

Summarized Unsworn Detainee Statement

The Tribunal President explained the hearing instructions to the Detainee. The Tribunal asked the Detainee if he had any question concerning the Tribunal process.

Detainee: No, I'm just asking information on the allegations against me. I want to give an answer for every allegation.

Tribunal President: Very well, and we will give you an opportunity to do that and we will welcome your statements here today.

Summarized Sworn Detainee Statement

The Tribunal President instructed the Detainee that he (the Detainee) could make an oral statement and could present any evidence with the assistance of his Personal Representative.

The Personal Representative addressed issues in the Unclassified Summary of Evidence, as were discussed while assisting the Detainee in preparation for the Tribunal.

- **3(a)(1) The Detainee is a citizen of Afghanistan who was conscripted into the Taliban and served 2-3 months fighting in Mazar-E-Sharif, Afghanistan.**

I spent only two months with the Taliban in Mazar-E-Sharif. Five nights I was in Mazar-E-Sharif, and the rest of the time I was in Kabul. In the five days I was in Mazar-E-Sharif, they showed us how to open the Kalashnikov and how to clean it, but they didn't let us touch it. Of the entire 25 days, for 10 days of that I was a secretary to Abdul Razzaq. In the 20 days in which I was in Mazar-E-Sharif, I was like a detainee; I didn't have permission to go into Mazar-E-Sharif bazaar or anything else. I just stayed there and did not do anything.

- **3(a)(2) The Detainee was instructed on how to operate and fire the Kalashnikov rifle and a handgun sometime in 1997 or 1998.**

I was conscripted into the Taliban during the second attack on Mazar-E-Sharif. They attacked and had complete control of Mazar-E-Sharif, and I was for part of the 25 days conscripted with them. If you look at my conscription, it was during the second time when the Taliban had fallen on Mazar-E-Sharif. That is not the date that the Americans came into Afghanistan. It was years before the Americans attacked in Afghanistan. It should be a mistake, because I never confessed during my interrogation that I was ever against the Americans or Allied Forces. I never fought against them.

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From the time I was conscripted, to the Mazar-E-Sharif attack, and the time the Americans attacked Afghanistan it was five to eight years between them. Besides, you can ask the translators; I never confessed I fought against the Americans.

All people that were under the government of the Taliban and living in Afghanistan were obligated to do service and no one would be released from the doing service. They had no way to escape into another country, and without service they could not live in Afghanistan.

In this camp, if you are bringing people from Afghanistan, you should bring all of the people from Afghanistan. Because all people of Afghanistan were serving with the Taliban and it would be a lot of expense for the United States. These are all lies and that was the kind of dealings that took place. Between the government and the people, no one could be free from that kind of service.

- **3(a)(3) The Detainee stayed with other Taliban fighters at a military base in Kabul, Afghanistan, and worked as a clerk for the Taliban.**

Basically, this question is related to the previous question, question number 2. It is the same thing and not a separate issue. Yes, I was over there. Out of 25 days, five days I was in the weapons training, 10 days as a secretary for Abdul Razzaq and the rest of the time, I was in Kabul. These are the kind of lies that are placed on me. I was kind of the secretary for Razzaq, but I didn't do anything more than that.

- **3(a)(4) The Detainee would assist commanders from other Taliban units who would submit requests for funds and repairs.**

I was a secretary for 10 days, like I told you. The secretary was not a big job. It was a kind of person that was always accepting orders. Always do this and do that. It was like a recorder and it wasn't a big issue that I helped the commanders. I did help them. The only thing that I did was like an expense keeper and record those expenses in a book.

- **3(a)(5) The Detainee traveled with and worked as a secretary for Abdul Razzaq.**

For 10 days I worked as a secretary for Abdul Razzaq, but after that I never saw him or went with him.

- **3(a)(6) Razzaq is an al Qaida leader who acted as a smuggler and facilitator.**

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I don't know about it that much. I have never been with him deep enough to work with him on those issues. If he is a smuggler or doing something illegal, I don't know about it and never was with him in that kind of job.

- **3(a)(7) The Detainee and a Taliban leader/commander traveled from Trin Kowt to Oruzgan, Afghanistan, to deliver a letter to a Taliban leader.**

That letter was with my cousin. Our uncle came to visit in Afghanistan. Our uncle from my mother side came to me in a car and told me that my cousin, Ismatullah, is over there. Ismatullah sent a message for me to get his car from our uncle and come to visit him. When I went over there in Trin Kowt, he showed me on the way to Oruzgan, a letter. He asked me to read it and asked if it was dangerous or not. I read the letter to him. As far as the letter read, it said, hi from Mr. Obaidullah, you can come and visit me in a very short time. As soon as I read the letter to him, I told him you could understand whether it is dangerous or not. But I did not see anything dangerous in the letter. When I told him that the letter was just saying hello, he said since it was not dangerous, we had to deliver it for him.

