

**Summarized Sworn Detainee's Statement**

*The Detainee confirmed that he understood the process and had no questions.*

*The Personal Representative provided the Tribunal with the Detainee Election Form labeled Exhibit D-a.*

*The Recorder presented Exhibit R-1, R-2 and R-6 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.*

*The Detainee did elect to participate. The detainee opted to make an oral presentation. The detainee agreed to take the Muslim oath. Recorder administers the Muslim oath.*

*The Personal Representative read the accusations to the Detainee so that he could respond to the allegations. The allegations appear in italics, below.*

*3.1. During the raid of his home, the Detainee, his uncle, and his cousin were captured in possession of BM-1 rockets, an RPG launcher, AK-47's, hand grenades, a pistol, an RPG machine gun, a Dragunov rifle and another large-caliber rifle.*

Detainee: I understand that I was caught amongst these people and I want to tell you about the weapons. The reason for all the weapons is because we lived in a tribal area in Afghanistan. That area is located between Pakistan and Afghanistan. It is a liberated area. That means that the people of this particular area can live either in Afghanistan or in Pakistan. All the weapons that you have mentioned here are not mine. They belong to the whole tribe. Our little village has its own enemies and it is common to have weapons there. All of those weapons are our personal weapons. They have not been provided by a particular group or anyone in particular. They have been purchased to protect the village. We were keeping these to defend us against our enemies.

*3.2. The Detainee fraudulently obtained a Pakistani identification card and passport to hide his true identity when crossing the Pakistan/Afghanistan border and traveling to other countries.*

Detainee: As I said earlier, in this area there is no government that (inaudible) particular passport and ID card was for me to travel around. In this area that I talked about, I think the center of it was Waziristan, which is close to Pakistan, and I was living in the Afghanistan side of the area, which is the Barmal District. And the reason I made that ID was so I can have an identification in order to find a job for myself. In Afghanistan, the Taliban were running the government and we were in conflict with them. I didn't have a choice but to create a Pakistani identification for myself. In order to get that identification, either your father or your uncle or someone else in the family had to be presented as references. My uncle was the individual who had already gotten the identification. Through his identification, I received this ID. Even though in the identifications where it says the name of the father, it has my uncle's name on it. His

name is Shamir Gul. The reason that the name says Mohammed Sharif is because I changed my name so I cannot be identified by the local Taliban in that particular area toward the Pakistani side. It was a fake ID because I did not want him to know who I was, so I had to go by a different name. I wanted to go to Arabic countries for work purposes. Obviously, in Afghanistan, the Taliban ran the government and we were in conflict with them. There was no work for me there.

*3.3. The Detainee arranged a meeting for Shah Mohammed Jan, the local Taliban leader.*

Detainee: When the American campaign reached Ur-Gun (ph), all of the local commanders came to see the American campaign. King Han (ph) was the appointed liaison with Americans to operate in Ur-gun (ph) area, like translating things. King Han (ph) kind of led the Americans to Ur-Gun (ph). There was no gathering or any type of meeting, they just got together for a supper-type of gathering. It was just a normal gathering. At that time, King Han (ph) said that Shah Mohammed; who was obviously present there, and was working for the government during the Taliban, had somehow assisted and helped King Han (ph). At that time I had just met him at that particular moment. If I meet somebody for the first time, how could I have prepared a gathering for him when I had just met him at that moment?

*3.4. Shortly after graduating from High School, the Detainee was taken to prison with two of his friends who were members of the HIG.*

Detainee: That is a fact that I was imprisoned. Yes, the two people that you mention here were my friends. I was living very close to them. They were just like street friends. We would just say like "Hi," "Bye," and "How are you?" Even though we were taken to the prison all together, up to this day I do not know if they had been an official part of some kind of organization. I was kind of put into the mix by the government just because we would talk and I had become part of them in a way. I personally still think that those two people were not members of any type of special organization.

*3.5. The Detainee worked for Yar Khan.*

Detainee: I did not work for Yar Kahn, but I did look for work with him because he was the local head of the District.

*3.6. Yar Khan is a known HIG member.*

Detainee: When the mujahedin was active, he was in Kabul and we were in Barmal. I really did not know if Yar Khan was a part of or a member of any particular organization. When he became the head of the District, then I went I to see him to ask for some type of employment from him.

*3.7. The HIG is listed in the U.S. Department of Homeland Security's Terrorist Organization Reference Guide as a non-governmental organization with long-established ties to Usama Bin Ladin and al Qaida.*

Detainee: That has nothing to do with me.

