

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 Exhibits R-1 and R-2 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, which will be present later on during the tribunal hearing.

The Recorder administers the Muslim oath to the detainee.

Detainee: I swear to Allah, to what I say in this tribunal will be all truth.

Tribunal President: I understand at this time, you have prepared a map for us, and at this time, your Personal Representative is going to enter that into evidence.

The Personal Representative enters Exhibit D-b and D-c, maps drawn by the detainee.

The Detainee showed the Tribunal members how to properly fit the two pieces of the map together. He identified the border between Pakistan and Afghanistan and various mountain ranges. He showed the main road, which crossed the border and the checkpoints on the road. Finally, he pointed out different locations on the map, such as his residence, his clinic, and the bazaar at the border, the firebase, and a refugee camp that was southwest of his residence.

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 are engaged in hostilities against the United States or its coalition partners.

3.a.1. On 14 Oct 02, six rockets were launched from the east, firing on Firebase (FB) LWARA, a U.S. Facility in Afghanistan. The FB then observed a vehicle with its headlights off drive away from the scene of the launch and stop at a dwelling.

Detainee: My English isn't so strong, so I will ask the interpreter to help me when needed. The vehicle came to my home from the LWARA, the Firebase. I already told them, there is no way to get there by car. To get to that area from where they fired the rocket. It is impossible to drive a car from the area where the rockets were fired, leading to my house. There is no road, and nobody drives there in the past. The other thing, from the other forces, the Army check posts, so, the whole area is easily visualized. This

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area, it's not the first time, that they fired a rocket, this is the second, or third or fourth time in the whole area there was not ringing, with the help of the posts. Which also, half the time, there were mobile, the soldiers, they were mobile in this area. In this area, so how is it possible to come and mortar, and drive up the mountain, fire the missile, how is this possible, that he is going to watch this, his enemy was because when he was coming to my home, he will be faced with one of these posts. So, I think, they will be listening to the sound of the racket and they're not sleeping in the tent and if they weren't sleeping, then why did they not send (sound) the vehicle to us coming towards my home. The bad thing is ok, the sad thing, if they didn't send (sound) the vehicle nobody can drive there. This road isn't even driven in the daytime. Half light, this streak of light, how can you get the vehicle any person who wants to drive the vehicle in the half light. The purpose of the half light, is not to be seen by the other people. But, if he's visualized, from the other sides, then why didn't he switch off the light? The other thing, the light, when he was between the vehicle, passing the checkpoints in the middle of the road, there is no way, to come to that area. So I think the soldiers are those people who are working there. They are the ones who are seen, they are going to send those people, they know about those people, and they know about those vehicles. This is light, is not seen by all these people. They, who fired the rockets, it was coming towards my home. He's coming from east, towards the base, and these forces, this Firebase, for what purpose was he coming? He came, how did he leave the area, did he fly, then what, there's no way to escape. You will need to cross, you would have to pass one checkpoint by the west side and by the east side. So, how is it possible?

3.a.2. The detainee was found in the dwelling in which the FB observed the vehicle with its headlights off drive away from the scene of the launch.

Detainee: I already mentioned this thing; there is no way to escape. When would he leave the area, he would have to pass one of the checkpoints.

3.a.3. A search of the compound revealed batteries, Kalashnikov rifles with loaded magazines, a signal mirror and a pistol.

Detainee: Yes, there were two Kalashnikov's and one pistol at my home. There were batteries and also a mirror. Not one, maybe two, maybe five, maybe there will be six. This is my birthright, to keep a weapon at my home. This will not, the last ten years of my life, this is from my past, we got permission from the government of Afghanistan. We got permission to keep weapon because there is no police, there's no army, no forces, in the past. This area there's nothing, everybody is responsible for his own security. Everybody held weapons at their homes. The first time, when the soldiers came when we were attacking one another, I offered them. You want the weapons? I will give you the weapons. I don't like these things, you can ask them, because, it's not far off from you, with the help of telephone, or Internet or anything, you can take me, within five minutes. As for the mirrors, these mirrors are not meant to be for signals. These are just to see your face because in this area, not everyone hangs the mirrors in their bathrooms. So, everybody held these mirrors, in their pocket, and they keep it in their homes. Dozens of people, this is one of the few things, traditions. If you see everybody he will hold a

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mirror and these aren't for signals these are for personal use. The batteries, we don't have electricity and when you want to listen to music you want to use your radio, tape recorder, television there is no other way you have to use the battery. So, these things are for my personal use not for that thing.

3.a.4. The detainee is associated and was involved in a meeting with a suspect arrested by United States during a raid on a suspected Taliban facility.

