

**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.***

Detainee: I will tell the truth and nothing but the truth.

Tribunal President: That did not sound like a question. Do you have a question about what we are doing here today?

Detainee: Tribunal.

***The Tribunal President concluded from the detainee's response that he understood he was attending a tribunal and did not ask a specific question about the tribunal process. The proceedings continued. 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).***

Tribunal President: I would like to clarify that the unclassified summary says "AMF," and I understand that means the post-Taliban Afghan Military Force (AMF). For the record AMF is considered a coalition partner of the US.

***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 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 committed a belligerent act or supported hostilities against the United States and its coalition partners***

***3.a.1. The detainee was captured in the Khowst Province, Afghanistan.***

Detainee: Yes it was my brother and I. We lost out herd of goats, he was looking through his binoculars, they captured him and after I walked through to find the goats they captured me.

***3.a.2. The detainee was arrested within 500 meters of the site of and Improvised Explosive Device (IED) attack on a patrol.***

Detainee: I never heard, I never saw, I never did.

***3.a.3. The detainee is a known Anti-Coalition Militant who took pictures of AMF soldiers and U.S. persons and turned them over to the al Qida office in Wana, Pakistan***

UNCLASSIFIED/FOUO

Detainee: I am not against America. I am not the enemy. I am not with the enemy and also I never took any pictures, and I did not have any pictures to take to (inaudible).

*3.a.4. The detainee was involved in the shooting of a former AMF soldier.*

Detainee: No. I never did that.

*3.a.5. The detainee is a member of Hezb-E Islami, Gulbuddin (HIG).*

Detainee: No. I'm not.

Personal Representative: When we talked earlier you told me that the HIG was not even in your area.

Detainee: It was never there.

*3.a.6. The HIG is listed in the U.S. Department of Homeland Security Terrorist Organization Reference Guide as having long-established ties with Usama Bin Ladin.*

Detainee: I don't know and I also do not have any business with them.

*3.a.7. The detainee held a meeting of Senior HIG officials at his residence on 10 December 2003, to discuss a planned rocket attack on the Loya Jirga.*

Detainee: This is a wrong allegation against me. This never happen.

Personal Representative: When we spoke earlier you had mentioned that you lived in a very small tent and that you could not have a meeting there.

Detainee: We don't have a house. I never have had a house. I live in a tent. We are Kuchi. This means one week here, one week there and we just pay someone to stay from one place to another. We do not have an apartment.

*3.a.8. The detainee was actively seeking new recruits and former HG members to join the organization in the Kabul, Afghanistan are in September 2003.*

Detainee: I have never been to Kabul in my life. Only time I went to Kabul because my mother was in the hospital. This is the only time I have been to Kabul. I have never been there again.

Personal Representative: Do you want to elaborate on what you do for a living and how you travel around?

Detainee: Yes I will do. I would like to find out (inaudible). Please let me go home. I have never been an enemy of America and never will be. Please help me to go home, they release my brother from the (inaudible) and they brought me here. I have nothing to do with this. It is all just wrongful allegations. They brought me here to Cuba. I tell you I have nothing to do with

UNCLASSIFIED/FOUO

ISN#1051  
Enclosure (3)  
Page 2 of 5

000133

this. I am worried for you guys, nothing else in my life is more important than taking care of the animals. Of course there were a lot of things going on, a lot of people maybe telling you a lot of things but that is wrong. Please, I ask for my release. I'm not upset with you, I'm not mad with you. Please release me to my kids, to my home to do my duties again. I never harmed anyone in my life. I never (inaudible) people. I just worked hard to support my family. We were happy when America came to Afghanistan, we hoping to repair our country to find a decent life and daily work to support our family. I have no dispute with anyone in my entire life. I don't have any enemy here or back home. I don't have a problem with anybody in my life. I am also a very poor guy. You guys are always welcome; you always have the right to ask about me and the place I live, who I am, what I did in my life, what my duty life. You guys always have the right to ask. I never worked for any government. I never worked for anybody. My life was always working taking care of the animals from one place to another.

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

Tribunal Members' questions

- Q. Did you have a weapon?  
A. No. We have a very old gun for home protection.
- Q. Is your home a tent or do you have a home you go to periodically?  
A. Tent.
- Q. How do you move from place to place? What do you use for transportation? Do you have a vehicle?  
A. On a camel.
- Q. Could you please tell us what each of your witnesses would have told the tribunal if the would have been able to come? First your brother Qader Khan and was this the same brother that was also arrested with you?  
A. Yes that was my brother. He was arrested and then he was released.
- Q. What could he have told us about your detention that would help the tribunal?  
A. He would tell you that I'm a very poor guy and that I'm Kuchi and that I have not done anything in my entire life wrong.
- Q. Also your cousin Muraad.  
A. He would say the same thing.
- Q. In the Detainee Election form the Personal Representative said that your cousin would have more information that you had nothing to do with the HIG or opposition forces and that you had nothing to do with acts against the United States?  
A. Yes he would definitely tell you the same thing because I'm a Kuchi. I have nothing to do with HIG or nothing to do with acts against America.

UNCLASSIFIED/FOUO

Q. Your last witness was also your cousin and your father-in-law Mamai.

A. He would say the same thing.

Q. Who captured you?

A. Afghan military.

Q. When they captured you did you have a weapon with you at time?

A. No.

Q. Do you own a camera or have access to someone that owns a camera.

A. I don't know what a camera is.

Q. You explain that your lifestyle is one where you have to move a lot. How many are your group that move? How big is your family that move?

A. Kuchi tribe is a lot of people but we move from one place with maybe one to three families together.

Q. Does your cousin move when you move?

A. Yes. They also do the same thing.

Q. The three witnesses that you requested. Do they move regularly with you? Do you see them every single day?

A. Yes. We see each other all the time.

Q. Your occupation is one where you work on open land; do you see a lot of military forces?

A. No, we do not see any soldiers.

Q. What part of Afghanistan did your tribe move around in?

A. We go to Lugar(ph) only when the grass has grown there.

Q. What is the nearest town or city around Lugar(ph)

A. There is no town or City only a mountain to take care of the animals.

Q. Is that on the border with Pakistan?

A. No it is close to Kabul.

Q. Have you ever been conscripted by the Taliban?

A. Never. We have no business with the outside world. Our tribe just works.

Q. Did any relatives have to join the military?

A. No, they never ask us or contact us.

***The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal.***

UNCLASSIFIED/FOUO

ISN#1051  
Enclosure (3)  
Page 4 of 5

**000135**

UNCLASSIFIED/FOUO

Detainee: I'm shocked and surprised. I don't know who wrote these things about me. I am a really poor guy. I have no idea of what is going [on]. I don't have any knowledge of these things.

Personal Representative: Could you please describe exactly the circumstances when you and your brother were captured?

Detainee: We lost five of our goats and sheep. My brother was looking for them through the binoculars and I was looking for him and the soldier came and captured him, then I came behind him and they captured me to. My equipment did not work for a long time and this was the reason why we lost our animal and camels in the jungle. That is all I have to say.

Tribunal Members' questions

Q. Where do you sell your livestock?

A. Yes we take them to the auction in the city or to the village and sell them there.

Q. What city would that be?

A. City of Khowst and a lot of people coming from other areas would buy livestock.

*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, USAF

Tribunal President

UNCLASSIFIED/FOUO

ISN#1051  
Enclosure (3)  
Page 5 of 5

000136