

**Summarized UnSworn Detainee Statement**

***The Tribunal President read the Hearing Instructions to the Detainee.***

Tribunal President: Anwar Khan do you understand this process?

Detainee: Yes

Tribunal President: Do you have any questions concerning this process?

Detainee: Yes I do.

Tribunal President: What is your question about the process?

Detainee: You have detained me for nothing. I have done nothing.

Tribunal President: I understand. We will review all the information and decide if you have been properly designated as an enemy combatant. Do you have a question about what we are doing here today? [The detainee did not respond.] Let me review and simplify what we are doing here today. What we are going to do today is review the unclassified summary of information about why you have been classified as an enemy combatant, and your Personal Representative gave you that information earlier. And this is your opportunity to tell us anything you want about those statements, that is what you will do today. We will get to a point later in the tribunal where you will have the opportunity to do that formally.

Detainee: Sounds good

Tribunal President: Also you need to know that this is all we know. The three of us know nothing else about your file so keep that in mind as we proceed today. And also remember our promise we gave that we will do our best to study this information and review his classification as an enemy combatant. Does that do a better job of describing why we are here to day?

Detainee: Yes, I understand

Tribunal President: At any time during this session if you have questions about what we are doing or why we are doing it, you may ask me at any time.

Detainee: OK

***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 and an additional unclassified document (Exhibit R-2).***

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

Tribunal President: Anwar Khan I understand that you requested one witness, and that witness was identified as Mohammed Sadik from Afghanistan is that correct?

Detainee: Yes that is true.

Tribunal President: I have directed the United States government to contact the Afghanistan government for assistance in locating this witness. On or about the 27<sup>th</sup> of October, about a month ago, the United States government did contact the Afghanistan government. As of the date of this hearing we have not heard any response from the Afghanistan government. Without the cooperation of the Afghanistan government we were unavailable to locate and provide the witness you requested, and as President of this tribunal I rule that your witness is not reasonably available to you.

Detainee: Sounds good

Tribunal President: Anwar Khan you may now present any information to the tribunal that you may have. Your Personal Representative may assist you if you wish. Do you want to make a statement to this tribunal?

Detainee: I do not have an answer. What do you want me to say?

Tribunal President: Right now I believe a yes or no answer is appropriate if you would like to give us information about the unclassified evidence.

Detainee: OK

***The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.***

Detainee: I would like to take the oath.

***The Recorder administered the Muslim Oath to the Detainee.***

**Summarized Sworn Detainee Statement**

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

Personal Representative: The first item said that you were directed to carry Taliban weapons from Afghanistan to Pakistan

Detainee: My answer is that this is incorrect.

Personal Representative: Did you want to explain to the tribunal why this is not correct?

Detainee: I told you why. I will tell you why this is wrong.

Tribunal President: Please.

Detainee: You brought me wrongly over here I have told you before I have not done this.

Tribunal President: I will remind you that we have not read anything else in his file. If you would like to tell us now, you may. Otherwise we may read it later.

Detainee: I do not know. I am innocent. I do not know anything else.

Tribunal President: OK.

Personal Representative: The second item said that you assisted the Taliban by helping to transport, stock pile, and hide Taliban weapon caches.

Detainee: This is wrong I have not done that.

Personal Representative: And did you want to explain to them anymore why that is not correct?

Detainee: I have not done that.

Personal Representative: And the last item said that you were captured by Afghan military forces at a check point just prior to entering Pakistan because you had several identifications cards.

Detainee: Yes, I was living in Pakistan and I had some old cards with me. That is true.

Personal Representative: Did you want to tell them what kind of personal identifications cards they were?

Detainee: Yes I want to. I had one card that belonged to me. It was my own identification and two of them were my wives'.

Personal Representative: Did you have anything else that you wanted the tribunal to know about these pieces of evidence about you?

Detainee: No

Personal Representative: The main point here said that you are associated with the Taliban, is that correct?

Detainee: No, I did not have anything with them.

