

Summarized Detainee Sworn Statement

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

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

Detainee: What is D-A?

Tribunal President: D-A is the way we label the exhibits so that we know it's the Personal Representative that presented it to us. Recorder, please provide the Tribunal with the unclassified evidence.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) and Exhibit R-2 into evidence.

The Recorder 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: I see by the Detainee Election Form that you have elected to participate today as evidenced by your being here. I also see that you requested one witness and this witness, Ghurzang will be here later in these proceedings. Sharifullah, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: Do I have to stand and get the oath?

Tribunal President: No, you can remain seated. That is fine. Recorder, would you please administer the oath?

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may now begin.

Personal Representative: I'll read each point of evidence and you can make your response, just let me know when you're finished.

3.a.1. The Detainee trained at the Gund Talimi Military School.

Detainee: I've never been in a military school at all. But, when the Taliban was taken out of power and we entered in Afghanistan from Jalalabad into Afghanistan I was by myself. I am

opposite of the Taliban. After that when the Taliban dropped out of power, there was a brigade to be beginning over there. It was supposed to be in Kabul. This brigade, everybody came to get membership from different states. I came from my state to be working over there.

Tribunal President: I think I'm getting lost in the translation. Could you repeat for me again, something about a brigade?

Translator: Yes. When the Taliban fell out of power, he came from Jalalabad, because he was opposite of the Taliban. The temporary government started to build a brigade up there in Kabul city and every person in that brigade was from different states and he says that he was from Jalalabad.

Tribunal President: Okay. Thank you. Sorry about that.

Detainee: I was a member of one of the battalions in that brigade. When I got membership in that battalion, the leaders of that battalion were British and Turkish and also some Nepal people. There were also some Italians and other countries also that I couldn't understand. That was the battalion for training in Kabul and I got my training in that battalion. The training was up to two months.

3.a.2. While at the Gund Talimi Military School, the Detainee was trained on the Kalashnikov, low crawl and riot control with the use of shields.

Detainee: The military school phrase is completely wrong. This was a training battalion. I was there to be trained and that is referring to the two months I was over there. That battalion was by the order of the American officers and we were trained.

3.a.3. The Detainee also trained for 10 days at military camp in Zakar Khel Village.

Detainee: This is completely wrong. In my whole life this village and compound name I have never heard.

3.a.4. At this camp, the Detainee was trained in the use of personal weapons, the disassembly of land mines and the production of bombs from parts of the disassembled land mines.

Detainee: This is completely wrong. I don't know how to take apart the land mines or their parts and the only thing I know about the Kalashnikov is to take it apart. I learned marching and defending against the actions of the youths.

Tribunal President: From the what, I'm sorry?

Translator: The Detainee was getting training on controlling violence and youths actions.

Tribunal President: Oh, youth actions. Okay, I'm sorry.

3.a.5. The Detainee stayed at the Shamshato Refugee Camp in Pakistan.

Detainee: Yes, I was in the Shamshato Refugee Camp because I was living over there and it belonged to the refugee people. There were no places for us to live so we had to stay in the refugee camps and live there. I was there one and half years in Shamshato Camp and from that place I went to another place.

3.a.6. Hezb-E-Islam/Gulbuddin (HIG) members recruited young and impressionable radical men from the Shamshato Refugee camp to train at camps focusing on advanced training including remote controlled Improvised Explosive Devices (IEDs) and electronics.

Detainee: If this sentence is representing that Gulbuddin and this party is recruiting young and impressionable radicals for training, that is their mistake. It doesn't belong to me. That is his crime and is not related to me.

3.a.7. When the Detainee was arrested, a search revealed the storage of Improvised Explosive Devices (IEDs).

Detainee: Like I stated before that I'm opposite of al Qaida and Taliban and I started fighting against them. How could I bring search material against myself? Is it possible if I stood beside my enemy, although I was in the fighting with them before that? I'm asking the Tribunal President also, is it possible that you stand with your enemy?

Tribunal President: Does that conclude your statement or would you like to provide us with any other information?

