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Summarized Unsworn Detainee Statement

The Personal Representative made the following statement on behalf of the detainee:

The Detainee will contest his enemy combatant status in the courts in January.

AUTHENTICATION

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



Col, USAF

Tribunal President

ISN #762
Enclosure (3)
Page 1 of 1

UNCLASSIFIED // FOUO

001071

UNCLASSIFIED / FOUO

Summarized Sworn Detainee Statement

When asked by the Tribunal President the detainee stated he understood the CSRT process and he did not have any questions.

During the reading of the unclassified summary by the Recorder, the Detainee interrupted after the Recorder read, "The detainee is an admitted associate of an Al-Qaida explosive cell leader." The Detainee stated the translated copy provided to him says something different. The Tribunal President asked the Translator to compare the two and state the difference between the two documents. The Translator stated the translated copy does not say "explosive" it says that he admitted to training with Al-Qaida. The Detainee stated it was okay; the only difference between the two documents is his translated copy did not say "explosive."

The Detainee again interrupted after the Recorder read, "He was captured in the company of a Taliban General." The Detainee asked to have this charge explained. The Recorder addressed the Tribunal President: "Mr. President after careful review I request the Tribunal not consider paragraph 3, sub-paragraph B3, in their deliberations. This information was included by an administrative error and does not apply to this detainee."

The Detainee stated he spoke with his Personal Representative a few days prior and wanted to respond to each charge. The Tribunal President told the Translator to tell the Detainee he would be given an opportunity in a few moments to respond. The Recorder completed reading the unclassified summary.

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes and provided his statement after electing to be sworn. The detainee testifies essentially as follows:

A few days ago I looked at the charges that have been brought against me. The first charge says I am a member of Al-Qaida. There is a contradiction here. It was written that I was captured with a Taliban commander and that I was with the Taliban. At the top you wrote I was an Al-Qaida member and at the bottom it says I was captured with a Taliban commander. Which would mean I was either a commander or part of the Taliban. If you really think about it these statements contradict each other.

[The Tribunal President asked the Translator to tell the Detainee the Tribunal understands the statement that he was captured with a Taliban General is not true.]

[The Detainee then continued]: a lot of these are lies and if I hadn't mentioned it, I doubt it would have been caught. It is saying I was a member of Al-Qaida and an associate of the Taliban. What kind of statement is this?

[The Detainee then stated he would answer any questions. The Tribunal President asked if that concluded the Detainee's statement.] The Detainee stated all the charges are false,

ISN #762
Enclosure (3)
Page 1 of 11

UNCLASSIFIED

002769

UNCLASSIFIED / FOUO

except for the mines were captured in the house. I will talk about the notebook. As for the training I received from the Taliban, I would like to talk about that.

A few months before September 11th, the Taliban took me forcibly for training. I was about 18 or 19 years old. The Taliban wanted people to work. At that time I had no beard or facial hair. They told me I was too young to go to war. They wanted to train me and then work with them. They sent me to a technical school where I received two days of training. Each night I would go home. When I returned home after the second day my mother told me not to go back to the Taliban School because I had no father or older brothers. I would hide from the Taliban so I didn't have to go to their school. The Taliban came to my house a few times looking for me. I would go to my relative's house to hide. After September 11th they stopped coming to my house looking for me.

About the notebook that was captured with me; when I went to the Taliban School one of the Taliban members gave me the training.

The evidence says I admitted to being an associate of an Al-Qaida explosive cell leader, I never admitted to that. When the Americans captured me, they bound me to the American area and they began punishing me. They put a knife to my throat, tied my hands and put sandbags on my arms. At the airport in Khost I was walked around all night with the sandbags on my arms. They took me to Bagram where the interrogation and punishment increased. I was very young at that time, so whatever they said, I agreed to. I never admitted to being an associate of an Al-Qaida explosive cell leader and when I came to Cuba I gave them the true story. I gave them the true story here because I knew they wouldn't punish me.

