

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CHAMAN, )  
 )  
 )  
 Petitioner )  
 )  
 v. ) Civil Action No. 05-887 (RWR)  
 )  
 )  
 GEORGE W. BUSH, *et al.*, )  
 )  
 )  
 Respondents. )

**DECLARATION OF TERESA A. McPALMER**

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.
2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Chaman that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted by an OARDEC staff member. This staff member also redacted information that would personally identify U.S. Government personnel and foreign nationals in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 14 July 2005

Teresa A. McPalmer  
Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 839

29 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 1021**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #1021 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
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COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

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Department of Defense  
Director, Combatant Status Review Tribunals

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #27

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

**MEMBERS:**

[REDACTED] Colonel, U.S. Army; President

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member

[REDACTED] Lieutenant Colonel, U.S. Air Force;  
Member (JAG)

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

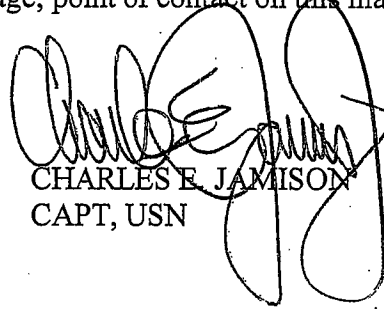
7 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1021

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED]



CHARLES E. JAMISON  
CAPT, USN

**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #27  

(U) ISN#:   1021  

Ref: (a) Convening Order for Tribunal #27 of 9 December 2004 (U)  
(b) CSRT Implementation Directive of 29 July 2004 (U)  
(c) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) Unclassified Summary of Basis for Tribunal Decision (U//~~FOUO~~)  
(2) Classified Summary of Basis for Tribunal Decision (S//NF)  
(3) Summary of Detainee/Witness Testimony (U//~~FOUO~~)  
(4) Copies of Documentary Evidence Presented (S//NF)  
(5) Personal Representative's Record Review (U)

(U) This Tribunal was convened on 20 December 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

(U) The Tribunal has determined that Detainee #1021 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Hezb-I Islami (HIG) and the Taliban, as more fully discussed in the enclosures.

(U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army  
Tribunal President

21 Jan 05

## MEMORANDUM

From: Assistant Legal Advisor

To: Director, Combatant Status Review Tribunal

Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 1021

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #27 of 9 December 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and elected to participate. *See* exhibit D-a. The detainee also provided a sworn statement in question and answer format to the Tribunal. The Tribunal considered the sworn statement in its deliberations.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-7 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested 7 witnesses:
  - i. The Tribunal found the first two witnesses to be relevant and submitted a request to the U.S. State Department to contact the Afghanistan government to help locate the witnesses. As of the date of hearing, the Afghan government had not responded to the State Department's request. The Tribunal determined therefore that the two witnesses were not reasonably available. In my opinion, the Tribunal acted properly in determining that the witnesses were not reasonably available.
  - ii. The Tribunal determined that three witnesses' testimony was not relevant. They based their decision on their belief that the evidence would be duplicative in nature. In my opinion, this was an improper ruling; the evidence should have been deemed relevant, and the Tribunal as factfinder could then have determined

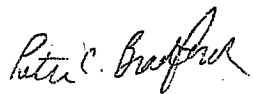
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 1021

what weight to give the evidence. However, given the strong evidence against the detainee, the suppression of the evidence the detainee requested is not dispositive of a finding that the detainee is an enemy combatant using a preponderance of the evidence standard.

iii. Additionally, the Tribunal ruled that the last two witnesses the detainee requested were not reasonably available to testify. One may assume that the Tribunal previously had determined that the two witnesses' testimony was relevant, since the Tribunal then allowed the witnesses to submit written testimony in lieu of personal appearances. *See* exhibits D-b and D-c. In my opinion, the Tribunal properly determined the witnesses not reasonably available, and was within their discretion to consider the written testimony in their deliberations.

iv. Finally, the detainee submitted, through his Personal Representative, the written transcript of an interview he had with the Personal Representative. *See* D-d. The Tribunal considered exhibit D-d in its deliberations.

- e. The Tribunal's decision that detainee #1021 is properly classified as an enemy combatant was unanimous.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



PETER C. BRADFORD  
LT, JAGC, USNR



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL: \_\_\_\_\_ #27 \_\_\_\_\_  
ISN #: \_\_\_\_\_ 1021 \_\_\_\_\_

**1. Introduction**

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, Hezb-I Islami and the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida, the Taliban and their associated forces. When captured, the Detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces. The Detainee attended a meeting of then current al Qiada, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshawar, Pakistan. When captured, the Detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge included its structure, membership, and hierarchy of influence. When captured, the Detainee possessed knowledge of current HIG plans to attack U.S. forces stationed in Afghanistan. The Detainee engaged in hostilities against the United States or its coalition partners. The Detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 2003.

The Detainee chose to participate in the Tribunal process. He called seven witnesses, requested no documents be produced, and made an oral, sworn statement. The Tribunal President found four of the requested witnesses were relevant although all four were not reasonably available; alternative means of producing the witness's testimony was available for two witnesses. The Detainee, in his oral statement, denied being a Taliban, al Qaida member or an active Hezb-I Islami member. The Tribunal President's evidentiary and witness rulings are explained below.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a thru D-d, R-1 through R-25

b. Testimony of the following persons: [REDACTED] and [REDACTED]

c. Sworn statement of the detainee.

#### 4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Commander [REDACTED]	not reasonably available	no*
[REDACTED]	not reasonably available	no*
[REDACTED]	not relevant	no**
Senator [REDACTED]	not relevant	no**
[REDACTED]	not relevant	no**
[REDACTED]	reasonably available	yes***
[REDACTED]	reasonably available	yes***

\*Based on the allegations in the unclassified summary and the proffered testimony of this witness, this witness request was approved. A request to obtain this witness testimony was sent to the U.S. Department of State on 26 November 2004 with follow-ups on 10 December 04 and 17 December 04. To date, the Department of State has indicated they have had no response back from the Foreign Embassy. As such, the Tribunal President determined that based on the attempt to locate and the lack of response, these witnesses were not reasonably available.

\*\*These witnesses' testimony was determined to be duplicative in nature and were therefore determined to be not relevant.

\*\*\*These witnesses were not available to testify in person but have submitted written testimony in lieu of his personal appearance.

The Detainee requested no additional evidence be produced.

