

Summarized Unsworn Detainee Statement

Pres: I have reviewed exhibit D-a and the Detainee has elected to participate in the Tribunal and has no witnesses to call.

Det: I have no witnesses in the camp. I have witnesses in my homeland.

Pres: Since they are not here, those witnesses are not reasonably available. Had you identified any witnesses in your previous interviews, we may have been able to contact them, but, at this time, they are not reasonably available.

Det: She (Personal Representative) didn't mention anything about witnesses in Afghanistan. She just mentioned the camp here.

Pres: We will continue. We cannot make your witnesses available at this time, since they were not mentioned earlier.

Summarized Sworn Detainee Statement

It is said that I was captured in Konduz, Afghanistan, but I was not. It was in a place called Pol I Khomri District. I was captured in a mall. I was captured with some Hazaris and some Tajiks. I was in prison with them for a little while.

They said they wanted to bribe me and when I refused the bribery, they handed me over to the Americans. I was happier when they handed me over because at least the Americans will ask me what charges. I had no money to bribe my way out. I am a poor person.

The Americans were going to ask me who I was and for what reason I was in prison, so I was happy.

It was all about money. When they put you in prison, they ask you for dollars and try to bribe you there. They don't ask you what charges you are in prison for.

I never had weapons with me. I was working with the current government in Afghanistan and they took me off the streets. I was in a car and one of the warlords of my current government forced me into a car and captured me.

When I was in prison, Americans took me to Kandahar and from Kandahar, I was taken to Bagram. I told a lot when I was in Bagram. While in interrogation, I was trying to tell what charges...maybe these people could figure out what I was in prison for.

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I was telling the people in Bagram that they can understand that there is no proof behind what they are alleging against me. Maybe I have a case. After that, I was being transferred from place to place and I was brought here.

Since I've been here, they are always interrogating. I haven't had anything else to say since I've been here.

This concludes my statement. I have been in prison with no evidence and I have been wrongfully imprisoned. I would like the facts to be stated.

We can get the facts out. I will give proof, even my fingerprints, as long as the facts can get out. I'm sitting here in prison for no reason for three years now.

If you have proof against me, that's understandable, but if there is no proof, this is oppression. For three years I've been in prison for no reason. Everyone has a house, children and a mother and father.

The stuff you are saying, that helping certain regimes, like the Taliban...it is understandable that a person is in prison if they help out the Taliban and Al Qaida, but in my case...

Summarized Answers to Questions by Personal Representative

Q: Did you have any personal identification papers when you were turned over to the Americans?

A: No.

Q: Have you ever owned identification papers?

A: At my house I do. I have my families. I don't know if it is exactly at home, we put all of our family names in there. I have a very old one, about 15 years old. The ID just states where you are from and who your mother and father are.

Summarized Answers to Questions by the Recorder

Q: Have you been interviewed while you were here as a Detainee?

A: Yes, I have done a recorded interview.

Q: Were you interviewed more than one time?

A: I have been interviewed twice, and they recorded it.

Q: Did you tell them you worked for the Taliban?

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A: No. I mentioned to them that they forcefully took people from the North and I was taken forcefully. They took the whole North, not just me. If someone doesn't have money, they are libel to be taken. Either they wanted bribery or they were going to force you. We couldn't pay them all the time to bribe our way out.

Summarized Answers to Questions by Tribunal Members

Q: Where were you born?

A: Sherberghan, Afghanistan.

Q: Have you lived there all your life?

A: We are Nomads and we travel from place to place.

Q: What work did you do?

A: We were Nomads. We just traveled from place to place and tried to trade. Sometimes we just stayed at home if we had nothing to trade.

Q: Do you have any specialties?

A: I know how to work with animals, like goats, cows and sheep.

Q: Have you ever received payment from the Taliban government?

A: When they forcefully took people, they would obviously give each soldier food, cigarettes, smokeless tobacco and that's it.

Q: Do you know how to use a weapon?

A: We have a rifle only for the protection of our house. To protect our women and goods.

Q: Is that a private, personal weapon?

A: Yes, because we have to. We are Nomads and we travel. We need to protect our women and goods from the other people. The government lets us go from place to place. They don't really deal with us.

Q: Did the Taliban ever give you a weapon?

A: No.

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Q: How many languages do you speak and understand?

A: Two. Pashtu and Persian.

Q: You do not speak or understand English?

A: No.

Q: What is the highest level of education you were able to receive?

