

Summarized UnSworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Haji Noorallah, do you understand this process?

Detainee: So far I understand everything.

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

Detainee: No, everything is clear to me. I will answer your questions; you can read my testimony. I saw that you took the oath and I will expect that you will do your job and review my case. I have been here for three years. The truth is I surrendered myself and when you surrender, usually people... You should have hugged me and welcomed me, instead they put me in jail and that is the truth.

Tribunal President: We are going to continue with some more the instructions and information about the tribunal. There will be another place for you to provide more information.

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.

Recorders summary of the evidence

- ***3.a. The detainee is a member of the Taliban:***
- ***3.a.1. The detainee first joined the Taliban and fought against the Northern Alliance when he was sixteen or seventeen years old, at which time he was trained on the AK-47 and served as a foot soldier.***
- ***3.a.2. In 1998 or 1999 the detainee participated in the attack and burning of a Shi'ite Muslim village, Choqma Choqor, and was later captured, then released, by General Dostum's Northern Alliance troops.***
- ***3.a.3. The detainee and two other Taliban commanders arranged for the surrender of their soldiers to General Dostum's Northern alliance force.***
- ***3.b. The detainee participated in military operations against the United States and its coalition partners.***

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- ***3.b.1. The detainee was the commander of one hundred Taliban fighters and fought along the Afghanistan/Uzbekistan border.***

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

Tribunal President: Haji Noorallah you may now present any information you have to the tribunal. You may have the assistance of your Personal Representative to help you if you wish.

Tribunal President: I understand from the Personal Representative detainee election form that you would like to make a statement. Is that correct?

Detainee: Yes, whatever he has written there, I would like him to read that and I will add things to that because I want you to understand my whole story.

Tribunal President: Would you like to make your statement under oath?

Detainee: If you want me to take the oath, or do not want me to take the oath, I know that everything I tell you is the truth. If you want me to take the oath I will. If you want me to provide witnesses I can. The problem is that every time I get a letter it takes eight months. My home is on the border of Afghanistan and Turkmenistan and is too far from here.

Tribunal President: Regarding the oath, the choice is yours. You can make a statement under oath or not under oath.

Detainee: If you do not want me to, I will not take the oath because I know that I tell the truth. I am an honest person and I know that you also know that I am innocent.

Tribunal President: I understand. He may proceed with his statement. [The detainee's statement that he will tell the truth is considered to be a personal oath.]

Personal Representative: I am presenting the tribunal with exhibit D-b, copies of the detainee's statement and he asked me if I would first read his statement. Number one [Referring to the unclassified summary, 3.a.1.], the detainee first joined the Taliban and fought against the Northern Alliance when he was sixteen or seventeen years old, at which time he was trained on the AK-47 and served as a foot soldier. (Detainee's written statement): "I am almost 34 years old. It's about 18 years difference between now and when I was 16. The whole period that the Taliban existed was about 6 years. When I was 16, the Taliban did not even exist. According to your charges, you indicate that I was with the Taliban for 18 years, which is not only false, but doesn't make sense. I was 16 or 17 years old when the Russians were in Afghanistan when the Mujahadeen took me by force to fight against the Russians. My father paid a bribe to get me released from the

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mandatory service. I was with the Mujahadeen for about 1.5 years. That has nothing to do with the Taliban. It was during the time of the Russians.”

Detainee: It was only a few years ago the Taliban were there in Afghanistan. Do you really need a witness for something like this? It is history. Everybody knows when the Taliban was in Afghanistan and your accusation does not make sense.

Tribunal President: The tribunal does not determine who is called as a witness. We rely on the information that was provided to us. And also, we do clearly understand your point.

Personal Representative (continuing with citation to Detainee’s statement): “When the Taliban attacked Northern cities in 1998, 8000 Taliban were killed. After that the Taliban started recruiting people by force. I am Uzbek and the Taliban are Pashtuns and there is always animosity between Uzbeks and Pashtuns. Logically, Uzbeks will not fight for the Taliban. And those Pashtuns that were Taliban were not like Karzai who is educated. The Taliban were ignorant and illiterate and forcing people to join them by beating them or torturing them. I’ve never been Taliban, and I would never be Taliban in the future either.”