I want you to look at all the evidence concerning the mines that were captured with me. When the Russians came to Afghanistan we were refugees in Pakistan. The Afghan communist captured our village and area. A commander by the name Ali Jhan lived in my house. When Khost became free the communist ran and left Khost. When we came back to our residents, Ali Jhan had fled and left all his belongings in our house. They built watch towers, bunkers, and basements at my house. The mines were left by Ali Jhan's communist. If you do not believe me you can imprison me. If I'm telling a lie you can keep me in prison for the rest of my life. Ali Jhan is from the Wazah village in the city of Khost. During the communist times he was a commander in that area. All the mines were left by him in my house. I was very young when we returned. My mother and I took the mines from our house and buried them on a useless area of our land. We buried them about 300 meters from our house. We buried the mines because we were afraid the Afghan government would punish us. Also, during this time there was not an established government and a lot of warlords. I have never fought the Americans and have all the proof for it. The Taliban story, I was forced into their training.

The Americans captured me in my house. I never used any bad language toward them. If I was really an enemy of the Americans, I could have fought them the night they came to my house. This is my testimony and my proof. I would like my accusers to bring their

ISN #762
Enclosure (3)
Page 2 of 11

UNCLASSIFIED

002770

UNCLASSIFIED / FOUO

proof. I am an eleventh grade student; I never held any military positions with the Taliban.

About the point B1, where I am accused of placing anti-tank mines against the Americans. We never saw American tanks in Khost. At that time the Taliban government was leaving that area, the Americans didn't have tanks in Khost. So, what benefit would I get by blowing up their tanks, there was none there, they never even came close. Where are the mines they are accusing me of planting? What happened to them? Did they blow up or are they somewhere else? Did the Americans dig them out? These are all false allegations.

I will now talk to you about the notebook. I will admit to the mines. I know about the notebook and the mines I was captured with and I am admitting to them.

I am an Afghan and it should be the Afghan government asking me the questions. I never fought against the Americans; therefore, it should be the Afghan government that prosecutes me. Even if the stuff wasn't found in my house, I would still be a prisoner.

[The Detainee asked the Translator to repeat back to him what he had just translated. The Detainee stated he wanted to reiterate the point.]

Afghanistan was full of weapons. There are mines everywhere, in the mountains and the deserts. Even the simple people have been trapped with weapons or mines. I shouldn't be charged with the weapons because every Afghan has them. A person who has that many mines is usually a commander or of some rank and has the intentions of fighting another commander. I was only twenty and not a soldier, what was I going to do with the mines? Please think about this.

The Tribunal President asked the Detainee if he had anything else to add to his statement. The Detainee stated there is no proof behind all the allegations made against me. Concerning the Taliban giving me training, I will admit to that but I was forced. I also admit to the mines.

Summarized Answers in Response to Questions by the Personal Representative

Q. You admitted the notebook was yours.

A. Yes.

Q. Where did you get the notebook with the mine information?

A. When the Taliban took me to the Technical School I was taken notes in my notebook. We were told everybody should take notes because there were no books. We were told we were being trained to fight Masood in the north and we would use these mines. We were told to take notes because the Taliban said they had no books. We were to take

UNCLASSIFIED / FOUO

notes and they would explain them to us later in more detail. That's where are my notes came from.

Q. So to summarize, the notebook that was found were his notes from the class he was forced to take by the Taliban.

A. Yes.

Q. You said you attended this course for two days?

A. Yes.

Q. Do you know how long this course was suppose to last; was it normally a two day course or was it suppose to last longer?

A. It was much longer but I only went two days.

Q. Why did you decide to stop going, can you explain this to the Tribunal a bit more?

A. I didn't want to be with the Taliban, they forced me into the training. My mother was very scared, she said we would do what ever we had to, to get me out of the training to include leaving the country. My mother told me to go to my relative's home and hide there. After September 11th the Taliban quit searching for me.

