

**Summarized Detainee Sworn Statement**

***As the Tribunal opened, the Tribunal President made the following statement:***

Tribunal President: Please tell the Detainee he doesn't need to stand when we do.

Detainee: If everybody is standing up, I don't have a problem standing up to.

Tribunal President: Okay, I just didn't know how uncomfortable that might be.

Detainee: No problem.

***The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and commented:***

Detainee: I don't have any questions now, whenever the Tribunal wants me to speak then they can tell me to start answering questions, I will do it.

Tribunal President: We will do that, thank you.

***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 Exhibit 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 today as evidenced by your being here. I also see that you requested initially to have one witness and that witness supposedly did not have firsthand knowledge concerning the enemy combatant issue but would testify to your employment with the Karzai government. In light of the cooperative testimony and looking at the unclassified summary we determined that the testimony has no relevance and therefore the witness request was denied. Naserullah you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present information to the Tribunal and would you like to make your statement under oath?

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Detainee: I can speak now?

Tribunal President: Yes, the first thing I do need to know though is if you would like to make your testimony under oath.

Detainee: I have no problem taking the oath if the Tribunal wants me to take the oath I can do it either way because I'm not scared, I know that I was never part of the Taliban and I never did anything wrong so I will tell the truth, so I don't have any problems taking the oath.

Tribunal President: And that choice is strictly up to you, we will accept your statement either way.

Detainee: I was asking if you wanted me to take it, if not then I said it before I will take it, I am ready to take the oath.

Tribunal President: Reporter will you please administer the oath.

Detainee: Should I start (inaudible)?

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

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

Personal Representative: Yes Ma'am, Naserullah and I had met approximately three weeks ago on the 20<sup>th</sup> of November. Our meeting lasted about an hour and fifteen minutes. I would like to begin with some general comments regarding that meeting, and then together we will respond to each piece of evidence as previously read here in the Tribunal. Do you (to Detainee) still wish to proceed in that manner?

Detainee: Yes.

*3.a. The detainee was carrying messages for Taliban commanders when apprehended.*

Personal Representative: A couple of general statements Ma'am. These are just general notes based upon our meeting and in there you stated that when you were captured you had absolutely no weapons whatsoever on you. That you served with the Karzai government, not against it. That you served with them for approximately a 2-month period and that you stated that you are also pro-American and helped the Americans. That you never fired any weapons and that you were a farmer. That you spent all your time working to support your family as your father had passed away. That you did not have time to support either the Taliban or the al Qaida. That the work you did for the Americans was when they were bringing in relief supplies: such as blankets, flour and other items. That you helped provide safety for those supplies when they were delivered. Regarding each piece of evidence as previously read about his association with the Taliban, you told me it was not

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true that you were not carrying messages for Taliban commanders when apprehended. Would you like to tell the Tribunal anything about this piece of evidence?

Detainee: When you ask me a question I can answer them, other than that, it is pretty much clear what you are saying and I will answer any question that you or anybody else in the room would like to ask.

Personal Representative: That's fine, you will have the opportunity to answer individual questions.

*3.b. The detainee participated in military operations against the United States and its coalition partners.*

*3.b.1. The detainee suffered hearing loss when captured, which was caused by firing weapons.*

*3.b.2. The detainee took part in attacks against U.S. forces.*

*3.b.3. The detainee had knowledge of an early warning system used to alert of approaching U.S. or coalition forces.*

Personal Representative: Regarding participation in military operations and suffering hearing loss when captured, you told me you do not have hearing loss, your hearing is fine nor did you suffer any hearing loss. When captured, you were going to the bazaar to get groceries for your family, you were in a bus, a small taxi, with approximately six other people. That you got this bus in your own town, it was daylight when you went to the bazaar; the time was approximately 12 o'clock or high noon. You also denied taking part in attacks against U.S. forces; nor did you have any knowledge of an early warning system used to alert of approaching U.S. or coalition forces. That's what had happened, you got on this bus in your own town to go the bazaar, and you came up against a checkpoint and the bus was stopped at this checkpoint. Those were the circumstances, they took you off the bus and they captured you. You told me that all of the items of evidence that I had read to you were not true, and Ma'am that's the essence of the meeting that we conducted on the 20<sup>th</sup> of November. Would you (Detainee) like to respond to questions or do you have anything else that you would like to add about our meeting?

