

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process and had no questions.

The Tribunal President then addressed the Detainee Election Form (Exhibit D-A) indicating the Detainee had requested two Witnesses from his home country. The Tribunal President explained that the information was given to the State Department to locate the Witnesses; however, all attempts to contact the Witnesses through the country's embassy were unsuccessful. It was determined that the two Witnesses requested by the Detainee were not reasonably available for the Tribunal.

The Recorder then read the unclassified evidence. The Detainee interrupted the proceedings and stated the following:

Detainee: I would like to try to ask a question.

Tribunal President: If you have a question, please ask.

Detainee: When you have a question, I will answer. I have already spoken to the Personal Representative about the answers. When he reads to me, I will answer one by one.

The Tribunal President then offered the Muslim oath to the Detainee. The Detainee questioned the use and purpose of the oath, but opted to be administered it after discussing its purpose with the Tribunal President. The Recorder then administered the oath to the Detainee. Afterward, the Tribunal President reiterated to the Detainee that he had now promised to tell the truth to the Tribunal.

The Personal Representative then stated each point of unclassified evidence separately, to include previously submitted written responses from the Detainee.

Personal Representative: (3.a) Detainee is allied with al Qaida and the Taliban. The Detainee's written response was "that is not true."

Personal Representative: (3.a.1) Detainee's uncle was the commander of a known terrorist organization. The Detainee stated in writing that, "his natural uncle was a commander against the Russians in the Russian time. My uncle was a member of the post-Taliban government for three months; the first three months of the new government." (To the Detainee) Would you like to say more about that?

Detainee: No.

Personal Representative: (3.a.2) Detainee was a member of the same terrorist organization. His written response to me was "he was a driver for his uncle in the post-

Taliban government also for just three months. Then he worked in a gas/oil store." Do you want to say more about that?

Detainee: That's correct; I was working in a store. Before the government of Karzai, I was working in the same store, and after that, I was working in the same store.

Personal Representative: Do you want to say any more about that?

Detainee: No.

Personal Representative: *(3.a.3) Detainee worked for this known terrorist organization as an operator on the communications system.* His response in our discussion was, "No; not true. I was not an operator on any communications systems in Kandahar." Would you like to say more about that?

Detainee: No.

Personal Representative: *(3.a.4) The terrorist organization is led by an individual that has been found to be allied with al Qaida and the Taliban.* When we discussed this, he stated, "there was no proof, even during Russian times. The only membership was his uncle who worked with the Karzai government. He knows no individual that has been allied or a member of the Taliban."

Personal Representative: *(3.a.5) This terrorist organization is led by an individual who was formally designated by the U.S. Government as a "Specially Designated Global Terrorist."* His response was, "I do not know this individual." Do you want to say more?

Detainee: No.

Personal Representative: *(3.a.6) Upon capture, numerous weapons were found on the Detainee's family orchard to include two tanks, rockets, Kalashnikovs and other guns.* In his response he stated, "Not true. Afghans captured me on my motorcycle at the bazaar. They took my money and motorcycle, and turned me over to the Americans. I took the Americans to my store and my house. I did live in the family house we were renting. I know nothing about tanks, rockets or Kalashnikovs. I spent one month in jail in Kabul and one month in Bagram." Is there anything else you wish to say (about this point)?

Detainee: No.

Personal Representative: *(3.a.7) A search of the Detainee's house revealed receipts and paperwork showing a transfer of weapons, including Kalashnikov rifles, a rocket and three machine guns, from his uncle to another individual.* His response during our meeting was, "this was a lie; there were no weapons in the house, just receipts and paperwork. These showed the weapons were given back to the government. They

searched these receipts in Kabul, and found a commander named (inaudible), who took the weapons and gave them to another commander named (inaudible). This showed the weapons were given back to the government." Is there anything else you want to say about that?

Detainee: No.

Personal Representative: (3.a.8) *The Detainee was also found with a fifty-meter spool of detonation cord.* In our discussion, he said, "wires are pretty much everywhere. When homes were looted, I saw the wire on the street and took it. I took it to use for electricity wire for my home for lighting, and other wire left over I threw it in the yard where it was found." Would you like to say more?

Detainee: No.

Personal Representative: That concludes our statement. Do you have anything else to add?

