

Summarized Detainee Sworn Statement

*The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.*

Detainee: I don't have any questions. It's good that the Tribunal is here and is looking through my file to decide why I've been here for two or three and half years. It's good that you are doing this.

Tribunal President: Okay.

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

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

*The Recorder presented Exhibits R-2 and R-3 into evidence.*

Detainee: These are the accusations that the government gave him (the Recorder) on me.

*The Recorder gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).*

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

Tribunal President: Juma Din, I understand from referring to the Detainee Election Form, that you requested a witness for this hearing, Mohammed Rasol, is that correct?

Detainee: Yes that is. He is my uncle. I was going to tell my Personal Representative, that I'd need my father and brothers and other people in the tribe as witness, I could give him their names and he said that we don't need all of these people. So I gave him this person as my witness.

Tribunal President: I understand. I requested that the United States government contact the Afghanistan government on or about 28 October 2004. This was about a month ago. As of today, the date of this hearing, we have not received any response from the Afghanistan government. Without the cooperation of the Afghanistan government we are unable to contact your witness and as president I make the ruling that the witness is not reasonably available for this hearing.

Detainee: I did request and if he is not reasonably available, it depends on the Tribunal. I'm here to answer all the accusations. If they are true or untrue and I will speak with the oath or without. However you like is fine with me.

UNCLASSIFIED//FOUO

Tribunal President: Very well, we are about to proceed to that portion of the Tribunal at this time. Juma Din, you may now present any evidence you may have to the Tribunal. Your Personal Representative may assist you if you wish.

Detainee: Yes.

Tribunal President: I also understand that you would like to make your statement under oath. Is that correct?

Detainee: Anyway that the Tribunal wants me to do, I will be happy to do it.

Tribunal President: This is your choice and we'll honor that request and decision by asking the Recorder to administer the appropriate oath at this time.

Translator: Can I explain to him that he will repeat after me now?

Tribunal President: That's part of the instructions and I would ask that...

Detainee: You can read me each question and I can swear on each that it is correct or incorrect or I can just do the oath.

Tribunal President: Our procedure is that you will take one oath and then you can address all the accusations later. Recorder, please present the entire oath and instructions to the translator and let him administer that to the Detainee please.

Detainee: In part of the Quran, you start with the name of God as the Merciful and compassionate, if the government has any evidence on my accusations, they can provide that and then I can answer for each as to whether or not I did it or not. I will tell you the truth under the oath for each question. I guarantee 100% that it will be the truth and all truth. If you have any witnesses bring them here and if he swears in front of me that I have done the things in the accusations, he can do it in front of me so I can see it.

Tribunal President: I understand. Recorder, please read the oath.

*The Detainee is given the Muslim.*

Detainee: I will tell you the truth and I won't lie in front of the Tribunal.

Tribunal President: Juma Din, you may proceed with your statement to the Tribunal with the assistance of your Personal Representative.

3.1. *The Detainee reportedly was a main advisor to a Hizb-e-Islami Gulbuddin (HIG) leader.*

3.2. *HIG is a designated terrorist group with long-established links to Usama Bin Laden.*

UNCLASSIFIED//FOUO

ISN# 941  
Enclosure (3)  
Page 2 of 7

001683

UNCLASSIFIED//FOUO

Detainee: (Referring to the first two allegations) I am telling you, with the swearing of God, one more time that I never was a member of the Hezb-e-Islami Gulbuddin. I have never seen Usama Bin Laden in my life. I have never met with Hezb-e-Islami Gulbuddin in my life and have never been a member of their party. I've never been a member of that organization. I have never been an advisor or any post in that organization. That is the truth. I have never actually been in any coordination with that organization. If the government has any evidence that shows that I was a member or have any link with that organization, please show it to the Tribunal in front of me. I want to see it if they do have any evidence that I was a member of the Islami Gulbuddin.

Personal Representative: The next four (accusations) talk about your brother in law being linked with al Qaida.

