

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.

Tribunal President: Oibek, do you understand this process?

Detainee: Yes, I do.

Tribunal President: Could you please speak up, so we can hear you.

Detainee: I speak in Farsi, and you wouldn't understand anyways.

Tribunal President: It doesn't matter; we want to make sure that we recognize that you are answering the questions.

Detainee: That's fine.

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 Tribunal President stated that the detainee wants to participate and that the detainee has a written statement to submit.

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President: Oibek, you may now present any evidence you have to the tribunal or you may respond to any of the allegations on the unclassified summary. You have the assistance of your Personal Representative in doing so.

Detainee: I would like him to read my statement.

The Detainee did take the Muslim oath.

Tribunal President: Oibek, will the statement respond to the allegations on the unclassified summary?

Detainee: You mean, the allegations that she (the recorder) wrote, that she read?

Tribunal President: That she read, and that you were presented during your initial interview.

Detainee: These allegations are not true.

Personal Representative: May I?

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Tribunal President: Yes.

Personal Representative: What I recommend we do is that I will provide the tribunal your story, as we discussed. I can read to you each allegation and you can provide a short response, true, not true, to support the facts.

Detainee: That's fine.

The Personal Representative submits the detainee's statement as exhibit D-b.

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

3.a. The detainee has supported the Taliban and al Qaida.

3.a.1. The detainee admitted that he was a member of the Islamic Movement of Uzbekistan (IMU).

Detainee: Should I answer now? I never admitted to this, I have never been part of this.

3.a.2. The IMU appears in the United States Department of Homeland Security, "Terrorist Organization Reference Guide."

Detainee: Should I answer? Yes, I served in the national army of Uzbekistan; and I've been fighting against this IMU and these Islamic terrorist organizations. I agree that the IMU is a terrorist organization, but I have nothing to do with them. As a soldier in Uzbekistan, I have been fighting against these groups. I took the oath and I swear it, that I will fight these groups, as a soldier, I took the oath.

3.a.3. The detainee admitted to attending IMU terrorist training camps.

Detainee: No, I never did that; I never did any of it in Afghanistan or Tajikistan. I never did any training. I received my training from the Uzbekistan National Army, while serving as a soldier. That's the law of Uzbekistan.

3.a.4. While in Afghanistan, the detainee stayed in a safe house owned by the Libyan Islamic Fighting Group (LIFG).

Detainee: No, I have seen Arabs here, in Cuba, I have never seen Arabs before in my life. In twenty-five years of my life, when I was twenty-five years old, before they brought me here, I never seen Arabs before in my life.

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3.a.5. The Libyan Islamic Fighting Group (LIFG) appears in the United States Department of Homeland Security, "Terrorist Organization Reference Guide."

Detainee: I have heard about this group here. Two days ago, my P.R. told me about it. Before that, I never knew such a thing existed, the Libyan Islamic Fighting Group.

3.a.6. The Libyan Islamic Fighting Group, a listed terrorist organization with black market contacts, reportedly is used by al Qaida to obtain travel documents.

Detainee: Which group was that? I just heard about it from you. I didn't know what you are talking about.

3.b. The detainee participated in military operations against the United States and its coalition partners.

3.b.1. The detainee made a conscious decision to fight with the Taliban.

Detainee: That's not true. I never made that decision. I never supported the Taliban and I'm against their laws and rules.

3.b.2. The detainee participated in fighting between the Taliban and the Northern Alliance.

Detainee: I am 26 years old, and so far I haven't seen any war. I never picked up or touched a gun. I never have been hurt by gun or by war.

Detainee: Is she a judge? Are you a judge? (Directing this question to the Tribunal President)

Tribunal President: No, I'm a Tribunal Military Officer. This is not a court.

Detainee: I have a question for this Major.... (Referring to the Recorder)

Tribunal President: You will present all of your questions to this Tribunal team.

Detainee: That's fine. (Still facing the Recorder)

Tribunal President: That question still needs to come to us.

Detainee: This young lady, with five or six accusations, I would like to ask you, where did she get all this information? Does she have any proof?

Tribunal President: The Government is presenting this information to this Tribunal.

