

**Summarized Unsworn Detainee Statement**

*The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.*

*The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal. The Personal Representative presented the Tribunal Exhibits D-B through D-D on behalf of the Detainee.*

*The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. The Recorder also presented R-2 to the Tribunal as evidence.*

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

*The Tribunal President confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have two on island witnesses participate in the Tribunal on his behalf.*

*The Recorder administered the Muslim oath to the Detainee.*

**Summarized Sworn Detainee Statement**

*The Tribunal President opened the Tribunal to the Detainee to make his statement with the assistance of his Personal Representative.*

Detainee: In the name of Allah my name is Kadir Khandan, resident of Khowst, Afghanistan.

*3.a. The detainee is a member of forces associated with the Taliban.*

Since the creation of Taliban in 1996, my first allegation is that I had relationships with Taliban forces. Since 1996, from day one, I was against the era of Taliban and I have written and physically, and full evidence from that day until this day in this camp in writing and I can talk about it too that what I said was all true that I was not apart of Taliban.

In the whole Afghanistan where I lived and all 28 states, if one person says or has a small piece of paper that I am in any possible way related to Taliban, supported the Taliban, then everything that you have against me is true.

I wanted to add to this particular accusation a little more. Whoever put these chains on me they have to look at their evidence. I want to see their evidence and they can compare it to the evidence that I have. Whether they are saying that I have ties with Taliban and I

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am saying that I did not have ties with Taliban. We have to confront this evidence of which one will win the battle that way.

If there is any way possible for me to be able to pursue my own case, any kind of evidence that you want I am capable of arranging that and present it to you.

*3.a.1. The detainee was captured in the company of Jan Baz, the nephew of Pacha Khan.*

From day one that I was captured, it is amazingly clear that I have announced Jan Baz, referring to question number one, at this camp, that I am enemy number one of Jan Baz and Pacha Khan. I have not actually got caught together with Jan Baz. Actually Jan Baz was caught four months after me. I saw him four months later in Bagram, that he was then caught. I can prove this with physical evidence and also with more explanation.

You can study my evidence and my case and study Jan Baz's case, if you find any relation in any particular sentence that I was somehow had any ties to Jan Baz, then all the accusations are true.

And I knew from the beginning that Jan Baz had made all of this possible for you guys, and made this all up on me. He was my enemy from day one. He has orchestrated all these situations because I was his enemy and he had to get me into this somehow.

The unfortunate thing is that I see Jan Baz in this camp and I see myself in this camp. It is so unfortunate. You have him who is an enemy of the Americans and at the same time I am his enemy, but I am here too. I just kind of seem like you catch Usama Bin Laden and another Arab, then eventually Usama Bin Laden gets released and treated nice and the other Arab guy just because he is an Arab is blamed with all the accusations. This is not a very sufficient type of operation of justice.

*3.a.2. Pacha Khan, a renegade Pashtun Commander, has conducted military operations against the Afghan Transitional Administration (ATA) and coalition forces.*

Referring to question number two, that you have the translation, my assumption of who Pacha Khan was had started a lot prior to him being accused by the Americans meaning that I knew him very well before anybody else did and he became my enemy. So I knew he was against the Karzai government and he was against the U.S. forces and that was very clear to me, that's why I had become an enemy to him. That is who Pacha Khan is.

I was a known person and so was Pacha Khan and it is a very obvious thing and you can physically go and ask every single resident of Khowst in the province of Paktia, in which Khowst is the capital of Paktia. They all know about the whole thing about us being known as opposite enemies. Maybe my witnesses have mentioned something like that as being residents of Khowst and maybe they will say something about my animosity and Pacha Khan. My animosity with Pacha Khan had begun right from the time that he announced himself an opposition to Karzai's government and the support of the Americans to the Karzai government. From that day on, I did not agree with his

approaches and I did not agree with him. When the Karzai government came, I had established being opposite of Pacha Khan, being his opposition through the government, their politics and through the government's era and being a personal enemy of him.

*3.a.3. The detainee claims to have worked as the head of Office Number 7, for the Afghan National Security Division (NDS) in Khowst.*

Yes, I was for nine consecutive months during Karzai's government I was the head of the Office Number 7 or the branch number 7 of the National Security Office, the head of the office in Khowst. In my attendance as part of the Karzai's government for this national security office, I have been registered mornings and evenings when I got there and when I left there.

A letter that kind of says exactly what I just said as part of my evidence, I was the head of that department. My identifications, my driving privileges, my memberships and permits were all apart of my evidence and was given by the government of Karzai to me to not only in a particular, but in throughout the whole Afghanistan they were apart of my evidence and if you do not physically have them, they are registered in the computer when I was caught. I also had a pistol and a radio for my office so they could get in contact with me. It had all the numbers and everything, my employment number and my private driver's license number, and my identification number.

