Summarized Detainee Unsworn Statement

Tribunal President: Awal Gul, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present evidence to this Tribunal?

Detainee: I have no evidence, but I have the statement with the Personal Representative. I have given it to him.

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

Detainee: No.

In the following section of the summarized transcript, the Personal Representative reads the detainee's unsworn written statement (attached as Exhibit D-B) to the Tribunal. The statement addresses each point on the Unclassified Summary of Evidence in order. Because the statement does not always indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's unsworn statement into context. Any comments made by the detainee or others while the Personal Representative reads the statement are summarized, as well.

Tribunal President: Personal Representative, you may begin.

Personal Representative: Detainee Awal Gul dictated the following written statement on 9 September in response to his Unclassified Summary of Evidence dated 7 September 2004.

- 3.a. Detainee is a member of the Taliban and associated with al Qaida.
 - 1. Detainee was trained in the use of Stinger missiles in Pakistan.

Personal Representative: Regarding allegation 3.a.1, I was trained in the use of Stinger missiles. This was during the timeframe that the United States was providing the missiles to Afghans to be used against the Russians. There was training both in Afghanistan and Pakistan by United States personnel. I did not pass the tests for using the Stinger and therefore, I never used one. The year I was trained was 1365/1986.

2. Detainee associated with Usama Bin Laden on three occasions

Personal Representative: Regarding allegation 3.a.2, I did see Usama Bin Laden on three occasions. I never did interact with him, other than to shake his hand. On the first occasion in 1369/1990, I only saw him from a distance. On the second occasion, we had heard that rich Saudis were coming to build a hospital and a school. Usama Bin Laden arrived and as a matter of courtesy, everyone gathered in a large group and welcomed

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him, shaking his hand. This occurred in 1374/1995. The third occasion was after the Taliban came and took over, 1375/1996. At this time, the Mujahideen split into two groups, one to fight the Taliban and one that did not fight. I belonged to the group that did not want to fight. Hagi Abdul Ghadar asked why we are not fighting, and he told us that Yunis Khalis said that we had to fight.

Detainee: He was the chief of that area. He asked us why we are not fighting.

Personal Representative: So, to clarify this information, we sought out Yunis Khalis, who told us that he did not say we had to fight.

Detainee: Hagi Ghadhar mentioned that we have to go to the fight because Yunis Khalis announced it that everyone has to go to the fight. Therefore, we decided to go to Yunis Khalis to see if he tells the truth or not. That is why we go out there.

Personal Representative: On the way back, we saw a large crowd by a house. It turned out that Usama Bin Laden was staying at this house. There was a large crowd there and I only saw him from far away.

Detainee: It wasn't too crowded, but some people were there.

Personal Representative: This just happened and was not planned. I would like to state at this time, we did not know that Usama Bin Laden was anti-US. It was only three years later when we realized this, 1378/2000. It was also at this time that I resigned from my job.

Detainee: My understanding was, after that it was against the U.S. and I tried to resign.

3. Detainee served intermittently as commander of a Taliban supply base near Jalalabad, Afghanistan, for ten years.

Personal Representative: Regarding allegation 3.a.3, I did serve for 9 years, 1371-1380/1992-2001.

Detainee: I worked 9 nine years from 1371-1380.

Personal Representative: Four of those years were with the Mujahideen, and I had a five-year contract with the Taliban. I actually only served three of the five years for the Taliban, as I was trying to resign and they told me no. In 1378/2000, I met with Hazrat Ali to establish our own local security and split with the Taliban.

Detainee: I was in contact with him before that year. But since everything goes kind of hasty around this state, I kind of decided to join them, join Hazrat Ali's group.

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Personal Representative: When the Mujahideen ran the camp, there were 250 people there. When the Taliban ran it, there were only 75.

Detainee: After I resigned and they rejected it over and over again, I tried to run away and go to Hazrat Ali's group. That is when I got captured and turned over to the Northern Alliance. Hazrat Ali told me that we can escape, work for him.

