

The Tribunal President explained the Tribunal proceedings to the detainee. The detainee stated that he understood and had no questions. The Tribunal President then explained that the Tribunal had approved the detainee's witness requests and a Department of State request went to the home country of the witnesses but no response was received. As a result the Tribunal President determined that the witnesses were not reasonably available and the Tribunal would continue with out them.

The Tribunal President requested the acronym IED be defined to the Tribunal.

Tribunal President: Recorder, item 3(b)(1) indicates the Detainee was present at the site of an attack (remotely controlled IED). What does IED stands for?

Recorder: Ma'am, it stands for Improvised Explosive Device.

Detainee: Can I answer these allegations now?

Tribunal President: Yes, I'll give you a chance in just a moment.

Summarized Sworn Detainee Statement

The Personal Representative addressed issues in the Summary of Evidence, as was discussed while assisting the Detainee in preparation for the Tribunal.

- **3(a)(1) The detainee immediate superior is a known Taliban security officer.**

I was working for the Karzi government. I didn't work for him but I was working for the government.

- **3(a)(2) The detainee immediate supervisor was identified as a member in Harakat-e-Mulavi.**

Yes, I worked under him but whether he belonged to the Harakat-e-Mulavi had nothing to do with me because I just worked under him. I had nothing to do with that.

- **3(a)(3) When captured, the detainee's brother had in his possession a card identifying him as a member of Hezb-I-Islami (HIG).**

My brother went to Iran for work and he had a refugee card so no one would bother him. That is why he had that card.

- **3(b)(1) The detainee was present at the site of an attack (remotely controlled IED (Improvised Explosive Device)) on U.S. Forces near Gardez, Afghanistan on 4 Jun 03.**

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No, I wasn't there. I have a witness that when this explosion happened, it was four months before my capture. When they captured me there was one interpreter and one soldier. They took me to the camp. They asked me what weapon I had at my home and I told them, an AK-47. They asked me what was my occupation and I told them that I was an officer for the security force. I was working for that post. They asked me about the explosion in Kwost 12 months ago. They asked me if I knew anything about it and I told them yes I knew.

There was a shopkeeper and he went to the river to clean himself and he saw something on the tree. It was something that looked suspicious and he got scared and he reported it to our post and I was at the post at that time. He saw someone by the name of Wally and Jon and sent them to the post to report it. They reported it to the post and at this time the American car came. My people had stopped all the personal cars by the post. When the American car came, someone waved for them to stop and the car didn't stop and almost hit one of our people. When the car passed by the bridge and by the tree where the explosives were the explosion occurred.

I was there at the time and the investigation group told me to go check it out and they would come right behind me. When I arrived, one of our people said that Wally and Jon were there and Jon was sent to the post to report the explosion. When everyone got together, like the investigating officer, and some other people, they all went near the street and there were three branches broken. We took pictures of the tree.

We searched around for a while and couldn't find anything and after that the Americans cars came. They got out and helped us search. We searched the entire area, we could not find anything and they also took some pictures. Then they asked my post commander who was in charge of the post? They told them that Wally and Jon were at the post and Jon reported it. They said they were going to take them to the camp, ask them some questions and bring them back. They took Wally and Jon to the camp. They asked them questions about any reports about the explosion and they said that they knew about it. They told the Americans when their car reached the checkpoint post we wave to tell you to stop and you didn't stop and the car almost ran us over and they passed by the bridge and that is when the explosion occurred. The driver of the car admitted that our security officers waved for them to stop, that he didn't stop and kept going.

And this is the story when the two Americans captured me at the bazaar with the interpreter. They asked me these questions and the interpreter was doing the interpretation. I told them that you are aware that we reported this to you and the government knows this and we have nothing to do with it. The people that took Wally and Jon for questioning bought them back after two hours.

- **3(b)(2) At the time of his capture, the detainee had under his control an 82mm Mortar, ammunition for that Mortar, and a tin filled with gunpowder.**

ISN# 1165
Enclosure (3)
Page 2 of 8

UNCLASSIFIED//FOUO

3252

UNCLASSIFIED//FOUO

I was captured in the bazaar with a driver. His name was Farou. They told us to please get out of the car so they could search the car. When they searched the car and they told me to get out of the car and they search us. We told them there was nothing with us and there was nothing in the car. They told us not to get upset, but they were going to take us to the camp and ask us some questions and they were going to handcuff us.

I told them that yes, at my post there were a Mortar and a couple of mortar shell and that stuff is probably there right now.

Tribunal President: Mohammad, do you have anything else that you would like to add?

Detainee: I request the President and the members of this Tribunal to treat me like a person and according to the law.

Tribunal President: Did you want to ask us some questions about your file?

Detainee: Yes.

Tribunal President: We have no control over your file but you can ask the questions and we will attempt to answer them.

Detainee: There have been things added to my file.

Tribunal President: We will make note of that and we can pass that information on. Is it something that you don't want in your file? Does it belong to you?

Detainee: Yes.

Tribunal President: Are you asking to have those things removed from your file?

Detainee: I want to be freed and I don't want anything to be said against me on that file.

Tribunal President: Have you mentioned this to your guards?

Detainee: No.

Tribunal President: Have you mentioned it to any interrogator?

Detainee: What ever was the truth I told them.

Tribunal President: So you did tell them that were items in your file that you did not want in it?

Detainee: At that time, those things were not in my file and when I met with my Personal Representative, I found out about those things.

ISN# 1165
Enclosure (3)
Page 3 of 8

UNCLASSIFIED//FOUO

003253

UNCLASSIFIED//FOUO

Tribunal President: My suggestion is that you mention that there are things in your file that you do not want in there and do not pertain to you to your interrogators.