Detainee: I have to say this also. When I was arrested, I stayed for three days in Jalalabad. In these three days nobody showed me what kind of mines or bombs. All they used was the name of the bomb for me and I was arrested because of it. After three days when I came back to Bagram, they showed me some pictures and they said that they found some bombs that belonged to me. That was in the spot where I was over there. At the place I was over there, the place didn't belong to me. It was a military place and I wasn't the leader of that place. I wasn't an officer over there and I've never been a president over there. I was either a guard or a soldier over there. How come over the past two years I have had this allegation and that place didn't even belong to me?

Tribunal President: I'd like to tell you that at this time the only information that we've seen about your case is this unclassified summary.

Detainee: I want to state that also after training, Karzai personally met us. We were hired as guards over there to protect him and his office. However, if I had any crime on me and I wanted to make a problem, I could have done anything I wanted, because I was in the security force of Karzai. But I never did. I didn't want to do that and I don't want to take any wrong steps. More than that, over all twenty Jialicar (ph), which is unity between tribes, this tribal union has from 1,500 to 2,000 people participated and most of them were governors and ministers. There were some high-ranking leaders there also. We were responsible for the security of that tribal union. What I mean is that I could have done anything I wanted over there also but I didn't want to do anything wrong. I never wanted my county to be destroyed. About Jalalabad and Nangarhar,

never be replaced by Kabul because Jalalabad is much more beautiful. I was arrested in that bad Jalalabad and they accused me of putting bombs in that place and that is a pity. You can use your judgment now. These are all lies and it is correct or not?

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

Detainee: Yes.

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

Personal Representative: Yes ma'am.

Personal Representative's questions:

Q. I'd like to ask you some questions to clarify to the Tribunal the story that you shared with me during our initial meeting. When you left Shamshato, where did you go?

A. When I moved from Shamshato Camp, I went to another refugee camp. They call it Mahaji Barsarè (ph), which is in Kabul station and it belongs to Abdullgul Sayat (ph).

Q. At what point did you decide to join the military and oppose the Taliban?

A. At the time the Taliban was out of power and I was with Haji Qadir. He was our leader and his location at that time was in Nooristan. After the Taliban fell from power in Nangarhar I passed for three months then when the temporary government came into power, I moved to Kabul to join the military. That was by the order of our leader Haji Qadir.

Q. Okay, so Haji Qadir sent you to get the training that you mentioned to the Tribunal?

A. From the other states, everybody was participating in that training including our Jalalabad. Our leader, Haji Qadir, he didn't tell me directly but he told his officers and they ordered us to go and participate in that training. At that time we were in Jalalabad and my commander's name was Said Agha, and he ordered me to go get that training.

Q. Okay, so at some point you left Haji Qadir's forces and joined Karzai's security detail?

A. Basically in Nooristan the leader at that time was Haji Qadir and his deputy was Said Agha. When we came to Nangarhar, Haji Qadir was appointed as the governor of Nangarhar. The rest of the soldier force belonged to (inaudible), his deputy. He was appointed as a Topei (ph) Commander. Topei (ph) has two or three brigades. After that I went to Kabul to join and participate in that training.

Q. As part of Karzai's security forces, how close did you get to Karzai?

A. Yes, I was in security. After training I was completely used for the guard of President Karzai for his security.

Q. Why did you return to Jalalabad?

A. When I was coming towards Kabul, the officers told that when we got the training they would give us the rank of an officer. When we finished our training, Karzai came and asked for us and told us that we were the personal security forces for him. For seven months after training, I was his guard. We asked the leaders about us being offered officer rank when we finished training and they told us no and that this was the job for us. We had to be the guards. I told them that I'm an educated person and why did we not receive any rank that they offered us before the training. They told us no; they would not give us a rank. That was the reason that after a while I asked for permission to go to my home because it had been a long time. My officer gave me permission to go. When I came to Nangarhar my brother, Naquib Ullah, who is an officer working General Said Agha. He asked me how I came up with my job over there. I told him that nobody gave us a rank or position. He told me that in his brigade they needed some officers and to make request from Said Agha and he would hire me as an officer his brigade. That is why I left my job and went to Jalalabad.