A: 8th grade. Because we were Nomads, we would skip off and on because we would travel with our tribe. Out of 12 months, 4 months we would travel as Nomads and try to trade. Out of 8 years I probably went 4 years because of the time that was skipped.

Q: How old are you now?

A: I'm trying to count...I think 31. I was 26 or 27 when I was captured, so I think I'm 31.

Q: Do you have a wife and children back home in Afghanistan?

A: Yes.

Q: In the Summary of the Evidence given to us, it states you served as a guard in at least one Taliban camp. Did you perform these duties?

A: When I was forcefully taken, because I didn't know how to fight or use a weapon, they allowed me to be security. They threw us in a room and whatever food or drink there was, we would just have that. Everybody in the North, the people from Kandahar were forcefully taken. They would take us for months, or 20 days. Sometimes a month and a half. Every village had their turn.

Q: It also says here that you provided the Taliban with information about other members of your village.

A: That is not true. I never mentioned that. We don't deal with other villages. The only thing I mentioned to the interrogators is that people in other villages spread rumors about our village, saying that he has a son and he should be recruited into the Army. That's the only thing I mentioned.

The process would be...when the other villages' sons were taken, they would say well, so and so's son is in the other village and he hasn't been taken. That is how they would get information and try to recruit them into the Army.

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Q: To whom would this information go?

A: They sent a Taliban representative. They would forcefully take people from their villages.

Q: It also says here that one of your responsibilities was to serve as Chief of Intelligence.

A: I haven't even spent a night, or that much time with them. How can I even be in the leadership ranks of the Taliban? If you're talking about being a leader and being the head...the only process that would take place when a representative would come is that either they wanted money or they wanted information. That's how the process worked.

Q: If you did not have money, you needed to give them information?

A: No, I didn't provide information. On a personal level, every two months, they would come and we couldn't pay them every two months. I didn't give information. They would come every two months and if they couldn't take the son, they would take the older father, so I would say and others would say, rather than the older person, they [we] would go.

Q: How would the Taliban representative know whether the information being given to him was true or false?

A: They would go to the Bazaars or street vendors and get the information there. Then they would go to the villages and ask information.

After they got some people at the Bazaars, they would go to the Mosque, gather the elderly and say that we need your children to be with us.

When the gatherings would take place, if a person's son was mentioned, another one would say well if my son is taken, so and so has a son also.

People didn't have money and couldn't always bribe their way out of the Taliban. It wasn't on a yearly basis, it was every two months or so. No one had that much money.

Q: So, if I understand the process, if someone from a neighboring village gives information on someone from your village, and then you return the favor, all of the fathers and all of the sons end up in the Taliban?

A: I never dealt with the other villages and wouldn't tell them the information. I have no enmity against other villages and wouldn't do that.

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- Q: It also says here, that, on several occasions, you accompanied the Taliban to help point out people who escaped from one of their camps. What do you say about this?
- A: I have never mentioned that. I, myself, was trying to run away from them. It was not necessary to do that. We would hear about people escaping. That was up to the Taliban, whoever escaped and their required laws, according to them.
- Q: During the time you were providing security for them, they did not ask you to provide this information?
- A: I wasn't a security guard. I was thrown in a place and given food. I would usually help out in the food process. The people from our village would be thrown in a two or three room space and told to stay in there. We had seven to eight people and sometimes up to fifteen.
- Q: One of the points that you had mentioned in an earlier interview is that you served as a guard.
- A: I wasn't a security guard. They threw me in there and told us to stay. We never had weapons or anything to handle. We were just in the one room with the people from our village.
- Q: What did you do for them? Why would they take you if...?
- A: We were told to stay in there and serve them by bringing their firewood and food.
- Q: For how long?
- A: For every village there were seven to eight people that they would forcefully bring. Each village had their own time.
- Q: How long did you do it?
- A: Each village would take turns for 20 days a month.
- Q: I'd like you to answer the question directly. How long did you personally perform those duties?
- A: It was a three-year process, off and on for the people.
- Q: I'm not interested in the people. I'm interested in you. How many days, out of those three years did you spend serving the Taliban?
- A: I don't really remember. It was an off and on process.

