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Summarized Detainee Unsworn Statement

While the Tribunal President explained the Convening order to the Detainee, the Detainee stated he wanted his hands released.

Tribunal President: That is not within our power to do that.

Detainee: There is a difference between the law and being brutal.

Tribunal President: We are here to only discuss your enemy combatant status and the handcuffs will stay on.

Detainee: Before we start, I have a question for you.

Tribunal President: Certainly.

Detainee: You bombed Afghanistan with one hundred thousand bombs and you are calling me an enemy combatant. What about yourself?

Tribunal President: Let's set the ground rules right now. We are here to talk about the allegations on the Unclassified Summary that has been shown to you, and your enemy combatant status. That is the only thing we will discuss with you. That is the only thing within our power to discuss with you.

Detainee: As far as I am concerned you are the enemy combatant. You should be going to court, not me.

Tribunal President: This is the only warning I will give you. If we have to stop and talk about this some more, you will be escorted out of the room and we will continue in your absence.

Detainee: Is your point based on legal issues or is your purpose to use force?

Tribunal President: I don't understand the question.

Translator to Tribunal President: The Detainee was replying to what you suggested. If he doesn't obey the rules he will not be allowed to participate here.

Tribunal President: We will call the guards back in and remove you from the room.

Detainee: I am willing to obey but you are the ones not obeying the law.

Tribunal President: Just remember the warning. We will stick with the purpose of the enemy combatant status and that is all.

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Detainee: You asked your questions and I have questions also. I am listening to what you have to say.

Tribunal President: Good. Thank you.

While the Tribunal President was reading the Detainee election form, the Detainee asked the following question:

Detainee: Do Detainees of other nationalities have the same courts, or are they different?

Tribunal President: All Detainees receive the same Tribunal with the exception of the Translator with the appropriate language.

Detainee: According to your laws, are we suppose to be in this court because we were captured in our own country? We were not captured elsewhere.

Tribunal President: This has to do with enemy combatant status only. It doesn't matter where you are from.

Detainee: This is not a court. This is stubbornness. You are doing this by force.

Tribunal President: You have a choice not to be here.

Detainee: I want to go to a court with freedom so I can speak my mind.

Tribunal President: You will have the opportunity to do that today.

Detainee: In the beginning, you told me I couldn't speak in court.

Tribunal President: I said you needed to confine your comments to the Unclassified Summary issues.

Detainee: I will talk to you according to the law.

Tribunal President: Thank you.

Detainee: You still have to answer my question regarding the fact we were captured as Afghans in our own country. We are not supposed to be enemy combatants. Why have you brought me here? There is a difference between us, and them. If someone is caught in their own country they shouldn't be enemy combatants. If they are caught in a different country, that person is an enemy combatant.

Tribunal President: Again, we are not here to debate that today.

Detainee: This is not right.

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While the Recorder was summarizing the unclassified evidence, the Detainee asked the following question:

Detainee: I have not said those things.

Tribunal President: Right now all the Recorder is doing is reading it. You will have a chance to reply to it in just a couple of minutes.

After the recorder finished summarizing the Unclassified Summary of evidence, the Detainee made the following statement:

Detainee: These are just allegations there are no truth to them. I have not done any of those.

Tribunal President: Like I have said, you will have an opportunity in just a couple of minutes to give your side of the story.

Detainee: Are you going to talk now, or are you going to let me talk.

Tribunal President: Right now I am going to talk. We will ask you in just a couple of minutes.

After electing not to take an Oath, the Detainee made the following statement:

Detainee: I don't know how this process is going to benefit me you won't give me answers.

Tribunal President: We are ready to listen to any statement that you have. We are here to determine whether you are an enemy combatant or not. We are going to base that decision on two things: what the Recorder tells us, and what you want to tell us. You can tell us anything you want that will help us make that decision.

Detainee: What is the benefit of this court? I cannot speak freely. It's not going to do me any good. I want to go in front of a judge and speak freely. You are using force. There is a difference between justice and force.

Tribunal President: It is totally up to you whether you want make a statement. We are ready to listen if you want to.

Detainee. Either way I am going to lose. If I talk I'm going to lose and if I don't talk I am going to lose.

Tribunal President: We are not going to debate it any further. If you would like to address the issues before us we are willing to listen.

Detainee: I am going to talk, are you willing to answer my questions?

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Tribunal President: We are not here to answer your questions. If they have to do with these proceedings we will answer them. Other than that, we are not going to answer.

Detainee: I have been interrogated for the last two years. Don't you know if I am a criminal or an enemy or not? You haven't determined that yet have you? I'm not going to talk. You do your own justice.

Tribunal President: I will tell you, the only thing this panel has seen about you is this one sheet of paper [referring to the Unclassified Summary of Evidence]. That's all we know at this point.

Detainee: What are the allegations? I refute all of them. One is fake blaming me for something. One is the truth. Those are not the truth.

Tribunal President: Does that conclude your statement that you have to make about those points?

Detainee: If you give me each of the allegations one more time, I will tell you one by one if they are correct or not.

Paragraph 3.a.1, [The Detainee admitted to voluntarily joining the Taliban.] The Taliban was supposed to take me by force to go to Konduz to fight over there. I knew someone in Kabul who told me to come back and work with him for a while so you won't have to go to Konduz to fight. I never voluntarily joined them or anything. That was my work with the Taliban.

