

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 and 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.

Tribunal President stated that the detainee wants to participate and has requested three witnesses. Since all three would attest to the same facts, the Tribunal will allow one witness. This witness is the detainee's father, Bazaar Khan and would testify that the detainee shared possession of two AK-47's and that his uncle owned one and that they were used for self-protection. Additionally, he would testify that the satellite telephone was used to call family, and that the passwords were issued by the Taliban and Karzai governments. The Tribunal President ruled that this testimony is relevant to this hearing. The first witness request was sent to the Department of State on 9 December 2004, the second on 13 December 2004 and a third request was sent on 22 December 2004. As of this date, 27 December 2004, we have not received a response from the Department of State concerning any contact with the foreign embassy on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does become available, this tribunal may reopen this case.

Detainee: Can I talk now?

Tribunal President: That would be my next question, do you wish to present information and would you like to make your statement under oath?

Detainee: I will confess my entire story on how I was arrested. The satellite telephone and Kalashnikovs and two passports, yes they were with me and passports belong to the government. They belong to the government but...

Tribunal President: Okay, before you go any further, I need to know whether you want to take an oath or not, and that's your choice, but, I do need to know.

Detainee: Yes of course, hundred percent I want to get an oath. I'm innocent and they arrested me for nothing.

The Recorder administers the Muslim oath to the detainee.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

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3.a. The detainee is associated with the Taliban.

3.a.1. The detainee was arrested with a satellite phone, 3 AK-47's, 2 passports, and various satellite phone accessories.

Detainee: When I was arrested, I was new in Afghanistan. In my pocket there was a mobile telephone, new clothes, and passports. I have recently arrived from an Arab county. I had an expensive wristwatch and after that they arrested me and they asked me for money. They told me I had to give them 100,000 Khaldars. I told him I don't want to give money to you. I don't have that much money. After that, after the three days, he kept my mobile telephone. I was going to them everyday. I went to the place, which was the American center, and they were working with the Americans. He asked me, you have to give me 100,000 Khaldars otherwise I will make problems for you. I didn't know how he could make problems for me. I have my telephone cards, which I had permission from the Afghanistan government. On that day, (inaudible) I gave 17,000. I gave it to the Afghani because of the custom charge. They gave me permission to have a mobile phone. That was from the Karzai government. I went for three consecutive nights after him, to ask for my telephone. And after three nights, they brought the Americans to my door. I didn't know he would be that much of a problem for me. He brought the Americans to my door. I'm a hard worker; I work as a laborer everywhere. I didn't realize he would make such problems for me. Still, the Americans didn't show up, but they sent the Afghan soldiers to come and check my home. My house is a tent. After that, then the Americans came. The Americans told me to give them the mobile phone. I told the Americans that my mobile telephone is with the Afghan soldiers. When I told the Americans that, they got upset with the Afghan soldiers. I told them they got it from me three days previously. Three days, my telephone was with this Afghan soldier because he wanted money from me. I didn't give it to them and the Americans didn't know that he has my telephone. After that, the Americans checked and inspected my house, my brother's house, and my uncle's house. Every room, room by room they check it as well as my father's house. In my father's house they found three Kalashnikovs that belonged to my father. My brothers and me, we all wanted these. One of those belonged to my uncle. The Americans told me after that they have to investigate and that you have to come with us. They took my Visa. I went to the Gardez jail for thirty-seven days. Every day, they told me that I would be released and my work would be finished. I don't know this mean person; I don't know what he did after me. I am a labor worker and I'm innocent. I have a witness also. My passport is the good witness. I never spent time with the Taliban. I never spent time with the government, even my father, none of them. I have two passports. One from the Taliban. one from Karzai and I have my mobile card also with me. At the time of the Taliban, if we didn't have those types of passports in Arab countries they won't let us stay over there. After that, when Karzai came into power, we had to get one from that government too. More than that, I'm a labor worker and I never been with al Qaida or the Taliban and my passport shows that. I've been working as a laborer in foreign countries, for fourteen to fifteen years. If I had given the money to the Afghan government, to the Afghan soldiers, I shouldn't be in these chains here today. I got married for second time, I spent all of my money and I left only 15, 000 Khaldars at home. I married for the second time, my children and my wives are still over

there. Why, am I in this jail, innocently for two and a half years? My father is a senior (older) guy, and my wives can't go to the border. I have a little son and at that time he was five years old and I don't know how big he has grown by now. I have one daughter and two wives. This is very mean to me, why are you doing this to me? I have 15,000, by now it should be spent. I don't know what they are doing, whom they ask money for support. You should ask from my camp, from my home, and ask then where I was working. For fourteen years I was a very hard worker as a laborer. This is very mean to me this is enough already. This should be ended and this is very mean to me.