Detainee: They forced me.

Personal Representative: Number two [referring to the unclassified summary, 3.a.2.], in 1998 or 1999 the detainee participated in the attack and burning of a Shi’ite Muslim village, Choqma Choqor, and was later captured, then released, by General Dostum’s Northern Alliance troops. The testimony he provided me is: “This village of Choqma Choqor is located in the province of Jowzjan and you can’t find even two houses of Shiite Muslims there. They are all Sunnis and they are all Uzbeks. During my interrogations, I told them that the Taliban had burned many villages, but I did not participate. They must have misunderstood what I told them. Let me clarify what is the truth about the village burning and how this relates to me.

- There was a person named Mullah Taj Mohammed (*“Who I will call MTM”*) who was a Taliban commander and I was told that he might be able to help me on some personal business to help me marry a woman from Kabul. I met with him and he helped me and I did get married to a woman in Kabul. After I married the girl, I came back to my Village to live.
- MTM was Uzbek like me.
- Many Uzbeks from the village of Ba Walis in the province of Jowzjan complained to MTM that they were constantly being robbed and harassed by robbers and thieves.
- Several months after MTM helped me, MTM met with me and asked me and other Uzbeks to help provide security to this Uzbek village. He wrote orders to the Taliban to leave that village alone.

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- Myself and others were given 19 AK-47s and food by the villagers to provide security. The food and weapons were supplied by the Uzbek villagers for security, not the Taliban. It had nothing to do with the Taliban.
- While with the Taliban, MTM saw the cruelty of the Taliban and started an uprising against the Taliban. MTM only had about 50 people so he asked for Dostum's help and allied himself with Dostum.
- When MTM betrayed the Taliban, the Taliban arrested me and questioned me for two days to see if I was allied with MTM. Since I was just providing security for the Uzbek village of Ba Walis and had no contact with MTM since I was at that post, the Taliban released me but took all of the weapons of our security party and told me to go home, which I did. The people of the village I was guarding were all witnesses for me that I was just guarding the village and had nothing to do with the uprising and wasn't with MTM and wasn't part of the fighting.

Detainee: Well, MTM betrayed the Taliban, that is correct, but it doesn't mean he was a bad man. He was supporting his villagers, and he did have an uprising against the Taliban, and [thus] it is proper behavior.

Personal Representative (continuing with citation to Detainee's statement): "Meanwhile, in revenge, the Taliban burned MTM's village of Choqma Choqor, and then eight months later the Taliban captured MTM and executed him for being a traitor."

Detainee: That Choqma Choqor actually belonged to MTM. I want to add a couple of things here. The first thing I want to say is there are no Shi'ite Muslims in that village. In order to burn a village you have to have some kind of power, and I was a nobody, I wasn't with Taliban, I was just like a security guard for the village, and I didn't have that opportunity; or I didn't have the power to burn the village. Even if I had that power, why would I burn the village? That was all my own Uzbek village. Even if there were some Shi'ites, I don't want to harm anybody. You're accusing me that I was in prison, I was in jail, I was captured by Dostum's forces. Dostum wasn't in Afghanistan at that time; he was in Turkey, and the second thing, if I did such a bad thing, why did he release me?

Personal Representative (continuing with citation to Detainee's statement): "So I was arrested by the Taliban and released. I was not arrested by the Northern Alliance as you indicate. The story that the interrogators have written must not have been written down very well. There is a problem with the translation; therefore your charges are all inaccurate. I had nothing to with the village being burned; I told the interrogators about the village being burned."

Detainee: I wasn't even imprisoned or captured by Taliban; they just questioned me for a couple of days and they released me. I was there for one day and two nights and all they wanted to know is if I was part of that uprising of MTM, and they questioned me and just let me go.

