

**Summarized Sworn Detainee Statement**

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

***The Recorder then read the Unclassified Summary of Evidence in full to the Tribunal.***

***The Tribunal President explained to the Detainee that the Witnesses requested were not reasonably available, and that several attempts to contact them had been made.***

Personal Representative: He [the Detainee] asked me to read each allegation, and then he would respond.

***3.1. The Detainee is an Afghan citizen who stated that he was a Taliban member.***

Detainee: I am not a member of the Taliban. The reason is I never participated, or knew about all this, was because I was studying in Pakistan. The only time I went to Afghanistan was on a break time from studies.

Personal Representative: When we spoke, you said you never said you were a Taliban member; did you ever say you were a Taliban member?

Detainee: I never said that I was Taliban.

***3.2. The Detainee was in the Spin Boldak Mountains with up to 80 other fighters.***

Detainee: I was not there. The only reason I went to this place was to bring my brother home.

Personal Representative: When we spoke in the interview, you had a story on who told you to go get your brother; do you want to elaborate?

Detainee: The day I came home from school, my father told me to bring my brother home. The Taliban had taken him by force to the mountains. That was the only reason I went there was to bring my brother back. That time I came from Pakistan to my home, the first thing my father told me that my brother had been taken by a man named Duraghim. He said he took your brother, so you go look for him, and bring him home. My father gave some address of some place; go look, find him, and bring him home. Finally, I found where he was. When I found him, I told him I was sent by our father, and when we tried to go home, we saw the Americans coming. When we saw the Americans, we left the street for them, and turned on one side to let them go; we drove a little more and got into an accident. At that time, we were under gunfire by the Americans. They shot him [brother] and they captured me. They captured me, and didn't hit me when they were firing.

UNCLASSIFIED//FOUO

Personal Representative: You [the Detainee] also mentioned the soldiers brought you somewhere after you were captured. Do you want to talk about that?

Detainee: When they asked me where I came from, they offered to take me back to the place I came from. I took the Americans to the place I came from. I don't know after that.

*3.3. The Detainee recruited members at gunpoint to fight a Jihad against the Afghanistan government and the Americans.*

Detainee: I never knew about this thing, and I never did it.

*3.4. The Detainee was identified as an executive assistant to the commander of a known Taliban terrorist group.*

Detainee: I don't know anything about this thing.

*3.5. The Detainee was captured as he drove past a U.S. convoy on a motorcycle carrying a passenger.*

Detainee: Yes.

Personal Representative: Were you driving the motorcycle or was your brother driving?

Detainee: My brother.

*3.6. As the Detainee approached the U.S. convoy, he attempted to evade by steering off the road.*

Detainee: We did not run away from them.

*3.7. During the subsequent pursuit, the Detainee crashed his motorcycle and he and his passenger fled the accident in opposite directions, both were headed away from the U.S. forces.*

Detainee: No, we did not run.

*3.8. Detainee's passenger was shot while attempting to throw a grenade at capturing forces.*

Detainee: I never saw anything he threw or if he had anything. I saw only the gunfire being shot by Americans.

UNCLASSIFIED//FOUO

*3.9. After his capture, the Detainee led U.S. forces to an area that contained four reinforced bunkers in which were located intelligence documents, weapons, ammunition, and bomb making materials.*

Detainee: I never showed them this place; I don't know about this place, and I never heard of this place.

Personal Representative: We went over a couple other things that you did bring out in our interview, and I'll help bring them out for you.

**Personal Representative Questions to Detainee**

Q: Where were you before you saw your father; where were you and what were you doing for several years before you saw your father?

A: I was in Pakistan at school in Quetta for 5 years.

Q: Why were you there?

A: I was studying.

Q: How long were you back in Afghanistan before you went to go get your brother?

A: Two or three days.

Q: Did you or your brother have a Kalashnikov when you were being captured?

A: No.

Q: Is there anything else you'd like to explain?

A: No.

***The Tribunal President confirmed that this concluded the Detainee's statement, and asked if he would be willing to answer questions from Tribunal Members. The Detainee accepted, and the Personal Representative offered a final summation of the interview notes previously gathered.***

Personal Representative: He [the Detainee] was studying in Pakistan over the past five years, and had come home on break. His father told him to go and find his brother. He took the motorcycle to find his brother. Once he found his brother, he was on his way back and met U.S. forces. They moved to the side of the road because they had been told to let U.S. forces pass, and crashed the motorcycle. The U.S. fired on them without cause, shooting his brother and capturing him. They asked him where he came from, and he indicated up in the mountains. He brought them to where he picked up his brother, but

ISN# 943  
Enclosure (3)  
Page 3 of 9

UNCLASSIFIED//FOUO

002697

he said he didn't know what was up there. (Addressing the Detainee) Does that pretty much summarize your statement?

Detainee: Yes.

**Tribunal Members' Questions to Detainee**

Q: Good morning. Because we have not seen your file before coming here today, all we know about you is what has been presented here, and what you have told us thus far. We just would like to ask you a few questions to better understand what happened here. Are you originally from Afghanistan?

A: Yes.

Q: And you said you'd gone to Quetta to study for five years; what were you studying there?

