

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process but had a question concerning his witnesses.

Detainee: I have a couple of more witnesses from the camp. They are willing to come here and testify. Can I bring those witnesses some another day? One witness is going to come today, but I have a couple of other witnesses that are willing to come and testify.

Tribunal President: No. You have identified the witnesses that you would like to be called. We will not continue to add to the list. We have made an effort to produce those witnesses, and I'll explain that later.

Detainee: That's fine.

Tribunal President: Do you have any other questions concerning the process?

Detainee: No.

The Recorder presented Exhibits R-1, R-2 and R-3 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.

Tribunal President stated that the detainee wants to participate and has requested several witnesses. Six of the eight witnesses are off island witnesses. Three are from Iran and three are from Afghanistan. In addition to that, he requested 2 witnesses from the camp. All witnesses have been determined relevant. On 20 December 2004, a request was sent out to the foreign embassy. There was difficulty processing the request through the Iranian government because the United States does not have diplomatic relations established with Iran. Efforts were still made to contact these witnesses. The request was unsuccessful, and the witnesses had been deemed not reasonably available. For the witnesses from Afghanistan, the first witness request was sent to the Department of State on 20 December 2004, the second on 3 January 2005 and a third request was sent on 10 January 2005, all contacting the Afghanistan embassy. As of this date, 15 January 2005, we have not received a response from the embassy on the status of these witnesses. The witnesses' have been deemed not reasonably available. The request for the two in camp witnesses was processed. One witness will be providing an affidavit and the other will be testifying at this hearing on the behalf of the detainee. The Tribunal President reassured the Detainee that this would not be held against him for any reason.

Detainee: The witness that was going to give the witness statement, he was the most important witness for me. I would've preferred to directly ask him questions. I believe that would've helped my case a lot.

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Tribunal President: I understand. It's their choice: whether they chose to participate and in what manner.

Personal Representative: This is one of the cases where the JDOG has said that he can't attend since it's a cross camp witness. Therefore, we had to take a statement.

Tribunal Representative: JDOG, for the record, stands for Joint Detention Operations Group.

Detainee: Since he was the security commander of the province of Paktia, so he knows about my case very well, and the security part of the evidence, he could've helped me a lot.

Tribunal President: I understand though, we do have an affidavit from him.

Detainee: My point is, please consider his written statement when you read it, and please take it seriously.

Tribunal President: So that you understand too, we will take everything with great seriousness and give everything due process. Understand that we will take all the evidence, the testimony that we will hear from the witness in person, as well as the affidavit, and your testimony as well as all the other evidence.

Detainee: Thank you very much.

Tribunal President: Today, we've come here today with an open mind, we haven't seen any thing in your file, up to this point. As you have observed, we have taken an oath to ensure that we make our decision, in a fair and just manner. We will not make any predetermined decisions, we will only come to our decision after we have reviewed all of the evidence and heard all of the testimony today. Understand too, that since the witnesses that you requested were unable to be produced we will not hold that against you in any way.

Detainee: Thank you.

Tribunal President: A final thing from the detainee election form is that the detainee has requested no documentary evidence to be produced, is that correct?

Personal Representative: Actually, Sir, that has changed. In my follow up with the detainee two days ago he requested two items from his wallet. Unfortunately, detainee property has not been available the last two days; I have not been able to contact them on that. I think he can speak to the significance of those items at some point in time.

Tribunal President: So that he is aware of it, as we deliberate his case, if we feel those documents would be of significance in our decision, then we will continue with the attempt to obtain those documents.

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Detainee: That's excellent Sir, thank you.

The Recorder administers the Muslim oath to the detainee.

Detainee: In the name of Allah, the most compassionate, the most merciful.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

Detainee: Mr. President and respectable tribunal members, with all respect to all of you, delighted, that after approximately one and half years for the first time witnessing a Tribunal, which apparently looks like a court system.

Mr. President, I am detained here under very hard conditions and away from all opportunities. I am a physician specialist, who was born in the city of Gardez Province of Paktia in Afghanistan in 1959. I am a Farsi speaking Shiite who belongs to an educated family. I am married and have 2 sons and 1 daughter.

I would like to add one thing, when I'm talking about dates and years, we have different calendars, so I tried to be precise but it might be approximate dates.

In 1979 during the communist and Russian occupation I left the Kabul University and immigrated and until 1990 to 1991 fought against Russians with Afghan Mujahedins. I gave them medical help. Then I continued my education and after the withdrawal of the Russians I quit political and military activities. I finished my education and became a doctor in 1997-98, which was unfortunately the time of fascistic regime of Taliban. I have spent that time of my life in immigration and adversity. In order to make a living I had to work very low paying jobs below my qualification. After the fall of Taliban and establishment of democracy and the end of April 2002, I went to Gardez. In May of the same year I participated in the election of the Loya Jirga (commission of tribal leaders). At the beginning of that process, I had been elected by local people and then by the people of Gardez. The Loya Jirga process was under United Nations observation. I have the membership card of that Loya Jirga, that I would like my Personal Representative to see to give him a chance so he can go and find it and add it to my file. That's my proof of me being the people's representative in Loya Jirga. Please, keep that in my file.

When the meetings of the Loya Jirga finished and some of the problems in Gardez like appointing the governor been solved, I left the country and went to Iran for the purpose of bringing my family from immigration, and there in Iran using the share of Afghan refugees I and my brother doctor Said Ishmael went to Hajj (a Muslim holiday of sacrifice) in February 2003. In the month of August of the same year, along with my brother and cousin Dr. Reza, with the advice of some specialist and the help of our people and participation in election in the Loya Jirga, I returned back to my country. Our people welcomed me. After spending 2 days in Gardez in my father's guesthouse, I was arrested without knowing my destiny and have been detained ever since.

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Mr. President, now I would like to present my statement. Do you want to read the evidence, and I answer?

Tribunal President: The Personal Representative can read each one and you answer.

3.a. The detainee is associated with the Taliban and/or al Qaida.

Detainee: Mr. President, not only do I not have anything in common with the radical Taliban and extremist Al Qaida, I am totally against their ideology, thought and concept. How come during their power I lived a terrible life as a refugee, spent the best period of my life - after the completion of my education - with the lowest paying jobs and never used their power? If I had any ties with them, I would have had the best position in their government or at least returned to my country. Why I would show the effort to reestablish their power? Try to help them? With which motive? Its well known to everyone, including my family, my brothers and government that I have never been with Taliban, never associated with them and was against their ideology.