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Personal Representative: That concludes his testimony on number 2, unless you would like to add anything else.

Detainee: Thank you.

Personal Representative: Number 3...

Tribunal President: I'm sorry, 'Thank you' that's enough or 'thank you' I have more information?

Detainee: Thank you that's enough, that was accurate.

Tribunal President: Thank you.

Personal Representative: Number 3 [referring to the unclassified summary, 3.a.3.], the detainee and two other Taliban commanders arranged for the surrender of their soldiers to General Dostum's Northern Alliance forces.

Detainee: When somebody is going with Taliban or with anybody by force, and when he finds the chance, and a good chance, and he surrenders back, is this a crime in your eyes?

Tribunal President: I really don't know how to answer that, because we're here to determine your enemy combatant status. We'd like to know all you can tell us about these events. And another thing, just to clarify, this is an administrative review, and we're not looking for blame, or finding any criminal activity.

Detainee: Then I apologize that I disturbed you.

Tribunal President: No, you can ask any question at any time, and I'll answer as best I can. I would like to take this moment to remind the detainee why we're here. Just so you are familiar with our reason. We're looking at your classification as enemy combatant. And I know you've heard this before, but it may have been a while, so I'd like to read it again, just so you're familiar with it. Your statement is very helpful so far, and this will maintain the helpful nature of it. And reading this statement again hopefully will answer your question whether surrendering is a crime or not. Our definition of an enemy combatant is "An individual who was part of or supporting Taliban or al Qaeda or associated forces that are engaged in hostilities against the United States or its coalition partners."

Detainee: Even people that had to go with them by force, compelled to go?

Tribunal President: Any individual who was part of or supporting the Taliban. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces. And the circumstances of any involvement are very important and we appreciate your statement regarding the unclassified summary of evidence. And if you would please, please continue your response to the allegations.

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Personal Representative: Testimony he provided is as follows: After MTM was executed, I went back to my Uzbek village, as I said earlier, when the Taliban attacked the Northern cities in 1998, 8000 Taliban were killed. After that, they started forcing young men and boys into service. They would go to each village and request 100 recruits from the tribal elders. The tribal elders were forced to provide these young men; otherwise the village would be burned. All of the people in the village obeyed the tribal elders, and gave up their men as required to serve four months. They also needed a coordinator from each village that would bring the recruits to the Taliban. This person needed to speak Farsi as well as to read and write.

Detainee: There is a third thing that that person, that coordinator.... They wanted somebody who didn't have anything to do, any ties to that warlord. In other areas, there are mostly Turkmen and Uzbeks, there are no Tajiks, no Pashtuns, and people cannot speak Farsi over there.

Personal Representative (continuing with citation to Detainee's statement): "Since I was the only one in my Uzbek village that spoke Farsi and is literate, I was chosen to be the person to bring the young men to the Taliban. I had to do this on three occasions, four months each time. My job was to bring Uzbeks to the Taliban and get a signed receipt for them. I would only bring 40 at a time, not the 100 that was required. My village managed to gather only 40 Uzbeks and 40 Turkmen. Others in the tribe would bring Turkmen. It is important to note I was not Taliban but had to provide the service on behalf of my Uzbek village."

Detainee: Total of 80. I was the representative of my Uzbek village, not the Taliban, when I was taking those men. When the village was recruiting boys and young men, there weren't any Taliban. Taliban directly talked to the tribe leaders, tribe leaders would talk to the villagers, and they chose me. The tribe leaders chose me as escort for those men. Now, sir, did you understand that I was forced to do that? We had no choice but to do that, and as my PR explained to you they would have burned the villages. And Taliban, they have no patience, when you don't do what you want them to do, they destroy everything.

Tribunal President: We understand the circumstances.

Personal Representative (continuing with citation to Detainee's statement): "During this time, about four months before 9/11, Dostum returned to Afghanistan from Turkey. Since the Uzbeks did not like the Taliban, they were happy to learn this, and would help them in any way."

