

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.

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

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

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

The Tribunal President confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have no on island witnesses participate in the Tribunal on his behalf.

Detainee: These allegations against me are not true. I will give an oath.

The Recorder administered the Muslim oath to the Detainee.

Summarized Sworn Detainee Statement

The Tribunal President opened the Tribunal to the Detainee to make his statement.

3.a. The detainee is a member of the Taliban.

Detainee: No. I have never been with the Taliban at all.

3.a.1. The detainee attended a Taliban training camp.

Detainee: No. Nobody can prove it. I have never (been) in the training camp.

3.a.2. The detainee worked for a Taliban Commander and was part of a special forty-man unit.

Detainee: No. I never did that. If you can prove that you can drop me in the ocean.

3.a.3. The detainee trained with light weapons, machine guns and missiles.

Detainee: No. This is not true.

UNCLASSIFIED//FOUO

3.a.4. When arrested by Afghanistan Military Forces, the detainee had in his possession the following items: rockets, a circuit tester, Russian artillery officer's compass, and rocket mortars.

Detainee: I didn't have any electric circuit for testing anything. They didn't find that on me at all. I had only a compass with me to show the directions for the Kabla, which the Muslims bring. That is for the mosques and prayers. I didn't have any rocket or anything with me. On the rocket, I have to tell my story. I am a poor guy and was working as a laborer to support my house and my family. When the Taliban had dropped from power and the new government came, I was jobless, working making mud walls. The time was not convenient. I was jobless and the economy was very bad. My cousin told me, you are jobless so I will put you with a commander who is working over there. That place is in Izaraq (ph) and he will not give you a certain amount but he would help. I was happy with him as it was better than the hard job and I went to the district and started working. He offered five or six hundred a month, which was not enough to support my family. I came back to my home because I could make more money in my labor job when I counted for the expenses of my house, like cooking oil, sugar and tea. I was at home, with my newborn son, mother, wife, and my little brother. It was midnight and some people came to my home and told me not to move. He asked me my name and then told me to get up from the bed. I asked him what was going on and he told me not to talk and follow him. I didn't know who this guy was and he asked me to come out and I followed him. When I stepped out from the room, my mother and brother also stepped out from their rooms and started yelling. I told him to tell me what was going on because my family was disturbed. He said don't talk and follow me. I didn't know exactly what time it was. When we were walking, there was a guy named Mohammad and he came up to us. This guy named Voramidi (ph) came out and asked me if I went to the district area and worked with Lashar Khan (ph), I will kill you and destroy your family. The guy that pulled me out of the house, I understood his name to be Sher Jan (ph). He told me that if I worked with Lashar Khan he would destroy my family and kill all of them. I told him that I didn't know him but my cousin told me to work with him to make some money. I came back because that money was not enough for me. We arrived at the end of Kaneba (ph). That place was a very end place and at that point he asked me where is Lashar Khan's house. I told him that I didn't know. I told him that I never been there. He told me that I had to show him his house. Because he had a machine gun in his hand and he was interrogating me, I was scared so I told him that his house was by this way, by this side and pointed but I didn't really know where his house was. At that time he pulled out some rocket bullets from the ground where they had it under the straw and dried wheat. After that they started burning the wheat and straw and told me to start walking. After awhile he intimidated and warned me again that if he saw me at Lashar Khan's again, that he would kill all of my family including me. When they left I went back home. When I got home my mother and my brother were waiting at the door for me. My mother was crying. They asked me what happened and I told them the story. The night passed on and my mother got a little bit happy that I came back. The next day I was thinking to myself, what was this all about and why did these people come to me?

