

When I was gone for three days, the first day I spent in a village called Marzak. Second night in broken truck. After the truck in the way back I saw two dead people. After that I spent a night in a village which was towards my home from Marzak. I had some peas, raisins, and Parata (bread). I had picked up a radio and two hand grenades and I was on my way. When I came down from mountains, I got to the open area and saw the coalition forces and before I got to them I got rid of the hand grenades meaning at the time of capture they were not caught with me. I was captured with the radio. After I was beaten two or three times by the Afghan soldiers I was handed over to the Americans. Then, they sent to Gardez with Afghan soldier. Then, after two days I was sent to Bagram.

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EXHIBIT D-B

هيواد - افغانستان - ولايت گرديز - ولسوالي - زرهت
قرية دولت زاي نظر خيل - مسجد پي صاحب
نام عبد الرحيم اخنذاده يا دين محمد

Country: Afghanistan

Province: Gardez

District: Zormath

Tribe Dawlat Zay, Nazav Khail

Peer Sahib mosque

To: Abdul Rahim Akhondzada

or Deen mohamad.

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EXHIBIT D-C

هيواد افغانستان - ولايت گرديز - ولسوالي - زرمات
قرية دولت زاي نظر خيل - مسجد پير صاحب
نام عبد الرحيم اخوندزاده يا دين محمد

Country: Afghanistan

Province: Gardez

District: Zormath

Tribe Dawlat zay, Nazav khail

Peer sahib mosque

To: Abdul Rahim Akhondzada

or Deen mohamad.

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EXHIBIT D-C

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Summarized Detainee Statement

Tribunal President: Qari Esmhatulla, you may now present any evidence you have to the Tribunal. You have the assistance of your personal representative in doing so. Do you want to present any information to this Tribunal?

Detainee: Like what I did and what happened?

Tribunal President: You do not have to make any statement, but if you would like to make a statement to represent your interests in this Tribunal you are free to do so at this time.

Detainee: If the Tribunal needs me to say something I can.

Tribunal President: It is strictly your choice. In a few minutes, your Personal Representative will have an opportunity to speak in your behalf.

Detainee: I asked my Personal Representative that if speaking to the Tribunal would help me, then I would speak to the Tribunal. Otherwise, she can ask me questions.

Tribunal President: Okay. You will also be offered an opportunity to ask questions after the Personal Representative gives her statement. So, if you would prefer you may let the Personal Representative give a statement.

Detainee: That is good.

Tribunal President: Personal Representative, based on your interviews with the Detainee up to this point, what is your understanding of his decision relative to making a statement?

Personal Representative: Sir, the Detainee's statement will be covered, in part, by exhibits D-B, D-C and D-E. During our interviews, the Detainee did present a written statement, and I would like to ask him questions regarding that written statement.

Tribunal President: Okay.

Detainee: Okay.

Tribunal President: If there is no statement from the Detainee, then we have reached the point where the Personal Representative provides evidence.

Detainee: Okay.

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Personal Representative presents Exhibit "D-B," the Detainee's written statement; Exhibit "D-C," the witness request; and Exhibit "D-D," the Tribunal President's response to the request for witnesses.

Personal Representative: With your permission, Mr. President, I would like to ask the Detainee some questions.

Tribunal President: You may.

Personal Representative: Qari, can you tell the Tribunal Members how you came about your desire to join the Taliban?

Detainee: There was a person in our village who died and I attended the funeral. Then two people from the Taliban called me by my brother's name, Abdullah. They asked me why I was sitting at home, and why I was not coming to join them? I told them what I was capable of doing. I did not know anything. They told me that if I knew how to cook, then I could be a cook since I did not know how to fight. I did not think about it at the time. I went home, grabbed my clothes, and went with them. When I went to the bazaar from the house with the two Taliban guys, I did not know them. They found more fighters in the bazaar. These men told them that they also wanted to go to Shahi-Kwowl. We spent the night in the Madrassa close to the bazaar. I was instructed to stay there, and we would be leaving that place the following day. I asked them the next day if we were still leaving; they told me no, not today, and that we would be leaving the following day. So I said forget it, and I just left and went out by myself. I went towards the mountains. The first village I came upon, I stopped and spent my first night there. I was there in the village by myself. The next morning I left. I was walking the entire day. I did not see any other village. I saw a broken-down truck on the side of the road. I spent my second night in the truck. After spending the night in the truck, the following day I started walking back towards my village. On my way there, I saw two dead bodies. I did not recognize them nor did I know what happened to them. I did not know if they were Taliban or regular civilians. On the third night, I came across the village where I stayed the first night. I went a little further to the next village, and I spent the third night there. In the village where I was at the third night, there was a radio and grenades in the place where I was staying. I took them with me when I left. I did not see any humans during those three days I was traveling; I only saw animals and dogs. When I crossed the mountains coming close to the village, I was carrying the grenades and the radio. I saw the Afghan soldiers. They captured me and turned me over to the US soldiers. When I saw the Afghan soldiers about fifty meters away, I threw the grenades on the ground. I wanted to make sure or help the Afghan soldiers realize I was not a fighter. I wanted to show them I was not going to use it. I dropped down on the ground, and bowed to the soldiers.