#### 5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence.

Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he was a native Afghan who became a refugee in Pakistan when the Russians took over his country. The Detainee stated that during the time of the Russians, he went to Afghanistan to participate in the fighting against the Russians. After a long struggle, the Russians disappeared and he returned to Afghanistan. He had a material business for approximately three years and decided to join forces with the Gulbuddin (HIG). After six months, he left HIG and went over to [REDACTED]'s side. Then the Taliban came to his district. He left and went to Kabul. During this time, the Taliban killed 10 of his closest friends. The people of the district asked for the bodies of his friends and were denied. The Taliban buried the bodies in a mass grave. Then the Taliban came to Kabul and declared ownership of all Detainee's property. They took everything. The Detainee decided to leave Afghanistan. The Pakistan government denied his initial attempt to leave by plane, so he ultimately traveled overland at night via a mountainous route. The Detainee hid in a house in Pakistan for a year and then set up a business in Peshawar, Pakistan. The Detainee stated that he continued to work with [REDACTED] providing him information on the Taliban and the HIG in both Afghanistan and Pakistan. However, since he could not read or write, he relied on [REDACTED] (the third highest person in the Ministry of Intelligence) to provide information back to [REDACTED]. When he did tasks for [REDACTED], [REDACTED] always accompanied him. The Detainee stated that all of the allegations on the Unclassified Summary were not true, although he was able to get intimate with HIG and Taliban leadership stating that was the way of their culture, to be open and friendly. The Detainee said that after the U.S. forces arrived, he returned his family to Afghanistan. He had a contract to bring equipment for the new government from Herat to Kabul. The Detainee claimed that he met a man named [REDACTED] that threatened the Detainee and said that the Detainee had to make him a partner in his business. The Detainee told [REDACTED] "No" and later, [REDACTED] arranged an accident with the Detainee's car which almost totaled it. When the Detainee tried to get [REDACTED] to reimburse him for his loses, [REDACTED] said that he'd pay but then he disappeared. The Detainee then asked about his relationship with [REDACTED] and was detained. He was then turned over to the U.S. forces in Baghram. The Detainee found out that [REDACTED] had said that the Detainee stole a computer. Both [REDACTED] and the Detainee were brought to Cuba. The Detainee said that [REDACTED] has since recanted his statement. The Detainee insists that he works for the Afghanistan government and has put himself in danger to get information. In summary, he relies on roughly five key pieces of evidence to prove that HIG and Taliban are his true enemy: (1) Taliban killed ten friends and took everything that was his to include the bodies of his friends; (2) HIG killed two close friends and tried to kill him; (3) [REDACTED] shadowed every move and can prove his support for the government; (4) his family lives in Kabul (because he supports peace in Afghanistan); and, (5) [REDACTED] falsely accused him of computer theft and has retracted his accusation.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

**6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

**7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with Hezb-I Islami and the Taliban.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army  
Tribunal President

Summarized Detainee's Sworn 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.*

*The Recorder presented Exhibits R-1 thru 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 had asked for some witnesses; I actually see a total of seven witnesses that you originally requested. The first step I'll talk about are the witnesses that are available locally, and you had asked for three: [REDACTED] As such, we allowed for two of those witnesses to testify for you and the Personal Representative will provide that testimony later in a written format. The other four witnesses were what we consider off-island witnesses. The first one you asked for was Commander [REDACTED]. Then there were three others in which their testimony appeared to be duplicative in nature. I said you could choose one of them. You picked for us to contact [REDACTED]. Based on this request and the appearance that their testimony would in fact be relevant to your case, we requested that the Department of State on the 26<sup>th</sup> of November to contact this witness. Then they also had tried two follow-up requests on the 10<sup>th</sup> of December and the 17<sup>th</sup> of December. To date, the Department of State has indicated that they have had no response back from the foreign embassy. As such I have determined that based on the attempt to locate and the lack of response, this witness is not reasonably available at this time. I will tell you, that if their testimony does in fact become available at a later time the Tribunal will consider whether to re-open your case or not. Commander Chaman 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 at this time and would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder would you please administer the oath?

Detainee: Should I stand up?

Tribunal President: No, you can remain seated.

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

Detainee: Nothing else but the truth.

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

*(The Detainee choose to make an oral statement instead of answering the allegations)*

*3.a. The detainee is associated with al Qaida, the Taliban and their associated forces:*

*3.a.1. When captured, the detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces.*

*3.a.2. The detainee attended a meeting of then current al Qaida, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshewar, Pakistan.*

*3.a.3. When captured, the detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge includes its structure, membership, and hierarchy of influence.*

*3.a.4. When captured, the detainee possessed knowledge of current HIG plans to attack U.S. Forces stationed in Afghanistan.*

*3.b. The detainee engaged in hostilities against the United States or it's coalition partners.*

*3.b.1. The detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 2003.*

Detainee: When the Russians came to Afghanistan they bombed our district. A lot of them died and the rest of them, every single person, became a refugee and passed on to become seven different groups and started the war against the Russians. I joined the Mujahidin Mohammed Nabi group. The name of the group is Harakat-e-Islami. I came to Afghanistan to stop the war against Russia. After a long struggle, the Russians disappeared. The last president supported by the Russians, Najibullah's government, was finished and our leader [REDACTED] talked to everyone and said that the war is over, everybody should go home and Mr. [REDACTED] became our president. After the war I bought a store to sell clothes, men's clothes, cotton and other material. I started to get busy with this. After three years of doing my own business at the store, I left to Afghanistan and stayed for six months with Gulbudin Hikmatyar. At that time Gulbudin Hikmatyar, President Rabani, and Commander Masood were in a big civil war against each other. Six months later, I left Gulbudin Hikmatyar and I went to [REDACTED]. After a while they came and made peace together and Mr. Rabani had become our