These are the following reasons why I am not with Taliban:

1. I never been a Talib and I have been an educated man. Taliban are the people who mostly study religion. Usually the Taliban are against the educated people.
2. They are Sunni and fanatic and I am Shiite and don't have any problems with any group. As you know, in Islam there are two branches, Shiite, and Sunnis.
3. They are Pashtuns and I am Farsi speaker. They had an animosity against Farsi speakers.
4. They are narrow-minded radical and I am a Muslim who considers all Muslims like my brothers.
5. They are against education and learning especially for women, and in our family everyone is educated, including all women.
6. They are full of anger and with no logic and I am peace loving with the wisdom and logic of seeing all the goods in peace.
7. They were strong and powerful and I was homeless and straggly.
8. The most important, they looked at Shiites as infidels and enemies. According to them, helping Shiites was a sin and illegal thing to do. I mean Taliban and al Qaida, not all Sunnis.
9. Now, how could I show the effort to bring those in power, who once being in power showed the worst cruelty to me to my tribe and the Shiites? How could I show my resistance and opposition to democracy, while I and my relatives who returned from the refugee life have found our social and political identity as peoples' representative, participated in determination of our fate. You know that during the Taliban regime no Shiite had the right to express their opinion, while during the democracy Shiites had candidates in the presidential election. Why and with which motivation do you think I would oppose the democratic government and associate with the Taliban and their like-minded people, what for? What did I have during the Taliban regime that I would lose with democracy? Power, money, position, political motive religious motive? What did the Taliban have that would have attracted me? In attention to this introduction, I am expecting you to accept

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my defense and statement as truth. I will put God as a witness to your judgment and action, because God is my only help. I have to add that my detention is result of a plot and conspiracy. They pointed the sensitive points that are important to Americans in order to make a legitimate and acceptable case against me. They got their money but accusations against me are false and not true.

Mr. President, I'm going to answer all the accusations right now.

3.a.1. The detainee was captured with AK-47's, a submarine gun, carbines, 21 hand grenades, and 7.62 mm ammo at detainee's compound.

Detainee: Mr. President! You know that I was an immigrant. I want to clear something. When I was an immigrant, I was an immigrant during democracy. I was immigrant in the time of Russian occupation.

You know that I was an immigrant and during this travel I was staying in my father's general guesthouse and was arrested with my brothers and cousins. In the guesthouse there were lots of cousins and relatives and I was not armed at that time. I did not have any need of weapons. Therefore, on this accusation, only the part that says that the detainee was captured in his own house is true. Now, if they found any weapons from the compound or the Guesthouse, that has nothing to do with me. My father and his six brothers built that guesthouse 40 years ago. Now it is occupied by 18 families with different occupations.

I drew the map of the guesthouse and my personal representative has it. That is the compound of my father, and this is the part of the guesthouse.

Personal Representative enters exhibit D-b, sketch of father's compound drawn by the detainee.

Tribunal President: We can identify the guesthouse on here, as he indicated.

Detainee: As I mentioned, that compound is occupied by 18 families with different occupations.

Having a weapon in Paktia and Gardez is a normal thing and every house has it, even if it were mine I would have following explanations for it.

I had only been in Gardez for two days, so I didn't have any time to become armed or get any weapons from anyone.

- 1) The conditions in Paktia after the fall of Taliban, especially after the Pacha Khan's attack on Gardez, were unusual and everybody needed to have a weapon for their own protection and the government encouraged people to acquire weapons for personal safety.
- 2) Government agencies including military and security forces didn't have weapons issued by the government, so anyone who is working for one of these organizations

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or even in American camps had to have weapons. A few people who live in this compound or guesthouse are military or government workers. So, they had to have those weapons.

- 3) The communist government used to give people weapons and people have kept those weapons while they were waiting for current the transitional government to disarm the tribes; AK-47 and carbine are common among those weapons.
- 4) People of Paktia have been armed ever since the independence of Afghanistan and they are dismissed from military service. Having a weapon is not a crime in this province, and yet Paktia province has not been disarmed. Lately its been announced in Gardez that armed people can't walk only inside the city limits, therefore I want you to judge this. One in his own guesthouse and in front of his guests would be armed with guns and hand grenades? If this were not my house I would have not denied it, because it is not a crime to have a gun. Most of the people in Gardez are armed, for this reason it's not a big deal in Afghanistan. I only found out about these weapons accusations in this court. It was unimportant and they did not asked me about it during my interrogations. If I were going to stay in Gardez for a long period of time, I would have definitely acquired a gun personally or would have gotten one from the government for my own protection. And if it were necessary I would have gotten a permit for it too.
- 5) If you pay attention to the FBI's report, it says that the weapons were found from the compound and not personally from me. Not even from the house where my belongings or my brothers were in. My interrogators showed me the FBI report, if my Personal Representative has that evidence, I would like him to give it to the tribunal.

Tribunal President: It may be in the classified evidence that may be presented later.

3.a.2. The detainee entered Afghanistan from Iran in August 2003, carrying funds to be distributed to Anti-Coalition Militants (ACM) on behalf of Saifullah Rahman Mansour.

Detainee: This is not my first trip as it was mentioned in April 2002 in order to visit relatives and to attend the National Assembly to participate in the Grand Assembly in Paktia and the election of the Governor and helping the government. In this trip I was there for three months and few days.

In this trip I did not secretly enter Afghanistan and Gardez. My cousins, brothers and I openly entered Gardez and faced incomparable welcome from the people. Ten cars traveled many kilometers to greet us. As a result, these false reports of jealous people were made against me.

I had on me 350 US Dollars, a few thousand Afghanis, and some Kaldars, which was my travel money. Is this the money that I brought from somebody else? In the accusations it is mentioned that I brought money, which means existence of this money has been proved. Please tell me which money? How much? In where? Who saw it? Who did I give it to? This is imaginary, invisible and psychic money. I am asking the reporter to answer this question.

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Tribunal President: She will not be able to answer that. That will be contained in the classified information.

Detainee: That's fine.

Tribunal President: Please continue.

Detainee: Is it possible that one's mind could accept the fact that an educated, dignified, social well known with other dignified people will carry money with him without the consideration of lack of security, theft of the government, would not be scared and only do the transportation of the money?

If you only see my personal life or ask, you would know that I don't have extra money and I don't even know the way of making easy money. On the other hand I only spent two days in Gardez, so what happened with the money? At the time of my welcoming ceremony and during my first two days, I was with government officials and with them was the former security commander of Gardez, Mr. Saeed-ul Hague was present. More important, there are no insurgents against America and there are no operations against the coalition forces in Gardez, because the people of Gardez can live under the shadow of democracy and not fighting. I don't know anybody who is against democracy or who gives money for that purpose. I don't know where Mansour is and I don't have any ties with them. I don't know any insurgent or any group that is acting against the coalition forces. I passed the polygraph about this issue twice. The result of my polygraph test should be in there and I'm asking my Personal Representative to add that to my file also.