Detainee: First, I am a doctor. Everybody is coming to me. This is my right to do this. But there is nobody is bringing anything and he's friend, and nobody is introducing something, and he's going to be noted that he Taliban and he's from al Qaida and he's from any other. As for this meeting, I never, throughout my life, I never joined any political party. I never took any relationship, with any political party, and trust me in these things. If I wasn't trusted, then in that area, I'm the first person who got an education, and know something about these things, but, my profession is totally different from these things. That is about these things, and as for those people, who belong to Taliban if I wasn't trusted in these things, then why did I leave my home why did I live in Pakistan? If I wasn't trusted there was a good chance for me to join this party, they gave the facility to those people who are working with them. But, I don't like them, from the beginning, if you ask them, the Taliban, I wasn't in that position. For example, they are like the people who are religious, the religious books, religious knowledge. The proof is there, that when there was Taliban, there was no school, university, and no college in Afghanistan. So, my family is uneducated. My brothers and me, also my father was uneducated and he was trying to keep us from all these things. Therefore, I studied five to ten years outside my country, and as for the Taliban, they never came to my home. Because I was studying, you know, throughout Afghanistan, there was no person who was studying and who stayed inside of Afghanistan. If you are studying and you go inside Afghanistan you will go to prison still, (inaudible) Who is this person, this person, the people who have been arrested by the United States soldiers. I don't know, nobody introduced me to this person, the time that he ran, can you please help me. But, if he was, why did they not arrest him, if he was a soldier, why is he arrested, and he left, they know, this person is against the U.S.A. So, I think that you can say he is helping them. They are helping him, if he's an enemy and they can see, this person he's arresting a person, who just said hi, and a real enemy, they let him free. If you tell me the name of the person then, if I know about him, then I will tell you everything that he did, that person. Blindly, it comes to anything, I can't say anything about those people, who he was, and how he was, I don't know, I can't say at this time. The soldiers came, they stamped the road as well, against the Taliban and al Qaida. So, first, a different area I'm the first one who has a facility, x-rays, and laboratory. In the whole area, there isn't a doctor. I was working with other doctors for one or two years and they are coming back and they are starting their practice. They don't know how to use the laboratory, or x-ray machine, all these things, for the medical profession. This is my plan, an injured person can come and he can take advantage of my clinic. All the people, who become injured, everywhere, I give, I will talk to you, social, and they question me, that any person who is coming that they are thinking that they have been injured in the war so, if you can please inform us. First nobody will be so stupid that he will come to his enemy, because I was

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just near the firebase and no way, no person could be escaping from the U.S. soldiers. The second thing, all those people who came to my clinic that I treated, he was there and was admitted and I send him in, if he's injured, the injury and everything I send this to U.S. soldier because sometimes, I was busy there, and then later, I (inaudible). So, all the people that I treated, I give the names, the area from where he is living, when he became injured, which type of injury, bomb blasting injury, this is another type of injury, all these things.

3.a.5. Prior to the rocket attacks, the detainee had sent a handwritten threat to the FB LWARA leadership implying that there would be problems if more locals were not hired to work on the base.

3.a.6. The detainee sent vaguely worded letters to the commander of the U.S. facility prior to the rocket attack.

Detainee: In the last two and a half years, I have been thinking I was confused, for what the reason why I'm here. Last week, when they announced the position then I understand the reason, that's why I'm here. Can I get permission to tell you this sad story about these things? This is coming from a person who speaks English. The first time they (inaudible) the area, all the (inaudible) introduced me. Because there was no way to get traffic there. They have all my pictures, the people who are living, those guys they are (inaudible) and they are doing things, they decided to from area drive they will pick three persons, here are four persons. He will be responsible for all the activities for the tribe. So, first, I was working like an interpreter. Anybody who needed my help, from my home or my clinic to the firebase and they were attacking one another. With the center, the U.S. soldiers, not five times, not ten times, not fifteen times, a lot of times, they were coming to my home, and also to my clinic. Also, the firebase. In this area there aren't any educated people so when the soldiers came, these people are thinking they will help us. So, everybody was excited, the soldiers were coming to my home, to my clinic, and I'm living there and you are attacking one another. They are thinking that in their faith and the U.S. soldiers are listening to him. So, when they were (inaudible) the U.S. soldiers, wasn't any work, so finally they came to me, and I will meet with them. This became a headache for me, because, not only one person they are leading (leaving) thousands of people and everybody was thinking the U.S. soldiers they came for aid and to be helping and the people for what the soldiers, what are the soldiers. So some people are coming for that we need a bridge, some people said that we need a school, we need a hospital, all these things. The commander of the U.S. soldiers, he told me that you are wasting your time and most of the time you are busy waiting for a long time for you. You are just giving me your radio, your problem. This person, he isn't asking about anything, you are to hire them. That will help us, when these people aren't thinking about the essentials that they don't want to help you, the needy people. If you refuse, you are thinking that the people don't want to help me. The second thing, about the problems about the area, and also the hesitation they think that these people and the U.S. soldiers they will have time to (inaudible) with you, if they don't finish, nobody will have the hesitation from the U.S. soldiers. So, anyways, everybody was coming to me, what does he say, I will write down, either this was legal, or this was illegal. I told them, I knew that the U.S. soldiers and your job is not here to construct buildings, you have to be

