

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Personal Representative presented Exhibit D-a into evidence. The Tribunal President explained the contents of the exhibit. The Tribunal President explained that the detainee's witness request and request for evidence were denied, and the reasons therefor.

Detainee: I don't have a question about the Tribunal process, but thank you for the time, and I would like an opportunity to present and tell my story.

Tribunal President: We have not received a response from the Pakistan and Afghanistan embassies concerning your nine witnesses and must proceed with the Tribunal. Do you understand?

Detainee: It's been almost one month and those people in Afghanistan; everybody knows them, but they cannot find them and there is no response. It should be easy for you to find them in a matter of days, and not a month.

Tribunal President: We must have permission. Our government must have permission from the Afghanistan and Pakistan governments. We cannot just go into your country and start looking for people. We did not receive the authorization to go into the country and look for these individuals.

Detainee: I have the right to present my own story and the other thing is up to you to make a decision.

Tribunal President: We will consider everything that you tell us, before we make our decision.

Detainee: Yes, I will tell you all I know, and then it will be up to you.

Tribunal President: OK. Also the Personal Representative indicated to the Tribunal that he did look for the notebook in your personal effects and was not able to locate your notebook.

Detainee: All the time, the interrogators bring me the number and the number was in the notebook. If they bring me the number and show me the number and ask me did I know the number, I said yes I know the number.

Tribunal President: When the Personal Representative went to look for your file, it was not in your file. Do you understand?

Detainee: To my knowledge, the government of United States will not make one error, I do not know why it was not located or not found. I will tell my whole story and it will be up to you.

The Recorder presented Exhibits R-1 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

Summarized Sworn Detainee Statement

- **3(a)(1) The detainee is an Afghanistan citizen who is a high-ranking member of Jama' AT UL Dawa AL Qurani (JDQ).**

Yes, I am a member of Jama' AT UL Dawa AL Qurani.

- **3(a)(2) Jama' AT UL Dawa AL Qurani (JDQ) is an Islamic extremist group operating in Pakistan, which received funds from non-governmental organizations located throughout the Middle East.**

Jama' AT UL Dawa AL Qurani is not a hard line group.

Tribunal President: We did not use the words hard line we used the words Islamic extremist group.

Detainee: Yes, extremist. It is not an extremist group.

Tribunal President: I don't know what the definition is for this particular allegation, but what is your response to the allegation?

Detainee: I will answer the whole question. I would like to know about the one word.

Tribunal President: Extremist.

Detainee: Yes, extremist.

Tribunal President: What is the definition for extremist?

Personal Representative: A charity group that will resort to violence to obtain their objective.

Recorder: Please tell him that's our assumption, because someone else wrote this.

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Detainee: Jama' AT UL Dawa AL Qurani is one group in Afghanistan which was created before 1990. It was originated in Afghanistan. Before, the group leader was Jameel a Raqman. The Krunard Franz gave Jameel freedom from the Russians before anybody else. All forms came together by direction and the person came as the representative for the government.

This is the beginning of my story. The leader of HIG in Afghanistan was against the small prophets and started to fight. After fighting Krunard under the control of HIG Islami Mugagdide, Jameel a Raqman went first by order of (inaudible).

When the Kunard province collapsed, the leader was assassinated in Pakistan by some extremist Arab group. When he was assassinated, Jameel a Raqman and he were (inaudible).

When the majority took over the government in Kabul, we went to Kabul and the new leader joined the new government. He became a member of the supreme council. He also became a minister of the wounded and the people killed in the war.

In 1993, the council in the area of Jalalabad, appointed me to be a member of the supreme council. The council was part of the government and held a new government. During that time the government was not in complete control and a dispute erupted between the government and HIG Islami. We were on the government side.

The new government appointed one of my cousins as a governor. Everything that we did, the President was a close ally as we worked together.

After 1996, the Taliban came and took over. In 1997, the people came together in an attempt to work against the Taliban under a new leader. The new leader announced that he had close relations with the Northern Alliance. He appointed a central office and started a political movement in a Pakistani camp. He appointed a group to work against the Taliban. When he was arrested, he was sitting on the Supreme Court in Afghanistan.

In 1998, the people came together under the name of the Unity of Afghanistan. You can ask about me, and this group I am associated with, from people in the government. When the council of the Unity of Afghanistan was established, the government knew we were working against the Taliban. The Taliban wanted to make the government corrupt and have a corrupt society in Afghanistan. The supreme council appointed people that were members of Unity of Afghanistan to the government and had close relations with the Northern Alliance. They condemned the September 11th attacks.

The leader of the Unity of Afghanistan asked the Taliban to arrest Osama bin Laden and put him on trial and allow the United Nations to take over the

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Afghanistan government. I don't know why they affiliate this group with a hard line or an extremist group. That was the whole thing about the group and the group leadership. Now I will talk about myself.

