

Summarized Sworn Detainee Statement

I have one question about the classified documents. I want to see all the classified evidence about me. If I don't see this information, then how do I know it is true about me, or where it came from? I want to see this classified evidence about me.

Tribunal President: I understand your question. Classified information is information that the owning government agency has decided could cause damage to our national security if released. This tribunal does not have authority to change that decision. We have come here today with an open mind. We have not seen any evidence whether classified or unclassified about you. The U.S. government will provide the unclassified evidence about your activities. You will have an opportunity to tell your story and address those allegations. With the assistance of your Personal Representative, you will have the opportunity to make a statement and tell us whatever you feel is important as we make our determination upon your enemy combatant status. Do you have any other questions?

Detainee: I am thinking this tribunal is really very just. If somebody accuses me with classified evidence I just wanted to find out what the allegations were so I could respond.

Tribunal President: We are not here to punish you. This is not a court of law. This is a tribunal, which is an administrative hearing. The classified evidence will be reviewed by tribunal members only in a closed session.

The Recorder administered the Muslim oath to the Detainee.

The Detainee responded to each point in the Unclassified Summary of Evidence as read with the assistance of his Personal Representative.

- **3-1 The detainee was associated with a rocket attack on U.S. forces in Asadabad, Konar Province on 21 September 2002, and was identified as a sub-commander of the operation.**

I don't know about this statement.

- **3-2 The Detainee was a policeman under the Taliban and provided information on the police force.**

No. Do you want me to just talk about it, or yes or no, or clarify?

Tribunal President: You are welcomed to respond however you care to; you can expand on the information for clarification, or to tell your story. How ever you choose to do so.

No. I actually said everything and my story in my interrogation. I will discuss this, but it will take a long time. About these rockets, I didn't even know, because my job was in Jalalabad. About these rockets, they were fired in Konar, which is far away from Jalalabad. That night I went to Konar was the night I was captured. That was the only time I traveled to Konar.

Tribunal President: Keep in mind we haven't seen anything from your file, so we haven't seen your history. Feel free to expand as much as you would like. We are here to listen to you today.

That's OK. You just read one by one, and I will explain each statement.

Personal Representative: Did you want to go back to the one that says you were associated with a rocket attack and that you were a sub-commander? I know there were some more things you told me when we talked before.

That's OK. My personal representative talked to me about this the other day, but who was my commander, and where was my job as a sub-commander? Where did I live at that time?

Personal Representative (to the Tribunal): He's bringing this up because he's saying he was never a sub-commander. In fact if he was, then he had to have had a commander, and he wants to know who that could be.

Actually, in my entire life, I wasn't a commander or leader except a businessman, and whole Konar province knows I was a businessman.

Personal Representative (to the Detainee): And what was your business?

I was in the wood business for construction companies. There is a jungle with a special wood that is very expensive for exporting to other cities and countries for the purpose of construction.

Personal Representative (to the Detainee): Did you want to elaborate on the item that says you were a policeman for the Taliban?

No. I wasn't a policeman during the Taliban. I never had a job or served any government. Only when Karzai came and America came, I had a job in Jalalabad for 8 or 9 months before I got captured. I got vacation and went home to Konar to see my family. The day I went home I was captured at my home and a personal enemy was there. In Konar there was an American compound. My enemy was a commander of a military division, and he was working there. He reported me to Americans, and I do not know what he made up in my case. I am thinking he did that. The

whole province knows about my enemy. Actually, I am from the district of Zarkhono, but I cannot live there because of my enemy. I moved to another district called (inaudible).

- **3-3 The Detainee identified an HIG compound and its functions.**

I told that earlier that I didn't work for any organization or government.

- **3-4 When the detainee was captured, American and AMF forces knocked on his door early in the morning and searched his home and found a Kalashnikov and eight or nine old, rusty rocket/artillery shells.**

This is true. They found the Kalashnikov and eight or nine shells. I told them already in my interrogation that there was no strict law against keeping weapons in your house in Afghanistan. By my house there was this office building of the district that had artillery shells and rusty rockets. When they moved to the governor building, my younger brother brought these to my house. I had the Kalashnikov for my own protection. It is common. Everybody had a Kalashnikov in his house. The reason it was common was because there was no stable government or security, so people had to keep them for their own protection and safety.

- **3-5 The detainee was a heavy machine gun operator for the Taliban.**

I mentioned earlier that I am a businessman. I didn't do anything or any job with the military. I did not do this job.

Personal Representative: You told me that when the U.S. came, that you were not concerned?

Actually I didn't have any concern. I was actually happy America came because we thought they would build my country and the fighting would be over, people would live in peace and have a comfortable life.

Personal Representative: Do you have any other concluding statements you need to make to the main item that says you were Taliban? Do you have any final comments you want the board to know?

