

Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: Yes, I have a question.

Tribunal President: Go ahead.

Detainee: My question is that I am here for no reason; you should help me, because someone else gave you wrong accusations about me.

Tribunal President: We will make our determination based on all of the evidence that's available. We have come here today with an open mind. We have not seen any information about you and what your history is. We'll give you an opportunity to address the items on the unclassified summary and provide you the opportunity to tell us your story. Do you have any other questions at this time?

Detainee: I didn't go to the Samoud compound on my own will. Someone took me by force; he broke my arm and he beat on me until he took me to the compound. I didn't go of my own will.

Tribunal President: OK, we'll let you comment on the information of the unclassified evidence here shortly, but there are a couple other items I need to take care of first.

Detainee: I'd like to tell you anything I told my Personal Representative.

Tribunal President: We'll give you that opportunity here in a few minutes.

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.

Detainee: First of all, I was not born in Pakistan, like you mentioned. I was born and raised in Afghanistan, but I went to Pakistan.

Tribunal President: Continue.

Detainee: When I was in the Samoud compound we did not fire on the Americans. When the Americans arrived we went of our own will. We were happy to see the Americans. We went and surrendered our weapons to the Americans. When they captured me they took me to Gardez. After that they took me to Bagram. In Bagram

they mentioned these wrong accusations. But we like the Americans, we were working with the Americans and this is what I want to say. We are poor people but they took me by force. We were happy that the Americans came because we know that they are building our country. We do not want to fight against them because we are not crazy. And I have a request for you: please send me home with respect, because I did not do anything wrong. I had a Kalashnikov (AK-47) rifle plus the three magazines but the magazines did not have bullets inside and they still took me by force. Nobody fired upon the firebase in Gardez, these were wrong accusations. I don't recall somebody firing on the base. One of the things, I swear to Allah, that I did not know that these things even took place in the area. You accuse me of being caught in Pakistan. I was not captured in Pakistan, I was caught in the Samoud compound inside Afghanistan. At the time of the Taliban, they put me in jail for three months. They beat on me, they hurt me, they broke my arm and they beat on my back. The Taliban oppressed us, beat on us, and we lost our dignity to them. They mostly oppressed the whole village. My cousin misled me; he took me to the compound. All together, I spent only two days at the compound. I went home and I had to help my mother. I was carrying a load of vegetables when they came and arrested me. We were happy because of the Americans; they (the Samoud Khan forces) took me by force, they made me go with them and I was happy that the Americans come... came to the area, yet I was still working for them (the Samoud Khan forces) by force. From the compound we never fired upon the Americans. When the Americans arrived, with our own will, we went with happiness. We surrendered our weapons to the Americans and they just told us that they would search the compound and they would hand us back our weapons. Then they made us sit outside the compound, they went inside the compound, they searched the compound, and then they came back from the compound and tied our hands behind our backs. We had six flashing colts and we surrendered it to the American forces. These are the things that I wanted to tell you.

Tribunal President: Mohabet Kahn, does this conclude your statement?

Detainee: I don't have anything else to tell you. Anything that I told my Personal Representative, these are the things that I wanted to tell you.

Tribunal President asks Personal Representative does he have anything else to add or have any questions for the Detainee?

Personal Representative: Yes sir, what I'd like to do, is talk about some of the comments that Mohabet said that will perhaps shed light on his testimony and then Mohabet can correct them if I say it wrong. Mohabet told me he ran a tractor for his uncle. This was before he was in Samoud's compound.

Detainee: Yes, it was my uncle from my mother's side.

Personal Representative: And he was happy driving the tractor. Then Mohabet's cousin came to him tried to get him to do something else. Tried to get him to come to this Samoud compound.

Detainee: Yes.

Personal Representative: So he did, he went to the compound for two days, but he wasn't happy and he said they were stealing, robbing and he didn't like to do those things so he went home.

Detainee: Yes, sir.

Personal Representative: Home was about 15 minutes away by walking from the Samoud compound. So he went home and 10 days later some soldiers from the Samoud compound came and they beat him up and took him back to the compound. About 16 days later is when the Americans came to the compound.

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)(3) The Mousauwal (Samoud's) Compound was run by the Detainee's uncle.**

Detainee: That wasn't true; he wasn't there.

Tribunal Member: Does that mean his uncle ran the compound?

Translator: No, his uncle wasn't there, it means no.

- **3(a)(5) Everyone at Samoud's compound carried an AK-47.**

Yes, it was true.

- **3(a)(6) The Detainee was instructed by the commander to fight the US forces when they came to the headquarters.**

This is not true.

- **3(a)(7) On 11 December 2002, the Detainee and other men were instructed by the commander to lock the compound, move to the roof, and fight the American forces to the death.**

This point is addressed below.

