

UNCLASSIFIED//FOUO

When the Recorder stated that he had no further unclassified evidence to present, but requested a closed tribunal session to present classified evidence, the Detainee stated that he did not know what was meant by classified or unclassified.

The Tribunal President advised that unclassified information is information that the Tribunal may share with him. Additionally, the Tribunal President read the definition of classified evidence to the Detainee, who indicated he understood.

The Detainee was sworn.

Detainee's Sworn Statement

Detainee: My Personal Representative should start by asking the questions.

Personal Representative: We will begin by addressing each point in the Unclassified Summary.

The Personal Representative made the following statements on behalf of the Detainee:

- 3(a) The Detainee is a member of the Taliban.

Personal Representative: When the Detainee and I met, he gave me a statement regarding 3(a), will I be allowed to read that?

Tribunal President: That's appropriate.

Personal Representative: I came from Pakistan to Afghanistan to run a private school ten years before my capture and ran that school for ten years.

Detainee: Before we came with our families to Afghanistan, I ran a private school in my house.

Personal Representative: I was also running a farm, trying to make land ready for the crops.

Detainee: When I came back, my whole farm was desert; it was not usable and mixed with other people's property. I started from the beginning with my hand, and fixed it to get ready for the crops.

Personal Representative: I was growing food for my farm animals.

Detainee: I asked for wheat and bartered for green grass to give during the summer and winter to the animals.

UNCLASSIFIED//FOUO

ISN# 954
Enclosure (3)
Page 1 of 9

000295

UNCLASSIFIED//FOUO

Personal Representative: All the people in the area had seen me. I had to stay in my house because I was the only elder in the house and I also cared for my sick mother.

Detainee: She is not only old, but she is also very sick. I'm always close to her. I cannot leave her alone for a minute because her pressure goes so high and low sometimes, almost to her death. I'm the only one to care about her. There is no one else to take care for our family. I have an old, sick mother and I have young kids; I'm the only man in the house to take care of all of them.

Personal Representative: My point is, I had no possible time to be a member of the Taliban.

Detainee: I don't know which part of the question I told him about the Taliban, but that is my story. I was too busy with my life and my family to be part of the Taliban.

The whole Zormat district knows me, and you are free to ask everyone about me. I was so busy with my own life and family that was the only thing I did with my life. I am not a member of Taliban; my daily life was so busy.

- **3(a)1 The Detainee is the former district officer for the Taliban in Zormat, Afghanistan.**

Personal Representative: I was not any district's officer. Before the Taliban, Rabini was the President of Afghanistan. Before the Taliban came, the district officer left office. Then, a group of elders from the area, because of tradition, (inaudible)

Detainee: That's not it; I want to explain. In the beginning in southern Afghanistan, like Zabul, Kandahar and Raznik, people had heard of Taliban names. Kabul still had Rabinin in power as the President of Afghanistan. At that time, the District Manager left the district. In Pashtun tribes, the elders handle daily disputes. This is a long-standing tradition in our culture. I was an elder in this group for some time.

Personal Representative: When the Taliban came, the group stopped.

Detainee: Before the Taliban and before I started to build my house, I didn't go to the jirga [elder's council]. The government was there, so the group automatically finished.

Personal Representative: When the Taliban was in power, they put in a governor and a district officer.

Detainee: Not a governor. Before the Taliban came to power, the group was still working and I had started to build my house so that's why I stopped going to the group. If the government comes and takes over, the jirga is automatically finished because there is no need anymore.

UNCLASSIFIED//FOUO

ISN# 954
Enclosure (3)
Page 2 of 9

000296

UNCLASSIFIED//FOUO

I would like to say one more thing. Zormat and its people are still there. You can, anytime, ask about me. Ask if was an officer a military officer, a district manager...anything.

The day the Taliban captured Kabul until the day I was arrested, from soldier to clerk to upper job. If anybody, anywhere proved that I worked for the government of the Taliban, I am 100% guilty.