Every single stamps of these four divisions that I said I was a division leader, national security, civil security and those privileges were given to me so I'm entitled to all of that and it is part of my evidence that I was with the new government and operating in this operation together with the Karzai government. I had my identification cards when I was captured in my possession when I went to Kandahar and when I came here and for some reason they are not here anymore, but I do have copies of them. I need a phone or something so I can get you the copies of all of these documents to provide it for you. There will not be one person that will not know me in that area that I did not have those positions there. I swear of providing the proof whether they are physical or oral or they are meaningful evidence. I am ready. You just give me the opportunity and I will provide it for you.

I also, within my papers, had gone and arranged for a lot of furniture and what ever else these offices needed, I had the copies of the receipts that I was in charge of all these operations and provided people with the furniture in these offices. This is all apart of my evidence and proof that I was doing what I said. I did this; I bought all of these things with my own money. I borrowed 180,000 rupees to purchase these things as a favor so we could operate successfully there in Khowst and they even made a joke out of it. They were trying to tease me, that I was doing all of these favors for the job that doesn't even pay you that much to buy all of these things with your own money.

*3.a.4. The NDS denied that the detainee was an officer in their service and they do not consider him a recruited source.*

*3.a.5. The detainee ran a safe house for members of the Karim explosive cell in Khowst.*

Before I started the work that I told you about working for the Karzai government, I had a pharmacy. The only Karim that I know was a guy who, when I was going to my pharmacy, he had a store that was selling pottery and pots for the kitchen purposes and also he was selling flowers. My acquaintance with Karim was just like I'm sitting across from you here, he had a shop there and when I was going to the prayer, to the mosque, I waved at him. He probably came and prayed at the same time and that is all I know about the name Karim.

The Karim that I am talking is right here in this facility. Go ahead and ask him. He will swear and where I live people would rather die than take a wrong oath.

*The Tribunal President called for a brief recess.*

*The Tribunal reconvened.*

Detainee: If you don't mind I can continue right now. About accusation number five, about Karim, I would like to say a couple of things about that. Karim is in your hands here, right here in this camp. You can ask him and see what he says if he ever had something like that and that I ran it for him. He is right here.

Let's say that there is a house here, it has to physically exist somewhere and can't be in the sky. I don't know where this house is that you are talking about. Where this house is? Who built it? Something on paper that says there is a house, that I went there and that I ran it, something that supports this accusation. Do you guys have this? What building was it? Other than my residence, my own house, my work with national security the operations and my pharmacy, I did not have or never owned or never stayed in any other place at all.

I know every single shopkeeper and their kids from the five to seven years I ran my pharmacy there. People like Karim; there were a hundred stores there above me and on the other side of me there were hundreds more. Karim is just another shopkeeper there and that is how I know the name Karim. Do not think of Khowst like America or anything like that. There is one area in Khowst that all these services are provided for the people and everybody know each other. On holidays and eids, we go and we pray together, this is how our culture is done; like a big family and I know the guy that is right next to Karim as much as I know Karim and we they are all from that same area.

When I started medicine school, I told my God that I wanted to heal people. Explosives are something that is destroying people is truly against my ideology. That is why I opened that pharmacy. That is why I became a doctor to cure people and not to deal with explosives that destroys people and this is to me that is an amazingly shameful accusation

that instead of I had the mentality of a doctor and curing people that now I am accused of destroying people.

Through the whole bazaar, I was protesting loudly and had a loud voice about the Taliban, their system, and the way they worked and I never committed any type of charity, which is part of the culture with the government. I even stopped supporting and giving the government any charities while the Taliban was there and I never supported them.

Karim is right here. I did not have any other relationship of running a house or anything like that with Karim either than knowing him as a shopkeeper. Here is Karim; I am here and you are here; go ahead and check. See if he has any accusations against me that I caused such a thing or that I did such a thing.

I was so much against the Taliban that go ahead and ask him since he is here. If we had Taliban during prayer and there was a Taliban type of ideology during the prayers, I would not even go and I was considered a dangerous and controversial guy and would not stand behind him. I never went to a prayer if there was a Taliban member in front. And ask Karim, because he asked me why I was doing this and he knows I was against it.

I did not have a long beard, I was listening to the music and the Taliban knew that I wanted to do that and not to follow on their thing that there was no music or you have to have a long beard.