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constructing schools. But, one of the things that they came to this very area and there were selling (salvaging) the area to identify the problems in the area. Particularly the schools, and one school was under construction in a different town. But, to identify the problems in the different areas like they were at this one, they were doing that and there was no rain so, other people were suffering from no water supply, water was not available in a lot of the areas. So, I was writing everything. I already told them that this is my necessity, if someone is coming I'm refusing his request he was thinking about the people, they aren't good people, and they don't want to help, they don't want to help the needy people, and they also thinking about me. He's friends with the U.S. soldiers and that he going to his home and that he's leaving there like this, this and this they are coming to, they are eating food for one place, they are making tea parties like these things, and it sounds like he is jealous, he doesn't want to help the U.S. soldiers and these needy people. My job was just to write down these problems and either this is acceptable, and this was my job, I lost my job, and I already told them, you can ask them, what to write on, but, he's not the person I knew. And most of you, you can say, this, useless if a person came, not from your area, and a person came, and he cut his leg, and then he (inaudible) with artificial legs he's just preparing you see. This is a leg, you can walk easily. So, he came, and he told me you are living here, this U.S. soldier, that I need a leg, an artificial leg so, this is not possible, but, I (inaudible), write it down, here, my business is not a racket, my business, I see you later, I was just (inaudible) and before I was having no problems with the U.S.A., not like I have now, this is just a misunderstanding. This is just a misunderstanding like this. Before, the soldiers, there were no running into one another. There was reality. I sent a lot of letters, and in my own head, and my own handwriting. This time, this week, the other soldiers that were there, they left, and a new unit came in there, when I send the letter the new commander he was thinking that (inaudible). New duties. And he minded this letter. He considered them like a threat; so, he thinks it's a threat. I think that the new person and the U.S. soldiers, but if a person was really a threat, the U.S. soldiers; nobody can say he is mentally right. Maybe he has some psych problem; maybe he has some other problem. But, (inaudible) I'm hundred percent that it looks like a problem. It's not my personal problem. It's not my headache. I held on to the letters. More than sixty, more than one hundred letters, that in the last six months duration, a lot of people are coming and a lot of letters from a lot of people. (Inaudible) I agree you should be punishing me, why I (inaudible) why I trust you. The other soldiers they were well known to me. But, this is a new guy and I will not go with his activities, with his mind, with his attitude, so why send letter. This letter, this is the letter, that brought me here, that punished me, and I'm upset. But it's just a suggestion, this is nothing but a letter, one, it's everything, last time, she told me he also used, he said that it was a hate letter, these are the hate letters, there are twenty, seventy. These are the letters; I sent seventy letters, which are helpful I think. For example, two times, in the mountainous areas, the shepherd, they are the people who helped catch the sheep and goats, sheepherder, I write everything in the letter. There's no phone facility. There's no Internet, there's no fix. So, this I do anyways, a form of communication. A letter, a different area, we hear the ruckus, the war is there, for the duration, is where the barracks are, (inaudible) Firebase, they came and they removed it. So, if I was any hostility with the U.S. soldiers, then what is my headache? These are far away from me. What are they from? If I was a (inaudible) then, I should be tried to be

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kept, had, not to the U.S. soldiers. These are also hate letters. Two times, the second thing, any one person, this is psychology, when any person reads something, they prey upon his mentality. This mentality is leading you to a different profession. Either he wants to become a soldier, either he wants to become a doctor, either you want to become an engineer, first, for eighteen years, I was at my home. But, two to three years I never saw my parents. Not for the sake to be (inaudible) people. The medical profession is in itself, humane, it's to save people, not kill people. One thing, if I was entrusted with these things, then why did I leave my country. Throughout the world, I think Afghanistan was more a busy place than any can enter there; he was ever to take advantages from all these things. Because of the weapons that are available. If you ask to, to get the training, these people are available and there are a lot of you in that profession, getting arrested I think the people who came from other countries they came from (inaudible) away, to test these things, but, I left my own country, away from my family. So, if I wasn't tested enough, I will be in this field, I would be a world leader, I would be a politician, all of these things, if I wasn't testing these things, but my job is not to accuse these people. Also, the first day here, when I got here, I give everything about my life, I never hide anything, and I swear that I never told a lie. During these last two and a half years. If I heard from my homeland, I would only say one word. Not that this is my job to be cheat or such a person. Any question they ask me, I answer, according to my knowledge. All these things, if you just ask them, to please yourself, only me, about my area, then you are going to see everything, and if you ask your own soldiers, then either, in different area, the only other person was just about more than me, I'm not a duty person, I don't need help from any other person. Because I'm a doctor I can give money to pass my life. But, I'm not a (inaudible) person who wants to be in jail for life. I want my life to service the poor and needy people. That is the reason to become a doctor. I live, out of the facilities, and I come back to the area, where I was living out of my home, it's six meters height. It's not that all, the other reason, for the sake of security. If you are not secure, and you have family, your children are not secure, how can you pass your life? Also, if I wasn't entrusted with this thing, why did I spend my whole life in the profession which is totally different than from these things. Here, my business is not due to the rocket, not due to the belong to the Taliban, the al Qaida, or from any terrorists, my (inaudible) before I was confused, I was neverminded, because in Afghanistan, for the last twenty five years or more than this the people have been driving in different groups, so most of them, they have some problems with one another. I was thinking that maybe somebody could be complaining that he is from al Qaida because for the last two and a half years you people have been searching from someone, in my letters, but there was nothing. That's okay, but I am confused. Maybe different, last week, when I read the acquisition then I understand, understood, the reason is nothing. Just my letter, I don't know. Who the person was who distributed to send the letters to the U.S. soldiers, without any purpose. I am not a world leader, I'm not a politician, and I'm not any other high authority person. I'm a doctor. I never asked them, this thing, for me, they were dozens of people who were more needy than me. This is not possible for me to help me them. They are acting, (inaudible) also to be disturbing. The second thing, give me one reason, give me some reason, how you can you say that I was in the (inaudible) to U.S. soldiers? Why would I say that, they were fishing, they were this, that were that, they were other people. I never, I'm not the person who to be said that he did that, I'm

