

-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.

The Recorder presented Exhibit R-1 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.

Tribunal President stated that the detainee wants to participate and has requested one witness, who is currently located in Afghanistan. The witness has been ruled relevant to this case. The first witness request was sent to the Department of State on 7 January 2005, the second on 20 January 2005 both contacting the Afghanistan embassy. As of this date, 22 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. However, if the witness's testimony does come available, this tribunal may reopen this case.

The Recorder administers the Muslim oath to the detainee.

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 the Taliban and / or al Qaida.

3.a.1. In 2002, the detainee admitted he traveled to Pakistan to purchase a Kalashnikov.

Detainee: I went to Miram Shah in Pakistan. I buy this Kalashnikov for my personal safety because there is no government in that area, and so you have to protect yourself because it's a tribal area. The Americans also gave us permission to at least carry one Kalashnikov in that area, every person is allowed to carry one Kalashnikov.

3.a.2. The detainee traveled between Afghanistan and Pakistan using routes that did not require a passport.

Detainee: The area we are living, the border of Pakistan you don't need any passport to travel on each side, they don't ask for your passport. You are allowed; you can go freely on either side of the border. As you probably know that even between both countries there is no passport for the people, because they are living on each side, and they usually go everyday. The government of Pakistan doesn't ask for any passport.

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3.a.3. The detainee has been involved with a money transfer process between Afghanistan, Pakistan and the United Arab Emirates.

Detainee: It was by business and this is the business that people do in our area. They send money to our homes, through the people there that are running the business. I did not do anything that I should be punished for, anything wrong. A lot of people are doing that business. It was to support my family, and it was how to make money for my family, and this was the business that I chose. I was doing a business, and it was my business. The business was for the people of Bermal and Bermal is the area. Those people send money from overseas to their families and they send it to us and then we give it to the families. The families come and pick it up, and we get small share of the money to give the money to them. That's why I was doing that business to make money for my family.

3.a.4. The detainee opened a Hawala business located in Bermal, Afghanistan, which has suspected ties to al Qaida.

Detainee: There was no al Qaida in relation to my business. The business I was doing was for the people of Bermal. When their relatives send the money, when they come to pick the money up, we usually check their I.D. We ask them their names, their house and what village they live, what area to make sure the information match with the person who is sending the money. All the time, we keep a record of that. How much money they are sending, usually five thousand, ten thousand Afghanis is our local currency. They check who is going to, and when the person come they usually check it to make sure, that it is possible, in the future to give it to the wrong person, so the whole time, I did not give money to al Qaida or Taliban. It was always for the people, living in Bermal area.

3.a.5. Two significant customers of the detainee's Hawala have suspected links to al Qaida.

Detainee: The two people I give money, what kind of two people?

Tribunal President: Unfortunately, this is, to this point, this is the only information we've seen on you, so we can't help clarify that, I would say, it say it's a customer, so that would be someone who benefited by your services.

Detainee: Two people, they are running their own business, one is running in the Orgune area, another city in Afghanistan and his name was Gulzar. Another person, he's living in Saroobi area, and that person who is running this business in Saroobi is Jacho. When the people of those areas sending money to their relatives, their businesses are so small so they get the money through us, through United Arab Emirates the people send it to us, and those people, those people from those offices, they come to us, and we give them the money and we get small share of that also because they are so small, they can't get money direct from the U.A.E. so they have to go through us, those are the two people also were giving money, but those were for the local people, the people living in their area.

3.a.6. The detainee was arrested with an individual whose brother is reported to be a local Pakistan al Qaida leader.

Detainee: I was captured in my shop, in my office, and I was captured by myself. My brother got captured in the house. One of my cousins got captured in the bazaar, in the market, because he was a guard for the market, so I did not get captured with anyone, who is any relations, or has links to al Qaida in Pakistan.

3.a.7. The detainee's brother is a suspected senior Taliban financial facilitator.

Detainee: Me and my brother are running the same business; it was just one business that we ran together. It's a business that I explained earlier, that people living in this area either one or two of the relatives are working overseas, like in United Arab Emirates. They supported their family from there. They send money from either every month, or once in awhile. They can't send it straight to their house so they send it through us, or people like us working that business, and we get a small share of it and then we give it to their family when they come and pick that money up. So, we were both running the same business. There was no relation with al Qaida or Taliban, either my brother didn't have any neither did or business or our business have anything with those.

