

UNCLASSIFIED//FOUO

Summarized Detainee Statement

Tribunal President: Zia, 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 want to present evidence to this Tribunal?

Detainee: I have no evidence, but I have the statement with the Personal Representative. I have given it to him.

Tribunal President: Would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder, will you administer the oath.

Detainee: Muslim oath.

The Detainee was sworn using the Muslim oath.

In the following section of the summarized transcript, the Personal Representative reads the detainee's written statement (attached as Exhibit D-B) to the Tribunal. The statement addresses each point on the Unclassified Summary of Evidence in order. Because the statement does not always indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's statement into context. Any comments made by the detainee or others while the Personal Representative reads the statement are summarized, as well.

Tribunal President: PR, you may begin.

Personal Representative: Detainee Zia Shah dictated the following written statement on 9 September in response to his unclassified summary of evidence dated 4 September 2004.

3.a. Detainee is a member of the Taliban.

Personal Representative: In response to (A) of the unclassified summary, I am not a member of the Taliban and I did not engage in hostilities against the United States or its allies.

1. Prior to September 11th, 2001, detainee traveled to Afghanistan for employment and worked as a driver for the Taliban for six to eight months.

Personal Representative: In response to (A1) of the unclassified summary, I went to Afghanistan to get a job as a driver. I did not care whom I worked for; it was just that the Taliban were ones to offer me a job as a driver and hired me. This was by chance; I did

ISN #015
Enclosure (3)
Page 1 of 9

UNCLASSIFIED//FOUO

002752

UNCLASSIFIED//FOUO

not go to Afghanistan looking to work specifically for the Taliban. When I started working for the Taliban, the United States forces were not in Afghanistan. Nonetheless, I told the Taliban that I would not enter an area where there was fighting. At the time, the Taliban were fighting against Mossoud and the Northern Alliance. When I was driving, I did not enter any areas where there was fighting. Thus, I did not engage in hostilities against the United States or its coalition partners because I refused to enter the areas where the fighting was occurring. The Taliban would hire anyone they could find that could drive a truck and move their material. They did not require the drivers they hired to be Taliban members, it was just a job to make money. The Taliban had an old vehicle that I would drive when they would hire me to move their material. They did not give me a car. When I wasn't working for the Taliban, I would just sit and wait. The Taliban would also hire other drivers to drive this old car.

2. Detainee transported personnel and material for the Taliban, included (sic) cooking oil, ammunition, heavy coats and blankets.

Personal Representative: In response to (A2) of the unclassified summary, I did this at most perhaps 4 times. I transported some people who were carrying AK-47s on their shoulder. The only reason I did this was because other vehicles and drivers were not available. The vehicle I drove was not reliable. Primarily I transported food. I was staying at an old school in Konduz and a bazaar was located close by. I would go and pick up food at this bazaar and carry it back to the school. A mixed group of Pakistanis and Taliban were staying at the school. There were always about sixty to seventy people at the school at any given time, and people would come and go. I would also drive a one-and-a-half-hour route from Konduz to Tal-Chan Latabund, transporting bedding. Occasionally, I would be asked to take a person who was staying at the school to various locations using a smaller car when the normal drivers of this car were sick or not available.

3.b. Detainee engaged in hostilities against the US or its coalition partners.

Personal Representative: In response to (B) of the unclassified summary, this is not true. When I was in Afghanistan, United States troops were not present. When the attacks started, I was in Konduz and all the driving routes were closed. Everyone tried to leave, including me. I wanted to leave Konduz and go home to Pakistan when the bombing started, but I couldn't because the routes were closed and I was stuck.

1. Detainee admits transporting Taliban members that were armed with weapons. Their mission was to search for members of the Northern Alliance.

Personal Representative: In response to (B1) of the unclassified summary, I never drove people who were looking for a fight or who were searching for the Northern Alliance members. I never transported people to the front lines. The few people I did transport that had weapons with them were not going to the front lines and I was not taking them to

UNCLASSIFIED//FOUO

a fire fight. It was very common for almost everyone in Afghanistan to have AK-47s and other weapons.