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thinking about just hearing me, look no (inaudible) those people who are taking practice, I don't like those because (inaudible) you should be poor, you should be well off, you should be educated, he would be handsome, the other would not be, he would be one of the white ones, one is Christian, one is Muslim, this is no problem, I am Muslim, if you are my friend, and we are taking the elevator you can ask me, Doctor why are you doing this? This, this and this (inaudible) I would say this already, if I wanted to, I would ask you why did you become Christian, or why did you become Jew, or you become this, it's not my enemy. The enemy of the U.S.A., we have two reasons, either, you are a political person, you be not a person to accept the other religions, either you will be a leader you will be some personal (inaudible) I am not a leader, I'm not a person who is in the mind to say, he is this or this. Pardon me, are you hearing me? (inaudible) He is a book writer, you'd be likely to, if he's like my brother, and if he's cruel, if he's ruthless, in the mind, to be disturbed, he's not my brother. By relation, he is my brother, that's it. But here, I would not speak for him. I love him for my parents, my father, never told me this, (inaudible) All the time, he did just, it (inaudible) me, and worked for eighteen years outside the country. The money, he got as a laborer he was working as a laborer, and sending money for me to become a doctor, to get and education. If you are interested in this things, then put me on the other side. Because in my country there is no education. All the other things, they were easily available. There was no problem for any person to begin the military training, to begin the rifle training. All these things, you can get. These people, from the dozens of people in the village, await, they are coming, for this rifle, to use the facility. No one goes there.

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

Detainee: Nothing.

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

Personal Representative: No, Ma'am.

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

Recorder: Yes Ma'am. Where are you from, and where were you captured, what country were you captured?

Detainee: I'm from Afghanistan.

Recorder: Originally?

Detainee: Originally. I was captured in my home, which is situated in Afghanistan.

Recorder: You said that you studied outside of Afghanistan. What other countries have you been to?

Detainee: Pakistan.

Recorder: Have you been to the United States?

Detainee: No.

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Recorder: What time of the day was it when these attacks occurred, when the missiles were fired on LWARA?

Detainee: I think it was the midnight time. It will be about 1230, 1 o'clock. Like it would be this time.

Recorder: Were you on the inside of your house or outside of your house?

Detainee: I was inside my house.

Recorder: Did you see any cars approaching your house?

Detainee: No.

Recorder: So, you did not see any cars approach your house?

Detainee: No, because, I already told you, I can draw, take a picture of my house for you, the wall of my house, is six meters, around, a high one, and the second thing I can't see, if you are inside the home, in your room, from six meters, no one can see anything. Other from the outside of your room. The second thing, I'm a doctor and when you have guests coming at nighttime, I'm only the one person, who is going to check on my home. I have no problems with any person. If you wanted to, somebody is hurting (hunting) me, that is a separate matter. But, if a person that is crying from pain, and he needs my help I will come outside. Anytime. If it is a different area, it's not like other areas, nobody is going to go outside without a weapon, (inaudible) nobody is going outside, and no one leaves their homes.

Recorder: That night, did anyone come to your home?

Detainee: Yes. That night, one of the first times, Abdullah Hackeem (ph). He's family. He came to my home. He is bleeding, and he came from where the rockets were being fired. When, the first time I already mentioned, is (inaudible) when he listened to these sounds, then you understand, that like three stamps, you say you heard the bombings in the surrounding area. So, for the sake of security, he came to my home, he was screaming (bleeding). When he arrived with his wife and children. And when the soldiers came to my home, his wife and children were inside. My family and he was outside in the guesthouse, because according to traditions, we have separate rooms for the guests and I have a picture, of my home and my guesthouse. The guesthouse is situated on the outside, from the main gate. The guesthouse and the family was inside my home, when the soldiers came. When I come outside, he was already arrested by these soldiers because he was outside my home. This guy once, he said, this is the person, who is the family, the U.S. soldiers, the rockets, (inaudible) I run the sheep and goats up the hill, up the mountains, this time, the rockets, and they find me, I sent a letter to the U.S. soldiers, they came and they also awarded him, they gave him money to be a farmer. These U.S. soldiers. This man is fifty or fifty-five years old. It's not possible for him to climb up the mountain and come down. This is not the person. A very healthy person, now, he can climb up. The second thing, when there are any person who wants to do, things, I think that nobody, in the past, would take his family, wife, and children and fire around them. Fire the rockets around them. The U.S. soldiers arrested me, in the beginning; they asked me, why did they come to your home. This Abdullah Hackeen, I already mentioned to you, he's from Afghanistan, but, he's a refugee, because, are you home, he's from a far different area. He's a professional shopkeeper, he's in the shop, (inaudible), this I know,

ISN#834

Enclosure (3)

Page 8 of 20

Pages 1-7 are cut 003734
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it's not possible for him because his home, behind his home, is a military post. So, he came for security, the sake of safety. (Inaudible) He lives at the base of the mountain, very mountainous area. So, these soldiers, they came at the same time, on a different day, and a different night, but at the same time.

Recorder: Were you the only two people taken by U.S. soldiers that night?

Detainee: He was also. Me, my brother and him.

Recorder: Three people?

Detainee: Three people.

Recorder: How did they take you away, did they take you away by vehicle?

Detainee: Yes.

Recorder: So, they drove to your house?

Detainee: Yes.

Recorder: How many letters did you write to the commander?

