

UNCLASSIFIED / FOUO

Summarized Sworn Detainee Statement

The Tribunal President advised the Detainee that one of his requested witnesses was not relevant to the Detainee's classification as an Enemy Combatant, and his other two witnesses were denied because they were not reasonably available.

Detainee: Why are the witnesses I requested not allowed?

Tribunal President: Two of them are considered not reasonably available.

Detainee: How can we get the truth if they are not here?

Tribunal President: They are not here, although we will be willing to hear your oral statement.

Detainee: How would you like me to start?

Personal Representative: The Detainee requested I state the evidence and his response to the evidence on the Unclassified Summary and then the Detainee will elaborate. If the Detainee has any corrections to his statement, he can make them at that time.

Paragraph 3, [The Detainee is a member of the Taliban and al Qaida.] First of all I am not a member of the Taliban and I'm not a member of al Qaida. I'm a businessman. I have two stores. In one store, I sell plastic flowers. In the other store, I rent furniture and dishes for special occasions. I am a missionary; I go house-to-house, village-to-village spreading my religion.

Detainee: Americans attacked Afghanistan ten days before my year in the mosque was complete. If I would have been home when the Americans attacked my village, I would have been actively involved against them, but I was away from my village. Three months prior to the Americans arrival, the missionaries had a big meeting in our village. The Taliban came in and tore down our tents and speakers. They didn't want us to have the meeting. Right now the Americans are there and we can now do those types of things. The Taliban told us we were not strong because we weren't fighting against Americans. Therefore, the Taliban gave us a hard time. The Taliban was upset because no one attended their meeting and people from all over attended our missionary meeting.

I have never been a part of or had ties with the Taliban or al Qiada. You will have to show me that you have proof that I am a member of the Taliban.

Regarding paragraph 3.a.1, [Detainee was possibly identified as an al Qaida associate, planning landmine attacks in Khost, Afghanistan.] This is not true. On this allegation, there is one prisoner named Obaidullah that can refute this allegation. The authorities found landmines in his house. The authorities didn't find any landmines in my possession. I have not laid any mines. I have nothing to do with mines. Obaidullah was my business partner for two months about seven months before my capture. I am not at

ISN #975
Enclosure (3)
Page 1 of 7

UNCLASSIFIED / FOUO

002221

UNCLASSIFIED / FOUO

all responsible for that and had nothing to do with it. If I can get him at the Tribunal, we can clear this up once and for all. We broke our partnership because of a dispute over money. He owes me 80,000 rupees and claims to owe me only 60,000 rupees, so we broke off our partnership.

Detainee: Obaidullah has been unfair to me. The court should have him here so I could talk to him face-to-face. I would ask him questions on what he had and how he got it and why I had it. He could answer my questions. I will go to any camp. I just want the truth about what he has said. I would be happy if Obaidullah came in here and told the truth and it satisfied you. I again ask the court to bring Obaidullah here. Without him, the truth will not come out. Afghani people are use to getting someone in trouble over nothing.

Paragraph 3.a.2, [Detainee was possibly identified as a person likely to have communicated with Arab al Qaida members operating in Peshawar, Afghanistan, and working directly for Arab al Qaida in the Khost province.] This is nonsense. I'm as far from this thing as the ground from the sky. I never knew any Arab, never talked to any Arab, I have no association with any Arab. I'm shocked to hear the allegation. It is totally false.

Detainee: If you are associated with or work for someone of course you have a title, such as a cook. I was always busy with my business and didn't have time to become involved with al Qaida. I was never part of al Qaida. Al Qaida is gone; it isn't in Afghanistan anymore. This allegation is totally false. You don't have any proof that shows I was part of al Qaida, because I wasn't.

I went to Peshawar to take merchandise. The shopkeepers name was Momtaz.

Paragraph 3.a.3, [The Detainee recruited others to lay mines that would harm American and Afghan forces.] I'm so far from this thing. When the Americans came to Afghanistan, I was in Jalalabad for almost one year to do my duty to bring people to the religion. I went to the Lalpora district, Gushta District, Batikud District, Kuth District, and Kanikhil District to spread the religion.

Detainee: I wasn't in Khost for almost a year because I was out spreading religion. You can ask anyone in Khost.

[Detainee requested the Personal Representative re-read the allegation {3.a.3} from the Unclassified Summary.]

Detainee: This is totally false. I was a missionary and I don't deny that. As far as I know, it is not illegal over there and it's not illegal in the United States. The United States has rules and principles that you can preach anywhere you want to. I am uneducated and haven't gone to school. The only thing I have learned was from the Koran and that is what I preached. There are six principles I preach. It has nothing to do

ISN #975
Enclosure (3)
Page 2 of 7

UNCLASSIFIED / FOUO

002222

UNCLASSIFIED / FOUO

with terrorism or Jihad. I told people to pray and read their Koran. If I talked against the United States, show me the proof.