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Detainee: They pointed a gun at me, and I told them, "No, don't shot me! I am unarmed and I surrender myself to you." When they searched me, the soldiers found the radio and money, and twenty two hundred Pakistani rupees on me. They took that and then they hit me with the gun. They asked me where was my AK-47, and I told them I did not have any gun with me. I just dropped those two grenades over there; you guys can go and get them. Other than that, I don't have anything. I forgot to mention from the beginning of my statement: The first night, when I was staying in the village bazaar, I was injured. I don't know what caused it. I don't know if it was a bomb from an airplane. I was hurt in the head and on the leg. The soldiers handcuffed me and gave me to the US soldiers. Then they brought me to this place where they interrogated and questioned me.

Personal Representative: How many days total from when you left the funeral to when you were captured by the Afghan soldiers elapsed?

Detainee: Four nights total. One night by the bazaar; three nights after that.

Personal Representative: At any time did you find any kind of weapon, other than the grenades? Did you ever fire at anyone?

Detainee: Just in that place?

Personal Representative: Anytime during those four days?

Detainee: No. I can swear that I did not see any weapon. I did not use or take any weapon.

Personal Representative: Mr. President when I interviewed the Detainee, he stated he was willing to provide a sworn statement. I don't know if he still wants to do that or not, but if it will add credibility to his testimony, should that be something we should do?

Tribunal President: Yes, but it is his choice though.

Detainee: Yes, I can swear.

Tribunal President: Recorder, please administer the oath to the Detainee.

The Detainee is sworn by the Recorder:

Personal Representative: I will repeat some of my questions so the Detainee can testify under oath. Did you say you spent approximately four days from when you left the funeral to when you returned back towards your home?

Detainee: Yes.

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Personal Representative: At any time during those four days did you pick up any weapons or firearms, other than the two grenades and the radio?

Detainee: No, not in those four days.

Personal Representative: At any time, were you a part of or did you support the Taliban or any Al Qaida forces during those or prior to those four days?

Detainee: No, I did not. The only thing I did was when I was in the Madrassa --I cooked for the students. That was the only thing I did.

Personal Representative: How are the students connected with the Taliban?

Detainee: No, they are not Taliban; they are just students.

The Personal Representative had no further questions.

Tribunal President: Be sure you understand: You do not have to answer any further questions.

Detainee: If you ask me any questions, I will tell you the truth. I would like for you to ask me questions.

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

Recorder: No, Sir.

Tribunal President: Do any of the Tribunal Members have any questions for the Detainee?

Tribunal Member: Yes, Sir. I understand you said previously you joined the Taliban for religious reasons.

Detainee: In those four days?

Tribunal Member: In that four-day time period, did you join the Taliban, even though it was for religious reason?

Detainee: They challenged me as to why are you not helping us. In our culture, Pashtu culture, it is a bad thing if you do not accept a challenge. So I just left the house with them because they did challenge me.

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Tribunal Member: Okay. In addition to the hand grenades that we have already talked about, were there any other weapons that you did or did not carry during those four days?

Detainee: No, I did not have any kind of weapon.

Tribunal Member: Last question from me: Did you engage in any military action at all against the United States or the Northern Alliance?

Detainee: No.

Tribunal Member: That is all I have, Sir, thank you.

Tribunal Member: When were you captured?

Detainee: I do not remember the date.

Tribunal Member: Do you know if it was after September 11th 2001?

Detainee: No, I do not remember the year or month. Before, I did not care about the month or date. Right now, in this facility, we are actually counting days and months. But never before. What month does September 11th equal in the Afghan calendar?

Tribunal Member: I don't know.

Interpreter: It is the sixth month in the Afghani calendar.

Detainee: I don't remember the year, but it was before September 11th. What year was that?

Tribunal Member: It was 2001.

Detainee: I have been here almost two and a half years.

Tribunal Member: At the time you were captured, do you know if the United States was fighting in Afghanistan?

Detainee: There was no fighting on our side. They were fighting on the Northern side of Afghanistan. We knew there was fighting going on. I heard the Northern Alliance was coming to fight the Pashtu. We heard that the Farsi speakers were coming to fight the Pashtu speakers. We heard the Northern Alliance was there fighting the Taliban.

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Tribunal Member: Before these four days, were you a member of the Taliban before those four days?

Detainee: No. I was a student in Madrassa.

Tribunal Member: Did you ever fight before those four days against the Northern Alliance or the United States?

Detainee: No.

Tribunal Member: Did you ever attend any type of training on weapons before or during those four days?

