

**Summarized Sworn Detainee Statement**

*The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that he understood the Tribunal process.*

*The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1), and Exhibit R-2 to the Tribunal.*

*The Recorder read in full the Unclassified Summary of Evidence (Exhibit R-1).*

*The Tribunal President addressed the Detainee regarding the Detainee Election Form (Exhibit D-A).*

*The Tribunal President then informed the Detainee he could present a statement to the Tribunal, along with the assistance of his Personal Representative. The Detainee was also advised that he could make his statement under oath or not under oath; the Detainee elected to take the Muslim oath.*

*3-1. The Detainee admitted that he is familiar with trails around the area of Mar Naiza, which is near Tora Bora.*

Detainee: [I know] this area because we had fought against the Taliban and al Qaida from there; [This is] a mountain area where our bases were.

*3-2. This is the area where Taliban and al Qaida forces were attempting to escape after the American heavy bombing campaign began.*

Detainee: They all came from all areas and provinces to escape, and then went through Tora Bora; we came to the border, called Durham, and we captured this area first from the Taliban. When we captured Durham the first time, Haji G Ghalib was my commander, and I stayed in the area to help control the city. Haji Ghalib took the bus with a friend or another soldier and went to Tora Bora, because the Taliban and al Qaida had come from all provinces into the Tora Bora mountains. From the sky, Americans bombarded them, and from the ground, Haji Ghalib fought them.

*3-3. The Detainee was arrested during a joint Afghan/United States raid on his police station.*

Detainee: Yes; we were inside the compound or police station when the American and Afghan military came. We welcomed them, and they told us they want to see the inside of the compound and search it. I walked with them and helped them search the whole compound. When they finished, I invited them for food, drinks, and dinner; they said 'no, thank you', and told us they wanted us to join them to Jalalabad. I said yes, because I am a police officer, and we are all government officials, and I said I'd go anywhere they'd like me to go. We went from Jalalabad, to Bagram, then after Bagram, I ended up

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on this island. Before we read more allegations, I'd like to talk about the weapons and explosives; they were in two different places. One was in the district manager's area which is out of our control, and one was in the compound of the police station. We were people of the government, and it belonged to the government. It was for the protection and security of the people and the police station.

*3-4. Explosives were found in the police station during the raid.*

Detainee: When the U.S. military came to the compound, I escorted them from room-to-room; I was responsible for this. I took them and showed them everything, and there were no explosives; why don't they show me this? This is a wrong allegation. I walked them all the way through the compound. Also, I'm only responsible for my area or compound. If I am responsible for cleaning one street, I cannot be responsible for cleaning the dirt on another street. There were no explosives in the compound; we only have one room for weapons, and they were government weapons in control of the government. If they found something, somewhere, somehow, I'm not responsible; Afghanistan is a large [country], and I'm only responsible for where I work.

*3-5. There was also the equivalent of two truckloads of Zikoyak and DSHK ammunition in the compound.*

Detainee: We don't have these weapons in our depot; these were under the control of the district manager. He has these for his security force. We only have light weapons for our position, for our security and the people's, and these were weapons that belonged to the government.

Tribunal President: Is there anything else you'd like to add to your statement?

Detainee: The only thing is that my position was that of a policeman for security; if anybody, a civilian [for example] comes to the police station to resolve a dispute with another person over money or a farm or anything, the commander would give me their name or address, and I would go there with one or two other policemen to bring them to the police station, and ask them what happened. That was the only job I did.

**Personal Representative Questions to Detainee**

Q: Would you like to explain to the Tribunal about your family's lifestyle; the animals you have and why you might be familiar with the trails around your town?

A: I am Kochi; we move from place to place to eat. We have no permanent place, and I had 100-250 sheep. I also had 2 camels. This was my life; I would take my animals from place-to-place, wherever the green was. My family has tents; one time it's out there, and another time it is somewhere else.

Q: How do you know your Witness?

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A: We are from the same village and district, and we belong to the same tribe, called Hashanakhil (ph).

Q: What was his job at the police station?

A: He was the police commander in this district.

Q: And what was your job there?

A: A policeman.

Q: And what kinds of police work did you do?