Paragraph 3.a.4, [The Detainee offered to pay others to lay mines that would harm Americans and Afghan forces.] This is totally incorrect. Find one person I paid or offered to pay to plant a mine. There are none. There is no proof.

Detainee: Four months prior to my capture, I borrowed 78,000 in Pakistani currency from my cousin. I wanted to use the money for business. I borrowed the money to go to Pakistan to buy goods to sell in Afghanistan. Twice I bought merchandise for my shop with that money. I made a profit of 9,000 in Pakistani currency. I gave my cousin 4,500 rupees of the profit. If I had so much money to give to people, why did I go to my cousin and ask for money to make money? I worked very hard earning the money by traveling around buying the merchandise and bringing it back to sell. My cousin sold land. After he sold the property, he gave me additional money so I could work with the money and split the profit with him. My cousin didn't do anything but sit at home and make a profit. My cousin is (inaudible). Before I was captured, I had his money in my shop. I'm not sure if it is still there or if it was given back to him. I don't know what the story is. My nephew can verify my story and if the money is still there. I'm not stupid. I didn't have money for food. I wasn't going to go over there and give people money to do something. If you tell me I did that, then provide me the proof. I can give you the address of my nephew.

Paragraph 3.a.5, [The Detainee was arrested by the Pakistan Police authorities on 13 August 2002 at the Khurgi, Pakistan checkpoint. In the Detainee's possession was a Thuraya Satellite telephone, 2700 United States Dollars, 3,600 Pakistan Rupees, and 70,000 Afghan Rupees.] I have a store in Khost. I was going to Peshawar, Pakistan. On my way to Peshawar, there was a small city named Miramshaw. I met a person named Abdullah Wazir. I knew him six years ago. We were in the same van from Miramshaw to Peshawar and I was in the front seat. My friend, Abdullah Wazir, was in the middle of the van. Between the two cities, there was a checkpoint with the Pakistani police. We stopped at the checkpoint and then they opened the door and asked three people to come down and be checked. My friend Abdullah Wazir was one of the three chosen that was checked. As he was getting out of the van, he handed me something, I didn't know what it was, I thought it was a camera. The police saw him do this so they told me to get out of the van as well. The satellite phone was not mine. When they searched Abdullah Wazir, the money was with him, not me. It was all his money, not mine. I had 3500 Rupees with me.

Detainee: I wish Abdullah were here so he could tell you what happened. I didn't know about the satellite phone, even a minute prior (inaudible), I wasn't aware of anything. I didn't know he had those things or that he was going to give them to me. You should ask Abdullah the questions regarding the cell phone.

Paragraph 3.a.6, [A doctors examination of Detainee's hands indicated that extant scaring appeared to be caused by explosives.] I burned myself when I was two years old on a flat

ISN #975
Enclosure (3)
Page 3 of 7

UNCLASSIFIED / FOUO

002223

UNCLASSIFIED / FOUO

stove, not with explosives. My aunt, my cousins, my brother can verify this. If it were with explosives, I wouldn't have a hand.

Detainee: I know you would not punish me or take me to court if I had fought against the Russians. What I have told you is the truth. What I told you about my scars was according to what my mother told me. I was too young to remember exactly what happened to my hands. My mother told me I was crawling while she was cooking on the stove. She left for a minute then, she heard me scream. Part of my knee and hand were on the stove. My skin was stuck on the stove. I haven't seen an injury caused by a bomb that only damaged your knee and hand. That is impossible. Most people injured by bombs lose their legs or hands. You can verify this with my family. If you can prove this was done other than by the stove, such as explosives, you can cut off both my hands. Not just my brother, thirty or forty people can verify what happened to my hands. This allegation was made based on what Obaidullah had said. There is no truth to it. When I was doing business with Obaidullah, had never asked me what happened to my hands and he doesn't know what happened to my hands. Whatever he said was a lie. You can verify this by asking Obaidullah if he knew what happened to my hands before he was captured?

I have been waiting for this court to tell about all the injustice that has occurred. I didn't see the sky for six months when I was in Pakistan or Bagram, Afghanistan. The first time in six months I saw the sky was in Cuba. I have been waiting for the day of this court so I could talk freely about what I have to say and tell the truth. I request you bring Obaidullah and Abdullah here, so I can talk to them in front of you. You have no evidence against me. The carpets and money were found with (inaudible) Wazir had the money and the cell phone with him. The only thing you found was a gun from my house and my identity from this house. Bring those people involved in front of me. How will we get to the truth if they are not brought here? If you bring them here, they have to tell the truth because they cannot lie. The truth will come out. If you bring them here, I will accept whatever they say, even if it is a lie. Why has so much injustice been done to me? My nephew was in prison, and my brother was given a hard time. I was brought to Cuba and wasn't allowed to sleep.