Tribunal President: It may very well be in the classified information.

Detainee: Therefore this is unrealistic, imaginary and it is a plot and conspiracy that the coalition forces have in Afghanistan. This is a false report that is made in Gardez and was given to Americans to capture me.

(The detainee requested that the following three allegations be read together. The translator had an outdated version of the unclassified summary of evidence and the third allegation that she had was not on the updated summary. In turn, only two of the allegations were answered together, and the detainee was briefed on this.)

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3.a.3. Saifullah Mansour is the son of Mulavi Monsour for whom the detainee served as a Mujahedin fighter during the Afghan-Soviet jihad.

3.a.4. The detainee acted as Saifullah Mansour's representative in Iran.

Detainee: Before I start reading again, I want to explain to you that I did do the Jihad, and I did participate in Jihad during Afghan-Russian time. I want you to understand that and if I knew somebody's father then, and that is that Mulavi Monsour was killed thirteen years ago, it doesn't mean that I have ties to Monsour. It doesn't mean that I have ties with his son. They are accusing me of being Monsour's representative. Grammatically, you need to explain to me what do you mean that I was? I was during Afghan-Russian Jihad? I was during Taliban or I was during Mujahedin power? You need to explain that time period. This is an imaginary accusation, if you don't know what that was, for me, then...

Tribunal President: Based on the information we have only from the unclassified summary, we can't tell yet either. We don't know what that time frame was either. So, this is your opportunity to provide us the details to that, if you like.

Detainee: The reason I'm asking these questions, it doesn't mean that I will answer them, I just want you to think about these details, because there is four past grammatically or recent past and when you say was, please think about this.

Tribunal President: I understand what you are saying, and we do take serious consideration to the time element, and when these acts or allegations would have occurred.

Detainee: That's excellent.

Tribunal President: Please continue.

Detainee: Since I knew Haji Abdul Qadir during the time of Jihad, I was with Islamic Revolutionary movement. I was one of the commanders of that Islamic Revolutionary Movement. He was our teacher and he is from the city of Gardez. Since I know him personally, I helped him. If he were with any different group I would have helped him in Jihad against Russians. Among the others the Islamic Revolutionary Movement was a moderate minded Afghani group. When it got ramified, Haji Abdul Qadir got close to Nasrullah Mansour because Nasrullah had control of the area, I have heard of his name before but I did not know him, and I did not know the goal of concept of Revolutionary Movement. I was not a member of that group because one of the conditions to be part of that group is to be a Hanafi Sunni Muslim, and I'm a Shiite. In Afghanistan during Jihad the membership of the parties has fundamental differences with the political parties in the western world. In Afghanistan, every Afghan joined the party according to their regional, personal and tribal recognition and the feeling of defending the country and even military obligation, they joined political parties and they fought along with Mujahedin in order to defend their country. Saifullah Rahman was then a little kid and probably going to school. Even if he was in the frontline, it was not in our area. This was mentioned in the evidence. I have not seen him after the withdrawal of the Russians. I continued with my education and put aside all my political and military activities especially after the killing of Nasrullah

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Mansour, the father of Saifullah Monsour, in 1993. I had no connection with any of his family members. Mansour also closed his office after the victory of Mujahedin. His representative and his manager Khado Badshahi-e-Roohani and Qazi Saleem these two parties got together with Molvi Mohammed Nabi and their parties merged again. After Mansour's assassination that was the governor of Paktia, people of Paktia got together and they chose his nephew Latif Mansour as the governor of Paktia. Saifullah Rahman and others like him who were during the victory of Mujahedin were not well known. Even during the Taliban regime he was not in a famous position. He was obscured and had a fake personality. After the fall of Taliban and during the fighting of Shahe Kot, (Shahe Kot is a mountainous area and is south of Gardez.) It was announced through the radio that he was responsible for fighting against the international coalition forces, so his presence was finished in Afghanistan or maybe he was in hiding and when I went to Gardez, his activities were forgotten. Therefore, I don't know anything about his activities and movement.

He was not a political, social or intellectual individual to have a representative and I am not his representative.

Because of their National interest and international defense especially after the killing of Iranian diplomat in Afghanistan during the time of Taliban, Iran was a biggest enemy of Taliban. Taliban never had a representative in Iran. Especially a low level Taliban. Where in the world is such a custom for a group to have a representative in another country? Even if there were any, they would have faced a strong resistance from the government of Afghanistan and the refugees in Iran.

Is a healthy mind going to accept the fact that an unknown individual who found his name from anti peace activities would have a representative in foreign countries? Can logic accept that? A person like me, who is known as an intellectual, political and a social figure by the people of Gardez could be an enemy against peace and democracy?

3.a.5. The detainee aided the transportation of Saifullah Monsour's family from Afghanistan to Iran to avoid capture by U.S. coalition forces.

Detainee: About the transfer of Mansour's family, since I haven't had any connection with them during the fall of Taliban and presence of international forces and Shahe Kot's fighting I was in Iran. So I don't know where is his family. I heard from my interrogator in Bagram about Mansour's family being in Iran. It was shocking news to me. Actually, on the first accusation, it was Latif Mansour and I said, "They are in Iran? No way." I have passed the polygraph test here during my interrogation about this question too. I am certain that they and none of Mansour's family live in Iran, because they are very religious and fanatic and they want to raise their children according to the Hanafi faith, which is a school of thought in Islam. They want their children to go to Sunni religious school and their teachers to be Sunni faith too. This can only be done in Afghanistan or in Pakistan. They don't need to go to Iran. And on the other hand, in addition to religious difficulties, they would have a language problem in Iran, too. Because of political and international reasons, they prefer to live in tribal areas, and they are afraid of being captured. Even if

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they are in Iran, I swear to God in front of this tribunal with honesty that I don't know anything about their family, Mansour, Saiful Rahman, or any others from Taliban. Even in Iran this rumor does not exist, that them and their family are in Iran and in Gardez also this news and rumor does not exist, I don't know how did your reporter came up with this lie and how have you Americans accepted it? At the same time, I stayed in Tehran during my entire time and refugees were not allowed to travel within the cities, and I never made any trip to these border cities or Afghanistan or Pakistan during this time. Also, due to difference of our opinions about how they operated, I never had any relations with them and I am also not a smuggler and I do not have relations with smugglers. I personally made it to Iran with difficulties. After coming with an Ariana Airline ticket and with that I came up with a visa, and above all when the coalition forces entered I was a refugee in Iran and I was not in Gardez, so how could I transfer their family over there? Did their family commit any crime for the coalition forces to harm them? They are from Zurmat. They might still be there, and I was not even in Gardez let alone Zurmat. I don't know anything about it.