Detainee: In addition to the previous question, at time of interrogation, I told the interrogators that Taliban asked for 100 men, but the translator translated that part, but when I talked about 40 Uzbeks and 40 Turkmen, something got lost, and they didn't get the whole story straight then. That's why you're charging me with being the commander of 100 fighters. I want to add something to what you said. When Dostum came back

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from Turkey, he couldn't actually be in the cities because the cities were all under control of Taliban. He had to hide somewhere and live somewhere in the mountains.

Personal Representative (continuing with citation to Detainee's statement): "Dostum wanted to recruit spies that would spy on the Taliban and give him intelligence information. One of the respected tribal leaders, Rosi Bihan, asked me if I would do this, and I agreed, since I hated the Taliban. During the last time I performed the coordinating duties that I spoke of before -- bringing new recruits to the Taliban -- I was a spy for Dostum and I would gather intel for him.

Detainee: Rosi Bihan told me about this in a very private place. If there were any Taliban they would have killed me, so it was a big secret between him and me.

Personal Representative (continuing with citation to Detainee's statement): "I would go to a secure house and meet with a man from the intelligence service named Hazret Quol, and give him the intelligence I gathered to support Dostum and the Northern Alliance. I started my support as a spy two months before 9/11."

Detainee: Hazret Quol (ph), actually, he was with Dostum in the mountains. He came from the mountains to the Uzbek village and he was trying to recruit spies for Dostum. And he met me there too.

Personal Representative (continuing with citation to Detainee's statement): I found out later that there were two other Uzbeks named Commander Hashim and Commander Olazia that were also Dostum's secret agents, and they surrendered their troops as well, but they didn't surrender together. I knew this after we surrendered, not before. That concludes the testimony I took from the detainee; would you like to add anything else on this point?

Detainee: When Dostum -- after 9/11, when Dostum was in Afghanistan he captured the city of Mazar-e-Sharif and everybody was happy, there were other tribe leaders they would bring to Dostum to congratulate him, and there were Americans, and everybody was happy, the Taliban were gone. Then I went with them. I just went to surrender myself because I was happy to see Dostum, I was happy to see Americans, but before that the story.... The process of surrendering and how I was hiding from the Taliban in the last month before Americans came, that's a very complicated and long story, I just don't want to take your time with that, because it's very complicated. I just want to tell you very simply the way I surrendered. I just want to mention one thing, one of the activities that I did for Dostum. When I was surrendering, there were 6 or 7 person that Hazret Quol told me to help cross the line of Taliban -- and we had to do it so Taliban wouldn't see us. So I helped 6 or 7 persons cross the line that was still under Taliban's control, and this was one of the works I did for General Dostum. In the time of interrogation, I think this was a misunderstanding and they accused me of giving those 6 or 7 people to the Taliban. And then they understood that this was wrong, I actually helped those people to cross the Taliban borders.

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Personal Representative (continuing with citation to Detainee's statement): "And the last point, the detainee was the commander of 100 Taliban fighters, and fought along the Afghanistan/Uzbekistan border. As I said in the previous allegation, the village I was at got a letter from the Taliban stating they needed 100 soldiers. They needed a representative that could read and write and spoke Farsi. I was the only in the village that spoke Farsi that could read and write because my wife is Farsi speaking. My job was to take the new recruits to the Taliban. I was not a commander, and only brought the men to the Taliban. I brought 42 Taliban, not 100."

Detainee: There is one thing that you are accusing me of fighting in the war of Afghanistan and Uzbekistan. If you look at the history, and the radio and television, there has never ever been a war between Afghanistan and Uzbekistan, not even one single bullet has ever been shot from Uzbekistan towards Afghanistan. There has never been any war - I don't know why you're accusing me of fighting on the border. Is that all sir?

Tribunal President: I believe it is the Personal Representative's follow-up.

