

Summarized UnSworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Abdul Razzaq do you understand this process?

Detainee: I cannot understand the political pronunciations and speaking. I will give you answers like I gave at the interrogations. I am very happy to be here to prove my innocence.

Tribunal President: Do you have any questions at this time concerning the tribunal process?

Detainee: This is my question: why I am in here? You must look at my case so I can go.

Tribunal President: Is that a question or just a statement?

Detainee: This is my issue and I can say this.

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

Detainee: What kind of proof do you have that I came by my own free will?

Tribunal President: You told the Personal Representative that you wanted to come.

Detainee: Yes

Tribunal President: You had also requested two witnesses?

Detainee: Yes, I requested two witnesses, but they are in Afghanistan.

Tribunal President: Your witness request was approved by this panel. The government made a request to the Afghanistan Embassy. But, as of today, we have not received a response from the Afghanistan government.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

Reorders summary of the evidence

- ***3. The detainee is a member of the Taliban.***

- *3.1. The detainee worked for the Taliban as a cook for five months prior to his capture.*
- *3.2. The detainee also worked directly for a Taliban member.*
- *3.3. The detainee received hand-on military training when he fought on the front lines against the Soviets during an earlier jihad.*
- *3.4. Upon his capture the detainee possessed a list of 24 recruits for a Taliban military unit.*

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

Tribunal President: Abdul you may now present any information to the Tribunal. You may have the assistance of your Personal Representative if you wish.

Detainee: I do wish to talk.

Tribunal President: Would you like to take the Muslim oath?

Detainee: For three years I was a storekeeper and before that I was farmer at the time of the Taliban. We had this person named Raucide. I had a dispute over some land with him. When the new government came to power, he was working for them and had me arrested and put to jail.

Tribunal President: Before we go any further, would you like to take the Muslim oath?

Detainee: Yes.

The detainee was sworn.

Tribunal President: Would you like to respond?

Detainee: Yes

Tribunal President: Personal Representative please read the allegations.

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Personal Representative: The Detainee worked for the Taliban as a cook for five months prior to his capture.

Detainee: Yes, this is true. I went with the Taliban to earn some money as a cook until my dispute had been settled in court. After my dispute was settled, I came back and

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started my store. When I get home, I will bring Raucide in front of the Americans because of these lies. He has cost me money.

Personal Representative: The second item said that he worked for a Taliban member.

Detainee: Like I said before, I had my business for three years. If I was with the Taliban, how could I work at my store? If I were Taliban, I would have left the country. Raucide took the money I had paid him and turned me over to the Americans. I do not know where my children are, what they are eating, or what happened to my store.

Personal Representative: The next item said that you received hands-on training when you fought on the front line against the Soviets during an earlier jihad.

Detainee: That was twenty-six years ago and no longer an issue. I cannot remember it very well. I was only with them for five or six months.

Personal Representative: The last item said upon his capture, the detainee possessed a list of twenty-four recruits for a Taliban military unit.

Detainee: No, this allegation is all wrong. When I was arrested, I had a notebook with the name of the people that I owed money. I was working on my farm and at my store, when would I have time to recruit people for the Taliban?

Personal Representative: You said to me earlier that it was a list of people that you had transactions with in your store.

Detainee: Yes, that is true. The list of people in the book were the people that I needed to pay for supplies like wheat, baking soda, cooking oil, baking powder, food color, and wood. Some of the people owe me money, some I owe money to. The people that owe me did not pay because my store is out of business after I was sent here.

Personal Representative: That was the last of the allegations.

Detainee: Of course, this evidence is all lies. Do you believe me when I tell you that I just had a dispute over land with some people?

Tribunal President: We will consider anything that you have to say. Is there any other evidence that you would like to offer to the tribunal?

Detainee: No, that is all I have to say.

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

Personal Representative: No, Ma'am.

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

Recorder: No, ma'am.

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

Tribunal Members' questions

Q: Where are you from?

A: I am from Kandahar.

Q: Where were you when you heard of the attacks on the United States?

A: Do you mean when America was under attack?

Q: Yes, I mean on September 11th?

A: I did not know about it. I was in Kandahar. I do not know anything about it. I was working at my store.

Q: Are any of the people on that list – the list of people you owe money to and who owe to you - are any of those people Taliban?

A: I do not know al Qaida; I do not know these people.

Q: I did not say al Qaida. I asked if any of the names on your list were Taliban?

A: No, they are storekeepers and people who brought me supplies.

Q: When were the dates that you cooked for the Taliban, do you recall?

A: I cannot remember the exact dates. But, it was six years before the Taliban lost power. No, it should be eight years.

Q: When you cooked for the Taliban, was that in Kandahar also?

A: Yes, but this Tribunal must think about my situation. If I was a member of Taliban, I would not have my own business. If I were a member, I would have escaped from my country. I am here because of my dispute.

Q: When you were a member of the Taliban, did you have other duties like guard duty?

A: No, I was not a guard, just a cook.

Q: Have you worked with the Taliban in the last six years?

A: No, I have not.

Q: When you fought against the Soviet Union, did you know about Usama Bin Laden?

A: I was a small child at the time. I went with them for a few months and then came home.

Q: What kind of weapons did you use back then?

A: They did not give us any weapons. I was just walking.

Q: The list of names that was found on you, is that an account for money you owe?

A: It is a list of storekeepers. I do not know if they owe or not.

Q: So, if we see this list, we will see figures for money owed, dates, that sort of thing?

A: Yes, when I received the supplies I would pay the money back.

Q: And then you would write the amounts on that list?

A: Yes, of course.

Tribunal Presidents' questions

Q: Abdul where were you captured?

A: I was in Kandahar.

Q: Where in Kandahar?

A: I was in my store, which is on the road to Kabul.

Q: Can you give me a general idea of when you were arrested?

A: About two years ago.

Q: So, 2001 or 2002?

A: I do not know the exact date, but I built my store one year after the new government came to power.

Q: What type of items did you sell in your store again?

A: I was selling cookies and cake in my store.

Q: I need to be clear on one of the items on the unclass summary. It said that you worked for a Taliban member. What was the name of the member you worked for?

A: I did not work for them directly. If I worked for them, why would I have a store?

Q: Before you had a store, did you do anything for a Taliban member?

A: All of the people in Afghanistan were working for Taliban. If you blame me for that, are you going to arrest everyone?

Q: My question was, who was the person?

A: I do not know.

Detainee: Does this tribunal believe me that I had a dispute with that person and that is why I am here?

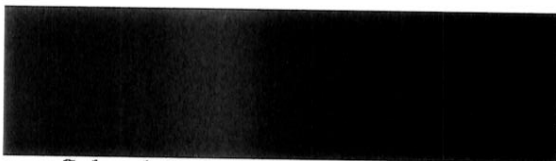
Tribunal President: We will consider your comments.

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

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, United States Army
Tribunal President