

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, but one comment.

Detainee: I do have questions, but I will ask them later.

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.

Detainee: Can I answer now?

Tribunal President: In just a minute we will get to the part where you can present your oral statement.

Detainee: Very good.

Tribunal President stated that the detainee wants to participate and has requested one witness, which will be present later on during the tribunal

Recorder administers the Muslim oath to the detainee.

Detainee: I swear to almighty God that anything I say is 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 forces that have engaged in hostilities against the United States and its coalition partners.

3.a.1. The detainee was seized in an open-air area near a suspected Taliban facility.

Detainee: I was caught in my own room, not outside.

3.a.2. A Kalashnikov rifle was confiscated from the detainee's home the night he was arrested.

Detainee: First I would like to say that I was caught inside the room. Yes, the Kalashnikov was found inside of that room, but the Kalashnikov belonged to my father.

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3.a.3. The detainee was captured with communications equipment.

Detainee: This is a wrong accusation. Nothing was caught with me. In the interrogation they showed me communication stuff, but I didn't recognize it.

3.a.4. Coalition forces were fired upon from the direction of a suspected hostile facility during the seizure of the detainee and his associates.

Detainee: This is a wrong accusation. The soldiers and helicopters came to arrest me inside my house. This is a lie; this is a wrong accusation. I was sleeping in my room.

3.a.5. The detainee was captured with Sarajuddin, a recruiter for Pacha Khan.

Detainee: This is a wrong accusation. Sarajuddin's house and my house is a little distance from each other. I was caught in my house. When they took me outside, I saw Sarajuddin was sitting over there, but they took me [us] to Kandahar, together.

3.a.6. Pacha Khan, a renegade Pashtun Commander, has been conducting military operations against the Afghan Transitional Administration (ATA) and coalition forces.

Detainee: No doubt Pacha Khan is a renegade commander against the United States Forces. But when I met with Pacha Khan, it was after the Afghan government gave the position as a governor, that's when I met him.

3.a.7. It is alleged that Jalaluddin Haqqani, used Sarajuddin's guesthouse for shelter.

Detainee: First this question isn't relevant to me. This question belongs to someone else. The second, I don't know if Haqqani came to his guesthouse.

3.a.8. Jalaluddin Haqqani was the Taliban minister of Frontiers and Tribal Affairs.

Detainee: I don't care what he does. I've heard his name on the radio; I don't know what he was doing.

3.a.9. The detainee has been working for HIG since it began.

Detainee: This is a lie; I never served anybody in any organizations. I was not involved in any organization. If you could find the proof, then anything you say, I believe in it.

3.a.10. The HIG is listed in the United States Department of Homeland Security's, "Terrorist Organization Reference Guide".

Detainee: I don't care whomever he is with. I heard his name in the radio. Like I heard many names, he mentioned Bush, I did not serve him or did I know him. Can I ask you a question?

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Tribunal President: You can, but let me tell you that the only thing we know really about your case is what has been presented to us so far. But you are free to ask questions.

Detainee: Can I ask now? Basically, your tribunal is in session to find out the guilty and the non-guilty all of the accusations that are against me and you read it for me, wrong accusations. First of all, you told me I was caught outside, I wasn't, and I was caught inside my room. This is oppression; I came from another country for one and a half months when I was captured, I was not involved with no organization. I've been here for the past three years and this is oppression. If you have any witnesses against me, then I will agree with you.

Tribunal President: Is there anything else at this time you would like to tell us about your situation?

Detainee: Yes, I would like to say that I am innocent. I was caught with a passport, with an international driving license and some money in my own house. Please, look at my poorness.

Tribunal President: At this time, we may have questions for you. Will you be willing to answer some questions for us?

Detainee: On my eyes, anytime.

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

Personal Representative: No Ma'am I don't.

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

Recorder: Yes Ma'am I do. Are you known by anything other than Mohammed Gul?

Detainee: No.

Recorder: Are you the only Gul in the village?

Detainee: No.

Recorder: Who are other Gul's within his village, are they family?

Detainee: I know some one by the name of Sahib Gul (brother).

Recorder: What is your occupation?

Detainee: I am a farmer, and I also own a diesel gas station.

Recorder: Is this the only business you ever owned or operated?

Detainee: Yes, except that one, I don't work anymore.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You just said you had only been back from Saudi Arabia for a month and a half. How long had you been there?

