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**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 Recorder presented Exhibits R-1 and R-2 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.*

*Tribunal President stated that the detainee wants to participate and requested one witness and that the witness is present.*

*The detainee questioned the reasoning for having a witness for these allegations as follows:*

Detainee: I have to say in response to this tribunal, and to my witness, I'm asking why would without any witnesses, these allegations be brought against me?

Tribunal President: The government may have some suspicion or evidence that you participated in these activities.

Detainee: If they have it, prove it and bring it in front of me, the witnesses. Other wise, if it's lies, I will not accept it.

Tribunal President: There may not be witnesses, it may be just documentation. But, what this is for you is an opportunity for you to respond to these allegations. Before we go on any further, would you like to make a statement under the Muslim Oath?

Detainee: I want to confess, my speaking with my oath, and my oath, by Islamic oath and this two years, when I'm in the jail, nobody asked me are you a member of the Islami Gulbuddin.

Tribunal President: I understand. Would you like to take a Muslim Oath?

Detainee: Yes, I will, because my part will be in truthfully.

Detainee: Do I have to stand?

Tribunal President: No.

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***The Detainee was given the Muslim oath.***

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

***3.a. The detainee is associated with forces that are engaged in hostilities against the United States or its coalition partners.***

Detainee: I didn't do such a thing, and I'm not aware of it. I'm not a preacher or head of the tribe to collect people around me, and give them advice. I'm a shepherd; nobody will go by my words.

***3.a.1. The detainee is a member of the Lashkar-e-Tayyiba group.***

Detainee: I never have been a member of the Lashkar-e-Tayyiba. I was working in sugar cane. That's a product of sugar, brown sugar in Afghanistan and Pakistan and I was only faced with one member of Lashkar-e-Tayyiba, he asked me only, you are a good guy, and you want to be with us, I said no, I want to work in my sugar cane business, and I didn't know who is that guy. If you detain me by this question that guy told me, then I'm in here. Otherwise, I swear to god, who are these Lashkar-e-Tayyiba?

***3.a.2. The Lashkar-e-Tayyiba is listed in the U.S. Department of Homeland Security, Terrorist Organization Guide due to its ties to al Qaida.***

Detainee: I do not know about it. If they have ties with the al Qaida or not, and I'm not with it.

***3.a.3. The detainee volunteered to round up people for the Lashkar-e-Tayyiba to fight in jihad.***

Detainee: I'm not a very senior guy in the village to get everybody to accept my requests or prepare them for jihad. I do not know about it, or not aware of it. Somebody lied about me.

***3.a.4. The detainee was a soldier in the Hizb-I Islami Gulbuddin (HIG).***

Detainee: I didn't work with none of them.

Tribunal President: (to translator) Excuse me; please translate exactly what he said.

Detainee: I never worked with none of them, not even with the Hizb-I Islami or other groups.

***3.a.5. The HIG is listed in the U.S. Department of Homeland Security, Terrorist Organization Reference Guide as having long-established ties to Usama Bin Ladin.***

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Detainee: I don't know about it.

*3.a.6. The detainee is associated with members of the Taliban.*

Detainee: I took care of my goats on the mountain; I was a shepherd, and I never can even go out very much, and I was always with my goats on the mountain. They didn't ask me these questions in my interrogation. Why do they write these lies about me? All of these interrogations, interviews I was asking why they. If they came in front of me, they never asked such a question from me in the interrogation.

*3.a.7. The detainee was paid for the attack on an American military base.*

Detainee: Nobody gave me money for such dealing and I'm a poor guy that's why I keep my goats on the mountain. If I had that much money, to have an attack on an American bases, today nobody could arrest me.

Tribunal President: Taj Mohammed, do you have anything else that you would like to add?

Detainee: I'm a poor guy and you can ask about me, my mother and my father in the village, they are poor people. These are all lies about me. For these lies, I've been living two years in jail. I don't want more lies about me. I'm a Gujar (ph) in the tribe and you can ask from the village about the Gujar (ph) people and how poor they are and they are my witness. I was a shepherd on the mountain. I will never lie and I don't want somebody lie to about me and I will not accept it. This is two years and I don't want to be more than two years with these lies in the jail.

