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لم اقاتل قط انما كنت اتدرب فقط.

نبره احمد مبارك الجابري

لبنان

M 08-23-2004

الصيغة الثانية

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**Summarized Sworn Detainee Statement**

*The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.*

*The Recorder presented Exhibits R-1 and R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).*

*The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.*

*The Tribunal President addressed the detainee's two requested witnesses. The first witness was ruled as not being reasonably available after efforts were made to obtain the assistance of the Afghanistan government to contact the requested witness, General Kahoon. The second witness, the detainee's father, GTMO detainee #1009, was located by the Tribunal but was not able to testify in person due to national security reasons. An alternate means was used to provide testimony for the hearing. The Personal Representative asked the witness questions provided by the detainee and prepared a transcription of the witness testimony. After reviewing the transcription, the detainee asked his Personal Representative to submit the written statement of detainee #1009 to the tribunal. The Personal Representative provided the witness statement marked as Exhibit D-B. The Tribunal President obtained an affirmative reply when he asked the detainee if the alternative means of witness testimony was acceptable. The detainee then provided the following statement.*

*Detainee: All the things that you mentioned have truth, I would like to say that at that time the people from the defense ministry was present there. They came in and they had people from foreign ministry and Americans accompanied them. They took all the heavy weapons with them and the light weapons were in jurisdiction of the government it wasn't somewhere that the government didn't have control. The commander of the south gave us money to protect these weapons at that location. They told us that all of these weapons were collected from the people and we have to turn them in to the government. I have more that 1000 witness to confirm that, but I don't have access to them at this time.*

*Tribunal President: We would like to proceed to another part of the hearing were you could provide more statements to us. Do you have anything else to say about your father's statement?*

*Detainee: That was our agreement between my father and us that we support the government of Afghanistan, and to work with them as security.*

*Tribunal President: Ok, would you like to make your statement under a Muslim oath?*

*The detainee took the Muslim oath.*

*Personal Representative stated that he and the detainee would go through the allegations so that the detainee could respond one by one.*

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*The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The Personal Representative also gave answers from a previous meeting. The allegations appear in italics, below.*

*3.a.1. The detainee commanded HIG forces in the area of Surubee, Afghanistan during the period 1992-96.*

Personal Representative: During our meeting this is what he said: "True. At the time of the communists; as the commander against the Russians, and after against the communist government. Afghanistan was in two parts; one supported the communist and one fighting it. There were lots of groups against communists. I didn't care with what group I was fighting with as long as I could fight against communists. During the fighting with the Russians, with aid the Americans helped us."

Detainee: You know that and understand that at that time when the revolution came in, the communists came into Afghanistan. When the Russians came, Afghanistan split in two. Mostly the capitol was under the control of the communists and the suburbs and the outskirts were in control of the opposition. As you know in Afghanistan people that lived outside the capital, near the provinces, not a big majority of them are illiterate. I swear as of that time when they were fighting I never heard of the name communist. I didn't know who Majaki was. Because the fighting started and they were saying one side was communist and the other side was Majaki's. The Russians intervened in the supporting government and they would kill innocent people and do bad things. At that time many people joined the Holy War against the communism and people didn't think under which leader they served. (Detainee listed several leaders.) Most people didn't know which leader was good or bad. The entire world knows about this; you know about this. In that region that we were, the Gulbuddin was in control and we were there. The Gulbuddin was in support of the U.S. and in support of U.N. also. After 1375 when the government of the communists was toppled, I have never been apart of any organization after that. I have never had any communication with them, not by phone, by writing, or by talking; I have not had any communication since that time. There is nothing that can prove that I have. If you have proof and can show me I can take any type of punishment for that. When the communist regime was toppled Gulbuddin and the commander of Mazzol was in conflict with one another; and was always fighting one another. For that reason, as an Afghan I knew we cannot fight amongst each other, and that is when I separated myself from Gulbuddin. Before that it was Russians and after that it was the communist regime in Afghanistan and after that within themselves. After the time I departed from this organization from Gulbuddin, he was known as a terrorist and then was involved with terrorist acts. From that time I decided to not be with him anymore; you cannot prove that. I have never been in combat; I have had no interaction with him after that.

*3.a.2. The detainee received a shipment of arms financed by HIG leadership on 03 January 03, located at GEOCOORD: 344550N/0694820E.*

Personal Representative: (Reading from his interview notes.) "The weapons had already been there for many years, until the Taliban captured the compound. They told us to keep the weapons in the compound and to stay with them. We never received new or more weapons from

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the HIG in January 2000. Many of us commanders said that we would leave Taliban, because of the Americans. First time the Americans came we gave them the heavy weapons. They came again the second time and found small weapons. That is when they arrested me."

Detainee: Those heavy weapons you are talking about, they were from the period Najibullah; Najibullah was a communist; he was the President. Those weapons were from that era. During the Gulbuddin era those weapons were in the same place. During the Taliban era, those weapons were there. When Osama and the Taliban were against the United States; the United States started their operation. It was announced on the media and also on the BBC that people working for Taliban should separate themselves from the Taliban. Once we heard about this on the media and radio a lot of the commanders got together and talked about this. We decided to turn ourselves in; and the control was turned over between us. At that time the Taliban fell apart and the government was no longer there. We were guarding/protecting the weapons in there, and once the American and the Afghan government requested from us to turn in the weapons, we did that. About the light weapons, they instructed that we collect them and protect those weapons in there. They created jobs for them, for the weapons for these guys who use those weapons. All the serial numbers from the weapons were logged, it wasn't something that was hidden from the government; it wasn't something we were hiding. If you can prove against me you can give me any type of punishment you want.

