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Summarized Detainee Statement

Tribunal President: Ismat, as you remember we met on 13 October 2004.

Detainee: Yes.

Tribunal President: We recessed the Tribunal because we felt all of your comments were not being translated properly. We also felt our comments were not being translated properly. We want to make sure that you understand the process. So I will review the process with you again this morning. Forgive me if I repeat myself from the other day.

Detainee: That is okay.

Tribunal President: We previously swore the Tribunal and the Personal Representative. Today we swore in a new translator and reporter.

Detainee: Okay.

Tribunal President informs the detainee of his rights during the Tribunal hearing.

The Detainee stated he understood the Tribunal process.

Tribunal President: Everything that you said to us on 13 October 2004 is still on record. Please feel free to repeat anything you said to the Tribunal on that day.

Detainee: Okay.

The Recorder reviews the Unclassified Summary of Evidence (exhibit R-1) with the Tribunal and the detainee.

Tribunal President: Ismat, you made a request for witnesses?

Detainee: I did not want to present anybody or bring anybody in as a witness because I did not have anybody here. But when I talked to my P/R and he asked me if I had any witnesses, I told my P/R I had my cousin with me here. You can bring in my cousin and ask him for whatever information he has regarding the evidence you have on me. My cousin will give you that information, if he knows anything.

Tribunal President: Ismat, you also asked for....

Detainee: May I finish my sentence?

Tribunal President: Yes, I am sorry.

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Detainee: I did tell my P/R there were two people in Afghanistan I wanted as my witnesses. I gave my P/R the names. They can testify why I was in the Taliban and the reasons I served. These witnesses would tell you most of the things in the unclassified summary are not true. I do have evidence to provide to you, or I can explain to you my reasons for doing it? But most of the summary, I do not agree with it.

Tribunal President: Ismat, I do understand that you did ask for your cousin to appear as a witness at this Tribunal.

Detainee: You can ask my cousin about whatever he knows and he will tell you. Also from Bagram all the way to Cuba, I did tell my interrogators the truth. It is in my file. You can look at my file and find it. Most of the things in the classified files are not true and I do not agree with it. I can tell you why I did it, what I did not know about. Also, there are a lot of people in Afghanistan that could tell you I did not do the things I am accused of in the Unclassified Summary. The American Government is wise and they should do justice by reviewing my file and my statements, then they should do justice with me. America should know, that is why America is a great power today.

Tribunal President: We will have the opportunity to hear your comments. We will also have the opportunity to hear the comments from your cousin, who is a witness appearing today. But, I wanted to let you know that the State Department attempted to make contact with your uncle and brother-in-law. The State Department was unable to contact these individuals.

Detainee: I am a detainee here. I cannot bring any witnesses to the Tribunal. Your Government or the Tribunal can try to bring the witnesses. When you do make a decision, you should keep in mind whatever I say, plus my witnesses. Don't make a decision without actually looking into the whole matter. What I can do, you can explain each question to me one by one. I will answer if it is true or not true. I want to go briefly, one by one, each bullet on the Unclassified Summary and explain to the Tribunal.

Tribunal President: Yes, Ismat. The Tribunal will look at all of the evidence we have before us. We will listen to your statement, which we will go into after we finish talking here. And, we will also listen to and consider the statement from your witness before we make a decision.

Detainee: Okay.

Tribunal President: Ismat, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. Would you like to present information or make a statement to this Tribunal?

Detainee: Yes.

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Tribunal President: Ismat, would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder, would you please administer the Muslim oath.

**The Detainee was sworn using the Muslim oath. The Detainee testified to the Tribunal in substance as follows:**

Tribunal President: Ismat would you like to make a statement or would you like to respond to the allegations?

Detainee: I can make my own statement, but it's been two and a half years and it's in my file. It has been a long time and I forgot some of the stuff. But I would like to go over each question and answer each one whether it is true or not. Then the Tribunal or anyone else can ask me any question on that. I would like to answer each question.

Tribunal President: Ismat, we do not have your file here today, so it is important for you to say as much as you would like to. Then we will go over each of the statements.

