

Summarized Sworn 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 Tribunal President then offered the Muslim oath to the Detainee. The Tribunal President also confirmed that the Detainee had requested three witnesses, all of which were available for the Tribunal. The Detainee and all three witnesses took the Muslim oath before testifying.

The Recorder read all unclassified evidence in full to the Tribunal. The Personal Representative then stated each point of unclassified evidence separately to allow the Detainee the opportunity to respond, and included previously attained statements from earlier meetings.

Personal Representative: [To the Detainee] Would you like me to read each statement and your answer, or just your statement?

Detainee: If you could state them one by one, so I could answer each one.

Personal Representative: (3.a.1) *The Detainee is a member of the Taliban.*

Detainee: I was not a member of the Taliban; I did not join them, I did not work for them.

Personal Representative: Do you want to tell them [indicating the Tribunal Members] what you do?

Detainee: I was young when my father died, and I was a farmer. I had my brothers and sisters to take care of. I worked hard to provide them with food.

Personal Representative: Would you like to say anything else about the first point?

Detainee: Any question you ask, I will give my perspective.

Personal Representative: (3.a.2) *The Detainee admitted that he was supposed to participate in an ambush against U.S. forces.*

Detainee: No, sir. I did not participate on any attack on the Americans. I did not have the plan; I was a poor person. I was going to the bazaar to buy oil for my tractor. I was arrested by the U.S. forces. They did not tell me anything, but they arrested us.

Personal Representative: You made a longer statement; would you like me to read it?

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Detainee: Yes, yes.

Personal Representative: [from notes taken during her earlier interview with the detainee] "I never admitted this. I never said I was planning an ambush. There was never an ambush in the first place. Let me tell you why I was captured. My uncle was a tractor driver for someone else and maintained the tractor. He and I decided to go to town to buy oil and filters. We noticed that behind us, American forces were approaching, so we moved to the side of the road to avoid them."

Detainee: Yes. We were on the road, so when we saw them coming, we left the road, and they arrested us.

Personal Representative: [continued from his notes] "We were told earlier by local translators that people should avoid U.S. forces."

Detainee: Yes. When U.S. forces came, the translators said don't get close to American forces. We went to the side, and they captured us.

Personal Representative: [continued] "So we went to the side of the road, to wait for them to pass. When the U.S. forces approached us with weapons drawn and told us not to move. They handcuffed us and put us in the car. Then they brought us to Kandahar for six days, and to Bagram about three months before they brought us to Cuba." That was the end of the testimony given; would you like to add anything else?

Detainee: No, sir.

Personal Representative: *(3.a.3) The Detainee admitted that he threw his weapon down a well and hid in a hole.* "After they arrested us, they didn't take us into the car immediately, they brought us to a linguist. There was a 20-foot deep well about 15 feet away."

Detainee: We were 20 meters from the well. A little water was inside the well.

Personal Representative: [continued] "I never told the linguist I threw a weapon in the well. I never had a weapon. Since the well was only a foot deep, they would've been able to see if there was a weapon at the bottom."

Detainee: I told them to look in the well. You could see if the weapon was there.

Personal Representative: [continued] "When I went to Bagram, the interrogator told me a soldier said I threw a weapon in the well. If there was a weapon in the well, why didn't they raise the weapon?" That's all you told me, if you want to add anything, please do.

Detainee: This was all my statements to my Personal Representative. When they captured me in Kandahar, they said nothing about the weapon in the well until I got to Bagram. I told them that if I threw the weapon in the well, they should be able to find it.

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Personal Representative: (3.a.4) *The Detainee was captured on the afternoon of 10 February 2003, along with his uncle, by U.S. personnel. Do you have anything else to add?*

Detainee: No, I don't have any other statement to make. I just want the Tribunal to be fair.

Tribunal President: We understand.

The Tribunal President then took a brief recess to allow the first of three witnesses to be brought in to the room. The Tribunal President then verified this was a witness requested by the Detainee, and requested the witness identify himself.

Tribunal President: (to Witness # 1) We require you to take the Muslim oath, and that you tell the truth today.

Witness: Yes, I will swear upon the 4 books; the Bible, Koran, etc. Life is passing by, and I swear to tell the truth.

Detainee: (addressing the Witness) Do you know me?

Witness: Yes, yes. You are from the village of Lejhain, and I knew your father and family.

Detainee: Did I work with the Taliban?

Witness: No.

Detainee: What did I do in my village?

Witness: You were farming. You were working in construction to help your brothers and sisters.

Detainee: Did I have a plan to attack the Americans?

Witness: No.

Detainee: Did I have a weapon to throw into the well?

Witness: No, he did not have a weapon.