Personal Representative (referring to the Detainee): That concludes the testimony you gave me. At this point, if you have anything else you want to clarify, please do.

Detainee: I do want to add a lot, but I just want to tell you the story, how they brought me here to Cuba. When I surrendered to Dostum, when the tribe leaders took me to Dostum, Dostum had never seen me before. It was the first time he was seeing me. Hazret Quol was my handler; he was the Dostum guy, he was the one who recruited me, and he knew me. Because of the tribal leaders, Dostum agreed to see me, because I wasn't a big guy, I wasn't a famous person, and it was very hard to see Dostum at that time. And then, when I met Dostum, I told him the whole story I told you, and the tribe leaders told Dostum he wasn't with the Taliban, actually he was our representative, and he was taking our men and giving them to Taliban, and then Hazret Quol said I was working as a spy for them, and everything was clear for Dostum. Dostum released me and gave me some money. They would give money to anybody who surrenders and they let me go. I spent two days and nights with Dostum, but I was free. I spent time with all other people who were surrendering. After two days, Dostum gathered all the people who were surrendering, it was a room about this size, a big room, and then they talked to us. Dostum told us, now it's decision time. Whoever wants to get a weapon and fight with me, give me your name. But Dostum said I'm not going to force anybody to hit the ground and fight with me. If you want to go to your houses and live your normal life, that's fine with me too, I'm not going to force you. I went to my home and I spent about 20 or 25 days with my family. At that time my brother owed some money to somebody. They were doing some trading business and the deadline for my brother to pay the money was the fifteenth of the month, but he didn't have money to pay by the fifteenth. My brother is younger than me and his name is Asadullah, and he sent a letter to my father and told him "I didn't have the money to pay my debts and that person is threatening me." To solve this problem, my father had to travel to Mazar-e-Sharif, and since my father is an old man, I had to go with him. When we went to Mazar-e-Sharif, there was a

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government officer, like a judge, and he blamed my brother. He said if you have to pay the money by the fifteenth, you should pay it. Otherwise we are going to keep you here in jail. Whenever your father arranges the money and gives it to the other man, we will release you. So they held my brother in a bond. Then we decided, the government says that somebody has to stay here as a bond, and as soon as you bring the money then we're going to release you. Then my father volunteered to be there in jail and he told my brother and me that you go and you find the money, because my father was an old man, and my brother was a businessman, so it was easier for my brother to find the money than my father. Then when we talked to them, any of the three of us, we can stay here, the other two can go and bring the money, they say that's fine, but it was an embarrassing thing for me to have my father be in prison, so I volunteered. I told my brother "You take my dad; you guys go and find the money. I will be in prison." So I was - it wasn't like a real jail. It was a security compound place. It wasn't like people with big crimes and stuff, or political prisoners. It was just people who didn't have money, or they owed money to somebody. So this whole building and that person it all belonged to a person named Ostad Attal, and he is one of Rabanni's men. And then, I was sitting there and I was waiting for my dad and my brother to bring the money so I could go home. Here our American friends came and a representative from the United States. They were checking all the prisons and they were looking for Taliban. They came and saw me too. Then, one by one they would question every prisoner over there. One of the guards, he fooled me. He told me, "If you tell Americans you are Taliban, they will give you lots of money, and that way you can pay your brother's debt and go home." So I was in a big hurry, and I jumped in front of all other prisoners to reach Americans and tell them that I am Taliban. So I told them that, yes, I was with Taliban, I had forty men, and I told them the whole story I told you guys. And then they said, "OK, we're going to help you, we're going to take you to the airport, they put chains on my hands and my foot, they blind-folded me, they took me to the airplane, and they brought me over here, and I'm still looking for that help. That's all I have.

Tribunal President: Thank you for your statement.

Detainee: I really appreciate that you gave me the opportunity to talk and tell you the whole story. And thank you for all tribunal members and all ... that everybody is trying here to help.

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

Personal Representative: No sir.

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

Recorder: I have two, sir. In allegation number 4, you said that there was no war between Afghanistan and Uzbekistan.

