

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 through 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.

The Detainee did not take the Muslim oath, but promised to 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. The detainee is associated with the Taliban:

3.a.1. The detainee traveled to Pakistan to study the Koran, even though he did not understand the language in which it was being taught.

Detainee: This is the rule of Islam. Once you accept this religion you must read the Koran; it is the order of Allah. It doesn't matter whether you understand Arabic or the Koran or not; you must read it. People who do not read the Koran are not Muslims.

3.a.2. The detainee traveled from Pakistan to Afghanistan after 11 September 2001.

Detainee: Yes I did.

3.b. The detainee participated in military operations against the coalition.

3.b.1. The detainee was at Mazar e Sharif.

Detainee: That's not true. I was captured in Mazar e Sharif while I was traveling through the city. I was not there.

3.a.2. The detainee received training on the AK-47.

Detainee: I got the AK-47 training when I was thirteen or fourteen years old. I was a refugee in Afghanistan and someone in the mosque just taught us three or four times how to assemble and disassemble the AK-47.

3.b.3. Northern Alliance Forces captured the detainee.

Detainee: Dostam captured me.

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

Detainee: I would like to tell my story why I ended up here out of my country. When they say that I got training on the AK-47 that is a big lie. The reason for me leaving my country was because of the civil war in Tajikistan. I had to leave my country because of the civil war and I had to serve the Army and participate in that war. There was a good chance that I could have been killed. That is why I ran away from that war and the Army and left my country. I came to Pakistan to learn the Koran. My goal was to go to Russia, but I could not do that, so I went to Pakistan. I studied the Koran in Pakistan for five or six months. After that I went to a city called Molton. There was a place called Kerokapa (ph) and I had my own little shop there in that place. The reason I entered Afghanistan: I wanted to return back to my country. When they say that I was with the Taliban or associating with the Taliban that is a big lie. I ran away from a small civil war that was going on in my country. How am I going to run away from a small war and participate in a big war? Taliban are Pashtu and I am Tajik, there is a big difference between us. I have an example for you. When there is a big and dangerous bird over there and a small bird, the small bird would never dare to fight with the big bird because he knows that he will lose the fight and die. The United States is a big power in the world. Why would a man like me dare to fight against the United States? You are accusing of me of fighting against the Northern Alliance. That is a big lie also. They are Farsi speakers; they are my own blood and why would I fight against my own people? We know it and you probably know it, that there has been a long war going on in Afghanistan and it was mostly the tribal war between different tribes. Also you are accusing me of getting training on AK-47. The proper training on the AK-47 takes people one or two years to learn how to use. When they taught me how to assemble and disassemble it two or three times they wanted to use me in the war against Tajikistan, not the United States. After I was shown the AK-47 training two or three times, I went back with my parents to Tajikistan. I have never used that training. The people who captured me in the northern part of Afghanistan, I was just a traveler, traveling through their city. They did not capture me with a weapon; I didn't have a weapon on me. They didn't capture me while fighting; I was traveling like a passenger when they captured me. That was my story and my problems why I left my country and ended up here.

The Personal Representative had questions for the detainee

Personal Representative: I'm looking at my note of the conversation that we had. You told me that you felt comfortable going to Pakistan through Afghanistan because during the twenty-five years of fighting, the Afghans were fighting each other and they would not bother travelers.

Detainee: Yes that is true.

Personal Representative: But when you got there after September 11, this had all changed and that the Afghans were picking up all foreigners. Is this basically what you told me?

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Detainee: Yes that is true. I wasn't aware that if I entered Afghanistan they would just arrest and capture me. When I entered Afghanistan and when I arrived at the city of Konduz, that is when I realized things had changed. Before I entered into Afghanistan I did not know that things had changed there. If I had known that the United States would have arrested me, I would not have gone to Afghanistan.

Personal Representative: You told me about how you found out that foreigners were being picked up. I would like for you to explain to the Tribunal how you found that out and what events lead up to your capture.