- **3(a)(8) On the morning of 11 December 2002, the commander directed the men in the camp to shoot the U.S. forces before they enter the compound.**

This is not true; it wasn't like that.

- **3(a)(9) Men from the Mousauwal Compound fired rockets at the Gardez Fire Base from firing positions on Laywan Mountain.**

This is not true.

- **3(a)(10) Men from the Mousauwal Compound attempted to fire rockets at the Gardez Fire Base from the old Soviet airfield north of Gardez, but the Americans discovered the site before the rockets could be fired.**

Personal Representative: Mohabet, with regard to allegation number 10, he said he never saw the rockets. Number 10 says men from the Mousauwal compound attempted to fire rockets at the Gardez firebase from the old Soviet airfield north of Gardez, but the American discovered the site before the rockets could be fired.

Detainee: I never saw rockets. What I want to say, I don't recall rockets being fired from the old Russian base at the Americans.

- **3(a)(11) The Detainee was arrested by U.S. forces, during a raid of Samoud's compound in Afghanistan.**

It wasn't really a raid, they opened the doors to let the Americans come in and it really wasn't forceful or an impressive action, they really just let the forces come in. It was like that.

- **3(a)(12) At the time of his arrest, the Detainee had in his possession a Kalashnikov rifle with three magazines.**

This is true but there were no bullets in the magazines.

Tribunal Members' Questions to Detainee

Q: You said that you were born in Afghanistan but there was a time when you lived in Pakistan as well?

A: Yes sir, I went to Pakistan to work.

Q: And how long were you in Pakistan?

A: Six months.

Q: Were you able to find work there?

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A: Yes sir, I found a job over there and I was working there.

Q: And what was it that you did?

A: I was with the refugees, digging wells, working with their PGS system, the refugees.

Q: Were you doing this on your own or were you it with a group?

A: No sir, there's a camp, with lots of refugees over there. With some of the people some of the time I carried the boxes on my shoulder to make money; I carried the boxes for people to make money.

Q: And who were the ones that paid you, the people whose boxes they were or someone else?

A: An individual, by the name of Matbanusa (ph) from the province of Gardez in Afghanistan, he worked as a director of a camp in the refugee camp. I was working for him and he was paying me 3,500 rupees a month.

Q: Was this adequate to make a living to sustain yourself?

A: It's not too much money; so rich people wouldn't do it. But I didn't have any money; I had to do it so I could live.

Q: Beside yourself, did you also have any family members you were supporting in Afghanistan?

A: Yes.

Q: One of the points on the summary says that you stayed in a brigade center in Charkala, is that true?

A: No sir, I have never been to Charkala.

Q: So you don't know what the brigade center is?

A: No.

Q: When your six months of time ended in Pakistan did you return back to Afghanistan?

A: Yes sir, I went back to Afghanistan.

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- Q: If you had a good job in Pakistan, why did you go back?
- A: We go over six months at a time over there in Pakistan and we have to return because we have to bring the money to our families. I have an old father, I have to support my family, and they do not have anything to eat so I have to go take the money to them.
- Q: In Afghanistan did you have any other jobs besides driving the tractor on the farm?
- A: Yes sir, I was digging wells and driving the tractor.
- Q: Besides those things, did you do other things also or not?
- A: No sir.
- Q: About the compound, you said that your cousin was the person who tried to get you to go to the compound?
- A: Yes.
- Q: And what reason did he give for why he wanted you to go there?
- A: My cousin misled me. At that time I was driving my uncle's tractor and he was giving me 2,500 rupees per month. My cousin told me, well you are working hard, you are dirty, your clothes are dirty, go with us to the compound. We will pay you 5,000 rupees per month.
- Q: To do what?
- A: I cannot answer that. When I went to the compound, I stayed two days and I left the compound, because I didn't like the things that were going on there.
- Q: I understand, but if he's going to pay you 5,000 rupees a month what did he expect you to do for that?
- A: They made us work hard inside the compound. I swear to God they did not pay me one penny.
- Q: Did he really want you to help commit crimes with them?
- A: With who?
- Q: With whoever was doing them - I think you said that you did not want to do the things that they were doing, whatever those things were?

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A: No.

Q: Did you say the other people in the compound were robbing people and doing bad things and you did not want to do those things?

A: Yes sir, they were robbing and also they were smoking hashish. I didn't like it. That's why I left.

Q: So what kind of work did they make you do in the compound while you were there?

A: I know they were going to this house and looting this house and that house and I told my cousin when I say those individual went to those many different people's homes, I told my cousin if someone would give me yellow gold, I would not be in the compound anymore.

Q: The name Samoud, is that the name of a person or a group or what does that mean?

A: Samoud is a bad individual in that area, a bad person.