Tribunal President: Does this conclude your statement?

Detainee: Two and a half years. More than that, I would say that I am innocent, if I paid the money. I swear to God, I would not be in this chain and I would not be here. I bought the passport and Visa for \$350,000 Khaldars and that is another loss that I had. My life is torn up, I lost the telephone, I lost my money, I left my kids, and I don't know what they are doing. They send me only because I didn't give the money. I'm a labor worker, I didn't do anything wrong. I'm not Taliban, and I'm not al Qaida. That's why they brought me here. I'm asking from you guys to be kind to me. Don't be mean to me, please release me from here. You guys have to ask from my home, and from my camp, what I was doing. You are Americans; you can ask them over there, that is why I'm asking you to be kind. Otherwise, if you put my passport in front of you, you can see what I did. The question is, if you are all arresting people on passport issues in Khost, in Afghanistan, in that region, in each 100 people, 80 people have passports with all intent to work over there. Those mobile telephones, like the blankets from the westerns countries over there, in each 100 people, 80 people have those telephones also. There is no house that you can't find in Afghanistan that doesn't have a Kalashnikov in the home. They have these because of the robberies; the mean people and they have to protect themselves. They have that lie on me that I was cooperating with the Taliban. This is completely wrong. I can protect my house, how should help with the Taliban? Don't be mean to me; I hope you guys help me get released. I appreciate you guys that you listen to me and I'm sorry to make trouble for you.

Tribunal President: At this time we may have some questions for you, would you be willing to answer any questions we have?

Detainee: Yes, of course.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You said you were laborer. Did you cross borders very often?

A. Which borders?

Q. Any border.

A. The reason we are passing the border, we have a passport and Visa also.

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Q. What kind of jobs did you do a laborer?

A. We are digging wells.

Q. Who paid for you to dig the wells?

A. Afghan people paid us.

Q. Different towns, different locations, different homes?

A. Anywhere, today in this spot, tomorrow in that other spot, and other spot. Anywhere we are working they are paying our wages according to the daily wages.

Q. What are daily wages there?

A. 60 riyals?

Q. They only evidence we have is what you told us, we don't have any other evidence. But I wanted to ask you another question. I want to ask you if any interviewer has asked you about any of the numbers from your phone?

A. From my mobile phone?

Q. Yes.

A. I spent on my mobile regarding to each cost for calling \$90 I maybe spent two or three cents, not more than that. God willing, that money hopefully is still there on my card. From the first time I bought that telephone I have \$90 on that telephone card, and I didn't spend it.

Q. Do you have any enemies who would say you were associated with the Taliban?

A. No, I don't have anyone. If I have anybody that is my enemy, then I don't know him. That's everything.

Q. Question for the translator. What kind of dollars did he have, were they Afghani dollars? You said he had 15,000 at home and they asked him for 100,000?

A. That was 15,000 Kaldars.

Q. And they were asking him for 100,000 Kaldars?

A. Yes, 100,000.

Q. Are you a native Afghani?

A. Yes, of course I am from Afghanistan.

Q. Does your entire family still live there?

A. Yes, all of them.

Q. When you were working as a laborer, did you work for yourself or did you work for a company?

A. No, they are private people, there's no company.

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Q. How did you learn about the work that needed to be done?

A. All over the world, the people are just walking around and telling each other that there is some sort of work.

Q. Regarding on being stopped initially, what were you doing when you were stopped? When they stopped and asked you about your watch and your paperwork, what were you doing at that time?

(Interpreter indicated that he had to ask the detainee about the car again, whether it belonged to him or not.)