We went to Oruzgan and delivered the letter. But, personally, I did not see if he delivered the letter or not. This is our crime. We went there and delivered the letter and when we left Oruzgan to go back they sent another guy with us. On our way, the forces from Oruzgan stopped us and we were arrested. This is our crime.

The interrogators asked us what was the letter we were carrying and we told them this was a letter that we had to deliver. They did not ask us anymore than that. Two nights we passed with Afghan soldiers and on the third night they delivered us to American soldiers.

You have to understand that since the chaos started in Afghanistan the animosity was growing among the people. Some people had animosity since the Taliban and the other issues were growing in Afghanistan. Some people were stealing from other people. In all, it seems to me that there was animosity going on all over, even with the people trying to steal the cars. All Muslims were accused by the Taliban. These Taliban and the thieves were our enemies but they now have positions in our government. These Muslims here are accused in the name of Taliban, and Arab parties, and were brought here.

He pointed me out and said I was a translator, and I was a Pashto from Afghanistan. For example, if you know that I am not Taliban and never worked with Taliban. But if you send me north in Afghanistan, you will see that I will be accused in the name of the Taliban by someone and on the second day be delivered to you as an enemy of the government. This was the situation and in the chaos in Afghanistan that is common now. A lot of people will be accused.

- **3(a)(8) The letter was from Taliban leaders in hiding.**

This is not completely right. Neither my cousin nor I knew whom this letter was from. But if my cousin knew that it belonged to a Taliban leader, he would have never been willing to deliver the letter. If I knew that this was a dangerous letter or it was from a Taliban leader, I would have told him it was dangerous and we would not have delivered the letter to whom it was to be delivered to. My cousin didn't know the guy that the letter was to be delivered to.

In Afghanistan, all people are ready to accuse someone in passing and turn them over to the Americans.

- **3(a)(9) The Detainee admitted that he fought for the Taliban against the United States Forces while in Mazar-E-Sharif.**

I never said that. Since this translator and the other translator were in my interrogation, you could ask them. I never said such an allegation was true and I never fought against the Americans. You can calculate the time I was Mazar-E-Sharif, and that was long before the Americans came to Afghanistan. The time does not match. This is a kind of lie and all translators were in my interrogations and you can ask them and I did not say that. This is the kind of issue that you can ask of the translators. I was in the interrogations and they were translating. If they were afraid of the guards and confessed that I said such a thing, I will bring the translators and the interrogators as witnesses. I never said that I was involved in the fighting. This is not a kind of issue written by computers or recorded by computers; this is an issue that was written by the translators and interrogators. I'm sure they have the recording and I never said that.

I'm not making an allegation that this is a decision that it was to be written like that. It must just be a mistake. No one controls the words that come from one mouth to another mouth. It's possible that the translator who didn't catch my every word mistook it or it's possible that it was mistaken from one of the interrogators at the time of translation; maybe he didn't catch it very well. But I never said such a thing that I was involved in the fighting.

You all have a higher education and you can understand that it is hard transferring information from one mouth to another mouth.

- **3(a)(10) The Detainee was captured in a vehicle with his cousin, another Taliban fighter.**

No, this is not exactly true. When we went from Trin Kowt to Oruzgan in my cousin's car. We delivered the letter, and when we were returning there was a guy that was a friend of my cousin. The car belonged to my cousin and that is why he climbed up on the car. He was going with us to Oruzgan. The forces

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stopped us and arrested us. They didn't bring that guy with us, although he was traveling with us. They released him.

Detainee: If you look at all these issues and all the allegations against me, I will tell you in two points.

The first issue is that this is not the kind of crime that I served with the Taliban government because that was a powerful government in Afghanistan at that time and everyone could go for service. I admit of doing service, but I didn't do anything against the Americans. At that time, the Americans were not in Afghanistan.

The second issue is the training on weapons. Even nowadays, the ladies are training on weapons in Afghanistan when previously they were not familiar with the weapons and couldn't fight. They are familiar with the weapons now since the chaos has been going on in Afghanistan.

Weapons are something that even kids and ladies are familiar with, since the chaos started in Afghanistan. The fighting started with the Russians, and at that time it was very common.

You are all educated people and should know that the allegations that are against me are conflicting with the dates that I did service for the Taliban government. You can calculate that. My interrogators and translators are witnesses that I did not say that I was against the Americans. I don't have anything more.