*3.8. Yar Khan supported the Taliban Islamic Movement (the Taliban).*

Detainee: Whatever I know about Yar Khan is that he was kind of like me, looking for work. He was against the Taliban because he had had a conflict with the Taliban. They had a war with the Taliban in which they were attacked and he lost his legs in the process. If someone is fighting the Taliban, how are they going to help the Taliban at the same time?

Tribunal President: Qalandar Shah, does that concludes your statement?

Detainee: Yes.

*The Tribunal President asks the Personal Representative to review the notes and help clarify what the witness may have testified to.*

**Personal Representative Questions for the Detainee**

Personal Representative: Can you explain to the Tribunal members some background about your tribe and how you lived in that area of the Afghanistan/Pakistan border?

Detainee: As I said, there is a liberated area where there is no government. That area between Pakistan and Afghanistan, who had gotten their liberation from the British forces had not had an established government. The people of that area can easily and freely travel between the Afghanistan area and the Pakistan side. And they even have the right to kind of officially talk about their rights and their communications within their governments, like where they want to go to school or get information, things like that. The tribe where I stayed was Waziristan. It is huge.

*The Personal Representative interrupted stating the correct spelling of the area as well as the District (Barmal) and Province (Paktika).*

Waziristan has four different sectors. Three of the sectors are inside of the Pakistan area. One of the sectors is located inside of the Afghanistan border, which is on the Duren line, created by the British in the Afghanistan government that split Barmal from the rest of the Waziristan area, which is in Pakistan. And I was living in Barmal.

Personal Representative: Is it true that the ID you had used your uncles' family name?

Detainee: Where it said the name of the father on the application, it has my uncles' name on it.

Personal Representative: Did you follow the correct process through the ministry to get the ID?

Detainee: Yes I did it the ordinary way but I have to tell you that I had to pay a lot of money to the people who made the ID's. It is a common saying in Pakistan that if there were no Pakistan's, there would be no bribes.

Personal Representative: What kinds of things did you use your Pakistani ID for?

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Detainee: I was always anxious to get a job, some kind of employment in Pakistan. I even thought of getting some kind of employment in the Arabic countries.

Personal Representative: How many families lived in the house where you were captured?

Detainee: In that big house, there were four fathers, so there were four families.

Personal Representative: Why did you need so many weapons for protection?

Detainee: Our enemies were capable of operating heavily and it is a common thing that we had to somehow match their weapons in order to be able to defend ourselves up to the strength of their attack.

Personal Representative: What was the name of your tribe and what was the name of your enemies?

Detainee: There are four major tribes in the Barmal District. One is Saif Ali, two is Pa Pali, three Ma Lak Shahi, and last is Yami. I belonged to the Pa Pali and they had their own small little branches. One of them is Sharif Khail. My enemies were all from the same Sharif Khail branch, but I am from the Kamar (ph) village and they are from Ar-izi (ph).

Personal Representative: Why did you go to Yar Khan for employment? What kind of job were you looking for?

Detainee: I was looking for employment. Nothing in particular, anything I could get my hands on. I needed to work. I needed the money. Mainly work within the government.

Personal Representative: Were you aware of any work that Yar Khan did for the interim Afghanistan government?

Detainee: Yes, he was a congressman in the great assembly. He was appointed to be the head of the district by the people of that district. After that I was captured. I do not know anything more about it.

Personal Representative: Did you witness a meeting for Shah Mohammed Jan?

Detainee: As I said earlier, there was a supper-type of gathering it was not a planned meeting. I was introduced to Shah Mohammed Jan by King Han (ph) and he told me that he had helped him during the Taliban. That was the first time I saw him. As I said earlier I had to know him in order for me to have had a party for him. I just met him there and that party was not for him.

***The Personal Representative has no further Questions. The Recorder has no Questions.***

**Tribunal Members' Questions for the Detainee**

Q: How old are you?

A: At the time I was captured I was twenty-eight.

Q: So this incident in which you were arrested after high school, how long ago was that?

A: I was seventeen when I finished high school.

Q: So this is over ten years ago?

A: Najibullah was in power, I have not counted since then. I do not know how many years have gone by.

Q: Are you familiar with Hezb-I-Islami Gulbuddin?

A: No. I've heard before that he was a leader of the Mujahiden's.

Q: The Mujahiden against the Russian's? Is that what you mean?

A: No the Mujahiden were the people who were fighting against Russia.

Q: So back in the time you were arrested, the HIG was actually fighting the Russians?

A: Yes. At that time the Russians had already left but the Afghan communist government was still in power.

Q: What is your employment? What do you do for a living?

A: I do not have a specific job. I have been a veterinarian. I have been a tailor and a teacher.

Q: When we were discussing this identification, the translator referred to it as a passport; was it an identification or passport?

A: Both of them. If you don't have an identification card, you don't have [a] passport.