Detainee: At least if one of these had evidence, if it was true, people could read. What she said, I have been in Afghanistan for approximately one year and seven months. I had

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a wife, I had a mother, I had two kids to support, and you're telling me that I did all these findings, and I was supporting and cooperating with all these groups. I mean, who would give the time? Who will get the time to take care of his family and fight? I have to work there to support my family. These things are kind of funny because if at least one of them were true then somebody could believe in them. I still don't know where you got that information. How would I have divided my time? To work, support my family, and at the same time, get military training, terrorist training, and go to war; logically, it's impossible. It wasn't up to me to go to Afghanistan. I don't take any responsibility for going there. I know that Afghanistan is a horrible place. While I was there, I was busy selling and buying sheep and chickens that would support my family. I'm not guilty of going to Afghanistan. The government of Uzbekistan lied to us. They are responsible for us, and they kicked us out of Uzbekistan and sent us to Afghanistan. They forced us to go.

Tribunal President: Does this complete your statement?

Detainee: At this point, yes, but, I would like to talk more about these allegations.

Tribunal President: We will ask you some questions.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. When you were in Afghanistan, what was your job?

A. While I was in Afghanistan, I was buying and selling sheep, chickens and goats in the city of Sheberghan, in the provinces of Meymaneh, and Aqchan. Between these cities and provinces I would bring my trading business. I also went to two more places, Mazar-E-Sharif and Konduz.

Q. Did you live around other people from Uzbekistan?

A. No.

Q. Did you associate with anybody that was a member of the IMU? (Islamic Movement of Uzbekistan?)

A. No.

Q. In reading your statement, I see that part of your trip was made by helicopter. Were there any soldiers on that helicopter?

A. Yes. There was a Russian general, with security guards, and Russian soldiers that were working on the border. They were there also.

Q. Why do you think you were sent to Afghanistan?

A. They didn't tell us in the beginning. In the beginning, they told us that the Foreign Minister of Uzbekistan had said that we can come back to our country and that they aren't going to put us in jail. There will be some work for us and we thought what they

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said was true. But, instead of taking us to Uzbekistan, they just brought us to Afghanistan. They fooled us.

Q. Did they force you to get on the helicopter?

A. Yes. Nobody can complain over there. It was like a desert. At the border, it was like a desert. There was a military building, and Russian soldiers. We didn't have much of a choice because if somebody complained, there were soldiers there that could've killed us.

Q. Is Uzbekistan a Muslim country?

A. Yes.

Q. How would you describe the government of Uzbekistan?

A. Uzbekistan used to be under Russian control. After the communist government fell apart, Uzbekistan became a separate country. Now it's an independent country.

Q. I'm trying to figure out why he says his brother was jailed once for growing his beard long and going to a mosque. Why would he go to jail for growing his beard long, and going to a mosque?

A. I was in the military service at that time. I did not witness this. My cousin came to meet us there. After my cousin told me that my brother was in prison for growing his beard and going to a mosque, they freed him. He was in jail for one week. They just questioned him and then they released him. The government asked him why did he grow his beard and go to the mosque. They punished him a little, and then they let him go.

Q. Does the government dislike Muslims?

A. Twenty-four million of the population in Uzbekistan is Muslim.

Q. You said you went to Tajikistan; you left Uzbekistan to go to Tajikistan?

A. I didn't leave Uzbekistan; I went with my brother to Tajikistan and I lost my passport over there, I have no way of returning back home.

Q. Why didn't you go to the Uzbekistan Embassy and get it replaced?

A. Well, actually, in Tajikistan, the area where we were, there wasn't an embassy. It's very hard to go contact the embassy and get a passport. Usually they don't give passports to anybody. In Tajikistan, every city or province is located like in the mountains. I had no way of going to the embassy and replacing my passport. I was packing in Tajikistan about four months and the United Nations hospital. Without a passport, being there in the hospital, you can't travel, and you can't travel anywhere in Tajikistan. I wanted to go back to Uzbekistan, but I couldn't without a passport.

Q. Ok, I read this to say that someone, an Uzbekistan official, somehow conveyed to you that it was okay for you to return back to Uzbekistan, is that right?

A. That's true. I heard it over the radio, television and the President of Uzbekistan advertised it and told all the refugees. He invited all Uzbek refugees back from Tajikistan because they couldn't cross the border without a passport. He promised us that he's not going to put us in jail, and he was going to provide us some jobs.

