

Summarized Unsworn 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 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 addressed the availability of the detainee's requested witness. He stated that the US government contacted the Afghanistan government to locate the witness on or about 18 October 2004. As of the date of the hearing, the Afghanistan government had not responded. The Tribunal President ruled that the witness was not reasonably available because the tribunal did not have the cooperation of the foreign government.

The detainee did not want to take the Muslim oath. Due to his personal beliefs of the Islamic religion. The detainee made a personal promise that he would tell the truth.

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.1. The detainee admitted serving in the Taliban.

Detainee: I did served with the Taliban; it was not voluntary or by choice. The Taliban directed me. I did serve with them for six months as a soldier.

3.a.2. The detainee served as the Taliban commander of the Baghram Airport.

Detainee: None of the Taliban commanders stayed at their houses; they are always somewhere. I got captured at my house; my personal enemy reported me. I was never a commander at the Baghram airport. This is not true.

Personal Representative: You said, "you were drafted by the Taliban", do you know how many years ago?

Detainee: I served with the Taliban about three and a half to four years ago. At that time the Taliban was not an enemy with the United States. I served with them for six months and we were not enemies of the United States; nor were there any hostilities with the United States.

Personal Representative: Did you have anything else that you wanted to tell the tribunal. Why you should not be an enemy combatant?

Detainee: I wanted to tell all the members of this tribunal my statement. I am innocent; they brought me here because (short pause) this is my story. The first allegation about me being a member of the Taliban; I was drafted by them it was not my choice.

The second thing about being the commander at Baghram. Is there any proof or documents that show I was a commander? You can go and ask the government about me. They will let you know if I was a commander or not. I am not blaming the Americans who captured me; I blame my personal enemy. My personal enemy was the one who killed my uncle. I was by the river getting ready for prayer, in the mean time my enemy reported me to the Americans and they came and captured me. I haven't even seen Baghram until the Americans captured me. That is when I saw it; but before that I have never even seen Baghram. About the first allegation about being a member of the Taliban. Is that is my crime? In Afghanistan about sixty percent of the people were drafted by the Taliban to do service for them. This is not my fault, so if you keep detaining me or holding me here for that reason I don't know what to say. There is a government there in Afghanistan you can ask about me. There is something they can provide to you if I was a commander of Baghram. I did have two personal enemies who reported me. I am innocent and look at my life in here with handcuffs on my hands and my feet this is not my destiny. About being the commander this is completely not true. About being a member of Taliban or working for Taliban, they wanted three hundred thousand from me; I didn't give them the money so I had to work for them for three to six months. The Taliban were very bad people they were an oppressor, they tortured people or made them do something for them. You are not aggressive so why are you doing this to me? I don't look like a commander. I am really a poor man, I have an older father and I have children. I was a farmer in Afghanistan to provide food for my kids. I just want to be released and go back to my family to take care of them. Since I have been here I have lost sixty-five percent of my mind, I am getting mental problems. If I can get released I can still work and complete my life. If I loose my mind I won't be able to provide food for me. This is my statement and I told you all about me. This is now up to you.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. After you stopped working for the Taliban where did you live?

A. I was in my house.

Q. Where is that located?

A. In the city of Halmand.

Q. What job did you have?

A. I have land. I was taking care of my land.

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Q. I understand you were a farmer. Can you tell us what you were growing?

A. Tomatoes, wheat, corn, beets and some vegetables.

Q. You mentioned that you had personal enemies more than one can you give us their names? Specifically the ones you think turned you in.

A. Their names were Sabar Gul and Osman.

Q. Why do you think they were your enemies? Besides one killing your uncle; was that the reason?

A. It has been a long time since Sabar Gul and I have been enemies. He tried a couple of times to harm me.

Q. When you were drafted as a Taliban soldier, what were your duties?

A. I was a driver. I was driving a Russian truck.

Q. When you served as a Taliban soldier, was that near your home or somewhere else?

A. I was far from home, once I spent with them in the province of Sabargan. The other time served with them for three months in Kabul.

Tribunal President: Do you have other evidence to provide to this tribunal?

Detainee: I don't have any evidence or witness. Do you have any evidence or witness that I was a commander in Baghram?

Tribunal President: As I said before this is all we know at this time. We will have another session, which will be closed, and we may receive some more information.

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

(b)(6)



Tribunal President