Tribunal President: We may have some questions for you, but does this conclude your statement at this time?

Detainee: Yes.

Tribunal President: Very well, thank you. Personal Representative, do you have any questions for the Detainee?

Personal Representative: Yes, sir.

The Personal Representative questions the Detainee.

Personal Representative: You may have mentioned this but did you say why you were chosen to be Razzaq's secretary?

Detainee: The reason I was a secretary for Abdul Razzaq was because the person that was my commander conscripted me and recruited me for that service. He asked me to work as a secretary for Abdul Razzaq. Abdul Razzaq's secretary was going away and he needed a person that was able to read and write. It was for 10 days and no more than that.

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Personal Representative: Do you know how long a typical conscription in the Taliban lasts?

Detainee: As to recruiting people, it was different for everyone. For some people it was for three months and some were more than that and some people were two months. In my situation, they estimated no more than two months and I did the two months.

Basically, the recruiting and conscription was only for the people who had a piece of land, but if the people were working on the land, they would hire someone else. Since those people understood that the Taliban hired them to fight against each other, nobody was willing to fight each other. They pulled themselves aside and did not serve the Taliban military. They escaped or hid. But the Taliban understood what was going on and took cars to each village to collect these people. I was doing cloth masterwork. I was a tailor and when soldiers came behind my door, I didn't have my turban on or shoes on my feet and they pulled my out for the service. This is why I went to the service. It was an obligation.

In the two months while I was in service, we were not allowed to go outside. We were not even allowed to go to the public washing places where we would wash ourselves or take a shower. In these two months, ten days I was a secretary for that guy. You guys are with higher knowledge. If I did service as a secretary and you count it as a crime, yes I am a criminal.

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

Recorder: I have one question clarifying the Detainee's statement.

The Recorder questions the Detainee.

Recorder: A few minutes ago, you mentioned you were coming back from Oruzgan back by car and your cousin got into the car also. When you were stopped and arrested, I'm a little confused. I think it was you, your cousin and a third man?

Detainee: Yes.

Recorder: Who was arrested and who was let go?

Detainee: In the car it was my cousin, one other person and I. From the three of us, my cousin and I were arrested. The third person went to the office but they did not deliver him to the Americans. But the person that was supposed to receive the letter was also arrested. My cousin and I were in a separate car from them on the way to the office.

Tribunal Members' Questions to Detainee

Q: Thank you for coming today to explain your situation to us. The reason your testimony is so valuable is because we have not seen anything about you prior to

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this Tribunal. We want to better understand what happened here and you are the person who can best help us to do that. During the entire time that the Taliban was in power the total time that you were conscripted for them was two months or was it longer than that?

A: Only two months.

Q: When you were not working for the Taliban, what were you doing?

A: A tailor.

Q: Is that your profession?

A: Yes.

Q: How long were you working as a tailor?

A: As far as you know, the Afghans never write the date. They never write when they were born, when they went somewhere or what day it would be when they started on this job. But as far as I know, since I know what is good and I know what is bad, I started work as a tailor.

Q: We don't need exact dates but can you tell us approximately how many years have you worked as a tailor?

A: Approximately 10 to 12 years. I'm not sure but it was a long time before the Taliban started a government.

Q: You explained to us how the Taliban came to get you. Did that happened the same way both times you were conscripted for them, where they just came and forcibly took you away from the tailor shop?

A: Yes, I was still working as a tailor, but I wasn't in my store. I was in the home and they pulled me out for the service and at that time I was trying to make some clothes at the home because you all know at the time of Eid (the holiday) the Afghanistan people are making new clothes.

Q: Had the Taliban previously tried to get you to work for them, but you were avoiding them?

A: No. Even before the two months service never did they ask me to work for them, or after the two months, they never asked me to work for them.

Q: Were you surprised when they came to take you by force?