3.b. The detainee supported hostilities against the United States and its coalition forces.

Detainee: Mr. President and respected members of the Tribunal! As I have mentioned before, I was a refugee and even after I completed my education due to the control of Taliban, I was earning salary by attending different professions, such as tailoring, driving, personal tutoring etc. But I never became available for the fascist government of Taliban. I always preferred a refugee life over a great position in their government. Upon the fall of Taliban, I decided to return to my country. In April 2002, I came to Gardez and by the support of majority of the people of Gardez I made my way to the Grand Assembly. By joining this national movement, I paid my dues to my people and after the completion of all meetings and gatherings of the Grand Assembly and eliminating some of the province's problems I went to Iran then from there I went to perform Hajj. During my last trip, American forces captured me with my brothers and nephew. If all of these accusations were legitimate, a lot of individuals and political oppositions would have brought this up.

3.b.1. The detainee distributed money and food to al Qaida fighters preparing to fight U.S. coalition forces.

Detainee: These accusations are around winter, 2003, which is around February 2003. 2002, I made a mistake, in writing these, all these happened in 2002, winter. The Shahe Kot's fighting was happening in 2002, all these accusations are around this time, 2002. In February 2002, I was in Iran. I participated in different conferences, preliminary conference in Tokyo, WAICO Economical Conference, etc. I was not in Afghanistan, how was I be able to give them money and food? If I went there then every one knows, and if I went there unlawfully (illegally), how does the reporter know all of this? Where did I get the money? I already talked about my financial status. So that means I was neither in Gardez nor gave money to anyone.

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3.b.2. The detainee met with Taliban officials and military commanders in the February 2002 timeframe, to discuss transferring money to support al Qaida operatives preparing to fight U.S. coalition forces.

Detainee: The earlier translations that were given to me are not clear to me. I thought they are talking about current governments. That's why; whatever is written on my statement I will make changes and the tribunal will have to do the changes later in the translation. I meant the translation wasn't accurate. (The previous statement is from the translator)

Tribunal President: Very well, he can provide the information that is appropriate at this time.

Detainee: In 2002, in addition to that I was there, the existence of Taliban Commanders was in fact impossible, how could this be possible to meet with them and also with governmental authorities at the same time. With which member of the government have I met and where? And how did I get to know the Taliban commanders while in their time, in the time of their power, I was an immigrant. I wasn't even there. So, I don't know any of their commanders. I was a refugee during the entire control of Taliban, and hated them and did not participate in their power. How could I help them after their fall, so they can take control again? I answer to this question in polygraph and passed.

3.b.3. The detainee distributed Kalashnikov's to be used in the Afghan- U.S. Jihad.

Detainee: I want to say something before I start reading again. How can somebody distribute, or give anything to anybody while that person is not there. I want to give you an example. If somebody tells me that in 2005 you did something in Afghanistan, I would have the explanation that I was not there in 2005, I was here in Cuba. I have already answered this question and accusation by stating that in fact I was not even in Afghanistan during that time. You know that Kalashnikov is not something invisible and if somebody distributes that, people will see that. So where and to when did I give a Kalashnikov to? An amazing imaginary weapon has been put, defined by your reporter and given to you.

Interpreter: So that you understand, reporter, I think he means the people who did the conspiracy and made a plot against him.

Tribunal President: Yes, we understand.

Detainee: To make it short, therefore, I did not have any relations with Mansour and his family and I had no role in transferring his family and absolutely do not know where are they. I did not have any relation with any group that was against national security or against Afghanistan national interest or against coalition forces and I do not know them.

I have never paid any money to anyone who has operated against national security or to groups who were against government or against coalition forces, nor will I now.

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So far, everything that I told you, god is my witness and I'm honest and that everything I am telling you is the truth.

If have repeatedly mentioned that all reports have been falsely registered, so the reporter can receive some cash and achieve his goal which is how to eliminate the opponents and gain trust of international coalition forces. I am positive this conspiracy is the work of experienced individuals and several groups have put their hands together and have taken advantage of the American sensitiveness. The following groups and motives have played a major role in this conspiracy:

- 1) Powerful communist member of Gardez who run an active campaign within Khad intelligence bureau and media (information system in Afghanistan). In Khad, those intelligence services, the same people who use to work for communist government they are running this intelligence services in Afghanistan now too.
- 2) Personal political opponents (rivals) and enemies they got together with these communists to make this plot against me.

American sensitiveness towards the security of their troops (forces), the situation in Afghanistan and sensing the danger from enemies. I want to draw a detailed picture of this conspiracy. My return to Afghanistan and amazingly being greeted by the people, the Americans apparently have acquired immediate information about us from their spies. When we arrived, lots of people welcomed us, and we were well known and well noticed there. My cousin paid lots of poor people, and it drew the attention of the Americans to who we were. They asked questions about it. That's part of the culture: every time somebody goes to Hajj, and when they return back, people will come to meet them and talk to them. As for the four people, it was me, my brother, and my cousins. When the communist supporters noticed this sensitivity, by plotting a conspiracy, they created imagination for the Americans that a dangerous person has arrived. And by false reports, they have injected worries in the American minds. And they have mixed imaginary and confusing relations with the facts and the dangers that were facing the Americans. And they were simply worried about their money. They have actually forgotten that I was a refugee during the Shahe Kot war. Even if I were there and had minimal activities against coalition forces, they should have reported it during the Loya Jirga (Grand Assembly). At that time, the United Nations was getting information about everyone. At the same time my friends and relatives were side by side with the government and coalition forces. Among the top, my cousin was the commander of security for the city of Gardez. Money loving reporters simply have created these reports because the Americans were in sensitive situations, and they drew wrong meanings from my jihad and being a refugee in Iran and injected them into Americans mind. Otherwise, everyone knows that I did not only work for Taliban and I am not for them even now. I also had fundamental differences, difference in beliefs and different schools of thoughts with them and never participated in their power and had no ties with any of their members, not with Saiful Rahman Mansour or anybody else. I want democracy for myself, my relatives and entire people of Afghanistan.

I thank you for listening to my statement. I don't have much to add, but I just want to show you three letters, from my families that I have received here. They might help me

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with my case to show that I'm an innocent person. I want to prove three things with these letters. First of all, I want to prove that my family, we have nothing against the United States, and the way we think, the way we look at things, is almost the same as Americans. Then, the way we look at women, and how much we respect women. My wife is an educated woman. My family, I have three nieces that right now are going to college. My daughter is attending school, too. The third thing that I want to prove that on these letters, my brother's letter that they were shocked that I was captured, and that I'm innocent. Do you want me to read it, these letters for you?

