

**Summarized Unsworn Detainee Statement**

*The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.*

*The Recorder presented Exhibits R-1 thru R-4 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).*

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

*The Detainee did not want to take the Muslim oath.*

*The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.*

*3.a. The detainee is associated with al Qaida and the Taliban.*

*3.a.1. The detainee was identified as working for the police force in Kabul, Afghanistan.*

Detainee: This accusation is a lie because so far I have never seen Kabul.

*3.a.2. The detainee employed an associate as an Intelligence Agent.*

Detainee: No this is wrong, the individual that you think I hired as a spy for myself is a dog holder. A dog holder could not work for the Taliban.

*3.a.3. The Intelligence Agent was arrested for his involvement with the detainee.*

Detainee: I go back to my previous statement that I told you. The individual was not a spy. First I need to know who the spy that you are talking about is? Whose spy? My spy, the Taliban spy, the Americans' spy, or the Russian spy?

Tribunal President: I think based on reading over the unclassified information we are going to assume that it would be a spy against the United States or its coalition partners.

Detainee: No sir, in the whole Kandahar you will not find any spy who will operate against the United States. I was working for the current government of Afghanistan. From the current government of Afghanistan I was a representative to my own area. Even if you want to spy, why would he not spy in his own province which is the province of Baghlan? Why would he come into my province? They have a formal government, then he should spy for his own government.

*3.a.4. A former commander at Bagram, Shindand and Kandahar airfields, Abdullah Khan, also known as Kheirullah, visited with the detainee at his residence.*

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Detainee: I go back to my previous statement about this individual. He could not be a commander in the Taliban government because he was a dog holder. A dog holder will not be able to work for the Taliban government. Most of the time the interrogator asked me about Kheirullah Khawa(ph), that is a different individual than this individual that you are talking about. Kheirullah Khawa(ph) is sitting in the new camp. First Kheirullah Khawa(ph) was captured one year prior to me being captured. For the past two years they have been asking me questions about Kheirullah Khawa(ph) and I don't know why.

*3.a.5. Abdullah Khan is alleged to have been a Taliban Airfield Commander.*

Detainee: I go back to my previous statement that Abdullah Khan was a dog holder. A dog holder will not be able to work for the Taliban government. I have a request. You have a lot of friends and forces in Afghanistan. You can ask them the question, could any dog holder be able to work for the government of the Taliban or the Taliban would have any type of friendship towards them, they will tell you "No."

*3.a.6. Kheirullah was visiting to coordinate weapons movements for future operations against U.S./coalition forces and the current government.*

Detainee: This is my personal enemy's statement. My personal enemy brought the forces into my house, not the American forces but the Afghanistan government forces into my house. He was not a Talib, he was not al Qaida, you can ask about this.

*3.a.7. Abdullah Khan commanded a group who planned an attack against United States forces.*

Detainee: I got back to my previous statement again that this individual was a dog holder. We went to fight dogs. The individuals who fight dogs cannot be associated with the Taliban because they don't give this kind of people jobs. I go again back to my previous statement.

*3.a.8. The detainee was captured with Abdullah Khan at the detainee's residence along with two others on January 29, 2003, where they were reportedly plotting attacks against the U.S. and coalition forces.*

Detainee: This is a wrong accusation. I will tell you that two individuals were caught in my house. One of them was brought here and the other one was freed. Why would you free the other individual that you think is working with me? Instead of that individual somebody else by the name of Nasir Allah was captured in his own home. This is a plot from my enemy. Two individuals were caught in my house, one was freed and the other one was brought here. For example we are all sitting here and we are all caught. Would somebody free some of us and some of us brought here? We have seven different models of enemies in Afghanistan: language, religious, second cousin could also be our enemy, different organization have animosity towards each other, we have disputes over the land in our area, and lots of land disputes in our area in Afghanistan when the election was going forward. I was representative of the current government in my area when voted for