President and Gulbudin Hikmatyar became the Vice President. Then I left my home district and stayed there. Then the Taliban came and started to fight against us and our district. Later on I left my district and went to Kabul because I didn't have the weapons to fight against them (Taliban). Three days later they gathered ten of my friends and took them to a room, much like this one, and lined them up and shot them from close range. After the incident the people of the district went to the Taliban and asked for the bodies to be returned so they can be put to rest in their own traditional and religious manner, but the Taliban denied the request. They did not return the bodies to them; they just dug a big hole 300 meters away from the district and they put all of them together and buried them in it; they are still there. When they (Taliban) went to capture Kabul they announced everything that belonged to Commander Chaman would now belong to the government and nobody's allowed to touch it. They took everything from my office and everything from me. Before they came to capture us they said I bought a lot of concrete and help to build my own house. The Taliban took all the equipment; all the cement, wood and other things and instead they used it to fix the district and district manager took the rest to his home. When President Karzai's government came into power I returned to the district and built separate graves (headstones) for them and buried them. If you go back to the district right now all of the equipment and the wood and cement that I mentioned are still there as my evidence. When they captured Kabul, everybody escaped to Panjshir (ph) and Mazar-e-Sharif. I went to Mazar-e-Sharif. I was in Mazar-e-Sharif for six months and [REDACTED] was in Kunduz province. I used to visit him in Kunduz. When I was coming back, Gulbudin Hikmatyar and his people were in Baghlan (ph) and when I was coming back they had trapped me, they tried to assassinate us and they killed two of my guys. When I got back to Mazar-e-Sharif, there were planes that belonged to General Dostum that flew between there (Mazar-e-Sharif) and Pakistan. I took one of the planes and went to visit my family in Pakistan. When I got to Pakistan, the Pakistani government authority did not allow me to get off the plane and they told me that I couldn't go home. I returned to Mazar-e-Sharif in the same plane. Three months later, during Taliban's government, I went back to Pakistan hiding through the mountains. When I went home I was hiding there for a year and couldn't go anywhere because of the scare of the Taliban. After one year I reopened my own store, my own business again. After three years [REDACTED] sent me his representative or his commander asking me to come to Panjshir in the name of [REDACTED]. I spent seven days with [REDACTED] in Panjshir. He told me to go to Muzaffar Abad (ph) in Pakistan to meet with a person whose name was [REDACTED] (ph) accompanied by one of [REDACTED] commanders. [REDACTED] sent me to meet another man named Commander [REDACTED] (ph) in Kashmir. [REDACTED] and I went back to Muzaffar Abad and we found Commander [REDACTED]. Then I took [REDACTED] to Commander [REDACTED] (ph) and I don't know about the other details because that was between Commander [REDACTED] (ph) and [REDACTED]. I told [REDACTED] (ph) that [REDACTED] is [REDACTED] guy. Then everything was between the two of them, I did my part. After three years while I was running my store the Taliban was finished when Americans came there and President Rabani came back into power. When President Rabani came into power his Chief of Intelligence service, Mr. Engineer [REDACTED] (ph), who is from Panjshir and is still in power, sent [REDACTED] to meet me and bring me back to Kabul, Afghanistan. [REDACTED] had already been killed when the Americans came. When I came to Kabul, the Chief of Intelligence asked me to come and work with him to find out about the whereabouts of Taliban commanders. The Taliban

were at that time running away towards Pakistan. I told them that I did not know a lot of people. How would I work for you because I cannot read and write? They told me wherever I go [REDACTED] will always be with me and he will help me read and write. After that [REDACTED] and I went to Pakistan to look for Taliban high ranking or Taliban members or Taliban commanders and we would get the information and then give it to the Kabul government. Because I was not by myself, everywhere I went [REDACTED] was always with me and we were looking for information about Gulbudin Hekmatyar and high-ranking members of Taliban and went back to Kabul and gave the information to Engineer [REDACTED]. After that, Mr. Karzai became the president. When President Karzai was in office the American and the American coalition and the United Nation forces were all placed in Kabul and I thought now the Northern Alliance and the Taliban would slowly, slowly disappear and peace would come to Afghanistan because of international forces. I went to Pakistan to bring my own kids and my only family back to Kabul, Afghanistan. That was the reason and that was my main goal to send my kids back to school and stay in our own country instead of a few days here and a few days there and have relaxation and be comfortable in our own home at peace. I also worked with President Karzai's government and that was our job to go around the country to get information about the Taliban. Engineer [REDACTED] was still the Chief of Intelligence and I still had [REDACTED] with me all the time to gather information about the Taliban. One of the things that the Engineer [REDACTED] told us to do was to go to Muzaffar Abad, Pakistan and bring him a picture of Commander [REDACTED] (ph) and so we did. We made these trips once a month or one and a half months and I ran my own business buying used cars and selling them back to make some profit and buy some houses to be remodeled. Then the Americans were fixing this place. They were bringing these metals from Herat. They had this translator with them named [REDACTED] [REDACTED] and I saw the contract with them to find and bring the equipment from Herat to Kabul. I found them or I brought the equipment from Herat Province to Kabul. The linguist [REDACTED] told me the American representative wanted to meet Mr. [REDACTED]. Mr. [REDACTED] was a central commander of Kabul, working for the Karzai government. I went to Mr. [REDACTED] and got an appointment with him and told him that the American company president wanted to meet with him. I told the linguist [REDACTED] that I got an appointment with [REDACTED] and you guys can go anytime to meet him. The linguist told me the American said that I could go if I wanted to join them and meet [REDACTED]. Also there was also another gentleman his name was [REDACTED]; he was a driver for the Americans. I met [REDACTED] at that time. [REDACTED] told me awhile later that the Americans had brought all the equipment here, make me a partner. I told him I couldn't make him a partner in this and that he couldn't go back and forth to Herat. This is not a job for you. He warned me if didn't make him a partner that he knew these Americans, he worked with them, he'll make problems for me. After awhile, I had a small car and I think that the gentleman asking me for partnership deliberately caused an accident with my car; he almost destroyed my car. Then I found [REDACTED] and I asked him why did he hit my car and he replied that he would come this afternoon and he will pay for the damages. He would pay for all of the damage he did to my car. I was looking for him and he disappeared, he didn't show up that day and he disappeared for almost three or four months. I asked this man Mr. [REDACTED] where [REDACTED] was and he didn't know either. Engineer [REDACTED] asked me to come to his office at that time. He showed me a picture and I found a picture [REDACTED]. Engineer [REDACTED] told me if you ask for something from [REDACTED] we



