

**Summarized Unsworn Detainee Statement**

*The Tribunal President explained the Tribunal process to the Detainee.*

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

Detainee: Show me classified evidence.

Tribunal President: Unfortunately we cannot, because of security reasons, make classified information available to you.

Detainee: Yes, I have said that I am a participant in this presentation, and you can take me to Washington if you want.

Tribunal President: We thank you for your participation.

Detainee: I thank you too.

Tribunal President: You wish to speak to each piece of the evidence under oath and the detainee has requested numerous witnesses but was not able to provide addresses or descriptions and they could not be contacted; therefore, they are not reasonably available. And the detainee did not request any documents to be produced. Hafizullah, you may now present information you have to this tribunal and you have the assistance of your Personal Representative in doing so. Do you still wish to present information to this tribunal?

Detainee: I will present information anywhere and everywhere you want me to.

*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.*

Tribunal President: Would you like to make your statement under oath?

Detainee: Yes of course, I do I always I can swear because I am telling the truth.

**Summarized Sworn Detainee Statement**

Detainee: Yes, of course a Muslim oath because I am a Muslim.

Tribunal President: Yes, of course that is why we have that available for you.

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

Tribunal President: Thank you, Hafizullah, you may begin.

Detainee: They asked me if I had any weapons and I told them the whole village can be my witness and I told this gentleman about it. There are four mosques in my village which is the Galdon area and you can ask anyone in that area from a little kid to the older people; you can ask them about me they will give you information about me. I was ready to give a lot of names but my Personal Representative said these two names would be enough. If you want one person to a hundred they will witness that I was not involved in any of these activities. If anyone proves that one person said that I was involved in these activities, then you can have me sit here forever.

Tribunal President: Personal Representative, would you at this time clarify any witness request that the detainee has made to you?

Personal Representative: Yes sir. He indicated that the whole village could testify. I took down two names and stopped him at that point and said we need to get physical descriptions.

Detainee: He only wrote two names, but I was giving the whole village as witness.

Personal Representative: And again he would never respond directly to any question about the physical description of the witnesses nor did he have the address information. At that point I said there is no reason coming up with a list of a hundred names.

Detainee: There are hundreds of people in the village. I was going to write everybody in the village. You will find fifty if not hundreds of them, if you do not believe all of the hundred you may believe just half of them about me.

Tribunal President: All the Personal Representative wanted was two and you were unable to provide details on how to contact these two individuals, so how is any one going to contact a hundred people without more specific information?

Detainee: From my village Galdon did everybody move? There is no one living in Galdon anymore?

Tribunal President: No witness is reasonably available to testify for you today. Would you like to continue or discuss the witness question further?

Detainee: Why did you not find the witnesses?

Tribunal President: They were determined to be not reasonably available.

Detainee: I will write the names of a lot of people in that village. Just find five people from the hundreds of people.

Personal Representative: Mr. President, I also told him we could probably identify the people he was captured with and therefore, he would not have to provide descriptions, but he declined.

Detainee: No one from my village was captured with me here together; if there is any one, I will accept his testimony.

Tribunal President: I do not know what the circumstances were surrounding your capture, so I do not know if there were others with you or not.

Detainee: I don't know either. I was in my village and now I am here. There are a lot of detainees here.

Tribunal President: That is right. We are here today and there are no witnesses to testify today because there are none that are reasonably available. Therefore we will continue and if you would like to address the unclassified summary of evidence you have this opportunity to do that right now.

Detainee: I do not know about any of these things. I do not know about what weapons they are talking about. I was a farmer in my village and I was working. If you think any of these allegations are true you bring your witnesses so they will testify that I have done that.

Tribunal President: As already identified, the Recorder has no witnesses to testify here today also.

Detainee: You do not have one witness? I have hundreds of witnesses in my village of Galdon and you did not go there and you could not find them.

Tribunal President: That is right, we could not go there and we could not find them.