3.a.8. The detainee was arrested with several contracts/documents, one of which was executed by Taliban authorities.

Detainee: I never did not sign any documents or any agreement with Taliban and I'm sure they can't find anything, or prove anything on me that I signed something with them, and if they prove it, and then I will say that I'm responsible for it. But there was nothing. If they find something else which did not belong to me, and I didn't know anything about it. I was not captured with anything, which was specifically from the Taliban, and I never signed anything with them, not with the Taliban or al Qaida.

3.a.9. The detainee is suspected of having connections to, and knowledge of, a local arms dealer, Faiz Muhammad.

Detainee: There's a Mohammed person is living in the same area. About ten minute walking distance from our house, and he is running a telephone, PCO, Public Com Office in the local bazaar. Before, from my knowledge, he was a weapons dealer, he was selling weapons, and now he is running the PCO and that's how I know him. Plus he is living in the same area; I did not have anything else, or any other relation with him, just because he is living in the same area and know each other. Even if he was doing the business now, why would I go to Pakistan to buy a Kalashnikov while the person here, is selling weapons. But, he was doing this business before, but now he is running a PCO.

3.a.10. The detainee was arrested during a sweep of the Bermal Town Bazaar, in which his brother, a suspected al Qaida money transfer agent was also apprehended.

Detainee: They captured me in my store, in my office, and my cousin got captured in the bazaar. He was a guard for the bazaar. My brother got captured in the house he wasn't in the bazaar. Like I said earlier, we both were running the same business and we did not have any links or relations to Taliban or al Qaida, we never give any money to anyone who was working for them, or any knowledge of any of the members. We did it for the local people, for our own people living in the area. So, we did not have any knowledge, or why they captured and ask for us. My knowledge, we are innocent. They are both gone, and I'm still here.

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

Detainee: What kind of things?

Tribunal President: Just anything else that you would like to tell us at this time.

Detainee: One more time, I am innocent, we got captured, we are innocent, we did not do anything wrong. There was no allegation on all of us, and my brother, he got captured, like I said earlier, in his house, and I got captured in my store, and my cousin was captured in the bazaar, he was a guard for the bazaar. There was no allegation, they left those two, and I'm still here, and there's not anything on me to prove that I did something wrong, so I'm innocent, that's all I can say, I don't know why they are keeping me for all this time.

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

Detainee: Yes.

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

Personal Representative: Yes Ma'am. Regarding Faiz Muhammad, about how many years ago did he stop dealing weapons?

Detainee: About ten or twelve years ago, we knew that he was a weapons dealer. After this time I don't know if he's still doing it but, right now, he's running a PCO, and that's all we know of his business. In the bazaar he has a PCO now, and nobody knows if he is still doing the same business but, we all know before, ten or twelve years ago, that he was doing that business.

Personal Representative: Where is your brother now, and how do you know this?

Detainee: He was there, (here) and then he got released. They said they were going to send him home. He did not send any letter yet from Afghanistan to where he is. So, I'm

not for sure, I can't say for sure where he is now, whether he is at home or if he is still in custody. But, personally, he did not send me any letter yet, but from my family, they said they are sending me a letter and they said that he looked at it.

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

Recorder: Yes Ma'am. Does he know who he was arrested by; was he arrested by U.S. Forces or local security forces?

Detainee: American and Afghanistan forces.

Recorder: Why does he believe he was arrested and detained?

Detainee: I have no knowledge why they captured me. I was sitting in my shop doing my business and there was nothing wrong with that business there was nothing wrong that I was doing. I knew they were searching the bazaar to see if I was doing something, I would run and hide. But I was still sitting there, doing my business. They showed up at my store and they just captured me. That's why I'm here. I can ask today, do you have any knowledge why did I get captured. I don't know why I got captured, I was doing my business and that business I'm not doing today, a couple months. I've been doing this for a long time. Before the Taliban time, I was running this business, for all this time. During Taliban time I didn't stop. So, that's not a business I was hiding, if everybody knew it, and I was doing it for a long time.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. How many customers did you have in a week?