In Peshawar there is a proverb, prove it and kill me. You haven't done anything. At one time my weight was 156 and now I weigh 120. There is so much injustice and cruelty.

The two most important things are those two people (Obaidullah and Abdullah). They should sit in front of me and answer questions. They won't hide anything from you. All the items were found on them, not me. All the truth lies with them, not with me. I have no questions, but if you have questions I will answer them.

Tribunal President: It is not within the power of this Tribunal to bring the witnesses before you, but we have listened to your oral statement. The only information we have right now is the things presented to us in the Unclassified Summary. We do have questions and I appreciate your willingness to answer them.

ISN #975
Enclosure (3)
Page 4 of 7

UNCLASSIFIED / FOUO

002224

UNCLASSIFIED / FOUO

Summarized Answers in Response to Questions by the Tribunal Members

Q. You told us you were a missionary. Would you tell us the difference between the religion you taught and the religion of the Taliban?

A. We talk about six things. First when you are Taliban you say you are Taliban, when you are Muslim, you say you are Muslim. We are very calm and soft. We don't want to cause any problems or be harsh to anyone. We treat Muslims and non-Muslims the same, we are not mean to them. Our purpose is not to harm anyone from different countries. We only preach our purpose and our cause. We don't have any plans or ideas about getting power and having a military, or obtaining weapons. We preach Islam.

Q. When the Taliban destroyed your tent at the meeting you were having, explain why they did that.

A. One reason they gave us was because we didn't participate in Jihad. They told us if we were good Muslims we would not walk in America or London. They told us we were weak Muslims.

Q. Would you take your missionary work outside of Afghanistan or only in Afghanistan?

A. Pakistan and Afghanistan.

Q. Were you part of a group of missionaries or did you act by yourself?

A. Eight or nine people altogether.

Q. You mentioned your partner, Obaidullah. Was he Taliban or al Qaida?

A. When he was my partner, he wasn't Taliban or al Qaida.

Q. How long did you know him?

A. He was my partner for three months. I knew him for six years prior to the time I was captured.

Q. Do you have a family? If so, how many (wife and children)?

A. I have one wife and six children.

Q. You mentioned something about not being punished if you fought the Russians. Did you fight the Russians and have you had any military training?

A. I have not fought against the Russians.

UNCLASSIFIED / FOUO

Q. And no military training?

A. No.

Q. Is your business partner and Abdullah Wazir the same person?

A. They are different people.

Q. How many people were you arrested with at the Pakistani checkpoint?

A. Two people.

Q. You have confirmed that your business partner was not part of Taliban or al Qaida, but was Abdullah Wazir part of Taliban or al Qaida?

Tribunal member: To clarify the question asked earlier by the other Tribunal member, he asked if his business partner was al Qaida or Taliban, I am trying to verify if Abdullah Wazir was Taliban or al Qaida.

A. I have no idea.

Q. Do you know what Abdullah Wazir was doing with the satellite phone?

A. He was a businessman with a shop.

Q. Have you received any physical abuse since you have been in captivity?

A. For fifteen days in Bagram, I wasn't allowed to sleep.

Q. Was this in U.S. custody?

A. Yes.

Q. How about since coming here to Cuba?

A. When they brought me from the airport they tied me very tight and put me in a big truck. I almost lost my life because I was getting pulled every which way for a long time. I yelled and told them I was dying. They told me I was almost there. My hands were tied very tight and I was getting pulled back and forth. If it lasted ten more minutes, I would have died. When we reached our destination, they took me to the hospital. They had a hard time finding my veins. They cleaned up my wounds and they were finally able to put in an I.V.

Tribunal President: Thank you for participating in this Tribunal today.

Detainee: (Inaudible).

ISN #975
Enclosure (3)
Page 6 of 7

UNCLASSIFIED / FOUO

002226

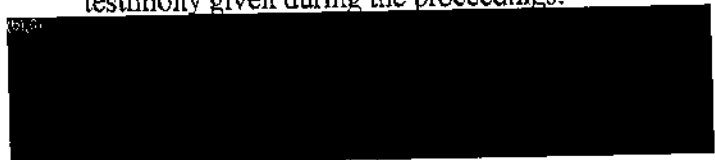
UNCLASSIFIED / FOUO

Tribunal President: We will certainly make note of that.

Detainee: I have been waiting for this day for a long time so you could hear my case. I ask that you pay close attention to my case.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, United States Army
Tribunal President

ISN #975
Enclosure (3)
Page 7 of 7

UNCLASSIFIED / FOUO

002227