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President Karzai's brother. It means that I was working for the government of Afghanistan and now you brought me as an enemy of you and the government of Afghanistan. If you could please explain it to me that if you bring your own friends here and let your enemy go, how can you fix Afghanistan? In Afghanistan they heard that American forces are providing \$25,000 to capture each Arab and \$15,000 to capture each Afghan. Is it you want to buy people with money? I will finally go home and I know I will go home. The enemy who sold me for \$15,000 to you, I will charge him \$200,000 and I will make sure that I hand all of his family to you; so they will work like me in Cuba. This cannot be happening that my kids are left behind in my hometown. I am like a dog chained here in Cuba and I am not able to go home and provide for my family. I cannot destroy my life, this is my dignity, and this is my life that I have to take care of. We come to a point if you want to help Afghanistan. You have appointed current governors in Afghanistan, current district chiefs in Afghanistan. The district chiefs and governors have control over the people. You should ask the governor or the district chief, you should not listen to the enemies. We come to the Russian era, when they invaded Afghanistan. The first two years we did not fight against them but in later times we fought against them. We don't want to fight against you the same way. For example this is just me you brought but I have six sons left behind in my own country. I have ten uncles in my area that would be against you. I don't care about myself. I can die here but I have three hundred male members of the family there in my own country. If you want to build Afghanistan you cannot build it this way. First you beat me and then you will tell me to go and help my country. This is not a way to build a country. If you want to build it, this cannot happen. I will tell everybody the same statement. I will tell you, I will tell President Karzai, I will tell my governor. I will tell anybody who asks me that this is oppression. I have come to a point that until today I don't even know why I was brought here. Am I against the Americans? Was I with the Taliban? First the Taliban did not let me stay in my area; second the Americans do not let me stay in my area. What can I do? This is my question for you are anybody else. What can I do now? I was sleeping in my house. It was two o'clock in the morning. I was sleeping in my own room with my wife. You came and captured me. When I go back to Afghanistan I will invite people again and again into my house because this is our culture. Would you arrest all of us again? Would you bring me here again? If I have a guest in my house, the same thing will happen to me like this. For the past two years the interrogators told me that my guest was Kheirullah Khawa(ph). Last time I met with my Personal Representative he told me that his name was not Kheirullah Khawa(ph) his name was just Kheirullah. At the time I was in Afghanistan I heard the news from BBC broadcasting company mentioning that we let Mullah Omar go. Gul Agha Sherzai the current governor of Kandahar said in his own voice, that this is the situation, that we let Mullah Omar go. Why should we let Mullah Omar the leader go? Is this fair that you let Mullah Omar the leader of the Taliban go and everybody heard it and you brought Shah Zada to Cuba. Is this fair? I don't want to bother you anymore; it is not good to bother anybody and I will not do it.

Tribunal President: Believe me, you are not bothering us today, this Tribunal anyway. We are here to determine whether you have been properly classified as an enemy combatant.

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Detainee: If twenty years from now or even one hundred years from now, if you can ever find any proof that I help the Taliban or I was involved with the Taliban you can cut my head like you cut a birds head and hang it right here on the ceiling.

Tribunal President: We certainly are not here to punish you today or any day. We have come here with an open mind and you have observed us taking the oath. We have sworn to be fair and just. We have not seen your file; so we know very little about you up to this point except for what we have been presented at this time. Before we come to a decision we will review all of the evidence, the unclassified evidence, your statements that you are making, and you are making some valid points as you provide your testimony. We will accept, review and take into serious consideration the affidavit from the witness that you had requested. After we are sure that you have provided all the information that you feel is important we will then close the open session of this tribunal.

Detainee: I don't have anything else to say. I don't want to bother you again. Let it stay in my heart.

Personal Representative questions

- Q. You mentioned that you were a representative of your area. Can you tell the tribunal some of the jobs you did or what did you do as a representative for the government?
- A. In Afghanistan when we appoint a president we have elections. In order to appoint a president we have to collect votes. I was a representative of the government in my area to collect our people's votes for the president.
- Q. Have you ever been in Kabul?
- A. No.
- Q. Have you ever worked for any police force in your hometown or anywhere else?
- A. Never sir was I a soldier and I never was a police.
- Q. What did you do to make a living for your family?
- A. I have a lot of gardens and a lot of land.
- Q. How did you make a living from your land?
- A. I have a lot of grape trees and a lot of land that we grow. We get the production and sell it and that is how we live over there.
- Q. Did you ever know Abdullah Khan as Kheirullah?
- A. No. I never have. I've heard Abdullah or Abdullah Khan.
- Q. Can you explain why Abdullah Khan was visiting at your house? Can you tell the tribunal why you had invited him home that day?