Detainee: I can't say. More letters. I already told you. I already mentioned to you, he told me, the commander, they aren't asking any questions. Those people were coming to me. They were Christians, for example, you are welcome into my home, because I am not a leader, nobody (inaudible) No terrorists, anybody who belongs to these groups are having an invitation to my home. Who are those people, they are the enemy. Why would they be coming to me, and they would be introducing themselves to the U.S. soldiers, that I'm this person. All these people, all the poor people who came to my home, I never did that. (Inaudible) Next time, that somebody is coming, you say, soldiers, commanders, give me permission, I will be right out, because, I can't ignore any person. Why he told me, these people were asking, you would write them. The reason I tell you all these things, I never thought, before I never thought that he would mind. For example, I did this mistake, but, for this area, in the letter, if you minded, this is the right to be teaching, to be punished for a year, and put him in the (inaudible). This is my mistake. Because, he minded, it was my mistake. But, if I, I accept this mistake. This is the way, (inaudible). The nearest city, the thing, if I didn't send the letter, and he's been arrested, he's a teacher, (inaudible) he's been sent away from his home. (Twenty kilometers) He's been gone for three and a half years in prison. When someone makes a mistake and they punish him, and give him, a punishment, like me. I send letters, to the president, to the U.S. soldiers, not only one, not only two, not only three, a lot of letters, I never said no.

Recorder: My last question is, the first bullet, I just wanted to know if it's true or false, did you say that there would be trouble if more locals are not hired? Is this a true or false statement?

Detainee: It's not. Whenever, if you think, you have to keep in mind, if I was thinking, (inaudible). No, somebody told me anything, I don't. If this is my mistake, I know. I'm accepting it's my mistake. But, say it's a suggestion. Because, this isn't the first time. Why did I welcome them to my home? If, I was a person, who was dirty, I would give them a lot of meds, I give them, a lot of, and when they first came they were nobody. Just to say to the Firebase, later on, dinner, sometimes, in the summertime, tea parties. I was the person, who was dealing with (inaudible), to be everywhere. They were

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unfamiliar with this area. They asked me, could you please show me the area where somebody can use, where somebody can hide himself. So, I asked him, if there were any problems, if I were thinking that they would be cheating me that was my problem. That is why I send the letters. Behind this letter there is something, a purpose, like, if you are mad, before, if you send a lot of letters, you would mention everything, and I was not familiar, and you were not thinking that this person would mind. If I were thinking this that he would do this that is my problem. I requested money, my personal check, those are the people who are coming from different area and I would asking you, like this, in my own words, still in my own village, a lot of people didn't know about the laboratory. They use the doctor. The person is there asking you something, I need permission of them, I'm writing something for him, it's just a little mistake, I'm accepting this. I wasn't not thinking before, this was a mistake, so be it.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. She asked for another session, the only thing we know right now is this, and what you've told us, I don't know what she is going to present us later, but I do want to ask you questions about mostly the other two individuals. Your brother is coming to testify? What does he do for an occupation?

A. He's a laboratory technician.

Q. Did he work for you?

A. Yes, he was working with me. He was running the laboratory and x-ray, and I was doing doctor's work.

Q. What about the other individual? You said he owned a shop?

A. Yes, I mentioned that too. This has to do with the laboratory. From last year, I was there, he was living in the same area and he was coming from my home. He wasn't the person to do this thing, he can't think, he's a poor person, he has no relationship with anybody, he has a small shop, the maximum property will less be five hundred dollars in his shop. So, that person who has this, how can he do these things? But, as I know, these things, two times, these people are doing these things. You are very poor, but for the sake of money he can do anything. Either he will be out of control, a maniac; I know he was not from this tribe.

Q. Have you seen him in this facility, have you talked to him at all in Cuba, is he here in Cuba? The shopkeeper, is he here?

A. No, he has been released from camp, because this lie, one proof for this is a lie, proof for me. He was here, and then there is no way I want to be kept here. The reason he has been released, last night I was thinking, that why has he been released. Because they came from secondary (inaudible) person, there some people who came to your home. Why he has been released? Because the commander has minded my letter and this was the lie of proof, that he was with me, he would tell the whole story, he was the third person. This is the solution, I think he was the one to punish me.

UNCLASSIFIED/FOUO

Q. How do you know; I noticed there are different people from different camps. Are you sure he was released or maybe he was moved?

A. My brother told me that. When we were back in Bagram, he was not there. When we got here, he was not here. It's clear that he has been released. But, I'm confused. My brother told me that he has been released, from the U.S.A., before we came, there are two that are the same, in the alike room, under ground, I was inside, I did not see him. But, I think he was in the other room with my brother. My brother will be no better than me, when he is released. He's been released. He was not in Bagram, and if he's not here in Cuba, there is no other way.

Q. Were you sleeping when the visitor came? When the visitor came to your house that night, were you asleep?

A. At home?

Q. Yes.

A. Yes, usually. What happened then? Before this, my dead father, he was suffering from brain hemorrhage, so at that time he was living in Pakistan. One of my younger brothers came and he told me that my father is sick. When I left there and I took him to the big hospital when I was working there, before, so in the city, when I saw the results, we saw the brain hemorrhage. There's no treatment in the entire world. It's (inaudible) problem. Nobody can tell me how long he will be alive. So, I took my father with me to Afghanistan. He was thinking of something, when I was watching him, I was thinking that maybe he will be alive for one day, or two days...and he was in trouble, because of the brain hemorrhage, the bleeding inside the brain, so he was more in trouble. His eyes would become red, and I was giving him the medicine, which I brought from the Pakistan hospital. The painkillers, during this time, I became very depressed. At times, wintertime, I was very depressed. This medicine, I was taking three or four types of medicine. But, professionally, to become a physician, I will work in psychiatry so; I know something about these things. I was taking with these medicines, a name of (inaudible), I think it's a sleeping pill. In this time, I was taking all this medicine on the table. Near my bed. When I was sleeping, I would take this very medicine. The whole night, for five or six hours, I would sleep. This time, I already take the medicine, I was sleeping. Also, here, I took this medicine, for one and half years, round about. So, at this time, I was sleeping in my room.