Detainee: I can tell you the whole details of when I left the house, where I stayed, where I was and where I had been. But it is a long story and I don't want the Tribunal to get frustrated with me.

Tribunal President: We won't be frustrated.

Detainee: I was asked questions from my childhood and about what I did as I was growing up. I can start from there, but it is a long story. I can tell you from the beginning from my childhood or I can start from the place in Pakistan when I was handed the letter to give to that person. The time I was serving as a soldier. So where should I start?

Tribunal President: I think for this Tribunal it would be better for you to start when you were in Pakistan and you were handed the letter. Your childhood information will not help the Tribunal in determining whether you are an enemy combatant or not. Ismat, we could just start with the allegations that are on the Unclassified Summary, if that would help you with your story.

Detainee: We can do that. We can answer each question.

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Tribunal President: P/R, would you like to read those please?

Personal Representative: Yes, Ma'am. 3-a, "the Detainee is a member of the Taliban and associated with Al Qaida."

Detainee: I did serve in Taliban for a year as a soldier. I did so for a reason, but not as a volunteer. The reason was I had a guesthouse in Kandahar. People were trying to take my guesthouse. Since I did not have anything, the way I saw it, I joined the Taliban and they gave me a letter allowing me to keep my guesthouse. Then I was a soldier with the Taliban, but I was an ordinary soldier. I stayed with them in small places or houses. It was not like staying with them in the city or the bazaars. I was in that area, Dara Sufe, with the Taliban soldiers. I was not a commander or anything like that. I was a soldier with Commander Abdull Razzaq. One time he did have almost forty soldiers under his command. I worked with him for three and a half to four months, then I would go back home, then I would go back with the soldiers. So the entire time I served with the soldiers and spent time at home was about a one-year period. I don't know the exact date, but when Commander Massoud, a leader of the Northern Alliance died, then our commander told us we were going home. So we left and we went back home. After two months after Commander Massoud's death, the Americans came. Their coming was announced everywhere over the loud speaker throughout the bazaar and we were told to move our families elsewhere. So that is what I did. I moved my family to Dara Woo, another place in Uruzgan. When the war was over, I moved my family back to Khandahar and began living with my father-in-law. I sold the guesthouse I had in Uruzgan. It was winter time, so I moved my family to Pakistan for six months. It was not a good time to buy another guesthouse or start a new business.

I forgot something. Before I left for Pakistan, I bought a taxi car for my uncle on my mother's side. My uncle said he would take care of the taxi service for me and send me the money from the taxi service. I bought myself a motorcycle and took it to Pakistan. When I was living in Pakistan after some time I went to the government park. I saw Commander Razzaq sitting in the park with a few other people. I recognized Commander Razzaq and introduced myself, but he did not recognize me. I told Commander Razzaq that I was serving for another Commander, Akhund Zada, under him (Razzaq). Then Commander Razzaq remembered me. I left, then I saw him again one month later by the park. Razzaq asked me if I knew if anyone was going to Afghanistan. I told him that I was leaving for Afghanistan a few days later to check on my taxi. I had not received any money from the taxi service and two or three months had passed. If my business was not turning a profit, I was going to sell the taxi. Razzaq told me he had a letter he needed to send to Afghanistan to a person named Sangar Rihad. Razzaq said he would give me money to pay for my fare from Pakistan to Afghanistan in order to deliver the letter. I asked Razzaq what was in the letter because I could not read it. Razzaq said the letter was asking Sangar Rihad to come to Quetta. I did show the letter to other people to read, and they told me the same thing. After that, I went grocery shopping for my house and I put the letter in my pocket. The next day, I had gotten the money to go to Afghanistan.

