

**Summarized Unsworn Detainee Statement**

*The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.*

Detainee: I have only one thing to say and that is I requested very good witnesses. These witnesses work for the current government of Afghanistan. What happened to my witnesses?

Tribunal President: I will tell you in just a few minutes about the witnesses that you requested but we are aware of it.

*The Tribunal President explains about the witnesses.*

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidence as you being here. I also see that you did in fact request three witnesses. And as such, we did submit a request through our State Department for these individuals and the initial request noted a suspense date of 28 November 2004. In addition to the first request, we sent two additional requests for the suspense date of the 22 and 26 of November. Again, there was no response. As of this morning the State Department has not receive any response back concerning these three individuals. I will tell you, if the testimony becomes available at a later date the Tribunal will consider reopening your case. Based on this information at this time, these witnesses are deemed unavailable.

Detainee: The charges that are alleged against me, can I answer them now or not?

Tribunal President: In just one more minute.

Detainee: No problem.

Tribunal President: Are you willing to make your statement under oath?

Detainee: Yes, Ma'am. I am willing to say anything under oath but there are witnesses that I wanted to present to this Tribunal. The current government of Afghanistan, chief of the district, it would be very easy to find them. They have telephones. The same way that you are talking to me under oath is the same way I will talk to you under oath and then it is up to you. You know in your gut.

**Summarized Sworn Detainee Statement**

*The Tribunal President instructed the Detainee that he (the Detainee), could make an oral statement and could present any evidence with the assistance of his Personal Representative.*

Personal Representative: What we discussed, this is the best way to present your information. You and I met almost a month ago and our meeting was approximately two hours long. I think you will find that the story he is going to tell and the evidence he is going to present to address the alleged allegations will have a lot of longevity to it and a lot of complexities to it. It will be best if we present the information together and I can refer to the notes during our meeting. Would you like to address each of the pieces of evidence?

Detainee: One by one. What do you mean?

Personal Representative: Yes, one by one.

Detainee: Yes, I want that.

Personal Representative: It is the best way but what I think you are going to find to be able to preferably understand it, is that a lot of these areas are going to blend together. But after I think that you hear them, it will be clear. Can you tell us looking at the summary of evidence about being a Taliban military commander and you knew many former Taliban commanders.

- **3(a) The detainee is a member of the Taliban.**

I was not a member of the Taliban. I was Mujahidin, a single soldier and not a Taliban member.

- **3(a)(1) The detainee was a Taliban military commander.**

I was not a commander of the Taliban. I was a Mujahidin, a freedom fighter. I was against the Taliban.

- **3(a)(2) The detainee knew of many former Taliban Commanders.**

That is not correct.

- **3(a)(3) The detainee was the director of the Hizb-I Islami Gulbuddin (HIG) cell operations in Kandahar, Afghanistan.**

I was not a member of the Hizb-I Islami Gulbuddin, nor was I a commander or a leader. I fought against Gulbuddin Hekmatyar in the Sarubi area.

- **3(a)(4) Hizb-I Islami Gulbuddin (HIG) is a terrorist group.**

I fought against them.

- **3(a)(5) The detainee paid others to warn him when American forces were in his area.**

I did not pay anybody any money. I was sitting and rebuilding my house. Anybody who is against the Americans, they would not stay in their hometown and rebuild their house. I did disarm people with weapons and captured bad people and thieves to bring peace to my area.

- **3(b) The detainee engaged in hostilities against the United States or its coalition partners.**

I did not fight against the US and its coalition partners. I fought against the Russians in the 1980s.

- **3(b)(1) The detainee admitted fighting against the United States or its coalition partners.**

This is false. I did not fight against the US and its coalition partners.

- **3(b)(2) The detainee reportedly was the commander of the front lines in the Tagab and Nejrab district.**

I did not go to Tagab and Nejrab but I fought against Hizb-I Islami.

- **3(b)(3) The detainee was a member of a 40-man unit primarily operating against U.S. personnel, intending to bomb or strike soft targets.**

I was the leader of a 40-man group in the military division. It still exists in the area and everyone knows about it. When the rumor started about the Americans coming, I began to shut down my group. I told everyone to go to their own homes and no bullets were fired. You can ask in Afghanistan. No one attacked any military division nor did the military division attack anyone in the area.

Detainee: Four days before Masoud died, I was wounded and placed in a hospital. The Masoud and the HIG was against the Taliban. I was at home when I was captured. I was in my military division when Masoud died. At that time, I went to the military division and wanted to hand over my weapons. I told all of the members of my group that you can go and sit at your homes and keep your weapons with you and at a later date I will come and gather all of the weapons and turn them into the government.

UNCLASSIFIED//FOUO

After that, because of my wounds, I stood behind the military division. No one attacked my military division and nor did my military division attack anyone else. I then took the path toward Ghazni, I did not go to Qandahar. I went to my province, which is the province of Orizgan. I went to Orizgan and I gathered all of the weapons because our district was separated in two and we have enemies. I did not want to hand in the weapons until the American forces came into the area.