Q. What did your brother do in Jalalabad?

A. My brother is an officer in brigade of Jalalabad with General Said Agha, who is the leader of the Topei (ph).

Q. Did you stay with your brother when you visited him?

A. When I forwarded my request, I was some nights with the brigade and some nights I was with my brother.

Q. Where was your brother staying in Jalalabad?

A. My brother was living in a spot in Jalalabad, which is near the University Hospital on the street about one kilometer away from the front. They call it Arab houses. These houses belonged to Arab people and when the Taliban was taken from power, these Arabs escaped and their houses remained.

Q. Were these houses part of the military compound?

A. Now-a-days it belongs to the military. But before that I don't know what Arabs did in it.

Q. So you were staying in a house with your brother when you were arrested?

A. Like I stated before, sometimes I was in those houses with my brother and sometimes I was passing my night with the brigade.

Q. When you were arrested though, where were you sleeping or staying?

A. I was arrested at the place where my brother was living. My brother has a room also and in another a little bit farther from my brother's room was for guests. I was in that guesthouse and in the morning we were surrounded and I was arrested.

Q. If your brother was an officer and you had nothing to do with the explosives they found, we didn't he come to your defense?

A. At that point, I didn't know where my brother was. He didn't know I was under arrest and I don't think he understood the situation to come over.

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

Recorder: No ma'am.

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

Tribunal Members' questions:

Q. Did you see the weapons that were actually in the facility?

A. Are you talking about the bombs or mines? No I never saw them.

Q. How big was the facility?

A. The area was big and I can't say just how big but if you put this block with the land and the same block with the width of the area it would about that much. Exactly, I don't know how big it was.

Q. How many rooms were there?

A. In this area there were some people that belonged to General Said Agha, my brother and also his battalion was living there. The rest of them belonged to Haji Said. Haji Said is the son of Haji Qadir.

Q. How many buildings were there?

A. I don't know the number of the rooms or how many rooms were there. I never counted. When I was arrested it was my 22nd night.

Q. Was anyone else arrested?

A. Yes. His name is Ghurzang.

Q. Is he here also?

A. Yes, he came with me to Cuba also.

Q. Did you know him before you came here?

A. When Ghurzang was arrested and he was in the jail at Kandahar by the Taliban. When the Taliban fell from power, all of the Detainees were released from the jail of Kandahar and people were waiting for them. They were happy that people were released from the jail of Taliban. That is when I recognized Ghurzang. I know him from there.

Q. Are you from Nangarhar?

A. *(no answer was given)*

Q. Does your family own land in Nangarhar?

A. No, my family is living in Peshawar. At the time of the Taliban, they became refugees and never came back.

Q. Why did your family become refugees? Why did they leave when the Taliban took power?

A. Basically when the Russians attacked Afghanistan our family went to Pakistan. We were living in Pakistan until the Taliban came into power. In the foreign country we were not feeling good and we thought that the Taliban were good people and we thought it was time for us to go. When we came back to Nangarhar and the center is Jalalabad, we lived for five months in Jalalabad and the government situation was not good. They punished people on the length of their hair and beard. They ask people why your hair is not short and your beard is not long? Why don't you have a hat on top? Why is your hair growing longer? They bothered us too much and a couple of times I was arrested for my long hair and punished. They were not smart enough. They were stupid because this hair and beard belong to me not to them so why are they punishing me? This is not the kind of accusation that the schools of religion taught us. This was coming personally from them. We didn't accept it so we went back to Pakistan.

Q. I want to clarify something. You say you were at your brother's for 22 nights before you were arrested?

A. That was the whole length of time that I was in Jalalabad.

Q. Your brother's brigade, the general who was in charge, was he against Karzai?

A. No. I'm sure if he is still in that position or not but I'm sure he was still working over there.

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Q. When you were working as personal security for Karzai were you paid?

A. Yes.

Q. So the sole reason you left was because they did not make you an officer?

A. Like I stated before, at the time we wanted to go get training. We were in Jalalabad. They offered us a rank after training. After training we didn't receive the rank and I moved back to Jalalabad to get a job.

Q. You said you were an educated person, how much education do you have?

A. I studied nine years in the school.

Q. Any particular subject: religion, science, math?

A. The subjects were language, Pashtu, Farsi, history, geography, general science school. There are more subjects that I have forgotten.