2. Detainee was ordered to surrender to Northern Alliance forces. Detainee was instructed to drive himself and approximately 60 fighters and their Kalashnikov weapons to Mazar-E-Sharif.

Personal Representative: In response to (B2) of the unclassified summary, a route opened when all the Taliban decided to surrender. I was asked to drive a vehicle with some Taliban personnel in it to a location for them to surrender. Other people were also asked to drive. I was basically told here is a vehicle, take these people with you so they can surrender and you can go home. That was the only way I knew how to get out of Afghanistan and go home to Pakistan. If I drove them to Mazar-E-Sharif to surrender, I would be able to catch a public transport from there to Pakistan. This was the only way for me to go home. The truck I drove to Mazar-E-Sharif was a big truck that carried about sixty people. I was just the truck driver. I was not a combatant. I did not carry any weapons. When I got to Mazar-E-Sharif, the other drivers hired by the Taliban that I drove with, who were Afghans from Kandahar, Konduz or other local areas, were allowed to leave. I was apprehended because I was Pakistani. I had planned to take a public transport from Mazar-E-Sharif to Herat, to Kandahar, to Quetta, Pakistan. When all the routes were closed to Pakistan, I was in Konduz and I was stuck. The only route still open to Pakistan was from Mazar-E-Sharif. So to get home, I first had to get to Mazar-E-Sharif. Driving the truck full of the sixty Taliban to surrender was my only opportunity to get to Mazar-E-Sharif.

Personal Representative (continuing with detainee's statement): I have never lied and I have always been very forthcoming. I could have lied and said that I did not know the Taliban and was just there to do some work as a driver, but I did not. If you hear all of this and think that I am a member of the Taliban, you are wrong. I was just trying to earn a living as a driver. While in Afghanistan, I was never issued any weapons, nor was I ever given one to take with me in the vehicle I drove. I did carry a small pocket-knife to eat melons and other fruits. The only weapons I touched in Afghanistan was when someone who was carrying a weapon gave it to me to hold while they climbed in the truck, or if I was getting in the truck with someone who had a weapon and I pushed it aside. I never engaged in any hostilities or fired any weapons at any time while I was in Afghanistan. I just drove a truck.

Personal Representative: I affirm that the written testimony above is accurate. The Detainee signed this and dated this 15 September 2004.

The Personal Representative submits the Detainee's written statement (the original signed copy with pen & ink corrections, and an unsigned copy with the pen & ink changes incorporated into the text) as evidence to the Tribunal as Exhibit D-B.

ISN #015
Enclosure (3)
Page 3 of 9

UNCLASSIFIED//FOUO

002754

UNCLASSIFIED//FOUO

Tribunal President: Personal Representative, did the Detainee have the opportunity to review the corrected copy of the statement?

Personal Representative: The Detainee has not seen the version on top. However, it is an exact copy of the version underneath which has the pen changes in it. The Detainee did have the opportunity to see that. The two documents are identical. One has pen changes, the other has the changes incorporated and typed.

Tribunal President: What caused you to make the changes in the original document?

Detainee: Yes, I know about that. I read that already.

Personal Representative: I can show you the changes. Yes, most of them were typos or clarification type changes.

Tribunal President: Zia, does that conclude your statement?

Detainee: Yes.

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

Personal Representative: No, Ma'am. I do not. Not at this time.

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

Recorder: No, Ma'am.

Tribunal President: Do any of the Tribunal Members have any questions for the Detainee?

Tribunal Member: Yes, Ma'am. Following up on A-1 of the summary, how did you get to Afghanistan from Pakistan?

Detainee: I went there to find a job.

Tribunal Member: Did you go there on your own or did somebody help you get there?