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Q. But when you tried to go back to Uzbekistan, the Uzbekistan government caused you to be sent to Afghanistan?

A. That was the government of Tajikistan who sent us to Afghanistan. This is how it was. When I was in Tajikistan, somebody, some official from Tajikistan government, came and told us that Abdul Aziz Kamilov, the foreign minister of Uzbekistan, promised that if you guys go back to your country they aren't going to put you in jail. Abdul Aziz Kamilov didn't say that to us, an official from Tajikistan told us that the foreign minister of Uzbekistan, Abdul Aziz Kamilov, told our government to send all refugees. Send all Uzbekistan refugees back to Uzbekistan, and we aren't going to put them in jail. That person lied to us, and we believed him.

Q. Why do you suppose that Tajikistan wanted to send you to Afghanistan rather than send you home?

A. This is a big headache for myself. I still don't know why they did that, and I still don't know why they told us they are going to send us back home. Instead, they send us to Afghanistan. Its bothering me a lot too.

Q. Where did they first leave you in Afghanistan?

A. It was in the desert, the other side of the border. There wasn't any houses, or anything; I don't know the name of that area.

Q. Did you think about trying, once you got in Afghanistan, to go back to Uzbekistan?

A. I tried twice.

Q. What happened?

A. Once, while I was in Sheberghan, I asked the Afghan Uzbeks over there, is there any way for me to go back to my country, Uzbekistan? They told me there's only one way to go from Afghanistan to Uzbekistan. From that city of Sheberghan, through the country of Turkmenistan. But you need to have a passport to cross through immigration. I didn't have a passport, and nobody would give me an Afghan passport because I was from Uzbekistan, and nobody would give me a Turkmenistan passport. So, I was stuck there.

Tribunal President's questions.

Q. I'm still not clear as to the reason you left Uzbekistan?

A. My brother is four years older than me, OlegBek. I was at my home with my brother, when Olegbek called me. I was in my village called Managegan. He asked me what I was doing and have I gotten married. I said no. I finished my service in the Army and I'm planning on getting married. He asked me to come to Tashkent, the capital of Uzbekistan, to meet him over there. There was a big bazaar, called World Market; he called me to come over there. He told me to come over there; he was going to give me some money so I can get married, and buy a car. Six hundred dollars, that's what he told me he was going to give me.

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Q. So you went to Tashkent, and then what happened?

A. He told me in the city of Tashkent that we got to take some products and go to Tajikistan to make some money. The Tajikistan guards have some very nice apples. We are going to buy some apples from Tajikistan and go to Russia and sell them over there. In order to make the money, he took me with him to Tajikistan. He said he must meet some of his business friends over there in Tajikistan, and there is where I lost my passport. I didn't know if my brother took it, or somebody else stole it from me. I was sleeping and I woke up in the morning I couldn't find my passport. I had three documents with me. I had my military identification card, I had a regular identification card, and I had my passport.

Q. Are all of those lost?

A. Yes, somebody took it during the night. At least if I had one of these I.D.'s from one of these three documents that I had with me, I could go back to Uzbekistan. But, they took all of them from me.

Q. How did you get into Afghanistan without a passport?

A. Our trip had been arranged by the Tajikistan government. They brought a bus; they asked us to get on it. We believed in that, and I don't know how they are going to send us over there.

Q. So, when you got to the Afghanistan border, they didn't stop the bus and ask everybody to show some type of I.D. or a passport?

A. Actually, the Tajikistan Government was happy to get rid of all the refugees because of all these hungry refugees used to come to Tajikistan. They were trying to clean Tajikistan. There are policemen there, they were all happy that we were leaving their country. They gave us food; they were so happy that we had to go to Afghanistan. They provided us food and they were very nice to us.

Q. But, that's not answering my question. Why would Afghanistan allow you to come in to that country without passport or identification?

A. In Afghanistan, the government doesn't have any control over the borders. There's nobody there. It's deserted. There's no trees, no people, and there are no houses. There wasn't even a bird there, nothing.

Q. And you said you arrived in Afghanistan in 1999?

A. November.

Q. November 1999?

A. Approximately.

Q. Okay. So, you'd spent two years, when were you captured?

A. No, one year and seven months. Approximately.

Q. When were you captured?

A. It was 2001. I'm not sure.

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Q. Was it cold or warm, summer, spring?