A. Three years. All together I spent seven years in Saudi Arabia. Every three years, I came home for six months. That was the last time I went on vacation for six months.

Q. Did someone run your diesel gas station while you were in Saudi Arabia?

A. No, it was in Afghanistan. Swalzheeb Gul (brother) ran it for me. He had never been to Saudi.

Q. You said you were a farmer, is that prior to you going to Saudi Arabia?

A. Yes.

Q. What crops did you grow?

A. We don't have nothing else to grow; we grow wheat and corn.

Q. You said you didn't have any communication equipment. Did you go to school?

A. No.

Q. Did you get any electronic or communication equipment training?

A. Like what electronics?

Q. Like, how a radio works, how to build a radio, how to fix a radio?

A. I'm a poor person; I have never been to school and I don't know how to use none of this stuff.

Q. Does the name Gul as a name does it have any meaning?

A. Gul means flower, Gul or Khan in Afghanistan.

Q. When Russians invaded, did you have any part of that fight against the Russians?

A. No, at that time I was young. At that time I was a driver's helper until finally I found a Visa to Saudi Arabia and I went to work there. I was getting paid 50 Afghani's to work for the people.

Q. Other than traveling to Saudi Arabia, have you been to any other countries?

A. No.

Q. You said you had no education, how about military training?

A. No.

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Q. On the night of your arrest, did you hear gunfire?

A. No, I was asleep. I was asleep when the soldiers entered my room. The soldiers in my room, they did not receive any firing upon them.

Q. You had indicated earlier that the weapon found in your house belonged to your father, was your father at home the night you were arrested?

A. All of my family was home, my father, my brother. When they arrested me they wanted to take me outside, my father did not know their language. They told them by sign. Where are you taking my son? They said we take him outside, then we will bring him back inside. All family of my family was home. They told my father that they will bring him back.

Q. You mentioned you heard things on the radio; did you have a radio in your home?

A. Yes, we had a tape recorder.

Q. What about a Walkie-talkie type radio?

A. No.

Q. You said that when you were taken outside that Sarajuddin was already outside, were you the only two arrested?

A. No, Sarajuddin was arrested, [and] Sarajuddin's brother and son. When I went outside, all three of them were sitting, and they took me and made me sit with them.

Q. You indicated earlier that you did not know or work for the HIG, did you work for any charity types?

A. No organization that I worked ever before.

Q. Did you work for Pacha Khan when was working as governor?

A. No, I did not work with him.

Detainee: I have one question.

Tribunal President: You can ask, I don't know if we can answer it for you.

Detainee: I came to my country not to meet Pacha Khan or anybody else. I came home because my wife was sick. She sent me a letter asking me to come. The only person I have at my home is my old father. I did not come to meet anybody. I came to see my wife, who was sick.

Q. At the time you were arrested, did they tell you why you were arrested?

A. No.

Q. Who arrested you?

A. Yes, I did not know their language, so they must be Americans.

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Q. Did they have an interpreter?

A. No.

Q. When was the first time any one gave you a reason why you were arrested?

A. When I was captured by signing, they told my father that we want to take him outside. Bring him back inside, nobody told us why they captured me. It was late night, around 3 o'clock in the morning. My father is old, had a blanket on top of him. They told him we would take him outside, talk to him, and return him back. They treated us with respect; they did not bother us at all. They treated us with lots of respect. It was cold night, 3 o'clock in the morning, and they put a blanket on top my father because our house was cold.

Q. How big is your village. How many houses or people are in your village?

A. The population I don't know how many people, but around seven homes are in my village, it's not a big village, it's a small village.

Q. You were arrested with three people. Did you work with any of them?

A. No, they are my villagers.

Q. Did you go on any trips with them, any hunting trips, anything like that?

A. No I didn't have time for hunting. I was working hard.

Detainee: Can I have one question?

Tribunal President: I don't know if we can answer it?

Detainee: I come home, because my wife is sick. All I have at home, is my old father, I just went to see wife.

Tribunal President's questions.