Q. You also indicated that the mines were found on your property.

A. Yes.

Q. No one gave him these mines?

A. Yes.

Q. Can you tell me a little bit about how the notebook and the mines were found?

A. I explained that earlier.

Q. Were they found or did he show them to anybody?

A. The Americans came to our house at night. Nobody knew about the mines, I never showed them to anyone. We were afraid they would cause us problems. I even hid them from the Taliban. If I showed them to the Taliban I would have been put in prison. We were even more frightened when the Americans came to Afghanistan. We never had any contact with the Americans. When I was brought to Khost and Bagram I told them about the weapons. I was told the Americans had found weapons on my land. The Americans told me they found mines on my land. I told them they were from the past and left there.

UNCLASSIFIED / FOUO

Q. After that, I presume that is when he was apprehended and taken into custody?

A. While I was in prison I was told they had found mines on my property.

Q. So when were you in prison, before they found the mines?

A. I think they found them the night they came to my property.

Q. But you were not at the house when they came?

A. I was at home.

Q. You also admitted they you were abused while in custody?

A. The Americans were making up allegations, saying someone else had given me the mines. I don't remember the exact words but I was interrogated in Bagram.

Q. And that's what I wanted to ask. You say you are telling the truth now, but previously when you were interrogated over there you were forced to say things that were not true. That's what happened right?

A. Yes.

Q. Are you willing to talk or do you remember what you were forced to say that was not true and is different from what you are saying now?

A. No, I don't remember.

Q. You also indicate when you came here, you told the truth because no one was abusing you.

A. Yes, in Khost I was very young and had never seen such punishment, so what ever they said I said okay.

Q. Have you told a consistent story since you have been here, or were you afraid at first and said something different based on what you were told to say over there?

A. Yes.

Q. So you have always told a consistent story here?

A. After a few months, I knew I wasn't going to be punished here, I began telling the truth.

UNCLASSIFIED / FOUO

Q. Did you tell them anything before you found out you were not going to be punished here?

A. When I came here it took a few months for me to realize the situation here. When I was in Bagram they were forcing me to tell a story. When I came to Cuba I told them the story I said in Bagram.

Q. But you don't remember what you were forced to say?

A. No. It's been a year and a half.

Q. When you and I spoke you also indicated you took a polygraph test here in Cuba?

A. Yes.

Q. Is there anything you would like to say about the polygraph test?

A. When I got here I started having heart troubles and was given the polygraph after I got sick. I was told I failed the polygraph because my heartbeat was high. I tried to tell them my heart beats fast because I am sick and that I was given medicine. I am still being given medicine for my heart.

Q. And just to clarify it, you told me you have an irregular heartbeat, is that correct?

A. My heartbeat gets intense if I hear a happy word or a sad word.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Do you speak English?

A. A little bit.

Q. Do you understand English?

A. A little bit.

Q. I am impressed with your memory. I want to know when the Soviets were in Afghanistan-you figure you were about three to four years old.

A. At the time that they came to Afghanistan?

Q. And the time that they left.

A. I was about 10 or 11 years old.

UNCLASSIFIED / FOUO

Q. The communist commander who left the mines in your house; can you tell me what type of mines or designation, were they Russian mines?

A. In Afghanistan they are all Russian weapons. So I am speculating that they were Russian.

Q. Did you ever see the mines yourself?

A. I did see them, but only speculate that they were Russian.

Q. How big were they?

A. I don't remember, I was between 10 and 13 years old.

Q. But you remember when Ali Jhan left, right?

A. I only remember when the communist left Khost and Ali Jhan had left to.

Q. So, you don't actually remember the mines being placed in your home?

A. He stayed at my house and people knew him, that's how people knew the mines were there. Ali Jhan was a popular person.

Q. Having said that, wouldn't it be logical to assume the Taliban knew the mines were there?

A. No.

Q. Why?

A. We were scared of the Taliban. If you turned in your weapons they would hold you and interrogate you.

Q. When you and your mother left Khost you never saw the communist commander leave the mines there, you just found them upon your return?