A: My job was to help [resolve] disputes in my district area. People would come to the police station; they would give written or verbal notice complaining about someone. They would make a file, and the district manager would come back and tell us to get more information, or to get the person and bring them to the police station.

Q: What was your involvement with the Taliban and al Qaida, if any?

A: I don't have any association with the Taliban or al Qaida. If I had any business with them, then why did I fight them? Why did we try to fight them in the Mar Naiza (ph) area, and why did we fight them in Tora Bora?

**Tribunal Member Questions to Detainee**

Q: Did you testify in your Witness' hearing?

A: Yes.

Q: I thought you looked familiar, and that I'd seen you before.

A: You may have seen me here in Cuba; for a long time, I've been here.

Q: What is the usual quantity and type of ammunition you might have at your police station?

A: I don't know of any special weapons out there; we only have Kalashnikovs. That's all we have for the security and law and order. These weapons belonged to the government and people working for the new government.

Q: Did you ever fill in when your commander was not there? Was there a deputy?

A: No; no deputy. If Haji was not there, then no one else worked, but the clerical people.

Q: What is your education level?

A: I don't know about A or B; I don't have an education. I am sorry about this because they have classes here; there are about 400-500 people here, and only one person goes. Why don't they send me there to learn to read and write?

Q: Do you have any military training?

A: No; if one cannot read and write, how can you train?

Q: Did you have any police training?

A: No; there's no training. When people have disputes, I go to the other person's house and ask them to come to the police station.

Q: Were you told why you were arrested?

A: To my knowledge, my problem is the main, chief military commander of Jalalabad named Faheem; I think this is because of a dispute a long time ago when we fought the former Soviet Union. We had a dispute at that time, and maybe that's why we have this problem. Maybe when Haji Ghalib worked for him, there was a problem; Haji got a lot of rewards for fighting al Qaida and Taliban, and he may not want a person to compare with his position; maybe he just wants to run away from him and be alone to run the area.

Q: When did you start working for the police?

A: After the fall of the Taliban, when the new government came into power.

Q: Were you paid?

A: Yes.

Q: You mentioned you fought against al Qaida and the Taliban; were you a member of the Northern Alliance?

A: No, we were not a part of them; we had no business with them. Our chief commander was Haji Ghalib, and we had our own center to fight against al Qaida and the Taliban. When the Americans came and started bombing, we started fighting them on the ground; we tried to capture or kill them.

Q: The large amounts of weapons you claim were the responsibility of the district manager; what was the relationship with the district manager? Was he a friend, boss or family member?

A: I don't have any business or relationship with him; he's far, far away from us. He's from a different area. Ask Haji Ghalib what kind of relationship they have out there; he was a district manager, and I was just a little guy, a soldier.

#### **Tribunal President Questions to Detainee**

Q: You said the district manager was far away from you; did you mean that in the literal sense, distance-wise, or relationship-wise, not close to you?

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A: Distance-wise. It is, for example, all the way from here to Camp 5.

Q: When you described where you thought they collected the weapons, was his compound near yours?

A: No, the weapons were inside the compound with the district manager with him.

Q: When you said earlier that he had his, and you had yours, do you know for a fact that U.S. forces also went through his compound?

A: Yes; after the search of our offices, they went to the district manager's compound, and I saw through the car window two or three trucks go inside, and take all the weapons from his compound.

Q: When you say you looked from the car, were you already under arrest?

A: No; after checking our compound, they asked me to go to the district manager's compound. I said 'yes' because I was a member of the government, I would go with you. At that time, I was not under arrest. It was after that, I think, they arrested me.

Q: Did you have any responsibilities for guarding the district manager's compound?

A: No; we each had responsibilities for our own compound; they had their own security. Their compound had their own people.

Q: How did the two departments get along?

A: The people, if they had any dispute, they would go first to the district manager for help; when the district manager saw the allegation, he would write to the police chief and give the paper to the clerk for filing, and then they'd give me a small piece of paper to go find the person and bring them in to ask them questions.

Q: Can you tell us approximately when you were arrested?

A: Almost 2 years ago; I don't remember exactly. I don't know, but when I was arrested, I had no gray hair, but now I have gray hair on my head. It was maybe a long time [ago].