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Detainee: Since I had nothing else planned and I had received the money to go to Afghanistan, I planned on leaving the next morning. I still had the letter in my pocket. I did not know the letter had anything related to the Taliban in it. If I had known delivering that letter was going to be dangerous for me, I would not have taken it. Razzaq told me Sanger Rihad was a well-known person and everyone in the tribe knew who he was. I did not know of any relation between Rihad and the Taliban. I was thinking Commander Razzaq left after the death of Commander Massoud. I was thinking Razzaq was against the Taliban. Why would he write to someone who dealt with the Taliban. That day I left my house in Chaman and I went to Wāeji, another city in Pakistan by the border. I spent the night there with some relatives. The next morning, I rode my motorcycle to Kandahar. I was thinking about selling both my car and motorcycle. I asked my uncle about the taxi service and how much money was made. My uncle said only one thousand Pakistani Rupees. So we decided to sell the car because there was no profit. My uncle was a passenger in the car and he went to Dara Woo in Uruzgan. I drove my motorcycle to Dara Woo. The next day, my uncle's son brought the car to Dara Woo. Since I had not seen my cousin in a long time, my cousin wanted to visit me in Dara Woo. I asked another friend to go with me to show me how to get to the place I had to deliver the letter to. So the next morning the three of us [detainee, cousin and detainee's friend] left together in the car and went to deliver the letter to Sangar Rihad. We stopped only once to fix the car. When we got to Sangar Rihad, it was late afternoon or early evening time. Since it was late, we would not make it back on the same day, so we spent the night at Rihad's. Rihad was fixing his house. That night I gave Razzaq's letter to Rihad. It was Ramadan time. I saw the letter on the ground. I read it and saw it said Allah, the name of God written on it. I picked up the paper. In our religion it is bad if you throw such papers on the ground and do not properly dispose of it. You either have to burn it or place it in water. So I picked up that paper and I gave my car keys to my friend. I told my friend to start the car. We left that morning right after the sun came up. We were headed back home. Midway of our trip we stopped in a bazar area, Chinartoo. When we got there, the Governor and five other guards turned on their headlights to stop us. I did have an AK-47 in the car for personal safety. I was going to sell the car, but I thought when the car was sold I would keep the money in my pocket. It is not safe to keep any money in your pockets without having a weapon on your person. That was why we had the weapon and why they found the AK-47 with me in the car. They authorities searched the car and found the AK-47. The Governor told us to go with him and the guards. I tried to explain to the guards the AK-47 was for my personal safety and it was just one weapon, so it was not a big deal. The guards told us to go with them. So we left with the guards. They guards were staying with the person I sold my guesthouse to. The Governor asked me who the car belonged to, and I told him it was mine. The Governor asked me when I bought the car, and I told him after I sold the guesthouse. The Governor asked those people owning the guesthouse, and they verified they did buy the guesthouse from me. Then the Governor asked me where I came from and where did I stay the night before. I told the Governor me, my friend and my cousin stayed and Sangar Rihad's.

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Detainee: I guess Sangar Rihad was either an enemy or did not have good relations with the Governor because soon as the Governor heard the name, he got upset. The Governor took us back to Sangar Rihad's house. When we got back, they brought all of us and Sangar Rihad to Khandahar. We were there for three days. After that, I never saw the Governor again. No one came and talked to us. They took my car keys from me on the first day and I never saw my car again. After three days, we all were handed over to the Americans. I was asked what happened and I told them the whole story about the letter, the Governor and how we all were arrested. At the end of my story, they told me to tell them the truth. I told them I was telling the truth, but they did not believe me. So that night they handcuffed me. The Americans were telling me, or the interrogator with a linguist told me to tell them the truth so I can go home. So I was telling them okay and I would tell them the whole story. The Americans did not find out about my being a soldier with the Taliban in Dara Sufe until I told them about it. They did not find any papers or weapons on me. I told them about how I was in Pakistan and I was given the letter that I delivered. I told them all this because they said they would set me free and I would go home. After a day or two in Kandahar, I was brought to Bagram. In Bagram I was asked the same questions. I told the same story and I was telling the truth, but they did not believe me. Finally an interrogator shook my hand and told me I was going home. I did not see this interrogator again. After two months in Bagram, I was brought here to Cuba. In Cuba, it is the same thing again. I tell them the same story, which is the truth. Now all this in my Unclassified Summary, I did not do. Whatever I told my interrogators, it was voluntary. No one had any evidence on me. Everything in that Unclassified Summary, the Americans had no evidence on that. I swear to the Tribunal that I am telling you the truth and most of the things in that Unclassified Summary, I did not do.