A. I had a car, I was in the car, my clothes were new, my watch was new and expensive, and I had an expensive turban on my head also. The mean guy asked me for 100,000 Khaldars, I paid 17,000, and how should I pay you 100,000 Khaldars? He arrested me. Yes, the car belonged to my family. My brothers, family, and me we share it.

Q. Sorry to ask again, but what is the primary use of the phone? Was it to call family?

A. Yes, I talk with my family, my father and all my brothers all the time.

Q. Do they have a satellite phone as well?

A. Who?

Q. His family.

A. They have one telephone and they share it.

Q. You say 80 percent of the people in Khost have passports and satellite phones?

A. Yes, of course.

Q. Is Khost a rich city?

A. Khost is not a civilized city, but because people are working in Saudi Arabia they have enough money. They are working in Saudi Arabia, Kuwait, Dubai, and all over the Afghan country.

Q. What is your education level?

A. I did not go to school at all. I don't have any education. I'm learning a little since I've been here. I learned a little in the first level in the camp. They passed me a book, and they let me look at it.

Q. Do you have any military training?

A. No. When I went to Saudi Arabia, my beard was not grown out. You could see it in the passport.

Tribunal President's questions.

Q. You talked about Khost. I'm to assume that you lived in the area of Khost?

A. Yes. We are nomadic people; we are living in two spots. Khost and Gardez. At the time of cold we are going to Khost, and at the time of hot, we go to Gardez.

Q. You didn't work for a company digging wells you worked for an individual. Did I understand that right?

A. Yes.

Q. How well did you know this individual that you worked for?

A. There are a lot of Afghans. When they are coming and asking, we need a laborer, and they ask us to join them.

Q. So, do I understand you, do you work with different people at different times?

A. Any Afghan coming over and asking for help will work for them because we are not directly working for Arabs.

Tribunal President: I guess it's the question that I have and maybe it's a translation thing. When you are saying "we", that leads me to believe more people. Or are you just talking about Afghans in general?

Translator: No, in general, when I say "we" and he says "we" also, it refers to the Afghan laborers working over there.

Tribunal President: Okay, so not a specific couple of people you work with?

Translator: No.

Tribunal President: Okay, sorry about that.

Translator: This is a kind of topic, once we mention it and stop in the same sentence, the laborers, and then, he said "we", "we", so that we can understand.

Tribunal President: Oh, ok, in general.

Q. Not knowing that much about the money in the area, you said riyals is what you were paid in, how does that relate to Khaldars?

A. We bring it in our pocket and we exchanged it.

Q. But what's the, I mean, is it one riyal to one Khaldars or what are we talking about...

A. It depends on the market. One day it's one riyal to fourteen, another day it equals to fifteen another day to sixteen, it goes up and down. It depends on the day of price.

Q. So about fourteen, sixteen to one?

A. Yes.

Q. You're saying Satellite phone and we also mentioned mobile phone, can you tell me how your phone worked?

A. It was a telephone I was talking with it.

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Q. Did it work off cell towers or off of satellites in space?

A. As much as I know, it was working from the sky. Satellite.

Q. That you know of, is anyone in your family associated with the Taliban?

A. No, they are not, at all.

Q. Are they nomadic people as well?

A. Yes.

Q. Are they laborers, farmers?

A. Yes they are laborers. We don't have any land to work on we are laborers.

Q. When you went to these different jobs around the world, like to Saudi Arabia, did you fly, take a car, go by boat etc?

A. We have to fly, we can't go by car.

Q. I know you said you bought calling cards for the phone, how much was the phone?

A. I can't remember. It was 100 to 3,000. I can't remember, all documents here. But I can't remember.

Q. In Khaldars?

A. No, riyals. That was when I got if from the Afghanistan government.

Tribunal President: I would like to thank you for participating in this tribunal today.

Detainee: I appreciate that you also asked me to come in here and talk to you guys. All I have to say is that I'm innocent. Please release me because my family, my kids, my wives are alone. They need me to be there.

Tribunal President: At this time, is there anything else you would like to tell us?

Detainee: No, I don't have anything else except I want you to please pay attention on my unfortunate situation.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

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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

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Enclosure (3)
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