The day the Taliban captured Kabul from Rabini, until my capture, if you can prove that I was with the Taliban for one month, one day or one hour, that I was with the Taliban as a soldier, clerk or high ranking or low ranking...I'm 100% guilty. To prove that is up to you.

- **3(a)2 The Detainee ordered an individual to emplace weapons caches in the Zormat district for use against U.S. forces.**

Personal Representative: This never happened. I did not do this and I don't know any individual that would say this.

Detainee: I hope that if you hurt my feelings, you will accept it. I hope you already know about me, because if I was a commander, I'd have a weapon. You are free to ask anybody, anytime, anywhere if I was ever a commander or member of any party. You will know that I did not have a weapon and I didn't belong to any party, not a high rank or a low rank.

Before the Americans came to Afghanistan, if anyone asked and if I was even a small commander that would be true that I told the people to give the weapons or put them together.

If I don't belong to these people or hold this position, how could I tell this person to do this?

There are two things, either I'd be a commander or I have my own weapon. If I don't have these two things and if I'm nobody, how would I order people to do things? Who would listen to me and take my order?

I would never say these things. I swear, and that is not easy for a Muslim to swear. I swear on my God and I swear on the holy book, I never ever told anyone to put a weapon together or put them somewhere to use them against Americans. It never happened.

I give my oath, that if I'm guilty I will accept my punishment. I apologize for taking your time.

Personal Representative: You [Detainee] said everything that I had written down here, but better.

ISN# 954
Enclosure (3)
Page 3 of 9

UNCLASSIFIED//FOUO

000297

UNCLASSIFIED//FOUO

- **3(b) The Detainee participated in military operations against the United States or its coalition partners.**

This item was not addressed by the Detainee or the Personal Representative.

- **3(b)1 The Detainee commanded a group of troops responsible for the 20-21 July 2002 bombings against the U.S. base in Gardez, Afghanistan.**

Personal Representative: This never happened, I never did it, not even for a moment. I know nothing about any bombings against the U.S. base in Gardez, Afghanistan. I know of no group.

Detainee: First of all, this did not happen and I was in no position to command people to do this job. As much as I can prove, Americans were in Gardez. If you can prove that I was a commander in Gardez, if you guys have proof, I'm still guilty.

Again, I swear, I'm a Muslim and I swear I've never known when and how in Gardez people bombed the American base.

An interrogator told me that the Police Chief in Gardez is a prisoner with us here and that he had information about me. You guys have the right, right now to bring him in front of me and ask him any information about me. You have a right to ask him if I ever broke a law. I know this information is based on Gardez, because the American base is in Gardez City, and that was his position as the Chief Commander of Police in Gardez. You have the right to bring him and ask him if I ever broke the law.

After all of this, if you guys have any proof on any of these allegations, I would punish myself. I'm ready and I'll accept it and I'll do the punishment myself, with my own hand. I ask forgiveness for taking your time.

- **3(b)2 The Detainee fired on U.S. forces when they attempted to enter his property.**

Detainee: This is the main thing.

Personal Representative: It was night, dark out and I was sleeping. There are a lot of thieves. I heard a noise outside; somebody was knocking on the door.

Detainee: First of all, I did not shoot American forces.

Personal Representative: They told the female of the house they were from the American base. She was trying to tell me what they were saying.

UNCLASSIFIED//FOUO

ISN# 954
Enclosure (3)
Page 4 of 9

000298

UNCLASSIFIED//FOUO

Detainee: It was a misunderstanding. It was during the night and there was a knock at the men's door, the big door. We all woke up and came inside. It was midnight and a horrible time. Me, the woman and my kids were so scared. I thought the people came to rob us because this kind of thing happens often.

A lady walked to the man's door and I asked her what the truth was. I was told they were people from the government and they had come to search the house. I told them the middle of the night was not the time to search the house. My house is in the middle of the desert, with no one else around, and this is the people rob people. I talked to the lady and asked her to please go back and ask nicely if they were truly people of the government, please wait here until after darkness.