A: To study the holy book, the Koran, and to memorize it.

Q: How long was that course of study supposed to take?

A: Depends; between 4-6 years.

Q: How did you support yourself while you were studying out there?

A: The school provided [support].

Q: After you finished your course of study, what were you going to do next?

A: After that, I was planning to study more.

Q: Also away from home, or this time back home?

A: I don't know; but you can go both places, back and forth and back and forth.

Q: Did you have a goal that you were trying to achieve?

A: It was my own thing to study for more information or education.

Q: You didn't have a goal of becoming a religious leader or clergyman?

A: To maybe become a mullah at a mosque and pray with people together, like a priest.

Q: Are you married and have a family, or are you single?

UNCLASSIFIED//FOUO

A: No, not married.

Q: Concerning your brother, you did not know that he had been taken to fight with the Taliban until you went home on break?

A: No. I didn't know before that.

Q: Did your brother ever do or say things to make you think he was sympathetic to the Taliban?

A: No, he didn't say or tell me anything.

Q: Did your father mention anything about this when he talked to you?

A: No. He just told me to find him and bring him home.

Q: How many other brothers do you have?

A: We were seven brothers; one is gone and there are six left.

Q: How long had your brother been gone before you went to go get him?

A: I don't know, because I was not there.

Q: No idea if it was a short or long time? You don't know?

A: Each time I went after 2 or 3 months for break, he was home. The last time I came he wasn't there.

Q: I see. So he could not have been gone more than a few months?

A: Yeah, a short time.

Q: Unfortunately some of these points are very specific about what someone has said that you've done.

A: I have no idea how they got this information.

Q: Can you think of any reason someone would say these things about you?

A: I don't know how these allegations came about; I don't know.

Q: It seems to me that if you were a religious student in Pakistan you wouldn't have any enemies.

UNCLASSIFIED//FOUO

A: I think there is no good allegation on me; hopefully they can give me one good reason. I didn't do anything. Tell me what I did against the Americans.

Q: Can you think of any Afghan people that could've said these things about you?

A: I don't know of any person or anybody that would put this allegation on me.

Q: As far as you know, neither you, your family nor your father has any personal enemies that may have done this?

A: No. I don't know of any personal enemies.

Q: How long did it take when you got back to Afghanistan to go for your brother, a day or week?

A: Only two or three days.

Q: And it was your father's motorcycle?

A: No, it was not my father's. My brother or someone else found it. We were there; he [brother] took it to come back home.

Q: How did you know how to find your brother?

A: My father mentioned an area north or south to look for my brother here. I went to that area, and saw a person somewhere in the mountains. He asked me what I was doing; I said looking for my brother. He told me to stay here, and he was gone for an hour. He came back with my brother.

Q: It was no problem getting your brother released to come back home?

A: I told him my father sent me to get my brother to come home immediately, and he told me to wait here.

Q: Was there anyone else arrested besides you?

A: No, I didn't see anyone else.

Q: Do you know if there are any acquaintances or friends, people you know here in Cuba from Afghanistan?

A: I don't know anybody.

**Tribunal President Questions to Detainee**

Q: How long had your brother been serving with the Taliban?

A: I don't know.

Q: When you met your brother, did he have weapons in his possession?

A: When I met him the first time he had a gun.

Q: Where did you get the motorcycle?

A: I don't know. When I met my brother, the bike was somehow there, and he just got it.

Q: So you and your brother left immediately on the motorcycle?

A: Yes.

Q: And you were headed home?

A: Yes.

Q: Where's your home again?

A: My village's name is Moshinzhe.

Q: Is it near Kandahar?

A: Kandahar; the district of Spin Boldak.

Q: Isn't that where you met your brother?

A: Yes.

Q: It took 2-3 days to get there?

A: I spent 2-3 days at home from Pakistan.

Q: When you left your home, how long did it take you to link up with your brother?

A: I started in the morning, and I found him in the middle of the day.

Q: If it was so close, why didn't your father go get him himself?

UNCLASSIFIED//FOUO

A: I didn't ask my father why. He just told me to get my brother and return.

Q: Who was driving the motorcycle home?

A: My brother.

Q: Had you ever driven that motorcycle?

A: No.

Q: On your way home, did you or your brother have any weapons in your possession?

A: Yes, my brother had a weapon.

Q: Did you think there'd be trouble carrying a weapon running into U.S. forces?

A: I didn't know about the whole thing, if I would have a problem or not with a weapon.

Q: You didn't know the situation in Afghanistan when you arrived home?

A: No.

Q: What time of year was this?

A: I don't remember; I think it was close to winter because it was cold.

Q: Was it before, during or after Ramadan?

A: After Ramadan.

Q: Was it cold?

A: Yes.

***The Tribunal President confirmed the Detainee had no additional information or questions for the Tribunal, and thanked him for his participation and testimony.***

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

ISN# 943  
Enclosure (3)  
Page 8 of 9

UNCLASSIFIED//FOUO

002702



UNCLASSIFIED//FOUO

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. Marine Corps  
Tribunal President

ISN# 943  
Enclosure (3)  
Page 9 of 9

UNCLASSIFIED//FOUO

002703