Yes, about the help of this group to get assistance from the government was only to help the people of the country by bringing water to them because of a drought. We only helped kids that lost their parents during the war. Mosques were built and clinics were opened for the refugees. The Unity of Afghanistan organization never had money for themselves. They got money from the people because we stood up for this cause. I can get you the names of the organizations that helped us and I told the interrogators the same.

Because there was nothing left and everything was destroyed by the war, in 1992 we opened almost 30 schools for kids through the United Nations and other organizations. They built what the people needed. Totally we built nearly 150 schools. We asked and received permission from the government in Kabul and the people were very happy.

In 1999, we opened Afghan University. I was a member of this group that opened the university. There were almost 600 girls and 800 boys studying at this university. I don't know why they call this group an extremist group. People all over Afghanistan were gathering because they were all against the Taliban. I was a lawful member of this group.

After the tragic incident of September 11th, we all came together in Pakistan and talked to the coalition against the Taliban. A British representative from the embassy or the government came and talked to us about the incident and to receive aid. His assistance was to be used against the Taliban.

Before the United States came to Afghanistan, we talked to the British representative. There was also another group present when we talked to the British representative. Our plan was to go to Jalalabad and start a war against the Taliban. Under his control, we took over Jalalabad and the Taliban left. After the Taliban left we talked about and planned on attacking the Taliban in Tora Bora.

The British representative told us to wait for two to three days and stated that he was going to Kabul to talk to the Americans and when he returned he would let us know whether to attack the Taliban in Tora Bora. When he returned, he told us to go to Tora Bora and the Americans will talk to us. Before we left, two Americans came to Jalalabad with interpreters. We sat and talked with one of the Americans for two to three hours, to make a plan to attack Tora Bora.

They started the war against Tora Bora and captured some Arabs and handed them over to the Americans. Then we talked to the American and asked if everything was under control and he stated that everything was smooth and on schedule. We had some press conferences in Jalalabad on our leadership and the

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war on Tora Bora, stating it was the right war. We arrested the Arabs and handed them over to the Americans.

After this war was over, I left and was going to Kabul. We went to the camps and collected three to four hundred people. They told us that the situation was not stable and told us not to come into Kabul. They thanked us for all of the help.

We gathered four thousand people and announced our support for the new government and that we would be working against al Qaida and the Taliban. Five of us went to Kabul and talked to the Defense Minister. We went and ate lunch with a group of ministers and government officials. They congratulated us.

I have a lot of things to tell you but I will try not to take up much more of your time. I will tell you just some of the things. And I will just provide you with evidence and you can find out about this whole thing.

When I went to Kabul, I spent 45 days there this time. We talked to someone from the American embassy. We offered our assistance and congratulated him.

We then left Kabul and went back to Jalalabad. When we got to Jalalabad, the British representative talked about drug issues. Two other British officials and the British representative met with me and another representative from our government in Jalalabad. Also, in attendance was a member from the government of Kabul; he was the Minister of Finance. The President of the Supreme Court in Afghanistan also attended. The Supreme Court President stated that drugs were against the Islamic law and must be stopped.

We had two to three follow-on meetings with the Finance Minister and three British representatives and we came to a conclusion to destroy the poppy crop.

After we destroyed the drugs, we had another meeting with the British representative and a gentleman came from Kabul. He was an American. Again, we offered our assistance. There was another meeting but this time it was with four American officials.

The President of the United Nations came to Jalalabad for a meeting and offered a plan that would help our government. After that, they appointed me to the supreme council. A supreme council was appointed for each government. I was the only one appointed for my government. There were 185 representatives on the supreme council.

We had a last meeting and I offered my assistance. After the meeting they told me to go home and if they needed something, they would come for me. At that time I went home.

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When I arrived at home someone called me. They asked me to join them for lunch. The meeting was August 20, 2002. It was 3 or 4 commanders and they came from the border area; the airbase and they were all high level government officials. They fed me at lunch and dinner. We came to a conclusion that if anyone was against the Americans or the coalition, we were going to fight them.

The next day I called and asked the American could I come and talk to him. He told me no, we will come to you. At noon he called me and told me to come and see us. I went and offered my assistance. I offered the Americans to come to my home for dinner. As I was leaving from the compound, I was arrested and from that point I didn't understand what was going on.

I read the report and was accused as being an enemy combatant. Who is an enemy combatant? Since 1990, I fought against these people, the Taliban and al Qaida. I don't know how they could call me an enemy combatant. This is injustice. I have evidence for every word that I speak. If I didn't have evidence, I would not speak.

Maybe the interrogators put me here to ask me what I know and who I know. Even yesterday, the interrogators asked me for a meeting. I don't even have time to think.

- **3(a)(3) The detainee received a permit from a Pakistani government official that allowed vehicle convoys to transport food and blankets between Pakistan and Afghanistan borders in 2001.**

We talked to the British Representative and asked him for assistance because we needed medicine and food. After the meeting with the British representative, he told me that he talked to the Pakistan government and the Pakistan government appointed a representative and the British representative told us the Pakistan representative is with you and will assist you get through to Pakistan. We bought some food and uniforms to work for the British representative. We brought these things and gave them to the Jalalabad official. If you think this was against the law or was wrongdoing, you can ask the British representative. He helped us for six months with food such as wheat, flour and oil.

