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Summarized Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. When asked if he understood the process the Detainee made the following statement:

Detainee: I know that these people are gathered together here.

Tribunal President: Do you understand the process that you are getting ready to go into?

Detainee: I don't understand. I know that you are asking me questions.

Tribunal President: Yes that is correct. We will ask you questions. You will also have the opportunity to respond to any of the allegations that are read to you today. Do you have any questions?

Detainee: I don't have any questions.

Tribunal President: Personal Representative, please provide the Tribunal with the Detainee Election Form.

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

The Recorder presented Exhibits R-1 through R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

Tribunal President: Faiz, you will have an opportunity to respond to these questions a little later. Do you understand?

Detainee: I don't understand what's going on with the Taliban and Gulbuddin.

Tribunal President: We will go through it in just a moment.

Detainee: Can I talk now?

Tribunal President: In just one moment.

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

The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.

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Detainee: First, I will say hello to you. I don't know the story about Gulbuddin. I don't know the story about Taliban. I am a poor person. I have not gone to Khamard, if I had gone to Khamard it was because the commander of security asked me to go.

Tribunal President: Just one moment. Would you like to make your statement under a Muslim oath?

Detainee: It's up to you. I don't understand. I am a poor person. It's up to you. If you want I will swear. Taliban, they killed my uncle they killed my son they killed my sister's husband. They burned our houses. It's up to you people.

Tribunal President: Faiz, let's administer the Muslim oath and then you can continue your comments.

Detainee: I will swear. I am innocent. I am innocent and being that I am innocent it's up to you. Even in here I have been beaten they have thrown urine on me and even in this place here. We were all happy, male and female, that America came and gave us security and it was calm.

Tribunal President: Let's administer. Recorder, please administer the Muslim oath.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Would you like to respond to the allegations?

Detainee: Yes.

Tribunal President: Personal Representative would you assist us with that please?

3.a.1. U.S. forces raided a compound associated with the HIG commander in November 2002.

Detainee: How do I know this story? How do I know this attack? Mr. Translator, I don't understand these allegations.

Tribunal President: Okay. We will go on.

Personal Representative: I can read from my notes what we discussed if he would like.

Detainee: Yes.

Personal Representative: He says he is not Taliban. The Taliban killed his uncle and brother in law. In his area the Taliban killed several hundred Shia'as. He has heard of HIG (Hizb-I Islami Gulbuddin). He thinks they killed his mother.

Detainee: They took our land. They killed my mother. You can ask. This is true information. They killed my family. My wife said they came with a weapon and drew it on her. I asked the Red Cross to go and investigate if this was true or not. Ask my family.

3.a.2. The Hizb-l Islami Gulbuddin (HIG) has been identified as an organization which sponsors terrorism.

Detainee: Mr. Translator, I do not understand this Hizb-l Islami Gulbuddin which is partly of Islamic (inaudible). If the Americans didn't come to Afghanistan they [Taliban] would have killed all of us. You people [Americans] you are the ones who helped us to be alive. Even in here they beat me, spit at me, and throw urine at me. You can ask that these Arabs and the rest, they won't even speak to me. You can ask.

Personal Representative: Then further from the notes. The HIG took the land deeds from the people. His family fled and became refugees.

Detainee: Yes.

3.a.3. The Detainee is associated with a commander in the Hizb-l Islami, Hulbuddin (HIG).

Detainee: No, No. You think about it. When they killed my mother, when they don't like me and even in here they spit at me and when the confiscate my land you can think for yourself. It's up to you to decide.

3.a.4. The Detainee was found carrying messages for a HIG commander and Taliban intelligence agent at the time of his capture.

Detainee: Mr. Translator, the note that was with me was for Marlim Mahurdam (ph). The note that was with me was for Marlim Mahurdam (ph) and Zahir Isar (ph) and Abdul Arhim (ph) and Padam Hussen (ph) the other names I have forgotten. They had asked for apologies. It's not like this and it's up to you. The reason that I have this (inaudible) was because the commander of security was my friend. I went to get the documents for my land back. If I didn't do this, the commander of security would have captured me himself. For a year and half my house was very close to a location where Americans were staying. The American forces, they dropped food and everything for us. They would help us. I don't know all this. I don't really understand this question. There is one person over there, his name is Shir Alrah (ph) he is friends with Kalele (ph). When Kalele (ph) was in Bamian, I was detained for ten days. Before the Taliban they detained me for eleven days. The reason was that Shir Alrah (ph) was interested in marrying my sister. That's why he made up these allegations. I told him that it was up to my sister who she wants to marry. I cannot force her to marry a person that she doesn't want. I have respect for you because you saved our lives. If you people didn't come, they would have killed us all. From my village, plus or minus two hundred Shia'as were killed. You