The Tribunal President then opened up the floor to questions from the Personal Representative, Recorder and Tribunal Members, once he confirmed that the Detainee had no more questions of the Witness.

Tribunal Member: (to Detainee) Is this your uncle?

Detainee: No. It's the other one.

Tribunal Member: (to Witness) How long have you known the Detainee?

Witness: Since he was very young.

Tribunal Member: Were you captured on the same day as the Detainee?

Witness: Yes.

Tribunal Member: What happened when you were captured?

Witness: It was night. I was watering my land; it was late and cold. I did not go home, and spent the night over there. The next morning, I went to the river to take a shower. When I came out, someone asked me who I was, and asked me to raise up my hands. When I raised my hands, I had a chewing tobacco can, a mirror and some small scissors I was using to trim my beard that fell out of my pockets. They arrested me and took me to an American compound. At that time, I didn't see him because I was blindfolded. I had an enemy working as a translator for U.S. forces. An American gentleman said to let me go because I was an old man. After that, my young boy approached them and asked them to let me go, but they did not let me go and took me to Kandahar. In Kandahar, I saw the Detainee and another person I knew. I have 10 kids I left behind, and I'm very happy for the Tribunal because somebody will listen to me.

Tribunal Member: Thank you for that information.

Witness: God bless you and take you to heaven. I have 10 kids; they don't have anything to eat. I've been here, and nobody asks about me. I am happy to have you a board; please listen. You helped us a lot at the times of the Russians. You helped us by giving us weapons. We defeated them. I have so many kids left behind. We like the Americans, and believe in your book, the Bible. We like them (the Americans).

Tribunal President: I have one question. (to the Witness) Do you know if the Detainee owned a weapon?

Witness: No, sir. I swear to Allah he had no weapon, and was not a member of the Taliban. We lived far from the city in a village by the mountains.

Tribunal President: Thank you.

Witness: God bless you. I am very happy to see you so I could open up my heart.

Tribunal President: Thank you.

The Tribunal President then confirmed there were no more questions from the Tribunal panel, and confirmed the Detainee had no more questions for this Witness. At this time, the Tribunal took a short recess to allow for the second Witness to be brought into the room.

After the second witness was brought into the room, the Tribunal President verified this was a witness requested by the Detainee, and requested the witness identify himself.

Tribunal President: (to Witness # 2) We require the Witness to tell the truth and take the Muslim oath. Will you take the Muslim oath?

Witness: Yes.

The Recorder then administered the Muslim oath. The Tribunal President then permitted the Detainee the opportunity to question his Witness.

Detainee: (to the Witness) Do you know me?

Witness: Yes.

Detainee: Where am I from?

Witness: From Leijhay.

Detainee: What was my job?

Witness: You were a farmer; you were working on your farm.

Detainee: Was I with the Taliban?

Witness: No.

Detainee: Did I have a plan to attack American forces?

Witness: No.

Detainee: The day of my capture, did I have a weapon to throw in the well?

Witness: No.

Tribunal President: (to the Detainee) Does that conclude your questions?

Detainee: Yes, sir. Those were my questions.

The Tribunal President then asked the Personal Representative if he had any questions for the Witness.

Personal Representative: (to the Witness) Do you want to describe how the Detainee was captured?

Witness: Yes, sir. I could. We were in our house in our village until mid-day. It was the night of the eve of the Muslim holiday of the Ramadan. I wanted to go buy a filter for the tractor. Also, I wanted to go buy rice to eat. At that time, America captured us and brought us here until today.

Tribunal President: Any more details about the capture?

Witness: Yes, sir. I am a poor person, and he is a poor person. We don't have any enemies, so they handed us to you; probably someone sold us to you. I drive someone else's tractor; we are poor people.

Personal Representative: Do you want to describe in detail how you were approached by the Americans, and how you were on the side of the road?

Witness: Yes, sir. I will. It was cold in our area. It was morning and I woke up to pray, and saw American cars going to our village. I heard them firing. We stayed home until mid-day. American cars and aircraft were in the area. We stayed until we wanted to go to the bazaar. We were on our way, and the American forces approached us. There was a well, which we take water for plants and crops. We went to the side of the road, and they asked what we were doing there, and I said I am carrying the key for my tractor. They captured us and took us to Kandahar for 5, 6, 7 or 8 days, I don't recall. Then we went to Kabul. The interrogator there asked me if I knew about rocket launchers, and I said no, I am poor, and don't know about rocket launchers. The other day my personal representative told me that if you were recognized as an enemy combatant you would go to a review board. This means I would have to be involved in fighting. You brought me here, but I did not fight. I told my personal representative that I never fired on any Americans. Now I am here for two years, and nobody knows why.

