

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process, but made a statement.

Detainee: Yes, I'm ready.

Tribunal President: Do you have any questions concerning the Tribunal process?

Detainee: First of all, peace be upon you. I have been here for almost two years; what kind of government do you have that no one understands why I've been here two years for no reason?

Tribunal President: I understand you don't have any questions about the process we are going through today.

Detainee: You are leaders, and we were not against the Americans; we were happy when the Americans first arrived into our area. I've been sitting here for the past two years for no reason; we were happy for the coming of Americans.

Tribunal President: We are going to proceed with the hearing. There will be an opportunity later for you to provide more information about why you were apprehended and why you believe you should be released. More specifically, why you should not be classified as an enemy combatant.

The Tribunal President then reiterated the purpose of the Tribunal, and that none of the Tribunal Members had seen any information prior to the Tribunal other than the Detainee Election Form. The Tribunal President also explained in further detail the purpose of the Tribunal and offered to allow the Detainee the opportunity to ask questions at any point during the proceeding.

The Personal Representative submitted the Detainee Election Form (Exhibit D-A).

The Recorder then read the unclassified evidence.

The Tribunal President addressed the Detainee Election Form, and confirmed with the Detainee the identity of the Witness he requested. Although the Witness was in U.S. custody, he was unable to be present due to Force Protection concerns; the Witness was, however, able to provide an alternate form of testimony by sworn statement as provided to the Personal Representative.

The Tribunal President then offered the Muslim oath to the Detainee, and that it was a promise to tell the truth.

Detainee: Yes, yes; I am ready. I am ready to testify because I was innocent. I was very happy you helped us to be freed from the oppressors; for the past two years, my interrogations never ended.

Tribunal President: As I understand, you'd like to make your statement under oath?

Detainee: I am ready to swear twenty times because I'm innocent.

The Recorder then administered the oath to the Detainee. After the Muslim oath, the Detainee stated the following:

Detainee: I'd like to notify all of the leaders, that I owe 200,000 rupees, and I was taking care of my family; I owe all that money, and now I'm here.

At the Tribunal President's request, the Personal Representative then stated each point of unclassified evidence separately, to allow the Detainee the opportunity to respond.

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 United States forces.

Detainee: All lies. I assure you all over Afghanistan no one could prove this. I only had two donkeys with which I was taking care of my family.

3-2. The Detainee suffered hearing loss, which was caused by firing weapons.

Detainee: All lies. I assure you that since childhood, I had this problem, and it wasn't from firing weapons.

3-3. The Detainee had knowledge of an early warning system used to warn villagers of approaching United States or coalition forces.

Detainee: All lies. I didn't ever go very far from my house, ever.

3-4. The Detainee operated an intelligence collection network in support of a former Taliban Chief of Intelligence.

Detainee: All lies. I swear to Allah that I don't know what the Taliban is; all I know is that Karzai is the President.

3-5. The Detainee was scheduled to meet with other Taliban leaders who discussed an upcoming jihad against the coalition and Afghanistan Transitional Authority.

Detainee: I swear to Allah that I don't know these leaders as I was providing for my family; all over Afghanistan nobody would tell you I know these leaders.

Personal Representative: (addressing the Tribunal President) Sir, this concludes the Summary of Evidence for the Tribunal.

UNCLASSIFIED//FOUO

ISN# 966
Enclosure (3)
Page 2 of 6

000060

Detainee: I was working day-by-day to provide for my family; I was very happy for the coming of the United States forces. I would like to tear up my clothes in front of the Tribunal; I'd like to tell the President of the Tribunal that we were happy. I'm not al Qaida or Taliban, and they came to get rid of the oppressors of Afghanistan. God willing, in the future, anyone who accused me of these bad things I would hand over to the United States. I am ready to tear up my clothes if you want to slaughter or kill me; all over Afghanistan there are no individuals that would tell you anything wrong about me to you. I swear if I was guilty I would not swear, but I am innocent which is why I'm ready to swear. Thank you very much, and I say greetings to you, whatever you want to do.

The Tribunal President then requested that the Personal Representative present the statement from the Witness.

Personal Representative: The Witness made a statement on 16 December 2004, to each of the allegations on behalf of the Detainee. On #1, (the Witness) answered that everyone has a drab olive green jacket. Wintertime is cold, and everyone wears it. Yes, you may buy one at any bazaar, and he has a new one. At time of capture, he was outside of his house on the wall wrapped in goatskin, because he has TB and was sick. On #2, he was deaf since childhood, not from firing weapons. On #3, no one had knowledge of early warning systems; three people told lies from the village because they didn't like me or the Detainee. They had worked for the Russians. Americans had come before, and they ate at my table. On #4, the Witness stated no, he was a poor man, and Taliban never came to our area. How could he work for the Taliban? Our people were against the Taliban. He had no education, and is unable to read or write. On #5, the Witness stated no; the Detainee never stayed out of the village for a day, and never had a relationship with the Taliban, because he was just a farmer. That completes the Summary of Evidence, but I asked the Witness several other questions.