*3.3 Detainee is associated with an al Qaida facilitator.*

*3.4. The Detainee lived in the same house with his brother in law, who is the al Qaida facilitator.*

*3.5. The Detainee used a vehicle owned by the al Qaida facilitator.*

*3.6. The Detainee was captured at the suspected al Qaida safehouse in Peshawar, Pakistan.*

Detainee: As for al Qaida, I will explain more. I will tell you that he is my brother in law. But, I will swear that I did not know that he had any relation with al Qaida. I don't have any knowledge of him being a member of al Qaida. I've never actually talked to him on this. I have never been a member of al Qaida. Is my having a relationship with him a crime? He is my brother in law so we do have a relationship. The only relations that we have, is that he is my brother in law and I cannot say that he is not. If I did anything with him as a brother in law, I'm sure that I'm not wrong under any law because we are relatives. Whatever he did, I don't know anything about it. Did you think that I am a criminal because of my relationship with my brother in law? That was a question. Do you think that I am a criminal for having relations with my brother in law?

Tribunal President: This hearing is for you to provide information to us. All we know is what you know. We have not received anything in your file. As we promised, we will review all the information and make a determination if you are properly classified as an Enemy Combatant.

Detainee: As for the car and the house. He is my brother in law and it's his car and the house was my sister's house. So yes, I did those too because we are relatives and whatever we did together was because of my sister. I was living with them in their house because I cannot pay for my rent. I didn't have money to support myself. I was driving their car. She asked me to do it because she has kids and her kids are my kids. She is my sister so I was doing that to make money and support our family.

Personal Representative: You also told me the last time we talked that you only spent a couple of months at this house.

UNCLASSIFIED//FOUO

ISN# 941  
Enclosure (3)  
Page 3 of 7

001684

Detainee: Yes, I stayed there for only three months. I just moved there for three months and that was it.

*3.7. The Detainee was arrested with four counterfeit 100 USD bills.*

Detainee: As for counterfeit dollar bills, I can swear that I did not have a single dollar with me. I was a poor person. I was getting money (inaudible). I did not have a single dollar with me so I don't know anything about those four bills. I don't know where they came from. I don't know why they are saying that they captured those bills with me. I have no information about it.

As for keeping relations with my brother in law, I did that because of my religion. In religion we are relatives because he is married to my sister. As for culture, we do keep relations with our relatives and he is my brother in law. So, everything that I did with him, it was for those reasons because we are relatives. Whatever he did separately, I didn't know. They kept me here for two and a half years because of what my brother in law did. I have no knowledge of it. I've never been a member of any organizations or group, rather it's Hczzb-c-Islami Gulbuddin or al Qaida or any other group. If the government has any evidence that it can show in any way that I was actually a member of some group or did something with any group, I want to see that. But, I guarantee that they do not have any such evidence, because I never did it. If I never did it and just because of my brother in law, I want the Tribunal to look at the evidence and when you make your decision please don't punish me for what my brother did. Just look at what I have done.

Personal Representative: That was the end of the evidence.

Tribunal President: Juma Din, does that conclude your statement?

Detainee: Yes.

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

Personal Representative: No sir.

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

Recorder: No sir.

Tribunal President: Does the board have any questions for the Detainee?

Tribunal member's questions

Q. If your uncle were able to come what would he tell us?

A. He can tell you that I am the poorest person in the area and that I make just enough money for daily life. He can tell you if I've been in a fight with anyone and that I've

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never been a member of any group or organization. People in the area know about me. Not the U.S. government, they just know what the people told them.

Personal Representative: Also, I have in my notes that your uncle would say that not even he knew your brother in law was part of al Qaida.

Detainee: Yes, he can testify to that too. That we did not know about what our brother in law did or that he had relations with any organizations. He could come and testify, like me, that I never knew anything about that either. Not even my uncle. If you go to my village and ask any person in the village or any person in my tribe, about Juma Din what kind of person he is. They all will testify that he is the poorest person and that he never did anything wrong and that he is a straightforward person. Even in the whole country if you go and look at any evidence if any one person said that whether I was a member or I have relations with any group or organization. If you have evidence that any person said that then yes I will accept whatever the Tribunal's decision is.