would put you in jail. I said that I didn't ask for anything, [REDACTED] created an accident and hit my car. I asked for the damage and he said yes he has to pay you, when we find [REDACTED] we will make sure what happened. After six days nobody showed up, I didn't see [REDACTED] I didn't see anybody after six days they turned me over to America. From that point I became a detainee in the hands of Americans. When I was detained in Bagram the interrogator told me that he was going to confront me with [REDACTED]. I said okay and they brought [REDACTED] into the room. [REDACTED] said not a word; he was just quiet and didn't say a word. Then I was transferred here and the interrogator told me that they brought [REDACTED] also, we will need you face to face and I said go ahead. When confronted by [REDACTED] he told the interrogator that he lied. [REDACTED] was working in Kabul in the American office; I think he had stolen a computer from the American office. When they interrogated him and asked him a question, they told me that [REDACTED] had disappeared and that was the reason I was lying about him because the American told me that in Kabul if you found one person who stole a computer or something happened to a computer they will let you go and he apparently lied about me. Why would I lie about him? The reason that [REDACTED] says when the American asked me or showed me a person or find some person we will let you go. [REDACTED] said I thought I would chose him because he is a person in the Karzai government, America will not take him, imprison him, or detain him, that was the reason I gave his name because he knew I worked for the Karzai government. When I find him, they will let me go maybe; America will not arrest him. Still at that time Mr. Karzai was in power but there were two governments over there. Mr. Karzai was only president by name. The whole structure of the government was run by Panjshiris of the Northern Alliance. First the Panjshiris or Northern Alliance did not want any Pashtuns in Kabul to back Karzai. They didn't want Karzai to become powerful. Every Pashtun you find in Kabul they will make problems for them, make allegations, and turn into Americans. One of mine did the same thing, they went somewhere with [REDACTED] and turned against me and put forth wrong allegations, I think that was the only reason to turn me into America and bring me here for no reason. I'm innocent. My word is true and the real enemy is the Taliban. The Taliban took my home away and took my own equipment and sold it to the district office. The Taliban killed my ten really close friends and associates, you can visit the district and see people out there and you can see the gravestones of these ten people. My enemy truly was the Taliban. Even you ask a little boy in this district who these people who died and they will tell you it was Chaman's friends or associates or people and the whole equipment of the district was (inaudible) that was my problem. That was the reason I brought a lot of the equipment, a lot cement or material because our own village, our own people, our own district was destroyed, there was nothing left by Russians. I don't know how sell (inaudible) house. Everything was destroyed because the Taliban invaded my house in the beginning; it is gone by the Taliban. My true enemy was and is the Taliban and Hezb-I-Islami Gulbahaddin (HIG) not the northern alliance. I was with them and I work with them. If I am a man or I have something in my heart and do something wrong, why would have brought my family to Kabul? My kids would still be in Pakistan or Iran or other country. I will do the wrong thing if I want. Why wouldn't I bring my family to Kabul? The only thing I did was help them because Engineer [REDACTED] and Mr. [REDACTED] is the third person responsible in this office, the second or the third one. [REDACTED] always worked with me, shoulder by shoulder, everything we did together, everywhere that we went we helped to new government or the Rabani government against the Taliban and the Hezb-I-

Islami Gulbahaddin. That is the whole thing I did and nothing else. I prove it to you because I was working for the government. When me and [REDACTED] the third ranked person in the intelligence office and they sent us to see or bring the picture from Mazar, we took the picture and we just formed it, we took the picture of the villain and we brought it back to Kabul. I work with the government and the interrogator showed me the picture here. It was me and [REDACTED] that would meet everyday, every time we would go somewhere to report from the Taliban or Gulbudin Hekmatyar and also we met with [REDACTED] (ph) the commander and we took the picture and the picture is here and the interrogator showed me, I saw the picture here. I never ever had joined any conference or any meeting with Taliban because even though I did this story I was still the around the Taliban and if they capture me they will kill me. Everywhere I go the [REDACTED] every single day, every trip we went on, he was with me. I was not allowed to go anywhere.

Tribunal President: Does that conclude your statement?

Detainee: I have one more thing to say.

Tribunal President: Certainly.

Detainee: I never ever joined anything with Gulbudin or anybody. I never joined it and I don't know anything. It is true that I knew this person, this third or second by rank in the intelligence office but [REDACTED] to go there and find information to get information about the Taliban or Hezb-I-Islami Gulbahaddin to bring the government that information. That is the only thing I know otherwise I don't know nothing about anything. Even if we find out together the Hezb-I-Islami commander we would go secretly to find information and bring the information back to the Kabul government. [REDACTED] is the second or third highest-ranking intelligence office in Kabul also did not aid in the intelligence. The whole thing I did was an order. The word of my witness, you can ask them about me. My second witness is an American [REDACTED] (inaudible) of our district. Contact them and please tell them who are the people in the district, who is buried there and also whose equipment, whose cement or the wood, or the door, or the window. They are mine. They stole them from me. That is it between the Taliban and myself. The Taliban is my true enemy. I don't know why the Americans think I am against them or against the new government. We thank the government. I appreciate them. They rescued us from our criminal terrorist from Kabul. You know how short we are and how long we are they will cut your hand, they will cut your leg, they are thief's. We thank the Americans for their help to throw out the terrorists. We have peace because of the Americans. Also, my three witnesses [REDACTED] (ph) he is the brother of [REDACTED] (ph) who is the Prime Minister right now. That is his brother. Also my later witness is (inaudible) he is being detained and maybe he can come out and defend me. Also the Defense Minister of the new cabinet and Mr. Karzai the President and also Mr. [REDACTED] our former president. Those people it is easy to call and contact and find and they are also American and Kabul. I hope you contact these people and ask about me and my life. I'm not against Mr. Karzai the President. I am not against America; I thank America because they rescued us from criminals. The only thing is a bunch of people or group of people they are the ones who

find a problem with me because I was six months when they were at war between them and Hezb-I-Islami, I was traveling for six months with the Islami and that was the reason to turn me into America, that was the only reason and also they say Pashtu is a big problem in Kabul at that time. That was our only wish that when we pray for at that time that someday we could get to peace and no more war. That was God's help that America came over to bring peace to Afghanistan and put the criminals away and my hope and this wish. That was the only reason I brought my family and my little kids to Kabul to live in peace. If you do something wrong, you don't want to put your kids out in harms way. Especially because I love my kids, I don't want to bring my kids and put them into this trouble and put them into the problem and in Kabul I managed to do something wrong and break the law. The meeting here is like it was with [REDACTED] when interrogated with [REDACTED] because [REDACTED] said that what I put on him was a lie. This moment that you need to bring you more clues then send me to Kaffor (ph) and he told me as soon as possible he would send me home. That was to go home and live free I think against somebody or something a Panjshir or the Northern Alliance they wanted more information. I think he was re-arrested here and is back in jail. I'm in prison here and you're keeping me for no reason, I'm innocent. I understand that you guys, Americans are very lawful people and work by the law. I need your help, let me share my case and maybe I can live in peace with my kids. There is nothing else to say. I thank you for your time and I'm sorry I talk a lot. Thank you again for giving me the time and for listening to me. I took up a lot of time.

Tribunal President: At this time we might have some questions for you. Would you be willing to answer some questions that we ask?

Detainee: Yes, I'd be happy to.

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

Personal Representative: Yes Ma'am.

#### Personal Representative Questions

- Q. You mentioned previously to your other PR that the Minister of Information was the same for both Rabani and for Karzai.
- A. Not ministry I think, lower than Ministry, Head of Intelligence so it's not Ministry.
- Q. So it's the Head of Intelligence.
- A. When I was out there at Kabul and everything was different information. A lot of power was exchanged.
- Q. He was also with Rabani while you were with the Gulbahaddin?
- A. No at that time he was not popular or not that important because [REDACTED] controlled everything. After when the Taliban threw him out and Gulbahaddin showed up into the picture.

- Q. Do you believe that this intelligence had anything to do with your arrest and if so why?
- A. Yes I think he was a member of former President Rabani. Rabani and Gulbahaddin were fighting together in the civil war that was the reason I was traveling for six months and that isn't the sweetest story it is a horrible one. Take a (inaudible) on that. [REDACTED] was the commander but not the high position he has now.

