

**Summarized Sworn Detainee Statement**

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

Tribunal President: Do you have any questions concerning the process?

Detainee: What kind of questions?

Tribunal President: Anything having to do with the information thus far.

Detainee: That's okay I don't have any.

*The Recorder presented Exhibits R-1 and R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).*

*The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.*

*Tribunal President stated that the detainee wants to participate and had originally requested five witnesses, two that have been ruled as relevant.*

*The Detainee did want to take the Muslim oath.*

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

*3.a.1. The detainee was a member of the Taliban.*

Detainee: Before Taliban captured Kabul, only they served in the beginning, and then they captured Kandahar and I don't know what a member means. I don't have a position.

*3.a.2. The detainee assisted Mullah Omar in establishing a temporary government following the Taliban conquest of Kabul.*

Detainee: I was not in this position and I don't know that term at all, and I don't know his name, I don't know any contact with him, and I don't know that I'm in a position or situation to over throw the government.

*3.a.3. The detainee was the Taliban Deputy of Defense during the last days of the Taliban.*

Detainee: I was never in Kabul. If I was an assistant of the defense ministry I should be in Kabul and stay in Kabul. I was never in Kabul. I was in Takhar. I never had this position.

Personal Representative: Just something else I had in my notes, that you told me last time, was that if you were deputy of defense, you needed an official letter and you didn't have an official letter.

Detainee: Yes, there should be an official letter from high-ranking government official and also their office is in Kabul and I never been in Kabul. Why are they saying this, I've never been in this position.

*3.a.4. In November 2001, the detainee spoke with Mullah Omar about supplies for his troops.*

Detainee: I never talked to Omar. I never was in a position to talk to Omar. That was other people's job to contact (inaudible, doors slamming in background, drowning out interpreter)

Personal Representative: I also have something else in my notes, that you would request supplies from the Logistician, not someone higher up.

Detainee: Yes.

*3.a.5. The detainee was aware the Taliban was providing the Islamic Movement of Uzbekistan (IMU) with financial, weapons, and logistic support in exchange for IMU providing the Taliban with soldiers.*

Detainee: I was not in the position to know these things. I was not in position to provide help to these people and I don't know what the deal was, that was other people's job. I was just a regular person.

*3.a.6. The detainee is listed on a United Nations Security Council Resolution requiring member states to freeze his assets due to his association with the Taliban.*

Detainee: I don't know anything.

*3.a.7. The detainee was at the al Farouq training camp.*

Detainee: I was never at this camp. I never heard of this camp, and I was not at that area. I only heard that I was at al Farouq in Guantanamo Bay.

*3.b.1. The detainee was a Taliban commander of approximately 3,000 front-line troops in the Takhar province in October 2001.*

Detainee: This is totally wrong; I have only fifty or sixty people to help, a small group. The other people, they surrender to the Northern Alliance. Everybody have their own group that even women from the village for stability for some other tribes. I have no position to help; they would come up to me. I only have between fifty and sixty people. That was all that was in my group.

*3.b.2. The detainee was directly commanded by the Taliban Defense Minister.*

Detainee: I was never in this position to talk directly to the Defense Minister or work for the Defense Ministry. That was other people's job. That was other people's job, not my job.

*3.b.3. The detainee communicated directly with the Taliban Defense Minister on military objectives.*

Detainee: If I was not in this position or not assistant of defense ministry, how could I help the defense ministry?

*3.b.4. The detainee was preparing to engage opposition forces on 30 November 2001, when the Taliban Defense Minister ordered him to surrender to the Northern Alliance.*

Detainee: I never heard, never told by anybody like the defense minister, when they started to surrender that was on our decision. I never prepared to fight, or prepare to fight, we would've fought, if we had prepared. That was our decision to surrender to this one, we were not prepared to attack or fight war.

*3.b.5. The detainee was captured on the front lines in Mazar-E-Sharif.*

Detainee: This is totally wrong, I do not agree with this allegation. Mazar-E-Sharif is three / four hours away from us. The people, they are wrong, I do not agree with this. General Dostum sent two or three commanders with his delegation to talk to us, to surrender. After we went to Mazar-E-Sharif to talk with General Dostum and his commander, we came to this agreement to surrender all the weapons, and after that, we will let everyone go home. After three days, General Dostum came with his delegation to Kunduz and General Dostum told us surrender all weapons and all transportation. After that, we will be able to go home. After this whole thing, there's another commander named General Ustard Attah, from the Tajak faction. There was another commander named Mohacake from another faction called Hazara. There were American personnel there also. After talks, we came to an agreement. We went back to Kunduz, and after that we went to the desert. We took all the weapons and the people surrendered peacefully to General Dostum. At that time we went to General Dostum, who was in Mazar-E-Sharif at that time. There were cameramen, and journalists there. He says there's twenty-five year war between person-to-person, village by village, city by city, province by province, and tribe against tribe. If you think this is crime, then every single person in Afghanistan should be in prison or bring them here. When you come to this point, I never, ever fought against the new government. I never ever fought against America and I didn't do anything wrong against them. Then why am I an enemy combatant?