She came back and said they wouldn't listen. If I didn't open the door, they would break the door down. So many times we had the same conversation, and asked them to please wait until after the darkness and then they'd be welcome, if they were truly from the government.

Around this time, there was a village called (inaudible). They were told that people of the government wanted to search the house. They were not from the government; they were thieves. The thieves took everything the villagers had in their lifetime. It's very easy for you guys to find out about this. The minute the door was opened, everything was taken by thieves. That happened very close to my arrest. This story was still very fresh in everyone's mind at that time.

In another village the same thing happened. People went to the house in the name of the government. The minute they opened the door, they took everything and also killed the owner. Everyone in the area knows about this, you can ask and find out. This also happened very close to the time I was captured. The owner was murdered.

This is common in the Zormat district, day and night. America will know this thing and so will the Police Chief in the Gardez Province. Ask him, he knows this always happened, day and night. The people who work with the Americans know about what happened in Zormat all the time.

When I heard the noise of the door and they said they'd break the door down. Most Pashtuns have a big house and the walls are too high and too strong, and we also have a very big door on the front of the house.

When I heard they wanted to break the door in, I was 100% sure they were not government people, they were thieves, and I went to the house and got my gun and went to the roof. I shot it in the air so the thieves would know and understand that there was a weapon in the house.

UNCLASSIFIED//FOUO

I did this because I was 100% sure that they were not people from the government, but they were the same people who were thieves, so I went to the roof and fired my gun into the air.

I'm sure, even if I was 100% sure, if I kill a thief, how could I answer that question? In the future, that would be a big problem for me. Because my house is in the middle of the desert, I'm alone and nobody else was in the house but me, if I injured the thief, it would be hard to protect myself from it in the future.

I just wanted to make sure that the people understood there was somebody in the house and there was a weapon, so they wouldn't go inside by force.

The minute I shot in the air, firing started in the house. The fire was all over the house.

Personal Representative: When you spoke with me, all the firing started from the outside firing back at you. You fired into the air and they all started firing at you. They fired in the house, not people in the house firing out.

Tribunal President: We understand.

Detainee: There was a lot of firing and a lot of noise. I couldn't just put my head up. In Bagram, they questioned me about a house that was far away from my house. They told me firing came from this house, to us. I asked how I should know who was firing at who. I never knew who was firing from where.

The people, Americans and the government thought that people shot at them from outside somewhere, because the interrogators always ask me this question.

On the roof, we have extra walls and I was not able to look or see where the firing was coming from and who was firing. It was like a war zone.

Maybe the people who were with the Americans know where the firing was coming from. I couldn't stand up to see what happened. I'm not sure because the soldiers and the government were all in my house. They fired from inside.

I didn't say anything in Bagram to put someone else in trouble to free myself. I didn't give the wrong information in Bagram either, to free myself.

The firing was still going on. There were light and heavy weapons. I was shocked and surprised by what happened and what was going on. At that time, I heard the airplane, or jet. After I saw the airplane, I understood that this was the government. Admittedly, I came down from the roof, went to the room my mother was in. I talked to her and told her things were wrong and these were the people of the government. I told her not to worry and I was going to open the door so they could search the house and it would be no problem.

ISN# 954
Enclosure (3)
Page 6 of 9

UNCLASSIFIED//FOUO

000200

UNCLASSIFIED//FOUO

I talked to my mother because it was a hard time. I asked her to let me open the door, with her approval. My mother didn't approve my request. She placed her hand on the holy book and asked me not to go out because they would shoot me.

My kids came to me, grabbed my leg and begged me not to open the door. They were so scared.

I still repeatedly asked my mother. They were people of the government, they just want to see the house and they aren't going to hurt me. It took me a long time to convince my mother of this.

