

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.

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 and gave a brief description of its contents. The Recorder also presented R-2 to the Tribunal as evidence.

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 confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have one off-island witness participate in the Tribunal on his behalf. The witness request was sent to the Department of State on 29 December 2004, and a second request was sent on 10 January 2005 all contacting the Afghanistan embassy. As of this date, 14 January 2005, we have not received a response from the embassy on the status of this witness. The witness has been deemed not reasonably available. The Tribunal President reassured the Detainee that this would not be held against him for any reason.

The Recorder administered the Muslim oath to the Detainee.

Summarized Sworn Detainee Statement

The Tribunal President opened the Tribunal to the Detainee to make his statement with the assistance of his Personal Representative.

3.a.1. The detainee worked at the Al-Wafa office in Herat, Afghanistan.

Detainee: In my whole life, my answer is, I have never even been to Herat.

3.a.2. The non-governmental organization "Wafa" reportedly is believed to possibly be a terrorist organization and may have had connections to Usama Bin Laden and Afghan Mujahidin.

Detainee: I told you before, all I do is that I have a little shop and don't know the meaning of these things Al-Wafa.

3.a.3. The detainee attended a dinner in which Abdullah Khan was present.

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Detainee: I told my Personal Representative yesterday that I do not know the name of who this guy is. I already told you. What else do you want me to say?

Tribunal President: This is your opportunity to tell us because your Personal Representative doesn't tell us in advance about your interviews at all.

Detainee: As I said I do not know this guy or who he is.

3.a.4. Abdullah Khan had the alias of Kheirullah.

Detainee: As I said yesterday, I do not know Kheirullah, and I do not know Abdullah.

3.a.5. Kheirullah was a Taliban commander at the airfields of Bagram, Shindand and Kandahar.

Detainee: I don't know that.

3.a.6. The detainee worked as an intelligence agent for Kheirullah.

Detainee: (Detainee laughs) I'm not a spy or anything like that.

3.a.7. Abu Faysal (former director of the Herat Wafa office) sent the detainee to Herat with money to be used for weapons and supplies.

Detainee: I do not know anything about that accusation. I do not know Abu Faysal. I have nothing to do with this guy.

3.a.8. The detainee was to travel from Lebanon to Abidjan to assist in a planned attack against the Abidjan Embassy.

Detainee: I have not taken a step out of Kandahar in my life.

3.a.9. The detainee was injured in the bombing of the Kandahar Wafa office.

Detainee: Yes. We have been bombed one time. I had my niece and her two children and we were walking during the Russian war. We got bombed and all three of them were killed. My niece and her two children died and I got buried under the dirt as well, but I survived. That is the only bombing that I know about. This was during the war against the Russians twenty something years ago.

3.a.10. The detainee was involved in plotting attacks against United States and/or Coalition Forces.

Detainee: Nothing. I do not mess with attacks. I do not arrange them and I don't know anything about it.

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3.a.11. The detainee was captured by United States Forces on 29 January 2003 in Balandi, Afghanistan.

Detainee: That's true. I was sleeping with my kids and my family and they dragged me out of there and I got captured. Sorry, there is a correction. They were not Americans they were local people.

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

Detainee: Yes, I do have some things to say. I am nobody; I am a very poor guy. I was trying to give my family what they needed, and minding my own business. There was a huge drought going on in the Kandahar area. I could not grow anything, so I resorted to butchering my cows and sold meat to people and tried to provide for my family supper and food.

I've been brutalized and innocently brought into this situation. Human beings do not clean off their mistakes. There have been times in the past 26 or 27 years when I was working on my own. We grew things amongst people; they were my neighbors. Maybe something happened as far as committing a fault or something. Maybe I did something wrong to them and that somehow probably have developed some type of animosity against me. Because that is the worst I have done in my life to probably offend someone somewhere and that has probably cost me a lot.

I heard about Al Qaeda in this prison. I heard about the Taliban situation in this prison. I have nothing to do with any of these operations. I am a very, very poor man I have nothing in my life. I have kids at home. I have not done anything. Please help me out.

We are about 80 to 100 Tajik people that traveled to Kandahar and we have been living there awhile. I swear to you. I speak Tajik and I speak Farsi and I speak Pashtu. A lot of Tajik people have gone from one area to another area, from Farsi spoken places to Pashtu spoken places for the purpose of opening a shop. I admire these people so much. I swear to you my whole family, including the kids were clapping when we heard about the Americans were coming.

If there is anyway that I can get some help because I do not know if my family is behind. I do not even know if they have anything to eat or not. I don't know what is going on. If I go home I need to be taken care of so I can make up for the time that I was not there. My heart and my body are full of things to say and I do not want to take up any of your time. I don't want to keep you.

Tribunal President: Well, this is your opportunity. We also have some questions we'd like to ask you if you are willing to answer them?

Detainee: Fine

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

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Personal Representative: Yes, ma'am I do.