Personal Representative: I have from my notes that you told me that it was a big deal that it was on television and radio?

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Detainee: Yes, it made television. We made a place for talks, for discussion. Yes, there was a photographer and newspaper reporters. They were all there. (Inaudible, door slamming in background) They took pictures. Talked about war.

Personal Representative: Did you have anything else you wanted to tell the Tribunal?

Detainee: Before, there was a lot of war between people, between this person and that person, tribe against tribe, lots of crimes, that's everybody in Afghanistan. But, when you come to the point to the new government, I can't fight the new government; I could do nothing. I could never fight against America; I don't know why I am here. Because, I only help them, I didn't fight new government, not America, not against America.

Tribunal President: Does that conclude your statement?

Detainee: Yes.

*The Personal Representative and the Recorder had no further questions.*

Tribunal Members' questions

Q. How old are you, Sir?

A. I don't know the exact year, when I surrender, I was thirty-four, now since, I've been captured or in prison. It's been about three years, so thirty-seven.

Q. Are you a native of Afghanistan?

A. Yes.

Q. Have you ever traveled outside of Afghanistan?

A. Only to Pakistan and also to Bagram after my capture.

Q. How many times have you traveled to Pakistan?

A. I went only there because of the Russian tribe and I was refugee there and I went to school there.

Q. How long before your capture did you start working for the Taliban?

A. I don't know exactly. After they captured Kabul, temporary, sometimes I was going with them, and sometimes I stay home.

Q. You started working for the Taliban when?

A. Before they captured Kabul, I don't remember the exact year and time.

Q. The Jihad presence on how many months or years it was?

A. I think the Taliban was total, five or six years, but I don't know exactly. I was not strict all the time with the Taliban. Two or three years, as a temporary, sometimes I joined Taliban; sometimes I stayed home, on and off.

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Q. It sounds like you commanded fifty or sixty people for the Taliban?

A. Yes, sometimes more, sometimes less, sometimes thirty people, sometimes hundred people, sometimes fifty-sixty people.

Q. You managed these troops in battle against the Northern Alliance?

A. Yes, we fought against Dostum and the Northern Alliance groups.

Q. Can you confirm to me if you are Muslim?

A. Yes

Q. Is it ok for Muslims to lie to infidels?

A. I do not have that information, I am not Mullah, I'm not that religious or preacher.

Tribunal President's questions.

Q. You indicated when we went through the bullets (unclassified summary) that you hadn't been to al Farouq; didn't know about it. Have you received any formal military training?

A. No, I didn't, only the weapon that I shoot but everyone has one in Afghanistan. Every single time they have a fight, they know how to fire it. No, I don't have any military training.

Q. Where exactly are you from in Afghanistan?

A. I'm from the Gosnia (ph) and headmon (ph) Province, and Chochino (ph) district.

Q. And what larger city is that near?

A. There's no big city; it's just a small, small village inside mountain.

Q. And when you weren't being a soldier, did you have another profession?

A. No, I don't have another profession. I study, I home study and stay home, and also (inaudible).

Q. Do you have anything else you would like to tell us at this time?

A. No, I don't have anything.

***The Tribunal President confirms that the detainee does have further evidence to present to the Tribunal. They are statements from two witnesses. The are being read by the Personal Representative and were entered as an exhibit***

Personal Representative: The first statement is from Mullah Norullah Noori.

Q. How did Mullah Mohammed Fazl get arrested?

A. We left Konduz then crossed the big desert, traveling by foot. We got tired and asked for a ride in a passing car. We all were traveling to surrender to Dostum of the Northern Alliance.

Q. Where did he get arrested?

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A. We surrendered at Yarghanic in Konduz. We voluntarily surrendered and were not really captured. They told us no fighting would happen and we could all go home after we surrendered.

Q. Did he fight the Northern Alliance, the new Afghani government, or the U.S?

A. I have no knowledge of him fighting the Northern Alliance. At our surrender, we did not fight. I don't know anything about him before that because I do not know his background.

The next witness statements are from Abdul Haq Wasiq. (A note, the detainee promised to tell the truth.)

Q. About how many people did Mullah Mohammed Fazl command?

A. I had heard of Fazl's name but did not know him well enough. My boss was the governor of Takhar, but as to who is the military leader? There were very many commanders. Fazl was the military commander of Takhar.

Q. The second question Was Mullah Mohammed Fazl ever the Taliban Deputy of Defense?

A. Abdul Razaq was the Deputy of Defense, not Fazl.

Q. Did he communicate directly with the Taliban Defense Minister on military matters?

A. I don't know. I didn't know him well enough.

Q. Where did he get arrested?

A. It was on the radio, Fazl would surrender to Dostum in Konduz. There was no fighting and Fazl went on his own will.

*The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.*

AUTHENTICATION

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



Colonel, United States Army  
Tribunal President