

**Summarized Unsworn Detainee Statement**

*The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had one question. The question is as follows:*

Detainee: Yes, I do have a question. I'm not an enemy combatant. You ask from the people, if I am an enemy combatant. I was just living my life, I was working, and I was captured from my work, and I had a job as a cook. I was cooking.

*The Tribunal President assures the detainee he will be allowed to make a statement later on in the proceedings. The detainee confirmed he understood the rest of the process.*

*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 detainee has one question about this.*

Detainee: Why the unclassified documents?

Tribunal President: (Indicating to the Recorder) He'll explain that in just a minute.

Personal Representative: (To interpreter): You can explain to him that it's the information that I reviewed with him during our first interview.

Detainee: Okay.

*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 two witnesses.*

Tribunal President: I see that you requested to have two witnesses here.

Detainee: Yes.

Tribunal President: Habib Ullah and Mohabat Khan.

Detainee: Yes.

Tribunal President: Since it appeared that both witnesses would be testifying basically to the same thing, I approved that you can have one witness here today. We looked for both of the witnesses in the system, and we were only able to identify for sure, one of the witnesses. And the one we could find was Habib Ullah. He is the person that we will bring here today as a witness here for you.

Detainee: Okay.

*The Detainee had questions about taking the oath.*

Tribunal President: Would you like to make your statement under oath?

Detainee: Are you giving it to me? Do I have to do the oath?

Tribunal President: You have the option, you may take the oath or you do not have to take the oath.

Detainee: I can take the oath, on myself, as an enemy combatant; I'm not enemy combatant. But, about Samoud, and since I was with him, when I was working for him, he didn't fire any guns or weapons, I guess, at anybody, and since I quit my job with him or at times, when I wasn't with him, god knows what he did.

Tribunal President: Do you wish to take a formal oath, or not?

Detainee: I swear, or, what I say about me, is truth.

Tribunal President: I just need to know, basically, you are telling us that what you are going to tell us is the truth, is that what you are saying?

Detainee: Yes, whatever I'm saying in here, whatever I say is truth.

Tribunal President: You may now begin.

*The Personal Representative read the accusations to the detainee so that he could respond to the allegations. Initially, the detainee started answering the questions. The Tribunal President explained to the detainee the process of reading the allegations first, and then giving his statement after. He indicated that he understood. The allegations appear in italics, below.*

*3.a. The detainee is associated with the Taliban and/or al Qaida.*

*3.a.1. The detainee stated he worked as a bodyguard for Samoud.*

Detainee: Yes.

*3.a.2. The detainee trained, including training with the Kalashnikov, to be part of the infantry supporting Samoud.*

Detainee: Yes, we did, I was a bodyguard for Samoud, but I did not get any military training.

*3.a.3. The detainee was assigned two weapons.*

Detainee: I had only one kind of weapon.

*3.a.4. The detainee was captured by U.S. Forces at Samoud's compound with a Kalashnikov.*

Detainee: How did Americans capture me?

Personal Representative: How is he captured...

Tribunal President: This is just a statement.

Personal Representative: (he rereads the statement to Detainee)

Detainee: Yes.

*3.a.5. The detainee fired about 50 to 60 rounds from a machine gun as a soldier in support of one of Samoud's operations.*

Detainee: Samoud has a personal enemy and he fought with him. He shot his gun, I guess. His name is Abdul Ali.

*3.a.6. The detainee stated Samoud was responsible for rocket attacks against U.S. forces at the Gardiz Fire Base while the detainee worked for him.*

Detainee: No, nobody fought, nobody fired rockets against Americans.

*3.a.7. Samoud is an Anti-Coalition Movement (ACM) operative.*

Detainee: At the time, when I was with Samoud, there were no coalition forces and Samoud had some of these bases, like military, small firebases. He had his own personal enemy. For protection from his enemy, he had some weapons at bases. He did not fire any guns or weapons against the coalition forces.

*3.a.8. Samoud is reported to be an al Qaida cell leader.*

Detainee: At the time of al Qaida was in Afghanistan, he was in Pakistan, and he was against the al Qaida. Samoud was against the al Qaida.

*3.a.9. Samoud has been implicated in attacks against U.S. forces.*

Detainee: No, he does not have any implications.

Tribunal President: Does that conclude your statement?

Detainee: It is a lot to talk about it, and I just said a little bit, about myself.

Tribunal President: You can provide us more information as this time, if you would like to.

Detainee: I will give information about myself, and I will give information about Samoud. What do you want me to tell you? Do you want me to tell you the truth, or do you want me to lie to you?

Tribunal President: We would prefer the truth, I mean you sworn to tell us the truth, and that's what we would like to hear.

Detainee: We're Afghan and we're Muslim. We, for some other, very, very important cases we don't, made or swearing or, we don't do the oath, but, you just gave me the oath for this small tribunal, for small meeting, I did the oath. First of all, I'm not an enemy combatant. We had two centers that were Samoud's. Samoud had his own enemies. We were security for him. Actually, Americans did not bother us, did not come to capture us. But, we went ourselves to complain to Americans about something. Anytime an American came to our village, my village, we supported them. We were giving our things to them we always help them. We were going with them, and then, we were coming to our house, and they were leaving. I know the leader of their base. He even gave me one hundred dollar, wait, one hundred rupees, I'm sorry. His name was Officer Maga. And he was giving me the things that you shoot it somewhere, and then the plane is coming to that place and to the bombards. Americans were not against us, and we are not against them. We always gave our support to Americans. Americans will never capture us. But someone reported us, got money because of us, and because of money, you guys captured me. And about Samoud, I will give my promise and my word to you, because he was not against the United States, and he was not al-Qaida, or he was in the Taliban. Leaving the Taliban, he went far away from them. He wanted to get far away from them, and he was living in Pakistan. When Americans came to Afghanistan, then he came as well. That was all my statement my statement is finished.