Tribunal President: I'm going to ask the Personal Representative, do we have those letters marked as exhibits, turned in yet?

Personal Representative: No, Sir. We can make copies.

Tribunal President: Yes, let's see if we can do that. Make copies of these letters and then they can be turned in to us as exhibits on your behalf.

Detainee: I have mentioned about these letters in my follow up, two days ago, to my representative and said that I can just bring them today to my tribunal.

Tribunal President: That will be fine. But, once we take those, we will keep them, and then they will become a record as part of this tribunal and you won't get those back. So, we will make copies, so you can keep the originals.

Detainee: Thank god I have received a new letter yesterday. So, that's an extra proof. I got my son's pictures too. I'm very happy to see their picture.

Tribunal President: I'm certain you would be, it's always good to receive mail no matter what situation.

Detainee: Do you want me to read my last closing statements now, or after when we talk to the witness?

Tribunal President: We will provide you an opportunity for a closing statement after we bring the witness in. But, we may have some questions. Of course we will want to bring the witness in, to allow him to testify on your behalf. Is this the conclusion of your statement at this point?

Detainee: I have a lot to say Sir yet.

Tribunal President: Do you want to say this before we hear the witness? We will give you an opportunity after the witness has testified.

Detainee: Can I read half now and half later?

Tribunal President: If you would like, certainly.

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Detainee: You're lucky I'm not a lawyer. I didn't go to law school, and I went to medical school. You would've been in real trouble if I 'd gone to law school. I don't have anything to provide, other than my verbal, whatever I say. I don't have any evidence. This is the only way that I can prove my honesty and my innocence.

Tribunal President: We understand.

Detainee: Right now, there is an establishment of democracy in Afghanistan. I'm an educated man and my brothers are too. My wife is an educated woman; she has studied economics. Her biggest wish was always to work in Afghanistan. Our wish is, the way we look at things, and our family, everything can be achieved only by peace and democracy. Not by fighting, we understand that. We believe in our current government and democracy and we understand that we can have a comfortable life and we can achieve our goals and wishes only with this government. This is the kind of government that we always had hoped for, desire to have this type of government. That's why after eighteen years of being a refugee, we decided to return to our countries and now two of my brothers they returned to Afghanistan. You know that educated people, they become immigrants from their countries, only when they have some problems with their governments. We have problems during the Taliban regime. That's why we left the country. Now, we are returning back to the country, that's logically been proved that we have the problems with them, and not the current government. During the Taliban regime, even to collect our stuff from our house, we didn't bother to go back to our country, because a lot of our things in our house were looted, by people and the Taliban. There's a question of why I was captured, and now detained. This is a question that I would like to answer. In Afghanistan, in Paktia, there is a lot of jealousy. During the jihad, from the jihad time, until now. There is an animosity between communists and Mujahedin, Pashto and Farsi speakers, between Shiites and Sunni's. Between educated and non-educated people. Between the radical and educated people. Also, when we left our country during the Taliban regime, we have some properties, shops, and other properties that people just took over, and they know it. We go back, the government will give our property back to us. The goal and aim of those reporters who reported me and made a case against me and gave it to the Americans, they have a few goals that I'm going to tell you. They draw a picture; a very good picture and they wanted to get rid of their political opponent, which was me. Those people, those communists, everybody hated them in Afghanistan. They didn't have a good reputation since then. Now, they have opportunities to act like American friends, and they act like current government friends. Also, it's very common that whoever gives any kind of report to the Americans they immediately pay them money. Those communists, you need to know, they haven't forgotten their animosity with the western world. So, what they are doing, what they are trying to use and they are trying to use the petition of people who are trusted by local people. That way they will do some more damage to the coalition forces. They want to take their personal revenge because during the communist regime, we were fighting against the communism, and they couldn't kill us, they couldn't get rid of us then. So, sometimes, they tell us that they will send us to Cuba, they want to take their revenge of that time, now. They always threatened the Mujahedin and their political opponents

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very clearly that we will do something to send you to Cuba. The rest of this stuff, I will talk to you after the witness.

Tribunal President: Very well, thank you for your testimony. It was very well structured and made a lot of sense, and was in great detail. Thank you. We may have some questions for you, and then we will call the witness in.

Detainee: I'm ready to answer all your questions.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. In your own opinion, whom do you define as members of the Taliban?

A. Talib is a religious school student, who studies religion in school. The Taliban is different than Talib. In my personal opinion, in my belief, the Taliban's were hired by foreign countries just to put more damage into our national interest. They did not know anything in how to run a government, they didn't know how to treat or deal with people. They were very narrow-minded people. The most important thing, that they could not see the real Islam. They couldn't see the inside, real meaning of Islam. Unfortunately, they introduced Islamic as cruel religion to the world, and that's how they damaged the reputation of all Muslims all over the world. On top of all this, they were kind of fascist regime, who loved their own language and only their own people. Except themselves, they didn't like anyone else to live; they would say that other people, and other nationalities or religions that they have no right to live.

Q. How would you tell if someone was Taliban or not?

A. From their beliefs, thoughts, and their practical activities, whatever they do.

Q. You were elected to represent a group from Gardez?

A. Yes.

Q. This is when you came back from Iran to Gardez in 2002, is this correct?

A. Yes, it was in April when I was a candidate myself. In May, I was elected, and it was in June of that year the National Assembly was in Kabul.

Q. Clearly you had communication with people back in Gardez, while you were still in Iran so they knew who you were when you ran for this office, is that correct?

A. Actually, people knew my family, myself, they knew the history of our jihad against the Russians. They remembered us as anti-Taliban. They trusted us, because of our past history of our family. I wasn't the only one who came from a foreign country who elected himself. There are people who came from Germany, it was a national process, and they candidate themselves along with me. So, it was a national process.

Q. The name of the city you lived in Iran, or did you live in more than one place?

A. Taron.

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Q. Which medical school did you study in?

A. Taron medical school.

Tribunal President's questions.

Q. You had mentioned that when you were captured you were arrested with brothers and nephews?

A. My cousins. Yes.

Q. Were they further detained like you or were they released?

A. They were released immediately in the city of Gardez. One of my brothers is an American citizen, so they released him immediately. I wish I were an American citizen; they would've released me then too. I'm an Afghan, that's why I'm detained here with out any...