A. I don't understand?

Q. How many customers did you help in one week?

A. It depends on the people, how much money they are asking their relatives to send to them. So, usually, in a month, sometimes, two million Pakistani rupees, or currency, that the people are sending to their families, different families, sometimes, it's a little less than that. Depends on how they are asking the relatives to send to the family.

Q. You named Gulzar from the Orgune; do you think he might be Taliban or al Qaida?

A. It's from my knowledge, he doesn't have any relation with Taliban or al Qaida because he's still running a business in the Saroobi area. He's running this to give to the people living in the area. I ask him, before, in my interrogation, when they asked me, and I told them this is the person, who is running the stores, and you can ask the people in the area or ask him, because he's running the business, he's not hiding. He's doing this for a long time also. We know each other because we are running the same business. He was running it for the people, not for the Taliban or al Qaida, and he's still running it, you can ask him.

Q. What business does he run?

A. He has the same Hawala business in Orgune and also running a PCO office and he also has a business, store in United Arab Emirates they have a store there, and the people give money to that store in Dubai, United Arab Emirates, and they send it to us, and they come and pick up the money. He has been doing this for a long time, it's not like he just started.

Q. What business does Jacho run?

A. He has his own Hawala business in the Saroobi area. Both of them are getting, receiving money through us because we have a business in Bermal and then also in Miram Shah Pakistan. So, the money get to Miram Shah Pakistan and then they go pick it up at Miram Shah and bring it to Bermal. Then the other people come and get their money.

Q. Did you get any formal schooling? Did you go to school?

A. In Miram Shah, we have a business for a long time, and I was living there. I went to school there for 4th or 5th grade, and then I stopped. I was helping in the business. That's all the education that I have.

Q. How old are you?

A. 30 or 31 now.

Q. Have you had any formal military training?

A. No, I don't have any military training.

Q. Other than the AK-47 for personal protection, do you own any other weapons?

A. Now, this was for personal safety, the AK-47 and I have a shotgun, which one of my uncles get it, and a hand gun. I also have a BB gun for hunting. Kids are now using to hunt birds, which are all the weapons.

Q. Were guns not for sale in Afghanistan? Why did you go to Pakistan to buy a gun?

A. No, they are not allowed to sell weapons in the bazaar. There were no weapons in that area. I had to go to Miram Shah to buy it.

Q. Do you have a passport?

A. No. I don't have a passport.

Q. Other than Afghanistan and Pakistan, have you been to any other countries?

A. No, I did not go anywhere.

Q. Are you originally from Afghanistan?

A. Yes.

Q. You went to school to 4th or 5th grade and then started working in Miram Shah; was that a family business you started working in?

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A. Yes, it's a family business, and we still have that business, store, in Miram Shah.

Q. You said you ran your store during the Taliban reign, did they not bother you, and did they license your store? Did you have to pay them taxes? How did that work?

A. The Taliban did not do anything in our area. They did not tax any people.

Q. What is the nearest biggest city? Kandahar or Kabul to Bermal?

A. In the area, the border area, it is Pakistan and in the area, there is a new bazaar they call it new Argil (ph). It's a new bazaar, in Bermal area. Across the border, there's another bazaar by the border they call it Angoor. After that, there is a big city Wanna, Pakistan, this is the next biggest city closest to that area.

Q. Your business was it in a building was it in a tent, was it in a stall in the bazaar, what kind of building was it in?

A. It's a big store, like this room, and it's usually marked, month-by-month, it's concrete, cement flooring. The whole bazaar is like that.

Q. What kind of equipment did you have in your business? Can you explain what was inside?

A. What do you mean, what kind of equipment?

Q. Telephones, fax machines, computer...

A. Just one telephone, no fax.

Q. How did you get notified that someone was sending money?

A. They called us and told us on the phone.

Q. Can you explain what you did once you got a phone call so we can understand how you operated the business?

A. The person in the area, the village, asked the relatives to send money to them. That relative, living overseas go to a store of the same business, either one of their own people give it to them that money to send to this business man, or person, and then they call us, the business people because we don't usually do business with them. They only call us on the phone and then tell us, this person, his name, his father's name and his village name, where he lives. He will come to you either today or tomorrow and give him this amount of money. The person who called his relative knows when he is going to get the money because the relative told him on the phone. Sometimes the relative calls that person back, okay, I sent you that much money, go and pick it up from the store or the business. They come to us and then we identify it, we check the I.D. and ask any questions, like about his father in the area, once we know that's the person, we give them the money.