*3.a.6. The detainee was arrested by Americans at his neighbor's house in Khowst, Afghanistan on 20 September 2002, attempting to elude capture by hiding with a group of women.*

On 19 September 2002, I went to work and on the dawn of that Friday, in Afghanistan Fridays is the only day off, I got up for prayer at 5 AM in the morning, and tried to finish up on my previous work and make note of my previous day and I was sitting in little girth house, and somebody knocked at the door. My child went outside and came back and somebody was there in uniform. She said that I think that there is someone from your office. My national security office that I am talking about; I had people working there with uniforms. She said that the guys that work for you are outside.

I sent my brother to tell them that they were my guests and to take them to the guesthouse and I will be there. When my brother went outside, he came back and said they are not the people that work for you, they are Americans and they have Jan Baz and Pacha Khan soldiers or followers with them. Two Afghani soldiers that were fighting together with the American soldiers, Jan Baz was acting as the leader of those soldiers that was combined with the American forces.

And I asked my brother what are they saying and he said that they wanted to search the house. I told them please come in. They told me to put the females in one room. I told them that I volunteered and told them that before I put the females in one room. There is

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a room but before I put them in the room come and see the room first and then I will lead the females there. And when they checked the room, I led the females into that room.

I knew right then and thought about all the ultimatums and warnings that Pacha Khan gave and I was thinking about those moments. Pacha Khan has personally told me, my opposition, I will somehow get you and will create situations and discrepancies for you. Pacha Khan had already captured, when I was working for the government, two of my drivers and had already started with me. All the people that are here and know me they also know that Pacha Khan had captured me six months ago as well. And they know that he still has my cars and he had imprisoned me two times prior to that. And soon as I saw Jan Baz, I knew that there goes another attack of Pacha Khan on me.

I quickly told my younger brother to go quickly and talk to the governor and tell them that Pacha Khan has done it again. He has sent Americans to my house and they want to search my house at that time let alone capturing me. I told him to tell Pacha Khan I am working for you guys; I am working for this government and why is Pacha Khan doing this to me to come and search my house. Jan Baz was Pacha Khan's nephew. All of a sudden the kids were playing and they were my neighbor kids and they just kind of ran inside the house and said hey, the Americans outside have caught your brother.

I was telling my brother to tell Pacha Khan to tell the Americans that it is very shameful for somebody to cross my walls and check into suitcases and the female stuff. It is a big shame in our country, can you do something here.

And here and I heard about that, I let the forces into different rooms and when I went there, they tied me up as well and now they were talking about I was caught in the middle of the women because I want to hide myself. What is this all about? Don't you have ladies and children in your household; so do I. So I was right there and led them inside and I was captured.

When they knocked on the door starting from my little baby child up to my brother, when they asked about me, they told them yes I was inside and did they you want to come in? What is this that I was hiding, I already told them that I was at home. I said if they wanted to search the house please, come in be my guest.

I knew some Americans during that time: Mike, Randy, John and James. All of these people I knew, it didn't have to be a search of my house. It didn't have to be difficult. I was with them all of the time. All they had to do was send me a letter and I would have been at their service. I have complete acquaintance with these guys. In my pocket among those other papers about my identification; I had a diary. I had their phone numbers; they were my friends. What are you guys talking about, I would have gone to see them right away.

I had close ties with all the Americans that were coming there. A representative, a delegate from the Washington Post, the day they came to Khowst agency. I had my guys with them and they went to the mountains and I led them in every way possible so they

could arrange all the information about Khowst and Paktia province and the head of the delegates was [REDACTED] I had his personal business card with me and I was at their service all the time. I had provided this delegate, the Americans when they came in with my own car, with my own security guards and I had the people that was living with me to go keep these guys secure so they could do their thing everywhere they had to go.

I have his phone number in my papers. Why don't you ask him about my background and who I am?

I led the American to the Khowst province to the Paktia province. I inquired them to please tell them to come here so I could tell them what was going on and Zakim Khan who was a commander with the northern alliance, he led and brought the Americans to my agencies from day one and I tried to be helpful there as well. And I told commander Randy, an American; can you please do something so I can get my cars back from Pacha Khan? He told me that it was a very serious matter. Do not get involved with this and to let him handle it. I will see what I could do. Pacha Khan was my direct opposition at that time in Khowst when I was telling Randy the situation.

Whoever was present, this is very shameful and an amazing situation please that you know that you are saying that I was caught in the women. Go ahead and ask my kids and my family and see what happens. And you can ask whomever I was known within at Khowst. I would have go to the American just by a piece of paper let alone them coming to my house. That's how I was trusted.

I was securing the American media at the airport and that was part of my job. To kind of secure them from being attacked and I worked doing media security at the airport of Khowst. In a sense, they had given me so many responsibilities, I had to get somebody else's help and I had assigned them to protect the media center at the airport.