Q. When did you start medical school in Teheran?

A. 1969 of our calendar, there will be twenty.... so, I finished in 1997-1998.

Q. Between 1997-1998, until you entered Afghanistan in April of 2002, did you go back to Afghanistan during that time?

A. No, I never went there during the Taliban regime.

Tribunal President: At this time, let me explain to you how the witness process occurs. We will have the witness brought in, and I'll ask him to state his name for the record. The Recorder will administer the oath. At that time, then you will be allowed the first opportunity to ask him questions to get him to present information that you think is relevant to your case. Then the Personal Representative, the Recorder, and the Tribunal Members will be able to ask questions. Please keep in mind everything needs to be translated, and please allow time for that as you are asking questions. Do you have any questions?

The Tribunal President does not call for a brief recess while the witness is brought into the room.

Detainee: Yes, I want to ask you a favour that there are a few points that I want you to listen in this tribunal. (He asks the interpreter to interpret a few main points of the letters)

Tribunal President: Yes, of course.

The detainee and witness exchange greetings.

Tribunal President: You are here to testify on behalf of Said Mohammed Ali Shah. Please identify yourself.

Witness: My name is Mohammed Aman son of Haji Rahamdan (ph)

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Tribunal President: Said Mohammed Ali Shah, is this the witness that you requested?

Witness: Yes.

Tribunal President: Very well, thank you. We have a prepared Muslim oath for you to take.

Witness: That's fine.

The recorder administered the oath to the witness.

Tribunal President: You may ask the witness any questions that you might have.

Detainee: When I and my family were immigrants in Iran, when was that? Was it during the democracy, during the Mujahedin, during the Taliban, when was that?

Witness: It was a long time ago. You and your family you were immigrants in Iran in the time of Russian occupation and Jihad against Russians.

Detainee: When did you see me in Afghanistan, after Jihad or after immigration?

Witness: After fall of the Taliban regime, I saw you in the time of election and Loya Jirga national assembly.

Detainee: When I came to Afghanistan in 1981, and then after fall of the Taliban, did you see me ever in Afghanistan or Gardez when the time of Taliban and the gap between these two years, these two periods?

Witness: No, I haven't seen you there.

Detainee: Have you seen me in the time of Shahe Kot war in Gardez approximately February 2002, or have you heard of me being there during that time, during that war, have you seen me giving food or weapons to anybody, or have you heard that I have been giving food or giving weapons?

Witness: No. In the time of Shahe Kot war, I haven't seen you at all, in that area at all. I never heard you being against current government or coalition forces.

Detainee: Have you seen me or have you heard that during that time I was seeing Taliban's commander, I had meetings with them, or I was distributing Kalashnikovs, AK-47 to the people. Have you seen me or have you heard me do this?

Witness: There weren't any Taliban commanders. The new government had control of that area and there weren't any Taliban commanders and I never heard, never saw you distributing AK-47's to anybody.

Detainee: Have you seen me or do you at least think or have you heard that I was helping Monsour's family in their transition to another country?

Witness: I've never heard of that.

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Detainee: In the compound where we lived, was I living by myself or did I live with my cousin?

Witness: In the city of Gardez, the Province of Paktia, nobody has their own private houses. Usually ten families live together in one place, and that's the same case with them. He used to live with all of his family and cousins together.

Detainee: Have the people of Gardez, the Province of Paktia, have they been disarmed by the current government yet, or having their weapon, is having a weapon a crime in that area?

Witness: In the city of Gardez, province of Paktia that is from long, long, time ago having weapons is normal; it's a cultural thing. It's very normal for everyone to have weapons, especially now, becoming the communist regime, then the Taliban. All this fighting some people sell their cows and their animals for weapons for their safety and security.

Detainee: Does the current government and security, military organization, do they have enough weapons? How about the people who work for them? How about them, where should they get their weapons?

Witness: After the fall of the Taliban, we had a tribal assembly, and every tribe had to defend themselves. Every tribe had to introduce their security officer to their current government, the transitional government. Every tribe had to provide their own weapons for their own safety to the government.

Detainee: I'm asking you clearly again. The people who go to work for governments, or for the American campaign, do they have to get their own weapons and go there?

Witness: I already told you, yes. Everybody had to have their own personal weapons in order to work for the security forces or the government.

Detainee: Was I the people's representative and Loya Jirga Grand assembly?

Witness: Yes you were.

Detainee: Thank you.

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

Personal Representative: Just one clarification. I just want to make sure, when he was a refugee; he was a refugee during the Taliban also?

Witness: Before the Taliban, before Mujahedin, in time of Communist. Yes, during the time of Taliban regime he was a refugee.

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

Recorder: Yes Sir. Could you please explain how you know the detainee? What relationship do you have with him?

Witness: We both are from city of Gardez and province of Paktia. We both went to school and we have seen each other and we live close together. In the time of songs and

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happiness are families are together. Our villages are separate, my village is separate from his village, he is Shiite and I'm Sunni.

Recorder: This is for the record, when and where were you captured?

Witness: I don't remember the time; it was long before he was captured. That was 19 months, less than 2 years. 19 months since I've been here.

The Personal Representative and the Recorder had no further questions.

The Tribunal President nor the Tribunal members had no further questions.

Tribunal President: I don't think we have any further questions. Therefore, I'd like to thank the witness for participating today.

Witness: Thank you for having me.

Tribunal President: At this time, the witness is excused.

Tribunal is recessed until after witness is removed from the room.

Tribunal is reconvened with out the witness in the room.

Tribunal President: Said Mohammed Ali Shah, do you have any other information or evidence that you would like to present to this tribunal?

Detainee: Yes Sir. First of all, I want my Personal Representative to provide the tribunal the written statement of one of my witnesses and then I have some other stuff to tell you.

Tribunal President: Very well.

Detainee: But, first of all I'd like to introduce my witnesses. So, the members of this Tribunal would have an idea why they are related to me, and why did I choose them as my witnesses. Mohammed Amar, he had finished his education and he was training at school, and he used to work as a Captain for the communist government. Then he became an immigrant during the time of Taliban. When Mujahedin came to power, I mean during the time of Abani government, he returned back to Gardez. He is a very respectable person in the city of Gardez, and he is known for his honesty - a man with dignity. That's why he was a representative for his own people in the city level assembly in Gardez. During the Taliban regime, he was in Gardez. If I were gone to Afghanistan, in Gardez, during the time of Taliban, he would've seen me there, because he was there. About my second witness, my Personal Representative will provide the written statement. He was the security commander for the province of Paktia during current democratic government. This witness fought along with the coalition forces against the insurgents. In time of jihad against the Russians, he was fighting against the Russians as a foot soldier. The security commander of Paktia, they are responsible for all the branches, whether it's intelligence, or punishment, and the other branches that are used for security reasons. If I or anybody else

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would've done anything that would be related to security, that witness would've known about it. With all respect, I'm asking my Personal Representative to provide the tribunal with the statement.

