

**Summarized Detainee Sworn 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 Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.*

*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 opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.*

Detainee: Yes.

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

Tribunal President: You may begin.

*3. The Detainee is a member of the Taliban.*

*3.1. The Detainee is a former intelligence officer for the Taliban.*

Detainee: Everybody who is one hundred percent Malab (ph) can get a job in the Taliban. Using the Taliban, I did not enter into any of their offices.

*3.2. The Detainee participated in military operations against the United States and its coalition partners.*

The Detainee had no comment.

*3.3. The Detainee had approximately six truckloads of weapon and ammunition including mortars and artillery stored in his house.*

Detainee: This is completely wrong about me, I don't know if Americans made this up against me or if somebody else made this up. Is there any proof of this, or evidence against me, so I can say I would like to stay for another year in this prison? I was working in the military in Khost and the Americans took these weapons. It was maybe six trucks, or maybe more. The Americans took those weapons from this fighter base or military division off post. My house is in Shaif Dagain (ph), and the military division is in Bazaar-I-Tuscan (ph). About the question you asked me - that I had in back of my truck the two

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ID cards - this is from the (inaudible) government, it was not from the Taliban. I had a job with the (inaudible). This card is from the Police.

*3.4. The Detainee was selling weapons and ammunition that were allegedly used against coalition forces.*

Detainee: I was a police officer for the Afghan government. If I was selling any of these weapons, I would be probably be captured by the Afghan government. Why did the Americans capture me? This is not right. Because the Afghans have more information than the Americans, they probably know me better than the Americans.

*3.5. The Detainee swore written allegiance to the Union of Mujahadin under commander Malem Jan Sobari.*

Detainee: Yes. This is right. By the time I was with Malem Jan, that time Malem Jan was working for the Americans. He was one of the commanders of the Americans. I worked with him because he would give me my salary. It was during the time of the Americans that I went and worked with Malem Jan.

Personal Representative: In my notes, you said you signed the document so you could get paid.

Detainee: Actually, that time the central government was not stable yet, and the Americans were there. They hired some to people to work as police officers. There were about two thousand or five thousand compareit (ph) that they would give to each of the employees.

*3.6. Commander Malem Jan Sobari is a Taliban guerrilla warfare leader in certain areas of Afghanistan.*

Detainee: Since I remember, nobody shot any warplane, gun or bullets against the Americans. If Malem Jan believes the Americans came too close, I don't know about that. Maybe the Americans know him better, but during the time the Americans were there, nobody fired any weapons or guns against them.

Personal Representative: I have in my notes that you did not even know Malem Jan until he was working with the Americans.

Detainee: Yes. The first time I saw him was before the Americans came to Khost. Malem Jan came with his commander Zakim Khan; they both came in a helicopter. That was the first time in Khost, and then the Americans came. The reason that Malem Jan came to Khost was to take over security for the Americans; he was a guard for the Americans.

Personal Representative: One more thing I have in my notes, you talked to me last time about Habib Noor.