Q. How old are you?

A. At the time I was arrested I was 23 years old, but right now I might be 25 years old.

Q. Do you speak or understand English?

A. No, I can't speak fluently and I can't understand fluently but at the time I was in school in the ninth grade they started a beginner's book for us. Very simple words were in it and we didn't continue after that.

Q. Number three says that you trained in a military camp in Khel village and you said you did not. Were you ever in Khel village?

A. In my whole life I have never heard the name of Zakar Khel Village. How come I should go over there?

Q. The HIG, are you a member of the HIG?

A. No.

Q. Were any of the camps that you stayed in Pakistan run by the HIG?

A. No.

Q. Do you have a passport?

A. What kind of passport?

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ISN# 944
Enclosure (3)
Page 8 of 19

000086

- Q. A passport that allows you to go from Afghanistan to Pakistan or to travel.
- A. No, I don't have such a passport.
- Q. Okay, how did you travel from Pakistan to Afghanistan and back and forth?
- A. The majority of Afghan people at the time were refugees. They could pass the border and stay in Peshawar. A lot of people pass the Tohan (ph) border everyday. There is no problem for them without a passport.
- Q. You indicated that you were against al Qaida and the Taliban, did you ever fight them by using weapons or anything like that?
- A. No. I never fought against them on the front line or opposite together but as far as some people fighting on the front lines and some people have positions like guarding and some people were taking security for the others, I was one of the people for security.
- Q. One, final question. When you were in Nangarhar, you said the governor had a deputy and your called him commander; were you organized as a military unit in the camp?
- A. No. That was the initial time. I wasn't that one.

Tribunal President's questions:

- Q. He asked you about the governor; I want to back up a little bit before then. You said that Haji Qadir was your leader before he became the governor. What did he lead? Was it an organization?
- A. In that place, what I meant referring to Nooristan, he was the commander of the compound. All of the majority were working with him and living in the compound. He was the leader.
- Q. Mojahadeen (ph) as in Russian Mojahadeen (ph) or as in Taliban Mojahadeen (ph)?
- A. These were the Mojahadeen (ph) who were fighting against the Taliban.
- Q. Okay, so when you said he was your leader, does that mean that you were also Mojahadeen (ph)?
- A. Yes, I was on the security force and I was guarding around the compound.
- Q. How much did you know about this leader? Was he someone from your tribe? How did you come to meet him?

- A. No, basically he is not from my tribe. He was not living with me in the same village. When we became refugees in the time of the Taliban, for the second time, he was living in Shamshato camp also. As soon as I heard that he had a front line against the Taliban, I joined with him and started serving.
- Q. How old would say you were then?
- A. At that time probably about 18 years old.
- Q. How did your parents feel about you going with him and then ultimately going back in Afghanistan?
- A. Of course they were concerned. I was young but the regime of the Taliban didn't sit good with either.
- Q. You talked about going to this training brigade or being part of a battalion that went to the training brigade. Was everyone in your battalion selected for this personal security mission for Karzai or was it selected individuals?
- A. That battalion in the compound where we started to get the training was already over there. By the order of the government went over there and started to get the training. Then they hired us for the security. The compound itself, I don't how long it was over there and existed.
- Q. Okay, I guess my question is though, you went through the training for two months and I'm assuming you kind of graduated from there. Was everybody in your class that went with you taken for the security mission for Karzai or was it selected individuals that the chose for that mission?
- A. No. In that brigade where we got the training, there were different battalions. From all of the battalions the chose only company D, which was the fourth company. Only company D was appointed to go and do the security for Karzai. The others were in the area of the center government also but in different spots. Not with us.
- Q. Did they come to each person in Company D and ask them questions about themselves? Did they do any kind of screening since you were going to be doing this mission so close to Karzai?
- A. No. They didn't talk with us before. When we finished our training they put a stage for Karzai and he came and announced in front of us after we marched in front him that we were the first forces for security in Afghanistan. He said he was proud of us and that we were the people making Afghanistan. He announced more that also. When he finished his statements we got into the cars and went to his office.
- Q. Did they tell you why your company was selected? Were you the highest scoring unit?

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A. No, there was not much more involved with it. After the marching and training and the watching of the British people, we became the highest scoring company and that is why they appointed us to go.