Personal Representative: When the Taliban took over, almost everyone stayed in their jobs as they were scarce and people needed to work. After the fall of the Taliban, there were two major groups in the area, the Northern Group (Alliance) and the Pakistanis.

Detainee: I couldn't stay in that location because I was scared of the Southern Group, which was the Afghan group, that was staying in that location. There were lots of problems trying to stay in that location, so that's why I tried to join Hazrat Ali's group. I was going to run away to the Northern Group, but Hazrat Ali told me I had to stay there.

Personal Representative: The Pakistanis knew that I had worked for the Taliban and went to Hazrat Ali and forced him to turn me over to the Northern Group.

Detainee: Hazrat Ali asked the Pakistani group to verify that I am part of the Taliban or not, which they did, and sent me to the Northern Alliance. And those people came from Pakistan and Saudi [Arabia]. They had some relatives working for the Taliban. Hazrat Ali wanted me to stay there, but since they said that I used to work for the Taliban, that is the reason they captured me and sent me to the Northern Alliance. Hazrat Ali defended me and said, "He was not working for the Taliban, he was working for me." When the American group came over and I was working with the American group - when they came to Bagram, I did not work anymore. I wasn't in the war.

- 3b. Detainee engaged in hostilities against the U.S. or its coalition partners.
- I. Detainee fought against the Northern Alliance in Kabul on the Gul-Da-Da-Ra front lines and was the commander of a ten-man unit.

Personal Representative: Regarding 3.b.1, I was not in the war as a fighter. When asked to send supplies for ten men, I would send supplies for ten men.

Detainee: This ten people was the first 3 years I was active. Later I worked by myself.

Personal Representative: I provided supplies from 1375 to 1378/1996 to 2000. I did not provide supplies during 1379 to 1380/2000 to 2001, as I was trying to get out of the last two years of my contract with the Taliban.

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2. Detainee was the commander of "Taliban Unit Four," a 250-soldier unit, for approximately five years.

Personal Representative: I was in charge of 250 personnel from 1371/1992 through when the Taliban took over and the number dropped to 75 by 1375/1996.

Detainee: The camp had 250 people during the Mujahideen time, when I was part of Mujahideen - the first four years of my nine years. The 250 number was really from those 4 years, and I was a member of the Mujahideen.

Personal Representative: It was a base, with some larger weapons, a tank, etc.

Tribunal President: Awal, does that conclude your statement?

Detainee: I have some more things to say. I put my resignation to the government in the hands of the members of Hazrat Ali's group. [Haji] Abdul Hagh was a member of this group. He was killed by the opposition. Waleed Abdul Hagh was the brother of the guy who was killed. That's who I put my resignation in to. Waleed was his brother. He was a governor of the area. Haji Abdul Hagh was killed, and his brother was alive, and I was working with him and that's why I put my resignation in to him. I put my resignation from the Taliban through him. His brother was the one who got killed by the opposition, and he was pro-American and he was a member of the Hazrat Ali group. Haji Hagh and Hazrat Ali were one group; they were working together. Both of them were against the Taliban.

Tribunal Member wanted clarification of names: Haji Abdul Hagh and Hazrat Ali.

Detainee: I put in my resignation through these people. My resignation [went to] Haji Abdul Hagh, who is part of Hazrat Ali. Haji Abdul Hagh was killed, and I put my resignation through Haji Din Muhammed. Haji Din Muhammed is of the same party as Hazrat Ali. I worked with him and he tried to take care of me, and that's who I put my resignation through. At the time you are referring to, I don't feel I was captured. There was an American up there. We had a meeting and he told us to work with Hazrat Ali, and that is why I was part of Hazrat Ali's group.

Tribunal Member: Who told you to work for [Hazrat Ali's group]?