Detainee: There are four mosques in the Galdon area and of the residents of Galdon attending those mosques you can ask anyone from the little kids to older people; you can ask anyone. If anyone said that I have spent time outside the Galdon Village then I am guilty.

Tribunal President: We have no witnesses here today. We are here to hear your testimony only. And now at this time I would like for you to address these items of evidence - if you have nothing more to say we can wrap things up.

Detainee: Why should we wrap this up? The witness issue is very important. If you do not have witnesses, I have witnesses. There is my village. If someone there said I am guilty, I am guilty, otherwise why am I here?

Tribunal President: The witness determination has already been decided. There will be no witnesses.

Detainee: I do not know what to say about these things; these are your things. I was just walking in the street and I was captured. The next thing I found out is that I am sitting here.

Tribunal President: Does this conclude your statement?

Detainee: What do you mean concludes?

Tribunal President: Are you done, do you have anything else to say, we have some questions for you but for now, do you have anything else to say?

Detainee: You ask me now.

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

- **3. The detainee participated in military operations against the United States or coalition partners.**
- **3.1. The detainee when captured, was wearing an olive drab green jacket. He was stopped at a checkpoint because he was with a group observed caching weapons which had recently been used against U.S forces.**

Personal Representative: Yes sir, I will go over my notes of his responses during the interview. Concerning the first allegation that he was captured wearing an olive green jacket, and was stopped at a checkpoint.

Detainee: I had a jacket but I do not remember the color.

Tribunal President: Please let him finish and if you have something to add we will let you, but do not interrupt him.

Personal Representative: He was stopped at a checkpoint because he was with a group of people caching weapons that had been recently used against U.S. forces. He indicated that was false; he was in a taxi, there were no weapons and that American soldiers captured him on the way to the bazaar.

Detainee: I do not know what a weapon is, I was going to the bazaar. Everything is a lie.

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

Personal Representative: Concerning the allegations that he suffered a hearing loss, which was caused by firing weapons.

Detainee: What about the ear? I never had an ear problem. Here the water is infected and this damaged my ear. I always had good hearing.

- **3.3 The detainee was raised and employed by Mohammed Shah Agha.**

Personal Representative: And the allegations that he was raised and employed by Mohammed al Shah (ph.)

Detainee: Mohammed al Shah (ph.) is not my dad who is Mohamed Shah (ph.). I do not know him.

Personal Representative: He said he was raised by his mother and Al Gahad (ph.) is his father in law. Do you have any comment about that - that Al Gahad (ph.) is your father in law?

Detainee: I was raised by my mother. I don't know Haji Mohammed Al Shah (ph.). Your translators always make such mistakes; he is Uncle Haji Mohammed Al Shah (ph.).

- **3.4. Mullah Mohammed Shah is a low-level commander of the Taliban.**

Personal Representative: Concerning the allegations that Mullah Mohammed Shah (ph.) is a low level commander of the Taliban.

Detainee: I do not know.

- **3.5. Mullah Mohammed Shah has been reported to be the leader of Taliban troops planning terrorist-style attacks in Afghanistan**

Personal Representative: Concerning five that Mullah Mohammed Shah (ph.) has been the leader of Taliban troops planning terrorist style attacks in Afghanistan.

Detainee: Why don't you arrest him? Why don't you bring him here? I don't know that person. My Uncle is the only person I know; I do not know these other people.

Personal Representative: Sir, that is a summary of what we discussed.

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

Recorder: No Sir.

Tribunal President: Do any Tribunal members have any questions for the Detainee?

Tribunal Members Questions to Detainee

Q: Did you say that you have been a farmer all your life?

A: I have worked on a farm.

Q: Do you have your own farm?

A: Yes.

Q: What do you grow on your farm?

A: Wheat, corn, onions, and potatoes.

Q: You have lived in Afghanistan your whole life?

A: I have spent my life in Galdon; I have my farm in Galdon.

Q: Has there ever been a time when you lived outside of Afghanistan?