Detainee: I would like to answer anybody's question, if they ask me. The only thing is I said in the beginning to my interrogator and to everybody that I am innocent and a farmer, I never did anything wrong. I was protecting and providing support to my family because when my father died, my brothers and sisters I supported them. I never did anything wrong, the only thing I did do is support the new Karzai government. I did that; I worked with him and guess that's what I got to support, the new government, that's why I am here today.

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

Personal Representative: Yes Ma'am, just a couple of questions.

Personal Representative's questions

Q. You said you did not know anyone on the taxi or the bus, how many people were on that bus when you got on it?

A. It is a taxi and the total was six people in that car. So, I was the last person to sit in the taxi, there was five people already in the taxi and the only person I spoke with was the driver, I asked him how much fare I had to pay him from here to the bazaar. So, that was the only time I talked to anyone in that vehicle, other than that, I didn't know anyone, I never talked to any person in that vehicle, and we were going and when we got to the checkpoint, they stopped us and then they told us to get out of the vehicle.

Q. Did this taxi go from your town, to the village, to the bazaar?

A. There is a main road from the village where we stay; we were walking the distance to the road from the village. When we got to the main road we heard a taxi going from there to the bazaar all of the time. I got there and saw the taxi was stopping and I got in the taxi. It's the main road to the bazaar and people usually come to the main road and stop and wait.

Q. Is this the way you usually go to get to that bazaar, this route?

A. Yes

Q. How many times during a month or a year do you go to the bazaar on that taxi?

A. I don't go to the bazaar everyday because you have to pay fare from there to the bazaar and I am a poor man, I cannot afford to go everyday. But anytime they need groceries in the house, like rice or bread or wheat, then yes then I go to the bazaar to get it. So, it's not like how many times I go in a week or a month, it just depends on how much stuff we need at the house and we usually put it together because I don't want to go just for one thing to the bazaar to get it, usually we make a list of what we needed and then go and get everything together because it costs money to go from there to the bazaar. I'm a farmer and I'm not making that much money.

Personal Representative: Ma'am, those questions were just in order for me to clarify the contents of our meeting and to clarify for the Tribunal the bus taxi he took was a taxi that originated from the town in which he lived. Those are all the questions I have at this time.

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

Recorder: No Ma'am.

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

Tribunal Member: Yes Ma'am.

Tribunal Member's questions

Q. How old are you Sir?

A. In Afghanistan we do not track a year or month and nobody cares because most people are uneducated so they don't know. The only thing that I can say is when I got captured I was 22 years old so all this time that I've been here you can add that to it. Because over there no one writes it down so if somebody needs to know how old they are or the month they are born, they do not track these things in Afghanistan.

Q. Are you a native of Afghanistan?

A. Yes, I was born and raised in my country and my father and grandfather live in the same area and we never went anywhere else.

Q. Okay, just to confirm you never actually traveled outside of Afghanistan in your whole life?

A. No, just in my country and in my area but I don't know any other places, this is the first time I have ever been outside...in Cuba.

Q. What is the highest grade level you've achieved?

A. There is no school in our area. The only thing that we learn when we are kids our parents send us to the mosque and at the mosque the mullah actually teaches you how to read and learn the Koran. How to read it and how to say it, it is the only thing we do when we are kids, other than that, I don't have any other education and I have never been to school.

Q. Can you read and write?

A. Yes, right now I write a little bit and read also.

Q. You said right now, how about when you were in Afghanistan right around the time you were captured, could you read and write at that time?

A. First of all, writing and reading I had a knowledge a little bit before but I'm still not familiar with that knowledge.