Tribunal President: Ismat, will you allow us to ask you question?

Detainee: Yes.

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: No, Ma'am.

Tribunal President: Do any of the Tribunal Members have questions for the Detainee?

Tribunal Member: Yes, Ma'am.

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Tribunal Member: Ismat, where did you receive your military training?

Detainee: I never received any training from the Taliban. The only thing I knew before joining the Taliban as a soldier was how to fire my AK-47. I joined the Taliban without any training. I was just spending my time with them and wearing the clothes like they were wearing.

Tribunal Member: When you crossed the border from Pakistan to Afghanistan, how did you get across the border? Did you have to present papers? How did you cross?

Detainee: With the border between Kandahar and Quetta, there was no problem. A lot of Afghans live on each side and they just go freely from one side to the other. Maybe in other parts of the country you might need papers, but not in that part. One time, when America was fighting in Afghanistan, the borders were sealed. They were checking papers. But at the time when I was coming back there was no checking. No problems.

Tribunal Member: When was that? You said during Ramadan, but what year?

Detainee: When I got captured?

Tribunal Member: Yes.

Detainee: I don't know the exact year, but I got captured two years ago. So it was the twentieth day of Ramadan, and today is the first day of Ramadan.

Tribunal Member: The AK-47 you had with you when you traveled, whose gun was that?

Detainee: A person names Issa Muhammed or Issa Ahmed. It was his gun and we borrowed it from him. Actually, my friend borrowed it from this person because they were friends.

Tribunal Member: Ismat, to clarify the date you were captured when you said it was two years ago, was that the same year that Massoud was killed?

Detainee: Massoud died before that. I was captured after his death.

Tribunal Member: Was it the same year?

Detainee: I do not know the year or month, but it was after Massoud was dead.

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Tribunal Member: Did you ever fight in the Tora Bora area?

Detainee: I never saw Tora Bora in my life. The only time I saw it was on TV in Pakistan. The TV was showing the fighting going on there. I never personally had been there. I am fasting and I was wondering if the Tribunal was going to take a break.

Tribunal President: No, we can't take a break. We have a lot of questions we need to ask you. We also still have the witness to come in and you will be allowed to ask the witness questions. So we have to move on.

Detainee: Okay. I drank too much water because I have been fasting. May I use the restroom.

Tribunal President: Certainly. We will take a brief recess to allow the detainee to go to the restroom.

Recorder: All rise.

*Tribunal Hearing recessed and re-opened. All parties present prior to recess were again present.*

Tribunal President: Do you remember what year you were a soldier?

Detainee: I never kept track of the year and month. I do not know. I was with them almost a year, close to the year before Commander Massoud died. So if you have the date for Massoud's death, then it was a year before that.

Tribunal President: Was that prior to the US bombings?

Detainee: At that time, I was at my house in Dara Woo. They announced there was going to be fighting with the Americans. We were told to get our families out of the area. That was why I took my family from Khandahar to Dara Woo.

Tribunal President: Was that during one of the breaks that you took from being a soldier? You said you were a soldier for three to four months, then you took a break and then you went back. Or was that after you completed being a soldier?

Detainee: No. I was in my house and I was done with being a soldier. When I left it was two months before Massoud died. My Commander had quit so I went home also. The Americans came after Massoud died.

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Tribunal President: Where were you when 9/11 or the attacks on the twin towers in New York happened?

Detainee: I was in my house.

Tribunal President: Earlier you said someone was going to take your guesthouse from you. Can you explain that please?

Detainee: People were saying the guesthouse was built on government land. The people working for the government were soldiers or worked in the Taliban offices. They would come and bother me, threatening to take my land. So I got tired of that, so I went and got a letter from Abdul Razzaq, the Commander. Once I got that letter, I was bound to work with him. So that is what I did. I went and worked for him.

Tribunal President: You said the Taliban claimed they owned the land. So in order for you to keep the guesthouse, you had to work for the Taliban. How does Commander Razzaq fit in there?