Detainee: Yeah, when I was there.

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Recorder: Regarding the Afghan-Uzbekistan border as a location, did the fighters or tribe or village that you represented fight in that area?

Detainee: They were fighting with Taliban against Northern Alliance, against Massoud and Rabanni, and it was the city of Pakhar. So that was the Northern Alliance's stronghold over there, and those men are among Taliban, they were fighting against Northern Alliance. And it's about a one-hour drive between where we lived and where they were fighting.

Recorder: OK, my last question: You say that you worked four months at a time and guided fighters to the Taliban. What else did you do besides guiding?

Detainee: I was just like a translator for those Uzbek fighters, those Uzbek men, because I could speak Farsi, because I could speak Farsi and they couldn't. Like if somebody gets sick, I had to go with them to the hospital and translate what they were saying. If they had headache, or they had fever, or anything like that, I was a translator. And when I was escorting those men to the Taliban, then the Taliban leader would give me a receipt. Then I had to bring that receipt and give it back to our tribal leaders.

Recorder: Thank you.

Tribunal President: Does the board have any questions for the detainee?

Board Member: Yes sir.

Q: When you took the young men from his village, would you stay with them for the entire four months.

A: Yes, sir. I was staying with them but I wasn't going to the front line to fight. I was always on the second line as a reserve.

Q: Did you have a weapon when you were with them?

A: When we were going and I was taking the men over there, they would give a weapon to everybody. They gave me an AK-47 too. But since I wasn't in the front line I would never use it - I wasn't shooting.

Q: Does you remember the date, the last time you took them to the Taliban?

A: I'm so sorry, in our villages nobody talks about the dates. We always say a week ago, or a month ago, and if it's more than a month, we say, "before that thing happened, or after that thing happened."

Q: Did you take men to the Taliban after 9/11?

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A: It's all before. That last four months that I was working with them, it was four months before 9/11, and at that time I was working as a spy for Dostum.

Q: OK, thank you.

Q: Going back to an earlier comment you made about getting help from Mullah Taj Mohammed. Why do you think he helped you instead of the Taliban soldier regarding your marriage arrangement?

A: Because I was Uzbek and Mullah Taj Mohammed was Uzbek too. That's the first thing. Then, that girl wanted to marry me; she didn't want to marry the other guy. And according to Shari-et and Koran, and Taliban laws or any laws, I was supposed to marry her because she loved me.

Q: Why do you think the United States would think that there were Shi'ites in Choqma Choqor?

A: Again, it might be a big misunderstanding. You can send your representative or contact him in Afghanistan, and ask them if they find even two houses of Shi'ite, then you're right, and I'm wrong, and I'll admit what you're saying is correct. Since I know Taj Mohammed and Taj Mehmet from that village, I know that village very well. It was all Uzbek Sunnis.

Q: You mentioned a period of time when you were guarding local villages. Was Choqma Choqor one of those villages you were guarding?

A: The village that I was guarding was very close to the city, but Choqma Choqor is very far. It's very far. There were some people with me from Choqma Choqor, and they were talking all the time that their houses are so far away that they can't go and see their families.

Q: The last question goes back to the very last part of your statement regarding your capture, when you said you were tricked into admitting that you were Taliban. Just to clarify, you never were Taliban? You thought it was a way of getting money?

A: This is what it was. Actually, they were saying to people who surrender, that Americans welcome the people who surrender. And they were stating over the radio, even Karzai, they all were saying that even if you were Taliban and you're surrendering, Americans would give you a big hug, they would reward you with money, and stuff like that. That's what I thought. I never thought that I would be in this situation because of that.

Q: How long were you in that security area?

A: It has been almost three years from the day Americans took me from now here.

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Q: How long were you in prison at Mazar-e-Sharif? When you were in prison for your brother's debt.

A: It was about a month, more or less, but it was about a month.

Tribunal President: Haji Noorallah, do you have any other evidence to present to this tribunal?