Q. Where would you actually get the money, the actually cash, where would you get the cash to provide to the family members?

A. The people, the person from the U.A.E. sends it to a big business, like in Miram Shah. Miram Shah has big businesses, one of their stores, or some other big store in Miram

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Shah, the send that money to that store. They send it together, not person-by-person. They get together, ten or twenty people together, either 100 or 200 thousand or more than that. Once to that store, then they call us and tell us to go ahead and pick up your money from the Miram Shah business, and then we go and pick up this money at once, and bring it here, and then we use that, and then the next time when we are out, we ask them to send it again.

Q. The day you were arrested, you said your brother and your cousin were also arrested. Were you the only three that were picked up that day?

A. There were a total of four people arrested. The fourth one was another villager and that he has a PCO office in the bazaar also, they brought him. He was in Cuba also. He went back, so, we got four people together when we got captured.

Q. So, your brother, the villager, and your cousin were here in Cuba, and they aren't now?

A. Yes.

Q. Faiz Mohammed, you indicated that he sold weapons about ten or twelve years ago. Do you know who he sold them to?

A. I heard from other people that this person was doing the weapons dealing. He was doing that before. His business was in Orgullada, on the border of Pakistan. Now, he's a PCO in our bazaar. I did not deal any weapons at that time, because I was young but I heard from people that before he was doing that business, and now he's running the PCO.

Q. As far as authority goes, were you the boss of your brother? Or were you equal power in the business, or was your brother the boss?

A. There are four brothers, and I'm the youngest one. I'm helping them with the same business, so we all share together. In the country, we are all living together, so there not he's younger, and he's younger, there's a share, we all work together. We did not divide the business how much share each one got; it's a family business. We are working together.

Tribunal President's questions.

Q. You said that your family lived in Pakistan. When did they, or you return to Afghanistan?

A. Our family was living in Bermal Afghanistan but my uncle has that store, or that business for the past 30 years. I was living with him there, and then I went back to Bermal Afghanistan.

Q. When did you go back to Bermal?

A. For the first four or five years, I was going to school over there, then I stopped going to school, and I was helping my uncle but, I was still coming home to visit my family, and then I would go back to help my uncle because he was by himself.

Q. So, you just went back and forth?

A. Yes.

Q. I know you said there was a business in Miram Shah, when did they set up a business in Afghanistan, or was that also going on the whole time?

A. In Miram Shah, it was a grocery store before. But, for the past 15 or 16 years they started doing this business, the Hawala business. Then they also opened up on in Afghanistan, also, for the past 15 years.

Q. Do you also do business with the same other businesses? Like the one in U.A.E.? Is it always the same businesses you deal with?

A. The customer, some of them have been there for 10 to 15 years, and they are sending money to their family every time. Sometimes there are new people go, because you get a Visa, a Visa to go and work there. The new people get a Visa and go there and start working. Then they start sending money to their families. Some people work there for a year or two and then come back and cancel their Visa. So, it's like new people going to the business and sending money to their families. Or it's the old people that have been there 10, 12, 15 years and send money to their families.

Q. I understood you to say, that U.A.E., when somebody wanted to send money to their family, they went to business similar to yours, and then they called and said that this person is going to send this amount of money. The business's that would call you, that those people, in those countries that they would deal with, were they pretty much set business that you were use to dealing with all the time?

A. Mostly all the time, I was dealing with two brothers living in the U.A.E., one of the brothers, he got captured with me and he was here, and the other brother is still living there. Those two brothers are always changing. One would stay there, and the other would come to Afghanistan and help him, and then switch again, and the other brother would come back.

Q. Even there, it's all a family type of organization.

A. From other people?

Q. I meant, as far as who is exchanging to money? From brother to brother, it's a family?

A. Yes, their business over there also. One brother always stays there, and then they switch. They send money from there to Miram Shah to their uncle's business. Then they go from Bermal Afghanistan to get that money from Miram Shah and take it and give it to the people. So, it's a family business, all together.