The Tribunal President then offered the Recorder the opportunity to question the Detainee's Witness.

Recorder: (to the Witness) When you were captured, were you hiding from them (American forces), or did you step to the side of the road where they could see you?

Witness: No, Miss. Hiding would be in a house or a cave. I was in the middle of the road, so I did not hide.

Recorder: So you just stepped off the road; they could see you when they were coming?

Witness: Yes, Miss. If I was hiding, they wouldn't find me. They found me, so they saw me. They got out of their cars and pointed the guns at me and arrested me.

Recorder: What were you wearing when you were captured?

Witness: It was brownish, traditional clothing. It wasn't completely black, but close to black color.

Recorder: You said it was cold; did you have a coat on?

Witness: No I didn't have a jacket or coat, but a traditional shawl I wear. It is same color as darkish-brown.

Recorder: Did the Detainee have a jacket?

Witness: Yes, Miss.

Recorder: What color was it?

Witness: It was old coat in a faded greenish color. I don't recall exactly.

Recorder: Were there any types of markings or symbols on the jacket?

Witness: I did not pay too much attention. It probably had, but you should ask him this question.

Recorder: How many people were arrested with you that day?

Witness: It was 30-40 people captured from my village, but they let them go. My nephew and I were captured at the same time and place.

Recorder: And they were the only ones?

Witness: Yes, Miss. We were two captured and brought somewhere else. Then after, they took us to their base. We saw a lot of people from our village there, but they let them go, and kept us.

The Tribunal President then asked any Tribunal Members if they had any questions of the Witness.

Q: Did you have any type of weapon when you were captured?

A: No, sir. We are poor people; we did not have a weapon.

Q: Are you a member of Taliban or have you ever worked for the Taliban?

A: No, sir. I was a tractor driver for someone else. I was a poor person working on my land. The Taliban didn't bother us, and we didn't bother them. We were not working for them.

Q: When you were captured, did you hear the soldiers talking about the well?

A: Yes, sir. The translator was there and 10-12 American soldiers. They asked about the well and what it was for. I said we take a machine to pump the water out of the well for our land, and put it on our crops.

Q: Did they ask you about throwing a gun down the well?

A: No, sir. At that time, they didn't tell me that, nor did they tell me in Kandahar. In Bagram, they told me about the well.

The Tribunal President then confirmed the Detainee had no further questions of this witness, and took another recess to allow the third and final Witness to be brought in.

The Tribunal President then verified the third witness was a witness requested by the Detainee, and requested the witness identify himself.

The third Witness took the Muslim oath as administered by the Recorder.

The Detainee then began to question the Witness.

Detainee: Do you know me?

Witness: Yes, I know you.

Detainee: Where am I from?

Witness: Leihjay.

Detainee: What was my job?

Witness: You were a farmer, busy farming.

Detainee: Was I with the Taliban?

Witness: No, no. You were taking care of your orphan brothers.

Detainee: Did I have a plan to attack the Americans?

Witness: No, no. You would not harm a bird. You would not hurt the Americans.

Detainee: Did I have a weapon so I could throw it in the well?

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Witness: No, no. You did not have a weapon in your house; even to harm a bird. You were busy feeding your orphans. (addressing the Tribunal) Could I tell you a few things about this boy?

Tribunal President: Sure.

Witness: I know his name. His mother and father are deceased. He was working very hard to take care of his brother and sister. He is a poor individual. He did not fight or anything. His father died when he was young, and after that, his mother died. He was feeding his brothers and sisters by working for one individual one day, and another day, another individual. We were happy for the Americans because monthly we were receiving one bag of wheat. If we found someone against the Americans, we would've handed them over because we believe the Americans came to build us roads; they were there to help us.

The Tribunal President then opened up the floor to questions of the Witness from other Tribunal Members.

Recorder: When were you captured?

Witness: It was early in the morning, and I was sick. I had goat's skin on me to make me sweat. You must wear the goat skin for ten days at home. I went outside with the goat skin on me to take in the sun. I was outside when they came and searched me. I had a chewing tobacco can with me, and they arrested me and brought me over.

Recorder: What do you do in your country for a living?

Witness: I was a farmer. I was farming for an individual that couldn't walk. I had a six year-old boy and I wanted to feed him.

Recorder: You said the Detainee was a poor person; are you also a poor person?

Witness: Yes, Miss. I am a very poor person. I still owe money from the time of President Raboni. Still I have not paid my debt.

Recorder: When you were captured, did you have money on you?

Witness: I had four thousand Afghani bills in my pocket from the time of President Raboni. Then I had around 30-40 of Karzai's money in my pocket at time I was arrested. I can only use Karzai's money now.