Tribunal President: Does that conclude your statement?

Detainee: Yes, this concludes my confession, and I don't want to accept the lies. If you bring paper and pen for me, I can write lies on everybody.

*The Personal Representative and the Recorder had no further questions.*

Tribunal Members' questions

Q. You are from Pakistan, correct?

A. No, who says that's correct?

Q. I'm asking, is that correct?

A. No, I'm from Afghanistan.

Q. Have you ever had any military training?

A. I was a shepherd, except for working the sugar cane. I hit that son of the bitch and he lie about me, said I was member of al-Qaida and Islami. The gods gave you good

thinking and good judgement. You can think about my family and me and what situations we are living with over there. Those people lied about me, you can realize it.

Q. What province of Afghanistan are you from?

A. Kojar? (ph)

Q. Your witness, what is he going to testify for? Why is he important?

A. This is the request from the tribunal. He has to testify that I'm a shepherd for the tribunal to believe and he is the only witness I have in here, he can do that.

Q. Who is it that is lying about you?

A. I will tell you the whole story and you listen to it, and then you can realize who lied about me. I was working in a sugar cane product in Pakistan when I came back to my home. Americans bring the water pipes in our houses to be used the water pipes. And my cousin, he built all the pipes for all village, except our house. And my mother told me he didn't give us water pipe. When I came to him at the late afternoon, I asked him why did you give everybody in the village a line of water, and you didn't give us one. We start arguing and I beat him pretty bad. When I beat him up, after four days, Americans came over to my home and they told me they wanted to talk to me. And they took me. They asked me to go with them; they didn't tie my hands or handcuff me. I was willing, walking by myself, and when we went over there, they didn't ask me anything, they just tied my eyes and they told me that this is our regulation and translator was translating also. And finally they asked me why did you hit this guy? I told them the problem is about this water issue and this is the main problem and this is why we start fighting with each other. The American guy, he asked me why I didn't come to me, he was working for us, why did you hit him? You should come to us. And, I told them, I didn't know you guys, I didn't know where you are to come blame for you, I know this guy and I hit him in the argument. And, finally, the translator says you have to sit down, I will tell everything about your problem. And I was calm, and not talking, and the translator did whatever he did. After three days, they transported me to Bagram. In Bagram they told me that I confessed over there to attacks on American bases. I told them no, I didn't say such a thing. And they told me we will bring that translator in front of you, confront with you, and see that he will tell you that you confess that, and up to today, they didn't bring him in front of me and face me. When my interrogation finished, the American shook hands with me. He said we are all brothers and you have to tell me the with truth and from your heart and I confess whatever I know from my heart to him, and he says I will release you, but he send me in here, up to today, I am in here.

Q. You didn't actually answer the question earlier, have you received military training?

A. No, I didn't.

Q. Do you know what attack on which American base; do you know anything about that allegation?

A. No, I don't. Americans are close to our house, they are somewhere close to our house, but I don't know where it is. At the time of the attack, I was in Pakistan. When I came they were over there, but I don't know about the attack.

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Q. Do you own a weapon?

A. When they search my house, they couldn't find any weapons. Only a mirror and one comb for here. If I'm fighter for this stuff, yes I am.

Q. Again, do you own a weapon?

A. No, I don't.

Q. Does anybody in your village own a weapon?

A. Now a days, I don't know who has a weapon or not, but, what I saw, except for my cousin, nobody has any weapons. At the time of Taliban, everybody had one weapon with them, but since Taliban came from exile and everybody collected their weapons and delivered it to the government. I don't know after that who has weapons, except my cousin.

Q. So, should I infer that during the time of Taliban, you had a weapon?

A. No, I didn't have any weapon. The weapon I had at time of Taliban it was borrowed from somebody, and as soon as Taliban came on to power, they took it from me.

