arrest nobody was with us except Salim.

Q. Just prior to your arrest, was there any gunfire in the area that you heard?

A. Sir, I cannot recall that I heard or not but I can tell you that that's Afghanistan, you always hear the sounds of gunfights.

Q. What did they teach in the madrassa?

A. In the madrassa I studied Koran, religious books, and books about Islam.

Q. Did they teach jihad?

A. No.

Q. What does jihad mean to you?

A. I don't know the meaning of jihad. Why should we call it jihad?

Q. Did you participate or belong to any charitable group?

A. No.

Q. Did you ever work for al Qaida or the Taliban?

A. No.

Tribunal President's questions

Q. Other than the training at the madrassa did you have any other formal education?

A. Yes.

Q. What level did you go up to? Elementary school or....

A. I studied until third grade.

Q. Was there a reason why you stopped going to the formal education?

A. Because I couldn't study Koran. I wanted to study Koran.

Q. In the Unclass Summary they refer to a Salerno Fire Base. Do you know where that is located at?

A. Never heard the name. I don't know what is the meaning of Salerno.

Q. So you don't have any idea whether the Salerno Fire Base is near your village?

A. If I don't recognize the name, how could I know if it's close to my village?

Q. That's what I was asking.

A. I don't know Salerno.

Q. Did you have any weapons on you or did Salim have any weapons on him when you were arrested?

A. I did not have a weapon. Salim had a weapon.

Q. Was it just rifle?

A. I saw that he was carrying a rifle. I don't know the name of the rifle.

Tribunal President: I have no further questions. Is there anything else that you would like to tell us?

Detainee: I don't have anything to tell you and I don't have any questions.

Tribunal President: I'd like to thank you for your participation in this Tribunal today.

Detainee: Thank you very much.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee no previously approved witnesses to present to the Tribunal and closed the open session.

Detainee: Excuse me, I just remembered that I have a question.

Tribunal President: Okay.

Detainee: When the Tribunal is in session. What is my situation in the future? What would you do for me, what would you do to me?

Tribunal President: This is an administrative procedure only. Essentially, we determine your Enemy Combatant status. In just a minute I will explain to you what happens in reference the Enemy Combatant status decision. Please keep in mind that this is an administrative function and there is no punishment connected to it.

Detainee: Okay.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and 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, U.S. Army
Tribunal President