Recorder: Are you a member of the Taliban?

Witness: No. I did not spend one night with them. I did not spend one night outside my house because my mother is old, and I have to take care of my son.

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Recorder: Did you know of any attacks against the Americans?

Witness: No. I swear to Allah, I did not see, know or hear. I told the American forces when I was captured that I wouldn't throw anything in front of your way. I would not fight. The only thing I would like to add is that our current governor in our area was a soldier, and he gathered up all of our weapons.

The Tribunal President then permitted questions of the Witness from the Tribunal Panel.

Tribunal Member: How long have you known Abdul?

Witness: We are from the same village, the same area. We grew up together; I saw him day and night. He is my cousin on my father's side; like a cousin from the mother's side. If he lied, I would tell you the truth about him.

The Tribunal President asked the Detainee if he had any follow up questions for the witness.

Detainee: No, sir, I don't have any other questions. All I want you to know that I was a poor person working hard. I don't have any more questions.

The Tribunal President then recessed the hearing to allow the Witness to be taken out. Upon return, the Tribunal President and a Tribunal Member asked the Detainee several follow-up questions.

Tribunal President: Do you have any other further statements for us after the Witnesses?

Detainee: My statement is that I was poor. I had 6-7 orphans to take care of. I did not do anything wrong against you. Please, help me go home.

Tribunal Member: When you were on the road and saw American forces coming, how far off the road did you go?

Detainee: I cannot recall exactly, but it was around 10 steps away from the main road. They told us not to move, and they arrested us.

Tribunal Member: Did you hide, or were you just standing there?

Detainee: No, sir. They were behind us. Prior to that time, the translators said when ever you see the Americans, go to a corner, and do not block their way. When they came up behind us, we went about 10 steps to the right. They told us to sit down and don't move. They searched us, and they captured us.

Tribunal Member: So you didn't even sit down until they told you to sit down?

Detainee: Yes. We did not sit until they said, don't move.

Tribunal Member: And it was just you and your uncle?

Detainee: Yes, my uncle and I were going to the bazaar when they captured us.

Tribunal Member: And you had no weapon with you?

Detainee: No, no. We did not even have a small knife in our pockets. We were going to the bazaar when they captured us.

Tribunal Member: Did they say anything about the well there, or did they not say anything until you got to Bagram?

Detainee: No, no. We were away from the well when they captured us. There were 6-7 soldiers with a translator that took us another 20 steps away to some other soldiers by the well. The translator asked me at that time what the well was for. Then they asked me over there. The translator asked about the well, and I told them that we had a drought and there was not enough water for crops. Then we dug the well, and made a machine to take the water out. It was a newly dug well. I told them that. There was only a small amount of water in the well. When they captured us, they put us in cars and then an aircraft to Kandahar. I was in Kandahar for 6,7 or 8 nights, and they didn't ask about the well or weapons there. Over there, they didn't tell me I had a weapon or attacking Americans or any wells. In Bagram, they asked if I had a gun and threw it in the well. They told me in Bagram. I told them, no. My uncle and I were poor people. We were not involved in any fight, and that we were going to the bazaar to get something to eat. This is my story.

Tribunal Member: So when you were standing by the well, they didn't say anything about weapons?

Detainee: No, no, no. They did not ask me about any weapon thrown in the well, and didn't ask me any question until I was taken. If you were to drop a pen in the water, you could see it.

Tribunal Member: What crops do you grow?

Detainee: All year round, we have wheat and corn. But for our family, we plant tomatoes, melons, watermelons and vegetables.

Tribunal President: The place that you were captured; was it your land or your well?

Detainee: Yes, sir. I was caught in my own village and was not far from home.

Tribunal President: You mentioned the translators and linguists a number of times. Did you know or recognize any of them personally?

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Detainee: No, I didn't know any of the translators. But when they were translating I realized that they were translating for other individuals.

The Tribunal President then thanked the Detainee for his testimony, and asked if the Detainee had any more evidence for the Tribunal.

Detainee: I have nothing else to say. I request from the Tribunal that I am a poor person, and that I had three witnesses that told you I was not involved in any kind of hostilities. My request is that you will find this out about me.

Tribunal President: We'll promise to do our best in reviewing all the information in our determination.

Detainee: Yes, sir. Please help to free me to go and feed my 6-7 orphans; to work hard and give them food. I don't know what they have to eat. This would be a good help from you.

The Tribunal President thanked the Detainee for his testimony, and explained the rest of the Tribunal process. The Tribunal President then adjourned 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.



_____, Colonel, U.S. Air Force
Tribunal President

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