Detainee: Whatever I remember I told you. If you have more questions I am willing to answer.

Tribunal President: Personal Representative, do you have any other evidence to present to this tribunal?

Personal Representative: No, sir.

Tribunal President: All unclassified evidence having been provided to this tribunal, this concludes this tribunal session. Haji Noorallah, you shall be notified of the tribunal decision upon completion of the review of these proceedings by the convening authority in Washington DC. If the tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made. If the tribunal confirms your classification as an enemy combatant, you shall be eligible for an Administrative Review Board hearing at a future date. If this tribunal determines that you have been properly classified as an enemy combatant, you will have the opportunity to be heard and present information that might help you to the Administrative Review Board. The Administrative Review Board is a panel similar to this one that will review relevant information and determine whether you represent a threat to the United States or its allies.

Detainee: God forbid, I will never be a traitor.

Tribunal President: This board also considers whether there are other factors that would form the basis for continued detention. If this tribunal confirms your status as an enemy combatant, you will be encouraged to contact potential witnesses as soon as possible to begin to gather information that may help you prepare for the Administrative Review Board. If this tribunal confirms your status as an enemy combatant, a military officer will be assigned at a later date to assist you in the Administrative Review board Process. The open session of this tribunal hearing is adjourned.

Detainee: Please sir, I'm running out of patience, you try to release me after this tribunal, don't leave my work for a review board because I might go crazy or I might have a heart attack, I'm really running out of patience.

Tribunal President: I understand, I would appreciate your continued patience. This is a difficult administrative process, and we'll do our best.

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AUTHENTICATION

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

Tribunal President

Colonel, USAF

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Detainee 494 - Testimony

1. The detainee first joined the Taliban and fought against the Northern Alliance when he was sixteen or seventeen years old, at which time he was trained on the AK-47 and he served as a foot soldier.

I am almost 34 years old. It's about 18 years difference between now and when I was 16. The whole period that the Taliban existed was about 6 years. When I was 16, the Taliban did not even exist. According to your charges, you indicate that I was with the Taliban for 18 years, which is not only false, but doesn't make sense. I was 16 or 17 years old when the Russians were in Afghanistan when the Mujahadeen took me by force to fight against the Russians. My father paid a bribe to get me release from the mandatory service. I was with the Mujahadeen for about 1.5 years. They gave me training on the AK-47 teaching me how to disassemble it and reassemble it. That has nothing to do with the Taliban; it was during the time of the Russians.

When the Taliban attacked Northern cities in 1998, 8000 Taliban were killed. After that the Taliban started recruiting people by force. I am Uzbek and the Taliban are Pashtoons and there is always animosity between Uzbeks and Pashtoons. Logically, Uzbeks will not fight for the Taliban. And those Pashtoons that were Taliban were not like Karzai who is educated. The Taliban were ignorant and illiterate and forcing people to join them by beating them or torturing them. I've never been Taliban, and I would never be Taliban in the future either.

2. In 1998 or 1999 the detainee participated in the attack and burning of a Shi'ite Muslim village, Chokma Choqur, and was later captured, then released, by General Dostum's Northern Alliance troops.

This village of Chokma Choqur is located in the province of Joze Jon and you can't find even two houses of Shiite Muslims there. They are all Sunnies and they are all Uzbeks. During my interrogations, I told them that the Taliban had burned many villages, but I did not participate. They must have misunderstood what I told them. Let me clarify what is the truth about the village burning and how this relates to me.