ISN# 849
Enclosure (3)
Page 2 of 9

UNCLASSIFIED//FOUO

002821

UNCLASSIFIED//FOUO

It was evening and Sher Jan appeared and knocked on the door. When I opened the door, I asked him what are you going to do again, what do you want? When I started talking to him, my mother steps out and asked what was going on? I told her that Sher Jan came again and he told me don't talk to anybody and that he had stuffed two rockets in our garden. My mother told me to send some people to the district area to report it and for the district people to check it. I sent my little brother to the district and they would bring some soldiers. Last time it happened, that happened and today the guy came again and told me that he stuffed rockets in my garden. I was scared of it. I apologize but I forgot one thing. At the time he told me that he stuffed two rockets in the garden, he offered me 100 kaldars (ph) and I rejected it. As soon as he saw that my brother was running to the district office, he dropped the 100 kadars and ran away. He had another person with him at the time. His name was Nuwilly (ph). At the time he ran away, after awhile my little brother came back and asked him what happened. He said that the soldiers said they would come tomorrow because it is late and they couldn't come right now. The next day I went to the bazaar and I saw Sher Jan at a little restaurant drinking tea. When I got back home I told my mother that he was at a restaurant drinking tea, what going on? I was trying to think what was going on and in the late afternoon the district people showed up at our home. When the district people came they knocked on the door and I opened the door and asked them why didn't you show up yesterday? Today is almost past and it is late. The district soldier asked what was going on and I told him that last night the guy came and told us that he stuffed two rockets in our garden and he said let's go to your garden and see and we went over there. We went to the garden and they found the rocket bullets. It wasn't a rocket he said, it was a rocket ammunition. They asked me to go for questioning and I told them that the ammunition did not belong to me and I reported it. I went to the district office and from there they transferred me to Jalalabad city. It was a commander and I didn't know him and they handed me to the commander. The commander started beating me up and after awhile when the beating stopped he started pulling my nails with pliers. After two to three days and a hard time they handed me to the Americans. The Americans transferred me to Bagram. I spent four months in Bagram. In Bagram they told me to confess the truth. I told them that I was not lying. Jalalabad is not far from Kabul and Bagram. You can go and ask my mother and my brother and what was going on at that night. If you do not trust my family you can ask the other people. After three months they told me that my interrogation was finishing and that I would go back home but instead they sent me to Cuba. If you don't trust me you can go to Shardahar (ph) and ask the people there if I was associated with Taliban. These people will be witnesses to whether I was or not associated with the Taliban. I told them I didn't know anybody in Cuba and I'm a detainee in here and I do not have any witnesses to bring in here. This is our custom. Our ladies can't go outside talking with anybody they don't know. It's not possible. That is why I offered my uncle, he would talk instead of my mother. You can ask people from Shardahar and Jalalabad what kind of person that I was. Was I a commander; was I with the Taliban, associated with Taliban? The allegations came on me that I was six months with the Taliban. I wasn't there. I wasn't there fighting. I swear I never been with them at all. You all can write anything you want to write about me. It's up to you guys but I don't have anybody. I don't have any uncle from my father's side and I don't have a father. This is the situation that came on me. It is up to you guys. Whatever allegations you put on me you can do

ISN# 849
Enclosure (3)
Page 3 of 9

UNCLASSIFIED//FOUO

002822

UNCLASSIFIED//FOUO

because I don't have anything but God is with me. At least I am saying this. If a person is handing somebody to the government on purpose, of course they will make up some lies on him and accuse him also.

3.b.1. Late on 16 October 2002, the detainee was arrested by the Nangarhar Province chief of public security as the detainee, and three of his cohorts, was preparing to launch BM-12 rockets at Jalalabad.

Detainee: First of all who are the three more people?

Tribunal President: The only information that we have about you is on this piece of paper.

Detainee: Who wrote this paper? You are supposed to write the name of the three people also. What I mean is someone who wrote the letter about me is supposed to name my three friends also. I will bring my three friends in front of me and I will ask them, "Were you guys with me when I was shooting the rocket?" "Was I with you guys to shoot the rocket?" And that is what I mean. It is supposed to be confronted to me where my friends will say yes, I saw you in that issue.

3.b.2. The detainee took responsibility for the 28 August 2002, BM-12 attack launched at the Jalalabad Airport, which impacted near U.S. Troops.

Detainee: No. I never took that responsibility. I swear to God I know about this story at all and I told them about my story. I never heard about the airport or the place that the rockets hit over there.

3.b.3. The detainee assisted in firing two rockets towards the home of an Afghanistan government police official.

Detainee: You must be talking about the commander I was working with and I rejected working with him. I ask this. Did somebody bring me by force in here? I came by myself here in Cuba. They pulled me out of the house by force and they got the two rockets and maybe they attacked the police official but I wasn't with them. I didn't do it. Before the Americans came and even at the start when they came to Afghanistan, the officers and regular people had the same clothes. I didn't know who was this guy, why did he come behind my door, but he had the power, he had people, he had a gun and he pulled me out of my house by force. I couldn't do anything. Right now after the Americans came and issued the uniforms for the officers and the soldiers, we know who is who, otherwise we can't recognize who is who. I am from Afghanistan and I know about these situations.

3.b.4. The detainee fought directly against U.S. forces in Jalalabad, Afghanistan and had been with the Taliban for five to six years.

ISN# 849
Enclosure (3)
Page 4 of 9

UNCLASSIFIED//FOUO

002823

UNCLASSIFIED//FOUO

Detainee: This is completely wrong. If you guys prove that I was, that I was only one night with the Taliban, you can punish me the way you guys want.

Tribunal President: Is there anything you would like to add?

Detainee: I talked about it already and I don't have anything and previously I said I am a poor guy and working as a laborer and the only thing that I can tell you is I don't have any witnesses in Cuba. I don't know anybody to bring in as a witness to say I wasn't involved in these things. The only thing I ask and prove for me is Allah is my witness and two letters from two people. You can't directly talk to my mother according to our culture and my uncle, my mother's brother, will be involved in the issue to prepare the letter. The others are members of my family, which were looking into the situation. They came behind me on that night. More than that, I can't prepare anything and you can ask the people of our village that I was involved or I was a member of the Taliban or not. I was working as a laborer trying to support my family. This is my situation and I don't have anything more to add and Allah is my witness.