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- Q: Was it one day?
- A: Three months would be at home and they would take us for 20 days. It would differ at different times.
- Q: So, if I understand, 20 days every 3 months?
- A: It would differ. Sometimes it would be 15 days.
- Q: So, in a year, you would spend 2-3 months working for the Taliban?
- A: I never counted. I can't really comment on that question.
- Q: While you worked for them, I understand that you were a servant.
- A: I wouldn't say I was a servant; I was taken by force.
- Q: What would you say?
- A: I was forcefully taken from my home and told we would spend a month or so with the Taliban. A servant is one who serves and receives money. I didn't.
- Q: When they took you, how far from your home did you work for them?
- A: I was taken in a car, I can't estimate.
- Q: One day drive?
- A: It was less than that. They threw us in big trucks, about 4 hours.
- Q: When you were working for them, did people escape? Did you know of anyone that escaped?
- A: I never saw them, but they would mention that some people escaped.
- Q: So, you never knew anyone who escaped?
- A: No. They would tell us. Not that I know of.
- Q: Did you try to escape?
- A: No, we knew that if we escaped we would get punished.
- Q: How would they punish you?

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- A: I had land and property, and they would punish us if we escaped. We knew that they beat up people and punished people.
- Q: Would they shoot you if you escaped?
- A: If they saw you face to face...if they saw us escaping, they would shoot us. They would bring us from home. It was our house and we didn't have any other place to go. My old father and everybody else lives there, so they knew our location. If it was just me, I could escape, but if you have a family and land it's a different story.
- Q: Is it normal for Nomads to have a house and land?
- A: Yes. In the North, all of the Nomads have a house. From the beginning we all have settled homes.

Summarized Answers to Questions by Tribunal President

- Q: When the Taliban picked you up, did they take your ID?
- A: No, they didn't check my ID.
- Q: They did not know your name?
- A: They didn't really look at it, they just looked at the people they needed.
- Q: Mohammad Sharif, is that your full name?
- A: Yes.
- Q: Have you ever used any other name?
- A: No. My father called me Mohammad Sharif. My full name is Mohammad Sharif. Outside, no one else knows me, except by that name. Outside my family, we tend to not share our names. My name being Sharif Mohammad, [that] is my family name, Mohammad Sharif Uddin. Everybody doesn't know me by that; my family name is Mohammad Sharif. The villagers know me as Mohammad Sharif, that's it.
- Q: By what name does the Taliban know you by?
- A: Mohammad Sharif. Everyone in the streets knew me by Mohammad Sharif, so the Taliban knew me as Mohammad Sharif too.

Summarized Answers to Questions by Tribunal Members

Mem: In your translation, interpreter, you mentioned Mohammad Sharif Uddin?

Interpreter: Yes.

Q: Is that an additional name?

A: In my home, Mohammad Uddin...the people know me as Mohammad Sharif.

Q: Yes, but Uddin is a name associated with you?

A: No, it's only in my house. When I was a little kid my father and my grandfather called me Mohammad Sharif Uddin.

Q: Are there any other names, like Uddin, that you are also known as?

A: No.

Q: Do you have any other information to present to this tribunal today?

A: The time I've been here, and in my interrogations, I want them to provide proof against me. When they told me about this committee, who knows which way they will take it...my way? Who are they going to listen to? I did swear. Look at the facts. We have a country, people and a tribe.

You can ask in the local district and ask any kind of information. The people who handed me over should be asked questions. You can ask the people who were captured with me.

Some kind of proof that I was serving the government...any kind of proof that is against me. If there isn't any proof. I want to ask, if there is no information or proof, why am I in prison still?

I just want to hear the reason. If you have proof, that is totally understandable that I'm a prisoner, but I want to hear the facts. If you call me a prisoner, I guess I'm a prisoner. If there is no proof against me, this is oppression. Isn't this oppression?

Everyone has a home, country and goods. Life doesn't pass by like this.

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They asked me about Al Qaida in the interrogations and I swear to Almighty God that I don't even know what Al Qaida means. Then they told me, in interrogation what Al Qaida means. It would be very logical that there should be proof. In this Tribunal, you ask me all kinds of questions.

You guys make the decision and gather the proof. If there is no proof against me, that is another story. If you have facts or evidence against me, you can call me a prisoner.

I am happy with the condition of Afghanistan and the present government. There is peace and people are living happily. I have nothing further.

Do you have anything against me, or any statements or proof of facts?

Q: You mentioned that if we had facts or proof against you, you would understand why you were a prisoner, is that correct?

A: Yes.

Q: What could you have possibly done, that we might discover some of those facts?

A: That's my point. There are no facts. I'm trying to make the question, like this is ridiculous. I know for a fact there is no proof.

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. Marine Corps
Tribunal President

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