

Summarized Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood the Tribunal procedures.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal. The Tribunal President made the following comment reference the Detainee Election Form (Exhibit D-A):

Tribunal President: Haji, this document indicates that you wanted to participate in the Tribunal.

Detainee: Yes.

Tribunal President: It also indicates that you requested a witness.

Detainee: Yes. I did request a witness.

Tribunal President: Your witness was your brother?

Detainee: Yes.

Tribunal President: This Tribunal approved your request for a witness. We requested the State Department to make contact with the Afghanistan government. As of today, we have not received a response from the Afghanistan government. So, we will need to proceed with the process. Recorder, please provide the Tribunal with the Unclassified Summary Evidence.

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.

The Tribunal President opened the Tribunal to the Detainee to make his statement. The Detainee responded by making the following statement:

Detainee: You may have the documents that were against me when I was arrested. I don't have any documents.

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Tribunal President: Would you like to respond to the Unclassified Summary of Evidence, the allegations in the Unclassified Summary?

Detainee: Yes, I want to say something.

Tribunal President: Okay, Personal Representative would you assist us with that please? Haji, would you like to make your statements under a Muslim oath?

Detainee: Yes.

Tribunal President: Recorder, please administer the Muslim oath.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Personal Representative, would you begin with 3.a please?

Personal Representative: Yes ma'am. Haji, I will read each allegation, you will have time to respond and at the end that, if there is anything you want to add to your story, madam President will give you time do that.

Detainee: It's okay.

3.a.1. The Detainee and his wife have been identified as members of the Taliban.

Detainee: Since the Taliban came to the Afghanistan we ran away from them. We are against the Taliban.

3.a.2. The Detainee acted on behalf of leaders of Fidayan Islam.

Detainee: I haven't heard of that name until just now. I don't have any information or any involvement with this Fidayan Islam.

3.a.3. Fidayan Islam is a terrorist organization in Afghanistan targeting United States and Coalition forces.

Detainee: I don't know because I don't know Fidayan Islam so I don't know what they are doing. I don't have any involvement with that group. I was working for the government. I was one of the government's employees. I don't know anything about them targeting American forces or Coalition.

3.a.4. The Detainee was directed to identify and kill local Afghanis who were assisting U.S. forces.

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Detainee: This is an accusation. Who directed me to do this? I did not target anyone. This is all accusation. I considered myself as one of the government's supporters and worked with the government.

3.a.5. The Detainee was detained by American forces in Gereshk Village, Baghram District, which is located in Helmand Province, Afghanistan.

Detainee: They did not capture me. They did not come after me. I just went to talk to them. I went voluntarily to talk to them and they held me there and brought me here.

3.b.1. The Detainee provided information concerning movements of U.S. forces in Helmand Province of Afghanistan to insurgent operatives opposed to U.S. forces.

Detainee: I don't know about this allegation. I don't know about this.

Personal Representative: That is all of the allegations. Would you like to expand on this and tell your story?

Detainee: Yes, I would.

Tribunal President: Please proceed.

Detainee: Which story? The story about when I was captured?

Tribunal President: Do you have anything you want to add to any of the allegations?

Detainee: Since the Taliban came to Afghanistan we moved to Pakistan and lived as refugees. We were living in Pakistan while the Taliban was in Afghanistan. When the Taliban fell and the new government came, we moved back to Afghanistan. When we came to Helmand, the Governor offered me the job. He gave me a job as manager of transportation. Time was passing and I wanted to go see the Governor and congratulate him on his new position. When I went to Helmand, the Governor was sitting with an American. I congratulated the Governor and he introduced me to the American. He introduced me to the American as the new manager of transportation and told him that he if had any problems to contact me and I could contact him to solve the problems. After the governor introduced the Americans, I shook their hands and introduced myself to them and we exchanged phone numbers. Then I left them and went back to Gereshk. Later, I had a car accident and came down with a fever. I was sleeping and my friend brought a doctor to me. The doctor gave me an I.V. Later while I was still sick and sleeping my friend called me and told me that there was an American who had my friend in his custody and that they wanted to talk me. I took the needle out and removed the I.V. and went to find out who the people were because I knew that some of the Americans knew me. I went there and said hello to them. One of them was with the Governor of Helmand. I told them that this man was the brother of the governor. They told that this was okay and we all would go and talk. We all got in the car and went to

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the military station. When we got there they tied my hands and asked me if I could help them. I told them that they knew me and that I had come to ask them to release the brother of the Governor, the District officer of Masa Kala (Ph). I told them the governor of Helmand introduced me to them and that they knew me and I came to talk to you about the Governor's brother. They released him but they captured me, sent me to Baghram and then here.