Q: In this country and in most countries that I am familiar with, those are two different things. An identification card is an internal document and a passport to travel outside the country. Could you help clarify this a little bit more for me?

A: It is the same there. The common thing is that when you are a citizen of a country then you have to have an identification card and after that you can apply for a passport.

Q: In the unclassified summary, what is being referred to, an identification card or a passport?

A: I had a passport and an identification card.

Q: From the way you describe this area whereas you can move freely back and forth across the Pakistan/Afghanistan border, why did you need any identification?

A: In order to get a passport you have to have some kind of ID.

Q: Did you need this identification for any reason in Pakistan or in Afghanistan?

A: No, I did not.

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- Q: If you needed a passport to go to another Arab country, why didn't you get an Afghani passport?
- A: As I said earlier, there was no room for me, there was no chance for me in Afghanistan because the Taliban was there and they never recognized us allies so that is why I didn't get it from the Afghanistan government. I couldn't get it in any way.
- Q: You said that that level of weaponry was necessary to defend yourself against a sort of attack you could expect. Why would you expect that kind of attack? Had you been attacked with heavy weapons before?
- A: In the past sixty years we have had a history of strong animosity between the people. It is always about the land and in the process I lost an uncle of mine as well who was killed. So I cannot get the help of the government in that area. There is nobody there. I have to secure that area. That is why I had to have those weapons.
- Q: Can you tell me how you or your tribe got the weapons in the first place?
- A: Like I said, that is a liberated area. There is a lot of black market. People have weapons. You can buy anything you want. In the Barmal area, people were selling them and we bought them.
- Q: Who trained you on how to use the weapons?
- A: No, nobody taught us how.
- Q: You just figured it out on your own?
- A: The people of Barmal have been familiar on how to use weapons for the past three to four hundred years. They have kept up-to-date with the types of weapons that are coming into people's hands.
- Q: With respect to Shah Mohhamed Jan, the local Taliban leader, according to the allegations, exactly how long did you know this person?
- A: I mentioned it earlier, you know, he was at that gathering and over dinner people were talking about him. I think he had worked for Taliban and that is all I know about him.
- Q: What position did he hold with the Taliban?
- A: He was a Commander.
- Q: Do you recall the time frame when this gathering occurred?
- A: It was daytime. You have probably experienced that we, the Afghan people, do not have very specific dates and I do not remember exactly when it was. I do not even remember when I was born.
- Q: Do you know around what Islamic holy day or holy days may have been close to that particular meeting?
- A: It was right around when the Americans came. It was during Karzai's first six month Presidency.

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Q: Do you know how many other people in your compound were detained when you were detained?

A: Where?

Q: What we have is that you were captured during a raid, I think, at your compound. I am just curious to know if there were other people that were detained with you from your family or from your tribe.

A: I don't understand what you mean by the raid.

Q: The very first accusation that the government has is that during a raid at your home, your uncle and cousin were captured. Was it just yourself, your uncle and your cousin that were captured?

A: There was not a raid or any type of attack. The Americans just came to our house and they talked to us and there were only these three people, that's it.

Q: You mentioned that there were a number of tribes in the area that you felt threatened from and that is why you had the weapons. I understand that, and I would like to know when was the last time you had active combat against one of these tribes. I am not looking for exact times.

A: Within our enemies?

Q: Yes.

A: During the Taliban we were suffering rocket-related attacks all the time.

Q: And the last time you were attacked before you were picked up, was it months or years?

A: I do not know a fixed date.

Q: I am just curious as to how long it was before his last attack?

A: I think it was in the vicinity of seven to eight months prior to my capture, there were attacks on us.

Q: How long ago did you obtain this Pakistan passport and ID? Again, approximate months, years.

A: As I was saying I do not know the exact date but I think you can look at the passport and it should say when it was issued.

Q: I am not aware if we have it. All I know about your case is what I have heard here today.

A: I do not remember.

Q: Was it during the time that the Taliban was in control of Afghanistan or after the Americans took control?

***The translator clarifies the question for translation and asks the Tribunal President if he is talking about the passport or the identification card or both. The President states he is interested in both documents.***

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A: I think the identification was issued before the Taliban came and I applied for the passport during the Taliban government.

Q: Did you ever travel outside of Afghanistan or Pakistan with your passport looking for other work?

A: No, I didn't.

Tribunal President: Qalandar Shah, do you have any further evidence to present to this Tribunal?


Detainee: No, for the past two years that I have been captured I haven't even received a letter from my family.

*The Personal Representative has no further evidence to present to the Tribunal.*

*The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.*

**AUTHENTICATION**

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

  
Colonel, USAF

Tribunal President

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