Q. Was the transfer to your brother's brigade approved?

A. Yes, it was approved. It was possible that after one week they would hire me as an officer.

Q. But the transfer in and of itself, your leaving the security force and going to Jalalabad, everybody was fine with that?

A. No. Nobody had any objections. When I filed my request for General Said Agha, he ordered for me. The procedure was that I had to report back to the division of criminals for a check to make sure I haven't done any crimes. Then there were another five divisions that signed also and I had to wait a few days to be hired. That was the procedure and he said that I passed all of the portions.

Tribunal President: At this time is there anything you like to tell us?

Detainee: At this point I'm just asking for you guys to make a good judgment on me. These are all lies on me. I didn't help my enemies anytime. Like I said, I was opposite of the Taliban and I fought against them. I'm asking you guys also if you are shaking hands with your enemies then maybe I would do that. Otherwise, if you guys don't do that, why am I sitting in here for two years? I wish for you to review my file again. This is my wish. Did you guys look at my file? I'm innocent without any crimes in the jail and that's why I've requested deeply from you guys look at my file and do your judgment. If I am innocent, please send me quickly to my home. This company is still working over there and you all can ask that company if I did anything wrong or what type of job I had over there when I was working and what did I do. Did I do anything wrong? If I did anything I'm blamed for it.

Tribunal President: Personal Representative, do you have any other evidence or does the Detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No further evidence but he does a previously approved witness. If I may, could I ask him one question to clarify a question that you asked him?

Tribunal President: Certainly.

Personal Representative: When you went to visit your brother in Jalalabad, were you transferred to his unit or were you on leave or vacation?

Detainee: I was on leave. When I came to Jalalabad, I talked to my brother and it was a good opportunity for me. My brother said that since they didn't want give me the rank, they needed some officers in here. He said to please make a request letter and I will forward it to General Said Agha.

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ISN# 944
Enclosure (3)
Page 11 of 19

000089

UNCLASSIFIED//~~FOUO~~

Personal Representative: So you were still officially assigned to the company providing Karzai's security? You were looking for a possibility to transfer to your brother's unit and become an officer?

Detainee: Yes, I was on leave and went to Jalalabad to see my family. I stayed with my brother and talked with him and he says if they don't give you a rank why are you going over there again? You can file your request here because they are short on officers so we can give you an officer job here.

Personal Representative: Thank you.

The Tribunal President explained to the Detainee how the Tribunal would be conducted once the witness was brought into the hearing room.

The Tribunal took a short recess to allow the witness to be brought into the room.

The Tribunal reopened with the witness present. The Tribunal President confirmed the identity of the witness.

Tribunal President: For the record could you please state your name?

Witness: Do I have to tell it for him?

Tribunal President: It's for the record. We record everything here, so it's so your name is on the record.

Witness: My name is Ghurzang and I'm from Afghanistan.

Tribunal President: You are here today to testify for Sharifullah.

Witness: Yes.

Tribunal President: That was going to be my next question. Are you still willing to do so and to do so under oath?

Witness: Yes.

Tribunal President: Recorder, please administer the oath.

The Recorder administered the Muslim oath to the Witness.

The Tribunal President opened the session to the Detainee to question the witness.

Detainee: I have a question that he has to state for this Tribunal. I'm Taliban, al Qaida, or Majahadeen (ph).

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ISN# 944
Enclosure (3)
Page 12 of 19

000090

Witness: You are Majahadeen (ph).

Detainee: Did I do any cooperation with al Qaida or Taliban?

Witness: No, no, no never.

Tribunal President: Any other questions for him?

Detainee: The allegation came on me that I was involved in mines and bombs to put over there. Did you know about me being involved in that issue?

Witness: No, you don't have any deal in that issue and you never did that.

Detainee: Do you know that I was involved to work in the new government? Was I honestly working and working for the new government?

Witness: This is correct. You were working with the new government and he was involved with the Karzai government, in support of the Karzai government.

Tribunal President: Anything else?

Detainee: This is all I can ask.

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

Personal Representative: Yes ma'am.

