

Summarized Unsworn Personal Representative Statement with absent Detainee

Personal Representative states Detainee declined to participate in Tribunal proceedings.

Personal Representative states the Detainee was advised of his right to be present during all open sessions of the hearing; advised of his right to make a statement; under oath or unsworn; advised of his right to representation by a Personal Representative; advised of his right to provide evidence and present witnesses on his behalf; and advised of his right to examine and review all unclassified evidence/documents. Personal Representative stated the Detainee indicated he did understand the Tribunal process.

The Personal Representative submits the Detainee Election form D-A.

The Recorder presented Exhibits R-1 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.

President was convinced Detainee was aware of his rights and had an understanding of the Tribunal process. President announced Tribunal hearing would proceed without the presence of the Detainee.

Tribunal President: Originally the detainee requested three witnesses. Basically they were from his home village in Afghanistan. The detainee offered that the proposed witnesses would testify that he lived in the village and they knew him well. If that is true, it is in the nature of a character witness; so deemed that is not relevant. My understanding is you went back to and told him that decision and he asked for another witness named Mohammed Ibrahim to testify for him. We did deem that the testimony would be relevant to his case on the points of the unclassified summary and we forwarded that to the Department of State on the 9th of November. The Department of State did follow up attempts to try to contact his country on the 22nd and the 30th of November. As of this date, the Department of State has not received any response as to the status to this witness request, therefore the Tribunal President made the determination that based on the attempt of contact and the lack of response, the witness is not reasonably available. Should that testimony become available at a later date, as a tribunal we will decide if we should reopen his case or not.

The Personal Representative read the accusations and followed each allegation up with a response from the detainee at a previous meeting. The allegations appear in italics, below.

3.1. The detainee was the chief of logistics for a company providing support directly to the Taliban government.

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Detainee Statement: This is false; I did work for a company that transported goods like groceries, toothbrushes and daily use items. I would buy them at a bizarre at a low price and take them back to a store. It is a government store. It sells the products to the government employees at a lower price then what they can get it at a local market. This company had two stores. The company had workers that worked for the old government, and maybe some of them drove for the Taliban, but I don't know.

Personal Representative: He told me that his stores did not sell clothes, shoes or weapons. He didn't know or remember how long he worked for them. He said he would work for a month, and then he would go back to Kabul where he lived. So he would go work at the store for a month then go home and work on the farm for a month. He told me this morning that he did this for about 2-3 years. He also told me how it came to be that he worked for the company. He said the Taliban came and took him out of his house and drafted him. They wanted him to go to the battlefield to fight. The district officer of Taliban took him to Ghazni province where he spent the night. In the morning they took him by bus with about 15 other people to Kabul. In Kabul, the military division of Taliban took everybody but him to fight because he was sick. So they put him to work for some division of the government. He told me about how the Taliban used 2% of the workers salary to buy goods from the market to supply the government's store where he worked. He would get a list of goods to buy, like soap, and then transport them back to the store. This morning he told me when he went back home that he was a farmer and he had land and a garden where he grew wheat, corn, barley and apricots.

3.2. The detainee worked for the Taliban Intelligence Office.

Detainee Statement: This is false; I am a very innocent poor man. I don't know why they put these allegations on me. I was scared and didn't want to fight when the Taliban came for me. If I didn't work for the company, they would have sent me to fight. I don't know anything about the Taliban intelligence office. This is outrageous; I am innocent.

3.3. The detainee controlled a large weapons cache including 122MM rockets, 122MM Artillery rounds, and 140MM rockets.

Detainee Statement: This doesn't make sense; I was captured in my house. I have no information on these weapons.

Personal Representative: I then asked him is there anything that he wants to add onto your statement.

Detainee Statement: I am uneducated, I didn't go to school and I told you the truth. I worked two to three years for the company every other month. I am not a liar; I don't know how to lie. I trust my Personal Representative.

Personal Representative: I did tell him I am not a liar; I am not his enemy, or his friend. I will just tell you what he told me. That is what I have done here today.

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The Personal Representative had nothing further on the behalf of the detainee for this unclassified session of the tribunal.

The Tribunal President concludes the open 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, United States Army
Tribunal President