Tribunal President's questions.

Q. Did you ever see any fighting going on in your province between the Northern Alliance or the Taliban, or the Americans?

A. No, I didn't.

Q. So, at no time, did you have to protect your family against the Northern Alliance, Taliban or Americans?

A. No, we are shepherds, and we don't deal with those. At time of hot season, we are climbing on top of the mountain and at the time of the cold season we are coming down to the bottom of the mountain.

Q. Were you able to see or hear any of the bombing going on?

A. No, I didn't see anything, nothing ever happened. In Kujar (ph) it wasn't hard fighting. When the Taliban left the government they left province also.

Q. So, was there Taliban in the area prior to 9/11 or after 9/11?

A. I exactly don't know about the date of 9/11 and what happened. But at that time I was in Pakistan. When I came to my province, Taliban had left the government and the oppositions were the government and they took power of government.

Q. Why did you travel to Pakistan?

A. I was a poor guy. I was working in the sugar cane product.

Q. So you spent some of your time in Pakistan and then would travel back to Afghanistan?

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A. Basically, at the hot season I was living on the top of the mountain; we aren't going anywhere else. But at the time of the cold season, we are coming down. We don't have anything to do. I have to go and find a job for me to support and at the winter I was working for 2500 in the sugar cane product.

Q. Where were you when someone approached you about joining the HIG or the Lashkar-e-Tayyiba?

A. I was working in the sugar cane product.

Q. Do you remember who approached you?

A. No, I didn't know him, and I can't remember who was it. I confess this issue by myself. When I was working over there in the sugar cane product, this guy came, I didn't know him and he asked me, and I confess this issue to the interrogator and this interrogator brought this allegation about me. I confess truthfully to him, but he brought this issue about me although I said in the interrogation, he promised me that he would help me, but he brought a lie about me and, I don't know what kind of interrogations this is.

Tribunal President: That's all the questions I have.

Detainee: And after that every separate, every interrogator asked me what did you do, why are you in here, and they keep me for two and a half years. I didn't work with the Gulbuddin; I didn't work with the al Qaida. I was working in my job and why do you guys go over the limit on me. It's mean to me. I didn't do anything to keep me living here.

Tribunal President: Do you have any other comments?

Detainee: Without crime I'm in here. I'm asking from you guys to be kind to me. If I did anything wrong, the hardest jail you have in the United States you can put me, otherwise, please release me to go home.

Tribunal President: Taj Mohammed, we will consider everything that you have said. The government's evidence and also the comments from your witness and all of that will assist us in making a decision.

Detainee: Thank you very much.

Tribunal President: Personal Representative, can you get the witness?

Personal Representative: Yes Ma'am.

*The Tribunal President called for a brief recess while the witness is brought into the room.*

*Hearing is reconvened with witness and detainee present.*

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Tribunal President: Is it Sada Jan?

Witness: Yes.

Tribunal President: You have been asked to be a witness for Taj Mohammed. I want to make it clear that this is not your Tribunal. Do you understand?

Witness: Yes.

Tribunal President: We will ask you questions and then Taj Mohammed may ask you questions. Personal Representative, do you have any questions for the witness?

Tribunal President: Thank you. Sada, would you like to take a Muslim Oath?

Witness: If you guys offer, this is up to you guys, if you like, it I will.

***The recorder administered the oath to the witness.***

**Personal Representative questions**

Q. Sada Jan, how do you know Taj Mohammed?

A. At the time of Taliban, when I was working, I knew he was working as a shepherd to keep his goats.

Q. Did you see him very frequently?

A. I have seen him, he was keeping goats, but I didn't talk with him, I was busy with my work.

Q. Do you know if Taj Mohammed is a member of any political or charity groups?

A. As far as I know, Taj Mohammed is not a political person, he doesn't know about political issues and he never play with that issues, and we are Muslims all, and if you counted religious person and we are all Muslims and religious but not belong to any political party.

Personal Representative: (To Taj Mohammed) Do you have any questions?