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Detainee: Yes, we talked about Habib Noor. During the time of President Najib, he was the intelligence officer or intelligence manager in Khost. At the time, I was working for Mustafa; he was the commander of the police. And there was another commander in Khost, Majah Ha Adrif (ph), and Mustafa was with him. No, I'm sorry, Habib Noor was with Mustafa. I was working with Mustafa and Habib Noor was with Majah Ha. We were police and Mustafa gave me a job as commander. He was the commander of security in town and we were police, too. He came to the city to take over the security of the city, and we told him no, not to come, because we can take care of the city. Habib Noor got into a fight between them and a lot of innocent people got killed. After that, we got mad at each other and we became enemies. That is why he was saying bad things about me. I'm not sure, but he got a job about five days before, I don't know the exact date, but he got a job with the Americans. I was getting ready for work and putting my uniform on when Habib Noor came and said the Americans wanted to talk to me. I was captured, and it has been two years since I have been here. I don't know a lot of these allegations against me. My Personal Representative told me some of these allegations, and I just found out now what some of the allegations are. About the letter that he told me I signed from Malem Jan, they changed the date on it. The date I signed this letter was ten months ago, they put the date ten months later than the time I signed it. I have the proof of my signature of these documents because somebody who signed this paper died six or seven months ago, and his signature is on that paper too. His file is in the criminal court. An American even knows the day the person died. He just makes a conspiracy for money and sold me to the Americans. If somebody dies, how can he become alive and sign these documents? But, I have the governor's telephone number and I have the internal commander – a person who you can call and ask about death of this person. If there any proof in my house, like an empty bullet, I will agree to stay a half a year in the prison, I swear. I said all of my statements under the oath, so it's up to you to believe me or not. I had my police uniform on, but the Americans removed the uniform from me. I'm not mad at the Americans about these allegations. But, about one allegation about me having a weapon in my house, I'm really mad at them for saying that. I have no weapons in my house. Where do they find weapons in my house? About the other allegations, I know that maybe Afghans had a conspiracy or trick. But about the weapons, where do they find weapons in my house?

Tribunal President: We may have some questions for you. Does that conclude your statement?

Detainee: Yes. My statement is concluded. If you have any questions, you may ask your questions.

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

***The Personal Representative had no further questions.***

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

Recorder: Yes, sir.

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Recorder: Can you tell me why the Union of Mujahedin was formed?

Detainee: What do you mean by that?

Recorder: What was the reason it came into existence? Who was the leader?

Detainee: There were seven leaders and seven organizations

Recorder: Is this the same organization that is in bullet three? Is that the same organization that you are talking about? If you look at the bullet, it says Union of Mujahedin. I want to know why that was formed, to his knowledge.

Detainee: You mean the one that I signed; with my signature?

Recorder: Is the group of Mujahedin a group of people?

Detainee: I don't know about the other because there were a lot of organizations from Mujahedin. But, if you are talking about the one I signed, this one did not belong to the Taliban. That was after the new government.

Recorder: So this person Commander Malem Jan was the head of the Union of Mujahedin?

Detainee: Actually, there are still people in Afghanistan who will call someone from the communist regime Mujahedin. But, the people that were Mujahedin during the Russian times, they called them Jahadeen. Communist and Mujahedin never get together. Actually, if you want to capture Mujahedin, half of Afghanistan is Mujahedin. You could probably imprison them here, because there are a lot of them. We were telling the Mujahedin people there were supposed to be refugees supported by Americans. We called those people Mujahedin. We called people communists who were aided by Russia.

Recorder: Were you ever a member of a group of that type?

Detainee: Because Malem Jan was a commander for America, I don't think he was Mujahedin.

Recorder: What do you mean, he was a commander for the Americans?

Detainee: He had a group of eighty to a hundred working under his supervision and he was appointed by America as a commander of this eight to hundred. And each person was supposed to get one hundred and fifty dollars each paycheck. He had like eighty to a hundred people on his list. Americans were spending more money for the food and clothes and for the family of these people; it was a lot of money. I have a relative, he was one of the drivers and there were a lot of people who were working as drivers to transfer Americans from one place to another place, and they were getting paid too.

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Recorder: Those were the question that I have, thank you.

Tribunal President: Do any Tribunal members have any questions for the Detainee?

Tribunal Members' questions

Q. You did not serve as an intelligence officer? Is this correct?

A. Yes.

Q. Some people who serve with the police also have duties with intelligence? Is that right?

A. Yes, they can do that job also. But, they have a different office in the police department and they have another office where they can work as an intelligence officer and they have the ID.

Q. Your duties were only police duties, and then only for the Karzai government?

A. Yes.

Q. How long did you work for the Karzai government? From its very beginning and until you got arrested?

A. At that time Karzai was not in the government. Rabbani was, and it was during Rabbani's time that I went to see Mazahart (ph).