Below are questions asked by the Personal Representative (PR) and the PR's summary of the Witness (W) testimony.

PR: How long have you known the Detainee?

W: I have known him since childhood; he is the son of Kowaskakhi (ph), and the grandson of Anwar Babu; he has TB and is treated here with IV's, and he is weak. They treated him for eight to nine months for this. Next month will make it two years we have been here.

PR: Did the Detainee have any weapons?

W: No; he was a farmer for another person that is disabled. The name is Lakik (ph), and the Detainee was farming for this person, and is where he got his money. He had no weapons or education.

PR: Does he have any possessions?

W: Two donkeys.

UNCLASSIFIED//~~FOUO~~

PR: Did the Detainee fight against American or allied forces?

W: No, he never fought the Americans. He was happy for the Americans, happy to see them, welcomed them, and supported them. We believed in them, with the same God, better than the Communists. Everything I say is true, and I will say under oath.

Tribunal Members Questions to Detainee

Q: As the Tribunal President told you, we've seen no evidence about you, so please bear with me; where do you live?

A: In my village.

Q: Where's your village?

A: Lejay.

Q: And where's the nearest large city?

A: The city is far away; our village is in a mountainous area. We are close to the District of Bagron (ph).

Q: Is there an American or coalition base near you?

A: No, no, not near my village.

Q: How were you apprehended?

A: Americans came from a different village and were going through my village when they captured me.

Q: Why did they capture you?

A: I was sitting outside my house, because the day before I'd been wearing a goatskin; I had a jacket sitting outside, and they probably thought I was al Qaida, came and arrested me, and took me to an old house. The next day they took me somewhere else.

Q: You said you'd never heard of the Taliban; is that correct?

A: Yes, yes, I didn't hear of the Taliban because they never came to my area. The people against you probably told you that Taliban exist in my area; no Taliban existed in my area.

Q: So who did you think was the governor of the area in which you lived?

A: A friend of the Americans, named Shar Mohammad (ph), was the governor of Helmond Province.

Q: Had there been any attacks on American or coalition forces in your province?

A: I swear to Allah I did not hear even one shot; my village is located between two other villages. Again, I swear I never heard a shot.

Q: It seems that you're hearing [is] fine; is the problem gone away or are you getting treatment?

A: My left ear is fine; my right ear is blocked, and I can't hear with my right ear.

UNCLASSIFIED//~~FOUO~~

ISN# 966
Enclosure (3)
Page 4 of 6

000062

UNCLASSIFIED//~~FOUO~~

Q: Can you confirm what the Witness said that you can't read or write?

A: I cannot even write my name; I swear to Allah I can't read or write. A letter I received from Afghanistan I had to ask a translator to read.

Q: Did you travel very far from your village?

A: No, no, no; I never traveled to the cities; sometimes I went to the bazaar for sugar or candy. Sometimes I went to the next villages for work, but I did not go to the main cities.

Q: Did you ever see a group caching weapons anywhere near your village or location?

A: No, no, no; I swear I never heard someone even had a weapons cache.

Q: What were the names of the Communists you said accused you of these allegations?

A: I swear to Allah that I don't know their names, but probably my Witness would know their names; he would definitely know. I have a request, as you are my leaders, that my family doesn't have anyone to support them.

Q: You just said you had a request, what was that request?

A: I have a request that since you are my leaders, for you to know that I did not do anything wrong, that my family may have nothing to eat for dinner; all of these accusations about me are wrong accusations. If you are supporting the government for farmers, if not, I am sitting here.

Q: How do you know the Witness; how is he related to you?

A: I've known him since childhood; he's in my village, and is an older gentleman. We have a drought problem in our area, and were working day by day.

Q: You said you were a farmer; what did you farm?

A: I grow wheat. One year the profit was (incomplete; translator couldn't convert to a dollar amount).

Q: It [the profit or dollar amount] is not important; just that you were growing wheat.

A: Basically, the first season we grow wheat, and the second season, we grow corn. Except buttermilk, we had nothing else to eat. We often ask our neighbors for cornbread and buttermilk because we did not have it.

Q: Regarding the circumstances of your capture, I understood you were just standing outside of your home when they came up and took you away? Is that correct?

A: I was in the house when I saw the Americans crossing my village; I came outside and greeted them. Then they told me to sit here and they arrested me.

Q: I'd like to know about your family; do you have any brothers?

A: I have 3 half-brothers; I have a son who is 6 years old.

Q: Your half-brothers; do you know what they do?

A: We work hard, farm, bring wood from the mountains on top of the donkey and make our living.

UNCLASSIFIED//~~FOUO~~

ISN# 966
Enclosure (3)
Page 5 of 6

000063

UNCLASSIFIED//~~FOUO~~

The Tribunal President then thanked the Detainee for his testimony, and asked if he had any further information to present to the Tribunal.

Detainee: It hurts me I've been sitting here the past two years. I did not do anything wrong; I committed no wrong, but I've been sitting here for the past two years.

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, USAF

Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN# 966
Enclosure (3)
Page 6 of 6

000064