Detainee: Most of my time I spent it in Pakistan. For fifteen to seventeen years. I went to Khandahar and I had been there about three years. I was looking to buy property like the guesthouse. This guesthouse had belonged to another person. I asked the owner if I could buy the property. I paid him some money and the owner left it for me. The people that came to ask me about moving were regular soldiers. They would come and bother me by asking for the land because it belonged to the government. The person who owned the guesthouse before me was named Gul Muhammed. I told Gul Muhammed that people were bothering me about the guesthouse. Gul Muhammed told me he would take me to someone to fix the problem. Gul Muhammed took me to Commander Abdull Razzaq. Gul Muhammed told Commander Razzaq I was a poor person and people were bothering me about the guesthouse. Gul Muhammed asked Razzaq if he could help me out. Abdull Razzaq asked me if I had any people in the house that could work for him and I told him I was the only person. Razzaq asked if I wanted to be one of his soldiers and I told him I wasn't ready and would think about it; but in the future if I felt I could, I would go and work for him. So Razzaq wrote me a letter for the guesthouse so people would not bother me anymore. Then I was in the guesthouse for two years. Things were changing and it was hard to run the house. My uncle came and joined me. I left the guesthouse for him to run. At that time I decided to go and work for Commander Razzaq. That is how I joined the Taliban in Dara Sufe and I worked as a soldier.

Tribunal President: Who stayed in the guesthouse? Were they soldiers? Were they Taliban members?

Detainee: It was not a nice building. It was an old building. The people with money did not stay in a place like that. The soldiers were coming and staying in the guesthouse. The building was so old that there were snakes in the roof.

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Detainee: People were scared to live in that house. That is why the big people did not come and stay there in a place like that.

Tribunal President: When the letter was written for you by the Commander, did the Commander take the letter to the Taliban Government? Or did you have to take the letter to the Taliban government?

Detainee: I took that letter with me and I kept it. It was written on Taliban letterhead. It said the Government of the Taliban. So every time people would come and bother me, I would show them the letter. When they saw the letter, they would leave and not bother me again.

Tribunal President: What did the letter say?

Detainee: I don't remember the whole thing, but it said I was a soldier. I was a member. I was a poor man and not to bother me. If there were any questions to see the Commander. Usually people would come on a bicycle or motorcycle, or walking without weapons. I knew those people were soldiers or working for another commander. Then there were people coming in cars with bodyguards. I knew that was a Commander. Always there would be just one or two people. The way you would know, they were wearing a white or black turban.

Tribunal President: Were there any weapons in the guesthouse?

Detainee: No, I did not have any weapons with me.

Tribunal President: Did any of the soldiers carry weapons with them into the guesthouse?

Detainee: Sometimes the soldiers would carry it, but not all the time. Not everyone.

Tribunal President: When you were fighting with the Taliban, who did you fight against? Was it the Northern Alliance?

Detainee: It was the area of Rashid Dostom, the Northern Alliance Commander. He was operating in that area. I never went to fight with them. I was a guard. Whenever we heard gunfire in the daytime, we would tell people at nighttime there was gunfire and people were coming. Like one time, I got wounded and a bullet hit me in the leg. But I never went with them specifically to fight.

Tribunal President: What were you guarding?

Detainee: It was one house with two or three rooms in it. We were doing guard duty there.

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Tribunal President: Do you know what was in the house?

Detainee: Soldiers and all our friends were staying in that house. Some of the people would be on guard duty. Some were sleeping. Some were watching for the enemy to make sure the enemy did not come and fight us.

Tribunal President: We will bring in the witness. Ismat, you will have the opportunity to ask the witness questions. Then we will also have the opportunity to ask the witness questions. The P/R would like to ask one more question.

Personal Representative: On the unclassified evidence, paragraph B-3, it says the Detainee and another Taliban member planned to kidnap the son of the Uruzgan Governor. Did you plan to do this?

Detainee: No, that is not true. I never did this before. Even when and if I go back, I am not planning to do things like that. You can ask the witness. He was with me and he can tell you that we were not planning something like that. The witness will tell you the truth when he makes his statement under oath.

Tribunal President: Any other questions?