A. When we returned to Khost Ali Jhan came to my house. He came alone. My mother asked Ali Jhan to take the mines but he fled before taken them. He was a communist and it was not safe for him, so he fled to Pakistan.

Q. When you were taken by the Taliban to fight, what type of training did you receive?

A. We were told by the Taliban that Masood was given new Russian tanks and we wanted to blow them up. We were given training on how to work against those tanks.

UNCLASSIFIED / FOUO

Q. Did you receive training in the Kalashnikov or any other small arms or weapons?

A. Every Afghan knows how to fire a gun.

Q. Did you receive any type of military training from the Taliban?

A. No.

Q. In this technical training that you received, where did you receive it at?

A. It was in Khost at the mechanic school.

Q. Did you receive any electrical training?

A. I don't remember the details.

Q. As a conscript, is it common for the Taliban to let you go home each night?

A. That was the Afghan government and they allowed me to go home.

Q. That was the Taliban?

A. Yes, it was the Taliban government.

Q. The Taliban is the Afghan government?

A. Yes, at that time.

Q. Why do you think you were selected for mechanical school?

A. There were not very many men. Each village would have its turn for recruits.

Q. Why mechanic school, why not cook or driver?

A. They told me I could not participate in the battles because I was too young. Learn something now and work with them in the future.

Q. When you were captured were there any other weapons beside the mines?

A. Some of my relatives had guns and I had a Russian rifle.

Q. Why do you think the Americans came?

A. I don't know, maybe somebody from the village said something about me. Maybe they said I had mines at my house.

UNCLASSIFIED / FOUO

Q. Was there anybody else in the house affiliated with the Taliban?

A. No.

Q. What notes did you take in the book?

A. I don't remember it was just two days.

Q. You went to training for two days.

A. Yes.

Q. But the class was suppose to be longer than that?

A. Yes.

Q. But you don't remember how much longer?

A. No.

Q. What impression did you get? Would it have been another week, two weeks, a year?

A. Maybe a three-month course.

Q. And in the first and second day they gave you enough notes to learn how to draw explosives?

A. In the first days they told us to take notes, they didn't have books, and they would explain later in detail.

Q. So, on the first or second day they showed you how to draw a remote control explosive device.

A. I don't remember because of the Americans.

Q. Think about the night that you were captured. Can you tell me what happened when the Americans came? Where were you?

A. I was in a guesthouse. The Americans came and searched the house and found the notebook. They bound me and said they wanted to ask me questions.

Q. You were not at your own house that night?

A. There was a guesthouse near my house.

UNCLASSIFIED / FOUO

Q. Who owned the guesthouse?

A. It was mine.

Q. So, you were staying at the guesthouse?

A. It was my uncle's and me.

Q. And the notebook was there at the guesthouse?

A. No at my house.

Q. The notebook was back at your house?

A. Yes. At that time I had a store and I didn't know the notes were going to be a threat. I wrote the store debts in there and what I needed. The school notes were with the notes I had taken for my store. If I had known they were going to be such a danger, I would have thrown them away.

Q. So, the notebook has more information than just the notes from your technical school?

A. My debts from the store.

Q. So, if we look in the notebook we will see both the stuff from the technical school and the stuff from his store?

A. Yes. The debts from my store.

Q. You say the debts are in there also?

A. Yes.

Q. How old were you when you buried the mines?

A. I don't remember. Maybe between 11 and 14.

Q. So, the mines had been buried on that land for 6, 7, 8 years?

A. Maybe 7 to 9 years. It could be more.

The Tribunal President asked the Detainee if he had any other evidence to present to this Tribunal.

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Besides the people who sold me out ask the other people what type of person I am. Maybe one person said the lies against me, but if you ask the others they will tell you the truth. Don't ask the ones who said I was Taliban asked the others.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. No.

AUTHENTICATION

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

Tribunal President

ISN #762
Enclosure (3)
Page 11 of 11

UNCLASSIFIED

002779