

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Haji Ghalib, do you understand this process?

Detainee: Yes.

Tribunal President: Do you have any questions at this time concerning the tribunal process?

Detainee: I will answer the question later on.

Tribunal President: Very well.

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

Tribunal President: At this time I am making reference to the Detainee Election Form which indicates that you chose to participate in this tribunal and that is also evident by your presence here today.

Detainee: Yes, I accept that and I am very happy to be here. The time has come, I am in my tribunal.

Tribunal President: You have indicated that you would like to make an oral statement.

Detainee: Yes.

Tribunal President: We will provide you with that opportunity in just a few minutes. Also on the Detainee Election Form is the fact that you have requested three witnesses.

Detainee: Yes.

Tribunal President: Those two witnesses that you identified from Afghanistan as well as the documentary evidence that you had requested to be produced are determined to be not reasonably available due to the fact that we have gotten no response from the Afghanistan government. This request was made back on the 13th of October. We have allowed adequate time. The State Department was notified at that time and they passed on the

request to the embassy of Afghanistan and since the time of the initial request, we have not gotten a response back as of today's date, which is the 24th of November, with the deadline being identified as the 8th of November. The other witness that you requested is detained here, he will be produced, and he will testify today. We will give him the opportunity to testify on your behalf. Haji Ghalib, you may now present information or evidence to this tribunal and you have the assistance of your Personal Representative. Do you still wish to present information to his tribunal?

Detainee: Yes.

Tribunal President: Would you like to make that statement under oath?

Detainee: Yes.

The Recorder administered the Muslim Oath to the Detainee.

Summarized Sworn Detainee Statement

- **3.a. The Detainee is a member of the Taliban.**
- **3.1. Detainee was the commander of Shinwar, Afghanistan and was in this post until his capture.**
- **3.2. The Detainee was captured with a letter from the Ghunikiel Administrator, Haji Jabar, which implicated the Detainee as a bomb maker.**
- **3.3. United States Special Forces discovered a bomb making facility in a compound located next to the Detainee's place of business. They discovered approximately 18 assorted types of explosive devices.**

Personal Representative: The first item said you were a member of the Taliban and you were the commander of security for Shinwar, Afghanistan and you were at your post until capture.

Detainee: Before I had my present job during the time when the Taliban was in power, I was sent all over. I was with Haji Cades (ph.) and his brother Haji Abdul Haq; we were together fighting against the Taliban, before the Americans came to Afghanistan. Haji Abdul Cades (ph.), Haji Abdul Haq (ph.), and myself were there. Haji Abdul Haq (ph.) was captured and killed while Haji Abdul Cades (ph.) and myself survived. Haji Abdul Haq (ph.) was known by the world and the people of Afghanistan as a leader. When we came from Pakistan we captured Torkham (ph.), which is on the border between the two countries, then on to Jalalabad. Before the fighting started at Tora Bora I was very close to Haji Abdul Cades (ph.). I have asked for three witnesses. The names of these people that I have called for as witnesses are very well known in the U.S. government. I have asked for Haji Demohab Mohammed (ph.) Governor of Jalalabad (ph.) and Haji

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Mohammed Sahara (ph.). I gave these two names because they are known to the American officials and they can prove that I am innocent. For the last eight years I have fought the Taliban and Al Qaida and I also fought them at Tora Bora. It was a shock to me that I was accused of having a letter from the enemy in my office. I have a lot of evidence like videos that will prove to you who I am. I captured a lot of Al Qaida and Arabs that were turned over to the Americans. I even went with U.S. forces to destroy the house of Osama Bin Laden. All you have to do is check the record. When you check my record you can then decide if I am guilty or innocent, you will see the truth. I heard about the Haji Jabar letter two months before I was arrested from an American officer. Two months ago I found out that Mr. Hadrataly (ph.) is a commander in Jalalabad. He gave a letter to the American forces that arrested me because I was member of a different party than him. I went to Haji Kadead (ph.) to tell him my story in case some American did not know me and he was a high official that knew the Americans and asked him to explain my story. I left Kabul and went back to Jalalabad. There were a lot of U.S. military forces in the area and weapons warehouses that belonged to Haji Jabar, our district manger. The Americans removed all the weapons several weeks before I was arrested. When I was in Kabul, the American forces came to my office. There was one government weapons warehouse that I was in charge of, which was sealed. A week after I got home from Kabul, that was the day that my brother had returned from the Hajj. That was the same day I was arrested by the Americans at my office. No one said anything to me about bombs, but I do think later on they may have found some at the Courthouse, which was not under my control. From my office to the Courthouse is a distance like from one side of Cuba to the other side of Cuba. It is a shock to me, because I am a police commander. If something is found in an area you just do not arrest any police commander. On September 11, did you arrest any police officer? It would have been better if you would have just come to my office and asked me. We could have worked together on this, but no, you just captured me and brought me here. They say in my country if you find me guilty, then kill me. If I am innocent, set me free. That is better then staying here. Haji Jabar can be found in Afghanistan. If he said I am a bomb maker, then that is the truth. Haji Jabar and I have had many disputes. I am of a different party called the Frontier Freedom Party and he is from the Hekmatyar (HiG group = Hesb-Islami-Gulbuddin, led by Gulbuddin Hekmatyar) and over the years we have a lot of personal disputes. You ask Mr. Kakof (ph.) about my life. If you cannot find any person that can provide any sworn evidence then I should be free to go. After this tribunal there is time to ask Haji Kadeed (ph.) Mohammed, the Governor of Jalalabad (ph.) and President Karzai about me. You will find out who I am and what I did, and that will prove my innocence.