Q. Besides farming, have you ever done any other kind of work?

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A. No, the only thing I did was the farming because my father died; when I was captured, it was eight years since he died so I had my brothers, sisters and mother to take care of; that was all I did, just farming. The only thing I did was to support the new government of Karzai and I worked with them for two months. That is the only thing other than farming I did.

Q. What was it again that you did with the government of Karzai?

A. Well first of all I was at the airport, in an area of the airport. I protected the area of the airport that the American planes landed on the airport and brought blankets and food products to the people to support the people in the area, to give it to the poor and to the needy people. When they landed, we made sure that nobody came close to the airport and when they left, we protected the stuff that they dropped in. Because later on, the people from the government office would come and pick all those things up and take it to the capital, to the government place where they actually give it to the poor people. That is our job, to protect the area before the Americans land the plane and when they leave, we just protect the stuff where they dropped it at the airport and make sure the government people take it and not anybody else.

Q. Did you use a weapon at that time to protect the airport?

A. No, they did not issue weapons to us, they said that they would send us to training, which is a year or two years training. Then after that training they would issue you a weapon, but I was only there for two months, and before I got to that stage to send me to that training. I got captured so I didn't have a chance to go. They did not issue any weapon to us. We were waiting for the time they could send us to the training. The only thing that we were doing was protecting and watching for the people and protect when they drop the food and everything to protect it and monitor to make sure nobody comes and gets those things.

Q. What kind of crops did you farm?

A. In our area there is not that much water, but we grow wheat, corn and vegetables and watermelons and melons. That's all we do, we grow because we don't have enough water.

Q. The watermelons, what season do you plant those in?

A. When we cut the wheat, we grow the wheat and we cut it. After that we get the soil ready to grow the watermelon and melon. Since there is not enough water, the size does not get very big because there is not enough water. But usually we do that after we cut the wheat season, when the wheat season is over then we grow that.

Q. Is that fall, winter, spring, summer?

A. When it is not that cold, so we can grow it anytime because the weather is nice and

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if you have a warm winter, then yes they will grow. So usually it's the end of summer-time when we grow that fruit, melon or watermelon. But if you have water you can grow it at anytime because it doesn't get that cold.

Q. What area specifically did you live in?

A. The Province is Hilmon (ph) and the district is Bahrain and it's in Afghanistan and the name is Taryak. The village name is Taryak. I spent the whole time I never left my village more than one night.

Q. When you were captured, did you have any paperwork on you at all?

A. Yes

Q. What paperwork did you have on you?

A. Those were Americans that I worked with. I worked for the Mayor of the area. With the government approval they were shipping cards from our state to a different state, so they do have a record of what is going and what is coming in. It was by order of the government and I work with the Mayor because I know how to read and write. I did have those letters since I worked with him and the Americans saw the letters when they captured me and they were opening those letters.

Q. You said you worked for the Mayor there. Did you get paid for doing that?

A. I did not get paid from the government on a regular basis. The only thing we were getting money for 10 people arranging a way from state to state. Out of 10 people we only get one percent. Nine people, the pay would go to the owner of the vehicle and the one percent would go to them, which was the money that you were allowed to take. It wasn't any regular salary from the government, they were paying us on a monthly basis.

Q. These letters, which you said you could read and write, you actually had a chance to read these letters, you know what they said?

A. Yes, I saw it and if you show them now I can tell you if they are the letters. They captured with me and those letters were from either the commander or from the Mayor to do their things. Actually when we get to collect the money we take it to them and they give us the pay for it so they can see how much money and the rest to that person who had the vehicle. It was like that if they wanted to do something like mail simple paperwork or do their things, which was a government job. Those people are still working for the government, supporting the government, and it wasn't anything personal, it was to help the new government.