can ask yourself. This is not a lie. If you people weren't here to come and help us, we would have all died of hunger because you give us food. At our house we didn't have even a little bit of oil. You can ask. Even my children were barefoot. I am a poor person and I don't understand all this stuff. We thought America came over there and brought security for us. I went with the commander of security to get the documents to get my land back. Four American vehicles came and took the weapons from the person. When people saw the American vehicles, they were very happy and they came to greet them. After the vehicles came to Bamian, Shir Alrah's (ph) brother and his uncle were going to apologize to the Governor. Because (inaudible) they forced me to go and do this. They give me this letter and I brought it back. Now my poor family have no food, they don't have anything, and I was detained. I took the letter to Shir Alrah's (ph) room. They told us that they were sending me to the office of security and I told them I would go in the morning. I stayed at my uncle's house and rested. Americans came and asked where is Fas Alah (ph)? They showed me the letter and I told them to go investigate the names of the people in the letter, I am a poor person. They told me and up until today I don't understand what happened and what didn't happen. I don't know what happened to my family. I don't know what happened to my children. Fas Alah (ph) went through a lot of trouble. God knows that for one or two years the only thing we ate was bread made out of rye. You know yourself.

3.b. The Detainee participated in military operations against the United States or its coalition partners:

Detainee: You think about it yourself. I don't understand this. People know where I was and what I did.

3.b.1. The Detainee laid mines for the Taliban and has laid mines in Madr, Afghanistan for the HIG and Taliban force in the Khamard Valley.

Detainee: God knows that I don't know how to do all of this. My hands are scarred by sickles, you can see my hands. My hands are a farmer's hands, marked by sickles. I don't know how to do all of that. I wasn't a big person. I didn't have all that power. You think about it yourself. When they beat us and they took our land. If the Americans hadn't come, they would have killed us all. At home we don't have fuel. In this country, look at the food we are given. If we could find fuel, then we couldn't find salt; we find salt, we can't find oil or we couldn't find matches. You can ask about my life, what can I say? You can think about it yourself. Even in here the Taliban doesn't like me. Even in here they throw water on me they throw urine on me and they beat me. If the Americans hadn't come, they would have killed us. They took our land. You cannot find one Hazara (ph) who is a supporter of Taliban or Gulbuddin. I said that we have to respect these people [Americans], they have served us. It's up to you.

3.b.2. The Detainee was suspected of traveling to Bamian, Afghanistan with the intent to conduct or coordinate mining operations against the United States Special Forces.

Detainee: For a year and a half, I was very close to Americans. I didn't do anything. Do I travel far to do anything like that? I loaned land to them for so much wheat. There is one organization and the name of it is Solidarity and every year they give me one hundred forty units of wheat.

Tribunal President: The organization again is what?

Detainee: Solidarity. The same as you [translator] said it.

Translator: I don't know what he said... It's the same as you [translator] said it.

Tribunal President: You said?

Translator: Solidarity.

Detainee: Solidarity. Yes.

Translator: May I ask my fellow Afghan linguist if she knows?

Tribunal President: We'll just go with what he said. Faiz, do you have any other comments that you would like to add to the allegations?

Detainee: I don't have anything else to say. You can think yourself.

Tribunal President: Does this conclude your statement?

Detainee: I am a poor person and it's known for you.

Tribunal President: Does this conclude your statement?

Detainee: Yes. I don't have anything else to say. It's up to you.

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 Tribunal members have any questions for the Detainee?

Tribunal Members' questions

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Q. Can you tell me what the name of your village was?

A. I lived in two different places. One village is Mader in the district of Kamald. One is the village of Sarasiab in center of Bombia (ph).

Q. Where did you own the land that you lost?

A. That land was in the district of Kamald village of Mader. This was 15 drad (ph), that is a unit of land.

Q. Where were you apprehended or arrested?

A. The center of Bamain in the village of Sarasiab.

Q. You say that you were carrying a note from the commander of security. Commander of security for what?

A. Bamian is very cold and they had burned our houses and I had fixed the house. The Bamian security office they are the ones who gave me the note.

Q. Did you travel to Bamian to get this note?

A. I was going from Bamian to Kamald.

Q. But you got the note in Bamian?

A. I took the letter from Bamian to Kamald.

Q. Just to clarify; you were handed the letter by the commander of security?

A. The chief of security of Bamian and his deputy.

Q. Did you see the letter, did you see what it said?

A. No. They told me to send a picture and the registration number for the weapon. Ten days later, the Americans came and took his weapons. Adel who was the deputy commander of security said we going to come to Kamald to collect the weapons. That's when the Americans came with four vehicles. People were very happy. They greeted them. I saw Shir Alrah's (ph) brother and his uncle. They wanted to go and apologize to the Governor, so I brought the letter. I brought the letter to Shir Alrah (ph) and I went to my uncle's house. Then they came and arrested me. That's the story.

Q. Were you armed when they arrested you?

A. Where would I get a weapon?

Q. Do you have any training in how to use weapons?

A. No. God knows I don't understand.

Detainee: Even during Miger Halidin (ph) I was still poor and didn't do anything. All my life there was only one time I had a weapon. There was one time a guy came from Kabul to Bamian. We were in the service and they gave a weapon to me and when I saluted with the weapon they beat me and threw me on the ground. All my life, the only thing I remember from the military is that.