Personal Representative: That's all the questions I have. I believe he answered all the ones in his statement.

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

Recorder: No Ma'am.

Tribunal Member's questions

- Q. Did you say you were a member of the HIG at some point for six months?
- A. Yes. I told you that before I was with [REDACTED]. He is not in prison now; he has passed away. His son [REDACTED] (ph) [REDACTED] is a poor person in Kabul, Afghanistan. That is maybe like the Vice President to Karzai. I stood with him and worked with him and sold with him and only because at that time the Russian (inaudible) President (inaudible) threw him out and I went to it because he told us no more war and nothing else and I went to Gulbudin Hekmatyar for six months. When I saw more closely his activity and I really just didn't like him, I disagreed with him, and I left.
- Q. Did you leave before [REDACTED] died?
- A. Yes that's why [REDACTED] and Rabani were on one side and Gulbahaddin was another side. Yes [REDACTED] was alive. Yes, I did HIG and I worked with [REDACTED] for the last five years.
- Q. Actually right now I would like to ask the question to the Translator. I know you translate for a lot of different people; do you feel like you completely understand him?
- A. Yes, yes, yes.
- Q. I just wanted to clarify that with you. I was having a little bit of trouble with names. Did he say [REDACTED] was the driver for American personnel?
- A. Yes, [REDACTED] had two jobs. One job it was driving Americans around and also he had knowledge of computers and he worked in an office. Computers, maybe a linguist. Because he said to the interrogators here, right in front of me, he said he worked at two places. As a driver and he also worked on computers in an office.

- Q. Okay. He wanted a third job to be his partner, is that correct?
- A. Yes. He wanted a third job. He didn't even know what job he wanted. He wanted to get some money. A product. Because he warned me he know Americans, I work with Americans, I will make problems with you and your business. He said if I didn't give him a share he would make a big problem for me and he did it.
- Q. Again I have problems with names. Who's the name of the person he was supposed to get a picture of?
- A. [REDACTED] (ph). This is the first Pakistani and he fought in Kashmir against India because I think he thought that was a close friend to [REDACTED] I don't have any knowledge of him and I don't know him. The only reason I was there was because [REDACTED] told me to go there. If you see my file hopefully you saw the picture of me and them and also the intelligence office, the second or third ranked office of [REDACTED] everywhere I went, everything I did, he was with me, shoulder by shoulder. He was the one to brag in the beginning. If I did anything wrong why isn't [REDACTED] and (inaudible) not here, they are still working for the intelligence office out there. I did everything under their controls, under their power. Why I am here, anything we did, we did against the Taliban. My personal enemy is the Taliban. They are worse and they are real killers because they destroyed my life. Anything I did for the government was help for the government, nothing against the government.
- Q. Again, I think it's maybe the sound in here. Did you say if you have seen my file? Can you clarify that we don't see it yet?
- A. Please I hope that you will see my file. There is a picture in the file and I hope you will see my picture with the intelligence officer, see what I do and what I did. Please I want to write and read and be educated for benefit of a diploma. I did nothing wrong against the American or the coalition or the new government. I only have personal dispute with the Taliban because the Taliban is my only enemy. I think it is an injustice for no reason and in prison here. Please read my file. I'm in trouble here and just send me back to Kabul. I was starting a class out there and can read and write. I was beginning to learn some writing. Please again I want you to send me home to my kids. I did nothing. America is not my enemy and it never was my enemy. There was an American prison in Kabul, Afghanistan otherwise I will not go to Kabul. Everything I did was against the Taliban.
- Q. The title Commander, where did he get the title Commander and when?
- A. At that time we reached Pakistan from Afghanistan and they became sign of reporting. You joined unequal in the beginning. To start with them or fight a war against the Russians and you would become a commander right away.
- Q. Did you fight the Russians?
- A. Yes, yes I have fought the Russians. Everybody fought the Russians. Even animals fought the Russians, our women fought with Russians. The reason they came to destroy us, they destroy our country, they destroy our family, and they destroy our home. Everybody was against them. Kids, women, everybody would

fight against them. After the Taliban came and shot my ten close friends that was it and I closed my whole chapter and forgot everything in command and I became a regular civilian after this incident. I stopped it.

- Q. So when you fought or even up to today you had formal military training?
- A. No. Nobody does. There is no training or education.
- Q. Prior to the United States bombing Afghanistan were the Taliban in Pakistan?
- A. He has ten hundred thousand or more than that, two hundred thousand people out there in Pakistan. We found a lot of Taliban there. We were trying by order of the Intelligence President [REDACTED] (inaudible). There was a lot of Taliban in Pakistan.
- Q. We know they left after the bombing started, were they there before the bombing started?
- A. At that time before Americans came to Afghanistan there were two houses or they were two places. Half of the house was for Pakistan and the other in Afghanistan. When Americans came and attacked them or found them they left.
- Q. When you were working for the intelligence chief and you were tracking down the Taliban members, did the Pakistani's allow you to cross the boarder and come back and forth?
- A. Yes. Usually a lot of people they go in and out. A lot of people have passports. I just gave them my passport and got in and got out. Then we went there before we were there [REDACTED] carried the visa before we went.
- Q. Official travel?
- A. Yes. We had carried a government passport and we made sure that the stamp was on there but it was from Pakistan Embassy and we went there officially. Also he did this thing for me and I didn't get what I want and he turned against me and put me here.
- Q. As part of the work for the intelligence chief trying to track down the Taliban did he in fact gather the information that is in the Summary? You know where it talks about him knowing the leadership, logistics, finance and things? As part of his work with the chief of intelligence did he learn these things?
- A. No. I don't know who wrote this one and how they got this one. I don't know any information of their finances, logistics or anything. It was only our job to find out who is who and where they live. We went to some maybe ten or twenty or hundred different house asking very respectfully who is here? Whether he is a member of the Taliban or not? Only personal information. I could not ask loudly, if they found me I was their enemy, they could find me and kill me.