Q. So you worked as a policeman under more than one government?

A. No, it was just Abede(ph). Abede(ph) was there for two to three months and he turned it over to Kazako(ph). We didn't work for Rabbani at that time. We were just working for some people from the force who made their commission. We were working, and we didn't get paid from Rabbani. We were just working for the security force.

Q. What is the total amount of time, if you remember, that you served as a police officer?

A. I'm not sure how long, but it was since the Taliban were gone from Khost. It was like ten days. They must have come to the government, and then I came after about ten days. I am assuming about a year.

Q. What were your specific duties as a police officer?

A. Actually there were thirty people. One group of people, which includes about thirty people, and we were all on call and waiting. We were waiting for whatever

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was happening that we were waiting for doing the job. For five to six months, I was keeping the security in the bazaar. For three months, I was the guarding the weapons. Later, Americans came and took weapons from me. After that, I stayed in the office for two to three months and two months after that I went to Khost. During the Taliban, I wanted to go and work for the organization. They were coming to help Afghanistan. But, at the time I wanted to do that, these organizations left Afghanistan. I put in my application, and I have identification card too. I got ready to give it to them, but it didn't happen. I haven't have identification since that time. I got my identification card - they call it Tuskideer(ph) - during the Taliban and I have it here. I don't know about the Americans. What are the rules of America? Whatever king is coming, you get a new ID card, too? I don't know.

- Q. During the time of the Taliban, did you fight in the war? How did you support yourself?
- A. I was driving a taxi and I have the documents showing that I had a taxi, and Americans have this document too. I had the taxi for a year, and this is how I was supporting myself. After a year, I sold my taxi and then I had a lot of land. Then I was working in my land. The Taliban did not pay any salary to anybody. If they had paid me a salary, I would have probably (inaudible). The Taliban did not even pay for their school or teacher in our village. We had a teacher, she was teaching for the children and we all donated money to pay for the teacher. You can get this information from a lot of Afghans. It is not only me saying these things about Taliban.
- Q. Sounds like life was pretty difficult for most Afghan people under the Taliban. Is that right?
- A. Our life was not bad. But, our life was getting a bit harder later on because of the drought in the winter.
- Q. In the beginning, you told us that during the time of the Taliban everyone had to be a mullah. Do you carry the title of mullah in Afghanistan?
- A. It is not easy to become a mullah. You have to go to (inaudible)(a madrassa?) or have a lot of religious studies.
- Q. We have heard that, by virtue of education and study, that they sometimes are given that title. We were wondering if you had achieved that?
- A. No.
- Q. Concerning the weapons and ammunition, did we understand you correctly to say that, yes, there were truckloads of weapons and ammunition that were taken, but they were stored at a military installation and not your house?

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- A. Yes. It was a (inaudible), a warehouse. Americans took some of these important weapons from there, but there are still a lot of weapons there. Some of the weapons are still there, but they are damaged.
- Q. Did you ever know anything about people trying to sell those weapons that were later used against the Americans?
- A. As a police officer, that is my job. If I knew of anyone, I would report them to Mustafa.
- Q. Concerning Malem Jan, you said you believe he was with the Americans. Is that accurate?
- A. Yes, he was with the Americans, obviously.
- Q. Is there any chance in your mind that he may have become disenchanted with our presence there and decided to oppose the Americans?
- A. I'm not sure about that.
- Q. So, either before the Americans came or after we had been there a while, you are not aware that he ever opposed the American presence in Afghanistan?
- A. I swear I did not know before the Americans (inaudible). There were two commanders, name Sal Daz(ph) and Ja Boz(ph). They were very trusted commanders of the Americans. Each was getting five thousand dollars a month in salary. When I was taken to Bagram, I saw them in jail. Both of these commanders were in Bagram jail with me. Americans do surprising things. They were in the same building. One spent six months in jail; the other spent two months in jail.
- Q. Are they here with you also in the camp?
- A. No. They did not bring them here. I'm not sure if they are still in Bagram or released by now. Maja Han Adroft(ph) was very trusted by the Americans. He went with the Americans to the German city of Bonn, to a meeting. He has a picture with Bush and shook hands with Bush. In a checkpoint, he probably took money from someone. But, the Americans shot him and killed him. The reason I'm telling you these things about Malem Jan, I don't know, maybe he was against the Americans later or what he did later. But I don't have any information about that.
- Q. Sometimes it is hard to tell who your friends are.