Tribunal Members' Questions to Detainee

Q: How old are you?

A: I don't know my age and nobody told me but according to what the interrogators wrote, I go by that. We never write our date of birth or the exact age that we are.

Q: Are you a native of Afghanistan?

A: Yes, I am from Afghanistan.

Q: Have you ever traveled outside Afghanistan?

A: No.

Q: Do you have any military training?

A: I went only with Lashar Khan for only one month and I came back.

Q: When was that?

A: That was at the time that the new government was in Afghanistan and took power.

Q: Were you working for the new government?

A: Yes, Lashar Khan was a new government officer. At that time the Americans were not in Jalalabad. Personally I didn't see them over there at that time.

Q: Have you ever been near somebody that fired a rocket?

ISN# 849
Enclosure (3)
Page 5 of 9

UNCLASSIFIED//FOUO

002824

A: No.

Q: Did you ever see anybody fire a rocket?

A: No. If I was I would tell you right now, but I wasn't.

Tribunal Members' Questions to Detainee

Q: You've been in Afghanistan when they were fighting the Russians and the Taliban was fighting the Northern Alliance?

A: At the time of the Russian war, I was a little kid. I can't remember.

Q: Is it OK for Muslims to lie?

A: No.

Q: What happens if you lie?

A: If I lied I will excuse you even if you kill me. I can't say more than that. This is the hardest punishment.

Q: Was your wife and mother always at home?

A: Yes, of course. The reason I say my mother, maybe doesn't know is because the complete story that I told in here, I didn't describe it for her but my uncle does know about it.

Q: These rockets that were found, were they buried under the dirt or in a hole?

A: In where?

Q: In your garden.

A: Yes, they started over there.

Q: Did you know they were there?

A: I never was aware of it. I said this guy came to me at my door and told me that they stuffed the rocket in my garden. I didn't know about it at all.

Q: How can someone come to your home, dig a hole and nobody in your family knew that somebody buried rockets in your garden?

UNCLASSIFIED//FOUO

A: Our garden is not attached to our home. The garden is away and outside. The garden is away from the home. If somebody goes over there, I would not be aware.

Tribunal President's Questions to Detainee

Q: Have you ever had any formal schooling?

A: No?

Q: You mentioned that when the Taliban fell you were jobless. What did you do prior to that, what kind of job did you have?

A: I was working as a laborer building mud walls.

Q: You were still building mud walls then?

A: Sometimes we were building mud walls and sometimes we were digging the wells for water. Some people would build high walls like castles. It is common over there. We have to work in the mud for so many days because we have to walk on it, mix it until the mud gets harder and build it.

Q: Did you work for a person or a company?

A: No. I never worked for anybody or for a company. There is no company over there. It is a small area, like you are in here, everybody know each other. They will ask if you have free time to work for them as a laborer. If I had free time and wasn't working for anyone else I would tell them yes. This is the way I would do it.

Q: When you went to work for the commander that was with the new government, what skills did you bring?

A: I was working as a guard. This was my job. When I go behind some people they have some problem or some issue, I have to get a receipt from my commander and show it for him to tell them that they were supposed to come to the district office to solve the problem. If the people would come, it was good, otherwise I would come back to my commander and tell him that the people did not want to come. The commander would send more guards to bring them with force to solve the issue between two people.

Q: You indicated that the person that told you the rockets were buried in the garden, tried to give you some money. And you said that you dropped it, what happened to the money?

A: Are you talking about the 100?

ISN# 849
Enclosure (3)
Page 7 of 9

UNCLASSIFIED//FOUO

002826

UNCLASSIFIED//FOUO

Q: Yes.

A: I can't remember what happened to the money, whether we picked it up or not. It's been two years and it was a surprising situation but I can't remember exactly what happened to the money. It is possible that I picked it up or maybe it was over there, again it's been two years.

Q: You indicated that the Afghans tortured you. What were they trying to get you to say?

A: As soon as I was handed to him without any questions he started to beat me. I told him that he had to ask me some questions and they didn't hear from me and started beating me. Perhaps it was the person from the district; whatever he told them made them beat me.

Basically when they brought me over there, it was three days I was in a small room and a hard situation. After three days they delivered me to the Americans and the American soldiers, I told them that they were supposed to ask me what did I do but they never asked me. I told one American it's possible that the person that handed me over there wrote something about me and I didn't know what he wrote and they supposed to ask of the people also what kind of person I was or what happened.

Tribunal President: I would like to thank you for your participation today. Do you have anything else that you would like to tell us at this time?

Detainee: The only thing is I'm not educated and if somebody can order to let me take a class in here to learn reading and writing.

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

The Tribunal took a short recess to allow the Detainee to be removed from the hearing venue.

UNCLASSIFIED//FOUO

The Tribunal President adjourned the unclassified open session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

ISN# 849
Enclosure (3)
Page 9 of 9

UNCLASSIFIED//FOUO

002828