A: Do not talk about Afghanistan, that is too big; just talk about Galdon my village. I have not been outside of Galdon either this way or that way.

Q: The gentleman you referred to as Uncle Haji Mohammed Shah (ph.) - were you employed by him?

A: Yes the way you said it was good - Uncle Haji Mohammed Shah (ph.) - I have my own land and I have not worked for him

Q: Have you ever been employed by someone else or only do you work for yourself?

A: I do not need to work for anybody else; thanks to God, I have enough land.

Q: The gentleman you call Uncle Haji Mohammed Shah (ph.), do you know if he is involved at all with the Taliban?

A: We are people of the mountains. We do not know about the Taliban. You probably know more about the Taliban then we do. You find it out; I do not know about the Taliban

Q: Did Taliban people ever harass you when you were doing your farm work?

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A: Where?

Q: In Galdon where you said you had spent your whole life.

A: I have not seen any in Galdon; it is in the mountains, they live in the cities. They have not come to Galdon.

Q: So they never approached you and tried to make you do anything for them?

A: No, I have not seen them but I have heard about Americans coming to Afghanistan.

Q: Will you please explain the circumstances of how you were captured on that date?

A: It was the eve of the Eid, the holidays after Ramadan. I was going to the bazaar. I took a Taxi, a wagon Taxi. On the way I saw your military men and they got us down from their car and handcuffed us.

Q: When you say us there must have been a group of people. How many of you were together?

A: They took me to the side of the street and handcuffed me so tight that I could not see any other people. I do not know how many other people they arrested. They held me very tight. My finger is still hurting from that.

Q: But the people who were traveling with you when you were first approached - how many were there?

A: There were six people including the driver.

Q: The other people in the Taxi - did any of those other people have weapons?

A: No, I do not know what weapons are. What is a weapon?

Q: After you were captured, after that point, what happened then?

A: First, they took us to a house, I spent one or two nights there and then we were taken to a metal structure for a few days and who knows how long after that.

Q: And did whoever take you there discuss some of the same things with you that we are talking about today?

A: What kind of questions?

Q: The same ones we are talking about today?

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A: Yes, they have discussed things with me.

Q: And you gave them the same answers you gave today?

A: Yes, I have given them the same answers but I don't know anything. I don't know these allegations. At least I have told the interpreter, but the interpreter has told them those things were not true

Q: Those people that were taken with you - are they also at the camp?

A: I don't know - they arrested all kinds of people over there but here we have all kinds of people, Hazaras, Arabs, we are all here in this camp.

Q: But have you seen any of the people you were with since the time you were arrested?

A: No I have not seen them, but here I ask people where they are from.

Q: When thinking about what was the biggest city closet to your village?

A: There is no big city around there. I do not know a big city.

Q: Have you ever hear of the word Khost?

A: I do not know what Khost is.

Q: How about Kabul.

A: I heard about Kabul when I was here, but I did not know about Kabul when I was there. I have not gone outside of Galdon my village either this direction or that direction.

Q: Were there any military camps around your village?

A: No, I do not know. I have not seen any military place.

Q: Some people told us it was necessary to have guns, weapons, and pistols in the house for protection. Did you ever see any of that?

A: We do not have enemies, we just do our work, and we have the shovel and other farming tools.

Q: Did you ever use a rifle or a pistol or anything like that?

A: I have not used it. If I do not know it, how is it possible that I have used it?

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Q: You do not know what a rifle or a pistol is?

A: No, I do not know this, because I have not used this.

Tribunal Member: I have no more questions.

Detainee: I know shovel, ax, and a plow.

Tribunal President: Hafizullah, is there any thing else that you want to tell us, that will help us as we make our decision today?

Detainee: I am just a farmer. You brought me here away from my family. I am just a little guy. You can send me with my paper work to Washington. If you want, I will go. I do not know why I am here.

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

Detainee: Not one word of these allegations is true. Anywhere I have to go I will go. I am just a farmer.

*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. Marine Corps  
Tribunal President