The fact that I have been accused of these allegations about the Taliban and Al Qaeda, I want to say one more thing. I have initiated a huge campaign about Al Qaeda and Taliban. I personally managed to videotape the way they were conducting their business at school and at work. I made all of this as evidence and I had spread nightly leaflets and warnings to encourage people to bring us information about the Taliban or Al Qaeda. I did it at night so people would not know I was doing this. I personally from my own pocket promised that there would be cash awards for the information and passing out the leaflets. All of the videos that I managed to prepare as apart of the information that the Americans media and the American campaign are holding from me in Kabul that fighting against the Al Qaeda and the Taliban. This was a part of my service to the Americans and to the government of Afghanistan that this was a part of the national security that I created three visual videos and when I was taping, I was also talking at the same time trying to explain what the videos were about and give them to the intelligence center.

The videos are the evidence that the people who are within the Khowst area and that video show that I was telling them about my campaign. And this is what was going on

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individually throughout the United States and different cities and at the same time is sometimes the Americans were helping them cash wise as well.

If you guys are not capable of finding my evidence, I need to be in a position so I can try myself and call my office and try to send you all of this proof. In my diary, I have a phone number and I can ask for them to send me the evidence and these papers that will get the videos that were given to the Americans that talk about the campaign I had in Khowst.

You can look at the witnesses' statements and see what they say. The evidence that we have as the exhibits that has been gathered by you, please refer to that and see what has been said on my behalf and who I am. I am not saying this for you to release me. I don't think that you will release me because I was sworn. I swear to almighty Allah that from the day that I was begotten, I was born from him, I have not had that type of intention. I was always in accordance with the policy of the new government and the Americans. I have not said one crooked thing against them.

I never had the intention of having a negative concept with human beings to destroy things, to blow things up, or to be the enemy of others. In the next ten years I will be saying the same thing to you that this is not who I am to go offer things like that.

Among these six accusations that have been arranged for me, even if you have something of solid evidence that supports that or even a part of this question, I will go ahead and admit to all six allegations. And that is up to you how you want me to prove this to you. What's available to me? Through writing, through talking, through finding evidence for you? If I am in that position I will do that. The way you want it, I will present it for you.

In the whole province of Paktia, they know me. If there is one person that has a legitimate accusation to say that I had any type of ties to Al Qaeda or Taliban, that knows me, then I would like to hear that. If Pacha Khan, which is my enemy that has created all of this for me, faced me eye to eye, I would like to see what he's got going as far as supporting that I did this or did that.

If I do not have an explanation and evidence to every single thing that I am talking about, then you can say that I am not saying the truth at all or I am lying. I would write it down on a piece of paper and sign it that if I am guilty of any of part of these accusations then I will be guilty of all of them.

The fact that I am in camp one and I was always a supporter of the campaign over there and I see the people who could have been apart of the Taliban or Al Qaeda, they are in a better camp, this is so amazing. To me it just shows the deficiency of the system when I was the guy that spend my whole life trying to stand for something and be against these people now I am in camp one in a lower degree person than those guys who were apart of their government, they are still detainees but they supported Taliban and Al Qaeda directly. Now they are in a better camp than I am.

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I have asked for a small dictionary and I haven't been (given) it and they have piles of books to read. That is not a good faith on your part for your supporters. This is what I get for being against the Taliban and the Al Qaeda and being a supporter of Rumsfeld. I was listening to his speeches, when he came to Afghanistan two to three times. I had campaigned for his speeches and for him to be heard and here this is what I get for it.

Tribunal President: And I appreciate it but we really need to get on with it. Do you have anything else you'd like to say in reference to your case or the allegations.

Detainee: I am going to finish up right now and I've seen a lot of Indian movies that were about detainees being held but after the end of the movie when evidence was brought and truth prevailed, they were released and that is where my case is right now.

I was brought on personal accusations on personal feelings about other people's lies. See what lies do, a set of a few lies, it ended me up over here. If you have my evidence, if you have my papers, then you have to compare these accusations with that and see if I belong here. Jan Baz is my enemy and here he is presented like we were caught together like a friend. The whole world knows that I was working for the Americans and the government and here it says there is no such proof.

I am really sorry; I had a lot to say now you may ask the questions.

Tribunal President: At this point we may have some questions for you. Would you be willing to answer our questions?

Detainee: Yes.

**Personal Representative's Questions to Detainee**

Q: You had stated when the Americans came to your house, the day you were arrested, that you were told to put the females in another room. Who told you to do that?

A: The translator. One of the soldiers that were with them that spoke Farsi or Pashtu, said that the Americans wanted the females to get separate.

Q: Was this an Afghani soldier?

A: Yes, talking for the American soldier.