Tribunal President: Very well, at this time, if the Personal Representative if you have any other evidence for the detainee, or on behalf of the detainee you may present it now.

The Personal Representative enters Exhibit D-b, statement of detainee ISN 1100.

Detainee: That's fine.

Personal Representative: I do have further exhibits.

Tribunal President: We are ready to receive those additional exhibits.

The Personal Representative enters Exhibit D-c, Internet article concerning the elections in Afghanistan in 2002 pertaining to the detainee's timeline. Also entered at this time is Exhibit D-e, letters from Detainee's family.

Tribunal President: Very well, thank you. Now, for the record, I acknowledge the receipt of Exhibits D-a through D-e, submitted on behalf of the detainee. In reference in Exhibit to D-e, the letters that the detainee made reference to. At this time, if he would still like to he can identify excerpts from those family letters.

Detainee: The first letter is from my brother that I introduced as a witness from Iran. After saying hello and stuff like that, he's writing that the only problem that we have is that you are far away from us. He is reading something from Koran there, that means, the jest, that you're away from us, that's the only problem. The meaning of that is that after every tough time, there will come an easy time. Since you were detained, without any reason, just because somebody said something about you, god will make it easy for you later. Then, my brother wrote things about my family and some information and the end he's writing this. My brother, I know that you have great patience. That brother is actually my older brother. That is why my older brother is writing to me to be patient and I know that you are a very patient man. Have faith, and I have faith that since you are innocent, with the help of Allah, you will be released. This is a letter from my older brother, and I thought these two parts were important to tell you.

This is a letter from my brother. The one, Dr. Ishmil (ph), as I mentioned earlier, he was with me in Iran, he went with me to Hajj, he came back, he was captured and arrested with me then he was released and he went back to Iran and brought his family back to Afghanistan. This letter, he wrote this letter while he was Iran. I have some other letters from him that he wrote from Afghanistan. We didn't have many worries about you, because you are in a place where there is no cruelty when there is no pressure on you, and there is justice for you. I'm certain that they will treat you according to the law and according to the justice. Since I know that you are innocent, I'm one hundred percent sure that they are going to release you and I'll have the chance to see you again. It's a

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misunderstanding, it's a big misunderstanding and with the help of Allah, it will be solved. We all get together in Gardez, because praying to Allah; we have a government that is in control. We don't have any worries, there is a part that has been crossed out, so I don't know what is written here. We are all ready to serve our people and the government.

The other letter is from the same brother Dr. Ishmil (ph) but the letter that he sent to me was from Iran. My brother, we are sure that you are fine, because you are in a place that is safe and secure. You are with peace loving and democratic people. We don't have any tensions about you at all. We know that they are not going to help people without any reasons. The only thing is that bothers us is that you are far away from us and we can see you, with the help of Allah one day, we have the opportunity to meet each other again.

I'm providing you with these two letters, using like a witness that I am innocent man, and my family knows and they have faith. The other letters show how our family and we think about the western world and the Americans and our current government. We don't have any worries about you because you are in a safe place you're in the hand of people who are justice and they are not cruel, they didn't commit any cruelty to anybody. Again, that's from my doctor brother.

This letter is from Iran, and my brother indicates that with the help of god, I will return back to my country. Thanks to our friends and the coalition forces, there is peace and security in Afghanistan. There is work, and there's opportunity for us to serve. So, we all could participate in rebuilding our country. With the help of Allah, we are going to help and serve our good people.

My brother sent this letter from Gardez that says this is Dr. Ishmil (ph) with the help of god and of our Islamic government and with the help of the coalition forces we are all security and we don't have any worries about you because we are certain that you are in safety and there's no cruelty or torture for you. They again scratched out something very important that I can't read. One day, we are going to sit together. Also, in the end, he writes that me and my family and Olagoh (ph) is my older brother and his family we all return to our country and currently we are in good days, and we opened that drug store and a clinic and I hope that before you receive this letter I hope we will see you back in Afghanistan. The reason we all three are doctors we returned back to our country me, my brother and my cousins, it is our dream to open our own clinic.

This is my wife's letter, which shows that my wife is an educated woman. The other one is my niece, my niece's letter, please read that for me. Also my niece is writing that my sisters Falajon (ph) and Wahelajon (ph) they are busy with their schooling and studying. God willing, I'm going to go to college next year. The rest of the girls, they already finished one class and everybody is now going to a higher class. This letter shows that all the women are educated in our family. This is from my niece, Hadeezah (ph).

This letter is from my cousin, who is my son-in-law too. My cousin wrote to me. Don't worry about Hajajon (ph). Hajajon (ph) is my daughter. She is going to the third grade of school. My dear brother, Olagol (ph) and Dr. Ishmil (ph) with their families they returned

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back to Gardez and they are very happy and satisfied there. Syad Shah (ph) the one that earlier I read the letter, Cozwene (ph) which is a city, is busy with his work. Me, myself, since you are not here, you're family problems, I have to take care of your family, I haven't made the decision to leave. Not until you arrive back.

These letters clearly show how me and my family think about the current government and about people. I had some more witnesses, that unfortunately I can't reach.

The United Nations and the other responsible authorities in that election time, they chose me, the United Nations chose me, to talk to the people, to encourage people to participate in the process of the election. I have the videotape of that, I have it with me back home, and also the United Nations and the authority will have the videotape too. My speech, on that video tape on top of thanking an addition to the coalition forces and their existence in Afghanistan and in encouraging the people I told my people that it was my dream for the past 40 years to come and vote in my country and my dream actually came true today. Even the United Nations authorities they were telling me, the way you handled the elections in the city of Gardez we haven't seen that in any other city.

Mr. President, I want to thank you for being so patient in listening to my statement and I apologize for making you tired, but, in the end, I want to tell you the details of my capture.