Q. So the village that you were arrested in was your native home village, where you grew up?

A. Yes.

Q. You said you had a passport; I'm assuming it's an Afghanistan passport?

A. Yes.

Q. Issued by the new Karzai government?

A. No. It belonged to the area of Rabanni.

Q. It was still a current passport? You could still travel on it?

A. I went to Saudi Arabia with the Pakistan passport. In Saudi Arabia I went to the Afghanistan embassy, at that time President Rabanni was in Afghanistan they changed my Visa from Pakistani passport to Afghan passport.

Q. I thought you hadn't been to Pakistan so how did you get a Pakistani passport?

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A. I never said that I didn't go to Pakistan, Pakistan is like my own country, and one hundred times I was in Pakistan.

Q. So you have been in Saudi Arabia, Afghanistan and Pakistan, those are the three countries you had traveled to?

A. Yes, yes. I was a refugee in Pakistan for long years, I went back to Afghanistan came back to Pakistan. I was issued a Pakistani passport, I got a Visa. Anytime I went to Saudi Arabia, I came back to Pakistan because we didn't have any airplanes inside our country. No flight could go to Afghanistan at that time.

Q. Where did you live at in Pakistan?

A. A place, Miram Shah. Ten years we were living in Miram Shah. I place called Matches Camp. It was a refugee camp.

Q. What did you do in Saudi Arabia?

A. I was a driver.

Q. Did you work for a particular company?

A. No, I was working for a supermarket. I was bringing equipment to the supermarket.

Q. So you drove commercial trucks, moving things for the supermarket?

A. Yes, I was a driver, bringing in vegetables and many other things to the supermarket.

Q. You did not know about Sarajuddin's guesthouse being used as shelter for Haqqani. Have you heard any rumors about Haqqani being in the village?

A. Sarajuddin is not my cousin or brother to protect him. In the interrogation, the interrogators brought me the Koran, twice, I swear to the Koran. I did not know that Haqqani came to Sarajuddin's house, I do not know.

Q. Obviously you left during the Taliban rule, would you say in general, that a lot of people left or would you say they were fairly supportive of the Taliban government?

A. We left at the time of Jihad. We went, we were home; my family was inside my village. I was working in Saudi Arabia. My family was living in my own house.

Q. You said some of you were refugees, who went as refugees?

A. Nobody went with us as refugees; I don't know what you are talking about?

Q. So, just your family is what your saying went as refugees, not everyone else.

A. At the time of the Jihad, not only my family, but many other families went as refugees.

Q. So, this was prior to Taliban era?

A. Yes, yes. At time of Taliban era, I was in Saudi Arabia.

Q. But, your family was back in the village?

A. Yes.

Q. You said you met with Pacha Khan when he was governor. What did you meet with him about?

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A. I did not go to meet him personally, when I came from Saudi Arabia, the people told me that Pacha Khan is the current governor of our province. I wanted to go meet him; I did not meet him yet.

Detainee: The only thing I would like to tell you, this is oppression. For the past three years, I spent my time here. You could go ask in Khost, which is my area. If you find evidence against me; I'm willing to spend my life here. But, if not, I don't want to spend any more time here, not one more minute. I'm a poor person; I have a small piece of land. I bought the Visa to go and work hard, to feed my kids; the Visa was expired. I do not have the Visa anymore. In the beginning, I told my interrogators the address of the supermarket that I was working or I told him that I was working for such and such individuals. I was a driver, and nobody paid attention to me.

Tribunal President: Is there anything else at this time you want to tell us?

Detainee: No. I do not have any questions at this time.

Tribunal President: Personal Representative, did you have any other evidence or does the detainee have any previously approved witnesses to present to this tribunal?

Personal Representative: Yes Ma'am, he does have a witness.

Tribunal President: At this time, let me explain to you how the witness process occurs. Basically, 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. You are certainly welcome to give him a brief greeting or brief exit greeting, orally. Again, please remember, that it all needs to be translated. Do you have any questions?

Detainee: No, that's fine.

The Tribunal President called for a brief recess while the witness is brought into the room.

Hearing is reconvened with witness and detainee present.

The detainee and witness exchange greetings.

Tribunal President: This tribunal has been reconvened with the witness in the room. Would you please state your name for the record?

Witness: My name is Khan Zaman.

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Tribunal President: You are here today to testify for Mohammed Gul, are you still willing to do so?

Witness: Yes, yes, I want.

Tribunal President: You willing to do so under oath as well?

Witness: Yes.

The recorder administered the oath to the witness.

Witness: I swear to almighty God that anything I say to this tribunal will be the truth.