Q: The American worked with that soldier when he was talking to him?

A: They entered the premises at the same time.

- Q: So the American soldier saw you when you moved the women? The American soldiers were with the Afghani soldier when he was telling you to move the women into another room?
- A: I do not recognize if he was direct, if the Afghani soldier was together with the American soldiers. It was not a Karzai government soldier. He came five minutes came after the Americans came. When he told me and I told the ladies. I cannot put him in direct contact with the females so he had to tell me what was going on.
- Q: Were you in the process of moving the women in the other room when the Americans came in?
- A: The ladies went to the room, then later when they were kind of stationed in the room, the American soldiers came.
- Q: When American soldiers saw you for the first time, there were no women in the room with you?
- A: The little kids were there and maybe a couple of women were there also, but I told them to go to the room. I did not know if all of them were in the room or not. I was talking to the Afghani soldiers and my daughters and the kids were kind of walking around. The Afghani soldiers were not identifiable. They were all covered and you could only see their eyes but not the American.
- Q: When the Americans came into the room, there may have been some women there?
- A: When the Americans came the kids were there, but not the women.
- Q: You had mentioned to me during our initial interview that Sudar, the nephew of Pacha Khan, was present at a meeting when Pacha Khan told Jan Baz to arrest you. Is that how Pacha Khan influenced the Americans to arrest you?
- A: Sudar was assigned to a job by the Americans that Jan Baz later took over. Sudar was in a meeting that he witnessed Pacha Khan tell Jan Baz to make some type of situation available for him to set me up so I can get caught. Sudar had told the investigators in Bagram that he was there Pacha Khan ordered Jan Baz to make sure that I got captured. When Sudar was holding the same position as Jan Baz, he admitted to the Americans that Pacha Khan told him to find a way to put me in the hands of the Americans, three times. Sudar has said this in his testimony. He testified to the Americans right in front of me, that he knew me and that I was for the government of Karzai and supporter of the Karzai government.
- Q: Just to clarify when you were arrested. Jan Baz was there with the Americans. He wasn't there with you; he was there with the Americans.

- A: The people, the Afghani soldiers, I told you before were covered. When I saw him in Bagram, I asked Jan Baz, why did you do this to me? He was captured also. I asked him why did he tell the Americans to come and capture me? He said no I wasn't there and denied it, but Sudar said no you were there. Jan Baz said it wasn't him and someone else turned you in. Sudar told Jan Baz that he knew he was there and Pacha Khan told you to go get him and not to lie. The witnesses to that situation were captured and are here too.
- Q: At that point, when you were arrested, Jan Baz was not with you? You were in a formally recognized position supporting the Americans?
- A: Jan Baz still held the position with the Americans for four months before he got imprisoned himself. You can check his capture date. The Americans imprisoned him later on.

**Recorder's Questions to Detainee**

- Q: If you liked being a pharmacist to help cure people, why did you give up the pharmacy to work in the national security office?
- A: Very good question. The day the Taliban was created, I saw the atrocities and the way they were doing things. I had made up the situation in my mind available to me, you know what, if I don't do anything against this, I have studied; I know how to read and I know how to write. People like me are needed to fight against the Taliban. If I don't do it, than another ordinary person would not do it. The national security office in Afghanistan offered this position to me. I was qualified to help them with the campaign against the Taliban and that is why I dedicated my life or my goals to them. The government asked me to become a part of the campaign.
- Being a part of the national security like a secret intelligence is a very shameful job in my country. Ordinary people would look at you in a strange way. How I exactly helped the campaign was in ways where I had studied; providing medicine, medical help for that campaign. To recognize narcotics in schools and college, because I had an education, that is how I participated in that campaign. That is when I spoke about office number seven, branch number seven and my allegation are saying but that is what that branch number seven was in charge of and how to run the hospitals, medicine and creating health related magazines. That is how I participate in the campaign and the reason for take the job in the national security office.
- Q: You stated that you worked nine consecutive months. Were you paid regularly for all nine months?
- A: Yes, I was getting paid from the central government.

- Q: Item number four states the NDS denied the detainee was an officer working for them. Can you think of any reason why they would deny? Especially if you say you are well know in Khowst?
- A: I don't know if you know. I can say that this was a secret job. Everyone did not know what I did because I was in the secret service division of it and that is probably why they did not recognize me or did not know me for that position. It is a worldwide policy that the secret service will not tell you everything they know. Other than the government related or government representatives and the people that who just worked in the number seven branch, nobody else did not know that I was in the secret service. What is the meaning of intelligence if you tell everybody about yourself? The only thing that I can think of was that the communication with that particular office was not known of how I got there and how I was introduced. A thousand years will pass by but my attendance during those nine months will always exist. The only possibility that you will not have my evidence of my papers is if things caught on fire.