Detainee: One American. There was a meeting. The American said we should work with Hazrat Ali because he is a pro-American. That is why we joined that group. That was the same person who was a representative, and he entered into Jalalabad through Hazrat Ali. There was a power struggle among the groups. Because I was a member of Hazrat Ali, and since I was a member of a different group before, even though I was pro-Hazrat Ali, they thought I had some kind of knowledge and might be of benefit to them. Based on the research of my background, they tried to push me out from that system. There was a power struggle in the groups. Indirectly, they notified that I better start

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running away since there was a power struggle between the people. I said, "No, I'm not going to run anywhere, and I'm going to stay with Hazrat Ali." That's why I said that.

Detainee (continued): Pakistan mentioned that Kabul was never going to fall as long as the Taliban was there. When Kabul fell, they were accepting those commanders that were pro-Pakistani, not those that were pro-Northern. We were against the commander of the Pakistanis. We helped the Northern Alliance. That is the reason they were searching my background and everything else. The Pakistanis were pro-fight against the United States. I am a pro-Afghani person. I was a soldier during the time it was pro-American. We were pro-American. We helped the U.S. I was a soldier.

Detainee (continued): I don't have anything against the United States. And this is a shame that they keep me down here a long time. I have never had anything against the United States. I am asking this. Tribunal, please, I don't have anything against the United States and I don't want the United States to have anything against me. I wish you wouldn't judge me from the circumstances, that someone else put a report against me. I was fighting and I was a pro-American when the Americans were out there. I'm just a person right now. That was a long time ago. I was pro-U.S. Right now, I'm just working in Afghanistan. I was working in an international health organization. I was giving the medicine or supplies. I don't know what those people coming over have in their hearts. When they came, we greeted them. I wasn't a runaway. I went and turned myself in.

After the conclusion of the detainee's unsworn remarks, the detainee answered questions from Tribunal Members. The Personal Representative and the Recorder indicated they had no questions.

Tribunal Member: In regard to the Unclassified Summary b.1, it talks about the Gul-Da-Da-Ra front lines. I just wanted to confirm for the record, when did that fighting occur?

Detainee: That was in the first 3 years that I was talking about, from my 5-year contract, and during that time they were asking for the material and the people, I would send them out there. I wasn't in the war.

Tribunal Member: Was this before or after September 11th?

Detainee: That was 2 years before that. I wasn't there. I supplied the people.

Tribunal Member: During your statement, you talked about an American, telling you to go join a force. Was this American in uniform or civilian clothes?

Detainee: He had civilian clothes and he was middle aged.

Tribunal Member: Would it be fair to say you supported the Northern Alliance or Taliban during the struggles in Afghanistan after September 11th?

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Detainee: I was working with the Northern Alliance. You can verify my statement through Hazrat Ali.

Tribunal Member: You mentioned that you worked in Afghanistan as person for a health organization. Do you know the name of that organization?

Detainee: I was giving an example, I was working for an outlet in Afghanistan.

Tribunal Member: Did you work for Al-Wafa?

Detainee: No. I don't know him. The organization didn't help in the hospitals or drug stores, the international organizations. We thought that Bin Laden was the organization coming to help us, but he didn't.

Tribunal Member: As far as you being detained, you turned yourself in?

Detainee: No one captured me. I was working with the Northern Alliance and Hazrat Ali. They commanded me to go turn myself in and that's what I did.

Tribunal Member: When you did that, did you have a weapon?

Detainee: No. I never had one.

Tribunal Member: If you were working for the Northern Alliance, why did you have to turn yourself in?

Detainee: Everybody had an objection about my case. I was willing to go to court and testify. That is why I went to the Northern Alliance.

Tribunal Member: When working with Hazrat Ali, were you with the Northern Alliance at that time, at the end?

Detainee: Yes, I was.

Tribunal Member: So if the Northern Alliance won, why did you have to turn yourself in?

Detainee: Since from being in the Southern organization, my background wasn't clear. With the recommendation of Hazrat Ali, he told me go ahead and turn myself in to the Northern Alliance to clarify my situation.

Tribunal Member: But if you were working for Hazrat Ali, why would he tell you to go ahead and turn yourself in?

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Detainee: This is an Afghan custom, that no matter what kind of position you are in, if there is any allegation against you, you go back to them, the Northern Alliance, and testify.