I don't know about all of these allegations. They made it up for me. This was the whole truth that I have told you. This is the whole story and all the facts. It is up to you.

Tribunal President: Haji, does that conclude your statement?

Detainee: Yes.

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

Personal Representative: No ma'am.

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

Recorder: No ma'am.

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

Tribunal Members' questions

Q. When did you move back to Afghanistan from Pakistan?

A. My brother was a friend with the governor and he is still a friend with that governor. The Taliban came and made us move from Helmand to Pakistan as refuges.

Q. But when did you move back to Afghanistan?

A. When the Taliban lost control of Afghanistan. We brought our family back to Afghanistan.

Q. How long were you in Afghanistan before you were captured or arrested?

A. I did not count it but I'm assuming about 11 months or one year maybe more than that. You can count it from when the new government came to Afghanistan to the time I got captured.

Q. Have you ever had any military training?

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A. No, I have not had any military training. My brother had a shop and I was working in that shop with him before.

Q. What kind of shop?

A. A fabric store.

Q. Did you ever own any guns?

A. No, I don't have any personal weapons. But the government gave me two weapons and a telephone and it was all in my car what they gave to me.

Q. I didn't understand. Weapons?

A. I have the vehicles and the telephone and two weapons. I have the documents from the government that those things were given to me by the government. They have it here, the documents and the card. The reason they gave it to me was for the security of transportation.

Q. Have you ever been a member of any political or social or religious group?

A. No.

Q. Is there anybody back in Afghanistan that wanted to see you captured; any enemies or anybody seeking revenge on you?

A. I don't know. I'm not sure who would have pointed at me.

Q. If your brother was able to testify on your behalf, what would he tell us?

A. I'm not sure, I'm with my brother. I don't know he was supposed to tell you.

Q. Then why did you want him to testify?

A. I don't know what he would probably tell you but I wanted him to tell you about my capturing.

Q. How long had you known this Governor?

A. For a very long time, ever since I can remember. He is from our district. I knew him before the Taliban came and I knew him after the Taliban, it's been a long time.

Q. What's the name of the Governor?

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A. Sher Mohammed.

Q. So you got the position as the Minister of Transportation just because you knew him or because you had some experience in that field?

A. My brother is still with him. My brother is his driver. He knew my brother. He gave me the job because he knew me.

Q. Back to the question about enemies. After being here for so long, what is your theory on who made up all of these allegations and why?

A. I don't know because I'm in prison, I'm a prisoner. You probably know better than me and you may find it out, who did it and why they did it.

Tribunal President's questions

Q. What type of weapons did the governor give you?

A. Two AK-47s.

Q. Did the government give all of their administration staff weapons?

A. I'm not sure but anywhere that they needed security. The reason he gave me the weapons was because of keeping the security of the transportation. There was money involved and a lot of travel and a lot of vehicles involved.

Q. What were the responsibilities as the Minister of Transportation?

A. I was taking care of the drivers when their vehicle was going from one point to another or one place to another place; I was giving them the documents.

Q. Where were you captured?

A. In Gereshk.

Q. Where in Gereshk?

A. It was in front of my office. It was in front of my transportation office when I went to see them about that problem. It's a street between my office; they were on the other side of the street and my office is on the other side.

Q. Can you clarify for me why you moved to Pakistan?

A. When the Taliban came, my brother had a fight with them and had to flee from the Taliban.

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A. Because my brother was a friend of this new government he a bad relationship with the Taliban. He was against the Taliban. Because of my brother, they were afraid of him and would have done something to us if we had stayed.

Q. How did you support yourself while you were in Pakistan?

A. I had a shop. I was working in the shop.

Q. What kind of shop?

A. I had a fabric shop.

Q. So when you went back to Afghanistan you gave up the shop and started working as the Minister of Transportation?

A. My other brother was taking of the shop. He was working in the shop.

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

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee no previously approved witnesses to present to the Tribunal and closed the open session.

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

Detainee: Thank you very much.

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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