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- A: Yes, I was surprised because the first time I heard a sound, I thought that whoever was outside was bringing in work for me to do – sewing. But, when I stepped out, my turban and my shoes were not on. I asked if I could get my turban and shoes, and they would not let me.
- Q: Was this one time that they came to get you for two months, or was it more than one time and the total time adds up to two months?
- A: It was the first time.
- Q: The time where you learned about the Kalashnikov rifle, was that before or after the two months of time with the Taliban?
- A: That was during the five nights of the 25 days I passed with them.
- Q: Was that within the two-month period or was it during a different time?
- A: Yes, it was during the two-month period.
- Q: Now, it says here in point number two, which you spoke about earlier, that it was sometime in 1997 or 1998. Is that the time of the two-month period when the Taliban took you?
- A: I don't know about the years, because during the interrogations the interrogators and translators figured it out and they wrote it down. I never said the exact years to them. All I know is that my service was when the Taliban captured Mazar-E-Sharif for the second time.
- Q: Let me see if I have it correct now. You were with them for two months. During the two months, one of the things you did was work for Abdul Razzaq and at the end of that time you were captured. Do I have it right?
- A: No, I was arrested four or five years after that. According to these years, if you counted from the second period the Taliban attacked Mazar-E-Sharif and the days in which I am accused, it's a lot of years and they don't match up with each other.
- Q: I think it's getting clearer now. You are in the car and you were captured with your cousin and the other man you spoke of. At that time, did you have the letter with you?
- A: About the letter, at that time I was arrested. I don't know because in the first day we were traveling from Trin Kowt to Oruzgan he showed it to me. After that I didn't ask him where was the letter or I didn't know where was the letter or I didn't know the letter was with him at the time of our arrest.
- Q: Who is "he," your cousin?

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- A: Yes. At the time when we were arrested, I didn't know the letter was with him or not.
- Q: During the time you were arrested was when you were working for Abdul Razzaq. Is that right?
- A: No.
- Q: So Abdul Razzaq had nothing to do with the letter?
- A: No. I didn't know the main issue of the letter. He just showed it to me and the topic was the sentence I read for him. More than that, I don't know.
- Q: Again, who is "him" that you are speaking of?
- A: My cousin.
- Q: Point seven speaks of you and the Taliban leader/commander traveling together. Who does that refer to, your cousin or someone else?
- A: It refers to my cousin, but I don't know. In this question, it refers to my cousin. But I don't know if he was in Taliban or he was one of the Taliban leaders or not. But I know that he was in the Taliban.
- Q: As far as you know, what were his responsibilities with them?
- A: At the time, I was recruited to the Taliban by force. When they brought me to the main office, my cousin was there and he asked me why I was in there. You are not supposed to be recruited because the condition doesn't affect you; you don't have a piece of land. And he asked me that much and he was at that time with the Taliban. I asked him if he was working in that office. He said he was not working in that office, but I don't know where he was working.
- Q: So you think your cousin was a recruiter for the Taliban?
- A: No.
- Q: So, the letter was from your cousin to another Taliban person. So that's where you were going when you were captured? Is that right?
- A: The issue is when we went to the person we had to deliver the letter to, we went to his house and stayed one night. I didn't see my cousin give the letter to him for that guy. I'm not sure. When we returned from his home from Oruzgan to Mazar-E-Sharif, the forces of Oruzgan arrested us.

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- Q: So, the person whose house you spent the night at apparently received the letter but you don't know? Was he a Taliban person?
- A: I don't know him and never heard his name; I just read his name on the letter.
- Q: Now, your cousin asked you to read this letter to him because you are more educated than he is and can read and write?
- A: Yes. I'm not that good at it, but I can tell he can't read and write and that is why he passed it to me to read it, and I read it.
- Q: So, at the time that you were captured, you were doing a favor for your cousin by reading the letter. Were you helping any other Taliban people at the time or only him?
- A: No, he only showed it to me, to read it and determine whether it was dangerous or not. And I didn't read for anybody else.
- Q: You believe that you were captured because he is with the Taliban and you were with him? Is that right?
- A: Yes. That was the only night I went to visit him. We delivered that letter and as we returned we were arrested. I am not saying that because he is my cousin, I will not reject his relationship or friendship, but because he asked me I read it for him and went with him to deliver the letter. I didn't know more than that. This is my crime.
- Q: And he is the one that you have asked to be a witness for you today?
- A: When I was talking to my Personal Representative, my cousin and I are on the same block. I was passing by and he asked me if I saw my Personal Representative. I told him yes, and he asked if I needed a witness and I told him yes because as much as I saw you one night and I was arrested from that time, I saw you and after then I was arrested. I need a witness. I don't want more than that. I was not aware of his situation and he was not aware of my situation. We were separated and far away from each other. These are the things I can bring as proof about my situation.
- Q: There is only one cousin and it is Ismatullah, and he will talk to us shortly as your witness. Is that correct?
- A: Yes. I don't know anybody else. And if he wants to be my witness he can be here.