Q: Is there anything else at this time you'd like to say to the Tribunal?

A: No; I don't have anything [else].

***At the Detainee's request, the Personal Representative then presented a letter, Exhibit D-B, to the Tribunal. The Detainee added the following:***

Detainee: This letter shows we are clean and were a part of the government, and didn't break any law. If we were criminals, he would not send this letter; this letter is from someone very close to the Karzai government.

***The Tribunal President then explained to the Detainee that the Witness he requested was available, and further explained that he would be provided the first opportunity to***

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***ask questions. The Tribunal President confirmed the Detainee understood this process. Before a brief recess to bring in the Witness, the Detainee stated the following:***

Detainee: I have one question; I'm disappointed in the cell block with the Arabs, and they hate us because we worked for the Karzai government. They [Arabs] hate us. I hope you guys send me somewhere with other Afghans, where maybe I can learn to read and write. We are upset we're in the middle of Arabs; we don't get along. Last night I asked for the linguist to tell of this problem.

Tribunal President: I guess I will say we don't have much effect on that; we are not part of the camp, per se, but we can make sure that your concerns are noted for the record.

***The Tribunal President recessed briefly to permit the Witness to be brought in to the Hearing room. After the Witness was brought in and took the Muslim oath, the Detainee stated the following:***

Detainee: (to the Witness) Did I fight against the Taliban or not?

Witness: I have known him (the Detainee), his father and his family for a long time. I known him when we fought against the Taliban and al Qaida; he fought with me side-by-side. I have a lot of clear evidence showing I fought against the Taliban and al Qaida; the true evidence of fighting in Tora Bora with Americans on cassette and video, it's all there. Another Witness I have is that I have close contact with the American consulate in Pakistan, and his telephone number is in my notebook; this notebook is with you guys. You should ask him how much I helped him, and how much I gave my all for them. My third Witness is the letter from the chief of the Jalalabad province who has close ties with the new government; he is a high-ranking officer. If we were bad people or were breaking the law, why would he send us the letter. I can show we are pro-American, and pro for the new government and have nothing against them. I hope for your best knowledge and judgment in the future. Please, for both of us, I especially hope the truth of the evidence will show on him (the Detainee) why he was captured and why we are here; we want proof of the evidence.

**Personal Representative Questions of Witness**

Q: Can you explain the job that the Detainee had when he worked for you at the police station?

A: He was with me in the mountains the times we fought against the Taliban and al Qaida. After that, we came back to Jalalabad, and I became a police commander of the district, and he started working with me. His job was to bring people with disputes into the office.

Q: Could you explain to the Tribunal what your reasons were for fighting the Taliban and al Qaida?

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A: Al Qaida and Taliban were bad people, and they brought people from Pakistan to occupy our land. They also wanted to make Afghanistan a center to start fire, or make problems for the whole world, from Afghanistan; we didn't want that. We started fighting them to stop them from doing this to our country. It was not only a problem for Afghanistan, but for the whole world.

Q: Would you explain to the Tribunal the normal weapons that would be kept in your police station?

A: Our district was close to the border, and it is a large district, compared to a small one. The reason our district had all those weapons, aircraft weapons, rockets, was because of the border. We had Kalashnikovs, and a weapon with 4 guns together, and Kukhair (ph) for aircraft. All of the weapons belonged to the government, and we have to have the weapons there in the district. The weapons were in one room in the compound and were locked. The weapons were through the chief commander and governor who had the lists and all the serial numbers. We only bring them out if something happens by this list and signatures; otherwise, they remain locked in this room. The reason is my compound had these weapons by law under the new government. This district manager had more than what was required by law; he has 13 trucks, his name is Jabbar (ph). He is not allowed to have this, and it is against the law. My compound is with the rule of law; his is not. Why are we here, and he is not? We would like true judgment.

**Tribunal Member Questions of Witness**

Q: The evidence says explosives were found; do you know where these explosives were found?

A: This is totally false; 100% wrong. There were no explosives, no nothing out there. If there was any, why didn't they show us or tell us? We are not responsible for all of Afghanistan or other areas; we are only in charge of our area. Those explosives did not belong to us, and were not in our compound. Maybe they were in another compound, and they were in control of the compound, not us. They have their own boss, and they were not our boss.