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- A. Yes, it is very hard. Look at me. I was in the police uniform, and now look at me. I'm in camp, and the government now in Afghanistan is supported by Americans, and now I have chains on my hands.
- Q. Tell us the name of the people who made the accusations against you. I think you name them earlier, but I want to make sure I have it right.
- A. I'm not sure. God knows, but I will blame it on Habib Noor because he was the one who played games with me. He came and said: "Let's go, the Americans want to see you" and then he was blaming me for selling some of these weapons. I gave some (inaudible). You have to give them permission and then each car has to pay like ten dollars to go (inaudible) and he was blaming me. This money is for the government. He said I was taking the money and putting it in my pocket. This was not true. For this reason, he accused me and deported me. It must be Habib Noor.
- Q. Could you spell his name please?
- A. Habib Noor.
- Q. You provided a timeline when you were working as a policeman in a (inaudible) post. When were talking about your duties in the group of thirty people. You worked five to six months around the bazaar.
- A. At the time I was in the bazaar, I didn't have thirty people. That time I was included, but thirty people were on call.
- Q. Your area of responsibility was the bazaar area?
- A. Yes, it was just for five to six months. Me and the other police officers, we were just walking around in the bazaar and doing security checks.
- Q. After that, you did three months guarding weapons?
- A. Yes, in Kalfivick(ph). There was a big house; it was a big place and I was standing by the door.
- Q. When the Americans came, you stayed in the office for about two months and then went to Khost?
- A. The Americans were there the whole time, but they were in the airport. Americans were not in the bazaar, but they were in the airport. They had their own place in the airport. There are two airports, and Americans were in both airports.
- Q. When you told us the story the first time, I got the impression that maybe you were working a different area and then towards the end of this one-year period you moved into the city of Khost.

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- A. Actually, the whole time it was in the bazaar of Khost. The City of Khost is as big as this camp: from camp (inaudible) to the end of this camp.
- Q. Prior to working with the police, you worked with your taxi. This was while the Taliban was in town?
- A. No. It was during the Taliban that I had a taxi.
- Q. Yes. During the Taliban you had a taxi. You worked the farm or the land after the taxi or before the taxi?
- A. Before I had the taxi I was working in my land too. Then, I had a taxi for a year. When I saw the person I bought the taxi from, I sold it back to him. Then, after a year the Taliban vanished. Then I worked in my land.
- Q. This is all in the area of Khost?
- A. Yes.
- Q. So you knew the area pretty well?
- A. Yes.
- Q. Did you ever take taxi customers to any of the military camps around Khost?
- A. It's been two years; I don't remember.
- Q. Well...you knew where the camps were. I guess you knew the area?
- A. Of course I know; this is my place. I've been there. I know the whole bazaar of Khost. I know where the military division is. I may have taken some of these customers, but I don't remember. It's been four years.
- Q. Were you aware they were al Qaida camps?
- A. You mean people other than the Taliban people were not allowed to go military compound or military bases? You can just go to the police department and file the charges. But, other than that, nobody was allowed to go to the important places.
- Q. The important places?
- A. During the Taliban, people were not allowed to go to their military bases or training bases. When the Majike (ph) regime falls out, people were going someplace for seeing these government places. They were going to these government offices, and

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they were being there and taking the wood off the ceiling and the building was cement. They could not do anything to the building but destroy the whole building.

