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**Summarized Detainee's Sworn Statement**

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

***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.***

***The Recorder presented Exhibits R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).***

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

***The Tribunal President, referring to the Detainee Election Form, made the following statement:***

Tribunal President: I see by the Detainee Election Form that you have elected to participate as evidenced by your being here today. I also see that you requested two witnesses from Afghanistan. The first witness was Haji Manan. You offered that this witness was with you fifteen days prior to capture and can testify that you did not engage in hostilities against the United States. The second witness you requested was Khurallah, your father. Basically you said he could testify that you are not associated with the Taliban or al Qaida and that you were staying at home learning how to drive a tractor from your brother. As such, I ruled that this testimony appeared to be relevant to your case. In accordance with standard procedures, the request was sent to the U.S. Department of State on 4 January. An additional follow-up request was sent on the 17<sup>th</sup> of January. To date the Department of State has indicated they have had no response back from the foreign embassy. As such, I've determined that based on the attempt to locate and lack of response that these witnesses are not reasonably available. I will tell you that if this testimony does in fact become available at a later time the Tribunal will consider whether to reopen your case or not. Rahmatullah you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder would you please administer the oath?

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

***The Tribunal President opened the Tribunal to the Detainee to make his statement.***

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Personal Representative: Madam President, prior to the Tribunal I met with the detainee and he wishes me to read the allegations and he will respond to them.

*3.a.1. The detainee has strong ties to the Taliban.*

Detainee: I don't have strong or poor relations with the Taliban. I don't know who is a Talib. I never saw any Talibs. I don't know them. Who are the Talibs and who is working in the government? My job was to operate a tractor and this work does not have any relations with the Taliban or to work in a Talib government.

*3.a.2. The detainee organized a violent anti-government protest in Tarin Kowt, which urged Afghans to kill United States Forces and any Afghan who assisted the United States Forces.*

Detainee: I don't know where Tarin Kowt is. How come people will accept my words when I was a little kid at that time when I was arrested? It's not possible for all people to be opposite of the government. By my order I was a little kid.

*3.a.3. The detainee was reported to have close ties to a former senior Taliban military commander.*

Detainee: I don't have any relations with any senior Taliban and I don't even know a junior Taliban even if I had a relationship with a senior Taliban. If I had a relationship with a senior Taliban, who is he? What is his name?

*3.b.1. The detainee fit the description of one of the individuals leaving the site of the ambush against U.S. forces.*

Detainee: What kind of description is on me? If it was that I had ambushed the United States, why did I go directly to my home? They arrested me in front of my home. After I sat in the car and went to my home, I didn't have any weapons on me. If I were involved in an ambush against the United States why would I sit in the car and come directly home to be arrested? I would go somewhere else.

*3.b.2. The detainee was involved in the ambush of United States Forces and was captured with a large cache of weapons.*

Detainee: I didn't participate in any ambush against the United States and I didn't have any weapons on me at all.

*3.b.3. The detainee suffered hearing loss when captured, which was caused by firing weapons.*

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Detainee: I never had any difficulty with my hearing. If I had difficulty with my hearing why didn't they tell me? Why didn't they treat me? They never gave me any medication and they never checked my ears.

Tribunal President: Is there anything at this time that you would like to tell us?

Detainee: I don't know why these lies came to me. These allegations are not based on truth. I was a little kid and I was supporting my family, to work and support my life as well. At the same time, I was a little kid and I was trying to learn how to operate a tractor from my brother. This is another reason why I was working hard to support my family. In that fifteen days that I operated the tractor, I was away from my home. When I returned to my home they arrested me. At the time I was arrested it was similar to right now in here. The day was like today in here and I was arrested.

Tribunal President: I would like to tell you at this point the only information we have about you is what we've been provided in the unclassified summary. We may have some questions that we would like to ask you. Would you be willing to answer questions for us?

Detainee: Yes. Of course you can ask questions. If I have the answer I will tell you the answer, if I don't, I will tell you I don't know that.