Tribunal President: That is why we are here today, to determine if you are properly classified as an enemy combatant. We have come here with an open mind and we have only seen these two pieces of evidence that have been presented to us. So only after we have seen all the evidence and heard the witness will we reach a decision.

Detainee: When we were fighting at Tora Bora, there were three high-ranking commanders that surrounded it on three sides. There was Haji Hasaghalig (ph.) on the

Pakistani side, on the other side Haji Saman (ph.) and in the middle was Haji Zahear, (ph.) who I was with. There was American military personal there and I hope that you can find them and ask them about me. We were fighting there and I captured eight Taliban or Al Qaida. Haji Hasaghalig (ph.) let about forty escape so I got on the phone and cussed at him and that is the reason that I am here. You can get the information that I was fighting at Tora Bora. I am here because I insulted Haji Hasaghalig (ph.). I was a member of the party called Mahasne Melle (ph.) under the leadership of Persagh Mahdgluney (ph.). We did not have anything to do with the Arabs. We only worked with the Americans. I was also at Herat fighting and you can also find information at this place. My party only worked with the Americans and this made other people envious and you can ask anybody in the Jalalabad area about how hard life was for me in Jalalabad (ph.) under the Taliban. They will tell you that I fought very hard against the Taliban and Al Qaida. Please get the information from them about me. It will prove to you who I am. I was looking forward to the day that I was coming to this tribunal and have someone listen to me and I have said to you nothing but the truth. I will say it again. If you find me guilty then kill me. I am worried about my future and I do not have any face. To face my people, my tribe, to let them know why I was in Cuba. If you have any more questions, please let me know.

Personal Representative: Sir, we were going to read each piece of the evidence and he covered all the points that we had talked about earlier.

Tribunal President: Haji Ghalib, does this conclude your statement?

Detainee: I would like to see any evidence. After that, I will answer your questions.

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

Personal Representative: No sir.

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

Recorder: Yes, sir.

Recorder: You covered the part about the letter when you were captured. Did you have any other letters on you when you were captured?

Detainee: At that time I had a notebook with me, some tissues, and eighty thousand Afghani Rupees. I also had a letter with me that made me police chief of the 81st district. I am not a child. I would not carry a letter from someone that I had been fighting with all my life.

Tribunal President: You are referring to Haji Jabar?

Detainee: I only had the notebook with the only working phone number in it, the money, and the letter that I was to be Police Commander. Think about it, the American enemy was the Russians. Would you keep a Russian letter in your office?

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

Tribunal Members' questions

Q: As the commander of security for Shinwar did you work for Haji Jabar or someone else?

A: Yes, all the districts are managed by a district manager. Haji Jabar is working for the Governor. All the police answer to the Central Police Chief, which falls under the state ministry in Kabul.

Q: How long did you serve as the commander of security for your area?

A: After the fighting was about one year.

Q: Before the time you were fighting how did you support yourself?

A: Thanks to God I have a farm when the Russian were in Afghanistan we moved to Pakistan. After they left we moved back to Afghanistan, when the Taliban came to power I moved back to Pakistan and I worked in my brothers' shop.

Q: Concerning this letter that Haji Jabar wrote, we have not seen this letter. Have you seen this letter?

A: I did not see it for myself; in Bagram someone read it to me but I have never seen it.

Q: When they read it to you, did it say anything about you being a bomb maker?

A: No, they did not say any thing like that. When I was captured they told me twenty different things. None of them said that when I got to Bagram. They told me that there.

Q: So you knew that this facility was there?

A: Yes as you Americans know in every district there is a warehouse with weapons in it. We cannot take one bullet. It all belongs to the government. You would have to get paperwork to take one thing.

Q: Earlier you said that Haji Jabar was from a different political organization then you. Were you having a dispute with him before you came here?

A: Yes, we had a political dispute before I came here.

Q: Did this dispute ever get aggravated to the point where he would falsely accuse you of these things?