- Q. That was my next question. I would think that would be dangerous?
- A. Yes. We were very careful, very secretly we would ask the people where they are. If they found me asking they would kill me too.
- Q. Just one last question and a clarification. He said he had a contract with the Americans to move equipment from Herat, I believe to Kabul. How much was that contract for? Does he remember the value?
- A. The contract was only for personal people; I found for them and they paid them five dollars per day to do it. Also when the pick-up truck was needed they paid me a hundred dollars a day for that. I was looking for a rental car, to find a company and an American, Mr. [REDACTED] he was the linguist, and he told me how many cars they needed today or this week; they need ten, twenty, I found the car and the people with my pick-up truck. The reason I sent my pick-up to the people was because the way from Herat to Kabul if any car got stopped or damaged or anything we watched very closely for the equipment or anything wrong with the truck not lost or stolen by people. The pick-up truck is easily robbed because all of the equipment is sitting on top of the truck. The American group was not Islam and also the leader of the group (inaudible). Ask the American if I did one thing wrong or anything wrong. I am so innocent then, I will prove my innocence. (Inaudible).
- Q. He was in Kabul?
- A. He was in Kabul, yes.
- Q. I just wanted to ask about you capture again when you were arrested. You said it was because you were falsely accused of stealing a computer, is that correct?
- A. [REDACTED] was working for the Americans. He was the one who stole the computer. He disappeared for three or four months. After four months Engineer [REDACTED] asked me to his office. He showed me a picture of [REDACTED]. He asked if I knew this guy. I said yes it is [REDACTED]. They asked if I asked him for something. I said no that I only asked for the damage from the accident with my car. He thought that that was the problem. That [REDACTED] put some fear in someone, he is the one who stole the computer. That was the beginning of the problems for me from there because I was innocent and he was the one who stole the computer. [REDACTED] accused me to the Americans that I did it. Engineer [REDACTED] told me you asked [REDACTED] for something and I said no, I lost [REDACTED]; I was looking for [REDACTED] because he promised me he would pay the damage he did to my car. That was the beginning there and Engineer [REDACTED] put me out there and put me under arrest. Then after six months he kept me there and sent me after six days to Bagram. When I was first interrogated, I asked to please bring [REDACTED] here so we can talk face to face about what the real story is. When he brought [REDACTED] he didn't talk, he did not say a word. He just kept his mouth shut because he was guilty; he did the whole thing and made up the whole story. When we came here and I told the story to the interrogator [REDACTED] and the interrogator told me [REDACTED] was here. He brought [REDACTED] to my face and [REDACTED] I asked him for my forgiveness because [REDACTED] says I was lying and I made up the whole thing. The interrogator told him why did you bring this problem to this person and bring him here for no reason.

- Q. Did they give him any other reason besides the computer for arresting him?
- A. I don't know. I still don't know what else he has stolen but he says here in Cuba, that he stole the computer and some other things. He said the reason that he gave Americans my name was because I thought his work with the Karzai government; I knew America would not arrest him. He will be free and I will be free because of the person I was with, they would let me go. I still don't know what else he has stolen or what else he did but he admitted that he stole the computer and did the wrong thing by accusing him. I think the whole dispute began from the top of intelligence office. I don't know what they told them about me.
- Q. You may not know this, but do you know if [REDACTED] stole the computer because it was a computer or because of data that was on the computer?
- A. I really don't know what he did Sir. I don't have any information. I only heard from [REDACTED] here that he admitted in front of the interrogator that he stole the computer.

Tribunal President's questions

- Q. I assume that you're a native of Afghanistan?
- A. Yes. I am Afghan. My province is [REDACTED] and my village or district is [REDACTED] (ph), my home is Kabul and my also little kids are in Kabul. The reason I brought my kids to Kabul is for peace and to send my kids to school.
- Q. What languages do you speak?
- A. Pashtu.
- Q. The time you spent in Pakistan, here I'll show my ignorance, did they speak Pashtu as well?
- A. Yes. The area I was in was a refugee camp and each camp was from 2,000 to 5,000 homes. They all speak Pashtu. We don't have contact with the outside of Pakistan with other people.
- Q. Okay, so where did you set your business up at? Was it in a refugee camp?
- A. No. My business was in the official city in the market. A lot of Afghans were there too. Also only Afghans came to my store to buy material for clothes. All the market was Afghan people and also all of my customers were Afghan.
- Q. It was outside the refugee camp that you set up your business in Peshawar?
- A. Yes all I've done in the office is do business. I do that outside of the compound in the city of Peshawar.
- Q. I understood you to say that originally that Pakistan didn't want to allow you into the country and that's why you kind of hid for a while.



- A. The first time they did not let me in. The second time I walked from Afghanistan from the Mazar-e-Sharif by foot to the boarder and sneaked in.
- Q. When you set up your business, did they not require that you have some sort of a license or something to do that?
- A. No. All Afghans work without permit, without licenses or anything. I only rented from the owner and just paid him money, that's all.
- Q. For your work with the intelligence department did you receive any pay for that?
- A. Yes. They also gave us some extra money when we went to travel. (Inaudible).
- Q. So they gave you a salary as well as plenty to cover the expenses for your travel?
- A. No, not that much money. Only that exactly. Because it was normal if I once a month or every two months and the rest of the week I did my own thing so I paid myself.
- Q. You indicated that the person you took the photo with, you really didn't know that individual. How were you able to get close to people you didn't even know?
- A. Yes. I didn't know him but because he was a friend of [REDACTED] he sent us there with his message and he got closer to us because he was a friend of [REDACTED]. Also it is our culture that if you go somewhere or to visit someone right away they are friends with you. They ask you if you want tea or to relax and to come to their house in the city. At that time we introduced ourselves without that person and we talked with him and he became comfortable with including us. After the visit he asked us if we could walk around to see some places. It's not that busy; in his country people walk around everywhere. We went to some nice area, like touristy area, and that time we took a picture and I saved it.
- Q. I thought you said that once the Taliban was out of power that there were actually two factions, Karzai and another group.
- A. When the Taliban showed up the former president of the Taliban captured the power from him. He became the Vice President again and took over the power. The defense minister Faheem is Panjshiri from there. Foreign minister is also from his country, from his group. The Interior minister is also from his group, is also Panjshiri. The whole power in Kabul was in their hands. After a while Karzai ruled by himself, alone and became our president without power. From the top to the little soldiers they are all Panjshiri, all power was in their hands. Now Mr. [REDACTED] or other that comes into power that will be very ideal for Mr. Karzai.
- Q. Just so I understand, did you back Panjshiri in that element or did you back Karzai?
- A. No. I backed Karzai. Karzai was my own brother Pashtun. I hope he has all of the control of the country because the other Pashtun warlords were fighting. All the other Pashtuns backed Karzai.

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

Detainee: Thank you. Again I thank you for the time you give to me and thank you for the time you listened to me and I hope God willing you release me.

Tribunal President: At this time is there anything that you would like to share with us?


Detainee: I think that this time here is inhumane and it is not right for justice. Please help me and make a decision on the true evidence. I asked you for so many names. I hope that you use that information otherwise if you go to the district that whole structure, and that whole picture of the district, they will tell you about me and I was an enemy of Taliban. I would never ever start a war against the Americans. There is nothing else about me. If you go to the district the people will tell you my whole story. Pashtun culture is the most hard-shaped, really, really bad thing or bad name to your tribe or your family when someone steals your house property or anything. The second thing was really hard I would never forget that someone killed your family and they never returned the body of that person. I think that I am just here for personal reasons; I still don't think that I am an American prisoner because I don't have any disagreements with Americans and I never fought any Americans. I think that I am detained to help the government against the Taliban; I didn't fail them. I did everything against the Taliban, very secretly. A lot of dangerous things happened to me, I did it to help the government and not against the government.