The accusations that were against me, and they were very general and very controversial. These kinds of accusations are good for the media and for the television for those purposes. The reporters who gave these reports against me they actually should have gone to the radio station or T.V. station to give that report, the way that they did it. Those reports are not good enough for a powerful organization, intelligence organization like the United States where they are powerful judiciary, court system that you have. These reports should not be good enough for you to just capture somebody and detain. My personal opinion is that one of the reasons that I was captured is because the level of knowledge of those Americans in Afghanistan, or the information is so low that they didn't know many things about our country. Or they have the wrong pictures and the wrong information about our political and social life and situations in Afghanistan. The most important point is money. They always give money to those who bring any kind of reports. People take advantage to that, and people are use to that. Anybody who wants to make money, they will run to the Americans and say something about someone. People of Afghanistan, they know about this weak point about Americans. They are using it big time. The personal enemies, what they do, they would give money to a third party and make the third party go and complain to the Americans or give some reports about their enemy. I still don't know, and it's not clear for me, what is my accusations against me, what was my fault, why for 1 ½ years I was kept away from serving my country from participating in second Loya Jirga that grand assembly, from being away from the election that was going on in my country. Is it my fault, or is it my sin, that I fought against the Russians and I saved the world from Communists? It's a question that I don't the answer for it, I'm just asking you. What is my fault, was it that I didn't participate in the civil war that was going on between the Mujahedin group? I quit all military activities, and instead I went and continued with my education so later on I could become somebody and serve my country. In the time of

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Mujahedin's power there was lots of fighting between the different warlords. Or maybe, this is my sin that I didn't associate with the Taliban, or that I didn't work for the Taliban in the time of their power. Or maybe this is my fault that after the establishment of democracy I returned back to my country, to serve my people and help my people and our national security with the process of the Loya Jirga that Grand National assembly. Or maybe it's my fault because my people love me and they think of me as a good servant or maybe because I'm an educated man and I belong to an educated family, or maybe because I was a refugee in Iran? A refugee in Iran who preferred to work very low level jobs instead of working high level jobs for the Taliban. Or maybe I'm here because I returned to my country for the second Loya Jirga, Grand National assembly which was about our constitution and carrying all other educated people and especially I was trying so hard to work in the organization of the other second Loya Jirga. The other two people the other people, including my brother and my cousin, Dr Ishmil and Dr. Risah, they came with me and they are still there in Gardez. Or maybe it's my fault I've never been a traitor to my country. I've never stolen anything from our National Treasury and I've been a good servant to my people. The people accepted me and accepted this fact and that's why they chose me as their representative. So, these jealous, harmful and money loving people, these spies, they created a fear for you. They created a fear through that plot. In your country is it normal, to keep someone for 1 ½ years just because somebody gave a report against them, without having any evidence? Or, it is just us, the Afghans, that everybody should come and beat us up. From our friends, we have to get punishment from our friends, and from our enemies. Because the bullet, the Russian bullet still exists in my neck. That's a gift from the Russians, and I consider Russia our enemy. These handcuffs and this uniform is a gift from our friends, from you. We have a subject in school called logic. Methodology. They would make a wrong and true story and at the end they would get a conclusion how logically how true it would be. That subject, as an example, what they will do, they would give a very good beginning and then a small controversial story, and in the end they would get a wrong result. For example, they would say that there are some rats inside the wall. The rats got ears, so the conclusion is that the wall has ears. The tree is tall, Ahmed, is the name of a person, is also tall. So, Ahmed equals tree. Ahmed can be a tree. This is the logical point of my capture. I lived in Iran, and Iran is an American enemy, so I'm an American enemy according to that logic. I was with Nasurallah Mansour in the time of Jihad, and now, Saifullah Mansour is the son of Nasurallah Mansour. They are now accusing me of having ties with the son of that Nasurallah Mansour. I was in Iran, and Mansour's family was in Iran, so maybe I transferred them to Iran. That is how logically you are getting wrong this conclusion. Maybe Mansour had a representative in Iran. Since I was in Iran, the conclusion is that I must've been his representative. Maybe they found some weapons in that compound where I was captured. Since I was captured, now they are accusing me now of owning those weapons. I don't have anything else to say other than... We have example when you say to somebody that a dog bit your ear and took your ear away, and that person gets panicked. Instead of checking his ear, he just runs after the dog. Somebody said something about me and before any investigation they just run after me and just arrested me. I've been only 2 days in Gardez. Only 2 days. I don't have anything else to say, and I'm sorry that I made you so tired.

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Tribunal President: No need to apologize. We were here this afternoon for you.

Detainee: Thank you Mr. President, thank you Personal Representative, and you, Miss translator, and your co-workers.

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

Detainee: The only contact that we have through our family is our letters that the Red Cross delivers to us.

Tribunal President: The International Committee of the Red Cross.

Detainee: Even if there was something important they just cross it, and we can't even read it. How are we going to contact our families?

Tribunal President: The military officer who would be assigned at that time will assist you in that respect.

Detainee: I just want to ask you a question. What is your personal opinion, I'm not asking about your decision at the end of this Tribunal, but what is your personal opinion about my case?

Tribunal President: I can answer your question in this way. We have taken an oath to be fair and just. I indicated earlier we have come in here without any preconceived notions and with a clear mind. We have not seen your file, prior to coming in today. All the information that we are aware of at this time is what has been presented to us, so far. We will take this information, evidence, your testimony, and any classified information that is available and only then, after we have reviewed it very closely and have discussed it among the members of this tribunal, then we will make a decision. We will prepare a final report that we will send up to the convening authority for his review and within 30, no more than 60 days, you will be notified of the decision after the convening authority has reviewed our report.

Detainee: That's all I wanted to know. I'm certain the way you took the oath and the honesty you do your job, I have faith in god, and I've been honest and I told you everything, the truth and we believe in the same god and my hope is this tribunal, my hope this tribunal that hopefully you will make the decision to release me.

Tribunal President: I thank you again for your testimony. I appreciate it very much. I want to personally thank you for your courteous and kind participation today.

Detainee: I'm always courteous to everybody especially, since I have a lot of respect to people who believe in justice. I was planning to stand up in order to show my honor to you, but since Miss translator told me not to do that I was sitting all the time.

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Tribunal President: Thank you, I understand, and I did notice that, but we don't require the detainees to stand.

Detainee: Thank you all Tribunal members, again my respects to everyone here.

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.

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Detainee 1100 statement on behalf of Detainee 1154

Regarding the allegation that he is associated with the al Qaida or Taliban. We both fought against the Russians during that time. He was there for a year or two and was a leader of a small group. We were both in different groups, my group leader was Abdul Samay. We knew each other, but not in a big way, he was a leader and I was a foot soldier. When the Russians left Afghanistan, about 1 to 1 ½ years later he went to Iran. When we asked people about him, they said that he was a doctor and had gone to Iran to continue his education. During the Taliban time, he was not in Afghanistan. When the National Assembly was met to elect Karzi, he came back to Afghanistan to be the peoples representative from Gardez. The election was in June of 2002. I did see him once or twice about 1 to 1 ½ months prior to the election. I can testify that he was not Taliban or al Qaida, I fought the Taliban and knew he did not support them. Because of his selection as the people's representative, he made enemies and that is why he is here now. He told me that he came back to Afghanistan to open a clinic or pharmacy.

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