Q. Your brother was asleep?

A. Yes. But, not in the same room, in the other room, my brother was sleeping.

Q. So, when his family came, did they knock on the door?

A. I can't say this, because, my brother is living in the other room, situated, the good side. I can't see, I listen, but my brother opened the door for them, and they came inside. I'm confused. I listen them, I can't open the window, except the door to my room, but, I can't say at this time, if I listened for them or not.

Q. Where did your brother go to school also, Pakistan?

A. Yes, Pakistan.

UNCLASSIFIED/FOUO

Q. Does he share the same philosophies on lack of politics?

A. No, he never partook, my whole family, there's no politicians, no.

Q. You said that the U.S. forces drove to your house. But, I thought you said you couldn't drive to your house?

A. No, you can drive very easily to my house. My house is situated in the plain area. You can't drive to the area where from where they fire the rockets. You can easily drive to my home.

Q. Okay.

Q. Do you have a vehicle?

A. No.

Q. How do you get around? Do you walk?

A. Me, yes, I walk. Wait, it depends. If I was leaving for my clinic, I walk, I come back, I walk. But, when I was leaving for father, if any further distance, so when my father died, I become the legal one on my family, so, this goes back to tradition. For example, all these things, (inaudible), This is my responsibility. So, when I was leaving, I would take a taxi.

Q. When you would go to bed, I wear this during the day, at night, I wear a t-shirt.

A. Yeah.

Q. When the security forces came, do you remember what you were wearing?

A. I was wearing pants, but not the real pants, which is used, but the other one was a t-shirt. I don't know the colour of the pants, but the t-shirt was not completely yellow, but yellow like. Yeah.

Q. How about your brother, was he dressed?

A. I was the only person in that area using who is using a t-shirt, like these things. Nobody, my brother never used things. When I was in the hospital, all the doctors in there are using these things. I'm following the old rules on these things. It's easy to do that, for example. I don't have any restriction for the uniform, or other things. I'm only one person, for example, when I'm doing exercise, (inaudible) I use the exercise (inaudible) uniform. But, at night, my brother was using the same uniform, in this very area. This is known as a chemise, the shirt, and chemise shallah, its' like a shirt and pants, that's what we say, but, it's open and different.

Q. I guess my question is did you and your brother both look like you were ready to go to bed? Were either of you dressed as if you were going to go somewhere?

A. I don't know about my brother, but I know, when I come back from my clinic, I change my uniform. For example, at this time, if I wear the same uniform, which is what I'm using during the daytime, in my bit of money, I hold a small wallet. There's nothing but a t-shirt.

Q. I guess, if I'm a U.S. person, I'm a policeman, and I just saw a rocket go off, and someone in the mountains, I'm going to be looking for someone with hiking boots,

UNCLASSIFIED/FOUO

sweaty, with clothes, not someone who is in pajamas, or light chemise. That's why I wanted to know what you were wearing, and what your brother was wearing.

A. That's ok. I just answer the questions. Nobody can come that way. It's not easy from those mountains. A lot of trees, big stones, easy to get injuries. One thing, the second thing, if you are coming that way, during the night, it will take a long time. Particularly, my brother, this sickness, when someone is coming down from the mountains. He can climb up, I cannot. I can't run. It's impossible for me and my brother, it's impossible, not only for us, anyone. To come back from that area, without any injuries.

Q. Did the U.S. do any tests on you? Like, if you were to fire a gun in the United States, they do any atomic absorption test. Did they do any tests like that on you?

A. When I was in the firebase, the doctor told me, they had pieces of the rocket, and anybody touched it, the fingerprints will be there. The second thing, when I come out from my home, me and my brother, I don't know about the other guy, but, they wear the gloves. In Bagram, they took blood, hair samples, everything.

Q. Can you actually park the vehicle outside your house? Do you have a driveway?

A. Yes. If somebody wants to come to my home, and he's driving, he can stop before my home, nobody is living in that area. The one side is an empty home and the other side the neighbor with many stairs with a plain area.

Q. You indicated that you were sleeping when Hakeem (ph) came to your house. Did you hear the rocket attack?

A. I already mentioned, I was taking sleeping pills in those days. I hear, but, I can't differentiate at the same time, there was an aircraft, circling the area. Also, they started bombing in the mountains, I can't differentiate, and if it's the rocket they fired by the people, or if it's the other thing, fired by the U.S.A. aircraft. One thing, the second thing, is the name of the (inaudible) firebase, they came, they said this is the firebase. In those days, in my town, most of the time, they fired. The new soldiers, who have been in Afghanistan, they give me training. So, the sounds of the weapons, this adds to everything. Nobody can think, or hear, of if someone is listening, anything becomes jumbled, and they realized that it's the weapon. In the areas especially at night, you are facing the same things, so, nobody can, what happened, and why it happened. To think about what is the problem, I can say either, I was at my home and I listen. I listen to the sounds, the daytime, I was asleep, I can't differentiate that this is the rocket sound, or this is from the rockets fired by the aircrafts.

Q. But you do remember Hakeem and his family showing up at your house. How long after they showed up, did the U.S. Forces come?

A. I was sleeping, my brother opened up the door, they came, but, when I come outside, I didn't see them there. I can't see. I listened to him, he said to come out. I'm confused.