I told you earlier and I will repeat it again, that I didn't work for any government or Taliban. There are people there in Afghanistan and Americans there (also), and you can ask about me to find out that I did not work for the Taliban.

Tribunal President: At this time, does that conclude your statement?

Is that the only question for me?

Tribunal President: We may have some questions for you.

Tribunal Members Questions to the Detainee

Q: How long have you been in the wood business?

A: Nine to ten years.

Q: Prior to that, what was your occupation?

A: Nothing else.

Q: Were you able to conduct your business despite all the war and conflict there?

A: I was doing my business, and had no relations or association with them. My business was separate from everything. Yes, I was able to do my business.

Q: Despite all the danger with the war you were able to conduct your business normally?

A: Actually in Konar it was not that bad. It was usually peaceful. Sometimes there were fights, but most of the time, there was nothing going on down there. When the Russians were there, we went to Pakistan. At that time, I was a little boy. When the Russians left, we came back to Afghanistan.

Q: I know you mentioned earlier you were not a policeman for the Taliban. But it mentioned you provided information about the police there; did you provide that information to the American government?

A: No, I didn't.

Q: Regarding the HIG compound. I understand you didn't know anything about that, or did you? I don't recall.

A: No, I didn't. I said that in my interrogation that they were there, but I didn't work there. Actually I moved from this location near the compound to be safe from my enemy.

Q: You mentioned your enemy several times in your statement. Was that enemy associated with HIG?

A: No, he was just an enemy among the tribe in our village.

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- Q: There were certain enemies within the compound so you left because you were concerned for your own safety?
- A: Yes. With my family, my kids and my tribe we left because of the safety issue.
- Q: You were safe after that time? All of you?
- A: Yes, because we weren't going to their district, and they did not come to our district.
- Q: Have you lived in Afghanistan all your life?
- A: No. I lived in Pakistan for six years as a refugee.
- Q: This was during the war between the Afghan rebels and the Russians?
- A: Yes.
- Q: Did you help the rebels defend Afghanistan against the Russians?
- A: No. At time I was ten or eleven years old. I don't know anything about that war.
- Q: OK. Could you please explain the circumstances of how you were captured?
- A: I was in Jalalabad, and I went on vacation to see my family, my kids and wife. Someone was knocking, and my brother opened the door. My enemy was with the Americans outside when they came to my house. They entered the house, and they tied my hands behind my back and searched my house. They put me outside in the car. They take me to the center. I spent four days there. Then I went to Bagram and then here in Cuba. They captured me in the morning, and then moved me in the day to Bagram. I spent four days in Bagram, and then I came to Cuba.
- Q: You said the Americans and the enemy were the ones that knocked on your door. Was this the same enemy that you described before?
- A: Yes, it was the same person, and my enemy's son-in-law. The commander of the military division at the compound was a relative of my enemy.
- Q: It sounds like your enemy denounced you to the Americans who came to arrest you. Is that what happened?
- A: Yes. That is what I am thinking because how did the Americans know my name? That's why I think he was the one that reported me. The day I was captured, there was a Datsun pickup by my house. Someone was sitting inside the car. My hands

ISN# 845
Enclosure (3)
Page 5 of 10

UNCLASSIFIED//FOUO

001296

UNCLASSIFIED//FOUO

were tied, but my eyes were open. I saw two people talk to the man in the car, to maybe see if I was the right guy. Maybe he said yes, and then they came back from the car and put the cover over my head.

Q: They accused you of being Taliban?

A: They said nothing to me at that time.

Q: When was the first time they accused you of doing something wrong, and what did they say?

A: The first time I heard that was from my Personal Representative. Over past three years here, I have been asking my interrogator why I am here. They tell me they do not know, too. The first time was when my Personal Representative told me. My PR told me I was Taliban, so I said who was commander and where is the proof? If I was sub-commander, it would be a big title, and everyone would know me. People of Konar would know that being a sub-commander is not something you could hide.

Q: It's very unusual for us to hear that, until a short time ago, you didn't know why you were captured.

A: I am telling you. That's right. You can ask my interrogator. Since I was in Cuba I have been interrogated two or three times. I wouldn't be mad or upset if I knew my crime. I don't mind being in jail for a logical reason. All these interrogators did was ask about other people, not me.

Q: That was my next question, what did they talk to you about during interrogations, but you already answered that.

A: They asked me about other people's names I have not even heard of, so I did not know how to answer.

Q: Just to summarize so we understand what you have said, you never associated with the Taliban at any time?

A: No.

Q: And you've never had any military training of any kind?

A: No.

Q: You've never fought against the United States?

A: No.

ISN# 845
Enclosure (3)
Page 6 of 10

UNCLASSIFIED//FOUO

001297

Q: Or against the Northern Alliance?

A: No. None of it.

Tribunal Member: Thank you, I have nothing else.

