

**Summarized Unsworn Detainee Statement**

*The Tribunal President read the Hearing Instructions to the Detainee and had to explain in layman's terms before it was confirmed that the Detainee understood and had no questions.*

*The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.*

*The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. The Recorder also presented R-2 to the Tribunal as evidence.*

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

*The Tribunal President confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have one off-island witness participate in the Tribunal on his behalf. This witness could testify that the Detainee was not associated with Al Qaida or Taliban. The witness could also testify that the Detainee was just a farmer. The witness request was sent to the Department of State on 29 December 2004, and a second request was sent on 10 January 2005 both contacting the Afghanistan embassy. As of this date, 14 January 2005, we have not received a response from the embassy on the status of this witness. The witness has been deemed not reasonably available. The Tribunal President reassured the Detainee that this would not be held against him for any reason.*

*The Recorder administered the Muslim oath to the Detainee.*

*The Tribunal President opened the Tribunal to the Detainee to make his statement with the assistance of his Personal Representative.*

*The Tribunal President took a brief recessed.*

*The Tribunal President reconvened.*

**Summarized Sworn Detainee Statement**

*3.a.1. The detainee was to assume a prominent leadership role in Qandahar, Afghanistan via the negotiations between the Taliban Leadership and Pashtun Commanders (note: The detainee's future position fell through when the Taliban realized they had maintained their hold on the city).*

Detainee: I don't know. I swear about it. I don't know about it at all. I was a labor worker. I was working for anybody that called me to work I would work for them as a laborer. I don't know about these issues.

*3.a.2. The detainee was identified as a Taliban official.*

Detainee: I swear I don't know about it.

*3.a.3. On April 12, 2002, the detainee was captured by American forces at a compound utilized by Mullah Berader.*

Detainee: When they arrested me, I was in my home and it was night and I was sleeping in my bed and they woke me up and arrested me. I am not aware of that place and I haven't seen Mullah Berader in my life.

*3.a.4. Mullah Berader is a Taliban Commander, who, along with another senior Taliban facilitator plotted to kill the current Afghanistan President Hamid Karzai.*

Detainee: I swear to God, I don't know about this issue. I didn't hear about it at all.

Tribunal President: Is there anything else you'd like to tell us about yourself?

Detainee: I swear to God I don't know why they arrested me. It was the middle of the night. They woke me up from my bed and I was at my home and they brought me to Qandahar. I am a poor guy and I don't know these issues at all. I never drank water or ate food with Taliban at all. I don't know what is Taliban. I never been with them and they brought me in here and I swear to God why they arrested me and today I am working; if you asked for me for you as a laborer; if somebody else was asking another day I would work for him; as a laborer if somebody else ask me, the next day I would work for him.

Tribunal President: At this time we might have some questions we'd like to ask you. Would you be willing to answer some questions for us?

Detainee: Any kind of question you have; if I know I will tell you.

**Tribunal Members' Questions to Detainee**

Q: Where did you live?

A: I'm living in this camp.

Q: In Afghanistan, where did you live?

A: In my home.

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Q: Did you live with anybody?

A: No except my children and my family. I don't have dealings with anybody. I was living with my family.

Q: Do you live in a house?

A: Yes, I was in my house.

Q: Do you have to pay to live there; like rent?

A: No. This is my home. I have made it myself.

Q: Is your home in a village? Is the village that your home is in it is Tarkqetemak? Is that the name of your village?

A: Yes, I am from Tarkqetemak.

Q: How far is that away from Qandarhar?

A: We are far away in the mountains. It's all mountains over there where I live.

Q: How many people live in your village?

A: It's two big houses. One is mine and one is my cousin's. That's all. There are no people up there.

Q: Did anyone from the Taliban ever come and visit you?

A: No. I swear I haven't seen any of the Taliban to talk and come see me. I was a laborer and I was working outside of the home up to the lunchtime. At lunchtime I would come and eat then I would go back to my labor work.

Q: When you were doing labor work, do you know if you ever did labor work for the Taliban?

A: No. I was working for my family. I did not work for them.