Detainee: OK.

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

Personal Representative: Where were you and what were you doing when the device exploded?

Detainee: I was at my post and I was there with the security officer and one other officer. I went to get some supplies and they are witnesses of that.

Tribunal Members' Questions to Detainee

Q: Was the explosion in Kwest or was it in Gardez?

A: Gardez. It is basically the same. Kwest and Gardez are on the same lane.

Q: How far away from the attack were you? You said you were getting supplies. Could you see the bridge from where you were when the explosion occurred?

A: It was 600 meters away from my post and the bridge is a big bridge with lots of car passing through it.

Q: How long after the explosion were you arrested?

A: Four months after. I was transferred from that post to another post by the name of Bynamkhil.

Q: Where is your brother now?

A: Which brother?

Q: The brother that had the card identifying him as a member of the Hezb-I-Islami?

A: I think that he came and he is free. I think he is at home now.

Q: What is the English translation meaning of the Harakat-e-Molavi?

A: I don't know.

Tribunal Members' Questions to Detainee

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- Q: How long have you been a security officer?
- A: Four months after the fall of Taliban, I started working for that post until I was captured.
- Q: You did not work for that post during the Taliban?
- A: No.
- Q: What did you do then?
- A: I was working at the bazaar.
- Q: What were your duties?
- A: I was a worker at the market.
- Q: No. I mean when you were working for the government. What did you do for the government?
- A: My job was to look after the eight other people that were assigned to me.
- Q: How did you get a supervisory position? Did you have any experience in police work before?
- A: No I didn't. After the fall of the Taliban, there was no government and there was no security force and everyone knew this. And Abdula the commander, did have too many people.
- Q: Would you describe your work as police work or as military work?
- A: I will explain it to you now. They announced on the radio to the people of Gardez, that whoever wanted to come and help us maintain security and reconstruction of the country to come and join us. And the people agreed to help as far as personnel or any other thing that you need. We will help you. From every village they appointed a couple of people. From my village they appointed me.
- Q: You mentioned the commander is Abdula? Do you have a last name or any other information?
- A: Mojaheed.
- Q: Would it be safe to say that he was your immediate supervisor?

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- A: Yes. I used to work at the market before and people told me that if I went and worked for him, it would be better for me, I would have more pay and they would give me some help as far as food and stuff like that.
- Q: You did know Abdula Mojaheed before you started working for him?
- A: No. I was happy to work for the government and help my people and do something good for the government.
- Q: Can you tell me where you were doing police work or military work?
- A: Police work and our job was security.
- Q: What is the difference between police work and security?
- A: I don't know. I am not highly educated and don't know the difference in that. They just told us to look after this post and that is what we did.
- Q: What would you do with the mortar?
- A: It's probably still at that post.
- Q: What was its function? What were you going to do with it?
- A: When I was introduced to that post, commander Abdula asked me if I could maintain security and do patrols, things like that and I told them that I could. And they told me that they would introduce me to the security agency and I may have a boss and there may be people working under me. When we went to the agency, they introduced me to the chief of security. And when I got the job, they told me that we were in charge for the security for the bridge and they appointed me to be the leader for those eight people; like their supervisor. They asked the eight people who wanted to be the supervisor and no one volunteered for the job and they appointed me as the supervisor. There were three AK-47's for the eight people. They put us in a car, gave us the mortar and one shell for the mortar. They told us to take that to the post. We took everything we had to the post and secured it at the post.
- Q: Why do you think they gave you a mortar?
- A: In Afghanistan it is common to have something like that; have a weapon for each post they gave that. People feared the Taliban and for that reason maybe that is why they gave us the mortar.
- Q: What was the purpose of having a tin filled with gunpowder?
- A: I don't know about that.

ISN# 1165
Enclosure (3)
Page 6 of 8

UNCLASSIFIED//FOUO

003256

UNCLASSIFIED//FOUO

Q: Did you have a tin filled with gunpowder at your post?

A: No.

Tribunal President's Questions to Detainee

Q: Was your post apart of a compound or did the bridge lead into a compound?

A: Our post was about 50 meters away from the bridge and it used to be a public bathhouse.

Q: Were there Taliban soldiers in your area?

A: No.

Q: Whom were you protecting the bridge and bathhouse from?

A: We were just maintaining security at our post.

Q: Were there American soldiers in your area?

A: Not near us, but they were there.

Q: Did you have training on how to use the mortar?

A: No.

Q: Did you have training on any weapon?

A: No.

Q: But you had an AK-47?

A: Yes.

Q: And I think that you indicated that you had one at your home?

A: Yes.

Q: Why did you have one at home?

A: I had it from a long time ago.

Q: Was it to protect you and your family?

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A: Yes. I was a little boy when that was in my home. When I was captured, I told them that I had the Kalashnikov in my home.

Q: Did you have any military training whatsoever?

A: No.

Q: Do you know if your supervisor was a member Harakat-e-Mulavi?

A: No.

Q: Were you ever approached to join any organization? Like the Taliban, al Qaida or HIG?

A: No, I did not. People of Gardez that were working for the current government, I was just working in the market.

Q: Was the HIG in control of the area that you lived?

A: I don't know.

Tribunal Members' Questions to Detainee

Q: How did [REDACTED] and [REDACTED] know that it was an American car, there were Americans in the car and to stop it?

A: The American cars are well known and they drive different cars.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[REDACTED]
Colonel, U.S. Army
Tribunal President

ISN# 1165
Enclosure (3)
Page 8 of 8

UNCLASSIFIED//FOUO

003258