- **3(a)(4) The detainee helped al Qaida members escape into Pakistan.**

Before 1990, no one knew al Qaida and that was not their name. They killed my cousin. At that time, my cousin was the governor of Krunard. They said that only Muslims could live in Krunard and we told them that they were killing people.

In 2001, after September 11th, the whole world came together and we were with the people that were against those people that caused the tragedy. We have been

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against al Qaida since 1990. We didn't know them by the al Qaida name. We knew them as under the leadership of Osama bin Laden.

My dispute with al Qaida or against them is crystal clear and me working with the American coalition is also clear. I don't want to say the same thing over and over again. Thank you for the time. If you have any questions, I am ready.

Detainee: If I fought against these people, then I can't be an enemy combatant.

Tribunal President: I want to get this clear. You mean that you do not meet the definition of an enemy combatant?

Detainee: No, I'm not Taliban, I'm not al Qaida, and I'm not against the coalition. I am with the coalition and for this reason I am not an enemy combatant. I am a friend of the coalition.

Tribunal President: We'll consider everything that you have told us today and we do have some questions we would like to ask you.

Tribunal Members' Questions to Detainee

Q: Did the Jama' AT UL Dawa have any fighters in it?

A: Never. No. After 1990, no.

Q: Then how did you oppose the Taliban?

A: The supreme member.

Q: Do you have any enemies back in Afghanistan that would tell lies on you in order to get you in trouble?

A: Personally, I don't think that I have any enemies. But we did have disputes with HIG in Taliban. There is one thing I forgot to tell you. Taliban fired a rocket at my house in 1998. Evidence is in the newspaper. We worked with the coalition against these people. Maybe I had enemies because I was for the coalition and the new government.

Q: How many convoy trips did you make between Afghanistan and Pakistan?

A: Two times.

Q: Was that before or after the attacks in America on September 11th?

A: After the attacks on September 11th, and after the coalition took over Jalalabad and Kabul.

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Q: Did you ever bring anything from Afghanistan back into Pakistan?

A: No.

Tribunal Members' Questions to Detainee

Q: What is Jama' AT UL Dawa AL Qurani?

A: Jama is a group of people. Qurani is named after the holy book. Dawa means to bring to the Quran.

Q: Are you still a member of that organization?

A: Yes.

Q: So, when did you become a member?

A: After 1990.

Q: What is its purpose?

A: Before 1990, it was fighting Russians. After that, they joined the government and helped the poor people by bringing clean water to them and building mosques.

Q: Where did the organization get its funding?

A: Some other organizations or people in Pakistan. People would write to the paper or to a mosque.

Q: It says here that you are funded by non-government organizations. Is that correct?

A: Nonprofit organizations and government organizations. I can give you some names. The Red Cross or the Blue Cross and another organization called Create Government.

Q: Did the government of Pakistan know this organization?

A: Yes.

Q: Was it an illegal organization or a legal organization?

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- A: To my knowledge it was lawful because there is a big office there, everyone knew.
- Q: Was your role in that organization known widely, publicly?
- A: I was only a representative from my people. They asked me for some help. I was the one to get the paperwork to the office.
- Q: What was your position with the government?
- A: I was elected to the supreme council.
- Q: Did you have any role with the local administration of the government?
- A: No.
- Q: You said you were elected and you said you were appointed?
- A: Yes, I was elected.
- Q: Did this group and the leaders of this group know that you were associated with this organization? Did the supreme council, the people who appointed you, know that you were associated with Jama' AT UL Dawa AL Qurani?
- A: Yes, everybody knew about it. All the leaders knew.
- Q: Within Afghanistan, this organization is a legitimate legal organization?
- A: Before I was captured, at that time I was not appointed to the government with what group was legal and which one illegal.

Tribunal President's Questions to Detainee

- Q: Were you paid by the organization?
- A: 4,000 Afghani rupees.
- Q: Is that per year?
- A: A month. When we got the money for a project, only five percent was given to me.
- Q: Can you tell me why you think you were arrested?
- A: I would like to ask that question of you: why I am here?

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Q: Did anybody tell you why they were arresting you?

A: No. When they arrested me, they covered my eyes and asked me whom did I know. Did I know this one, that one? If I knew the people or their names, I would tell them.

Q: Where were you when you were arrested?

A: In Krunard province, the center of Aftalabad, which is also a coalition base, an American base. After, I visited them and talked to the American officials they arrested me.

Q: When were you arrested?

A: August 21, 2002.

Q: You mentioned purchasing or being given uniforms, brought the uniforms back into Afghanistan. Who wore the uniforms?

A: We gave them to the government and the government soldiers wore them at the base.

Q: Where was the base located?

A: A village of Yargul.

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. Army
Tribunal President

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