Detainee: I will give now an explanation about each allegation. For number one, I never was a member of them, never allied with them; I was an enemy of them. For the second one, my uncle or cousin was no commander of a terrorist organization. If Karzai is a terrorist, then my uncle is also a terrorist. If this is true, then my mother, brother, cousin and uncle are also. If Karzai was Taliban then my uncle is. Only my uncle worked for the Karzai government. Fifteen years ago, everybody was working for HIG during the time of the Russians; (if this is true) then all of Afghanistan is terrorists. All of Afghanistan belonged to this group fifteen years ago. All I did was drive a car that belonged to the Karzai government because they paid me to drive a government car. Number three; I did not work as a communications operator. I showed the Americans my store and my house. They searched and they did not find any evidence, or telephones; just the documents. Number four; do you know when and how? I spent only three months for the Karzai government. How and when are they a terrorist group? Five, the American government says they are a terrorist organization. How does the American government stamp anybody or anyone as a terrorist? What evidence do you have to prove this is a terrorist group? They say they found tanks, rockets and others guns. What kind of evidence do you guys have? The day and time other Afghans turned me over to the Americans, I took them to my store and house. They searched everything in my home and my store and only found one empty bullet (empty shell of Kalashnikov). If there's not but one empty shell, then forget the whole thing. They have some evidence or paper to transfer a Kalashnikov. Those receipts belong to my uncle when he did Karzai government work. When my uncle quit or resigned the job, the weapon was returned back to the government. That was the reason I kept the receipt; it was for records and for proof. If someone asks in the future what happened, then I would have a receipt for the weapon. The receipt would tell the time the weapon was given back to the government. That was the only reason, nothing else. Eight, there were areas close to our house that belonged to Arabs. At that time, all the Arabs escaped; some people grabbed chairs,

tables, anything they could find. I found some wire to use for my electricity. Houses are close together; you could walk from the top of one house to the other. I don't know who threw the wire into the street. I don't know who left the wire there. One more thing: I was never involved with any terrorist group, and I never witnessed a terrorist group, I only helped out the American government. I think for this reason, my enemy put me in trouble. There were two times when there were operations by the Americans against al Qaida. I was the one that helped take them to this area where they were. I still think people associated with al Qaida turned me in because I helped the Americans. Maybe this is the reason. Still, people in the new government associate with al Qaida. If anybody is against al Qaida, they find an excuse to put you in trouble. That time after they stole my bike, they took my money and took away my store. They didn't take me from another country; they took me from my own business. It's up to you guys of my judgment. Also, I have no association with my uncle. He has his own house and life. I have my own house and life. There is no connection. He is almost 20-25 years in Pakistan, and I live in Afghanistan. He only came to Afghanistan for three months to work for the Karzai government, and they paid me to drive the car. The Taliban killed my uncle's brother. He was never in Afghanistan because he was afraid of the Taliban. Maybe that's the reason he left the country after three months; he left the job. To my knowledge, my enemy possibly found out about the receipt of the weapon. There's no more HIG, especially in Kandahar; that was a long, long time ago, about 15 years ago. The only government in power is Karzai. There are no other people or organization. That's all I will say.

Tribunal President: We may have some questions for you, but does that complete your statement?

Detainee: Yes.

Tribunal President: Thank you for your testimony.

At this time, the Tribunal President allowed the Personal Representative and the Tribunal Members to ask questions.

Personal Representative: Referencing (3.a.6) the tanks and the equipment found on that property; did you live there on that property?

Detainee: No.

Tribunal Members' Questions to Detainee:

Q: There were some things I would like to clarify. There was mention of your grandfather; does he have anything to do with any of this?

A: My mother's brother only.

Q: Did your uncle have some position of responsibility with HIG?

A: No. He was only in contact with the Karzai government. Fifteen years ago he was with HIG.

Q: When we talk about this organization, it is HIG that we are talking about, there is no other?

A: There's another organization also under Rabbani or Sayyaf. I don't remember all of the names.

Q: As we understand it, it would be Hezb-e Islami Gulbuddin, is that the correct name for the organization?

A: There's only one person by this name. After I saw him in some pictures, we know that fifteen years ago there were three groups led by Hekmatyar, Rabbani and Sayyaf. Sometimes you heard on the radio which group belonged to whom.

Q: The original purpose of this group was to resist the Russian occupation of Afghanistan?

A: Yes.

Q: After the Russians left, what was the purpose of the group then?

A: When the Russians left, they fought each other.

Q: When they are speaking about you being an operator of communications equipment, do you know what they are talking about?

A: People can say anything and don't have to have a reason. They robbed me, took my money and took my bike; they have to find something to put on me for an excuse. If I turn to the Americans, I have to find something. The true thing is if anybody turns in anybody, they have to find something. It is just nonsense.

Q: So you don't have any special training or expertise with communications?

A: Never. I barely read or write Pashtu or Farsi. I never did have any training.