Paragraph 3.a.2, [The Detainee was a member of a 40-man unit of the Taliban that received support from al Qaida.] This question has been asked several times by interrogators. I told them I didn't even know what al Qaida was until I got here. If you are referring to the al Qaida and they were created after I came here, I don't know about that.

Paragraph 3.b.1, [The Detainee participated in a rocket attack directed against U.S. forces located at Kandahar Airfield, Afghanistan in the spring of 2002.] This is a long story. I am going to tell you the whole thing. Our hometown is very close to the Kandahar airport. When the American bombardment started the Taliban came out to our region in the orchard and forest areas. When the Taliban escaped they left behind ammunition, guns, bullets, blankets, cars and other items. Someone by the name of Shamashar hid six rockets under the ground. The Afghani soldiers came and took some of the items. Several people stole the items left by the Taliban. Whatever items were left, were taken by the Afghani forces. The guy that buried the rockets asked me to carry them. He sold them and we needed to transport them during the night so we weren't seen. We each took two rockets and two rockets were left. He returned and apparently shot the rockets at the airport. I wasn't with him when that occurred. He shot three of the four rockets that he had with him. The rumors spread about the rockets being fired and the

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government found out about the incident. They came and got me. I told them I carried the two rockets for him for money. I told the Afghani soldiers there were still two buried there. I didn't participate in the attack I only carried them for money. Because of that I am here. Now you do your own justice.

Paragraph 3.b.2, [The Detainee participated in two rocket attacks directed against U.S. forces located at Kandahar Airfield, Afghanistan in early November 2002.] You have two rockets it was actually three.

Paragraph 3.b.3, [The Detainee participated in a BM 12 missile attack against a U.S.A.F. transport aircraft while it was departing Kandahar Airfield, Afghanistan.] I haven't even heard this question asked by my interrogators. This is not true.

Tribunal President: Does that conclude your statement?

Detainee: I have questions but you won't answer them.

Tribunal President: I just want to note for the record we are not forcing you here today. You are seated and have been treated like all the others, as it is customary to do with Detainees.

Detainee: You can't even answer my question. Tomorrow when the real courts start what is going to happen?

Tribunal President: We have to confine any questions to the proceedings and the allegations. We may have some questions for you at this time, will you be willing to answer them.

Detainee: I will answer one question and I will ask one question.

Tribunal President: I already told you the questions I can answer. If it isn't in reference to that I won't be able to answer it for you.

Detainee: This is regarding the proceedings.

Tribunal President: Certainly, you may ask.

Detainee: Why didn't you take me to court and punish me in the very beginning when you brought me here? Punish me or kill me. Why am I having court now after all this time?

Tribunal President: I have no knowledge of that. This is what we are doing here and now.

Detainee: This is related to the court. You told me if it was related to the court proceeding you could answer me. You yourself mentioned that.

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Tribunal President: Time frames unfortunately are outside of this proceeding. Keep in mind this is not a legal proceeding this is an administrative proceeding.

Detainee: If it were a real proceeding they would have answered my question regarding why they brought me in here.

Tribunal President: I will ask you one more time, are you willing to answer our questions that we may have relating to the allegations against you?

Detainee: Yes.

Tribunal President: Thank you.

Summarized Answers in Response to Questions by the Tribunal Members

Q: Would you tell me if you ever had military training?

A: No.

Q: What is your usual occupation?

A: I was a farmer.

Q: Would you explain to us about the person who brought you into the Taliban, you said forced you into the Taliban?

A: I have said it before. It is in my file. Look at those papers. The interrogator has written down the name.

Q: Do you know who Shamashar is and who he sold the rockets to?

A: He only told me that he sold them, he didn't tell me their name.

Q: How much did he pay you?

A: One thousand in Pakistani currency.

Detainee: You all have questions, but you don't answer my questions.

Q: You made a statement that you didn't conduct two rocket attacks against U.S. forces, but three rocket attacks is this correct?

A: I didn't fire the rockets Shamashar fired the rockets. He gave 1000 in Pakistani currency to carry the rockets during the night. I didn't know I was going to get in to this much trouble.

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- Q: Did you see him fire the rockets?
- A: No, I didn't see. He later told me how he fired the rockets. He put a match underneath it and some explosives at the end of the rocket and he fired it. They put a cigarette in there and when the heat from the cigarette got closer to the rocket it made it explode.
- Q: You've always lived in Afghanistan?
- A: Yes.
- Q: What type of crops did you grow?
- A: Wheat. I also did labor work, such as digging ditches, for people.
- Q: Are you saying you didn't fight against the Americans or Northern Alliance?
- A: I didn't fight against them. I don't have anything against the Americans and I didn't fight against the Northern Alliance either. How can I be America's enemy? How can I fight with you?
- Q: Do you belong to any charity organization?
- A: Which kind of organization, like an American funded organization?
- Q: Charity organizations in Afghanistan?
- A: I have seen these organizations but I didn't participate or work with them. I have taken things from them. They have helped me. I have seen them but I haven't worked for them.
- Q: Do you believe in Jihad?
- A: Why not? I am a Muslim. We fought Jihad against the Russians.
- Q: You were not called to fight Jihad against the Americans?
- A: I was already captured. I never heard of such a thing. If they are saying it now, I don't know.
- Q: Were the rockets buried on your land?
- A: No. It wasn't on my property. They were hidden in a dry creek bed.

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- Q: I know you said your property was near the airport. Did he fire the rockets near where you lived or away from there?
- A: When I carried those rockets in a sheet on our backs and went through the orchard and forest. We walked for about two hours away from our village.

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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