Personal Representative: Did you have anything else you wanted to tell them [referring to the Tribunal Panel]? This is your opportunity to tell them why these things are not correct.

Detainee: What explanations? I told you I was captured for nothing and they brought me for no reason here.

Personal Representative: Just one more thing based on our conversation. I have here that when you were captured you did not have any weapons.

Detainee: No I have no weapons.

Personal Representative: Did you have anything else or is that it?

Detainee: No, I do not have anything to say.

Personal Representative: OK

Tribunal President: I understand Anwar Khan that concludes your statement. Is that true?

Detainee: No, no, I have nothing else to say.

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

Personal Representative: No sir, none.

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

Recorder: No.

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

Tribunal Member: We would like to ask you a few questions and to let you know before we start, if you do not want to answer the questions you do not have to, but it would be helpful to us to understand your case.

Tribunal Members' questions

Q. Did you live in Pakistan or Afghanistan?

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A. My house is in Afghanistan but I live in Pakistan.

Q. How long have you had a house in Afghanistan?

A. We will go and work in Afghanistan as labor workers and then come back home.

Q. So you work in Afghanistan?

A. No our house is In Afghanistan I go to work in Pakistan.

Q. What is your labor, your work, what do you do?

A. Just guarding duty.

Q. For the government or a private company?

A. No for the shops.

Q. So you guard shops in Pakistan

A. Yes shops.

Q. Where is your house in Afghanistan?

A. Our village is named Shoemash (ph.).

Q. So you have never had anything to do with the Taliban at all

A. No he never had.

Q. What happened the day you were captured?

A. We were going towards Pakistan in a car. We were sitting in a car and as we got closer to the border the solders stopped us.

Q. How many people were with you in the car?

A. With me there were three people.

Q. And were they all captured?

A. No two of us were taken to Bagram.

Q. The other person that was taken with you to Bagram, is he the person that you were going to call as a witness?

A. Yes.

Q. If he was able to come here what would he have told us?

A. I was brought over here and I had the cards with me I just wanted him to say that.

Q. I understand they released him?

A. I do not know he stayed in Bagram (ph.) so I do not know if he was released or not

Q. And I see that he was going to explain what you were going to do on you trip when you were captured?

A. Yes I wanted to tell you what I have done and confirm what I said.

Q. Why were you going to Pakistan that day?

A. I was going for work and my brother is over there also.

Q. Does he carry a weapon during his guarding duty?

A. No we had a baton.

Q. You said that you had your wife's identification card. Where was she on that day?

A. They were living in Pakistan. They had gone there before the Taliban.

Q. I would like to know why you had your wife's identification cards in Afghanistan when she was living in Pakistan.

A. I had forgot their I.D. cards were in my pocket.

Q. I do not know from the information that was provided, what was the date you captured?

A. I do not know.

Q. How many times have you crossed that border checkpoint in the past?

A. I used to go all the time.

Q. Is this a regular place you went? Did you go once a week or twice a week?

A. Every few months or so.

Q. And before you were picked up, how much time before that had you crossed?

A. Before the Taliban we used to live in Punjab (ph.).

Q. Do you have any idea why they captured you?

A. I only have the cards with me and I told them I am not Taliban.

Q. If you only go to Pakistan a few times does you have another job?

A. We have a farm that we grow corn on.

Q. Have you ever held a weapon in Afghanistan?

A. We don't carry weapons. We live on top of a mountain.

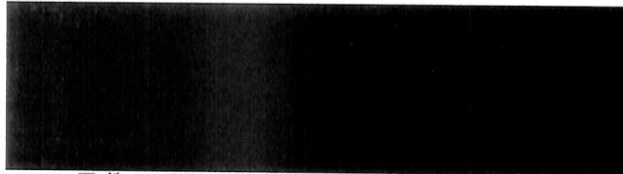
Tribunal President: Anwar Khan do you have any other evidence to present today?

Detainee: No

*The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee did not have additional evidence to present to the Tribunal and closed 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