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- Q: Your concern is that he is much more involved in the Taliban than you were but both of you are being treated the same way? Being treated as if both of you are deeply involved with the Taliban?
- A: I was only two days with him because he brought the letter. We went and spent the night at the house of the person we delivered the letter to. During our return, we were arrested. But mainly, he was living in Pakistan and I was living in Afghanistan.
- Q: Is there any other reason besides the letter that you think you are being detained in the camp?
- A: Yes. That is the only reason I can see that I am in here. Is that the kind of reason that I am supposed to remain in here?
- Q: Besides the things that we have talked about so far, you haven't done anything else to help the Taliban?
- A: No. I didn't do anything else. If I have done anything else and you have a witness, bring him over.
- Q: Very well. Thank you, I don't have any more questions.

Tribunal President's Questions to Detainee

- Q: I have a few questions because I'm not sure if I was following everything clearly. Your witness, that will appear here shortly, is your cousin. Is that correct?
- A: Yes.
- Q: It is the same cousin that you were arrested with in Afghanistan. Is that correct?
- A: Yes.
- Q: What time of year was that and was it in 2001?
- A: I don't know about the year. I believe the second year has completed since I was arrested. More than that, I don't know which year it was.
- Q: This might be easier for you as a reference in time. In Afghanistan after the Americans arrived. Was your arrest after that time?
- A: Yes. When the Americans came to Afghanistan approximately one year later, I was arrested. This is approximately.
- Q: You said it was after Ramadan? Was it that time of year?

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- A: It was in the month of Ramadan.
- Q: Good, that helps. It gives me a better time and reference, too. Let's go back into the time you were conscripted into the Taliban. That was evidently about four years before your arrest?
- A: It was more than five years.
- Q: After the time of your conscription until the time you were arrested with your cousin, you only worked as a tailor in Afghanistan? Is that correct?
- A: Yes. After that day, I was trying to buy a prescription from the bazaar, a medicine prescription, and in the bazaar Ismatullah's uncle told me that Ismatullah was over there. He gave me the car to go and see him. I was working as a tailor after that.
- Q: Where was that in Afghanistan, the town or city?
- A: This is not a very big town or city. This belonged to a village in the Trin Kowt district, province of Oruzgan. The bazaar has a few small stores. Basically, Oruzgan was the center of the Oruzgan province. But, nowadays they make Trin Kowt as the center of Oruzgan province.
- Q: Do you have family in Afghanistan, a wife, and children?
- A: Yes.
- Q: You went to the bazaar and it was by coincidence that you met your cousin?
- A: Which bazaar?
- Q: Where you met your cousin.
- A: I came from my district to another district to buy the prescription. I saw Ismatullah's uncle and he told me that Ismatullah was in Trin Kowt and for me to go see him.
- Q: You saw his uncle and he said your cousin wanted to see you. Is that correct?
- A: Basically, he didn't tell me that Ismatullah wanted to see me, he told me that Ismatullah came to the center of government, Trin Kowt, and if you want to go and see him, this is the car.
- Q: How far away is this from your home?

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- A: You mean from Trin Kowt to center of the government?
- Q: Yes.
- A: It's six hours from my district to the center of the government where you meet Trin Kowt.
- Q: So, you went to see your cousin?
- A: Yes. When I went to see Ismatullah, we had to go to Oruzgan to sell the car. This is what he told me at first, and did not tell me about delivering the letter. He said he wanted me to go with him to sell the car.
- Q: Whose car was it?
- A: The car belonged to Ismatullah. His uncle was driving a passenger in the car. I didn't know how much the passenger was paying.
- Q: You drove the car to meet your cousin and your cousin asked you to read this letter. Right?
- A: Yes.
- Q: You made reference to the fact that your cousin wanted to know if it was dangerous or not, meaning the content or the wording in the letter. Do you recall anything that was in the letter?
- A: I don't remember anything in the letter besides this sentence. Peace be upon you; if you could please come to my house and see me. At the end of the sentence it was it was a signature.
- Q: Who was it from?
- A: Obaidullah.
- Q: Then you and your cousin took the letter and you traveled in the vehicle to deliver the letter?
- A: Yes. When we went there, I didn't know whether he gave him the letter or not.
- Q: Did you spend the night at the house?
- A: Yes.
- Q: Did your wife and children wonder where you had gone? You had just gone to the bazaar to get the prescription and didn't show up the next day.

A: Of course they were surprised because I told them I had to go and buy the prescription. When I went there, I thought I was just going to go there and come back. It was a six-hour drive. But when I got there, my cousin said let's go. And until now I have disappeared. Maybe they are surprised very much and if you think about it, I was the person that was supporting my home. I have one sister, one mother, one wife and my kids.

Yes. Now the Afghanistan people are very happy; but before that I would want to disappear. We were kind of in a harsh situation from the recruiting of the Taliban service and when the Americans came we got the idea that our situation would get better. I did two months of service with the Taliban a long time ago and I'm in here and accused for that. I don't know what kind of judgment that is.