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

Detainee: No.

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

Personal Representative: Yes Ma'am I do. Do you know if Mohammed Gul had any communication equipment with him?

Witness: No, he did not have equipment. Nor did our village have those kinds of equipments and he did not see those kinds of equipments.

Personal Representative: Did he know if Mohammed Gul had been associated with Sarajuddin?

Witness: No, he did not have a special connection to Sarajuddin. Except being a villager, everybody in the village talks to each other.

Personal Representative: Did Mohammed Gul know Pacha Khan?

Witness: No, except probably just heard his name, he did not work with him, he did not know him, or didn't have anything to do with him.

Personal Representative: Did Mohammed Gul know Jalaluddin Haqqani?

Witness: No. He did not know him, he doesn't know him, and he doesn't have any connection with him.

Personal Representative: Did Mohammed Gul belong to HIG?

Witness: No, he wasn't in HIG, he doesn't have any information on HIG.

Personal Representative: How long did you know Mohammed Gul?

Witness: As long as I know my left and my right. I know him.

Personal Representative: Is Mohammed Gul associated with the Taliban?

Witness: No, no connections, probably heard their names, but he didn't have any contacts with them.

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Personal Representative: Is Mohammed Gul associated with forces that have engaged in hostilities against the United States and its coalition partners.

Witness: No.

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

Recorder: Yes Ma'am I do. When was the last time he saw the detainee before he was captured?

Witness: Right before our captured, we were captured before him. We were sitting outside when they brought him over there.

Recorder: How much time from when he came back from Saudi to when he saw them prior to the capture?

Witness: Fifteen days prior to the month of Ramadan. He came from Saudi Arabia, I went to visit.

Recorder: How long was that between that time and the capture?

Witness: I'm not educated we do not know dates. But probably month, or month and a half before his coming back from Saudi Arabia I met him.

Recorder: Do you know what Mohammed Gul did in Saudi Arabia?

Witness: He was a driver.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Tribunal Member: Good to see you again.

Witness: I thank you very much.

Q. Is Mohammed Gul, is that a very common name?

A. Yes.

Q. Do you know how many Guls in your village?

A. Why would I count? I never counted how many people have that name Gul.

Q. But like in the Khost area, there might be...

A. Believe me or not, I forgot my kids name, for the past three years. How would I remember many other people's names? Inside this jail, I spent three years. Three years is a long time, I forgot youngest name.

Q. At the time of your arrest, did you have any idea why he was arrested?

A. I swear to Allah, I don't know why we were arrested, we are innocent, I don't know who told you anything about me, but we do not know why we were arrested.

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Q. Do you know if he or any of his family has weapons?

A. In Afghanistan, especially in the province of Paktia, three things that the Paktia province was accepted from the previous government of Afghanistan. First they do not pay taxes for land, the second they could have small weapons, and the third (the interpreter forgot the third one.)

Q. Was your village small or large?

A. No, our village is very small.

Q. So, everybody knew everybody.

A. Special information, we don't have a special connection, but we do know our villagers, who are who.

Q. Do you know who was living inside the house where the detainee was arrested?

A. Father, brother, and himself.

Tribunal President's questions

Q. All the people in your village, were they all in one tribe?

A. Yes, we are a sub-tribe to a bigger tribe.

Q. Are there any disputes in your village amongst each other?

A. Not any special animosity.

Q. Did any of the villagers leave to go to Pakistan to take refuge at any time?

A. Yes, they went.

Q. During Taliban time or before that?

A. No, long time ago.

Q. During the Taliban time, like you said, it was pretty quiet?

A. At the time of the Taliban, nobody left.

Q. Would you say that Mohammad Gul was working in Saudi Arabia for a while?

A. As long as I remember, he went to Saudi Arabia for seven years. Twice he came home every time for six months. All together it means, it was six years he was in Saudi Arabia, six months twice in Afghanistan, all together seven years.

Q. And he came home this time because it was normal time to come home, or did he have a specific reason for coming back to the village at this time?

A. No, someone was sick in the house, he came to see the sick.

Tribunal President: Thank you for participating in this tribunal. We will take a brief recess while the witness is removed from the room.

Witness: I'd like to thank you for to waste your time to come and listen to us.

Tribunal President: We will take a brief recess while the witness is removed from the room.

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

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

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