Q. How many people were in your area or the village?

A. It's not a village. It was houses, there was a house for the refugee. So, in this area, near the firebase, and not in a different area. It was a different area, this is the Pakistani

UNCLASSIFIED/FOUO

area. So, they know this, this house has only been built for five or six years. Before, there was no population; there was nobody there. There was a problem between the Afghani and the Pakistani's. The Pakistani's said that this is the area for Pakistani's. The Afghani's said that this area for Afghanistan. The second thing, three or four times, we were meeting with the Afghani soldiers, the U.S. soldiers and the Pakistani soldiers. They were trying to come and work there. The Afghani's took the local jobs. These people were against these things. So, three times I wrote down these the letter to the U.S. soldiers because the Pakistani soldiers were coming to the area you have no other person, and I was living near the bazaar, and my clinic was near the bazaar. So, I give the letter to my servant and to please, take it to the U.S. soldiers. At this time, the Pakistani soldiers, commander, they want to meet with me.

Q. Were you the only person writing letters?

A. No, I don't know, near the area, there is only one doctor whose studied in Afghanistan and, maybe because, he can write the medicine but, he's studying Pashto. I studied in Pakistan, so, in Pakistan, the courses are in English. Maybe there will be other people, but, when I write anything, I use my personal pad. I was always told, that when you write something, you use your personal pad. This is your letter.

Q. But you wrote in English?

A. Yes.

Q. You indicated that if injured people came to your clinic, that you wrote letters to the base, to let them know their names, where they were from, where they were injured.

A. Yes, during this time, I got only three injuries. One was a drug abuser guy, I performed surgery on him. He shot himself on the right side of his chest. There was people celebrating, they were eating but, this was before, when the soldiers came. There was an celebration so, they are using the weapon, and they are fighting. During these two different parties at the opposite. They confront one another and they start fighting. I got five injuries at the same time. Three of them dead, three died, the remaining, after first aid, I sent them to Pakistan to another facility. I was not certain how to treat them better. All these things, I found, the letter is the only form of communication.

Q. That was my question, were any of these people arrested based on your reporting their injuries?

A. No.

Q. Prior to the night that he came to your house, how many times, prior to that, had Hakeem been to your house? Did you ever eat, or drink tea with him and his family?

A. At the same time, at the same night?

Q. No, before that night. Had he been there on other occasions?

A. Yes.

Q. Frequently?

A. No. For example, he came to me, he had some crops in the area, so, and he asked me if I needed these things. He was also (inaudible) you are using the wood; I can bring you some from the mountains. Like this, silver, wire, he was also coming to my home.

Other than this, there are no other relationships that I can say that I'm having.

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Q. You indicated that he was fifty or fifty-five years old.

A. Yes.

Q. Were his children small?

A. Yes. He has only one son that will be four, five or six years. I don't know. He has two or three daughters. No other person with him, or other relatives.

Q. So, he didn't have any teenagers, or people in their twenties who could've been firing rockets.

A. No.

Q. You told us about your personal beliefs, were any known Taliban or al Qaida members did they ever visit these bazaars? I know you told me that they don't wear their identification on their hat. Were there people in the town that others, how long have you been in this area?

A. One year. You asked if there I saw any person from the Taliban.

Q. Yes.

A. In this area, it's good. There's no leader. To say he's leading Taliban or al Qaida. Twenty, or seventeen there was no Taliban were not at rest, this was the reason why I was shaving. For example, because, in those areas when the area was completely under Taliban, you can't shave. Not only me, but a lot of people they were shaving. Twenty, in different area. This starts from the beginning, when you are under government control. The other two, because in the history, there was no problem. Nobody can say that this way. Every problem is like the other. If Afghanistan, for example, the war between the different groups, the war between the different religions, like Shiite and Muslims. Here you are talking about Afghanistan and the last several years. There was war due to the religions, and also different languages. For example, Pashto speaking people, the Taliban were fighting those people. In different area, the people have the same religion, same language, these other things that aren't problems. Also, another thing, sometimes this happens. But, this is the (inaudible) leader. If you go to your area, you will solve your problem. Because, if you didn't know, there is no army, there's no police, so this is it. If there is some problem between the people, these leaders they are solving the problems.

Q. I just want to make sure I understood, you have no formal military training, you have never been in the army?

A. No.

Q. The day you were captured, had you fired your personal weapons for any reason?

A. No. If I was being decent, (inaudible)

Tribunal President's questions.

Q. You said you were originally from Afghanistan. Are you originally from the area?

A. My other village, it is situated around north, nine, ten meters, there are different ways. If you don't have a vehicle, you can climb, you can use the mountains. So, you have to come like this, but, if you want to go straight, the maximum distance is five

UNCLASSIFIED/FOUO

kilometers. I already mentioned, the construction of this house, just around five or six years before.

Q. So, you're original area from where you are from isn't that far away?

A. No.

Q. You said that you had your clinic by where you lived for about a year, or so, in this area. How long have you practiced medicine?

A. I initially when I came back to my country, after two months, I started my own clinic. From approximately one year I had my practice there.

Q. But, that's the only time you practiced medicine, or did you practice in Pakistan as well?

A. No, I practiced medicine in Pakistan. But, not as a private, I was working in the hospital. I was working in psychiatry, and I worked a little bit, for three or four months in Psychiatrist. Before I was in the learning stage. We are finishing our learning stage, then you will join the hospital for one year.

Q. We call it an internship.

A. Yes.

Tribunal President: At this time, is there anything else you'd like to tell us?

Detainee: No.

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 we have a pre-approved witness.