Tribunal Member's questions continued

- Q. Number six (*The Detainee was captured at the suspected al Qaida safehouse in Peshawar, Pakistan*) states that your sister's house was a safehouse. Did you ever see any visitors while you were there?
- A. I swear to God that I am telling the truth that she went to this house a month before I went and then I spent three months. We owned this house for a total of four months. In that house, nobody else stayed there either from any group or any other person. It was just us in that house.
- Q. Your brother in law, do you know what work he did and did you ever see him with his occupation?
- A. I don't have any knowledge of what he was doing. I was living separately and my sister was in a separate house and we were both paying rent so she asked why I was paying rent separate, just come and live with us. You can drive our car and make money. This way you can give me some money to support my kids and my family also. So that's what I did. I moved there and lived with her and I was using the car as a taxi to make some money and provide support to her. So, I have no knowledge of what my brother in law was doing. He never supported me. He was just staying home. I don't know why they captured me because of him.
- Q. Was the brother in law staying home too or was he out during the day?
- A. I'm sure that he was home but I was leaving the house in the early morning with the taxi and came home in the evening time. When I left in the morning, he was home and in the evening when I returned he was still at home. I don't know if during the daytime he went anywhere.

ISN# 941  
Enclosure (3)  
Page 5 of 7

UNCLASSIFIED//FOUO

001686

UNCLASSIFIED//FOUO

Q. You said that you didn't have a single dollar with you when you captured. I want to know whether you ever saw counterfeit hundred dollar bills just around the house?

A. No, I never seen them. No counterfeit or real money in my house. Those are not mine and I don't have knowledge where they came from.

Q. When did your sister get married to your brother in law?

A. I've been here for two years and it was before I got captured, so around three and half years ago. I don't know the exact date because we don't write the dates back home but it was around this three year period.

Q. Did you know or meet your brother in law at the wedding or after?

A. It was my luck that I met him and started living with him. Before, I had never met him and I don't know what he was doing or where he was.

Q. Is your brother in law from Pakistan?

A. No.

Q. So, your sister and brother in law moved from Afghanistan to Pakistan?

A. The marriage was held in Pakistan. They were living in Pakistan for a long time. They were <sup>in</sup> Pakistan not in Afghanistan.

Q. I would like to know more about the circumstances of your arrest. Did they come to your house? Did they get you in your car? I'd like to know a little bit more about your circumstances of arrest if you could explain.

A. I was sleeping in my house with my family, with my kids, and then I heard a knock at the door around midnight or maybe two o'clock, I didn't look at the clock. I opened the door and they just handcuffed me and put me in the jail in Pakistan and I was there for four months. Then from there they brought me to Bagram, Afghanistan and from Bagram they brought me here. I didn't know the whole time, why they captured me or why they've been holding me.

Tribunal President: (To the Tribunal Panel) Any follow up questions?

Detainee: You can ask me any questions now or if anyone has a question after, you can bring me anytime, I won't mind.

Tribunal President: Okay.

UNCLASSIFIED//FOUO

ISN# 941  
Enclosure (3)  
Page 6 of 7

001687

UNCLASSIFIED//FOUO

Detainee: All the time I've spent in a jail, the last two and half years, I do not have any bad feelings against anyone like the United States or any person. I think it was my luck. It was everything from the God and he probably will right my life.

Tribunal Member's questions continued

Q. Did your brother in law get arrested at the same time you did?

A. I don't know. I never see him. Nobody got arrested with me in that house. It was just me.

Q. Was it a Pakistani who arrested you or somebody else?

A. It was Pakistani government.

Tribunal President: Juma Din, do you have any other evidence to present to this Tribunal?

Detainee: No, I'm here and you ask me any questions about my evidence that I can tell you but other than that I have nothing else to say. If you think about that I have lied in speech here today or you have doubt about it you can go to my country and I'm living in Luniston (ph) in Afghanistan, which is far on the border and it's hard to get into it.

*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 began explaining the remainder of the Tribunal process to the Detainee. When informed that if he was determined to be a Non-Enemy Combatant by the Tribunal that arrangements will be made to return him to his home of record, the Detainee made the following statement*

Detainee: That's good. If they do, then send me home. The Enemy Combatants should be people that fight against the United States and did harm to the U.S. or it's allies, not anybody else.

*The Tribunal President continued to explain 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.

  
Tribunal President

Colonel, USAF

UNCLASSIFIED//FOUO

ISN# 941  
Enclosure (3)  
Page 7 of 7

001683