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A. It means that I will start from the beginning. Approximately twenty to twenty-five years ago I needed employees to work in my garden to gather grapes. He was working with me for like fifteen to twenty days. I did not see him for a long time, probably fifteen to twenty years. Twenty years later when President Karzai came to Afghanistan I went to the province of Khowst(?). I went to an area called Bagalah(ph) I spent the night in that area. A little child in the house that I was living in told me that today there is a dogfight in the area. The boy and I went to the area of the dogfight and I saw Abdullah Khan. After the greeting he asked me why are you here? I told him that I was looking for a dog. He told me this dog is mine (this was a black dog.) He told me to take his dog with me. The same day I took the dog, I reached home. One year after I brought the dog or one year after the presidency of President Karzai. I went to the bazaar and I met him again. I greeted him again and I told him that he was invited to my house tonight. I told him to spend the night with me. Finally I made him agree to spend the night. I asked him why are you here in my province? He said that I brought here something to sell. The next morning he wanted to go home. It was raining badly. I told him it was raining and you cannot sell your products too, so stay here and he agreed. At that point my enemy arrived with the soldiers; that is why I am sitting here in Cuba. That was basically my friendship with Abdullah. It was because of the dog. I wanted to spend 300,000 Pakistani rupees. I love dogs. Today if I find a dog I will pay 300,000 to 500,000 Pakistani rupees to buy a dog. Even I don't make dog the fight. I love dogs and I just love to take a look at them.

Q. What activities did you do when Abdullah Khan was at your house?

A. Play cards.

Q. Did you know anything else about Abdullah Khan except that he was dog fighter?

A. Only thing that I can tell you is that he was a landowner and brought some products. I don't know anything else about him

Recorder questions

Q. You just mentioned that your enemy arrived with the soldiers that second night that Abdullah Khan stayed with you. Who is that enemy?

A. I don't have to tell you the name of my enemy. Did you tell me why I was brought here? If you told me why I was brought here. I will tell you the name of my enemy

Q. You stated that two individuals were caught in your house and one person freed. Could you tell us who those individuals were?

A. One of the individual I swear I don't know his name. His name was probably Mirza(ph), Mirazhan(ph), or Motozo(ph). In our area we don't ask our guest what is your name. The individual that was brought here with me, his name is Nasrullah(ph) but Nasrullah(ph) was not caught in my House. Nasrullah(ph) was

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a friend of my brother. I have two brothers; the Russians killed one of them and one of them was martyred, he was a friend of my brothers. When my brothers were murdered he became my friend. I look at him like my own brother. He comes and visits me all the time. He is not even a part of the Pashtu tribe. He is not the same religion that I am. He is a Shaid(ph) Muslim.

Tribunal Members' questions

- Q. Do you know an individual named Kheirullah?
- A. In our area I know individuals by the name of Kheirullah (inaudible) but here I heard that an individual is in the new camp called Kheirullah Khawa(ph) not (inaudible). The Kheirullah that I'm talking was caught the same day as me and they took us to Mullah Omar's compound and he was freed. I do not where he was caught; in house or in the street, I do not know.
- Q. How well did you know that person? Had you ever met him before?
- A. Are you talking about the Kheirullah in my area?
- Q. Yes. I am referring to the one in your area.
- A. He is from my area. He grew up in front of us. He is the son of Mullah and grand kid of Ji Abdul Rhmad (ph).
- Q. What did that individual do for a living?
- A. He is from my area. I know him well. He doesn't have enough land; so he works on someone else's land.
- Q. If I can go back to the business of dog fighting. I presume this is for gambling purpose, is that correct?
- A. No it is not gambling. I want to beat you; you want to beat me.
- Q. So it is just a sport?
- A. It is not a sport. It is a tradition.
- Q. Is that tradition legal in your place?
- A. No. Many things are not legal in our religion but we do it anyway.
- Q. You mentioned that there are many reasons you would have enemies. One of those included different organizations. Did you belong to any of those organizations?
- A. Yes. I was working for an organization led by Peer Said. Gul Agha Sherzai the current governor of Kandahar, his martyred father was Majid Atif(ph). I was a soldier to Commander Majid Atif(ph).
- Q. What was the name of that organization?
- A. Peer Said Ahmmad Gelani.

