

**Summarized Unsworn Detainee Statement**

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

*The Recorder presented Exhibits R-1, R-2, and R-3 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 stated that the Detainee wants to participate and has requested four witnesses. The Tribunal has determined that three of the four witnesses would testify basically to the same information. The Tribunal will allow one witness, Zabit Kabir, (ph) head of security forces for the province of Zabol. The Tribunal determined that this testimony is relevant to this hearing. The first witness request was sent to the Department of State on 29 November 2004, the second on 13 December 2004 and a third request was sent on 20 December 2004, all contacting the foreign embassy. As of this date, 22 December 2004, we have not received a response from the foreign embassy on the status of this witness. The witness has been deemed not reasonably available. The Tribunal President stated that if this witness statement comes in at a later time, this Tribunal would consider reopening your case.*

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

*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. The detainee is associated with forces allied with al Qaida and the Taliban.*

*3.a.1. Until the time of his detention, the detainee was serving as the security commander for the Shinkai district, Zabol Province, Afghanistan.*

Detainee: Yes.

*3.a.2. The governor of the Zabol district appointed the detainee to the security commander position.*

Detainee: I was not only appointed, the governor and the people of the province both appointed me.

*3.a.3. The detainee and the governor fought together for years with the Mujahdeen against the Russians.*

Detainee: We did not fight together. He was separate from me and we were in different areas. But we fought in the same province.

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*3.a.4. The governor is Taliban and has ties to Hezb-e-Islami Gulbuddin (HIG).*

Detainee: No he was not Taliban and he was nowhere near Taliban. He escaped from the Taliban; he went to Pakistan to escape the Taliban. He was a former member of HIG, but before Taliban showed up, he escaped and left everything behind.

*3.a.5. The HIG is a terrorist organization with ties to Usama Bin Laden.*

Detainee: Yes, he's a terrorist. They do wrong things and we do not like them. I do not like them and the new government of Afghanistan, run by President Karzai, does not like them. I know he does wrong against the new government.

*3.a.6. The detainee had under his control, a stockpile of weapons that included: assault weapons, RPG's with ammunition, mortars, and landmines.*

Detainee: Yes, that's not mine, not my private place. They have one list, every weapon has a number, and there was one list, and that was with the Interior of Ministry. That list was with the government position. Everybody writes the weapon's serial number and everything. They put them in there and it was under my control, because it belonged to the government. From the Interior Ministry, they have all the lists, all the ammunition numbers, all serial numbers, everything. All the records were under my control but belonged to the new Government. This government appointed me to this position and I worked for the new government. I'm a person, employee of the new government.

*3.a.7. The detainee possesses detailed knowledge of Taliban and HIG plans and organization.*

Detainee: I have no knowledge, no information about anybody, no Taliban or HIG. Of course, the governor was my boss, I don't know what his position is, and I have to ask for permission, to talk to him, to have a meeting with him. That's a different story. But, if you found any evidence to this allegation, on this allegation on me, either with the Taliban, HIG, or any close ties, or any information, I will accept lifetime prisoner. If you found any proof or evidence on me, I will accept lifetime prisoner. One time, I took an oath in Bagram. I even put my hand on the holy book of Koran. That's just way hard, and I did that, and I told them, this is my holy book, I respect it dearly. I told them this is my religion, if ever you find any proof, or any evidence against me, which I was giving/getting information from Taliban or HIG or al Qaida, that I share with them, I will accept a lifetime sentence.

Tribunal President: Is there anything else you'd like to tell us?

Detainee: I will tell you the story of how I was arrested. Yes, when I accepted the job as district Chief of Police that made me a lifetime enemy with Taliban. Taliban, is I think, for life, my enemy of the future. They are sending me messages. They sent me all kinds of things, they are telling me, you work with the American, non-Muslims, and infidels.

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They warned me and threatened to kill me. After this whole thing, the Americans arrested me. I'm not upset with Americans, and I'm not mad at Americans. I'm only upset with some people; they are just a personal enemy. I was, when they arrested me, I was taken to Bagram. I spent three or four months there, but I assured myself and I was comfortable because I knew Americans would find out the truth. They will ask about me, get the right information, and I hope that they will release me soon. But, I'm thinking that my enemy has more power, more things, and gave more allegations, wrong allegations. I expect from the Tribunal President please, I have the right to ask you, I have the law of the country, give me the right to ask you, please get as much of the right information about me as you can. Please, I ask you again, to find the true story about me. I would like to get the right information to release me, to get back home and to my family. If you found any allegations against me, if I was ever a member of the Taliban, or I worked with the Taliban, or I was in close ties with the Taliban, either the Taliban or HIG, I will accept anything, the hardest punishment. Again, I never, ever did anything with the Taliban or HIG. I'm innocent, completely innocent, God is watching me, and God knows I'm innocent and I don't have to say again. I swore on God, and, I never ever thought about anything or did against the Americans, they are not my enemy. I never thought of them as my enemy and I never did anything wrong against America in my lifetime, and I never will. I'm innocent, and I'm very hopeless. I accept you as my elder brother in Afghanistan, Americans are our eldest. We respect you because you guys help us, and you guys helped rescue us from the criminals, the al Qaida, and from the Taliban. That is a very important thing.

Tribunal President: At this time, we may have some questions for you. Will you be willing to answer some questions for us?

Detainee: Yes.

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

Tribunal Members' questions

Q. You said you were going to tell us the story of how you were captured. Basically, all you said was that you had a personal enemy who was responsible. But I would like to see if you could give me more details. For example, were you arrested in your house or did they ever tell you why you were arrested?

A. When I got arrested I was in my office in the district, inside the government building. But I don't know who the person was. They did not let me know who the person was. Who gave out the wrong information against me? I don't know.