Q: How is it that since the Taliban had control of Afghanistan, you only had to serve for two months? Did they ever come back to you and ask you to serve further? Did your business or the businessman that you worked for as a tailor ever have to pay support or taxes to the Taliban?

A: No, that business that I had was not very big. It didn't even complete my economic requirements at the home. It was just a little money I was getting from that business. I never paid them. If I was able to collect some money, the two years I've been in here, my wife and my mother could have that money, then I would be very happy. That is why I'm very upset. I'm concerned what they will do for their economic support.

Q: Prior to that day you ran into your cousin and he asked you for your assistance with the letter, how long had it been since you had seen him before that day?

A: It was a long time before that day before we had seen each other. I was in Afghanistan and he has been in Pakistan since his father got murdered and his mother and brothers took care of him.

Q: The picture is much clearer and thank you very much. Does anyone have any more questions?

Tribunal Members' Questions to Detainee

Q: You mentioned that Obaidullah signed the letter your cousin had when you read it for him. Is that correct?

A: Yes.

Q: Do you know who Obaidullah is?

A: No.

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Q: And you don't know what responsibilities he had?

A: No. I haven't seen him and I don't know who this guy is.

Q: He is not the same man whose house you stayed at overnight?

A: No. That was the person's house that we were to deliver the letter to.

Tribunal President: Is there anything else that you feeling as important that you want us to be aware of here today?

Detainee: The important issue for me to ask is that I need to understand why I am in here and on what issue I am detained these many years? I want to understand what is my status. America's judgment is famous in the entire world. Every country knows the Americans by good judgment. When I asked them what is my crime, they didn't say anything to me about it. This situation is hitting me like if it was skin off the animal and you press the air in it and it is becoming bigger and bigger and one time it will explode. That is why I am asking that. If you guys are bringing stability into Afghanistan, and you are asking for the people and are having good judgment, why are we in here with this situation? They are coming and asking you one question about one person and then ten days later they are asking me about the habits of that person, the color of the face, the color of the hair, eyes and everything repeatedly whether I know that person or not. What kind of judgment is that?

Tribunal President: All I can tell you is the reason that we are here today is to determine whether or not you have been properly classified as an enemy combatant.

Detainee: This kind of situation is unfortunate also. You guys came in there after two years and wanted to tell me whether I am classified as an enemy combatant. This is kind of mean, being after two years and I didn't do anything.

Tribunal President: Well, you have not been here as long as some others. So you should be not feeling as bad as others that have been here longer. But, we are here today to focus on your situation. And all the detainees are going through this Combatant Status Review Tribunal process. And this tribunal today has come here with an open mind. We have known nothing about you until today, when we sat down here and received these two pieces of evidence. We have opened up this session and we will produce a witness that will testify on your behalf. We will not make any determination and we will not come to a decision until we have viewed all of the evidence pertaining to your status. And after we make a decision and the convening authority reviews it, then you will be notified of the results. If you are determined not to be an enemy combatant, then we will release you to your home country as soon as arrangements can be made. But, if we decide that you have been properly classified as an enemy combatant, then you will be eligible for an Administrative Review Board and I will explain that more later on after we hear the witness.

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Detainee: This is kind of a mean situation. I can hear it from your voice and you are telling me after two years that I have been in here that now you are reviewing my status. Your government is very painless in justice but I cannot understand only after two years you are going to see my status?

You guys are very painless in the justice and right now you are telling me by yourself that you want to be aware by those two pieces of paper that you received, maybe by the interrogators or someone else. This is not correct justice. Two years have gone by since I have been in here although I was delivered for nothing and somebody lied on me and you heard it from somebody else. This situation is supposed to be good justice. The president of your country should know what the situation is of this Detainee, and he has to hire somebody to be completely aware of the situation. What is the guilt and what is not the guilt? And on the first day, these determinations should be made and not after two years.

Tribunal President: Is there more? You are continuing on and on and on. Is there more?

Detainee: This is a kind of hearing where you guys are speaking very mean to me and this situation is not good justice for me. This is very mean to me because I didn't do anything but one thing I am ensuring is that I believe in God. God is my witness and he will bring down the mean people. I don't have anything else. I appreciate it very much.

Tribunal President: We are about to call the witness. Personal Representative, do you have any other evidence? Or does the Detainee have any previously approved witnesses for this Tribunal?

Personal Representative: Yes. The Detainee calls Ismatullah.

Translator: He was asking for the time (what time it was) so he could pray.