Detainee: I came from Pakistan to Konduz. I came from Pakistan and went to Jalalabad then to Kabul and then Konduz. I came to a small restaurant that the Afghans call a café. I was sitting there eating and drinking tea. Someone approach me, the person who used to work in the restaurant. He talked to me. I have a Tajiki accent and you can tell I'm not Afghan; I'm Tajik so he recognized me. He asked me where are you going. I told him I wanted to get back to my country Tajikistan. He told me that there was fighting going on around the city of Konduz and you can't go anywhere. If people capture you or find you they will just turn you over to Americans. So I asked him what should I do. He brought me somewhere where there were a lot of cars. There were a few people from the providence of Badakshan in Afghanistan. There were a few Badakshani people over there also. They told me to stick with these few people from Badakshan and they are going to take you to Mazar e Sharif, then to Qandahar and from there to Pakistan. Once you get to Pakistan you just go on with your life and then come back. I was happy to hear that because I knew if I went back to Pakistan there would not be any problems. We were riding in cars and we came to Mazar e Sharif. We were close to entering the city of Mazar e Sharif and people of Jalalabad asked us to get out of the car and they handcuffed us. They made us sit on the ground. I don't know what happened; maybe someone was trying to runaway or something because I heard some shooting. When I open my eyes I found myself in the hospital. I did two petitions, one for the Red Cross and one for the United Nations, saying that I was just traveling and they captured me. They never answered. Some Americans came and questioned me. They told us don't worry and don't be upset we are going to send you back to Tajikistan. They brought me to Qandahar and then here.

The Personal Representative had no further questions.

Tribunal Members' questions

- Q. How old are you?
A. Three years ago I was twenty-three years old but now I feel like one hundred years old.
- Q. Prior to leaving Tajikistan, where did you live in Tajikistan?
A. The capital of Tajikistan is Dushanda and there is area of close to that called Khaplan, I lived there.

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- Q. What did you do there?
A. It was in time of war, I was at home, and there wasn't any work.
- Q. You said at one point you wanted to go to Russia. Why did you want to go to Russia?
A. I already told you that I was trying to run away from the Army. I did not want to serve the Army in the time of war. Also finically I wasn't doing well. Our houses were burned and we didn't have any money to fix it. We had a tough life over there.
- Q. That doesn't really tell me why you wanted to go to Russia. What about Russia in particular was attractive to you?
A. Half of Tajikistan is working in Russia; there was work over there.
- Q. So why then did you go to Pakistan?
A. I didn't have any money, how could I go to Russia?
- Q. Before you left Pakistan, did you have a passport?
A. No I didn't. Afghanistan doesn't require any passport.
- Q. But you were going to Pakistan. Do they not require a passport?
A. There is a huge border between Afghanistan and Pakistan and there has never been a problem entering from one country to another. Afghans can go and enter Pakistan easily.
- Q. So you had traveled to Pakistan before Afghanistan?
A. From Tajikistan.
- Q. Yes, but there is no common border between Tajikistan and Pakistan, so I gathered you went to Afghanistan, is that right?
A. I flew from Tajikistan directly to Pakistan.
- Q. So in Pakistan you intended to study the Koran, is that right?
A. Yes.
- Q. It is not possible to study the Koran in any language other than Arabic?
A. Yes, especially when Muslims do five-time prayers. The prayers have to be done in original language, which is Arabic. Other than prayers you can read the Koran, you can read the translations but you have to the Koran in your hand and read the Koran first and then read the translation. The prayers have to be in original language, which is Arabic.
- Q. When you arrived in Pakistan did you study the Koran?
A. Five or six months.
- Q. Was this the same time you had the shop or before that?

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- A. No, after the five or six months of learning the Koran then I went and worked in that store.
- Q. What was your reason for leaving your store and heading back to Tajikistan?
- A. The war in Tajikistan was finished and everything was fine. I wanted to see my parents.
- Q. Why didn't you fly back from Pakistan to Tajikistan?
- A. How can I do that without a passport?
- Q. The same way you did it from Tajikistan to Pakistan I would guess.
- A. I flew from Tajikistan to Pakistan with a passport. On the way back my passport was expired, I didn't have any other documents.
- Q. Couldn't you simply just get another before you traveled?
- A. I wasn't familiar with the process. I was a stranger in Pakistan and then I want to save some money. I thought it would be cheaper to travel through Afghanistan.
- Q. When you left Tajikistan how long did you expect to be away?
- A. I was waiting for the war to be over. I wasn't sure how long I was going to leave for.
- Q. How long was it actually from the time you left Tajikistan until the time you were apprehended?
- A. It was the end of 1997 or the beginning of 1998 when I left Tajikistan.
- Q. Do remember when you left Pakistan to go home?
- A. It was the time or Ramadan.
- Q. In 2001 after the September 11th attacks?
- A. That right.
- Q. Were you ever a part of, or have you ever heard of the Islamic Movement of Uzbekistan?
- A. I have heard about it here but before I didn't know anything about it.
- Q. When you originally left Pakistan, were you traveling with a group or were you traveling alone?
- A. I was traveling with one of those personal cars like a taxi. I was traveling in those.
- Q. You didn't know any of the other people on the taxi?
- A. There were some other passengers, a woman and a man but I didn't know them.

