

**Summarized Unsworn Detainee Statement**

*When the Recorder stated he had no further unclassified evidence to present, but requested a closed session at a later time to present classified evidence, the Detainee asked where the classified evidence was, and how we could accuse him without showing him the evidence against him.*

*The Tribunal President told the Detainee that he was not entitled to see the classified evidence for reasons of national security, and the Detainee could refute any of the unclassified evidence by making a statement or presenting evidence.*

*The Detainee requested the Personal Representative read his statement for him, and the Personal Representative obliged by addressing each point in the Unclassified Summary (R-1).*

- **3(a)(1) Detainee joined the Taliban to fight against the Northern Alliance and United States.**

This is not true. I went to fight Farsi people in the North, not the United States. Massoud was one of the people in the North, [and] all of them were [part of the] Northern Alliance. My purpose was to defend the Pashtu people against the Northern Alliance.

- **3(a)(2) Detainee stated that he attended an anti-western rally and then joined the jihad against the Americans**

That happened before I went to Afghanistan, in Pakistan. It was a jirga, not an anti-western rally. At the jirga, I was told there was oppression against the Pashtuns in Afghanistan. This oppression had been going on in a 15-20 year conflict. The roots of this conflict have nothing to do with America and there was no mention of America.

- **3(a)(3) Detainee claims to be connected with the Tarik Nafaz Shariati Muhammed Molakand Organization (TNSIMM) or Tarik Nafaz Shariati Muhammedi Molakan Danija (TNSMMD) which brought over five thousand people to Mazer-e-Sharif from Pakistan for Jihad in November of 2001.**

That is correct.

- **4. The Tarik Nafaz Shariati Muhammedi Molakan Danija is a Pakistan-based Islamic militant group that is based in the Northeast portion of Pakistan that was sent to Mazer-E-Sharif to fight with the Taliban forces.**

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I am aware of the group, but not aware of any relation [it has] to the Taliban. I changed my mind in Afghanistan at Mazer-e-Sharif about jihad. At that time, the Americans took me from Mazer-e-Sharif because I was an English speaker.

***The Personal Representative stated that was the end of their discussion. The Detainee added the following:***

When I was in Mazer [Mazer-e-Sharif], I was in prison at the jail. When we were in prison, we were all tied up in the cell and were being questioned. When they [unknown] asked me if I speak English, I said yes. Then they [unknown] took me to Kandahar and interrogated me there. They [unknown] told me they were going to send me home. From Kandahar they sent me to Cuba and said I was going to go home.

It doesn't matter to me if you have some evidence against me, if I get a prison sentence of 20-25 years. You guys are saying I was fighting the U.S. forces. The claim is that I was captured with weapons. I never had any weapons or any ammunition when I surrendered.

[For] The time I spent in Kandahar and here, who is going to give me an answer for all the time I've been in prison for?

I can understand if you guys have some evidence against me or if I am guilty, but I am here for no reason. I've been held for 3 years for no reason.

***The Tribunal President stated that our mission is to evaluate or analyze all of the fact based information to determine the Detainee's enemy combatant status.***

I would like you to make your determination and I would like the evidence to be brought against me. I'd be happy if you could show some evidence saying I did this crime or that. Otherwise, I'm just being held for no reason.

***The Tribunal President stated that we have made available all unclassified information that we have the authority to provide to you. We do not have the authority to provide the classified information to you due to its classified nature and the national security risk involved with that information.***

What decision are you going to make now? Am I an enemy combatant or not?

***The Tribunal President stated the Tribunal will make that determination after observing and analyzing all facts, information and evidence available and also after the Detainee has the opportunity to make his statements to the Tribunal.***

**Summarized Answers to Questions by Tribunal Members**

Q: Do you speak English?

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A: Yes, not too much, but I understand [some].

Q: Where did you learn English?

A: In school.

Q: What is a jirga?

A: When the Pashtun people gather, it is called a jirga.

Q: How is that different from a rally?

A: It could be the same. At a jirga, the elders gather and make decisions.

Q: Are you trained to use any weapons?

*The translator mentioned the word "Kalashnikov" when asking the question and the Tribunal member told the translator to translate directly what is asked. He did not mention "Kalashnikov".*

A: I don't have training on weapons.