Personal Representative: No, Ma'am.

*Tribunal Hearing recessed and re-opened. All parties present prior to recess were again present.*

Tribunal President: I'd like to identify that we have another witness or Detainee here as a witness. Please give us your full name.

Witness: Nasrullah.

Tribunal President: Is that a first name or last name?

Witness: That is my full name.

Tribunal President: Nasrullah, we are here for the tribunal of Ismat. We would like to be able to ask you some questions. Ismat will ask you questions, this Tribunal will ask you questions. Would you like to make your statement under oath or not under oath?

Witness: Any information I have, I would like to take an oath for it.

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Tribunal President: Recorder, would you please provide the Muslim oath for Nasrullah.

Recorder: Muslim oath.

**The Witness was sworn using the Muslim oath. The Witness testified to the Tribunal in substance as follows:**

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

Personal Representative: Yes, Ma'am. Do you know of any plans to kidnap Jan Muhammed's son?

Witness: I never heard that before and I never had any idea of somebody saying that. Also, that person [pointing to Ismat] never told me of any such kind of plan before.

Personal Representative: Can you tell me what happened to the car that you were traveling in when you were stopped by the Governor?

Witness: They stop us. They searched us and the vehicle. Then they told us to follow them. So we got back into our car and went and followed them.

Personal Representative: Then what happened?

Witness: They told us to follow them. They said they were taking us to meet some people we were going to meet and stay with. They asked us so politely, so we went with them. Then after that, they asked us questions.

Personal Representative: Can you tell us anything about your cousin's whereabouts prior to the Americans coming to Afghanistan?

Witness: He is my cousin. Whatever you heard about him is all wrong. He did not do anything. If he did anything, he was with me and I should know. Or somebody would have told me. When we were in the country, no one told us of such things before. There is no witness that my cousin actually did all those things.

Personal Representative: I have no further questions.

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

Recorder: Yes, Ma'am. Were you with your cousin when he delivered the letter?

Witness: When I heard that my cousin was in the town or province, I went to see him. I spent the night and the next morning with him. He told me he was going to a different district to sell his car. We left.

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Witness (continued): He told me on the way to sell the car, he had to deliver a letter. He asked me to read it and tell him what the letter said because he was not able to read the letter by himself. So I looked at the letter and there was not anything in the letter. I did not know who gave my cousin the letter or where he got it from. When we got to the place, I did not know the person and I did not know who my cousin gave the letter to. That is all I know about this letter.

Recorder: Was there more than one letter.

Witness: There was only one letter.

Recorder: No further questions.

Tribunal President: Do any of the Tribunal Members have any questions for the witness?

Tribunal Member: When you were stopped, did you have any weapons in the car?

Witness: I did not see the weapon myself. Since I was not with my cousin that long, I did not know what he had in the car. But he did tell me there was an AK-47 in the car for personal safety. I told the interrogators also that I did not personally see any weapon in the car.

Tribunal Member: Did Ismat fight with the Taliban at all?

Witness: Against the Taliban or with the Taliban fighting against somebody else?

Witness: No, I do not know if Ismat has been in or to a fight. The only thing I knew was he was with the Taliban. I did not know where he was working with them. I did not know anything about the fight.

Tribunal Member: Was Ismat a soldier with the Taliban?

Witness: I do not know. The only thing that I knew, he was working with the Taliban. I did not know if he was a soldier or a commander.

Tribunal Member: When was Ismat with the Taliban?

Witness: I don't know the time or how long Ismat was with the Taliban. The only thing I knew was one of my uncles on my mother's side was telling me that Ismat was working with the Taliban.

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Tribunal Member: Do you recall when the attacks occurred in the United States on the World Trade Centers on September 11<sup>th</sup>, 2001?

Witness: Yes, I heard about it on the radio and I heard about it from the people.

Tribunal Member: Do you know if Ismat was working for the Taliban before or after that time?

Witness: Ismat told me that he went home before that happened. So he was in the house way before that. I never heard from anybody if Ismat was still working with the Taliban. That's all I know about that.

Tribunal Member: When were you arrested?