- There was a person named Mullah Taj Mohammed (MTM) who was a Taliban commander and I was told that he may be able to help me on some personal business to help me marry a woman from Kabul. I met with him and he helped me and I did get married to a woman in Kabul. After I married the girl, I came back to my village to live.
- MTM was Uzbek like me.
- Many Uzbeks from the village of Ba Walis in the province of Joze Jon complained to MTM that they were constantly being robbed and harassed by robbers and thieves
- Several months after MTM helped me, MTM met with me and asked me and other Uzbeks to help provide security to this Uzbek village. He wrote orders to the Taliban to leave that village alone.
- Myself and others were given 19 AK-47s and food by the villagers to provide security. The food and weapons were supplied by the Uzbek villagers for security, not the Taliban. It had nothing to do with the Taliban.
- While with the Taliban, MTM saw the cruelty of the Taliban ^{and} started an uprising against the Taliban. MTM only had about 50 people so he asked for Dostum's help and allied himself with Dostum.

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- When MTM betrayed the Taliban, the Taliban arrested me and questioned me for 2 days to see if I was allied with MTM. Since I was just providing security for the Uzbek village of Ba Walis and had no contact with MTM since I was put at that post, the Taliban released me but took all of the weapons of our security party and told me to go home, which I did. The people of the village I was guarding were all witnesses for me that I was just guarding the village and had nothing to do with the uprising and wasn't with MTM and wasn't part of the fighting.
- Meanwhile, in revenge, the Taliban burned MTMs village of Chokma Choqur and then 8 months later the Taliban captured MTM and executed him for being a traitor.
- So, I was arrested by the Taliban and released; I was not arrested by the Northern Alliance as you indicate. The story that the interrogators have written must not have been written down very well. There is a problem with the translation and therefore your charges are all inaccurate. I had nothing to do with the village being burned, I told the interrogators about the village being burned.

3. The detainee and two other Taliban commanders arraigned for the surrender of their soldiers to General Dostum's Northern Alliance forces.

After MTM was executed, I went back to my Uzbek village. As I said earlier, when the Taliban attacked the Northern cities in 1998, 8000 Taliban were killed. After that they started forcing young men and boys into service. They would go to each village and request 100 recruits from the tribal elders. The Tribal elders were forced to provide these young men to the Taliban otherwise the village would be burned. All the people in the village obeyed the tribal elders and gave up their men as required to serve for 4 months. They also needed a coordinator from each village that would bring the recruits to the Taliban. This person needed to speak Farsi as well as be able to read and write. Since I was the only one in my Uzbek village that spoke Farsi and was literate, I was chosen to be the person to bring the young men to the Taliban. I had to do this on 3 occasions for 4 months each time. My job was to bring Uzbeks to the Taliban and get a signed receipt for them. I would only bring 40 at a time, not the 100 that was required. My village managed to gather only 40 Uzbeks and 40 Turkmans. Others in the tribe would bring Turkmans. It is important to note, that I was not Taliban but had to provide this service on behalf of my Uzbek village.

During this time, about 4 months before 9-11, Dostum returned to Afghanistan from Turkey. Since the Uzbeks did not like the Taliban, they were happy to learn this and would help in any way. Dostum wanted to recruit spies that would spy on the Taliban and give him intelligence information. One of the respected tribal leaders "Rosi by Khan" asked me if I would do this and I agreed since I hated the Taliban. During my last time performing my coordinator duties as I spoke about before - bringing new recruits to the Taliban - I was then a spy for Dostum and would gather intel for him. I would go to a secure house and meet with a man from the intelligence service named, Hazarat Qowl and give him the intelligence I gathered to support Dostum and the Northern Alliance. I started my support as a spy 2 months before 9-11. I found out later that there were two other Uzbeks named Commander Hashim and Commander Mullah Zia that were also Dostums secret agents, and they surrendered their troops as well but they didn't surrender together. I knew this after we surrendered, not before.

1. The detainee was the commander of one hundred Taliban fighters and fought along the Afghanistan/Uzbekistan border.

As I said in the previous allegation, the village I was at got a letter from the Taliban stating they needed 100 soliders. They needed a representative that could read and write, and speak Farsi. I was the only one in my village that spoke Farsi and could read and write because my wife is Farsi speaking. My job was to take the new recruits to the Taliban; I was not a commander and only brought the men to the Taliban. I brought 40 to the Taliban, not 100.

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