Q. Are you licensed by the government to conduct this business?

A. Where?

Q. First off, in Afghanistan, that's the one in question.

A. With the new government, I'm not sure to start something now, because I'm here. But before that, the area of Bermal was an independent open area, there was no government in that area and there was no license needed for anything in that area. So, we

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were free to do that business, we don't need any license from that government. But, with the new government, I don't know if they started something now.

Q. What about in Pakistan and U.A.E., I'm assuming you had to have a license there?

A. In Miram Shah, the government knew, but, it's still a travel area, and they don't issue any license. But the government knows that this person is doing this business. In U.A.E., I never been there and doesn't know if you need a license for over there.

Q. You kept records for your business. I'm assuming at least, when you left, no one reviewed those records; no government agencies reviewed those records?

A. When they came and captured me, they did not ask me why they are capturing me, they did not check it, they just left it there, and so I don't know what happened to it. I don't if somebody went again and checked it.

Q. I meant it as a regular routine; no one came to check your records about your business. Obviously if you're not licensed they probably didn't, that's why I'm asking.

A. In Bermal, the started to put people in the area that was a government official appointed for the area, but they didn't start those things yet. Since I was arrested, they may be doing something now. But, before that, there was nothing like that.

Q. Obviously, people who are members of al Qaida or the Taliban were told that you wouldn't have an idea that they belonged to, or participated in those activities. Is it possible, that some of your customers, could in fact been al Qaida or Taliban without your knowledge?

A. I don't think so, because the people living in that area we know them, and they know their main family members overseas also. Plus, they are sending me only 5, 6, 10 thousands at a time, and that is only enough for a family to live in for a month or two, and then they ask again to send some more. So, they only send them enough only to take care of their families. It's not like they are sending money in the millions together which you would to take to some rich people or to some organization. All this money was for the family use and it wasn't that much money.

Tribunal President: I'd like to thank you for participating in this tribunal. Is there anything else you'd like to tell us?

Detainee: My only question is that we got captured without telling us why we got captured and have been here for two years. There's no evidence, or no accusations, which is showing that I did, do work or help with the al Qaida or Taliban. If they do have such kind of evidence the person then, did say that I worked with him, or helped him then if you can keep me here as long as they wanted, I will not say a word to him. But, if there's nothing that they can prove it, and there's nothing that they can say I did wrong in this business, then why are you keeping me here? I'm saying that I'm innocent, and I'm here for no reason. Maybe there's somebody that told them like, our people in our area they said there's a lot of poor people there so, if you tell someone, give some money, like a hundred dollars they will lie to you, and find you someone who is making money or running a business because they said okay, if I don't have anything why does he have

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money. So, if someone did something like that, that gave him the wrong information about us, and we are here, then why all this time, they could not find, personally, I can say that I did not have any relation with either Taliban or al Qaida, I never helped them, I don't them, even in our area, the people can prove on me, or say things that I did, and the United States government should have anything to prove that I did it. The only question is that why I'm here for all this time?

Tribunal President: Unfortunately, like we said, we wish we could shed some light on that, but this is all we have seen on you at this point.

Detainee: If the Hawala business is a crime, then yes, we did that crime, because we were doing that business. But it's not a crime. The people of Afghanistan and Pakistan and other countries are doing the same thing. We did it to support our families and to help our people living in the area. All the years we did get business, it was before the Taliban time, not even during, or after that, it was before that. We only give the money to the people living in the area because we know them. We know the family we know where they live; we know they are from the area. We know that, so the person can ask people they should know us and our business, who were we helping. Even when I go home, in the future, whenever they send me home, whenever they find anything on my business, on my family, that we did wrong, or we support someone that they find out later, we are still in the Bermal, still doing some business and we still have a house and land there, they can come anytime and ask me, or bring me back, and I will answer that. But, for now, they did not have anything, and I did not do anything wrong, and kept me here for two years, and my business is now closed. My brother was here, so my business was closed, and we were supporting our family. They did not think on how we would support our families if no one is running the business. That's fine, it happened now. But, at least I need to, asking you, the tribunal to find out, why I was here for all this time, and what was my crime that I did, and in the future, they can write this down, if they need me, or if they find something on me, I'll be in my house, and they can come anytime, because the Americans that are still in the area over there, they can come anytime to ask me.

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: No Ma'am.

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.

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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