

UNCLASSIFIED//~~FOUO~~

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the Detainee understood the Tribunal process, the Detainee stated, "yes".

As the Recorder summarized the Unclassified Summary of evidence paragraph 3(a)(3), the Detainee made the following comment:

Detainee: Who has killed?

Tribunal President: The statement reads, the Detainee admitted executing three Afghans as the [REDACTED] for the Taliban in [REDACTED]

Detainee: Do you want me to answer now, or do you want me to answer later?

Tribunal President: You will have an opportunity to respond to each one of these in just a few minutes.

The Tribunal President addressed the Detainee Election Form (Exhibit D-A) and made the following comment regarding the Detainee's witness request:

Tribunal President: I see by the Detainee election form you have elected to participate as evidence of you being here today. Additionally, I understand that you requested two witnesses and the reason why you wanted these witnesses was they could testify that you joined the Taliban as a result of some force. This Tribunal has determined that this testimony, even if true, is not relevant to these proceedings. This Tribunal looks at the enemy combatant status of the Detainee. These witnesses appear to have information about your actions before you joined the Taliban. As such, the nature of the evidence is more addressing character which is not relevant for this panel to consider. Additionally, the issue of force or conscription to serve the Taliban is not relevant to one's status as a possible enemy combatant. Accordingly, the Detainee's request for witnesses is denied. Having said that, I do want to tell you that the only thing we have seen about you to this point is the information on the Unclassified Summary. In making our determination we consider two things. We consider the evidence as provided to us by the Recorder, and the second thing is we consider the things you have to say to us in your oral statement.

After taking the Muslim Oath, the detainee made the following sworn statement:

3.a. 1 The Detainee was the Taliban [REDACTED] of [REDACTED].

Detainee: The whole world knows that Taliban was a brutal regime. Anytime that they capture a place or surrender a place, especially if they were Farsi or Uzbek speaking, they will burn the houses down; they will put people in jail and they will kill people. Farsi and Uzbek speaking, because of fear for their families, that's why they will join Taliban. I never liked Taliban, but with force, they made me join. Everybody knows and the

ISN [REDACTED] 1003
Enclosure (3)
Page 1 of 11

UNCLASSIFIED//~~FOUO~~

AP 02890

UNCLASSIFIED//FOUO

whole world knows that my people opposed Taliban and up to the last minute opposed to Taliban. Anybody else knows there's been 30 years of war in Afghanistan and everybody, door-to-door, they have animosity against each other. Lots of animosity between tribes and neighbors, and [REDACTED] had traded me and sold me for money. When I was detained in Mazar-E-Sharif, the interrogators came and asked me questions. At that time, Americans decided that they were bad people, but not me at that time. For 18 months I was detained in Afghanistan without knowing what was going to happen to me. And because I didn't have any money myself to give him, he made up these accusations so he could sell me to Americans. The whole world, many of you do not believe what I say, but the whole world knows that in the regions of Northern part of Afghanistan, Taliban burns houses and put people in prison. It is proven that I never liked or supported Taliban, but they forced me. The people of Afghanistan, every day new people come, and they have to obey the laws of the government.

3.a.2. The Detainee admitted supporting the Taliban.

Detainee: I never admitted to this. When I was with Taliban, it was to protect myself, my family and my region. It was not because I was supportive of it. Taliban killed a lot of people of my tribe and put a lot of them in prison. I never supported that.

3.a.3. The Detainee admitted executing three Afghans as the [REDACTED] for the Taliban in [REDACTED]

Detainee: That does not have anything to do with me. During Taliban, anybody who stole anything or committed adultery...when somebody steals or kills someone or commits adultery, laws and the court and judges of Afghanistan decide on punishment of these people and that has nothing to do with me. That depends on the court and the government and the President of Afghanistan, it's not up to me. But I have not decided on anything on this, I did not know any of these people. Mullah Omar was the leader of Taliban and he has decided on that, and the court has decided on that. And the interrogators said if I told the truth it would help me. At that time, I was the [REDACTED] and this is a fact and I told them. This is not anything up to me, it's not up to me. That was the work of the court and the work of the leader of Afghanistan.

3.b.1. The Detainee stated he commanded 40 men armed with AK-47 rifles.

Detainee: I have said it before and I will say now, that there were 40 people with me. They work for the security of town. I wasn't involved with any war or anything else, I was just involved with the security of town.

3.b.2. The Detainee surrendered himself to neutral elders of Andkhoy City, Afghanistan.