A: Yes, that is the truth, just ask the people in Afghanistan. When the Jubock (ph.) party started the civil war in Afghanistan, before the Taliban, I captured the members of this group and gave them harsh treatment in jail. I did not allow anybody in my tribe to join this group.

Q: So when you were arresting them you had to treat them rough or they treated you rough - which is right?

A: Yes, I treated them very bad in jail, and in Bagram they told me the same is true.

Q: Well, that makes sense - that if you arrested many members of Haji Jabar's party, now he is accusing you of being a bomb maker - is that right?

A: Yes, I can understand, it is revenge. This is not only Islamic law, it is law around the world.

Q: Is Haji Jabar in the camp here also, or is he back in Afghanistan?

A: When I was arrested he was still district manager. I do not know where he is now.

Q: Does Haji Jabar know how to make bombs or does he have people that know how to do this for him?

A: I do not know.

Q: But you yourself do not know how to do these things?

A: I never made, I never did, I never see, in front of you all I will swear to God and God will see us now.

Q: You said that you fought side by side with American forces?

A: Yes, in Tora Bora.

Q: Do you know which soldiers they were? Anything that can identify those soldiers?

A: They did not tell us their names. We would contact them for air support. They were in contact with the aircraft for air support.

Q: Who trained you to use the communication equipment?

A: I was in the front line, not in command and control of the war; we talked to Haji Sazear (ph.) and he talked to the Americans.

Q: You had mentioned Haji Sazear (ph.) before, the son of Haji Anmod (ph.). Do I have the names correct?

A: No, I said there were three different commanders one was Haji Azertale (ph.), Haji Zamond (ph.) and the last was Haji Zaeer (ph.)

Q: And the first commander, I did not get that name?

A: Haji Azertale (ph.)

Detainee: I forget to say one thing. I contacted the consulate when the air strike began and I told them where the Taliban were and where their houses were and things like that - also their military bases and where to put bombs.

Q: You seemed to have worked very closely with the Americans?

A: Yes, you are right.

Q: You seem to be a very strong person, mentally and physically too. Having been here for two years, you worked with the Americans, yet you are in an orange uniform?

A: That is also sad for me; when I was there I was working with you and now I am here, and I see those people here that I helped capture in Afghanistan.

Q: Is there anything that we are going to see why you are wearing orange? Is there anything you want to tell us about that?

A: If you were in prison with me in Afghanistan, what would you ask? You should ask the people back home they would tell you my life story to find the truth.

Q: When I ask you about the uniform: you are wearing the orange uniform, and there are other people in camp wearing tan or white, and you wear the orange.

A: I do not know, either - when I asked that question I did not get an answer.

Tribunal President: Thank you for your testimony. We are about to call your witness to testify. Before we do that, is there anything else that you would like to say in your statement?

Detainee: No.

Tribunal President: Personal Representative, does the Detainee have any witnesses to present today?

Personal Representative: Yes, sir, there is one witness available today.

Tribunal President: Please call that witness at this time and identify that witness you wish to call.

Kako Kandahari is called as the witness to testify on behalf of the Detainee.

The Recorder administers the Muslim oath to the witness.

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

Detainee: No.

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

Personal Representative: Who is Haji Ghalib, and what job did he have in Afghanistan?

Witness: I know him. We are from the same village. We are from the province, the same district, and he is Haji Ghalib, and he worked for the present government of Afghanistan.

Personal Representative: Do you know what job he had?

Witness: He is working for the government.

Personal Representative: Can you explain the difference between Haji Jabar's (ph.) group and Haji Ghalib's (ph.) group?

Witness: Yes there were many parties in Afghanistan. I cannot tell which they are, it is a house-to-house dispute.

Personal Representative: Was Haji Ghalib ever a member of the Taliban or Al Qaida?

Witness: No, he was fighting Al Qaida.

Personal Representative: That is all the questions I have.

Tribunal President: Recorder, do you have any questions?

Recorder: Yes, sir. To the witness: How long have you known Haji Ghalib?

Witness: For a long time, since I was a little boy.

Recorder: Was he your boss?

Witness: Yes, he was my commander.

Recorder: Are you a police officer.

Witness: Yes, for two years.

Recorder: Why are you here?

Witness: I do not know.

Recorder: Were you both arrested on the same day?

Witness: Yes.

Tribunal Members' questions

Q: What is your opinion of Haji Ghalib?

A: I do not know any personal things about him.

Q: Has Haji Ghalib made allegations against you also?

A: No.

Q: You have known Haji Ghalib for many years?

A: Yes.

Q: If he tells you something, you believe it to be true?

A: Yes

Tribunal Member: I have no more questions.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no other previously approved witnesses 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, U.S. Marine Corps
Tribunal President

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