Tribunal Member: Who made the allegation?

Detainee: It was the Southern group, the Afghan group.

Tribunal Member: When did you learn about the September 11, 2001, events in the

United States?

Detainee: About the same time it happened, we heard about it on the radio.

Tribunal Member: What was your job when you learned about September 11th?

Detainee: I was working in an office.

Tribunal Member: For whom?

Detainee: A Taliban organization, I had put my resignation in a long time ago.

Tribunal Member: What was your job?

Detainee: I was doing just the inventory, what was out, what was in.

Tribunal Member: What were you inventorying? What were the items?

Detainee: Pots, pans, rugs; it was a storage area that I was working in. That was just the title of the job. I was just working in that office. I didn't have any function. It was some kind of function for me, I had already put in my resignation and since they did not accept it, they put me in a low job and that's why I was working there as an inventory person.

Tribunal Member: Would you issue material from the warehouse to people?

Detainee: In a Taliban organization, they were not real organized. That was a job title they gave me. No, there were no other people, just an unorganized situation.

Tribunal Member: Did the warehouse belong to the Taliban military?

Detainee: There weren't any materials there, just a building.

Tribunal Member: But who were you working for? The Taliban military?

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Detainee: Since I tried to resign a few times, and they didn't accept it, if I tried to runaway and go to the North, I knew I would be captured, so I took that job. I knew I would be working.

Tribunal Member: Who was your contract with? The Taliban military?

Detainee: That was a Taliban group.

Tribunal Member: What were you supposed to do under the contract?

Detainee: They told me to do the inventory for one building and I did the inventory for that building. That's all I was doing. And some of the things weren't there - they didn't exist. There was supposed to be a table and a chair, and pots and pans, but they did not exist.

Tribunal Member: When you first signed the contract, what were you supposed to do, before you turned in your resignation, at the beginning of the 5-year period?

Detainee: I was commander of 75 people.

Tribunal Member: So your job was with the Taliban military at the beginning?

Detainee: Yes.

Tribunal Member: Were you still being paid when working in the warehouse? Was the Taliban military still paying you?

Detainee: Yes. The Taliban was paying my salary.

Tribunal Member: Where was this warehouse?

Detainee: Jalalabad.

Tribunal Member: Were you working in the warehouse when you decided to turn yourself in to the Northern Alliance?

Detainee: The Taliban was done and I was working for Hazrat Ali when I turned myself in.

Tribunal Member: What were you doing for Hazrat Ali?

Detainee: We were helping Hazrat Ali with the social aspect of it. The Southern group, which is the Pakistani [group], started a power stuggle, so we were just helping his organization.

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Tribunal Member: In Jalalabad?

Detainee: Yes.

Tribunal Member: When did you turn yourself in? How soon after September 11th?

Detainee: It was one month after the Taliban fell.

Tribunal Member: So you worked for the Taliban until the Taliban fell, and then you

started to work for Hazrat Ali for a month?

Detainee: Yes. That's how it was, but I had put my resignation in.

Tribunal Member: But you continued to work for the Taliban until it fell in Jalalabad?

Detainee: Yes. That was one month's time.

Tribunal President: When you worked for Hazrat Ali, did a person tell you and other

people to turn yourself in?

Detainee: Yes, he recommended it to us.

Tribunal President: Who was that person and what was his position in the Hazrat Ali?

Detainee: It was Hazrat Ali himself.

Tribunal President: Did Hazrat Ali have to turn himself in as well? Did Hazrat Ali have

to go to the Northern Alliance too?

Detainee: He was a main commander. He was against the Taliban. I cooperated with

him and I become his member.

Tribunal President: In your written statement, you said you established a local security

organization with Hazrat Ali.