*The Tribunal President confirmed with the Personal Representative that he had 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.

  
Colonel, U.S. Army  
Tribunal President

ISN# 1021  
Enclosure (3)  
Page 14 of 14

~~UNCLASSIFIED//**FOUO**~~  
**DETAINEE ELECTION FORM**  
**CORRECTED COPY**

Date: 1 November 2004  
Start Time: 28 Oct. 0825 hrs  
End Time: 1010 hrs

ISN#: 1021

Personal Representative:   
(Name/Rank)



Translator Required? YES Language? PASHTU

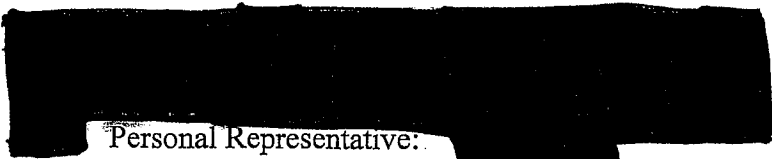
CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

This is a corrected copy to detainee election form submitted on 29 Oct 04. First election form stated that the detainee desires to participate in the Tribunal. This still remains. However, the original election form stated that the detainee had no witnesses. This needs to reflect that the detainee has requested 3 detainee witnesses; however, detainee is in  while witnesses are in . Witness relevancy request sent on 1 Nov 04. Detainee mentioned a photograph that was used against him. He stated that an interrogator showed him this very photo. PR checked with detainee property, but the photo was <sup>was</sup> with the detainee's property. See PR notes for specifics. Bottom line: no documentary evidence to submit. This case was transferred to PR 104 on 17 Dec 2004 and a Final Interview was held with Detainee #1021 with both the original and new PRs present.

  
Personal Representative:

ISN: 1021, CMDR Chaman

Witness Interview/statement:

WITNESS ISN: [REDACTED]

Date: 3 Dec 04 (1205 - 1235)

PR: [REDACTED]

Q: Do you know CMDR Chaman?

A: Yes, the one in [REDACTED]

Q: Would you like to be his witness for his upcoming Tribunal?—it's in about 3 weeks.

A: Yes

PR STATEMENT: He believes you can help him dispute the evidence against him.

A: Yes.

Q: It's up to you if you wish to participate. Would you like to participate in CMDR Chaman's tribunal by allowing me to present statements on your behalf?

A: Yes

Q: How long have you known CMDR Chaman?

A: 4 months; only while in the same camp. I did not know him in Afghanistan.

Q: What was his occupation?

A: He worked for a company bringing supplies from Herat

Q: Do you know if he is a member of any organization?

A: He did not tell me if he was.

Q: Was he a member of Taliban or al Qaida?

A: He never said he was with or against; he told me he left Afghanistan to get away from Taliban. He said he left Afghanistan and would return after Taliban fell. Worked for Karzai government.

Q: Was CMDR Chaman an enemy of the United States?

A: No. He was against Taliban. He only came back with family after Taliban fell.

Q: Did CMDR Chaman ever leave the country because of the Taliban? If so, why?

A: CMDR Chaman went to Pakistan because of the Taliban.

**BOLD DENOTES QUESTIONS THE DETAINEE REQUESTED THAT THE PR ASK. (SOURCE, FOLLOW-UP INTERVIEW WITH DETAINEE ON 20 NOV 04)**

WITNESS ISN: [REDACTED]

ADDITIONAL COMMENTS FROM WITNESS [REDACTED]  
(ISN [REDACTED]):

CMDR Chaman told [REDACTED] that someone stole (now another detainee) a computer from the company that CMDR Chaman and the other detainee worked at. The company brought supplies for Americans. That other guy told police that CMDR Chaman told him to steal the computer. That other guy was a driver and a linguist for the company

WITNESS ISN: [REDACTED]

Page 2 of 2

ISN: 1021, CMDR Chaman

Witness Interview/statement:

WITNESS ISN: [REDACTED]

Date: 3 Dec 04 (1315 -0 1345)

PR: [REDACTED]

Q: Do you know CMDR Chaman?

A: Yes, I met him here and but heard about him name while in Afghanistan.

Q: Would you like to be his witness for his upcoming Tribunal?—it's in about 3 weeks.

A: Good, yes

PR STATEMENT: He believes you can help him dispute the evidence against him.

A: Yes, if I know I will tell you what I know.

Q: It's up to you if you wish to participate. Would you like to participate in CMDR Chaman's tribunal by allowing me to present statements on your behalf?

A: Yes

Q: How long have you known CMDR Chaman?

A: He was right next to me in [REDACTED]—seven months ago they took him to [REDACTED]

Q: What was his occupation?

A: CMDR. He fought Mujahadin against Russians and later CMDR of some checkpoints for the Karzai government.

Q: Do you know if he is a member of any organization?

A: No

**Q: Was he a member of Taliban or al Qaida?**

A: No. I only know he was working for current Karzai government and worked for CMDR of a few checkpoints.

**Q: Was CMDR Chaman an enemy of the United States?**

A: All I know is that he wasn't

**Q: Did CMDR Chaman ever leave the country because of the Taliban? If so, why?**

A: I have no information other than I know he went to Pakistan.

**BOLD DENOTES QUESTIONS THE DETAINEE REQUESTED THAT THE PR ASK. (SOURCE, FOLLOW-UP INTERVIEW WITH DETAINEE ON 20 NOV 04)**

WITNESS ISN: [REDACTED]

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**ADDITIONAL COMMENTS FROM WITNESS** [REDACTED]

(ISN [REDACTED])

[REDACTED] went on to explain the circumstances of CMDR Chaman's (ISN 1021) reasons for detention. Apparently there is another detainee here named [REDACTED]. According to [REDACTED] [REDACTED] had said that CMDR Chaman and himself were partners. [REDACTED] later said that he had lied because CMDR Chaman was a powerful man and he thought he would be given favor by saying he and CMDR Chaman were partners. [REDACTED] later admitted to [REDACTED] that he had lied to interrogators and that [REDACTED] had made a mistake. CMDR Chaman (then in the same Camp) and [REDACTED] were in disagreement. CMDR Chaman wanted [REDACTED] to tell the truth. According to [REDACTED] (CMDR's second witness - [REDACTED]) [REDACTED] was present when this conversation took place. [REDACTED] reconciled a solution by guaranteeing [REDACTED]'s safety if returned to Afghanistan. [REDACTED] said this was possible because he was an elder and respected. CMDR Chaman agreed not to hurt [REDACTED] and [REDACTED] then told interrogators the truth that he was not Chaman's partner. [REDACTED] concluded by saying that CMDR Chaman is here because of [REDACTED]'s lies.