Detainee: In Pakistan, I know how to drive. And in Afghanistan they were badly in need of people who could drive. There was an Afghani in Pakistan. He told me there were so many jobs in Afghanistan for people who could drive. In Pakistan, sometimes we work for one day. Then for one week we don't work. For that we are given three hundred Rupees, Pakistani currency. I thought it was better for me to go to Afghanistan. I did not go to Afghanistan to specifically work only for the Taliban. I would find anybody so I can have a job. I went from Quetta to Kandahar to Kabul.

ISN #015
Enclosure (3)
Page 4 of 9

UNCLASSIFIED//FOUO

002755

UNCLASSIFIED//FOUO

Tribunal Member: So you went on your own accord by yourself?

Detainee: I went over there by myself.

Tribunal Member: In your statement and in the unclassified summary, it talks about transporting different things: materials, people, blankets for the Taliban, but no weapons. Do you have the dates when all this occurred? What months? Was it before or after September 11th?

Detainee: I have been here for three years. I forgot everything. But I do remember that whatever I was transporting, it was before the buildings were torn down and before the Americans attacked Afghanistan. I did this earlier, before that.

Tribunal Member: When you told the Taliban you refused to travel into combat areas or transport folks to combat areas, what did the Taliban say when you refused to do that?

Detainee: They did not force me to do that because I had a vehicle. It was an old vehicle and they did not rely on it. It was an old Russian vehicle.

Tribunal Member: In your statement, you mention as far as transporting folks with weapons, you did this only four times?

Detainee: Yes, it was four times.

Tribunal Member: Was that before or after September 11th?

Detainee: It was before that.

Tribunal Member: When you were going to Mazar-E-Sharif with the truck with sixty folks in it, were those folks Taliban and was this after September 11th?

Detainee: They were Taliban and it was their vehicle.

Tribunal Member: This was after 11 September?

Detainee: Yes, it was after.

Tribunal Member: When you worked or drove in the area in Konduz near the bazaar, was that also after September 11th?

Detainee: It was before that because after September 11th happened, there was no work and I was just sitting around.

Tribunal Member: How did you learn about September 11th?

UNCLASSIFIED//FOUO

Detainee: I came back to Pakistan in the middle once. When I went back to Pakistan, I did not take my money from Afghanistan. Then I went back to Afghanistan. When I was going back I had no idea at that time. When I reached Konduz I was told about that.

Tribunal Member: So you were in Konduz after September 11th?

Detainee: Yes.

Tribunal Member: What did you do in Konduz when you went back?

Detainee: I was driving the same vehicle. I stayed in Konduz for a few days. That vehicle was with them after that. Then I started driving some different vehicles.

Tribunal Member: You were still at that time driving for the Taliban?

Detainee: No, I was not driving for the Taliban after that. I told them once the attacks started, I was not going to drive anymore. I was just staying over there. I had to stop because every road was closed.

Tribunal Member: So the only time you drove after September 11th was to transport the Taliban fighters to Mazar-E-Sharif?

Detainee: That was the only time that I drove them because in the middle, yes I did once; and that time I did not know that what was going on. And I don't know about that. I drove at that time, the reason being that was the only vehicle going back to Pakistan.

Tribunal President: Can you tell me what month and what year you went to Afghanistan?

Detainee: Forgive me for that. I have a very bad memory and I don't remember.

Tribunal President: How did you travel to Afghanistan?

Detainee: The question you asked before, about the year and month I went to Afghanistan. It was in the month of Ramadan.

Tribunal President: Okay. What year?

Detainee: After that, maybe it was the fourth or fifth Ramadan.

Tribunal President: Is that before this year?

Detainee: This Ramadan. When I went to Afghanistan it would be the fourth or fifth.

Tribunal President: Okay.

ISN #015
Enclosure (3)
Page 6 of 9

UNCLASSIFIED//FOUO

002 157

UNCLASSIFIED//FOUO

Tribunal President: How did you travel from Pakistan to Afghanistan?

Detainee: From Quetta to Chaman. Then Chaman to Spin Buldak. Then to Kandahar. Then to Ghanzi and then to Kabul.

