

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

Summarized Unsworn Detainee's Statement

Detainee: No, I don't have any questions. I've been here two, two and one-half years and I want to talk at this Tribunal. That's why I am here and I want to face the Tribunal.

The Tribunal President referring to the Detainee's Election Form.

Tribunal President: I note from the Detainee's Election Form, the Detainee, Abdul Razzak has requested three witnesses and for the record, those three witnesses are Abdul Wahled, the district commander of the Mujahadeen during the Afghanistan-USSR conflict during the 1980's. The address given for him was in Afghanistan. The second witness is Haji Abdul Zaher, who was a military commander on the Afghanistan-Pakistan border, also located in Afghanistan. The third witness requested was Ismael Kahn, was a former governor of Herat, Afghanistan. Are those the three witnesses you requested?

Detainee: Yes.

Tribunal President: I received this request last month and I directed the United States government to contact these witnesses. Specifically, on or about 18 October 2004, the United States embassy in Afghanistan contacted the Afghanistan government. The United States government followed up twice, requesting assistance in locating these three witnesses from the Afghanistan government. As of this date, we have not received any response from the Afghanistan government. Without the cooperation from the Afghanistan government in locating these Afghanistan citizens, we are unable to provide them to attend this Tribunal today. For the record, I determine and make a ruling, that these three witnesses are not reasonably available.

Summarized Sworn Detainee's Statement

- **3(a)(1) Detainee served as a Taliban driver beginning in 1992.**

In that year, 1992, there was no Taliban at that time.

- **3(a)(2) Detainee is an al Qaida facilitator and smuggler.**

When the Taliban was fighting the country and doing all those things trying to get help from the people, at that time in Afghanistan, I was not in the country. I was overseas.

- **3(a)(3) Detainee was a commander of a Taliban terrorist cell in Afghanistan.**

Like I said before, I was overseas, I was not even in the country when they were doing all those things. I can only one place at a time. Either I was a commander of the Taliban, or I was overseas. Since I was overseas, I can not be a commander.

- **3(a)(4) Detainee conducted an escort mission for Usama bin Laden in Jalalabad, Afghanistan.**

Sir, I was overseas and if I was overseas doing work there, then I could not have done what is claimed. So this allegation, number four, is wrong. I was not in Jalalabad at that time.

- **3(a)(5) Detainee provided goods and funding for Taliban terrorist cells in Afghanistan.**

Same answer for this one. I was overseas working. If my overseas stay is true, then there is no way I could have done these things in Afghanistan.

- **3(a)(6) Detainee provided guidance in the terrorist training camp near Kandahar.**

Same answer for this one. I was overseas and this allegation is wrong because I was not in the country.

- **3(b)(1) Detainee fought against United States forces in Kabul.**

Same thing. During that time period, I was overseas. So, it is not true that I fought in that country while I was living overseas.

- **3(b)(2) Detainee provided weapons and explosives to a Taliban terrorist cell in Afghanistan.**

I was living overseas, so, this is incorrect. If I was living overseas is true, then this is wrong.

- **3(b)(3) Detainee was involved in assassination attempts against Afghani government officials.**

I was overseas and I could not be at both places at the same time. I was living oversea and I did not do these things.

Detainee: While I was overseas, there were people there living with me during that time period and you can ask those people. Two of the people names are Radd Mohammed, he was with me and Modali Ishaq. They both were living next to me in the same area. When I was living overseas the council in the Rabani government told me, they were not going to give me any financial support from the government. I had to wait until the next government was established and then they would pay me. So they stopped my pay.

You can check with the Rabani council, the people worked in that government if anything that I say is untrue then you can prove me guilty or anything you want to do with me and I will accept it.

Everyone knew that the Afghanistan people were fighting for a long time, twenty-five years and at that time, people were fighting tribe-to-tribe or village-to-village and everything happened to me. They captured me through the government. The government captured me but they did not have anything against me. It was one person who gave them wrong information and just because of this wrong person, I am here. They can't prove anything against me because I never did any wrong. The person that was giving you all that wrong information, that is the person that killed my two brothers, my sister, my father and two of my sons. That is the person that is doing all this to me.