Detainee: You tell me that I have fought against American and Coalition forces, but before the war I had surrendered myself to the people of Andkhoy. And people know,

ISN# [REDACTED] 1003
Enclosure (3)
Page 2 of 11

UNCLASSIFIED//FOUO

AP 02891

UNCLASSIFIED//~~FOUO~~

and it is known in the Andkhoy area there has never been war. A lot of the people will witness that I surrendered myself to the Andkhoy elders.

Tribunal President: Would you like to add anything else at this time?

Detainee: I want to tell you that only because of money, I was sold. And the American interrogators questioned me and I was told to lie to American officials. They (the Americans) told me they didn't think it was necessary to bring me here at that time. In Afghanistan, they are poor people. They knew I didn't have any money myself, and for that reason, they sold me. And I admit that I was Taliban, but I was forced to support and protect my people, family and myself. I have been detained as an innocent man for three years, and have not committed any crime. If I'm accused of being with Taliban for one year, thousands of people in Afghanistan are with Taliban, why aren't they detained?

Tribunal President: Does that conclude your statement?

Detainee: Thank you very much for allowing me, and I appreciate it. I know what's going to happen to me after this.

Tribunal President: Would you mind answering some questions we may have?

Detainee: Yes, I would.

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

Personal Representative: No, ma'am, I do not.

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

Recorder: No, ma'am.

Tribunal President: Do any tribunal members have questions for the Detainee?

Summarized Questions to Detainee by Tribunal Members

Tribunal Member: Yes, ma'am. I'd like to ask you (the Detainee) some background questions right now. Would you tell the tribunal about your education; how far you advanced in your studies?

Detainee: I studied until fourth grade and finished. Fifth grade I enrolled and did not get my books. The communist regime came, and they attacked the region and destroyed the school.

Tribunal Member: Have you had any military or weapons training?

ISN [REDACTED] 1003
Enclosure (3)
Page 3 of 11

UNCLASSIFIED//~~FOUO~~

AP 02892

UNCLASSIFIED//FOUO

Detainee: No, no, no. We are poor people, all day long, we are thinking about how we are going to find food to feed our family. With all this military stuff, I never dealt with it and I don't understand it.

Tribunal Member: You were not taught how to use a weapon as part of a police force?

Detainee: In Afghanistan, some of the people even with no education have high jobs. They are all uneducated.

Tribunal Member: I understand that, but I am asking you did you learn how to use a weapon when you joined the police force?

Detainee: The police in Afghanistan is not the same as police here. We were just common, regular people.

Tribunal Member: So you did not command 40 men with AK-47 rifles?

Detainee: Those 40 people were only security of the town, that's all.

Tribunal Member: And they had AK-47's?

Detainee: Not all had Kalishnikovs.

Tribunal Member: And did you have one?

Detainee: No, I did not.

Tribunal Member: Now you told us something about [REDACTED] forces selling you.

Detainee: Yes.

Tribunal Member: How do you know this? Did you speak with him or did someone tell you that you were sold?

Detainee: When I was in Mazar detained, all the people there told me that I was here because of money. They told me that if I had money I would be released. Every day they told me that I was there detained because of money.

Tribunal Member: And this is while you were in Mazar-E-Sharif?

Detainee: They tell me all you have to do is give us money and you will be free.

Tribunal Member: Did they tell you what the price was?

ISN# [REDACTED] 1003
Enclosure (3)
Page 4 of 11

UNCLASSIFIED//FOUO

AP 02893

Detainee: Because I didn't have any money, I did not discuss how much. I didn't ask how much. If I had money, I would've asked how much I would need to be released.

Tribunal Member: Now I'd like to ask you a little about your time as a Police Commandant.

Detainee: I have one thing to add about the money situation. After the American interrogators said it wasn't necessary to detain me here. Every day we talked about money.

Tribunal Member: Thank you. When did you first become the [REDACTED] [REDACTED]?

Detainee: I don't remember the date, but I know it was one year I was with Taliban. That was the first duty I had, and I didn't know what type of people Taliban was and what they did.

Tribunal Member: Did you join the Taliban before the attacks of September 11th or after?

Detainee: When were the attacks on the United States?

Tribunal Member: September 11, 2001.

Detainee: It was before that.

Tribunal Member: OK.

Detainee: Before the war with the United States, I had surrendered myself to the people of Andkhoy.

Tribunal Member: We'll get to that in a moment. Were you paid as the [REDACTED] [REDACTED]?

Detainee: I was getting 5 to 6 dollars salary per month. Approximately I would say between 5 to 6 dollars.