Q. I'm going back again to one of the original allegations. It has to do with this sworn allegiance to the Union of Mujahedin under Malem Jan. I think I understood a statement, the written statement was signing for a paycheck. Is that is correct?

A. I'm sorry. What was the question?

Q. Was that the actual written statement?

A. Actually there were two pieces of paper. One paper had like two thousand, and the other has the name of the people. They signed Malem Jan as their agent or their contact person. They had their names on that paper to give them their salary and my signature was on one of these documents too. When he was paying us salary, and he was showing those documents to Americans that he pays us.

**Tribunal President's questions**

Q. Have you ever in your life received military training?

A. No, I did not.

Q. During the rule of the Taliban, did they ever recruit you to serve with them?

A. Our tribe is named Kanight tribe (ph) and the Taliban did not do anything with us because we have more power over them. I have to admit I did this crime because they were collecting one hundred dollars (inaudible) from each house on the street. We have to pay that hundred dollars, because we had no choice. Whenever somebody wanted to go with them willingly, whatever money they collected, the Taliban would give the money to the person that would go with them. Every district in the entire (inaudible) was doing this because they had to.

Q. When you were working for the police or the office of intelligence, and as a security guard and your duties in the bazaar, did you ever carry a weapon?

A. Yes.

Q. Tribunal President: As I indicated earlier, the witnesses you requested are not reasonably available. But, had they been available to testify or provide an affidavit for this tribunal on your behalf, what would they have said?

A. The witness I requested, I wrote the phone number also. You can call them and they will tell you about me.

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- Q. We can't call them. That is why we have to go through the State Department and the foreign embassy of Afghanistan. They were unable to provide that information or contact. They were not able to give word back to us. But, I'm asking you, what would they have provided on your behalf?
- A. They would say good things about me; they would not say bad things about me because they were very important people and one guy was a commander of the police, the other one was the manager, which gave me these two ID cards. So, they would tell the truth about me. If these two witnesses are not available, I will go with more witnesses; I will give more names for witnesses.

Tribunal President: That won't be necessary. We'd like to thank you for testimony today. I'm about to request from your Personal Representative your ID card and the other documents you requested to be produced. Before I do that, I want to provide you an opportunity to give us any other information or tell us anything else that you feel that is important as we make our determination.

Detainee: I want to say one more thing about Habib Noor. He has a very close friend his name is Maseade (ph). Maseade (ph) is from my village and from my district. Maseade (ph) was with Habib Noor when he became president. Later on, he was the bodyguard of Habib Noor and Maseade (ph) was killing one of the (inaudible). The owner of the Datsun car had five charges against him. Mustafa gave us the order. Whenever you find Maseade (ph), you must capture him. That made the commander of the post promoted to higher rank of general and for that ceremony Mustafa, Habib Noor, and Masede was with them too. I ask Mustafa, is this a good time to capture Masede? He said yes, just talk to him and get him in the corner and you can capture him. I went and talked to him, and got him in the corner of the meeting, and then I escorted him in the car and took him to the police office. Maseade was in the jail for one month and Habib Noor tried very hard to bond him and release him, but he couldn't. Then he had to return the car back to its owner and then he got released after a month. Maseade became a bodyguard with Habib Noor again. He was a very good friend of Habib Noor and I'm thinking he was the cause of the problem between Habib Noor and me. From the first day, I told the interrogator the whole process and that was it.

Tribunal President: Thank you. Are there any more questions from the tribunal?

Tribunal Members: No. sir.

***The Tribunal President confirmed that the Personal Representative had further evidence to present.***

Personal Representative: Yes, sir, I would like to present Exhibit D-b, the Detainee's police identification cards from the transitional Afghan government.

Tribunal President: Very well, thank you.

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Tribunal President: This concludes the tribunal session.

*The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.*

**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. Marine Corps  
Tribunal President

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