A. October, I think. October 25th.

Q. Where were you captured?

A. I was given to the Americans in Bagram AB. That's what they told me, it was Bagram.

Q. Where you in the city of Bagram? Where exactly were you captured?

A. Nobody captured me. I voluntarily came to Bagram AB. There was a soldier there, Astad Atha. These people brought me to Bagram AB.

Q. Why?

A. Those people told me that we are going to take you to General Fahim. They told us, there's a new government in Afghanistan, the government of Karzai. Since you are immigrants from Tajikistan, the new government will give you a new identification card. They told me they were going to take us somewhere in Kabul or close to there. Once we arrived at Bagram AB, they told me where I was, and they told us to get out of the car. There, I saw American soldiers. They just took me inside, they questioned me, and they kept me for a few days. I've been detained since then.

Q. You indicated at one point that you were in the hospital, why were you in the hospital?

A. I have a liver disease. Hepatitis C. I have Hepatitis C. (The detainee answers this question in clear English.)

Tribunal President: You speak English?

Detainee: Yes.

Tribunal President: A little bit? Hepatitis C?

Detainee: Because of that disease, I was in U.N. hospital in Tajikistan.

Q. Had any of the fighting begun by the time you volunteered and turned yourself in?

A. There wasn't any fighting. All the fighting was over by then. The government of Karzai was established by that time. It was a new government.

Q. The U.S. had not started bombing in the Kabul area?

A. That was over, and everything was in American control then.

Q. You indicated, when you were answering the allegations in the unclassified summary, that you were fighting against the IMU. Why were you fighting them?

A. I wasn't fighting. I was serving in our national army of Uzbekistan. In our country, as a soldier, when you take the oath, you have to serve your army, serve your country and government. I was part of that army that was fighting the IMU. I was serving in the

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border of Uzbekistan and Afghanistan. I was protecting the borders of Uzbekistan. We have commanders, they taught us, and I heard of IMU over there. They taught us that there's a group over there, they might attack us, and my job as a soldier was to protect Uzbekistan's borders. I was doing my job. I served approximately for six months in the borders of Uzbekistan and Afghanistan. We have been told there are some bad Uzbeks over there. After that, they transferred me to Tashkent, Uzbekistan, and I was serving there in the airport, a civilian airport.

Tribunal President: That's all the questions I have, does anyone else have any more questions?

Detainee: I have one question, that you haven't answered. Again, I would like to know where the Recorder got her evidence of all those accusations. They are not true.

Tribunal President: The government provided the information to the Recorder, and the Recorder is just presenting it for the government. We don't know exactly where it came from at this point. If you remember earlier, the Recorder indicated that she had classified information for us. It's our responsibility to consider your information, your comments, your statements, as well as the government's information.

Detainee: I'm a little person, of course, it's your job and you will make the decision. But, I'm just wondering about these five or six allegations. At least, if one of them were true, it wouldn't have been so funny. But, all of them are so wrong. Practically nobody will have the time to run the family and do whatever you're telling me that I did.

Tribunal President: Do you have any other comments?

Tribunal President: Personal Representative, do you have questions?

Personal Representative: Yes, a point of clarification is Gorham in Tajikistan or Uzbekistan?

Detainee: Tajikistan.

Personal Representative: That needs to be corrected on the detainee's statement.

Tribunal President: I see. Okay, thank you.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The detainee has a question about the process.

Detainee: Where are going to send me, exactly?

Tribunal President: Is Uzbekistan your country?

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Detainee: But my mother, my wife, and my two kids they are not in Uzbekistan. They are somewhere else.

Tribunal President: Where are they?

Detainee: They are in Saudi.

Tribunal President: Ok, we'll take note of that. We don't make the decision of where you need to go, the government makes that decision, but we will take note. If I understand you correctly, you're requesting to go to Saudi Arabia?

Detainee: No, I don't want to go to Saudi.

Tribunal President: Where do you want to go?

Detainee: I want to go to the United States. First, I want to go to the United States, that's my first wish. But, if the United States won't let me go there, then I would like to go back to my country, Uzbekistan.