Tribunal President: What transportation or vehicle took you from Pakistan to Afghanistan?

Detainee: Local transportation that take passengers. Local transportation.

Tribunal President: Did you have to have money to travel from Pakistan to Afghanistan?

Detainee: It does not require that much money to go from Pakistan to Afghanistan.

Tribunal Member: How did you pay to travel from Pakistan to Afghanistan?

Detainee: I gave them money.

Tribunal President: Was it your money or somebody else's money?

Detainee: It was my money.

Tribunal President: Okay. You said you drove a car and you drove a truck. Can you name all of the vehicles you drove in Afghanistan?

Detainee: The truck was very old, from the Soviet era. Its name was Kamaz.

Tribunal President: Did you also drive a car?

Detainee: Once or twice, if somebody got sick.

Tribunal President: When you transported the people with the weapons while in Afghanistan, where did you take the people?

Detainee: The people who came and stayed in the city, and sent them place to stay and rest (sic). I was taking them from one place to the other place.

Tribunal President: Where did you pick those people up to take them to rest? Where is the other place?

Detainee: Konduz. From Konduz to Bungi and Tangi.

UNCLASSIFIED//FOUO

Tribunal President: Do you know what those people were doing in Konduz?

Detainee: In those days, there was no fighting. From that place they were going to the front lines. There was no fighting, but they were just sitting over there.

Tribunal President: When you would go to the bazaar to buy food, where did you get the money?

Detainee: The person who was in charge of that school, most of the time he gave the money to the store keeper and I would just bring the food. Sometimes he would give the money to me and I would pay.

Tribunal President: Was the person in charge of the school Taliban?

Detainee: He was Pakistani and Taliban.

Tribunal President: When you were arrested, did you surrender?

Detainee: I had no weapons.

Tribunal President: Did you volunteer to go to the police?

Detainee: No, I did not. Everybody was trying to go back to their homes. But I got stuck and I was helpless, so I stayed with them.

Tribunal President: What types of weapons did the people have when you drove the sixty people to surrender?

Detainee: Kalashnikovs. AK-47s.

Tribunal President: Was that all?

Detainee: Yes, only the Kalashnikovs.

Tribunal President: Did you have a Kalashnikov?

Detainee: No.

Tribunal President: Were you asked to join the Taliban?

Detainee: No, they did not ask me. But they hired many people by force to join them.

Tribunal President: Were you forced to join the Taliban?

UNCLASSIFIED//FOUO

Detainee: No.

Tribunal President: So you did not join the Taliban by force or your own will (sic)?

Detainee: No. They can not force the drivers to do that because they think he will drive away with their vehicles. Because we can run away very easily.

Tribunal President: Zia, do you have any other evidence to present to this Tribunal?

Detainee: No more, only my statement.

Tribunal President: The Tribunal has your statement. Personal Representative, do you have any other evidence or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No, Ma'am.

Tribunal President: Do any of the other Tribunal Members have questions?

Tribunal Members: No, Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal 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 #015
Enclosure (3)
Page 9 of 9

UNCLASSIFIED//FOUO

002760

Detainee Zia Shah dictated the following written statement on 9 Sept 2004 in response to his unclassified summary of evidence dated 4 Sept 2004.

I. In Response to (A) of the unclassified summary, I am not a member of the Taliban and I did not engage in hostilities against the United States or it allies.

a. In response to (A1) of the unclassified summary, I went to Afghanistan to get a job as a driver. I did not care whom I worked for, it was just that the Taliban were ones to offer me a job as a driver and hire me. This was by chance; I did not go to Afghanistan looking to work specifically for the Taliban. When I started working for the Taliban, United States forces were not in Afghanistan. Nonetheless, I told the Taliban that I would not enter an area where there was fighting. At the time, the Taliban were fighting against Mossoud and the Northern Alliance. When I was driving, I did not enter any areas where there was fighting. Thus, I did not engage in hostilities against the United States or its coalition partners because I refused to enter the areas where fighting was occurring. The Taliban would hire anyone they could find that could drive a truck and move their material. They did not require the drivers they hired to be Taliban members, it was just a job to make money. The Taliban had an old vehicle that I would drive when they would hire me to move their material; they did not give me a car. When I wasn't working for the Taliban, I would just sit and wait. The Taliban would also hire other drivers to drive this old car.