Tribunal President: While we are waiting for the witness, I want to make sure the Detainee understands that this is a non-judicial hearing. This is not a court of law, which is probably good for timeliness. And we are not here to punish you today. We're here as you've witnessed; we've taken an oath to weigh all of the unclassified evidence as well as the classified evidence that we will receive in a closed session. And it is our duty to determine whether or not you have been properly classified as an enemy combatant. And we have sworn to that duty to make sure we do it in a fair and just manner.

When the witness is brought in, I will ask him to identify himself and then I will ask you if this is the witness that you'd requested and for you to confirm that. Then you would have the first option to ask the witness questions.

Detainee: What should I ask?

Tribunal President: That is up to you; whatever you want him to tell us or what you think is important that will provide testimony on your behalf. And then the Personal

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Representative will have an opportunity to ask questions as well as the Recorder and then we (the Tribunal Members) will ask questions.

The Detainee's witness enters the Tribunal.

Tribunal President: Good afternoon.

Witness: How are you?

Tribunal President: Very well, thank you. You've been called here to testify on behalf of Nasrullah. Please identify yourself.

Witness: My name is Ismatullah.

Tribunal President: Nasrullah, is this the witness that you have requested?

Detainee: Yes.

Tribunal President: Very good. We will ask the witness to take an oath before he makes any statements. Recorder, please administer the Muslim oath to the witness.

The Recorder administers the Muslim oath to the witness.

Tribunal President: Nasrullah, do you have any questions for this witness?

Detainee: Ismatullah, please give this conference on my situation, which you know about me, and you are aware of my situation and more than that I have never been with you and I never lived with you. We are far away from each other.

Witness: Are you asking me or what should I say?

Tribunal President: If you would, please respond to Nasrullah's question.

Detainee: The first issue that they accused me of was that I was in Mazar-E-Sharif and I was fighting against American forces. In this issue the translators and interrogators, they know that I never confessed to fighting against the American forces. And you know about my situation and you can confess, did I do that or not. And the thing is how you were arrested and came in here. I told them that you guys know that I was serving on Mazar-E-Sharif but I didn't fight against anybody. You are my witness that you brought the letter from Pakistan. You came to the Trin Kowt center and then your uncle from mother side asked me if I wanted to see Ismatullah. I took the car and came to visit you and you told me that we want to sale the car in Oruzgan and on the way to Oruzgan you showed my a letter and asked me to read the letter to you. I read it for you to see if it was dangerous or not.

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Tribunal President: Excuse me. Could you ask him in a form of a question instead of providing him your story, so he can respond? If your story is true, he should know your story.

Detainee: What should I ask him? He will give information about my situation as a witness.

Witness: You can ask me whatever lies came on you and I will give you the answer.

Detainee: I want to hear one thing from you.

Witness: Do you all have a question according to his situation for his being guilty or anything or if he was arrested in the fighting or anything? If I were aware of the question, I would give you an answer. If I am not aware, I will tell you I don't know. It is not necessary that he tell me the story. You can ask me questions.

Tribunal President: I want to be sure the Detainee has an opportunity to ask questions rather than providing the whole story to the witness. Please address the witness with a question.

Detainee: Ismatullah, did I fight against the Americans?

Witness: No. I didn't see it.

Tribunal President: Good. This is the sequence we want to maintain.

Translator: I told them one at a time.

Tribunal President: Thank you.

Detainee: When you brought that letter, did I know that letter belonged one of the Taliban commanders?

Witness: No, you didn't know that this letter belonged to one of the commanders. Because, if you knew at that time, you would have told me that this letter belonged to one of the commanders.

Detainee: You know that you were living in Pakistan and I was living in Afghanistan?

Witness: Yes.

Detainee: Do you know if the Taliban pulled me for service for a second time?

Witness: No. I know you did service one time. I don't know about a second time.

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Detainee: I forgot the questions and allegations. What I mean is, the allegations against me. Did I fight against the American forces with the Taliban?

Witness: No. You never fought against Americans. I didn't hear anything like that and since he was serving one time for the Taliban and I didn't hear about a second time.

Detainee: Are you the witness when I was recruited for the service of the Taliban was during the second attack on Mazar-E-Sharif?

Witness: Yes. That was an issue of a long time before the Americans came into Afghanistan. And that was only one time.

Detainee: Do you know it was not possible to get rid of service to the Taliban if you were living in Afghanistan?

Witness: Yes.

Detainee: Do you know that I worked as a secretary in my service?

Witness: I don't know about that.

Detainee: I don't have any other questions.

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

Personal Representative: Yes, sir, I do.

The Personal Representative questions the witness.

