

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 presented Exhibit 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: I see by your Detainee Election Form that you have elected to participate today as evidenced by your being here. I see additionally that you had requested one witness, which your Personal Representative provided us that request and we did deem that it would be relevant to your status. As such we contacted the Department of State on the 13th of November and they continued to follow up on the 22nd of November and the 2nd of December. As of today we have received no response as to the status of your witness request. Therefore, I have determined based on the attempt to make contact and the lack response that this witness is not reasonably available. If in fact that witness testimony does become available at a later time, we will make a determination whether to reopen your case or not. Abdul Ahmed, 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: Yes, I would like to talk here and I would like to take the oath if you want me to.

Tribunal President: It is totally up to you. We will accept your statement with or without an oath.

Detainee: I would like to take the oath if you want me to.

Tribunal President: I just need a yes I would like to or not. It's your choice.

Detainee: Whatever I tell you here today is the truth and I swear that it is the truth. If you don't want me to, I don't think it's necessary for me to take the oath.

Tribunal President: You may begin.

Personal Representative: I can read the list of evidence and you can respond to each one, one at a time if you would like.

Detainee: That's fine.

3.a.1. Beginning 1996, the Detainee served as a recruiter for the Taliban.

Detainee: In Afghanistan during the time of the Taliban the situation was really bad and everybody was tired and sick of their improper behavior. Especially when the Taliban captured Kabul, there was fighting all over the country. They wanted to capture all of Afghanistan and they were recruiting by force all men, young and old, they were forcing to join and fight for them. People didn't know what to do. In order to save people's lives and their villages, because most of the villagers were killed or just got lost after the Taliban took them away, they were running. In Afghanistan people usually live in tribes. There would be anywhere from 2 to 4 tribes in one village or city. Finally all of these tribes got united and had a meeting to find a solution for this problem. They talked to the Taliban and told them that they were going to provide them some young men but to leave the rest of the villages alone. Every tribe chose their own representative to talk with the Taliban. If there were five tribes, there were five representatives and if there were four tribes there were four representatives from that village. I was a representative of one of the tribes. The people elected me. There were two reasons for me to accept this position because I never worked for the Taliban government and I hated them and never wanted to work with them. First of all I was a member of Jamal-at-e-Islami (ph), which was the party that was fighting against the Taliban all over the country. The reason was that I wanted to save my village. I just told them I was going to provide them with one or two men to fight for them and to please leave the rest of the village alone. Other than that, I have no ties with the Taliban and I have never worked for them. Personally, I never picked up a gun and I have not fought for the Taliban because I was a member of Jamal-at-e-Islami (ph) and I hated the Taliban. From the beginning to the end I never worked for the Taliban government. I just worked for my tribe and a representative for my village.

3.a.2. At the time of his capture in March 2003, the Detainee was found to be in possession of a written directive from Taliban leadership to attack U.S. forces if they entered his territory.

Detainee: First of all you need to find out whom that letter belonged to. There was a man we used to call Director Wais. At the time of the Rabani government, Wais was the leader of the district of Kahmard. When Taliban captured our areas, that man (Wais) ran away with his family towards the north of the country. When the United States forces entered Afghanistan that man (Wais) went back to his village and helped to get rid of the Taliban. He freed that county from the Taliban. Because of his excellent service Mr. Rabani (ph) give a good position in the Ministry of Defense. He was the sub commander of an Army division and that division's number is 856. It was located in that county of Kahmard. There were a few other commanders that came to that military division and one of them was Gulham Seviq. Wais was in Kabul at that time and Gulham Seviq was the commander

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of a small post of that army division. One day this commander sent me the letter that you're talking about. Gulham Seviq sent me that letter. When I got that letter I asked the man who delivered it what was going on and what was this all about. That man told me that Wais called Gulham Seviq and gave him those orders. The story was that there were two parties, the party of Hizb Jamait (ph) and Hizb Wahdat (ph). There is a big conflict between these two Islamic parties. Wais and Gulham Seviq were part of Hizb Jamait. When he told me this story, I told him that the Americans were here to free our country, bring peace, and rebuild our country. If they come to my area or my county I'm not going to be with you and fight against them. I'm going to report that. At that time I was the head of my county at the time of the Karzai government. I saved that letter and put it in my file for record. I was planning to report it to the current government and American forces. When American forces entered our county I went with them and greeted them, we were like friends there. Logically, when I received that letter and American forces came, I had enough time to destroy it if it was evidence against me. I kept it. So that if ever in the future, God forbid, someone attacks the Americans, I would provide that piece of evidence to the government. The letter wasn't from the Taliban. It was from Wais and Gulham Seviq. I kept it just in case someone attacked American forces I could let the government know what was going on. Gulham Seviq, not Wais, wrote the letter. The reason that they sent me the letter was because I was in charge of that county and I was working for the government. This letter wasn't from the Taliban it was from Gulham Seviq and he was working for the current government and he is probably there working. When I was captured these two people were still there working so you can find them. I deny this charge. It's a big misunderstanding. This letter is not from the Taliban. This letter is from the person who is working for the current government and that is Gulham Seviq and is still alive and you can find him and question him.

3.b.1. The Detainee admits that attack upon U.S. forces in Madr Valley, Afghanistan, which occurred in November 2002, was in response to the above-referenced written directive.

Detainee: I worked for approximately one year and two months as the head of the county of Kahmard in the time of Karzai's government. In these 14 months of my service, there wasn't any fighting in my county and I'm not aware of this incident at all. There weren't any hostilities against Americans. Why would I admit that such a thing happened? I don't know where you got that information.