Q. What province are you from in Afghanistan?

A. I'm from Bamian.

Q. Was Shir Alrah Taliban or Gulbuddin?

A. He was with Kalele (ph)? Before Taliban Kalele (ph) was in Bamian in Afghanistan. I don't know what he is.

Q. You said before that you were beaten and they threw urine on you. You are talking other Detainees here correct?

A. In here they did.

Q. Other Detainees?

A. The Detainees asked for translators. My back still hurts and the doctors gave me injections. The doctor gave me medication. Still my back hurts. They threw urine at me. They spit at me. Right now I'm close to the MPs and they see me and I am comfortable and nobody bothers me. I don't know any other language except Farsi. I wish I knew other languages. Two years here and I didn't learn any. I wanted to go to classes to learn words like MP and cup. If I learn some of these English words then my problem is solved.

Q. And you have never had any experience with landmines, anti-personnel mines, anti-vehicle mines?

A. God knows I don't know anything about that. Now I hear these stories. Now I hear these allegations.

Tribunal President's questions

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- Q. Earlier you said that you think Shir Alrah (ph) made some allegations against you. What allegations?
- A. I told you that he was interested in marrying my sister. Kalele (ph) also had put me in prison for eleven days. Then Padam Hussen (ph) had taken our land. I couldn't go to Kabul. I went to get the deed for my land. It's tough to obtain these documents because there are two types of documents. In the Khamard region there's five to ten Shia'a families. During the Taliban they came in and stole our belongings. They treated us very badly, with cruelty. I wanted Shir Alrah's (ph) help because Shir Alrah (ph) knew the governor so he could help me to get my land back. I was resting when they came and got me. Everybody knew that I didn't do anything wrong. Day and night I was very close to Americans. They gave us food. We were very happy to see the American presence over there.
- Q. The question was, you accused him allegations. Was there a specific allegation or were there any allegations on this unclassified summary that you thought Shir Alrah (ph) had developed?
- A. During the Kalele (ph inaudible) I know that the governor knew him. God knows and he himself knows. Whoever has treated me bad God will take care of that. Here as a Detainee we are treated good. We are like guests here. They give us good food. They give us good clothing.
- Q. Do you know name of the commander of security?
- A. No. I know his Deputy. His name is Adel. I knew him from school. I saw him also in the Loya Jirga. The Loya Jirga is a commission of people who set laws. I told him that these people were mean to us and they were cruel to us. Because in the strip of Khamard people grow opium and there is not enough water for us. The deputy commander of security told us to give him the names of people who grow opium. After that I ended up here. They have killed my mother and what can I do?
- Q. Who actually arrested you?
- A. The Americans. He was American. He couldn't speak Farsi. There was one translator. Where we were is close to where Americans were staying.
- Q. Did you support the Taliban or U.S. at any time?
- A. I was a refugee. The Americans came and previously they had burned our houses. We came over there to Faut (ph) in Bamian. One help organization gave us enough wood to build a house. Because the weather was so cold and my wife was pregnant and Bamian was cold we decided to go to Khamard. I didn't have any wood, we didn't have anything. They gave us twenty pieces of lumber so we

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covered the house. The help organization had given a door to me and I haven't even put the door in. I covered the house and the door was at the house of the husband of my sister. In wintertime it gets cold and it's freezing. When they make bread, the heat heats the house. When Taliban burned the houses, we didn't have equipment to make bread with.

Q. Earlier you said that there were people in your village that had weapons. Why did they have weapons?

A. They said Padam Hussen (ph) has weapons. The relatives of Padam Hussen (ph) were the ones who had taken our land. The person who had taken my land was named Bis Malah (ph). Aldin (ph) came and told me he was going to take some of these weapons and I was happy. I saw four American cars come, with a translator. I told them to come have tea with us. It was the month of Ramadan. They told me that they had their own food. They stayed there until dinnertime and then they left for Bamian.

Q. Did you have the weapons with you?

A. No.

Q. Were there weapons in the house that you were in?

A. No.

Tribunal President: Any other Tribunal members have questions?

Q. Before you left, while you were in Afghanistan, were you very religious, medium? How often did you go to the mosque?

A. I'm from Khamard and mosque is one hour away from me. The Sunni, they tried to teach us how to pray and everything and tried to teach me something but I didn't learn it. Once a year there is a special place that we pray. Once a year we go to that special place and pray. The Taliban had killed the mullah. His name was Salabar (ph). We don't have anything.

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

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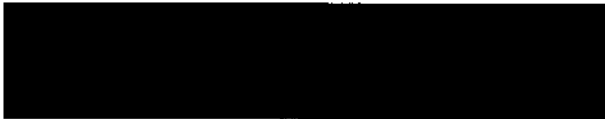
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The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

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. Army
Tribunal President

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