When I went outside there were a lot of people and a lot of cars. I raised my hand and told them to come to the house to search the house. The Americans did not come, but an Afghan came up to me and put his hand on my shoulder. After that, the Americans came and handcuffed my hands behind my back and sat me outside the house when they inside the house and did the search.

After a while, they put me in back of a truck. When they were done searching the house, they started driving to Gardez. That was my story.

I would like to say one more thing. I have a mother, my wife, kids, sister and self in my house. If I fired at Americans it meant suicide for my family. That means destroying and killing your own family.

I've been here with you guys almost two years. Maybe you've found out about me in these two years that I'm that crazy to kill or destroy my own family. Maybe you've found that I'm a crazy person or a mental person. If I did anything like this, it means I don't worry about my kids or family and I don't care to die.

I was not that crazy and not that stupid to shoot at the Americans from my own roof. That'd mean I killed my own kids and family.

My house is totally flat and if I shot at anyone, and there were a lot of people, why didn't one person get wounded if I shot at them? There was no place to hide in my house. What was my plan? Shooting at Americans means the destruction of my family. That was not my intention.

If I had known they were people from the government or they were Americans, this would never had happened. I was still thinking they were thieves and they came to rob us.

Forgive me, I'm sorry I took a lot of time. I talk too much, I think.

ISN# 954
Enclosure (3)
Page 7 of 9

UNCLASSIFIED//FOUO

000301

UNCLASSIFIED//FOUO

Tribunal President: We appreciate your statement and it was very thorough. Does this conclude your statement?

Detainee: I think I explained enough. If you want to talk more, maybe we'll talk.

Tribunal President: The panel will ask questions, so you may have a chance to answer some questions.

Detainee: In three years, I don't understand. I don't get it. Why am I in Cuba? I've asked so many times in the interrogations. I asked what I did and why I was here.

Tribunal President: This Tribunal will review why you're being detained. This is a place you can provide us information, and you have done that. The information you were given is why you should be here, according to the government. It is our job to review everything and determine if you should be detained as an enemy combatant. Does that help answer your question?

Detainee: Forgive me please, I asked so many times in interrogations why I was here. Now I know and to my knowledge this is not true.

I want to thank my Personal Representative for all of his hard work on my case. I told you one time, you wrote everything down and I still told everything myself. You worked real hard on my case, thank you.

Personal Representative: That's what we're supposed to do.

Tribunal President's Questions for the Detainee

Q: You had a weapon that you used to protect your family.

A: First of all, for generations people in Afghanistan have a weapon. Before King [Zion?] was King. It is very important for me to have a gun because I live in the middle of the desert for protection. The government has never been 100% in control in our area.

Q: That answers my next question, which was did you have it all the time you were in Afghanistan? Which you have.

A: This one weapon belonged to my father, and he left it to me.

Q: May I ask what kind of weapon it was?

A: Kalashnikov, AK-47.

UNCLASSIFIED//FOUO

- Q: Earlier, I believe you said you helped the Pashtun group as an elder when the previous district manager or officer left. You did that because of your family status?
- A: (Inaudible)
- Q: Before the Taliban came, you said elders from your group.
- A: Not from my group, from the village.
- Q: ...from the village served as district officers to handle disputes. Is that correct?
- A: There is no position in the jirga. Everbody is supreme council. They just control the daily life and they are asked forgiveness and to solve disputes. There is no position; everybody is the same.
- It's [jirga] is a very old tradition. Even when there is government, sometimes if there is a dispute between people, they don't go directly to the police, the elders or friends and relatives will sit and talk about it and finish it once and for all. It's not good for the family name to go to the government office.
- Q: Just to make it clear, you were never a district officer under the Taliban?
- A: Again, like I told you before. The day they [Taliban] captured the government from Rabini, ask anybody if I held any position, high or low, if anyone proves this, I am guilty and I will punish myself. I accept the guilt.

AUTHENTICATION

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



Col, USAF

Tribunal President

ISN# 954
Enclosure (3)
Page 9 of 9

UNCLASSIFIED//FOUO

000303