Detainee: No I don't have any questions, whatever you ask him, it's good.

***Personal Representative goes back to asking witness questions.***

Q. Have you ever seen Taj Mohammed carry weapons?

A. No, I never see him.

**Recorder's questions**

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Q. Where are you from originally?

A. I'm from Konan.(ph)

Q. And when you were captured, where were you captured?

A. In my house.

Q. Where you captured at the same time as Taj Mohammed?

A. Taj Mohammed was arrested before me.

Q. How long did you know Taj Mohammed before you came here?

A. At the time I was working as a carpenter and that was the Taliban era, and I could see him, he was passing with his goats and he didn't have a beard at that time also.

Q. Do you know anyone who is a member of the Taliban or al Qaida?

A. No, I didn't know, if I know, I would tell, but I don't know.

***The Personal Representative and the Recorder had no further questions.***

Tribunal Member's questions

Q. Taj was a shepard, do you know what Taj's other job was?

A. No, I don't know what he was doing as far as I know he was a shepherd.

Q. And do you know his cousin?

A. No, I don't know.

Q. Are you both from the same village?

A. No, we are from the same province but our village is far away from each other.

Tribunal President's questions

Q. Did you ever see Taj Mohammed have to fight to protect his family?

A. No, I never seen such a thing. We are poor people; we never fight for our families, and today they brought us in here and linked us to al Qaida. (Interpreter stops, excuses self for error in translation) I was working with the new government, in getting some money to support my family, and otherwise I don't have anything to survive, and we are poor people. We have a little piece of land to work as a farmer.

Q. Do you remember seeing any Taliban or al Qaida members in your province or in your village?

A. At the time of Taliban, like I told you, before, also, I was a carpenter and I don't have any relations, and I don't know them at all.

Q. Did you ever see any soldiers, American soldiers, Taliban soldiers, and al Qaida soldiers in your province?



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A. I was working with the new government, and I see American soldiers, I see Afghan soldiers also. Americans walk over there, and I was working also, I didn't know they would arrest me, and bring me in here. I didn't know, we were happy that Americans came into Afghanistan, we would see stability, but I didn't know they would bring me in here and put me in the jail.

Q. Did you see any of the soldiers, Taliban soldiers, or al Qaida soldiers with weapons?  
A. No I didn't. Some of the Taliban members, right now working with the government also, and I don't know how many of them is over there. And, about the other province, and Taliban members, I don't know and I'm not aware of.

Q. Are you aware of any Islami Gulbuddin soldiers in the area?  
A. As far as I know, one of the commanders in the name of Nija Woobe (ph) and the other was Sadan, they were members of Islami. When I was there, they were working with the new government also, but by the time I was arrested, before my arrest they escaped and they were not with the government anymore.

Q. Do you know if that was before the attack on the Americans in the United States September 9/11, was that before or after?  
A. It was in the time of the new government started. They were opposite of Taliban also, and they were in power, they were fighting against Taliban, but, since American came, through that province, they escaped.

Q. Ok, Taj Mohammed, do you have any questions that you would like to ask the witness?

Detainee: No, I don't have any questions, and I also don't know this guy very well. He is a poor guy, he came, and made up a whole lot of his confession, so, the rest of it belongs to you guys, what decision you make about me.

Tribunal President: Thank you. We will take a brief recess while the witness is removed from the room.

***Tribunal is recessed until after witness is removed from the room.***

Tribunal President: Taj Mohammed, do you have any other comments before we move on?

Detainee: No, I don't, if you all have questions, I am willing to give you answers.

***The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee. The detainee has a question in regards to the Tribunal process and the gathering of information from his family. It is as follows:***

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Detainee: How can I collect information? My family is in Kujar, (ph) in the province, in Afghanistan, and they are in the mountain.

Tribunal President: There will be an Administrative Officer or military officer assigned that will assist you in gathering that information from your family.

Detainee: Good.

*The Tribunal President 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.

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, United States Army  
Tribunal President