Tribunal Member: Who was your supervisor or superior?

Detainee: The governor of [REDACTED]

Tribunal Member: Now you told us that the executions that were carried out were not your decision.

ISN [REDACTED] 1003
Enclosure (3)
Page 5 of 11

UNCLASSIFIED//~~FOUO~~

Detainee: This is not true. These were done by the government of Afghanistan and the leader of Afghanistan and the whole system, they decide.

Tribunal Member: I understand that. Did you carry out the executions yourself?

Detainee: No, no, no.

Tribunal Member: Did men who worked for you carry out the executions?

Detainee: No. They were stoned to death by people, and people have to stone them to death.

Tribunal Member: People in the town?

Detainee: All the people everywhere they take a rock and hit the person.

Tribunal Member: What was the crime?

Detainee: Crime was adultery. I don't have anything to do with it. I have been 18 months detained in Afghanistan, no one has brought any charges against me.

Tribunal Member: I'd like to now ask you about the time around your surrender. Now you said that was the time before the war with the United States; can you be more precise of the date and time?

Detainee: At that time, America was not in Afghanistan.

Tribunal Member: Had the bombing begun?

Detainee: Yes, they had started bombing.

Tribunal Member: When you surrendered yourself, did you have a weapon?

Detainee: All the weapons we had, we surrendered.

Tribunal Member: Did you fight against General Dostum's forces and the Northern Alliance?

Detainee: No, no, no. If you don't believe what I say, you could ask the neutral people in Andkhoy City.

Tribunal Member: Thank you. That's all the questions I have.

Tribunal Member: I have a question Ma'am. What was your occupation before you were the [REDACTED]?

ISN [REDACTED] 1003
Enclosure (3)
Page 6 of 11

UNCLASSIFIED//~~FOUO~~

AP 02895

UNCLASSIFIED//~~FOUO~~

Detainee: My job was a farmer. Wheat and rye and to make food for my family.

Tribunal Member: Who hired you to be the [REDACTED]?

Detainee: One of the persons that was with Taliban I had known since we were small, young kids. I went to see him and he forced me to join and I said I am a poor farmer and I don't want to do it. After he gave me the job, many times I told him I was a farmer and that I didn't understand this job and I don't want it. He would tell me, you have to be with Taliban because if you don't they will go into your region and be cruel to your people. And so you are forced. You have to stay.

Tribunal Member: You say this was your friend?

Detainee: Yes, I know him and we grew up in the same region.

Tribunal Member: Did you see him often?

Detainee: Where?

Tribunal Member: In the region?

Detainee: Yes. We are in the same district. He also was not happy with Taliban. They forced him, too. He was in Afghanistan for a better job, but they don't have a good economy. My friend had a house or home there. If they burn the house down, then what is he going to do?

Tribunal Member: Was there a police department prior to you being a [REDACTED]?

Detainee: I'm not sure. Maybe.

Tribunal Member: Who handled security for the region, prior to you being [REDACTED]?

Detainee: I heard of his name, but I have not seen him. Everybody knew him as [REDACTED]

Tribunal Member: Why did the Taliban not use him for the [REDACTED] there?

Detainee: Don't know why.

Tribunal Member: How did you support the Taliban?

Detainee: I never supported Taliban. I only supported to protect my region and myself. My friend was himself forced to go. He told me I had to go and was forced to go, and I was never a supporter of Taliban.

ISN [REDACTED] 11003
Enclosure (3)
Page 7 of 11

UNCLASSIFIED//~~FOUO~~

AP 02896

UNCLASSIFIED//~~FOUO~~

Tribunal Member: I don't understand. You joined the Taliban, but you did not support them; therefore, what did they require from you?

Detainee: I told them I was not happy to stay there with them, they made me, and I was not happy with them.

Tribunal Member: So you were only following orders?

Detainee: By force, yes.

Tribunal Member: What did they ask from you? What did they ask you to do?

Detainee: Our job was to make sure nobody beat anybody, that nobody would steal anything and provide security for the town. The person who supports Taliban has family that is Taliban, and my family is not Taliban. My tribe or people are not Taliban and oppose Taliban. My region's people are not Taliban and have been killed by the Taliban. Everybody knows that Taliban comes into our region and burns our houses down, and made us join them. Taliban at that time was regime in Afghanistan. A lot of people were with them but not supporters.

Tribunal Member: Do you remember the year that you joined the Taliban?

Detainee: I don't understand about the dates.

Tribunal Member: The year 1422, 1423, do you recall?