*3.a.3. When captured, detainee had in his possession a list containing the name "Jalozai Camp", a known training camp for terrorists/anti coalition groups, along with the names of several unknown individuals.*

Detainee: Our families were in Pakistan in Habakpool (ph) that area our families live. The Jalozai camp was a very, very big refugee camp. The United Nations is aware of that as well as you know that over 500,000 refugees live there. At the camp obviously I have some friends that I know; some families that I know, this camp was totally legal it was listed in the United Nations. It is very possible that the paper I had in my possession had some friends names. Those were my personal notes that had addresses and personal information. It had lots of addresses; one of my personal friends; so I could go visit, and there were over five hundred thousand people that camp. I did not have any name of dangerous people or any people that was doing anything against the government. I have done nothing like that or anything that would suggest that.

Personal Representative: He said all of that; there is one thing that he didn't say from a previous session that he mentioned right now. He never went to that camp.

Detainee: I have never been to that camp. I have not been to that camp at all.

*3.a.4. When captured, detainee had in his possession a business card belonging to Chaman.*

Detainee: That is totally true, Chaman was living in the Surubee (ph) area and I had contact with him. We happened to see each other in the street and we said hello to each other, he said where he lived and gave me his address. He told me his address and if I was unable to find an address here is my card and I took it. He gave me the card and I didn't take the card from him for any other reason other than he told me where I could find him. He is the president of the camp.

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Personal Representative: (Reading from his interview notes.) "Chaman and myself left at the same time."

Detainee: Yes, I went to join Massoud and he went and joined Dostum.

Personal Representative: That is all I have.

Tribal President: Is that the end of your statement?

Detainee: What I have said to you and responded to you, if you find anything false about this you can give me the worst punishment possible. About the weapons that were found there, they were all in the region that was under control of the government. In Afghanistan they've been at war for over 25 years and many people and many commanders have animosity and they fight amongst one another all the time. There were lots of conflicts between Massoud's and HIG's also. It is clear for you too see the fighting and conflicts between Taliban and the Massoud's. During the Taliban and Massoud's conflict the land issue became very serious. These were all things that had to do with plots. They plotted against each other to get each other in trouble. We have good memories about America, because America helped us to fight against Russians.

Personal Representative: Did people from the village bring weapons to your compound?

Detainee: Those weapons were from the people of the village area.

Personal Representative: Was that because the Afghanistan government asked them to turn in all those weapons?

Detainee: They were saying that the government wants us to turn in the weapons. We did whatever the government asked.

*The Personal Representative and the Recorder had no further questions.*

Tribunal Members' questions

Q. You gave a date of 1375. Looking at the calendar that would be 1954 was that the right date?

A. 1375 is what it was, I don't know what is equivalent to your era.

Q. How many years ago from today?

A. I don't even know what the date is or (what) the year is. But 8 years maybe.

Q. You and the other commanders had a meeting and decided to turn in all the weapons?

A. What I said was when they announced it on the radio and BBC, people should distance themselves from the Taliban. Therefore all of the commanders got together for a meeting

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that we want to show the American our support and that we are not with the Taliban anymore and the weapons are under our control.

Q. What were you a commander of at that time?

A. I was a commander from prior years, it was a title that was given to me and there was a conflict between the government and the Massoud people also there was a conflict. We got together to free ourselves from that conflict and at the same time free ourselves from Taliban.

Q. You kept control of weapons in your compound, is that correct?

A. Yes.

Q. Did you ever allow anyone to take weapons out for training or for any use?

A. I have instructed them to give or release the weapons only to the government or the Americans if they want to take them out. I told them not to release the weapons to anyone else.

Q. You said you had an inventory of all serial numbers of the weapons you had in your possession is that correct?

A. The commander of the zone was in charge of that area and had taken all the numbers from us.

Q. Do you know if the commander of the zone or you yourself inventoried the weapons in your possession?

A. He had a representative to do that.

Tribal President: Do you have any other evidence or information to present to this tribunal?

Detainee: I have helped before. I am willing to help now, in the future also. I have some psychological problems and I am hopeful for your help in this regard.

***The Tribunal President confirmed that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explained the remainder of the Tribunal process to the detainee and adjourns the Tribunal.***

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

  
Colonel, USAF

Tribunal President

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MEMORANDUM

From: [REDACTED]

To: Tribunal Members

Subj: MEMORANDUM FOR THE RECORD

1. The following is the dictated witness statement of ISN-1009 who testified on the behave of ISN-977.

First I want you to know, that the Defense Ministry of Karzi came first and took all the heavy weapons. We wanted to help so to prove it, we turned over the heavy weapons. His son helped out a lot with the new Karzi GVT and the Americans. The day the Karzi GVT was established, they called for all AFG people to bring and turn in all heavy weapons over to the GVT. Then they said to collect all light weapons, so we collected all the light weapons. Then we waited for further instructions on what to do with the light weapons.

At the time of my son's arrest, all that was left was a small weapons depot with about 50 people guarding it. The new AFG GVT supported this. We were told to turn in all weapons and guard them. I was not present at my son's arrest, but heard that the Americans arrested his son.

We never had any dispute with any people, the Americans, or the new AFG GVT. Our wish was to help the new GVT and the Americans, yet they turned against us, but we still forgive them. The new AFG GVT even gave his son and all the guards a salary and food to guard the remaining weapons. We never resisted and never fought back. All Afghans will never be against the Americans; we remember what the Americans did to help us against the Russians.

**Exhibit: D-B**

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