Detainee: At my brother's wedding, I fired three rounds from an AK-47. That is the only time I have ever fired a weapon.

Tribunal President (*addressing the Detainee*): Can you confirm if you have seen the unclassified summary?

Detainee: Yes, my Personal Representative showed it to me at the interview.

Tribunal President: Personal Representative, you went through each of these points with the Detainee?

Personal Representative: Yes, Sir.

Tribunal President: Okay. So when it says the Detainee admitted he joined the Taliban to participate in Jihad in Afghanistan, when was that?

Detainee: Out of everything on that paper, the only thing that was right was I had the radio and grenades with me. I threw the grenades away before they captured me. Other than that, everything else is false. I did not say or do any of those things.

Tribunal Member: In your request for a witness, you stated the witness would be able to indicate you joined the Taliban for religious purposes. Did you consider yourself a member of the Taliban?

Detainee: No. I requested that person to tell you I was a student in the Madrassa - not to tell you I joined the Taliban.

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Tribunal Member: Why did you take the grenade and the radio if you were not a member of the Taliban?

Detainee: I took the radio so I could sell it to make money. I was thinking I would sell the radio so I could get home. As far as the grenades, I took them but I did not know how to use them. I thought I could just give them to someone who may have known how to use them. I did not take them to use them against the Northern Alliance or anybody else. I saw the radio was a Sony brand and thought it must be expensive. I thought I could sell it and make some money off of it. They told me in Bagram that it was not a radio; people use it for talking. I did not know that.

Tribunal President: Okay.

Detainee: They only thing I knew was it had no place to put a cassette. I thought it was a radio for music.

Tribunal President: One last question from me. Again, it's from the unclassified summary. I understand you feel all the points on here are invalid except the one talking about the radio and grenades.

Detainee: Yes.

Tribunal President: But the point that talks about the radio and grenades says you carried the radio and grenades while traveling to the Taliban forces to support them.

Detainee: I was carrying this when I was coming back. I did not carry this when I was going to join the Taliban. I carried this when I was coming home. There was no Taliban there.

Tribunal President: Okay. There are no further questions. Qari Esmhatulla, do you have any other evidence you wish to present this Tribunal?

Detainee: Like what? What kind of evidence?

Tribunal President: It can be anything, but this is your final opportunity (to address the Tribunal) in case we have overlooked anything. This is your final chance.

Detainee: The only thing correct on that paper (Unclassified Summary) is that the radio and grenades were with me. Other than that, everything else is wrong. The other thing incorrect is the statement that I was going to Shahi-Kwowl to fight Americans. No! I was going to Shahi-Kwowl to fight the Farsi speakers, the Northern Alliance people, because of the difference between Pashtu and Farsi speakers. I did not fight against Americans.

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Tribunal President: Is that the end of your statement?

Detainee: Yes, that is all.

Tribunal President: Personal Representative, do you have any further evidence to present or questions?

Personal Representative: No, Sir, I have no questions at this time.

Tribunal President: Recorder, do you have any questions?

Recorder: No, Sir.

Tribunal President: Tribunal Members, any further questions?

Tribunal Member: I do, Sir, have one more question based on the last thing that was said. You were on your way to Shahi-Kwowl to fight the Northern Alliance?

Detainee: Yes, I was going. I did not know how to fight, and I did not have any weapons. The guys challenged me to cook for them, since I could not fight. I was just going to see how I could help them to fight against the Farsi speakers.

Tribunal Member: Was that before you found the grenades and the radio?

Detainee: Yes. All I had was my clothes. I carried money because I thought I was going to need it.

Tribunal President: Is that when the four-day window started? When you got to Shahi-Kwowl?

Detainee: Yes, after the funeral. Those four days started when I left the house.

Tribunal President: Okay.

Tribunal Member: If I could re-cap: The four days started from his brother's wedding?

Interpreter: No, it was someone's funeral.

Tribunal Member: Okay. From the funeral to when you got caught is the four-day time period?

Detainee: Yes.

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Tribunal Member: Thank you.

Tribunal President: And you were going to Shahi-Kwowl to fight with the Taliban? Or to cook for the Taliban as they fought with the Northern Alliance?

Detainee: Those two guys from the funeral told me that I could help in either way. Just to go there. I was going to see how I could help them. I did not know what I was going to do there.

Tribunal President: To see how you could help the Taliban? Is that the "them?"

Detainee: Yes.

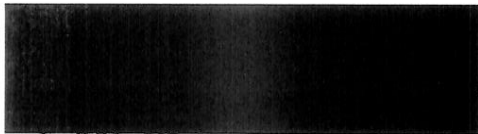
Tribunal President: Any other questions?

Tribunal Members: No, Sir.

Tribunal President: Okay. All unclassified evidence having been provided to the Tribunal, this concludes the open session of the Tribunal.

AUTHENTICATION

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



COL, US Army
Tribunal President

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