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

Personal Representative: No Ma'am.

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

Recorder: Yes Ma'am.

Recorder's questions

- Q. You mentioned you were a little kid at the time when we discussed the protest in Tarin Kowt. Please clarify if you were actually there at Tarin Kowt or are you saying that you were you a little kid at the time participating in any type of protest?
- A. Like I said, I don't know where Tarin Kowt is. I said that I was a little kid but the time was not clear to me. When was that? I was a grown boy? I'm not sure about this age. Nobody will accept from me if I was opposite of the government.
- Q. Do you know how old you are now?
- A. I don't know exactly how old I am. Approximately I am twenty-two years old. In a few days I will complete two years here. Around EID I was arrested and EID is starting in a few days.
- Q. You mentioned you were arrested in front of your home. Where do you live? Where were you captured?
- A. No I was on the way home not in front of the house.

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- Q. Were you in a vehicle? Were you walking? How were you captured? What was the scenario?
- A. We were on the way and they wanted to check the bus. They stopped the bus and asked us to come down from the bus. After they checked us, they arrested us and brought us to the place for detention.
- Q. You were actually in a big bus or was it a car?
- A. It was a small car but it had a few people in it.
- Q. One more question. What town was this in? What village?
- A. Close to Leejai village in Baghran district in Helmand province.

Tribunal President: Do any Tribunal Members have any questions for the detainee?

Tribunal Member's questions

- Q. Did you live at home with your parents?
- A. Yes.
- Q. Do they own a farm?
- A. Yes.
- Q. Is that what your father's occupation was? Was he a farmer?
- A. He is not a farmer but he works on his land. He worked in the market. My father has a store in the market. He either runs the store or works on his land.
- Q. I'm not sure where Helmand province is, what's a big city? Is it near Kandahar? I want to get a picture of where you lived.
- A. I swear I don't know the correct answer. I know it is close to Kandahar.
- Q. When you were on the bus, where were you coming from and where were you going to?
- A. I wanted to come from the place I was operating the tractor to my home.
- Q. How far away are those two locations?
- A. This is the first time I was away to that point. I don't know exactly how far it is.
- Q. I don't need to know exactly but was it a five-minute drive or a ten-minute drive on the bus?
- A. No it is approximately two and a half hours to three hours away from my home but exactly I don't know. The reason I don't know is because from this side I went by tractor from that side I came by car. That is why I'm confused about the time and the distance.
- Q. You went to this location by tractor? Whose tractor was that?

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A. It belonged to Haji Manan.

Q. I guess I don't understand. Why do you have to drive more than two hours to learn how to drive a tractor when your neighbor already has a tractor?

A. This tractor belonged to that guy (Haji Manan) and he was paying me. I was operating it. That tractor did not belong to me it belonged to him and he wanted me to operate and take it up there.

Q. Did Haji live two hours away from you?

A. That place that I described a while ago it was approximately three and half hours distance from me. That is the place he is living.

Q. Do your parents have any weapons in their house?

A. No.

Q. Did Haji have any weapons?

A. I don't know about Haji, I just operated the tractor.

Q. On the bus, how many of you were captured from the bus?

A. Approximately, God willing, it was seven people. This is long ago that's why I can't figure out the numbers exactly. God willing, I previously I confessed that seven is the exact number.

Q. Of those seven or so, do you recognize any of them here? Are any of them here that you know of?

A. The guards know, I don't know. The reason that I don't know is that when I sat in the car I didn't know those faces. If they are in here, I don't know.

Q. When you were captured, did they give you a reason?

A. No they didn't give me any reason.

Q. Were you arrested by Afghanis?

A. No it was American Forces.

Q. I would just like to clarify a few things. Do you have any formal education?

A. No.

Q. Do you have any military training?

A. No.

Q. You said earlier that there were no weapons in your house. Have you ever fired a weapon?

A. No.

Q. To clarify, you do not know any Taliban members?

A. No.

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Q. Have you lived in Afghanistan your entire life?