Detainee: It wasn't really an organization. Hazrat Ali's father was more powerful since he was the Minister of the Southern Alliance in Pakistan. The commander of the Pakistanis was advertising. Naturally, I was born somewhere else [i.e., Afghanistan], but they were advertising to come to their side, and they tried to get us into their group, which is the Pakistani side. They tried to pull us toward themselves. We didn't know about that situation. We were from a different location. They didn't know us since we were not from this location. The Pakistani group was the group that was running the country. That's why I didn't like to join that group. That's the reason I swung toward Hazrat Ali's group. That's the reason I joined with Hazrat Ali. That's why I was there.

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Tribunal President: I need to be clear about the job. You said you provided security. Was that security for a person or a building?

Detainee: The time they are talking about, everything was unorganized and everyone tried to get to that location and tried to do something. It wasn't a specific title. Everybody tried to do something for that organization to help. I was just helping him [Hazrat Ali] in their organization and politics of Hazrat Ali. I was working out there with Hazrat Ali.

Tribunal President: Did you provide security to Hazrat Ali or to the Taliban military?

Detainee: The security was for Hazrat Ali, not the Taliban.

Tribunal President: What month and year did you submit your resignation?

Detainee: I do not know the exact date, but it was two years before the downfall of the Taliban. It is written on the resignation that I have. It has a date.

Tribunal President: I understand you submitted a resignation more than once. How many times did you submit a resignation and when?

Detainee: Twice.

Tribunal President: Do you know when you submitted your resignation?

Detainee: It was a year before the first one and it was three years before that. The second was two years before the fall of the Taliban. The first one was three years before then [i.e., the fall of the Taliban].

Tribunal President: To clarify, the Detainee said three years before the fall of the Taliban and two years before the fall of the Taliban?

Detainee: Yes.

Tribunal President: What month and year did you turn yourself in to the Northern Alliance?

Detainee: On my calendar, the date is February 10, 1380. [2002].

Tribunal President: Where was the Northern Alliance when you turned yourself in?

Detainee: Kabul.

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Tribunal President: You had a contract with the Taliban. What year was the contract to start and what year was the contract to end?

Detainee: I'm not exactly sure. I think the ending time is on my resignation papers. My contract began roughly on 20 June 1375. I was ill for a few months and after that I started working. I don't remember the resignation date. It is supposed to be on my paper. Three years after it started, that was my resignation date. So, three years after that is going to be 1378, roughly.

Tribunal President: Let me see if I understand. The ending date of the contract was 1378 but he submitted his resignation in 1375 and 1376?

Interpreter: No, that was his starting date. He started in 1375 and resigned in 1378, no month or date.

Detainee: I would like to mention that I tried to resign twice, but it wasn't accepted.

Tribunal President: Who had the authority to approve your resignation?

Detainee: It was Mullah Omar.

Tribunal President: What was his position?

Detainee: He was the Commander or a very high-ranking person in the Taliban. Very, very high ranking.

Tribunal President: A Commander in the Taliban military?

Detainee: He was just like the King of Afghanistan. He was not part of the Taliban. He was a high-ranking, powerful man.

Tribunal President: But he was not part of the Taliban?

Detainee: Yes. He was part of the Taliban.

Tribunal President: Was he part of the Taliban military?

Detainee: He was like a King; all of the military was under him.

For the Record, the Tribunal President received a translated copy of detainee's request for copies of his resignation documents (Exhibit D-C). The Tribunal President asked the Personal Representative if he had conveyed the Tribunal President's decision (page 2 of Exhibit D-A) to the Detainee that the requested documents were not relevant. The Personnel Representative stated the decision had been conveyed to the Detainee.

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The Tribunal President asked the Detainee if he had any other evidence to present to this Tribunal.

Detainee: Yes. I worked with Hazrat Ali and Haji Waleed Mohammed, who was the brother of Haji Abdul Hagh. I was working close to them and they all can verify any questions you have for them.

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

Personal Representative: Yes. When you were the Commander of 75 in Jalalabad, were they soldiers or civilian workers?

Detainee: They were just regular people. They weren't soldiers, just regular people.

The Personal Representative submits the Detainee's unsworn and unsigned written statement into evidence (Exhibit D-B).