Q: Do you know how to make a bomb?

A: No, I never did know, see and never needed to. Everybody has their own position and skill. My job was to lead the security of the people because I was a police commander. I'm upset; I wish they'd told us at that time they arrested us; this is not lawful they brought us here. They should've asked us to help. Does this also happen in America all the time? Do they arrest the chief of the police in America?

Q: You said everyone has their special skill; do you know if the Detainee knew how to make bombs?

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A: No; not me or him, we don't know about bomb-making, and we are not interested. If there's true evidence against us, please provide it and we'll accept it. We are both sitting in front of you, and it would be great to show us the evidence we are here under.

Q: I'd like to clarify; you said you did fight al Qaida and the Taliban?

A: Yes; I have evidence, and you guys can ask the province governor and Mr. Karzai; you may also ask the son of the late Haji al Kadim (ph); ask them what I did and how I did it.

Q: Did the Detainee fight with you?

A: Yes; shoulder-to-shoulder.

Q: What kind of weapons did you use when you fought?

A: Kalashnikovs and rocket launchers. We would attack and escape [guerilla tactics].

Q: What did you do before you fought al Qaida and the Taliban?

A: Before, I was mujahidin fighting against the Russians. I also went with the Americans into Iraq during the first Gulf War; our political group is called Mahazamili (ph). It is a central political group that fought Saddam Hussein in the first Gulf War; I helped you there, too. Whether it is known to you or not, there were six political parties or groups at that time fighting against the Russians, and we were the only party with close ties to the Americans. We took Americans everywhere and they were helping them. We got a bad name among the other parties because we were helping the Americans, and made a movie or film with them. The leader was Said Ghalani (ph). That was the only reason we had disputes with other parties, because we helped Americans.

Q: Who appointed you the police commander?

A: Haji Abdul Khadid (ph), the former governor of the Jalalabad province; his reason was because I earned it; nobody gave me a gift. I was a hero in the fight against al Qaida and the Taliban in Tora Bora. I have evidence that I captured a lot of al Qaida, and turned them in to the Americans. I am very disappointed today, because I am here with those people, too.

**Tribunal President Questions of Witness**

Q: When the American forces came to your police station, how many of you were arrested?

A: I don't know. I only know that we [he and the Detainee] gave a warm welcome to the Americans and showed them all of our weapons. At the time I was in Jalalabad, I heard they arrested two more people, too.

Q: But as far as you know, they didn't arrest the district manager?



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A: Yes; my question is that he is the one with all the illegal weapons against the law. Why not arrest him because he was the boss; why did they arrest me and not him?

Q: How did you and Jabbar get along?

A: He had his own thing, and I had my own thing; in general, he was my boss. I worked under his control. I was not controlling him, and I was under his control.

Q: Did he give you most of his directions by writing them, or did he issue them to you verbally?

A: By paper; I was not able to do anything without his supervision or knowledge. He was the one who told me what to do. It is like this story: if there were sheep drinking water downstream, and a wolf was upstream telling the sheep not to make problems, who would really be creating the problem? He was the problem and he was the wolf, while I was the sheep. Now I am here and he is there. This was probably part of some backstabbing game or story that is now the reason I'm here.

***The Tribunal President expressed appreciation for the participation of the Witness, and the Witness made one more statement before being escorted from the Hearing room.***

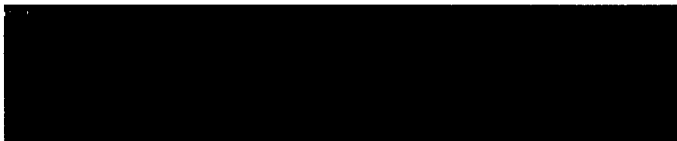
Witness: We (the Witness and Detainee) are in front of you; if you provide evidence, we'll accept it. It doesn't matter how long you keep us here; it would be OK. Otherwise, we will be disappointed. Look what we did for you, and what did we get for a reward?