Q: Before you came to the camp, what was your occupation in Afghanistan?

A: I had my own store; I was in the business of oil and petrol. I don't know why they did not find the evidence; they must not have looked. Still, my brother is running the business. I don't know why they don't find this place. My brother was also arrested with me, but he was released, and sends me letters from the store address.

Q: Was he sent here for the same reason as you?

A: Yes, for the same thing. In one month, they tied our hands and left us hanging like this for one month. They put us in a small box. The same people still exist and work for the government. Maybe these people did not look for the evidence. Why didn't they find it? They don't want to look. There is a military officer that is still the existing police chief in Kandahar City. He can be found easily. They don't want the whole truth. Our embassy or state ministry, I think they are lying.

Q: Do you have any idea why your brother was released, but not you?

A: I was hoping they'd release me too, because they found nothing. For some reason, they didn't release me, only my brother. Maybe it was those people because I helped the Americans.

Q: The gas and oil store; how long did you have that business?

A: The store was for rent. Anyone can rent it for business. I had it since the Taliban was in power.

Q: How long was that?

A: Three years of Taliban times, and three years since until now; about 6 years.

Q: Before that, what was your occupation?

A: I had a farm with fruit. At one time, there was a drought and no water and no profit, so I came to the city for the store or business to support my family.

Q: And this was the same family orchard that we were talking about earlier?

A: Yes, it was my home. One of the reasons I came from there to the city, was because the Taliban would ask anyone that had a garden for money. If you had no money, then you must give up a person to join the Taliban. The last time they asked for money or for a person, they took me by force for two months. Then I said, please let me go, and I gave them my entire garden and went to the city.

Q: At the store, did they (the Taliban) ask for money or people, too?

A: They came and forced me into jail. They physically abused me. I gave them the garden. I said, that is not my garden anymore. The garden is yours. Maybe if I just said forget it, they wouldn't bother me anymore.

Q: So they didn't do the same thing to you at the store that they did to you at the orchard?

A: No. I gave them the garden. When I gave them the whole thing, they didn't bother me anymore.

Q: Do you have personal enemies that you believe may have made these accusations against you?

A: I think I had one because when I helped the Americans, they didn't like that. When the Americans and I went to some houses of some people that work for the Karzai government, they saw me and got me into trouble. The Taliban is my uncle's enemy, and they turned against one uncle and killed him. This is common sense, that when you want revenge, give some money to someone, and the money will help get them into trouble. Money will do anything you want.

Q: Did someone actually say that to you, that if you gave them some money (to them) that they wouldn't give you to the Americans?

A: First of all, an enemy can make money on you and sell you. Another thing, if I have money, then I can turn you over to Americans. Before that, he asked me for dollars, and he took money from my store with the keys he took from me for the box; he also took the money because it wasn't with me and also took my bike. The whole thing was for money. That was enough to find some reason and put my name on the paper. How come in the heart of the city, I'm working day and night undisturbed? Anywhere hiding could be terrorists, but the government is always watching. They could be hiding anywhere. My store and my house are close; 50 meters around me are military personnel all the time. Around me are government people always watching or guarding something.

Q: Besides the HIG, were you ever affiliated with any other group, or did you have a position of responsibility with them?

A: For personal needs, I never did answer to HIG. Fifteen years ago I never did, and I never did again or with anybody. The only time I did was when Karzai came to power, I did for three months, because I was happy, but they turned their backs on us. I was hoping and wishing and looking forward to Americans to come here and better our life and better our country. I don't know how I ended up in Cuba. A lot of people everywhere out there lie, from A to Z against each other for power and money against their enemy.

Tribunal Member: Thank you very much. I don't have anything else right now.

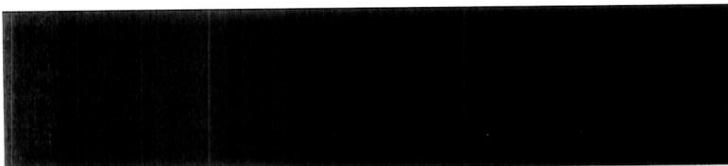
At this time, the Tribunal President asked the Detainee if he had anything else to add. The Detainee replied that he believed he had explained the whole story completely. The Tribunal President explained the remainder of the Tribunal process to the Detainee, at which time the Detainee interrupted to inquire as to when he would be

UNCLASSIFIED//FOUO

notified of the results. The Tribunal President replied that it would take 30-60 days for review by the convening authority, and adjourned the open session.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED//FOUO

ISN# 899
Enclosure (3)
Page 8 of 8

001797