

Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Abdul Razak do you understand this process?

Detainee: Yes of course.

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

Detainee: No I don't have.

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

The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath

Detainee: Yes

The Recorder administered the Muslim oath to the Detainee.

Detainee: I want to know if my personal representative will talk or I will talk?

Tribunal President: He can help you present information if you would like for him to talk first.

Detainee: I will talk if it is or if it was possible and then I will ask from the translator to translate.

Tribunal President: OK

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

3.1. The detainee served as the President of Customs and then the Minister of Commerce for the Taliban Government from 1996 until the collapse of the Taliban in 2001.

Detainee: First in, in the name of Allah, I work as a Taliban as a Minister of Commerce and responsible for custom of Afghanistan. I work for a certain salary and did not have

anything more with Taliban. They gave me this job because I was working correctly and they gave me good salary. I wasn't a person to go to front line and fight. I was only achieving my job and I was good for it begins. In Afghanistan it was only recruiting of fighting or work in the offices. I did not know about military affairs so they gave me a civilian job.

3.2. The Detainee was captured on 01 April 2003 by soldiers of the Afghan Military forces (AMF) near Zamtu in the Ganda Ab Region. He was turned over to the United States Forces later that same day.

Detainee: Second, I was arrested in the Ganda area close to the center and that was Afghan soldiers that arrest me. After three months, I was handed to American Forces. At the time, I was arrested by Afghan Forces for the first time in the jail of Kandahar. I see American forces. I don't have any objections, they gave or they handed me to Americans on the first day later after three months. But this was the reality, I was handed to Americans after three months.

3.3. When captured by AMF soldiers, the detainee was in possession of a Kalashnikov rifle.

Detainee: Third, President Karzai, which was President of Afghan Government, he let me to keep one Kalashnikov with me. Basically he gave me one car with two Kalashnikov. But again the government took the car from me with one Kalashnikov and one Kalashnikov remained with me. That was the Kalashnikov in Kandahar with me and from the center of Kandahar. My house is approximately one hundred and seventy kilometers away to the north of the center of Kandahar. This is petty that a Afghan Government excuses me and let me to stay in the home but after a twenty months they arrest me again and handed me to here. And, President Karzai announce it in the radio that high officials are excused and they have a car with two Kalashnikovs and they could stay in their home. Based on that announcement from President Karzai, this is not convincing. I was arrested and I was handed to Americans and I am living in here. I have this much and am I allowed to tell more then this also?

Tribunal President: Yes, please do.

Detainee: When Americans announce that Afghan government is an independent government and that excuse from the Afghanistan government for high rank workers at the time of Taliban came from the government of Afghanistan, but unfortunately we are ending in here. I didn't do any opposition against American forces or Afghan forces and I never do that. If I was announcing my opposition with the government of Afghanistan, what should I do in the north of Kandahar City. That was my place, but if I was opposite of the government like other people, I should go and stay as a refugee in Pakistan or somewhere else. I believe what the president of Afghanistan said and excuse us. That is why I start living in that way in the future. It was possible to support my government. If president of Afghanistan excuse me and I was in the home, I did not have to do any

balance. So why am I living twenty months in the jail? This is not good for the President situation, if he is announcing with the level of being the president of a country and excuse us, but later the forces of that country come and arrests us. Putting us in jail, that will decrease the honesty of the president according to this announcement and, people according to this announcement, think Afghanistan government does not have any authority and it will go by the order of the second country. This is all I have to say in front of this tribunal. I don't have anything more and I appreciate you let me talk.

Personal Representative: I have one more bullet, one more sentence he gave me earlier

Detainee: That is correct.

Personal Representative: Regarding the third point about being captured with the rifle, he was not fighting at all. He was at his nephew's house and was carrying the rifle as everybody does for protection

Detainee: When I wanted to go to my nephew's house it was night. That was why I carried my Kalashnikov also.

Tribunal President: I like to say at this point that this is the only information that the tribunal has seen in reference to your situation. Would you be willing to answer some questions that we may have?

Detainee: Yes, of course.

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

Personal Representative: No ma'am.

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

Recorder: No ma'am.