***The Tribunal President recessed briefly to permit the Witness to be escorted from the Hearing room.***

***The Tribunal President again thanked the Detainee for his testimony and participation, explained the remainder of the Tribunal process, 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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<b>Type:</b>	INCOMING	<b>Format:</b>	ICRC		
<b>Letter Number:</b>	GUAN2003I01193	<b>ISN: JJJ</b>	IHG		
<b>Date Translated:</b>	September 25, 2003	<b>Date on Mail:</b>	AUG 31, 2003		
<b>Sender's Name:</b>	Gul Karim ( Chief of Police of Nangarhar)				
<b>Addressee:</b>	GTMO				
<b>Address:</b>					
<b>City/Zip code:</b>		<b>Country:</b>			
<b>Language:</b>	Farsi/Dari/Pashto	<b>Family:</b>	Yes	<b>Linguist Code:</b>	PF 07

**Text:**

Greetings to dear Haji Shib Ghalib I received your letter and became very happy. Be assured from the children I am doing my best.

From Gul Karim

Sign

**Linguist Comments:**

- (1) Allah's peace and blessing on his messenger and prophet Mohammed.
- (2) Peace and Allah's mercy and blessing upon you/family.
- (3) I bear witness that there is no God but Allah, and Mohammed is his servant and messenger.
- (4) God willing.
- (5) All praise due to Allah.
- (6) God the great, and almighty.

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Exhibit D-b

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7. RED CROSS MESSAGE

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8. SENDER / فرستنده نیروی

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ICRC No. A132-010111-01 { شماره صلیب سرخ / دسر صلیب نیروی کمیتی لیب }

Full name Amal Karam { نام کامل / مکمل نوم }

Father's name Abdullah Karam { نام پدر / دپلار نوم }

Grand-father's name Abdullah Karam { نام پدر بزرگ / دینکی نوم }

Mother's name Amal Karam { نام مادر / دهور نوم }

Nationality Libyan { تابعیت / هیواد }

Date of birth 1970 / تاریخ تولد / دیر بدولتہ Sex  F  M  I { جنس }

Place of birth Libya / village/قریه/کلی district/ولسوالی province/ولایت country/ملکت/هیواد { محل تولد / دیر بدولتہ }

Refugee camp/Detention place Amal Karam { نام اردو گاه پناهندگان/محل اسارت / پناهندگان دکتب نوم / دیند دهای نوم / کوچه / دکور نوم }

Street Amal Karam { قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت }

Province/Country Libya { ولایت / ولایت هیواد } House No. 387 { غیر خانه / دکور نوم }

REPL

9. ADDRESSEE / گیرنده / اہستونی

ICRC No. AB2-010111-01 { شماره صلیب سرخ / دسر صلیب نیروی کمیتی لیب }

Full name Amal Karam { نام کامل / مکمل نوم }

Father's name Abdullah Karam { نام پدر / دپلار نوم }

Grand-father's name Abdullah Karam { نام پدر بزرگ / دینکی نوم }

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Place of birth Libya / village/قریه/کلی district/ولسوالی province/ولایت country/ملکت/هیواد { محل تولد / دیر بدولتہ }

Refugee camp/Detention place Amal Karam { نام اردو گاه پناهندگان/محل اسارت / پناهندگان دکتب نوم / دیند دهای نوم / کوچه / دکور نوم }

Street Amal Karam { قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت }

Province/Country Libya { ولایت / ولایت هیواد } House No. 387 { غیر خانه / دکور نوم }

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ  
دسرہ صلیب نیروی کمیتی  
19, av. de la Paix - 1202 Geneva, Switzerland  
MCR/EN-DA-PU/10.01/ACR

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11. REPLY TO THE MESSAGE

جواب / جواب

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احوال خانوادگی که محض ماهیت شخصی داشته باشد  
گذشتہ پیغام چہ پروازہ شخصی احوال بیان کریں

محترم حاجی صاحب صاحب تم : السلام علیکم  
 تمہاری خط را اورید اور فرمائیے کہ تم  
 رہا ہے یا نہ رہا ہے کچھ دنوں سے روزہ حج کر رہے  
 ہیں۔  
 تمہارا  
 دوست  
 محمد علی

12.

Date 26/08/03 { تاریخ }

Signature { امضاء / لاسلیک }

The addressee is my { نسبت خانوادگی یا گھرانہ / ایسٹرنٹکی سہ کویں آریکی }

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