Detainee: Thanks to you. You may ask my interrogator and the people of my district that this is all true that I am saying.

At this time, the other Tribunal Member addressed the Detainee.

Q: Other than the six years that you were in Pakistan, you lived the whole time in the Jalalabad area?

A: No I was in Konar, too.

Q: That's how many kilometers, miles, or how far from Jalalabad?

A: Konar is a different province; Jalalabad is a different province. Jalalabad is like a center, then there is (inaudible) and Konar.

Q: Then Konar is a city or a town?

A: It's not like Jalalabad and Kabul in Afghanistan. It's not like Jalalabad, or Kabul; it's not bad.

Q: It's near Asadabad?

A: Where?

Q: Where you live, where you are from.

A: You mean my house, my home? Yes, it's close to Asadabad. (inaudible) There is now a shortcut and there's now a bridge over the river between them to make it easier for the people. There's a river in Konar that divides the districts.

Q: You indicated that you were on vacation when you were arrested. Correct?

A: Yes.

Q: When you were arrested you were with your brother-in-law at the time?

A: Yes.

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- Q: Earlier you indicated the Kalashnikov and shells were found in your house when you were arrested.
- A: Yes.
- Q: You took the Kalashnikov and the shells with you on vacation?
- A: No, it was only in my house. I did not take them with me.
- Q: You were arrested on vacation, back to the house, and it was found in the house?
- A: Yes, it was in my house.
- Q: You were on vacation and it was fairly close to your hometown?
- A: No, it was three hours by car. From Jalalabad to my house it is three hours by car.
- Q: Were you familiar with a place called Derunta camp? Camp Derunta?
- A: It's in Jalalabad.
- Q: Yes. Are you familiar with that camp?
- A: Actually Derunta camp is a station for electricity. And they made it a nice place for visitors.
- Q: Were you ever familiar there was another Derunta camp for military training?
- A: I don't know about any military training camp there. My job was in the city in Jalalabad. That's a little bit away from Jalalabad. I know people go for picnic and fishing, but I know nothing of a military training camp.
- Q: At the time of your arrest, was anyone else arrested with you?
- A: Yes, one of my neighbors.
- Q: Do you know where your neighbor is now?
- A: They released him from Bagram. He went home from Bagram.
- Q: You both went to Bagram?
- A: They put my neighbor in one car, and I rode in another car. After 15-16 days in Bagram, I saw him from far away.

ISN# 845
Enclosure (3)
Page 8 of 10

UNCLASSIFIED//FOUO

001299

Q: Were there ever people coming through the town going to Pakistan, such as Arabs, other than Afghanis, Saudis, Yemenis or other nationalities?

A: I haven't heard anything and haven't seen them.

Tribunal President's Questions for the Detainee

Q: I just want to clarify, in my own mind, whose house it was that you were captured in.

A: In my house.

Q: In your house? And you were on vacation?

A: Yes.

Q: Because I was thinking you were at your brother's house on vacation three hours away.

A: No. I was at my house. My brothers live with me at my house. I have two brothers that have separate houses in the same neighborhood, but I have two brothers living with me.

Q: Did they arrest any of your brothers?

A: No.

Q: Only you and a neighbor?

A: Yes.

Q: Could you tell me what time of year it was, what month, in relation to Ramadan?

A: Actually since this Ramadan it's been a year, and last summer in Cuba too. Second to last summer, I was in Bagram. It was Ramadan in Bagram, too. This is going on the third year in jail.

Q: You were captured in 2002?

A: I don't know about the year, but I was captured on month before Ramadan.

Q: Prior to your capture and during the conflict with the Taliban and U.S. troops, did you observe any fighting?

A: No.

Q: In the area that you were living, it was relatively peaceful?

A: Yes.

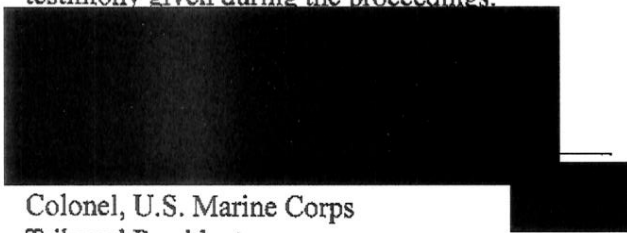
Q: Is there anything you desire to tell us further about yourself?

A: I don't have anything else.

The Tribunal President then thanked the Detainee, and explained the remainder of the Tribunal process. The Detainee asked how long the notification of the proceedings would take. The Tribunal President informed him to anticipate a response time of approximately thirty to sixty days. The Tribunal President then completed the statement of the process, and adjourned the open session.

AUTHENTICATION

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

A large black rectangular redaction box covers the signature area of the Colonel. A small horizontal line is visible at the bottom right corner of the redaction box.

Colonel, U.S. Marine Corps
Tribunal President