b. In response to (A2) of the unclassified summary, I did this at most perhaps 4 times. I transported some people who were carrying AK-47's on their shoulder. The only reason I did this was because other vehicles and drivers were not available. The vehicle I drove was not reliable. Primarily I transported food. I was staying at an old school in Konduz and a bazaar was located close by. I would go and pick up food at this bazaar and carry it back to the school. A mixed group of Pakistanis and Taliban were staying at the school. There was always about 60-70 people present at the school at any given time and people would come and go. I would also drive a ^{1 and 1/2 hour} ~~half hour~~ route from Konduz to ^{then} ~~Latabund~~ transporting bedding. Occasionally I would be asked to take a person who was staying at the school to various locations using a smaller car when the normal drivers of this car were sick or not available.

2. In response to (B) of the unclassified summary, this is not true. When I was in Afghanistan, United States troops were not present. When the attacks started I was in Konduz and all the driving routes were closed. Everyone tried to leave, including me. I wanted to leave Konduz and go home to Pakistan when the bombing started but I couldn't because the routes were closed and I was stuck.

a. In response to (B1) of the unclassified summary, I never drove people who were looking for a fight or who were searching for Northern Alliance members. I never transported people to the front lines. The few people I did transport that had weapons with them were not going to the front lines and I was not taking them to a firefight. It was very common for almost everyone in Afghanistan to have AK-47s and other weapons.

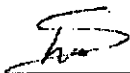
b. In response to (B2) of the unclassified summary, a route opened when all the Taliban decided to surrender. I was asked to drive a vehicle with some Taliban personnel in it to the location for them to surrender. Other people were also asked to drive. I was basically told here is a vehicle, take these people with you so they can surrender and you can go home. That was the only way I knew how to get out of Afghanistan and go home to Pakistan. If drove them to Mazar-e-Sharif to surrender, I would be able to catch a public transport from there to Pakistan. This was the only way for me to go home. The truck I drove to Mazar-e-Sharif was a big truck that carried about 60 people. I was just ^{the} a truck driver. I was not a combatant. I did not carry any weapons. When I got to Mazar-e-Sharif the other ~~Taliban~~ ^{hired by the Taliban that} drivers I drove with who were Afghans from Kandidar, Konduz or other local areas were allowed to leave. I was apprehended because I was a Pakistani. I had planned to take a public transport from Mazar-e-Sharif to Hirat to Kandidar to Quetta Pakistan. When all the routes were closed to Pakistan, I was in Konduz and was stuck. The only route still open to Pakistan was from Mazar-e-Sharif. So to get home I had to first get to Mazar-e-Sharif. Driving the truck full of the 60 Taliban to surrender was my only opportunity to get to Mazar-e-Sharif.

I have never lied and I have always been very forthcoming. I could have lied and said that I did not know the Taliban and was just there to do some work as a driver, but I did not. If you ^{hear} read all of this and think that I am a member of the Taliban, you are wrong. I was just trying to earn a living as a driver. While in Afghanistan I was never issued any weapons, nor was I ever given one to take with me in the vehicle I drove. I did carry a small pocketknife to eat melons and

other fruits. The only weapons I touched in Afghanistan was when someone who was carrying a weapon gave it to me to hold while they climbed into the truck, or if I was getting in the truck with someone who had a weapon and I pushed it aside. I never engaged in any hostilities or fired any weapons at any time while I was in Afghanistan. I just drove a truck.

I affirm that the written testimony above is accurate.

NAME:



DATE:

15.09.2004