Personal Representative's questions to witness:

Q. Ghurzang, when did you first meet Sharifullah?

A. He is from Jalalabad and I was in Kandahar as a Detainee and I saw him. His brother's name is Naqib Ullah and in the brigade number 744 he is an officer. The brigade was under General Said Agha and his brother was involved in that brigade also for working. I know his brother and for that reason I know him also because he is his brother. I know that he was in the Kabul government with Karzai working in the security forces. Haji Qadir was Abdull Haq's (ph) brother. He was a minister in the Kabul government. Haji Qadir was a minister. He was a well-known person by the government. He was not related to al Qaida or Taliban. With the willing of Haji Qadir, there were some people that were asked to go to Kabul for training and he (the Detainee) was one of them. If he was opposite of the government, Haji Qadir would have never asked him to come for training. He was involved in that company for training and the company was under the watching of British people and other western officers. We have to look at him as an ally.

Q. How well do you know Naqib Ullah?

A. I know that Naqib Ullah is his brother. His brother was with us in the same Brigade 744 as an officer. Regarding what I have known from his brother, he was an officer and I was an officer and I was working for them in the same brigade, I know this is his brother because when he coming and he was going. I was watching them.

Q. The night that you were arrested, were you asleep or were you awake?

A. I was awake. Between my room and his room there was a 15-step distance walking. I stood between the two places and I was arrested.

Q. The night you were arrested, did you see any explosives in any of the rooms?

A. I haven't seen it. I don't know about it. I have never dealt with it before.

Q. Do you know what Naqib Ullah was doing that night or where he was the night you were arrested?

A. I don't know where Naqib Ullah was but I want to clear up one thing. However Naqib Ullah wasn't with us in these fighting, today we couldn't resist against the Taliban. I'm gladly telling you that Naqib Ullah is not the kind of person that we should accuse him like that.

Personal Representative: I have no further questions.

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

Recorder: Yes, ma'am.

Recorder's questions to the witness:

Q. Please forgive me but I'm I to understand correctly that you worked in the same Army, Unit 744, as Sharifullah's brother Naqib Ullah? Is that correct?

A. Yes.

Q. Did you report to him or were you somewhat equals.

A. I didn't report to him, but I didn't have the same rank.

Q. Okay. You were just aware because you were in the same unit?

A. We were in the same unit.

Q. Were you told or did you know after you were detained where the explosives were supposedly found?

- A. Basically, they didn't tell me and I don't trust them at all. When they arrested me they didn't show anything to me. They told me there was something but it's not trustworthy. Because when I was putting the suit on and I was working, they should at least tell me that there was something over there. I was involved in working over there and they didn't tell me about this issue.
- Q. Okay, just a follow up. From where they told him where they found the material, where was that in relation to the two rooms for himself and Sharifullah?
- A. I don't know about that.

Tribunal President: Do the Tribunal Members have any questions for the Witness?

Tribunal Members' questions to the witness:

- Q. What was your job in the unit?
- A. We were soldiers for military service. In Afghanistan since the chaos ended the majority of people are not educated and don't know what's going on. As far as they see that this is a commander and a few people are around him, that is the commander and the rest of them are soldiers for him. I was the same.
- Q. Can you describe Brigade 744? Can you describe the layout, like how many there were?
- A. It has a lot of rooms but I don't know how it's laid out. I can tell you one brigade has five companies.
- Q. Was there a wall around the complex or compound?
- A. Yes, in the (inaudible) there is a wall around. The brigades, which are separate in some places don't have a wall around. The place where we were living has no wall.
- Q. Where you live, is it just one building?
- A. There was a kind of a building with both sides open with a few rooms on either side. It was open and everybody passing by could see in.
- Q. How long had you worked there?
- A. I wanted to pass the whole of my life over there for working. Like I told you, we are not educated people, we didn't know what was going on and what would be in the future. I'd like to pass my work and my life over there but since they came and arrested us and delivered us to Americans it's still not clear to me what will be in the future.
- Q. What I asked was how long had you worked there?

A. I don't know.

Q. More than a year?

A. It is possible.

Q. What kind of weapons did you have in that facility?

A. Kalashnikov. Those AK-47s belonged to the brigade. It was not everybody just pick them up and walk with them. The previous times had ended and there was a small depot and they put a few Kalashnikovs over there for when the time came for guarding, someone would issue them.