Q. I just want to get a little more background on you. Are you married?

A. Yes, I'm married.

Q. Do you have children?

A. I have seven children.

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Q. What is your education background?

A. No education.

Q. Is it your job to know who the members of the HIG are? Do you know very many members of the HIG?

A. I only know the people; they are close to our province. I spoke of all of them, and they are in my file. I already told the interrogators.

Q. The stockpile of weapons, were they kept in a private residence or in a government building?

A. No, they were in our district building, government building, which was inside the compound in the district.

Q. How long have you been here?

A. Almost twenty-one or twenty-two months. Since I was arrested.

Q. Were there any terrorist activities or fighting around the time you were arrested?

A. No, there was nothing going on in our district when I was there.

Q. I'm not sure where your district is. Does your district and province border Pakistan?

A. Yes.

Q. Did you ever travel to Pakistan?

A. Yes, when Taliban came to power, I escaped to Pakistan. I was running away from the Taliban.

Q. Do you have a passport?

A. No need for a passport, I don't have a passport, because we were in and out (of Pakistan.)

Q. What did you do before you were the chief of security?

A. Before Taliban, I was fighting the Russians. When Taliban came to power, I escaped from the Taliban to Pakistan. Twelve or fourteen months, I escaped from the Taliban. I went to Pakistan.

Q. Did you work during that time frame?

A. Yes, I owned a small store that sold blankets.

Q. You said you fought the Russians; but did you have any formal training?

A. No, no, no one gets training. Everyone knows how to shoot Kalashnikov. They know how to fire weapons.

Q. When you were Chief of Police, was the Taliban in power?

A. No, the Taliban was gone. The new government threw out the Taliban. I then became chief under the Karzai government commander.

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Q. You said the governor and the people appointed you the chief of police. Was the governor a friend of yours, and if he was, how long did you know him?

A. Yes, we knew each other at that time. We fought the Russians; all Mujadeens knew each other. When the Taliban came, he was in Pakistan because he had escaped from the Taliban. When the new government came to power, the Karzai government, he became the governor of the province. We had some problems in our own district. Between us, among them, all the elders, his friends, and everybody went to the province, and went to the governor's office. We talked to him in a meeting and talked to them, the whole people talked to the governor. They said this person, Mr. Darwaish, wants to be our district manager. The governor approved it.

Q. Who was the governor?

A. Hamedullah Tukhi

Q. Is he still the governor now?

A. I don't know now, but he was when I was arrested.

Q. Point four said that the governor belonged to HIG, and you said for a short period of time, do you know why he left HIG?

A. Yes, he was a member of a different group. He came from a different group. He joined HIG for two or three years, and when the Taliban came to this area and captured this area, he left HIG and escaped to Pakistan.

Tribunal President's questions.

Q. Was the governor appointed by Karzai?

A. Yes, Karzai appointed him.

Q. What type of things did you do in your capacity as security chief?

A. Not a big job. It's only a district. We are a small district. I was police chief there, and I handled the security of the people. I handled disputes, solved problems.

Q. Did you have people working for you?

A. Yes.

Q. How many?

A. Around thirty to thirty-five people. But they made the new program for the district. They appointed me sixty to sixty-five people; but we didn't have a budget at that time. It wasn't organized at that time, but I did keep the thirty to thirty-five people.

Q. Did you select the people?

A. No, before I was in a different area. When I transferred from this area to here, there were some previous people I kept there with me, and I put a few new people in.

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Q. I'm assuming in your district there are a number of tribes. Is that correct, or is it mainly one tribe?

A. I think first of all, there are many different tribes. The men have two different tribes, one is called Hodak (ph), and also Tukhi (as in the last name of the governor). The Tukhi is now a separate tribe, in a totally different area, in a different district now. The only main tribe now is Hodak.

Q. Would you say that the security people you had working for you were a blend of the two tribes?

A. There were three tribes working for people out there, Hodak, Tuhki, and Alatuzy (ph). Those people, they belong to a different district, but that was before me and I still keep them.

Q. I want to ask you about the place where you stored the weapons. Were you the only one to have access to that area?

A. Yes, I was the only one there, but I appointed one other person. There was a security guard--to guard the place all the time. He was allowed to get in.

Q. Did you have established procedures for taking things out of that weapons cache?

A. Before we went there, and that was from the former district officer, or district manager, there were things left from before the Taliban time. The mines, the ground mines. We didn't touch those things. Sometimes we moved (inaudible), only if we go somewhere and we take it with us for security reason. Those other things we don't touch.

Q. Regarding the person that you appointed to guard that facility. Did you have confidence that he was following the procedures so that weapons and stuff were not going out without your knowledge?

A. Yes, I had confidence. It was my person that I appointed.

Q. I assume that your own security forces had their own assigned weapons that they kept with them all the time?

A. Yes.

Q. As a rule, would you say that the rest of the population, citizens that didn't belong to your security force, didn't have weapons? Or, was it a normal thing for everyone to have weapons?

A. No, we were very close to the border of Pakistan. There were a lot of movement of the Taliban, and we are scared of them. We don't let anybody carry a weapon, or use a weapon or have the position of a weapon. If we found anybody with a weapon or knew anybody who had a weapon, we collected the weapon. We don't let anybody have a weapon.

Tribunal President: I want to thank you for participating in this tribunal today. Naibullah Darwaish, do you have anything else you would like to tell us?

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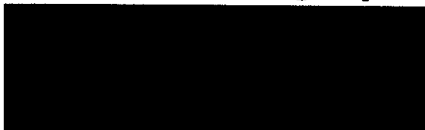
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Detainee: I don't have any questions, but, if you have questions for me, I'm ready to answer them.

*The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. 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

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