Detainee: I don't know the dates, but I know it was about 12-13 months I was with them.

Tribunal Member: Twelve to thirteen months. Ok. If you did not like the Taliban, why did you not work with [REDACTED] to identify those Taliban causing problems?

Detainee: We couldn't do it. It's known all the people in the north was close to Taliban. Taliban did not trust us, and always watched what we were doing. The day I surrendered to the elders I did not have the opportunity.

Tribunal Member: Do you remember in relation to Rhamadan when you surrendered?

Detainee: Seven days before Rhamadan. That night, [REDACTED]'s forces had captured part of the city, and gave me the opportunity to surrender myself. This is not a hidden story, whole world know what happened.

Tribunal Member: There were many refugees during that time, why did you and your family and your tribe decide not to go to Iran or Pakistan with the other refugees?

ISN# [REDACTED] 1003
Enclosure (3)
Page 8 of 11

UNCLASSIFIED//~~FOUO~~

AP 02897

UNCLASSIFIED//~~FOUO~~

Detainee: I don't know there was a lot of refugees.

Tribunal Member: There were thousands of refugees fleeing.

Detainee: Who had money in Afghanistan could be a refugee and go. Some people in Afghanistan are so poor, when they eat at night, they do not know if they will eat in morning again. How are they going to find money?

Tribunal Member: Are you a farmer?

Detainee: Yes.

Tribunal Member: What did you grow?

Detainee: In my region, we grow wheat, rye, crops of that sort.

Tribunal Member: With wheat and rye, you did not have food to eat?

Detainee: We had only enough to eat for the day.

Tribunal Member: Last question. Do you believe in Jihad?

Detainee: I am a foreigner. I don't understand these things.

Tribunal Member: Ok, thank you. No more questions, ma'am.

Tribunal President: Can you tell us where home is for you?

Detainee: The street of [REDACTED] in the village of [REDACTED]

Tribunal President: Where is home in relation to [REDACTED]?

Detainee: A long drive. There are five or six provinces between us. More than one day by car.

Tribunal President: Is [REDACTED] a large town?

Detainee: No, it is not a large city.

Tribunal President: When the bombing started, were you hoping that the Taliban regime would fall?

Detainee: We were all hoping for that day when the brutal regime of the Taliban would come to an end, because they killed people and burned their houses down.

ISN: [REDACTED] 8/003
Enclosure (3)
Page 9 of 11

UNCLASSIFIED//~~FOUO~~

AP 02898

~~UNCLASSIFIED//FOUO~~

Tribunal President: Instead of surrendering, why didn't you try to go home?

Detainee: They wouldn't let me go. At that time, the Taliban, in some provinces they were still the rulers, so I could not go. It is common sense that all these provinces were still at Taliban's hands, how could I go home?

Tribunal President: I have no further questions. I want to thank you for participating in this tribunal today.

Detainee: I also thank you.

Tribunal President: [REDACTED] do you have any other evidence to present to this tribunal?

Detainee: All I wanted to say, I already did, and I told them about the two witnesses I wanted to bring. If they are around me, I will do that.

Tribunal President: I think we've adequately covered the witness request and it's not relevant at this time.

Detainee: What other evidence? What other things do you want from me?

Tribunal President: Anything else that you would like to tell us.

Detainee: The evidence that I have presented to you the whole world knows about. This is the truth, and it's not that I am hiding anything from you.

Tribunal President (to the Personal Representative): Do you have any other evidence or does the detainee have any previously approved witnesses to present to this tribunal?

Personal Representative: No, ma'am. I do not.

Tribunal President: All unclassified evidence having been provided to the tribunal, this concludes the tribunal session. [REDACTED] you shall be notified of the tribunal decision upon completion of the review of these proceedings by the convening authority in Washington, D.C.

Detainee: How long will that be, ma'am?

Tribunal President: Unfortunately, I don't know the answer to that. If the tribunal determines you should not be classified as an EC, you will be released to your home country as soon as arrangements can be made.

Detainee: I've not seen war, I never supported war, and I don't want my country to be ruined by war. It's up to you to decide my fate, I have told you what I needed.

ISN# [REDACTED] 1003
Enclosure (3)
Page 10 of 11

~~UNCLASSIFIED//FOUO~~

AP 02899

~~UNCLASSIFIED//FOUO~~

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.

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Colonel, United States Army
Tribunal President

~~UNCLASSIFIED//FOUO~~

ISN# [redacted]
Enclosure (3)
Page 11 of 11

1003