Now you can decide if I am innocent or guilty, but I didn't do those things. They are wrong accusations and I did not do it. If justice is with me then I need to find out why those relatives of mine died. They died and I have been in jail for a long time. This is one sided and that one person, I don't understand what he said behind me without having any evidence or witnesses. I need to know if you all will allow it to be one sided or both sided?

Why is the Afghani government providing you the things behind me, why are they taking this information from this one person? If I did something wrong then my government should know and they would have something on me, but they did not have anything on me. All those things came from one person and he said them behind me.

I've been here for two, two and one-half years and I have not received anything from my family. Not a letter or anything. I am sending letters to my family and not receiving anything back. My enemy, De Ha, did it to me. He gave me to the government and he put all those things on me, that I did those things. I want justice and a reason why. If I am innocent, I want justice. If I am guilty, at least I want the human rights of letting my family know how I am doing and finding out how they are doing.

If all those things, they say I did, then they must have witnesses back home. If I did it they should have more than one person as a witness, say that I did something. My whole village knows what is true and what is not and what I think is that everything is happening to me, they robbed me of my innocence, is not human, it's cruel because I never did any of the things that I am accused of.

I have a family of my two brothers that got killed. I was supporting them. I have my own kids that I was supporting, also. I'm just a poor man, trying to work, feed my family and take care of my family. I was not a big person in the country and how could they say anyone could do all those things? I was just doing regular work to support my family and my enemy did this to me. They wrongly accused me of all those things. The people that I mentioned lived with me and they know me. You can ask anyone of them about me. My relatives will tell you how I was and how I took care of my family. It is your choice. You can go and ask those people or you can believe one person that said those things about me. I don't have anything else to say. If the Tribunal has any questions then I will answer them.

Tribunal Member's Questions for the Detainee

Q: You said that you were overseas. What years were you overseas?

- A: I was overseas and I had left the country two years before the September 11th thing happened.
- Q: In what country were you in?
A: Iran.
- Q: Can you tell me what city in Iran?
A: Masher.
- Q: Were you employed in Iran?
A: No, the government was providing support to us. The people that I mentioned before, I took them from prison and the government was supporting us all together.
- Q: Which government, the Iranian government or the Afghani government?
A: Rabani council.
- Q: When did you return to Afghanistan?
A: When the fight was over and the American and Afghanistan had a new government. The council told me, that since our government was gone, and a new President in the country, we would not get any financial support any longer unless we went back to Afghanistan and got a letter from the new government. I went to Afghanistan to get the letter and that is why I was in Afghanistan.
- Q: Why were you in Afghanistan before you were arrested?
A: When I went into Afghanistan, the person I needed to get the letter from went into another country. So, I went back. And when this person came back from the other country, I went back to Afghanistan and that is when I got captured.
- Q: Can you tell me the name of your enemy that said all these things about you?
A: Mohammed Jan and Shed Mohammed. Those two are my enemies. They did everything to me. They hand me over to the government people. All this is happening to me because of those two people.
- Q: Did your family go with you to Iran?
A: Yes, sir. My family went with me.
- Q: What was your job before you went to Iran?
A: When the President was in power, I was a taxi driver.
- Q: For the President?
A: No. I was a taxi driver in my town.

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- Q: Why would the government pay a taxi driver to take people out of the country and pay for them to live oversea?
- A: The people came to me were working for the Rabani government. They were imprisoned by the Taliban. I took them from the prison since they were government officials and they provided me a house where I was staying and also financial support.
- Q: Did you break them out of the Taliban prison.
- A: My son was working in that jail and at night-time, we broke in the jail and took them.
- Q: Did somebody ask you to do this or did you do this on your own?
- A: No. No one told me, I just saw what was going on in that time and the governor in his time, the whole area was peaceful and all the money coming through the province was safe. The new government, I thought were disbursing money to Pakistan and just wasting money. It was the people money and I said to myself that this was not right and that is when I decided to release them from the jail and to help them.

Tribunal President asked the Detainee if he had any other evidence to present to the Tribunal.

Detainee: What kind of areas are you asking me to put in the Tribunal. If you let me know then I can do it otherwise, I have nothing else to add.

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

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Enclosure (3)
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