Q: In the compound that's named after him?

A: Yes sir.

Q: And did he just establish this compound by himself?

A: No, he didn't build it, he bought it with money.

Q: And how many people were in the compound when you were there?

A: Eight individuals.

Q: And as far as you can tell, what was the purpose of the compound?

A: How would I know? They were doing their own wrongdoing, thank God bless the Americans, they come and took us out of there. Because I was stuck with it.

Q: Did you figure out there pretty quickly that the other people there was against the United States?

A: No.

Q: You never heard anybody there say negative things about the United States?

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A: No.

Q: And you say your uncle was not there at the compound?

A: No sir, he wasn't.

Q: Was there a chance that he could have had some affiliation with the compound even though he wasn't physically present?

A: No sir. It didn't happen like that.

Q: Is this the same uncle who gave you a job driving a tractor or are they talking about some other uncle you have?

A: Yes sir, the individual is my uncle from my mother's side who give me the tractor to drive. He's a poor person. He's not involved with these kinds of things. He works hard.

Q: Do you have any other uncles who they are maybe talking about here?

A: I have two more uncles from the father side, but they are poor people and they are not involved with these kinds of things.

Q: What weapons did you see when you were in the compound?

A: We only had flashing colts, AK-47's.

Q: Each man had one for himself?

A: We had six flashing colts for eight individuals.

Q: And were there any other weapons there for the defense of the compound?

A: No.

Q: How long have you been here at the camp?

A: Two years.

Q: Have the interrogators asked you about other things that besides the things that we are talking about today?

A: About what?

- Q: That's what I'm asking you, actually?
- A: In the interrogations they ask me the same questions and I answered the same that I am answering you.
- Q: Did they ask you about the other men that were with you at the compound?
- A: Yes.
- Q: Do you know any of the other men are also here at Cuba?
- A: Three are here, five were released.
- Q: If you are released from Cuba, where would you want to go?
- A: I would go to my own village in Afghanistan, I will work hard, and I will help the Americans, because we like the Americans.
- Q: Have you ever traveled anywhere else in your life besides Afghanistan and Pakistan?
- A: No.

Tribunal Members' Questions to Detainee

- Q: Other than the people in the camp that the Americans told you were captured there, other than that, are there any other people in this camp here in Cuba that you recognize from Afghanistan?
- A: Yes sir, the other two individuals that they are here, they are from a different village called Albacar (ph). They are not from my village. They are still here.
- Q: Did you ever see any fighting in Afghanistan?
- A: No.
- Q: Did you ever work with the Taliban?
- A: No.
- Q: Did you ever work for Al Qaeda?
- A: No.
- Q: Were you aware of Al Qaeda?

A: I knew that the Arabs were with Al Qaeda until the Americans came; if not, they would take away all our dignities.

Tribunal President's Questions to Detainee

Q: When Osama bin Laden attacked the World Trade Centers in the United States, where were you? What country were you in?

A: Sir, I was back home, I am 18 years old, I was very young at that time, and I heard on the radio that this happened.

Q: After that did you go to Pakistan to work for a time?

A: No, no sir I did not go there.

Q: So you had gone to Pakistan before September 11th 2001.

A: That was before the Americans came in to my country that I went to Pakistan; after that I never went back.

Q: When you were captured at Samoud's compound was that the first time you had seen Americans in Afghanistan?

A: We saw them in that day.

Q: Did you ever take up arms against the Americans or the Northern Alliance?

A: No.

Tribunal Members' Questions to Detainee

Q: You said earlier that the Taliban once put you in jail and beat you?

A: Yes sir.

Q: Why did they do this?

A: My infant cousin was born. We had a party. We were playing the drums. We were having fun. When they came they broke the tapes, they broke the drums, they took me to jail, they beat me with a cable and then they put salt on it. On my wounds I guess.

Q: Because you were making music and they did not want you to make music and noise?

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A: Yes sir.

Q: And how long did they keep you in jail?

A: Three months.

Q: Were there other times that the Taliban gave you difficulties?

A: Yes sir, they punished the young generation, especially when they groom their hair they took the scissors and chop their hairs off, they beat on them on top of the property where the land was that they were working. It wasn't for me; it was the whole young generation.

Q: Did this happen to you personally, also?

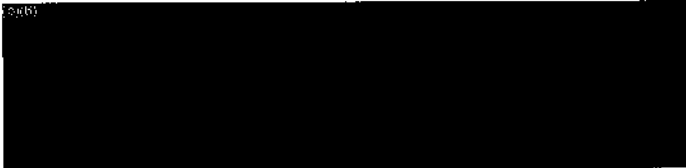
A: Yes sir.

Q: And how old are you now?

A: Eighteen years old.

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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