Q. Other than these letters, did you have any other paperwork on you at the time of your capture?

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A. Yes I did have some other papers with me, like I bought motor pump and I don't have receipt for it, I bought that in the bazaar. I don't think, we usually send away from different places and we know which way they go, so if they are official, like the Governor or commander, they want to send a letter from different area people then they will give it to us because we know who is leaving in a car, leaving to that area and we give it to the people so they can transfer it to the people in that district and province. Maybe I did have a letter like that from the government only to send it to a different area, I carry it to the village to the people with a car to leave our province to their province.

Q. How many other people were arrested with you?

A. I was the last person to enter the taxi so it was six people in the taxi and there was six people and they captured everyone from the checkpoint, there was a lot of people sitting right there and they were actually capturing a lot of people, so I don't know anyone in the group that was there but there were six of them all together sitting in one place.

Q. Have you seen any of them here in Cuba?

A. I was living with the Arabs, I did not see anyone from that area, from my area, from the people who got captured but in the beginning I saw one person. His name is Kismila (ph) and he is from my area and I saw him in the beginning. So I don't know now if he is still here or he's gone, but he is the only person that I saw. Other than that, the whole time I've been living with the Arabs and they are from another area, they were not from my culture. I don't know if those people live out there or if they let them go home.

Detainee: Can I say something?

Tribunal President: Certainly.

Detainee: The person, if he is still in Cuba, you can ask him if he knows. I'm sure he knows me from the same area and he probably knows me from childhood, when I grew up, and he knows my father died and that I was taking care of my family. You can ask him if he is there and he can testify about all those people. I don't know how much he knows me and what I did, but I'm sure he knew my family and me in that area and if he is still here, I'm sure if you ask him, he will tell you what he knows about me.

Tribunal President's questions

Q. When you were arrested, what did they tell you?

A. They did not tell us anything when they stopped us. They just said get out of the vehicle and sit on the side. They didn't say anything. They didn't say anything about

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weapons or fighting. We told them we were working for the new government and we also work for American safety when they come to the area to make sure they go safe and go to the safe homes. They did not use anything, they did not ask us any questions for two days. They kept us for two days in that area and they brought us to Bagram and from Bagram they brought me here. So they never said anything why we got captured, what was the reason because there was no fight at that time in that region and that's what I'm looking for.

Q. Who was running the checkpoint?

A. It was the American soldiers, and no one else was there and since we can't speak with them, we don't know the language, so why were they there and what were they looking for, the Americans who captured us?

Tribunal President: I want to thank you for participating in this Tribunal today.

Detainee: Thanks for giving me the opportunity to come here and tell what happened to me about my story. I have no problem to even come in the future if they need any information from me and they can go and ask anyone in the area about me and my family, what kind of person I was, and support the new government and I support the Americans in the area. At the time I got captured I had a full stack of wheat in which the Americans brought to give to the poor people. So I was the one getting stuff from there also, how would I go and fight against them? I supported them before and I will support them in the future and I have no problems with Americans and what happened to me. It may be the wrong information but if they do want to check on me, they can ask anyone in my area, in my village and those people will testify about me.

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

Detainee: No, if anyone else has a question, then yes, I would like to answer them, other than that, if you have knowledge of that person is in the camp and you think you need more to check on me, then you could ask him, the person, and I'm sure he will testify, he will give you the truth and he will tell you the same story that I told you because if you know my family. If you don't know me well because he will know about because we were in the same area. I don't have anything else to say what happened to me, it was just somebody that gave maybe wrong information to the Americans maybe that was written from the guard but that is supposed to be happening to me. I was captured there and then had to come all the way to Cuba to stay here. So I have no regret in there, but the only thing is that I'm innocent and there is nothing that I do is wrong. There isn't anything that I did, and the Tribunal can decide on that, that's fine, that would be great. If they need some more then they can go ask this person and they can go ask anyone in the area in my village.

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*The Tribunal President confirmed with the Personal Representative that he had no 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.

A large black rectangular redaction box covers the signature of the Tribunal President. A horizontal line extends from the right side of the box to the text below.

Colonel, U.S. Army  
Tribunal President

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