Q: Can you describe some work that you would do? Like would you do digging, painting? Can you just tell us the kind of stuff that you did?

A: I was shoveling and mud working.

Q: Did you ever serve in the military?

A: No.

Q: Did you ever go to school?

A: No.

Q: Can you read or write?

A: No. I swear I don't know at all.

Q: Do you have weapons in your home?

A: No I don't have it. I haven't seen it in my life.

**Tribunal Members' Questions to Detainee**

Q: Have you ever traveled outside of Afghanistan?

A: I swear I didn't come out from my area to another area.

Q: When you were working, what's the closest city that you would work in?

A: There is no close city by us. It's all mountains in those villages.

Q: You said your village only had houses, so whom did you work for?

A: I was going farther in my home country and somebody was coming asking me and I was going with him to work. I was doing labor work in my homeland.

Q: Do you own a vehicle?

A: No I don't know how to drive. I swear I can't find enough money to support myself for food and I can't buy a car.

Q: I'd just like to clarify that he does or does not know Mullah Berader?

A: I swear I have seen him only from far away when I was cutting the grasses for myself and my kid was with me also. But after that and people told me that that's Mullah Berader and after that I swear to God I haven't seen or I don't know who is this guy. Usually, I was doing labor work and somebody would come to my house or see me on the way and ask me could I work as a laborer for them. I was that type of person. I don't know him.

**Tribunal President's Questions to Detainee**

Q: What about during the time of the Russian occupation. Did you participate in any military activities during the Russian War?

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- A: No I swear to God that I did not participate in any kind of fighting activities because I had my children and my family. I don't have a father to support my family and me. I was only working during the day to get food at the end of the day for my kids and my family and live up to another day until I gain more money. We could support ourselves with food, how should I go for fighting?
- Q: You indicated, when you asked for your witness, that he could testify that, what I understood that, you were a farmer as well. Did you own land and farm?
- A: No I was working for other people on their land if they asked me. They would give me lunch and I was working with a shovel for them on their land. Then at the end I would get some gain some (money) and support my family.
- Q: When you worked for other people did you sometimes leave your house for like a long time? Did it sometimes take you a day to travel where you were going to work and come back? Did you stay overnight?
- A: No I was going everyday. During the day I was working and at night I was back to my home.
- Q: So you never traveled further than you could return in one day, right?
- A: No.
- Q: Tell us a little bit about your capture. I know that you said that it was at night and you were in your bed sleeping.
- A: I was laying with my children in the same room and it was completely dark and suddenly the door was opened and they came inside and put the gun on me and told me to stand up and they searched my and pull me out of my home. After that, they searched my home and they put me in the helicopter and brought me to Qandahar city.
- In Qandahar city, they didn't ask me too much. They asked me questions a couple of times and then they said that I was innocent and we will release you. After questionings, they brought me to Cuba. I don't know, they told me that they would release me but I ended up in here. In here I got questioned a lot. They asked me questions and finally they said that I was innocent and we will release you. After these questions, I ended in here and now I am in here and I am answering in here. I don't anything else.
- Q: Do you know who arrested you? Was it Afghan soldiers or U.S. soldiers?
- A: It was soldiers.
- Q: Can you tell if they were Afghan or U.S. soldiers?

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A: I swear I don't know. I don't know if they were Americans. I don't know.

Q: Were they wearing a uniform though?

A: Yes, they had military suits and they were talking Farsi.

Tribunal President: I'd like to thank you for participating in the Tribunal today. Is there anything else you'd like to tell us before we close?

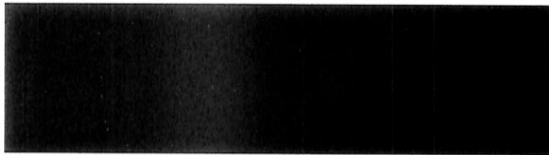
Detainee: No I swear I don't have anything to say because I don't know anything.

*The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no additional previously approved witnesses to present to the Tribunal and closed the open session.*

*The Tribunal President adjourned the unclassified open session.*

**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. Army  
Tribunal President