Tribunal President's questions.

- Q. You said you didn't go to Russia because you didn't have the funds to travel there. How did you fund your travel from Tajikistan to Pakistan?
- A. I saw on my way a Russian-made car called Camels(ph). I stopped the car. I got in the car with the driver and someone else and we just traveled. They asked me where do you want to go? I told my story to them. The guy introduced himself as Hamza. He told me I can help you get into Pakistan but under one condition that you study Koran. I accepted that offer. At that point I told him all I want to do is just get out of Tajikistan, just help me get out of Tajikistan and I will read the Koran. That guy took me to Dushanda the capital of Tajikistan. I spent two or three days with him. He was a businessman. He was in the business of long leather coats. When I entered his house I saw a lot of leather coats. He took my picture and he made a passport within two or three days. Then he took me to Pakistan. In Pakistan I lived with the same guy almost for a month in the same house. Then he took me to a Madrassa. The name of the Madrassa was Anwar al Koran. He asked me to stay and he said that he would check on me later. I never saw him again.
- Q. You said you went to the capitol and then he took you to Pakistan, is how it was translated, but did you mean that you flew from the capital to Pakistan?
- A. Yes.
- Q. What did you sell in your store?
- A. It was dry foods like almonds, walnuts and pistachios. I wasn't the real shopkeeper. There was another man working with me. His name was Abdul Rahim. I was with him.
- Q. Did he actually own the shop or did you own the shop?
- A. He was the owner?
- Q. Rahim was the owner?
- A. Abdul Rahim was the owner.
- Q. The gentleman that helped you to get to Pakistan to study the Koran. Did he not want anything in return for his assistance? Did he eventually want you to come back and share that knowledge?
- A. This is part of Islam. A Muslim just does things for the sake of God. Like if they make a young boy read the Koran. That would be big thanks to God. They do that just for the sake of God. When he talked to me he liked me a lot and he said that I was a good boy and I deserve to read the Koran.
- Q. Did you marry while you were in Pakistan?
- A. No.

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- Q. When you thought about heading back to Tajikistan, did you have any concerns that the government might not want you to come back?
- A. Yes I was scared and I had that concern. I wanted to go for a brief period just to see my family and get out. I was planning to leave the Tajikistan land. My goal was, when I arrived in the city of Konduz I was hoping the United Nations would help me and send me back to Tajikistan with the other refugees.
- Q. Ultimately you were just going to stay there a brief period? Were you planning on returning back to Pakistan?
- A. No. I did not want to go back to Pakistan.
- Q. Where was the café that you were at?
- A. In Konduz.
- Q. Previous to your meeting in the café you didn't know that person that approached you?
- A. No. I had not seen him before.
- Q. Would you normally trust a total stranger to help you?
- A. My situation was unique because I am Tajik and the Afghans could clearly tell that I was not an Afghan because I have an accent. When he told me about the danger and the war that was going on around the city, I had no choice but to trust him. He was a Farsi speaker like me. When I was in Konduz in Afghanistan, their hospitality and especially those Tajik tribes, they helped us a lot. They treated us really well so I trusted them.
- Q. I know you said that you went in Afghanistan after September 11th. How much after that?
- A. I'm not sure but it was close to Ramadan. I think it was the beginning of Ramadan.
- Q. You said he took you to a place that had a lot of cars and you met some other people. Did you leave promptly from there?
- A. Yes the people were just sitting there and they told us that those few people that are here, they are all to enter the Madrassa, and they ask me to sit with them.

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.



Colonel, United States Army
Tribunal President