**Tribunal Members' Questions to Detainee**

- Q: I just want to follow up on her question a little bit. Do you know what is the name of your supervisor?
- A: You want the central boss or in Khowst?
- Q: In Khowst?
- A: At the time I was working it was engineer Hazrat-U-Din. There are twelve branches in national security. I was responsible for branch seven. Engineer Hazrat-U-Din was the director for the twelve national security offices.
- Q: Were all the branches in the same building?
- A: Yes. Different offices. Different branches. Five to six people were in each room working.
- Q: How did the central government pay you?
- A: Usually, Hazrat-U-Din who would deliver the money from the central government to pay us. There was so much for our salary and so much for the budget purposes for the expenses for that particular year. It was not all the time on time as far as our salary went. They would say that the government is doing very poor right now. It's just starting and try to be patient and they would explain to us that he was not here or out of the country somewhere, so it was not a consistent flow.

- Q: One of the witnesses you requested was Kiat Ali Goul (ph). Who is he and real briefly what he will testify to?
- A: He was a security officer in my office. He had a weapon to secure the building. He was from one district and I was from another district about 100 kilometers away from each other. He knew about three things about me. I was the person in charge of that operation, that I was the enemy of Pacha Khan and also that Pacha Khan had seized two of my vehicles. He knew about these things. And he also knew about when I was captured by Pacha Khan. But I don't know the nature of his capturing or why he is here. Just in Bagram someone asked me if I knew him and I said yes he was a security guard.
- Q: When you were captured I thought you said something to the extent of you told your brother to go tell Pacha Khan. Somehow you mentioned that you wanted to contact Pacha Khan when you were being arrested. Why would you want to contact him?
- A: No. Not him. I told my brother to contact the governor.
- Q: Did you have any relationship with the governor?
- A: At that time for a week, we made Pacha Khan flee from the area. With the help of the American forces and the central government we had kicked Pacha Khan out of the area a week prior to that. But somehow Jan Baz was active in the campaign with the Americans. We did not have anything to do with Jan Baz, we were mainly after Pacha Khan.
- Q: I want to ask you about your house real quick. Did you have visitor spend the night at your house very often?
- A: It very common that I have friends there spending the night in Afghanistan they come for a whole day and don't go back home at night. I had visitors from the capital of Kabul. They were my guests and they spent the night. All Pashtu have guesthouses and the guesthouses were occupied by everyday people come, eat and go.
- Q: Did anyone every stay more than one night?
- A: Not unless it was my wife's brother or something. When my brother-in-law came from Kabul, their family stayed longer than the night, maybe two to three nights.
- Q: Where did you attend school to learn pharmacy?
- A: A lot of Afghans go to school in Pakistan due to the Russians.
- Q: Were the classes in Pashtu?

A: The medical words were in English, but the explanations and things like that were in Farsi and Pashtu.

**Tribunal Members' Questions to Detainee**

Q: Your pharmacy did you own it or did you work there?

A: It was my personal pharmacy. I owned it.

Q: I want to follow up on the question about the guest. Did you ever let strangers stay at your house, people you didn't know?

A: No.

Q: Do you have any military training at all?

A: No.

Q: Other than the pistol that you had from the NDS, did you have a personal weapon at you home?

A: Yes, I did have some weapons in my house Kalashnikovs - two. I have serial numbers of all of my weapons.

Q: Besides your education in Pakistan, have you ever traveled anywhere else?

A: No.

Q: Allegation number six says that you were in your neighbor's house. Were you in your neighbor's house or your house when you were captured?

A: The way my house is built, there is a door leading to my neighbor's house and on that side there is an empty space, there is a door there and because the neighbors and the kids came and said that my brother was captured. I went towards the door that led to my neighbor's house and we have a common area between my neighbor's and my house. It was kind of my neighbor's property but I wanted to check on my brother and I was caught there.

Q: When you were arrested, did they take anything from your home, any evidence, papers, weapons beside you did they take anything from your house?

A: I was led to a vehicle. I don't think they got anything. They were still searching, but they didn't get anything from my house.

Q: During your nine months with the NDS you had indicated you made some videotapes of Taliban and Al Qaeda activities. Did you ever arrest any Taliban or Al Qaeda members?