Tribunal President: Does that conclude your statement?

Detainee: In the end, I am far away from my country and I wish ma'am that you and I were in Afghanistan right now in our village and I could bring a hundred witnesses to you that there has never been such an attack against Americans and that this thing didn't happen. Right now I could prove for you over there but hopefully you will review my case properly.

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

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Detainee: Of course.

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

Personal Representative: Yes, ma'am I do.

Personal Representative's questions

- Q. Before you were on the draft board for your village, how did the Taliban get recruits in your village?
- A. Before that, when the Taliban came to the village with a few commanders and with no discrimination, they would collect all of the old men, the young men, and young boys. As soon as they would see a man they would just put them in a car and take them away.
- Q. Why do you think you were selected to be on this draft board for your village?
- A. One of the reasons, as I mentioned, is because I'm a member of Jamal-at-e-Islami (ph) party that was fighting against the Taliban all over the country. The second reason was because I am literate. I can read and write so they chose me because I could make a list and write down the names of the people that were given to the Taliban. It was a big problem for me and for the villagers.
- Q. How did you decide which men went to support the Taliban?
- A. All elderly people in the village would get together and make a list and decide whose turn it was. They would say this time if they come so and so would have to give up their boys. We had a list and had to do whatever the Taliban told us.
- Q. Can you explain why the Hizb Jamait (ph) and Hizb Wahdat (ph) were rivals or feuding?
- A. Our place, as I mentioned, Hizb Jamait (ph) freed our village from the Taliban. It was done by Hizb Jamait (ph). At that time security was a big concern. Everybody had a gun there and there was a big mess. People were harassing each other. There was a lot of stealing and thieves. I'm not sure that those people belonged to Hizb Wahdat (ph) or not but they would call themselves Hizb Wahdat (ph). That's why there became a conflict between the two. Finally, Hizb Wahdat (ph) just left our county. When Hizb Jamait (ph) made them run away, Hizb Jamait (ph) provided security for the village. People were spreading rumors about Hizb Jamait (ph) trying to make it look like the Hizb Jamait were the ones committing crimes, looting and stealing. That was the conflict between these two parties.

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Personal Representative: That's all of the questions that I have.

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

Recorder: No ma'am.

Tribunal President: Do any Tribunal Members have any questions to ask the Detainee?

Tribunal Member's questions

Q. Sir, how close was the nearest government office of President Karzai to where you lived?

A. Originally I am from the province of Bamyan and I lived in the county of Kahmard. Bamyan has about five or six counties and one of them is Kahmard. Wais was the security commander of this particular county.

Q. So he was part of the Karzai government then?

A. Right. Before the current the government he was a refugee and right now he is part of the Ministry of Defense for the current government.

Q. How far, time wise, would it take you to get from where you lived to his location?

A. We didn't have many cars in our area but it was like one and a half to two hours walking.

Q. You are a native of Afghanistan?

A. Yes.

Q. Ever travel outside of Afghanistan?

A. Yes.

Q. The letter that was referenced earlier, when did you get that letter if you recall?

A. I don't know the exact date but it was more than two years ago.

Q. How about in relation to when you were captured? How long before you got that letter did time go by until you got captured?

A. Approximately 40 days.

Tribunal Member: I have no further questions. Thank you.

Tribunal President's questions

- Q. When you got the letter, were you not concerned that this letter was against what Karzai wanted for the country?
- A. Yes, ma'am, I knew about this but that ignorant commander Gulham Seviq wrote that letter and that's why I kept it. God forbid that something were to happen to American troops. I kept that letter as proof to let them know who did it and who was responsible for the attack.
- Q. I guess what I'm getting at is since it was against what he wanted, weren't you concerned that he needed to know about that before something happened?
- A. Again, the American soldiers and the government were too far from us. I really couldn't reach them. It was almost one and a half day's travel. It was hard for me to reach them. But since I got that letter and the day I got captured nothing happened. On top of that I talked to Gulham Seviq and tried to prevent him from doing such a thing. I told him that the Americans were here to help us and rebuild our country and we shouldn't do this.

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

Detainee: Thank you ma'am for giving the opportunity.

Tribunal President: Abdul Ahmed do you have anything else that you would like to present to the Tribunal at this time?

Detainee: In the end, with all due respect to each of the Tribunal member, I want to add something. When a person has done absolutely nothing and is innocent, no one should punish them. Usually, in most of the world when people do bad things they are punished. But when somebody doesn't do anything bad that person shouldn't be punished. When American troops entered our area, I was one of the first people that went and welcomed them and promised to help them. All the people from my village was happy to see them. If we(have) any kind of animosity with Americans we wouldn't have done that. We wouldn't have gone there to greet them. When the American troops entered my village for five days we were in very good relations and we would go and talk to them. On the sixth somebody came and told me that American officers wanted to talk to me for advice on something. I was there for two or three hours. They talked to me about the security of the area and a lot of stuff. Then they told me that a few complained about me so they were going to detain me. It was all personal problems between tribes that in the time of jihad against the Russians and time of Moja Hadin's (ph) power, there were always these problems in our country. In the time of President Karzai, I was working for the government and working honestly. I was the head of that county and it's just a conspiracy against me. Thank you very much again. I don't have anything else.

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

Personal Representative: No ma'am

Tribunal President: All unclassified having been provided to the Tribunal 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. Army
Tribunal President

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