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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ISN [REDACTED] 452DP Statement

I was in the Uzbekistan Army for two years. After I left the Army I told my brother, who was a businessman, that I wanted to marry. He said he would give me \$600 US to get married and buy a car. He said that he needed to go to Tajikistan for business and to collect money and that I should go with him. I left Uzbekistan with my brother to sell some Uzbekistan products in Tajikistan but I was tricked. My brother was running from Uzbekistan and took my passport so that I could not return to Uzbekistan. He didn't want the Uzbek government to arrest me as a hostage to get my brother to return to Uzbekistan and face arrest. My brother was jailed once before in Uzbekistan for growing his beard long and going to a mosque.

Around 1999 I immigrated to Afghanistan from Tajikistan along with about 200 Uzbek families. A "big boss" came to where I lived in Gharum, Uzbekistan in a car from Dushanba, the capitol of Tajikistan. He said that the Foreign Minister of Uzbekistan, Abdul Aziz Kameluf, would not jail them if they returned to Uzbekistan. I believed him so my wife, mother and I went with him in his car. He took us to another place in Gharum where there were about 200 other Uzbek families. Then we were transported by bus 1 1/2 to 2 days to a Russian military compound in the desert near the border where a high-ranking Russian general was waiting. Using a boat and later a helicopter when the boat broke down they transported all 200 families across the River of Amu. At that time we thought we were going into Uzbekistan but when we all got on the other side of the river the Tajik person said we were now in Afghanistan and were on our own because Tajikistan was cleaning house of Uzbek immigrants. Many argued with him because we did not want to be left there. The man threatened to kill us if we didn't stop complaining. We had no weapons. I think we were in Ahmed Shaw Masoud's area of Afghanistan.

Two days later a Tur Kman! man found us and warned us to get away from the border and head into the villages for safety because of the Afghan war. They did and after a day walking we reached the nearest village, Tur Kmans. We stayed there five days and cars from Afghan Uzbeks came and took us to the city of Kunduz where we got lots of support from their hospitality. There was an older man in our group called Saimudin who made the decision to move to Mazar-e-Sharif because there are lots of Uzbeks there. Once there, we were allowed to stay in some vacant houses in the Said Abad area of Mazar-e-Sharif. We were told we had to conform to certain rules - let our beards grow, go to mosque five times a day - or we would be punished. I missed a few morning prayers and was punished. I argued with Saimudin about their rules and refused to follow them. He said that if I did not follow the rules I would go to jail or have to leave. I chose to leave. I left my wife and mother and went to Shebergam because of the number of Uzbek people there to set up a place to live and find work. Shebergam is the headquarters of General Dostum, an Afghan/Uzbek warlord who fought against the Taliban. I got some money from the Uzbeks and I started buying and selling sheep to earn money.

I inquired about going back to Uzbekistan but had to travel through Turkmenistan and I needed a passport. I went back to Mazar-e-Sharif to visit my wife and was confronted by Saimudin who wanted to know why I came back. I gave my wife some money and went back to Shebergam. Six months later I had a place and went back to Mazar-e-Sharif to get my wife but all the immigrants were gone. I heard they were taken to Kabul so I went there. I spent two months looking for them in Kabul and eventually heard they were taken to Lugar. I went there and found them but wasn't allowed into the camp. I explained that my wife and mother were there so they let me in but I had to leave by 12 o'clock. I didn't and Saimudin confronted me again, suspecting me of being a spy. I believe the IMU was supporting the immigrant camp at Lugar. Saimudin told me to take my wife and mother and leave. We started the journey back to Mazar-e-Sharif because it was now under the control of General Dostum [Northern Alliance.] But my wife was seven months pregnant so she could not complete the journey. I left her with my mother in Kabul and I continued on toward Mazar-e-Sharif to get established and would later come back and get them. Because

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Exhibit D-b 1 of 2

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of fighting I wasn't able to get through to Mazar-e-Sharif. I stayed in a hotel for 1-2 months waiting for the fighting to stop so that I could get through. One of Dostum's generals came to the motel and questioned me. I told him I wanted to see Dostum in Mazar-e-Sharif but I was told he is too important now and could not see me - he was in Kabul. Instead he would take me to the new governor of Mazar-e-Sharif. I got into a military car but instead of going to Mazar-e-Sharif the car turned toward Baghram Air Base and took me to Gen Fahim. At the Air Base U.S. forces surrounded the car. I was interrogated and detained and have been since.

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Exhibit D-6 2 of 2