Witness: We got arrested at the same time.

Tribunal Member: What year was that?

Witness: I don't know the year, but it was Ramadan time. The twentieth day of Ramadan. So starting today the twentieth of this month will be two years. We got captured by Afghans. Then later on, they handed us over to the Americans.

Tribunal Member: Thank you.

Tribunal President: What did the both of you have on you when you were arrested?

Witness: What kind of stuff are you talking about?

Tribunal President: Passports, IDs, and weapons?

Witness: We did not have any passports. The only weapon I knew about was the AK-47. Other than that, just the money in our pockets, but I don't remember the amount. Just enough to travel on, not a lot of money.

Tribunal President: Was a letter from the government or a Commander on you or with Ismat?

Witness: No.

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Tribunal President: How long were you with Ismat before you were arrested?

Witness: When I heard Ismat was in the district, I went to see him. I spent that day and night with Ismat. The next morning we left to deliver that letter to the person and spent the night over there. So that was two nights total.

Translator: The witness asked the Detainee how many days exactly they were together. Whether it was one day before the letter or it was two days. The Detainee said he did not remember how many days before the letter.

Tribunal President: Where were you when you were stopped and arrested?

Witness: There is a place called Chinartoo. There was a bazaar by this place and we got stopped there.

Tribunal President: Do you know why you got stopped?

Witness: We did not know why we were stopped. There must have been some people who didn't like us, like our enemies. In Afghanistan everyone has enemies. There was always clashing between each other. So it must have been some people like that. I am not sure why we were stopped.

Tribunal President: Did they accuse you of doing anything?

Witness: No, they did not accuse us of anything. They did not say anything about what we did or why they stopped us. They did not tell us what we did wrong. When they took us to the place later on, they asked questions about who we were, our parent's names, what villages we were from, what tribe we are. They did not tell us why they were doing this or what we did wrong.

Tribunal President: What were you doing when you were arrested?

Witness: We were traveling on the road.

Tribunal President: You said you stopped. Why did you stop and what were you doing when you stopped?

Witness: I did not know why they stopped us. I can ask you why we were handed over to the Americans? I don't have any answers for that. They stopped us. They asked us questions. The next day they handed us over to the Americans. We had no idea why they did that and what we did wrong.

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Tribunal President: I was under the impression you stopped in the bazaar and you were doing something. Then they stopped you?

Witness: No. We were not doing anything like that. Maybe some enemies told them and gave some wrong information on us or accused us of doing something. But no, we were not doing anything. We were traveling on the way. They stopped us. They asked us questions. Then they handed us over to the Americans. We did not know if they were with or against the government. We were not doing anything when they stopped us.

Tribunal President: Ismat, you have the opportunity now to ask your cousin any questions. Please allow each question to be translated first before you answer. Then your answer will be translated.

Witness: Am I going to ask Ismat questions?

Tribunal President: Ismat will ask you the questions if he'd like.

Detainee: I do not have any questions. What questions can I ask? But if the Tribunal has seen something in the summary, you can ask me or ask the witness. But I do not have anything for the witness.

Witness: I do not have any questions, but if anyone has any more questions for me, please ask them.

Tribunal President: Personal Representative, anymore questions?

Personal Representative: No, Ma'am.

Tribunal President: Recorder, do you have any other questions?

Recorder: No, Ma'am.

Tribunal President: Tribunal Members, do you have any other questions for the detainee or the witness.

Tribunal Members: We will take a brief recess while the witness is escorted out.

Recorder: All rise.

***Tribunal Hearing recessed and re-opened. All parties present prior to recess were again present.***

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Tribunal President: Ismat, do you have any other evidence to present to us or any other comments?

Detainee: No, I cannot think of anything else to say. But if anyone has any questions for me, they can ask me and I would like to answer them. The only question I have is everything on my unclassified summary, most of it is wrong. I never did this. I told you and you asked my witness some questions. You can ask questions from the people in Afghanistan if I did these things. If you can find out why they put all of this on me. That is all I have.

Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal session.

**AUTHENTICATION**

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

  
Colonel, US Army  
Tribunal President

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