Q. So they were kept in a locked room?

A. Basically, that room has a lock and there is someone who is charge of the depot for distribution. It doesn't belong to us. When the time comes for us to do our job someone will issue them to us and we have to deliver it back to them.

Q. Okay, were the explosives found in a different room then the weapons?

A. I don't know where they were.

Q. Are you originally from Afghanistan?

A. Yes.

Q. Were you also a refugee in Pakistan?

A. Yes.

Q. So you knew his brother but you didn't meet him until you were in Kandahar?

A. Yes.

Q. In your brigade did you wear a uniform?

A. Yes

Q. Were you paid for being in the brigade?

A. Yes.

Q. What did you do before you were in the brigade? What was your occupation?

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A. I didn't do anything. When they gave me a job that was the first place and it was my job.

Q. Did you have any explosives training?

A. No.

Q. The night you were arrested, you were the only two arrested?

A. Where?

Q. The night you were arrested in the military compound.

A. We were arrested in the morning.

Q. Okay, I'm sorry but only the two of you were arrested?

A. No, I didn't know how many people were arrested. After five minutes we talked and he said that I was arrested and he was arrested. We were separated again and I didn't know how many people they arrested. I really only knew about me being arrested I wasn't sure about him being arrested.

Q. Since you have been here in Cuba, have you been together?

A. Yes.

Q. A lot of time or just a little time? Are you in the same cell?

A. I don't know. For about six months we were side by side.

Tribunal President's questions to the witness:

Q. Just for clarification, the place where you worked and the place where you were arrested, were they one in the same?

A. Yes, it is one place. It's a company.

Q. Do you have any idea what prompted the raid of the building that you two were in?

A. We don't know.

Q. Did you have any reason to suspect that they were watching anyone in your house?

A. I will describe it this way. Since the Americans came and the dollar currency came to Afghanistan there are some people that are working on the side of the government and we are working on the side of the government too but the taste of money is much more on them. So, there are people honestly working to pass those people to make an open

UNCLASSIFIED//~~FOUO~~

ISN# 944
Enclosure (3)
Page 17 of 19

000095

way for them and are gaining dollars on each person from the Americans and at the same time they are receiving money from the al Qaida people also and passing innocent people in the name of al Qaida and Taliban. I will state it this way. The way we fight against Taliban and al Qaida, I don't want to describe myself as a very important person and pass a harsh time and pass the jail also. This is a kind of humbling. As much as I have passed through hard time even Karzai hasn't passed through hard times. Karzai came like a donkey. Came into power on our activity. Today we are suffering and living in the jail because of some of the people who are not working honestly. Since the Americans came to Afghanistan we were counting on those people and there was a lot al Qaida and Taliban in our country. In our Muslim people, culturally when some people help them it's brave to them and they will be proud of them and up to the end of their life they will support those people (Americans). But, unfortunately Americans don't have any ideology about that region. They can't use their mind because they don't know who is this Ghurzang person, how long he was fighting against al Qaida and Taliban, what activities he did for his country, and just you guys bringing them in the jail and they will be in here with nobody thinking about their life or about their age passing for nothing. Those people who were al Qaida and Taliban got released and you send them home. The people who are Majahadeen (ph) and fought against them are kept in the jail in here. This was a kind of mistake by us that we put green coats on us and fought against the Taliban and today we receive red coats from the Americans in the jail.

Q. Okay, let's move on. I understood you to say that there was not a wall around this particular compound. How easy would it have been for somebody to have gotten into your compound and put things there that you didn't know about?

A. This compound doesn't have a wall and it's on the side of the road so it's hard to control it. I saw that on that night I came and in the morning I was arrested. This unfortunate guy also came over there and I don't know how many nights but he was arrested over there also.

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

Witness: We appreciate it from you all also.

The Tribunal President called for a short recess to allow the witness to be removed from the room.

After taking a short recess the Tribunal was reopened with the witness now absent.

The Tribunal President confirmed with the Personal Representative that he had no further evidence to present to the Tribunal. The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned 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, USA
Tribunal President

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ISN# 944
Enclosure (3)
Page 19 of 19

000097