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

Tribunal Members' questions

Q. Sir, you said that you worked for the Taliban? Were you a member of the Taliban?

A. That's good; that was a good question. It is in my file. Also, I confess that it was a commander. He is named Itzatofol (ph.). He said that you have to work with us and he is living close by us also. I told him, I am not a person with fighting. I cannot fight at all, and he said, "if you cannot fight, I will find you a civilian job

and you have to work with us." That commander was Abdul Salam (ph.) and he was Malam Alm Mas's (ph.) bodyguard. After three years and Taliban was ruling the government, then he presented me to Taliban government, and Abdul Salam (ph.) was trying to get me the president of Customs in Kabul City.

- Q. So, I take it by your answer you were a member of the Taliban?
- A. No, I was not a member of Taliban. That is why after three years, they gave me that position. If I was a member of Taliban the first time, they would have given me that position.
- Q. When did you stop working for the Taliban?
- A. When the government of Taliban dropped out of power in Kabul City.
- Q. Did you have any affiliation with the Taliban after the government dropped?
- A. No
- Q. Have you ever used any weapons offensively against anyone else?
- A. No.
- Q. Did anyone ever explain to you why you were arrested?
- A. Only the Americans told me why I was arrested but Afghan government never.
- Q. What did the Americans tell you?
- A. The Americans told me that the Afghan forces delivered you to us because you had a weapon and you were working for the Taliban.
- Q. You testified earlier that President Karzai excused high ranking Taliban members; my question is, was this published some where like in a newspaper or any other source?
- A. Afghan T.V., Afghan radio, American radio in Afghan language, BBC; these are official news, everybody gets the same thing.
- Q. Do you know about how long after the Taliban fell that announcement was made?
- A. Approximately one month later from the drop from power. When I was in Kandahar (ph.) jail, it was announced whoever is Taliban and they are not in opposition to the government. They are excused.

Q. Since the Taliban fell, what have you done to support yourself, what has been your job?

A. I have ten acres of land and I have been working as a farmer to support myself.

Q. What type of crops?

A. In this small land we are growing almonds and spices.

Q. Since the Taliban fell, have you been affiliated with or a member of any political party?

A. No

Tribunal Member: I have no further questions, thank you.

Detainee: In regards to all of your questions, all the money that was in my home was my money but Taliban money was not in my home and I did not have anything to balance with the government, all what I had belonged to me.

Q. In regards to the first question that the detainee was the President of Commerce and the Minister of Customs, what did you do in those positions?

A. At that time Customs of Afghan was not very strong for export merchants would have to come to him to value the goods for exports. I would set a value of the goods and write a slip and the merchants would pay the tax at the bank. The bank would give the merchant a slip to export his goods across the border. Most of the exports were Afghan carpet, almonds, animal skins; almonds shelled and unshelled, spices and fruit.

Q. How did you feel about the Americans coming over to remove the Taliban?

A. When the Americans came over to grab the power, we had chose Karzai as president and we were sure that Afghanistan was going to be rebuilt; the roads, and schools. We were happy because the country was unstable and we were sure that the stability would come back. I did not leave because I supported the government of Karzai.

Tribunal Member: Thank you very much

Tribunal President's questions

Q. That brings up one of the questions that I have. Since you are an educated man and have had had all these jobs, did you offer to help the Afghan government?

A. No, the first time I did not request it because the Taliban was gone from power and they said we had to stay at home. Later they said that they only wanted people who had been in government before.

Q. Did you ever have contact with any high-ranking Taliban that may have been your friends after the fall of the Taliban?

A. No I did not. I did not have any contact because I did not need them and I did not have any wireless equipment.

Q. You said you were arrested at your nephew's house?

A. Yes

Q. Did your nephew support the new government?

A. No

Q. Was he actively working to undermine the new government?

A. No, he is a little kid.

Q. He is a small child?

A. He is young and about eighteen years old.

Tribunal President: I don't think we have any further questions.

Tribunal President: I'd like to thank you for your participation in this Tribunal today.

Tribunal President: Is there anything else that you would like to tell us?

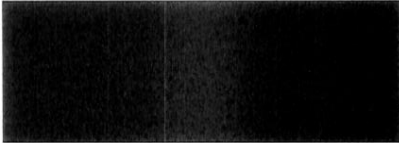
Detainee: No, I don't have any anything to say. I appreciate this conversation between us. The Americans did good things for us.

The Tribunal President confirmed that the Personal Representative had no further evidence to present, that the Detainee had no previously approved witnesses to present to the Tribunal and closed the open session.

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