A. Yes.

Q. Have you traveled outside of Afghanistan?

A. No.

Q. Do you have a passport?

A. No.

Q. Do you know if any of your friends like Haji or family members have attacked U.S. Forces?

A. No.

Q. Have you ever protested either the new government, the Taliban or the U.S. Forces?

A. No.

Q. For the record, what is your brother's name?

A. Essatullah.

Q. Is your brother older or younger than you?

A. He is older than me.

Q. When you were away for your fifteen days of training, did you stay with your brother?

A. No. Before those fifteen days I was with my brother. The fifteen days that I operated the tractor I was with Haji.

Q. Does your brother live at home with you?

A. Yes.

Q. Did any of the passengers in the car have weapons?

A. I didn't see any weapons on them and I didn't know them at all.

Q. Is Haji's house or farm close to yours?

A. That's the difference of the distance between Haji and us, two and half hours.

Q. For clarification, it was it Haji's tractor?

A. Yes it was.

Q. Did your family borrow the tractor and you were returning it to Haji?

A. No. I said before that the tractor belonged to Haji and I was operating that for him and he paid me, hourly or weekly.

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- Q. I thought I understood that you drove the tractor from your home to Haji's house and then caught a bus back.
- A. Yes of course. He brought it to our village and he left it in the bazaar. From the bazaar he told me to drive it up to his home.

**Tribunal President's questions**

- Q. You said you were working on a tractor. What kind of crops was Haji growing?
- A. Wheat.
- Q. What specifically were you doing with the tractor? Were you cutting down weed or were you prepping the fields? What were you doing?
- A. I plowed the ground.
- Q. You were getting it ready for crops?
- A. Yes. When I was plowing the ground behind me they were spraying the seeds.
- Q. What province is Haji from?
- A. Helmand.
- Q. It's in the same province?
- A. He is living in Seyachaw village, Baghran district in Helmand province.
- Q. Tell me a little about your bus ride. How did you link up with this transportation?
- A. When the sun rose, I got off from the Sirai (ph), which is a big place where people live, and I went to the side of the street. When I stopped on the side of the street a car came. I waved my hand. When he stopped the car I climbed into the car. We came after the time the people were standing and checking the car.
- Q. Where did the driver say that he was going? How did you know that car was going to take you where you needed to go?
- A. Basically in our country, each village has separate cars for transportation. Everybody knows his or her village cars, which is passing from the bazaar. When they are coming and you are waving, you can recognize these cars are going to our side. It's easy to recognize it. One side goes to toward the bazaar and I had to catch that car.
- Q. Did you pay for this transportation?
- A. When I arrived at the bazaar I had to pay him. At the final destination I had to pay him.
- Q. Were there already others in the vehicle when you got into it?
- A. Yes. All of them were in the car except one. One of them climbed in after me into the car.

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- Q. You rode for two and half hours, did you engage in conversation with the other travelers?
- A. No. I did not talk to anybody. I didn't need to talk to anyone. Basically if I had a friend with me or someone I knew I would talk. If I don't know anyone when I climb into a car I would say hi to everyone then I would sit in my spot and not talk.
- Q. Is your name common, Rahmatullah? Are there others in your village?
- A. Yes.

Tribunal President: At this time do you have any other thing that you would to tell the Tribunal?

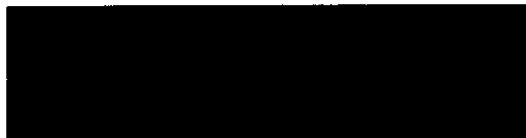
Detainee: This is the question I have. The allegations that came on me, none of them are true. It's my fault and enough is enough. Like I described I'm not interested to do such a job. I am only interested in my professional job, which is operating the tractor. For the rest of the allegations, I don't know about it and I don't like it.

*The Tribunal President confirmed with the Personal Representative that he had further evidence and that the Detainee had no previously approved witnesses to present to the Tribunal.*

*The Tribunal President explained the remainder of the Tribunal process to the Detainee and 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. Army  
Tribunal President

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