Personal Representative's Questions to Detainee

- Q: Did you know the other men that were captured the same night that you were captured?
- A: I only know Haji Shahzada. I do not know the rest of them.
- Q: Can you explain to the Tribunal where exactly you were when you were captured? Were you in your home or were you somewhere else?
- A: That's fine. I was sleeping in my home with my kids and the people came and tied me up and took me to Bilandi. They did not knock at the door they came over the wall into the house.
- Q: Did you know where Haji Shahzada was at that time?
- A: When I went to Bilandi, they had already taken Haji Shahzada out from his house and they took us to Khost where the American forces stayed.
- Q: Were there any other men at your house the night that you were captured?
- A: There were no more human beings at my house but my wife, three boys, my girl and me. I'm sorry, four sons and two daughters.
- Q: Who were the men that came to get you that night?
- A: I do not know them. All I know was that they were soldiers.
- Q: You stated that there were no Americans. How do you know there were no Americans?
- A: You can recognize Americans. They were just internal Afghan soldiers.
- Q: Do you know if your name is a very popular name in Afghanistan?
- A: There is not another Nasrullah in my village. Our neighbors, maybe yes, but not in the small village that I was in.

Tribunal Members' Questions to Detainee

- Q: Do you know if Haji Shihzada worked for the Taliban?

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- A: I know Haji Shahzada from childhood. I know for sure that he has no ties with Taliban at all.
- Q: Do you know what he did for an occupation?
- A: He doesn't work. He has a lot of land and people work for him and he has gardens and a few orchards and I worked for him too. So he didn't have to work because he had property.
- Q: Did you own property?
- A: I have 16 grape plants. It takes up one-half an acre but it is my private grape vines.
- Q: What was your occupation? You didn't make your whole living on those grapes did you?
- A: I did some butchering as well beside what I was growing on my land.
- Q: You made a comment that you never left Kandahar. Is it Kandahar the province that you talked about or the city, metropolitan area?
- A: You asked me a question about if I never left Kandahar and I said I never left Kandahar but I have to tell you that I did my service during King Zahir in Kabul.
- Q: How far from Kandahar city was your land?
- A: If the road was serviced, it was about a half-hour. If the road was a little damaged it takes three-quarter to a full hour.
- Q: Where is Bilandi in relations to where you village was? Was it Bilandi close?
- A: It was about 15 to 20 minutes on foot.
- Q: When you were a soldier for King Zahir did you have any specialty for example did you use a rifle or did you have training in bombs?
- A: I was working in a kitchen. My weapon was a stick because King Zahir couldn't afford guns.

Tribunal Members' Questions to Detainee

- Q: Do you own a weapon for personal protection?
- A: I do not have any weapons. I do not know how to operate them.

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- Q: You said that you do not know who Al-Wafa is and never worked for them. Have you ever worked for any other charities?
- A: I never worked with any other charities.
- Q: Do you have a passport?
- A: I do not have anything.
- Q: How about a vehicle?
- A: I don't have a car either.
- Q: One of the accusations was that you were an intelligence agent for Kheirullah. You said no. Have you been an intelligence agent for anybody else?
- A: I have not done these operations for this or that or for anybody.
- Q: When you were bombed during the Russian time, were you injured?
- A: A little bit of blood was coming from my head. I never made it to the doctor. My head was bleeding a little bit but my leg suffers some internal pain.
- Q: Was the bomb on the ground or was the bomb from an airplane?
- A: It was a Russian jet.
- Q: Do you have any formal education?
- A: Tell me what education is. I learned how to write my name here.
- Q: You told us a story about problems you may have had with your neighbors. Did anybody tell you why you were arrested?
- A: I want to say that I don't know if I am being accused. I'm just saying if I done anything wrong, or I may have gotten into a small argument or somebody. I do not know the fact that someone turned me in purposely. I do not know that. I do not know if somebody did that at all. I can tell you this much. In Afghanistan things are as such where people will turn in their mother for 500 and for another 500 they would turn in their dad as well.
- Q: How long have you lived in Afghanistan?
- A: I grew up in Afghanistan since I was a baby.
- Q: I thought you indicated that you were from Tajikistan.

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A: No. I said I am a Tajik. The Americans have not hurt me. My family died because of the Russians. I want to be clear. I have never been out of Afghanistan.

Tribunal President's Questions to Detainee

Q: When the Taliban was in power, what were you and your village's relationship with them? Did they conscript males and take them from the village? Did anybody in particular work for them?

A: I do not know about everybody. I early said that we were 50 to 60 Tajik people and I can tell you these people had nothing to do with anything. I do not know about anybody else but I can tell you about these people. They did not have any understanding of the Taliban and even if we did we didn't have the power to do anything against them. We were poor people and very quiet and naïve.

Q: But the Taliban, I'm assuming definitely went through your village, they established the rules; they were a presence there were they not?

A: They never had time or they never made it to my town. They never showed up. The only thing that happened was that the Taliban was always asking to draft people or to take people with them. The Taliban connection with our village was when they came to draft people for their army.

Tribunal Members' Questions to Detainee

Q: You said you were brutalized. Do you mean physically when you were captured?

A: When I was talking I was saying that I was brutally treated by my people. I am not talking about the Americans. The Americans have done nothing wrong to me. I was so happy about the Americans coming. From 1 to 1000, I am a 1000 times happy. My kids are going to school now. They came and brought a lot of aid to the village; tea, sugar, and food. We were very happy about the Americans arriving.

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

Detainee: Is there somehow you can help me.

The Tribunal President confirmed that the Personal Representative had further evidence to present, which was a statement from the detainee's witness and the

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Personal Representative read the statement verbatim and submitted the statement as an exhibit (D-B) to the Tribunal.

The Tribunal President then confirmed that the Personal Representative had no further evidence to present and that the Detainee had no additional previously approved witnesses to present to the Tribunal and closed the open session.

The Tribunal President adjourned the unclassified 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. Army
Tribunal President

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