Also, the official commission of the government came into the area and I wanted to hand in my weapons to them. Then I went to the governor of the Qandahar province and I was told not to hand in my weapons to any district chief but to wait until the official commission of Afghanistan come and you hand in your weapons and get a proper receipt. After that, they told me to go and sit at home and not to worry about it until the official commission come and surrender the weapons. When the official commissions arrived, I went and surrendered my weapons and I have the receipt of all of the members of the commission in which they signed the receipt.

The two individuals delivered a letter to me and I wanted to hand it to the district chief in which I forgot his name. I wanted to hand the two individuals who delivered a letter for me and I wanted the chief district to capture them in the area. After that, I sat at home, I was not against no one and no one was against me. I was sitting at home, and rebuilding my home. A long time ago, Afghanistan was a place of guns and no government, when the governments arrived, we surrendered the weapons and I sat at home.

The reason why I was against the Taliban is because the Taliban took one of our elders of the tribe body from his grave and threw it on the streets. That is why we became the Taliban enemy and we were fighting against the Taliban. My tribal elders went to the leader of the Taliban and told him to rebury the body that you took from the grave. We told him, if you don't rebury his body, we would fight against you. That is why my whole tribe is against the Taliban and the entire world knows about it. My tribe was very happy when the Americans came and we are not against the Americans. I am not telling you this because I am a detainee. As I am here or if I was free I would say the same thing. All I want to say is that I was not treated as a detainee; instead I was treated as a freedom fighter. They took care of all my wounds and I am very happy for all the Americans and the guards here. Now I don't have anything else to say, but if you have a question, I will answer them.

Personal Representative: Why do you think you were brought here?

Detainee: I don't know. Before my capture, I was at home for one year. When they captured me, they didn't tell me that I was going to be detained. I don't know why I am here.

Personal Representative: You are telling the Tribunal that you were not a military Taliban commander?

ISN# 890  
Enclosure (3)  
Page 4 of 7

UNCLASSIFIED//FOUO

002537

Detainee: I was not a member of the Taliban, nor a military commander of the Taliban. I did help the Taliban disarm the thieves and that is all I did with the Taliban.

Personal Representative: You are also saying that you were not the director of the Hizb-I Islami Gulbuddin?

Detainee: Never. I fought against them.

Personal Representative: You never fought against the United States or it's coalition?

Detainee: No. I did not fight against the Americans. I am happy with the Americans and their coalition partners.

Personal Representative: Ma'am that summarizes and concludes the information from the meeting we had on 28 October 2004.

**Tribunal Members' Questions to Detainee**

Q: Sir. Are you a native Afghan?

A: Yes.

Q: You ever travel outside of Afghanistan?

A: No Sir.

Q: During the Taliban, what was your job?

A: My position in the Taliban era was a soldier.

Q: Who paid you?

A: We did not get paid. We got up against the thieves to disarm them and nobody paid us for it.

Q: How did you support yourself?

A: They provided us with logistical support but no money.

Q: Do you have a family?

A: Yes Sir.

Q: How did you support your family?

A: We have land and we have a garden. We lived off of that.

Q: After the Taliban fell, what did you do?

A: I had my own land and my own garden; I was working on it and I was planting wheat.

Q: Were you also a soldier after the Taliban fell?

A: No. I was rebuilding my house.

Q: Did you fight against the remaining Taliban after they fell?

A: No. I did not fight against the Taliban but if I saw an individual who were against the current government, I reported them to the government.

**Tribunal Members' Questions to Detainee**

Q: You had made a statement that you turned in your weapons right after Masoud was killed.

A: Yes Sir.

Q: Prior to him being killed, you fought against the Taliban?

A: I did not fight against the Taliban.

**Tribunal President's Questions to Detainee**

Q: Do you have any idea why in the unclassified summary they have linked you to HIG? In your opinion, why have they linked you to this group?

A: I was not a member of the HIG. I don't know why they are accusing me of that. I fought against the HIG. The check post that they had to collect taxes; I attacked those check posts and everybody knows it.

Q: The check posts. Who were you collecting taxes for?

A: The cars that passed by they collected the taxes. It's not only me, the whole nation of Afghanistan got up against the HIG. I was a member of those people fighting against them.

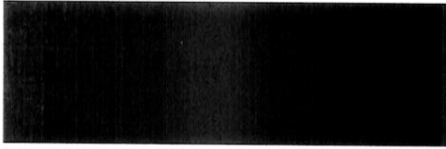
Detainee: What are my charges? So far the interrogators did not ask me the accusations that you are accusing me of here today. They never talked about these things. If you

UNCLASSIFIED//FOUO

think that I am guilty to fight against the Russians or to fight against the bad groups in Afghanistan. Yes I did that.

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

UNCLASSIFIED//FOUO

ISN# 890  
Enclosure (3)  
Page 7 of 7

002540