A: No, I was not assigned to that part of the campaign. I think branch number 12 had direct ties with that part of it. I don't remember which number, but number seven was not assigned to capture real Taliban. I have captured narcotics, I have captured people who were using narcotics and they were kind of influenced by that. I did something else for the security office. I noticed a lot of kids would go and leave the house for school purposes and go to the video store and would watch porn videos and I captured those guys, I did not think that was the right way of life. I acted according to the rules and laws of the government. I had to look for the expiration of the medicine and stuff like that and that it was no longer good. And the medicine that was contaminated, I had to recognize that. These are the kind of things I was doing and fake medicines. I was controlling the media that were complaining against the Americans and the government. I was watching for them too. I was in the campaign and had meetings against the Taliban. We seized some weapons of the Taliban and I was apart of that. Not Taliban just weapons like land cruisers and weapons they had left behind. I did these operations.

Q: I understand that Jan Baz and Pacha Khan are you enemies, but at any point did you ever work for them?

A: At the time that Pacha Khan, right in the beginning of the Karzai government, when Pacha Khan was assigned to capture Taliban or Al Qaeda members by the Americans by the central government, as a commander, then I was with the same campaign with him. I did help. As soon as he turned around and became an opposition, I was his first enemy. At the time I was supporting Pacha Khan for the right purposes, the Americans was supporting him, the government of Karzai was supporting him, so I was with the same campaign to go find out Al Qaeda.

**Tribunal President's Questions to Detainee**

Q: When they showed up at your house, did they tell you what they were looking for?

A: Yes, they said we have come here to search the house. I told them that I was a member of the government and we have searched a lot of government employees' houses. We searched the governor's house too. I told them to please go ahead. During all of this, I was captured and put into the car.

Q: You indicated that you had trouble with Pacha Khan and I am assuming his nephew Jan Baz as well. Did you inform your boss of the fact that he had

captured two of your drivers and arrested you for a brief period? Did you let your boss know that you were having this much trouble with him?

A: Hazrat-U-Din completely knew about the scenario. Even Hazrat-U-Din was afraid of him. Hazrat-U-Din told me to watch it and look back sometimes because Pacha Khan is going to kill you. He was so strong that on the way to Kabul, he had checkpoints that we couldn't go through. Even the governor of Paktia was afraid of Pacha Khan and he would not even take that road to Kabul to report. We would go through the mountains instead. Even Hazrat-U-Din told the Americans that Pacha Khan had seized two of my vehicles and asked if they could return the vehicle to me.

I'm sorry, but I wanted to say something about your question. According to your question, I have to tell you something before I forget. I have also captured a couple of fake certificates where people would come and try to get medicine with the permission of that certificate and when I went to clean myself up before the prayer, you wash and open everything and if you have a gun and with a holster. I had put that in my drawer and had captured those two certificates and I think the Americans have the gun and the two certificates as well.

And because my shotgun was there, my brother since he did not have a permit to bring the gun to me, and because he did not have a permit, that weapon was my work weapon that was given to me, so he did not carry it with him, he put it in the safe and I think in Bagram I saw the shotgun and also the two certificates that I had seized. That was my personal gun for protection in the bazaar as all shopkeepers had one.

Tribunal President: I'd like to thank you for participating in this Tribunal today.

Detainee: I thank you for listening to me and to what I was saying. It is a treat to me that I spent two years here and finally somebody asked me to do this. I have been through so much. I was ordered to stand up 24 hours for 20 days in a row. I had blood coming out of my body and my nose for days because I was tortured so much. In the first two days I was caught they purposely did not give me any food for two days.

Tribunal President: Was this by U.S. forces or Afghan forces?

Detainee: American Forces (spoken in English). Afghan forces did not capture me.

Tribunal President: Since you have been here?

Detainee: Two days and three nights I was in Khowst. No food whatsoever. They had a huge wool bag on top of me and I developed rashes and I was so much uncomfortable. For 15 days I was in the dark standing looking at the ceiling. I was not given anything and the only thing that I took was the water and a soldier helped me with that. I saw four people die right in front of me. My blood pressure was so high that blood would be



coming out of my nose and all over my clothes. They put tight round glasses around my eyes, had my ears shut with plugs and I was covered with a bag. When they took the covers off it was black, pitch black because the blood had accumulated around my eyes for a whole month I could not touch the area. My whole face was black. Because I was standing, my feet had swollen so much that I could not move them when I was going to the bathroom, I would drag myself with my butt muscles and my thighs. One time I thought that I was going to get lucky and this officer came and he saw how I was doing and he told them to fix me up or untie me and he ran and the soldier came to do something and when the officer was gone the soldier ran away too. I was doing a lot better with the American forces in the Kandahar airport as I was there for four days and things were a lot better. The interrogators did not bother me that much and they did not even say anything offensive to me. And here in Cuba, I have been treated nice. Overall it is fine here.

Tribunal President: We will certainly make note of that in our reports.