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- Q. I want you to clarify one point. You said earlier that you had never been a soldier and you just said that you were a soldier for Majid Atif(ph), can you explain?
- A. It is two different things. One is that you are serving a country or you work for a leader, one is like a Mujahad. I was a Mujahad as a friend. I was working for him. That is why I said I was a soldier. For example a soldier has to serve his commander. Anything a commander ordered him to do he has to do it. I was not like that. One day I was a Mujahad with one individual the next day I was with someone else.

Tribunal President's questions.

- Q. What was your occupation during the time the Taliban was in control of Afghanistan?
- A. I was a landowner.
- Q. Did you provide any support to the Taliban during that time?
- A. No. I did not provide any support. They didn't have anything to do with us and we didn't have anything to do with them. One time they asked us to provide soldiers and we did not.
- Q. When you refused to provide soldiers what was their response?
- A. Three days I was in captivity.
- Q. Did they attempt to abduct any of your family members?
- A. Yes.
- Q. Did you force any of your family members into service with the Taliban?
- A. They could not take ours but they took a lot of people. Anybody that was recruited from the area they took most of them and they were killed. The Taliban conscripted an individual brother and ten days later they brought his dead body back. [They took] conscripted people and took them to the front line of the war and they were killed. For example if you took me to the middle of a firefight I don't think I would survive three days. I would be killed.
- Q. Have you ever received any weapons training?
- A. I did not receive any training but I know how to fire an AK-47.
- Q. That's not uncommon in Afghanistan for people to know how to use a gun?
- A. We do not have to learn how to use a weapon but now in the latest year we had to because of the enemies. For example (inaudible) toward the Koran and you don't believe in the Koran. My enemy this time he handed me to you but the next time he will kill me. That is why we have to learn to use a weapon. If you want me to swear; I swear to the Koran I was not against the Americans, I did not do anything against the Americans and now I am sitting here in Cuba. What will I do about it?

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Q. Is there anything else that you feel that we need to be aware of that is important as we make our determination of your status?

A. No sir; I don't have anything important to tell you. Any decision you make I will honor. I have spent two years of my life and I don't care if I spend another two or I don't care if I die here. Over there my enemy became my enemy and right now you want to be my enemy here. I want to die here. I want to be here.

***The Tribunal President accepts the witness statement of Nasrullah. Personal Representative presents into evidence as exhibit D-b.***

***The Tribunal President explains the remainder of the Tribunal process to the detainee.***

Detainee: God bless you but I have a question for you. You told me to contact my family to gather information in a review board. If I send a letter I cannot receive any answer from my house. How could I gather such information?

Tribunal President: Through the normal means available. Through the joint detention operations group they have provided to you and they will assist you in that effort as well the assigned military officer that will be assigned to assist in that effort.

Detainee: One thing I have learned about you: That anything you say verbally is not meant from your heart. I'm hurt. You are my enemy here the same that I have an enemy back home. On one hand it looks like you have a Koran and in the other hand you have a knife to kill me. I do not know your justice. For example the questions that you ask me today and the accusations that you read me today, [I] never asked [you] are you prophet, did you God send you to know about Abdullah Khan that you are telling me that he was a spy. How did you know that?

Tribunal President: We don't know yet. I'm sure the classified information that we will see here shortly, without you being present, I'm sure that will give us additional information.

Detainee: The same thing for the past two years the interrogators told me also.

Tribunal President: All I can do is tell you from what we know and we have sworn to uphold today.

Detainee: Very good. I will find out how strong are you on your oath.

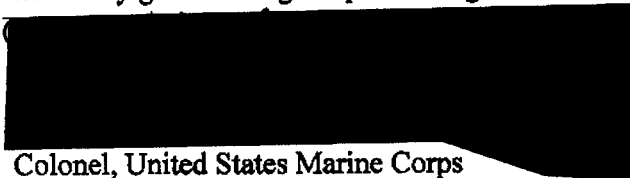
***Tribunal President adjourns the Tribunal.***



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**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

A large black rectangular redaction box covers the signature of the Colonel.

Colonel, United States Marine Corps  
Tribunal President

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