Personal Representative: When did you leave Afghanistan?

Witness: When Karzai came under power.

Personal Representative: Why did you leave Afghanistan?

Witness: For six months I went over there because I didn't have my place and I couldn't survive. That is why temporarily I went to Pakistan. I went to Pakistan and I have been living over there.

Personal Representative: Why did you return to Afghanistan?

Witness: Afghanistan is my country. Every six months I would go to Afghanistan. This time I came my wife and my family was supposed to come with me but I didn't have any money on me and that is why I came to sell my place. I wanted to sell it or rent it to survive when my family came.

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Personal Representative: Can you read?

Witness: If it is a kind of lettering or very hard writing, I can't read it. If it is my handwriting, I can read it a little.

Personal Representative: Were you surprised when Nasrullah showed up in your car in Trin Kowt instead of your uncle?

Witness: No, because I talked with my uncle in Kandahar and he told me that he would go to him or I would send my son.

Personal Representative: Did Nasrullah know anything about the letter you were supposed to deliver?

Witness: No. He didn't know about it. The reason I asked him to read the letter for me is because I couldn't read it and it was not in simple writing. It was kind of a complicated writing from a person that knew literature very well and I do not have the ability to read that kind of letter. The reason I asked Nasrullah to read it because I wanted to know if it was dangerous or not. I wanted to keep myself safe also. And, when he read it, he told me it was not dangerous and I understood it as not being dangerous.

Personal Representative: Did you tell Nasrullah that you were going to Oruzgan to sell your car?

Witness: Yes, I told him that.

Personal Representative: Did you sell your car?

Witness: When we went there to the mechanic, Nasrullah was inside of the store napping. I talked to the mechanic about the car and he told me the car was very old and can't work here because the streets were not paved and the car cannot hold up here. I was disturbed that the car could not be sold because that meant no money for me.

Personal Representative: What were your reactions when you heard Nasrullah was conscripted by the Taliban?

Witness: When I saw Nasrullah, I didn't hear about it when he was conscripted. I saw him personally in Mazar and I asked him, "Why did they bring you in here? You are not suppose to be conscripted because you are younger than me and you don't have that much land and you do not fall under the circumstances where they would call you out for the service." He told me that they brought him by force and after that I got separated from him and didn't see. Although I was conscripted regarding the obligation I was working for the Taliban and I didn't see him and I didn't have that much power to make such a situation that I could release him from the hand of the Taliban and after that I didn't see him.

The Tribunal Members' Questions to the Witness.

- Q: Good afternoon. Thank you for serving as a witness for your cousin. I'm sure he appreciates it very much. We have been trying very hard to understand his story of how he came to be here. I will ask you a few things to make sure we understand it correctly. We learned that when he read the letter to you it was signed by a man name Obaidullah. Is that correct?
- A: That's correct.
- Q: Do you know who Obaidullah is?
- A: No. I didn't know who Obaidullah was or what was his position or what kind of person he was but this letter was by Abdul Razzaq.
- Q: Abdul Razzaq asked you to deliver the letter to another person?
- A: Yes. The letter was in his pocket and he gave it to me to give it to that guy.
- Q: At that time were you working for Abdul Razzaq?
- A: At what time, at the time of the Taliban?
- Q: At the time he gave you the letter to deliver?
- A: No. Basically, in one of the places we saw each other and said hello. After awhile I saw him in an intersection of a street and that is when he gave me the letter to deliver.
- Q: And he said please deliver it to this other person?
- A: Yes.
- Q: But you were concerned because you didn't really know what it said?
- A: I asked him to tell me what did he write because I didn't understand what was in the letter. Since he repeated the letter for me and I understood it was nothing important in the letter, it was written to say, come and visit me after the Salaam (ph). It was not an important issue, and I put the letter in my pocket until I got to Trin Kowt because I knew it was not an important issue. If I understood that something was very serious and dangerous about the letter and I would not have taken my car to that guy. Instead I would have taken the letter very secretly to that guy.
- Q: We haven't seen either one of your files, but I am going to tell you what I think happened and have you tell me whether or not it's correct. From other Tribunals

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where Afghan detainees have come before us, we heard that Obaidullah is a very senior member of the Taliban. Is that correct?

A: Basically, I was working and knew Abdul Razzaq and didn't know Obaidullah and haven't seen what you are saying. One of Abdul Razzaq's commanders gave me a letter to stay for a while in the place of the rented rooms. For a while I knew Abdul Razzaq from that issue and he gave me the letter and he did well by me so I took that letter and delivered it to that guy to do a favor for Abdul Razzaq.

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. Marine Corps
Tribunal President

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