***The Tribunal President confirmed that the Personal Representative had further evidence to present, which was two statements from the detainee's witness and the Personal Representative read the statements verbatim and submitted the statements as exhibits (D-B and D-C) to the Tribunal.***

***The Personal Representative also presented and read a statement from the Detainee's brother and submitted the statement as (D-D) to the Tribunal.***

Detainee: I wish that my witnesses could have been here.

Tribunal President: I told you earlier that I would allow you to speak on behalf of the witnesses' statements and you may do so at this time if you'd like.

Detainee: The only reason I said that because what he didn't mention as a witness (Karim) was that he was a witness to when I had my pharmacy I detested the Taliban and slapped a few Taliban right in the middle of the market. Karim was standing there and I got like into a fist fight with a Taliban and that is how much I hated them and I was going to ask him what he saw what I did with the Taliban members. The whole market knows that I beat up these Taliban members. He didn't mention that when I caused all that harm to the Taliban, they punished me by closing my pharmacy for weeks. The whole area knows that I went ahead and kind of slapped these guys across the face.

***The Tribunal President then confirmed that the Personal Representative had no further evidence to present and that the Detainee had no additional previously approved witnesses to present to the Tribunal and closed the open session.***

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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

ISN# 831  
Enclosure (3)  
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D CROSS MESSAGE

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پیغام خانوادگی صلیب سرخ/ادسره صلیب سرخ

8. SENDER / فرستنده

ICRC No. [redacted]

Full name [redacted]

Father's name [redacted]

Grand-father's name [redacted]

Mother's name [redacted]

Nationality [redacted]

Date of birth [redacted] Sex  F  M  I

Place of birth [redacted] province/country [redacted]

APPROVED BY [redacted]

Refugee camp/Detention place [redacted]

Street [redacted]

Village, District, City [redacted] House No. [redacted]

Province/Country [redacted]

UNCLASSIFIED/فرد

ICRC No. [redacted]

Full name [redacted]

Father's name [redacted]

Grand-father's name [redacted]

Mother's name [redacted]

Nationality [redacted]

Date of birth [redacted] Sex  F  M  I

Place of birth [redacted] province/country [redacted]

Refugee camp/Detention place [redacted]

Street [redacted]

Village, District or City [redacted] House No. [redacted]

Province/Country [redacted]

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین‌المللی صلیب سرخ

19, av. de la Paix - 1202 Geneva, Switzerland



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Translation of highlighted portion of a letter from the brother of Detainee, [REDACTED]

"We are not facing problems. Security is reliable. Each person does his own thing. Your friends, some have their jobs, some have been transferred to different jobs. If they're not working on your release, that is upon their fairness and dignity. Other than that, do not worry about us. Merciful God will one day release you because you are an innocent person and not a criminal and a member of the transitional Islamic [Karzai] government. God is kind. You will be released soon."

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Exhibit D-d Page 3 of 3

~~UNCLASSIFIED~~ / ~~FOUO~~

The following is a statement obtained orally from [REDACTED] regarding [REDACTED]

[REDACTED] It was obtained freely on 5 Jan 05 and translated back to him for verification prior to him signing its truthfulness.

I met [REDACTED] when he was working for Karzai's government in the National Security or Secret Service. He was not against Karzai because he worked for Karzai's government. I was responsible for guarding the building where [REDACTED] worked. He was against [REDACTED] because he put him in jail. I do not know what his thoughts are about the Taliban. I don't know if he fought the Taliban in the Khost area. If he works for Karzai then he is for America. I knew him for our mutual employment for Karzai — a working relationship. I saw him daily at the National Security building,

I, [REDACTED] swear by all mighty Allah that what I have said today is the truth.

[REDACTED]

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~~FOUO~~

Exhibit D-b Page 1 of 1

~~UNCLASSIFIED~~ / ~~FOUO~~

The following is a statement obtained orally from

[REDACTED] regarding [REDACTED]

It was obtained freely on 5 Jan 05 and translated back to him for verification prior to him signing its truthfulness.

[REDACTED] owned a pharmacy in [REDACTED] acted as a physician. I don't know him as Taliban. I owned a flower shop and cooking pots shop across the street for five years before my arrest. [REDACTED] already owned the pharmacy before I got there. He was always involved with the pharmacy and nothing else. I never heard of any explosive cells in [REDACTED] [REDACTED] worked just after sunrise until sunset.

He and I would see each other during the day to go pray at the mosque about 5-6 minutes walk. My relationship was casual, not close. I've never seen him do anything except work 100% in his profession.

I, [REDACTED] swear by all mighty Allah that what I have said today is the truth.

[REDACTED]

~~UNCLASSIFIED~~

~~FOUO~~

Exhibit D-c Page 1 of 1