*The Personal Representative and the Recorder did not have any questions.*

Tribunal Members' questions

Q. You're a native of what country?

A. Afghanistan.

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Q. What type of weapon did you have when you were with Samoud?

A. A hundred shooter.

Q. How long have you been captured? How long have you been detained?

A. More than two years.

Q. And before you arrived here, how long had you been captured by the Americans in Afghanistan?

A. Detained in 8 days in Gardiz. And then, in Bagram, we were in prison for 6 to 7 months.

Q. And how long did you work for Samoud?

A. Six months.

Q. What did you go to talk to the U.S. Forces about?

A. No, I didn't complain, but some of us complained.

Q. But, you went to talk to the U.S. Forces. What did you talk to them about?

A. No, I didn't actually go to talk to Americans. We were working with the Maga Officer, he knew me, and he gave me the money, and gave me the radar or rod. He promised me, though; he would give me a satellite phone. And then, I got captured. After then, we got captured.

Q. Did you have a weapon with you when you were captured?

A. Yes.

Q. And what type of weapon was that?

A. A hundred shooter.

Q. Who were Samoud's enemies, and why were they his enemies?

A. His enemy killed, murdered his son.

Q. So, one person?

A. Yes.

Q. And is that all the enemies he had?

A. Yes, only one enemy.

Q. So why did he need a bodyguard for one person?

A. Because his enemy had a bodyguard, and had people working and taking care of him, and Samoud did too. Abdul Ali.

Q. How were you trained to be a bodyguard?

A. There was no training, I was with him.

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Q. How did you know Samoud?

A. He's in our village.

Q. When was the last time you saw Samoud?

A. The day that I got captured, that was the last day, last time.

Q. They did not capture him also?

A. No, they didn't capture him, just us.

Q. Why would they capture you and not him?

A. I don't know.

Q. Did they not tell you why they were capturing you?

A. No, nobody told me anything. I'm thinking that it was because of money I got captured.

Q. You made a statement before about shooting at planes, I didn't understand? Can you explain?

A. That was from an American. An American gave me these.

Q. Americans gave you weapons to shoot at planes?

A. We were not shooting at the plane with the tools, or the equipment; you hold it in your hand when the planes see that, and then the plane was bombarded.

Tribunal President: I want to thank you for participating in this tribunal today.

Detainee: Thank you very much, I think I give everybody, I bothered everybody, like six or seven people in here, and I give you thanks to all of you.

*The Tribunal President explains the witness questioning process to the detainee and the detainee confirms that he understands the process.*

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

*Hearing is reconvened with witness and detainee present.*

Tribunal President: This hearing is now reconvened with the witness in the room. For the record, please state your name.

Witness: Habib Ullah

Tribunal President: You are here today to testify in the case of Shardar Khan.

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Witness: Yes.

Tribunal President: Are you willing to do so at this time and to do so under oath?

Witness: Yes.

Tribunal President: Recorder, please administer the oath.

*The recorder administered the oath to the witness.*

Tribunal President: Shardar Khan, do you have any questions for the witness?

Detainee: No, I don't have any questions.

Tribunal President: Personal Representative, do you have any questions?

Personal Representative: Yes Ma'am, I do. Habib Ullah, how do you know Shardar Khan?

Witness: Shardar Khan was from my village and we worked together in the center. Center is work.

Personal Representative: Did you also work for Samoud?

Witness: Yes.

Personal Representative: Do you know if Samoud ever attacked the Gardiz Fire Base?

Witness: I don't know. I'm not sure, I don't have any information about that, but I was told that earlier, or if that an American or if that was his enemy?

Personal Representative: Do you know if Samoud was involved with the Anti-Coalition Movement?

Witness: I don't have this information.

Personal Representative: Do you know if Samoud ever attacked American forces in Afghanistan?

Witness: I don't have that information.

Personal Representative: You were with Shardar Khan in Samoud's camp?

Witness: Yes.

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Personal Representative: Do you know if Shardar Khan ever received any military training at Samoud's camp?

Witness: No.

Tribunal President: Recorder, do you have any questions for the witness?

Recorder: No Ma'am I do not.

Tribunal President: Tribunal members, do you have any questions for the witness?

Tribunal Member: Yes. The last three or four questions you did not seem to know. What did you do for Samoud?

Witness: Who, me?

Tribunal Member: Yes.

Witness: I was cook. And Shardar is right here; you can ask him about that.

Tribunal Member: Do you know if Samoud worked with al Qaida or the Taliban?

Witness: No.

Tribunal Member: Who were Samoud's enemies?

Witness: Abdul Ali

Tribunal Member: Is that the only enemy he had?

Witness: And he had another enemy, his name was Gardiz?

Interpreter: I'm sorry I didn't understand Gardiz; the providence of Gardiz, or the name of the guy is Gardiz.

Tribunal Member: Yes, was that a person or the place?

Witness: Gardiz is the providence. He does not know the name of the person but that was providence of Gardiz.

Tribunal Member: What was Shardar Khan's job?

Witness: His job was chopping wood and bringing, carrying water.

Tribunal Member: Is that the only job he had for Samoud?



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Witness: You can ask him, he would tell you.

Tribunal Member: I'm asking you.

Witness: I saw him cutting wood and bringing, carrying water.

Tribunal Member: How long have you known Shardar Khan?

Witness: I didn't know him earlier, I knew him from the job in the center, where we worked.

Tribunal Member: And how long was that?

Witness: Three months, two to three months.

Detainee: More than that.

Tribunal Member: Did Shardar Khan ever work as a bodyguard for Samoud?

Witness: Yes.

*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 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, United States Army  
Tribunal President