

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.

Tribunal President: The detainee election form states you want to participate in the Tribunal. It also identifies you requested 3 witnesses; this Tribunal approved your request for witnesses. We made a request to the Department of State to contact your embassy of Afghanistan. The Afghanistan Embassy was to locate your Brothers. We didn't get a response from the Embassy. We have not heard from the witnesses. Do you understand?

Detainee: Yes, I understood, I live close to where the American forces are. Americans can even take it to them.

Tribunal President: I understand but if we don't have cooperation from the Afghanistan Embassy then we cannot do anything without their authorization. Do you understand?

Detainee: Yes.

The Recorder presented Exhibits R-1 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 Tribunal President states to the detainee he may now present any evidence/information to the Tribunal with the assistance of his Personal Representative.

Detainee: About these allegations, the Personal Representative talked to me about them. These allegations are not based on the truth; they are lies. It was in the evening when Afghan and American forces came to my door and....

Tribunal President: Before you continue would you like to make your statement under oath?

The Detainee took the Muslim oath.

Tribunal President: Would you like the Personal Representative to read the allegations one by one; then you respond to the allegations. You will then have the opportunity to add any statement after that.

Detainee: Yes

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3.a.1. The detainee purchased explosives from an individual who is known to sell high explosives to anti-coalition militants.

Detainee: This is all not correct.

3.a.2. The detainee is an anti-coalition militia member.

Detainee: This is all not correct.

3.a.3. The detainee purchased a Kalashnikov rifle, six magazines, two hand grenades and one American Bolt-Action Clip-Fed rifle from a shop in Kabul.

Detainee: This is a lie that I bought this from Kabul. I bought it in Gardeyz, and that was a long time ago – when the mujahideen were fighting against Russia.

3.b.1. The detainee is responsible for a rocket attack on the Gardeyz Firebase.

Detainee: This is not completely correct.

Tribunal President: Would you like to add any additional information.

Detainee: I am innocent. Why have I been here for two years? Well not two years, but one year and a few months. I am innocent. Why are you keeping me here? This is my statement: if someone has proof on me; they have to bring it forward. Otherwise, they don't have to keep me in here; it's a waste of time.

Personal Representative Questions.

Q. The weapons you had, do you remember what year you got them.

A. I bought the Kalashnikov when the mujahideen were fighting the Russians. The rest of them I bought at that time. I am not sure of the year.

Q. Why did you buy the gun?

A. We were scared; the location of my house is out alone. This was for our protection, for the house.

Q. Was the gun bought or did your father give it to you?

A. The gun was from the United States; it was bought by my father. I purchased the rest of them.

Neither the Personal Representative nor the Recorder had any further questions.

Tribunal Members' Questions.

Q. Did you ever buy hand grenades?

A. Only 2 of them.

Q. Did you ever use them?

A. No.

Q. What is your occupation?

A. My father was a jeweler, and I knew a little about it. My father was a cattleman and sheep farmer, and that is what I like to do. I would also take them to the center to sell them.

Q. What province are you from?

A. Gardeyz.

Q. When you were arrested, was anyone with you or were you alone?

A. My brother was with me.

Q. Just one of your brothers?

A. Yes, only one.

Q. Did you have any weapons when you were arrested?

A. No, it was at my house.

Q. Not with you?

A. No.

Q. As far as you know, is your brother still in custody? Or, was he released?

A. When I asked the translator, he said that my brother was released.

Q. Did you know about the attack at the Fire Base?

A. No.

Q. Did you hear rockets or grenades going off in the distance?

A. Yes, sometimes I could hear the sounds of guns.

Q. Why did you have hand grenades?

A. When I bought that gun, the owner told me if I want them he would give them to me.

Q. Did you ever tell anyone that you were responsible for a rocket attack on a firebase?

A. No, I didn't.

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Q. Do you know if anyone has reason to lie about you?

A. I just know that, when they brought me here, they asked me: why are you here? I told them I didn't know why. They asked me if I used rockets against the military place, and I said, "No". They asked me about my enemies. Do I have animosity with anyone? I told them "Yes".

Q. Do you have enemies who made up these allegation against you?

A. When I was interrogated, I said the names of two people. Then, later on, I thought that maybe it wasn't them.

Q. Have you ever fought with Taliban against anyone?

A. I have never fought in my life.

Q. Do you have any association with anyone from al Qaida?

A. No, I swear to God I didn't know what al Qaida was. When I came to the camp, they described them to me. I thought all Taliban was supposed to be al Qaida.

Tribunal President's Questions.

Q. Did you use the weapon that you purchased?

A. No, only one time at a wedding party. I used two magazines.

Q. Were you ever approached to join the Taliban or al Qaida?

A. No. Why should I do that? I was too busy working.

Q. Are there groups of Taliban in your province?

A. I swear I don't know anybody in our area. We only have 10 to 12 houses over there. The rest of the people from those houses went to Pakistan as refugees. Most of them left when Russia attacked.

Q. Is anyone in your town a Taliban soldier?

A. Yes. At the checkpoint, not too far from us, they are there.

Q. Did they have any control of the area?

A. Only the checkpoint.

Tribunal President: Is there any other comments you want to add?

Detainee: No I have said all I wanted to say. I am innocent.

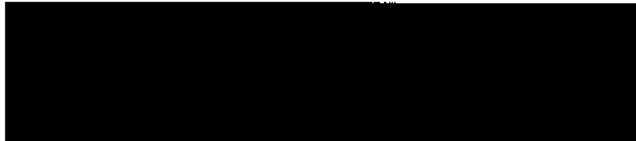
The Tribunal President confirmed that the detainee had no further evidence or witnesses to present to the Tribunal.

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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, United States Army
Tribunal President