Q: Have you ever used a rifle?

A: Yes, for hunting.

Q: Have you ever received military training?

A: None.

Q: What value would you be fighting the Northern Alliance if you had no training?

A: Not everyone knows how to fight. Some people just serve and others fight.

Q: Have you ever fought in Kashmir?

A: No.

Q: How were you captured?

A: We surrendered.

Q: Who were you with?

A: We were with the Pashtuns in Mazar-E-Sharif.

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- Q: How many?
- A: 400-500.
- Q: What weapons did your group have when they surrendered?
- A: Kalashnikovs.
- Q: How old are you?
- A: I was born in 1980.
- Q: You are a native of what part of Afghanistan?
- A: I am from Pakistan.
- Q: Could you tell us how you became connected with the Tariq Nafaz Organization?
- A: It was my first time attending the jirga and that's how I was associated with them.
- Q: Was it that organization that put together the rally, or the jirga?
- A: Yes, I was the leader of that group that organized the jirga.
- Q: How does one get to be a leader to organize an event like that?
- A: Elders are known leaders, and Pashtun people only. Not other people.
- Q: If that was normally a job for elders, and you were allowed to do it, they must have had great confidence in your ability?
- A: The interpreter is also Pashtun and that he [interpreter] should know that they respect elders very much.
- Q: Were you a leader or an attendee at the jirga?
- A: I was just an attendee.
- Q: After you attended the jirga, or rally, did people approach you and ask you to assume certain responsibilities?
- A: No.

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- Q: How was it that you traveled to Afghanistan?
- A: We went in cars...trucks.
- Q: Why was it that you went to Afghanistan?
- A: Because of the Pashtun people. We wanted to defend them. I want to clarify something. Pashtuns live on both sides of the border of Pakistan and Afghanistan. They are the same people and the same families; just the border is dividing them.
- Q: At the rally, you heard that it was the non-Pashtun people, the Farsi, Uzbek, Tajik, [and] people like that, who were fighting against the Pashtuns?
- A: We call them the Northern Alliance.
- Q: Was your intent to fight against them because they were attacking the Pashtuns?
- A: Yes.
- Q: When did you travel to Afghanistan?
- A: November 2001.
- Q: Were you aware that the United States military was in Afghanistan?
- A: Just [that] the bombing had started.
- Q: Did you think that if you went to Afghanistan, you might be bombed?
- A: No. I wasn't concerned about being bombed.
- Q: Were you aware that the people you were going to fight with, the people on your side, were the ones that were being bombed?
- A: No. We weren't thinking about that. Our intention was different.
- Q: Did you know who was being bombed?
- A: No, we had no information because we were in a different area than where the bombing was taking place.
- Q: Did you realize that when you were going to fight against the Northern Alliance that the United States was fighting on the same side as the Northern Alliance?
- A: Yes, I knew that they were assisting the United States.

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Q: Do you understand why that was?

A: No, I don't.

Q: You were not told anything by your leadership?

A: I never saw the leaders afterwards. We just had that meeting and we just left. That was it.

*There were no further questions by the Tribunal members or President.*

Det: I have a question. Some detainees that I have heard of have been released, even without Tribunals. I have heard of about 100. How is that fair?

Pres: I have also heard a little information about that. I have no direct knowledge of that process. We are only involved with these tribunal proceedings to determine your enemy combatant status.

Det: How is this fair? Everyone should go through the same process.

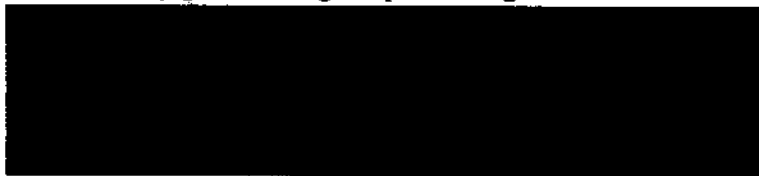
Pres: I am only assigned for this tribunal process and I do not know what happened with those other cases. Possibly in your communication network, you may be able to find out more than we can.

Det: I am a prisoner. What kind of information can I get? Even my letters from my mother and father are marked and edited. I don't even have that information.

*The Tribunal President continued to explain the notification process to the Detainee and the Detainee indicated that he understood.*

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps  
Tribunal President