Tribunal President: At this time, let me explain to you how the witness process occurs. Please feel free to ask for a translation if you need any. 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. Does your brother have as good command of the English language as you do?

Detainee: No.

Tribunal President: 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.

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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 Razool Mohammed.

Tribunal President: You are here today to testify for Naquibullah Shaheen, are you still willing to do so, and are you willing to do so under oath?

Witness: Yes, I do.

The recorder administered the oath to the witness.

Witness: That all of my witnessing will be truth.

Tribunal President: Naquibullah, 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. In reference to his brother, on 14 Oct 02, six rockets were launched from the east, firing on Firebase (FB) LWARA, a U.S. Facility in Afghanistan. The FB then observed a vehicle with its headlights off drive away from the scene of the launch and stop at a dwelling.

Witness: I testify to that. There was no car coming or stop right in front of our property. But, the main road on the other side of our house, there were cars going back and forth, and that was, it was always like that. Cars were going from one direction to another direction. No cars came towards our property and parked out in front of it.

Personal Representative: In addition to that, he stated that Abdullah Hakeem came to the house with a family, because when the rockets were fired, they weren't secure.

Witness: Yes, I did state that, Hakeem was a lot closer to the mountain and more bombs are usually dropped there and so, he came to our house to refuge himself and his family.

Personal Representative: Explain the purpose of the battery, the Kalashnikov rifles with loaded magazines, a signal mirror and a pistol, which was found at the house.

UNCLASSIFIED/FOUO

Witness: They are all true, we did have a couple of loaded guns, and a couple of Kalashnikov's and some batteries, but, as far as the signal mirror goes, they are not signal mirrors, they are mirrors you see yourself in them. That's the purpose of all those mirrors. The battery that was mentioned here, they were almost as big as car batteries. They were used to activate my stereo system and my cassette player through the battery. There is no electricity in my region, so, whenever you want to listen to music, you have to use those batteries to activate the appliances or stereo system.

Personal Representative: In reference to his brother, the association and was involvement in a meeting with a suspect arrested by United States during a raid on a suspected Taliban facility.

Witness: First of all, my brother is a doctor there, and he has a lot of visitors all the time. I do not know of any specific person you are talking about, as I said earlier, a lot of people were coming themselves, or they were bringing another injured or sick people to my brother so he can do his testing and everything. If you were anybody in particular then you can tell me who you are talking about I do not know people by name, I mean he doesn't know, there are a lot of people coming from everywhere, we do not know them personally they are just his clients, the people who are coming there to be visited by him.

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

Recorder: Yes Ma'am. What was your job when you were captured?

Witness: I was working with my brother in his laboratory.

Recorder: Have you always worked with your brother?

Witness: Since he opened the clinic, I started working with him.

Recorder: What about before that?

Witness: Before I started working with him, I was studying about laboratories, about lab work and everything.

Recorder: That night, that the rockets were fired, did you hear them going off, were you awake?

Witness: I definitely heard them, yes, they fired from a very close area I was right next to the mountain there, I definitely heard them.

Personal Representative: How many people were in the house that night, in your house?

Witness: Me and my brother and our wives.

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Personal Representative: That's it?

Witness: After the rockets were fired, Abdullah Hakeem did come there that night.

Personal Representative: What type of clothing were you wearing when you were captured?

Witness: I was wearing the same clothes that I was wearing in the daytime, in the lab.

Personal Representative: These are the same clothes that you slept it?

Witness: Sometimes I change into some different clothes, cleaner clothes. Sometimes, I don't, this time I had the same clothes on, and I was planning on going to sleep with the same clothes.

Personal Representative: Were there any type of stains or residue on them?

Witness: There was a mark on my clothes that night.

Tribunal Members' questions

Q. How did Hakeem get there?

A. It's a flat area, there's the east and Hakeem's house is over there, the flat area. He had walked to our house.

Q. Is there a moon, was it hard for him to walk?

A. It was black, dark.

Q. Did he come alone?

A. Him and his wife, and his two children. Two daughters were older, teenagers, but all together it was probably six to seven people.

Q. You said you had a mark on your clothes. Did it look like gunpowder?

A. I work with batteries; there are a lot of chemicals there. We have containers of oil that we use for cooking purposes at all times. I had those containers at one time and transferred them from one place to another. My clothes got spots from that.

Q. Did you go out at all after dark that evening?

A. No, I did not go out that night.

Q. Do you know if your brother belongs to any political party?

A. No. No brother does not have any ties.

Q. Were you in your house or your brother's house when you were arrested?

A. There one house with four rooms, we live in separate rooms.

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Q. You heard the rocket attack. How long after Hakeem's family showed up at the house did the U.S. forces come?

A. After we heard the rockets, Hakeem was there for fifteen minutes.

Q. How long until the U.S. Forces or Afghan show up to arrest them?

A. Another fifteen minutes after that.

Tribunal President's questions

Q. Your brother indicated that you told him that Hakeem had been released. How did you know that?

A. In the beginning, in our area, I was with my brother I did not see Hakeem in that area or in the plane, or in Bagram detention center or at the base.

Q. So, basically, based on the fact that you didn't see him, you assumed that he wasn't arrested, or that he was released?

A. At that time, when we were in our own area, Hakeem was there. But, after that, I did not see him on the plane. Whether he was transferred, or what? We never saw him in Bagram.

Detainee: Hakeem was at the firebase. But, this is the firebase and the helicopter is coming from Bagram to this area. There is another plane area. My brother and I, we are living there, he should be with us. When we got to the firebase, there was only us. No other person.


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

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