Tribunal President: The Tribunal has your statement. Personal Representative, do you have any other evidence, or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No, Ma'am.

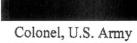
Tribunal President: Do any of the other Tribunal Members have questions?

Tribunal Members: No. Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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



Tribunal President

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Detainee 782 Statement

The following is my statement regarding the allegations in the unclassified summary presented to me on 9 September 2004.

- A. 1. I was trained in the use of Stinger missiles. This was during the time frame that the United States was providing the missiles to Afghans to be used against the Russians. There was training both in Afghanistan and Pakistan, by United States personnel. I did not pass the tests for using the Stinger and therefore, I never used one. The year I was trained was 1365/1986.
 - 2. I did see Usama Bin Laden on three occasions. I never did interact with him, other than to shake his hand.
 - a. On the first occasion in 1369/1990, I only saw him from a distance.
 - b. On the second occasion, we had heard that rich Saudi's were coming to build a hospital and a school. Usama Bin Laden arrived and as a matter of courtesy everyone gathered in a large group and welcomed him, shaking his hand. This occurred in 1374/1995.
 - c. The third occasion was after the Taliban came and took over (1375/1996), at this time, the Mujahadin (sp) split into two groups, one to fight the Taliban and one that did not fight. I belonged to the group that did not want to fight. Hagi Abdul Ghadar asked us why we were not fighting, and he told us that Yunis Khalis said that we had to fight. So, to clarify this information, we sought out Yunics Khalis who told us that he did not say that we had to fight. On the way back (about 3KM) we saw a large crowd by a house. It turned out that Usama Bin Laden was staying at this house. There was a crowd there and I only saw him from far away, this just happened and was not planned. I would like to state that at this time we did not know that Usama Bin Laden was anti US, it was only three years later when we realized this (1378/2000). It was also at this time that I resigned from my job.
 - 3. I did serve for 9 years, 1371-1380/1992-2001. Four of those years were with the Mujahadin and I had a five-year contract with the Taliban. I actually only served three of the five years for the Taliban as I was trying to resign and they told me no. In 1378/2000, I met with Hazrat Ali to establish our own local security and split with the Taliban. When the Mujahadin ran the camp, there were 250 people there, when the Taliban ran it, there were only 75. When the Taliban took over, almost everyone stayed in their jobs as they were scarce and people needed to work. After the fall of the Taliban, there were two major groups in the area, the Northern Group (Alliance) and the Pakistanis. The Pakistanies knew that I had worked for the Taliban and went to Hazrat Ali and forced him to turn me over to the Northern Group by Hazrat Ali
 - 1. I was not in the war as a fighter, when asked to send supplies for ten men, I would send supplies for ten men. I provided supplies from 1375 to 1378/1996 to

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2000. I did not provide supplies during 1379 to 1380/2000 to 2001 as I was trying to get out of the last two years of my contract with the Taliban.

2. I was in charge of 250 personnel from 1371/1992 through when the Taliban took over and the number dropped to 75 by 1375/1996. It was a base, with some larger weapons, a tank etc.

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Exhibit D-C

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To:

AFGHANISTAN - NENGERHAR - JALALABAD.

HAGLI SAHEB-DEEN MOHAPIAD: GOVERNER OF NENGERMAR.

COMMANDER HAZART ALI, COMMANDER OF BOOKING IN NENGERHAR.

DEAR MR. HAJI SAHEB DEED MOHAMMAD, GOVERNER OF NENGERHAR,

COMMANDER OF HAZRATI ALI - COMMANDER OF NENGERHAR,

PLEASE SEND MY RESIGNATION DOCUMENTS, DURING TALABAN

REGIME, WHICH I HAD, HELD MOLA MOHAMMAD OMAR. GIVE

THESE RECORD TO RED CROSS. PLEASE HELP ME

IN THIS REGARD.

MY RESIGNATION BATE, WAS ABOUT TWO YEAR

BEFORE FALLS OF TALABAN.

PRINCEPT; AWAL GUL

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