WITNESS ISN: [REDACTED]

Page 2 of 2

~~UNCLASSIFIED~~ / ~~FOUO~~

4570

ISN: 1021, CMDR Chaman

Initial and Follow-up Interview Notes:

Date: Initial: 29 Oct 04 (0825 - 1000)

Follow-up: 20 Nov 04 (1200 - 1300)

PR: [REDACTED]

Detainee stated that he went to PK as a refugee when the Taliban came and that he is here in GTMO because of "what he knows" not what he did.

IN RESPONSE TO THE UNCLASSIFIED SUMMARY, DATED 19 Oct 04:

a. The detainee is associated with al Qaida, the Taliban and their associated forces:

1. When captured, the detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces.

In Russian times in the 80's, many groups fighting against the Russians; the HIG was fighting against the Russians. There were a total of 7 groups fighting. 1021 fought with one of the groups. His group was under [REDACTED] (group name: Harakat Inqilab Islami). When Russians were defeated, the group was disbanded and the Mujahadin was ruling AF; the President was Rabanni. 1021 joined with Gulbuddin (this was more than 10 years ago and there was no Taliban at that time). There was a clash between the President and the Gulbuddin. 1021 was with the Gulbuddin for 6 months. When the Gulbuddin began fighting with the President, 1021 realized this is not good for the country and went to join the Northern Alliance and [REDACTED]. After 6 months with [REDACTED] the Taliban showed up and captured Kabul—1021 was still with [REDACTED] for 10 more months before going to Pakistan as a refugee. After three years in PK, [REDACTED] called 1021 back. 1021 returned and stayed with [REDACTED] for 8 days. He then told 1021 to go from Peshawar to the city of [REDACTED] to bring a [REDACTED] person (CMDR [REDACTED]'s friend) to another city to get information on the Taliban. After this, 1021 returned to Peshawar, PK for 3.5 years. When the Taliban fell and Karzai came to power, there existed the same Minister of Information in the Karzai government that existed in the Rabanni government. Because 1021 previously fought for six months against this Minister of Information and Rabanni while with Gulbuddin, the same Minister of Information turned 1021 over to the U.S. *Head of Intelligence*

(THE PLOT) The Minister of Information called 1021 to come to Kabul and gather information on Taliban. 1021 was sent to PK to see what plans the Taliban might have. 1021 actually worked for the Minister of Information under Karzai for 1 - 1.5 years. 1021 brought back to Kabul, AF (from PK) his whole family. 1021 was given a house, car, and salary. 1021 was assigned a partner and the two of them would collect information. The partner's name was [REDACTED]



(spelling?). [redacted] was the 3d highest person under the Minister of Information. They were partners for 2 years. They were instructed by the Minister to go and get a photograph of [redacted], who was al Qaida and fighting in Kashmir, PK). 1021 was captured with the photo of [redacted]. 1021 stated that he was used by the Minister to gather information against the Taliban for 1.5 years and was then turned over to the U.S. The photograph was a picture of [redacted], 1021 and his partner ([redacted]). 1021 stated that [redacted] is still in the government.

When 1021 changed party from Gulbuddin to [redacted], Gulbuddin tried to have 1021 killed, killing 2 body guards—Gulbuddin and 1021 were now enemies)

2. The detainee attended a meeting of then current al Qiada, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshewar, Pakistan.

Totally wrong, 1021's partner was with him all the time.

3. When captured, the detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge includes its structure, membership, and hierarchy of influence.

See #1 above

4. When captured, the detainee possessed knowledge of current HIG plans to attack U.S. Forces stationed in Afghanistan.

No, 1021 had the plans in order to help the US. He was collecting for AF.

b. The detainee engaged in hostilities against the United States or its coalition partners:

1. The detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 2003.

Same as 3a4.

OTHER STATEMENTS:

Detainee said he was in [redacted] for a long time and only recently brought to [redacted]. He believes this is because sometime ago several Afghanies went back to AF. 1021 said that an interrogator had told him he would be in the next group (shipment) to go home. 1021 believes the Minister of Information questioned them and learned that 1021 was still here. The next thing 1021 knew was that he was in [redacted].

FOLLOW-UP INTERVIEW (20 Nov 04)

During the interview, detainee requested 4 out-of-camp witnesses (this was in addition to the previously approved in-camp witnesses). The detainee stated that the witnesses would verify his story, tell the truth, and dispute the charges, saying that CMDR Chaman is not Taliban or an enemy against the United States.

Detainee also stated that the Taliban had killed 10 members of his family and buried them in a single grave. When the Karzai government came to power, 1021 dug up the grave site, separated his relatives, and buried them in individual graves.

He also said that much of what he did he did so in secrecy in order to obtain intelligence for the Karzai government.

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Combatant Status Review Board

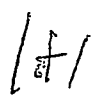
TO: Personal Representative

FROM: OIC, CSRT (19 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – CHAMAN,  
Commander

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that is associated with al Qaida, the Taliban and their associated forces.
  - a. The detainee is associated with al Qaida, the Taliban and their associated forces:
    1. When captured, the detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces.
    2. The detainee attended a meeting of then current al Qaida, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshewar, Pakistan.
    3. When captured, the detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge includes its structure, membership, and hierarchy of influence.
    4. When captured, the detainee possessed knowledge of current HIG plans to attack U.S. Forces stationed in Afghanistan.
  - b. The detainee engaged in hostilities against the United States or its coalition partners:
    1. The detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 2003.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit 4574 

Memorandum

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To : Department of Defense Date 10/21/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Juno Jamison, OIC, CSRT.

From : FBI GTMO  
Counterterrorism Division  
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 1021 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/15/2003 (ISN [REDACTED] interview)

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<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

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Exhibit 4575

1 of 2

R2

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 10/21/2004

If you need additional assistance, please contact  
Asst. Gen. Counsel [REDACTED] or Intelligence Analyst  
[REDACTED]  
Intelligence Analyst [REDACTED]


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### Personal Representative Review of the Record of Proceedings

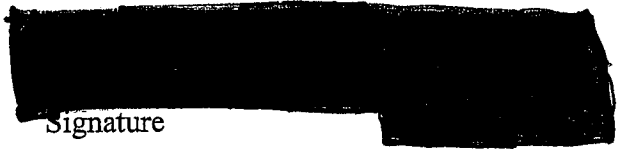
I acknowledge that on 30 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1021.

 have no comments.

My comments are attached.

 USAF  
Name

30 December 2004  
Date

  
Signature

ISN #1021  
Enclosure (5)