

UNCLASSIFIED//~~FOUO~~

Tribunal Member: Earlier the Personal Representative asked from when you were a little boy up until now, you only spent two days in Afghanistan.

Detainee: During the Taliban's time, I was in Afghanistan for two days.

Tribunal Member: So when you were younger was during the Soviet time?

Detainee: The total amount of time was days. I can't give you an approximate time. But during the Soviet time, that was when I crossed into Afghanistan and then during the Taliban's time, just two days. That was it.

Tribunal Member: Okay.

Detainee: Yesterday, I mentioned this and I am going to mention it again today. The allegations during the time of the Taliban in the charges. I swore on that. I am hoping the Tribunal does not get confused.

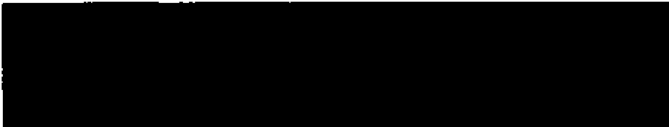
Tribunal Member: That is why we ask questions, because I was confused.

Detainee: Okay. I wanted to clarify.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal 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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Detainee Sayed Abdur Rahman dictated the following written statement on 13 Sept 2004 in response to his unclassified summary of evidence dated 4 Sept 2004.

1. In response to (A1) of the unclassified summary, this is true. I was born in Pishin, Pakistan
2. In response to (A2) of the unclassified summary, this is not true. I was never a member of the Taliban and I have never been to Kabul Afghanistan. I have never worked with the Taliban.
3. In response to (A3) of the unclassified summary, this is not true. Since my incarceration, I have been accused of holding three different positions with the Taliban. Initially I was accused of being a Deputy Foreign Minister in Kandahar by an interrogator who spoke Pashtu. This was when the Americans were there. This turned out to be false. One month later, I was accused of being a Taliban Security guard in a prison in Kandahar. A female translator accused me of working in a prison and told me my name was Bacha, a security guard in this prison in Kandahar. This was false as well as I've never even heard of the name Bacha. Now I am being accused of being a military judge for the Taliban. I have no idea why someone would make this accusation, as it is not true. I can only speculate that it was someone from rival village close to my village in Pakistan. However, I have no proof because I am here at GTMO.
4. In response to (A4) of the unclassified summary, this is totally false. The only time I have ever been in Afghanistan was for two days to attend a funeral. A neighbor in my village of

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EXHIBIT D-B

Pishin had a relative in Afghanistan who died. I went with him to Afghanistan to attend the funeral service. I was only there for two days and then I returned home. How could I do all this things in two days, it is simply not possible. During the Taliban's reign I never even talked to them. I never had any contacts with the Taliban at all. The two days I was in Afghanistan to attend the funeral were the only two days I spent in Afghanistan in my entire life. Many Afghans lived in Pakistan and they traveled back and forth. So rivalries or differences might have occurred on both sides of the border. I was never a judge in Pakistan or Afghanistan, nor was I ever a Deputy Foreign Minister in either of these two countries, nor was I ever a security guard in these two countries. I am only a chicken farmer in Pakistan. I also would occasionally earn some extra money by helping out at the local school. I would teach children how to pray and how to perform absolution, I would teach them right from wrong. However, my main income and occupation was as a chicken farmer.

5. In response to (A5) of the unclassified summary, no it was the end of Jan 2002. I was in my home. I didn't live on the chicken farm I worked on one. The Pakistani authorities knocked on my door and told me that they wanted to search my house. I asked them why they wanted to search my house and I was told that they were looking for ancient artifacts that were looted. I didn't know what they were talking about and I had nothing to hide. They didn't find any artifacts, as I didn't have any to find. However, the Pakistani authorities told me that I had to go with them to the police station. I asked them why; they searched the house and found nothing? I was told I had to go. At the police station they questioned me more about the ancient artifacts. I told them you searched my house and you found nothing. The police then told me that even though they didn't find any artifacts, if I didn't give them

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money, a bribe, I was gone. I told them that I didn't have any money to give them, but even if I did I wasn't going to give it to them. I asked, "What have I done that I need to pay you for?" They said it doesn't matter we just want the money. Since I had refused to pay the bribe, we never even discussed the amount of money they wanted. They told me I'd sit until I paid them and took me to a cell. They kept me in this cell for a few hours, and then blindfolded me and put me in a car with someone else and drove us to another location. I was kept in a Pakistani jail for 36 days. During this time, a Pakistani soldier asked me if there was someone else in my village with the same name as I. I told them there could be, but I didn't know for sure. This soldier then told me that they were looking for someone else and they had found him. ^(refer to Drone) That was all he said to me. After 36 days in the Pakistani jail, they came and got me one night, tied my hands behind my back, put a hood over my face and put me into a car. Although I couldn't see anything, there were other prisoners in this car. One was speaking Pashtu and several others were speaking Urdu. When the car stopped I could hear airplanes. They took me from the car and put me into an aircraft. There were Americans in this aircraft. I still couldn't see anything because I was blindfolded, but they were speaking English. When we landed they asked for my name and I told them Abdur Rahman. Then a translator who was speaking Pashtu asked me what languages I spoke. I answered that I only spoke Pashtu. I was then told that I was not Abdur Rahman; I was Abdur Zahid Rahman. That was not correct, my name is Abdur Sayed Rahman. Abdur Zahid Rahman was the Deputy Foreign Minister of the Taliban. I was taken to this camp and they began to interrogate me. An American later told me that I was wrongfully taken and that in a couple of days I would be free. I never saw this American again and I'm still here. Since then, I have also been accused of being a Security Guard, which is not true. Now I have this

new accusation, that I am a military judge of the Taliban. This is simply not true, I am innocent.

This letter was translated by [REDACTED] it reads:

From (CENSORED) to (CENSORED), greetings. We are, thank god, doing good.

We want your happiness from God. Your school is going well, everyone in the family is doing well. Your chicken farm is there, and we check on your school.

We are praying for you. Wish you luck, salam.

Note: On the front of the letter, from Sayed Abdul Salam-Sayed Abdul Haq to Sayed Abdul Rehman

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EXHIBIT D-C

^{Ebkal} from blank to Blank ^{Ebkal} greetings. We are
thank God doing good, we want your happiness
from God. Your school is going well everyone
in the family is doing well. Your chicken farm
is there, and we check on your school. We are
praying for you. Wish you luck - Salam

on the front letter names appear in letter
they concealed.

from ^{Sayed} Abdul Salam - ^{Sayed} Abdul Haq -



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7. RED CROSS MESSAGE

پیغام خانوادگی صلیب سرخ / دسمره صلیب کوردی پیغام

8. SENDER (ارسنده پیام)

ICRC No. [REDACTED]

Full name [REDACTED] { نام کامل / مکمل نوم / نام پدر / دیان نوم / نام پدر بزرگ / دینگی نوم / نام مادر / دمی نوم / تابعیت / هیواد }

Father's name [REDACTED]

Grand-father's name [REDACTED]

Mother's name [REDACTED]

Nationality [REDACTED]

Date of birth [REDACTED]

Place of birth { village / کور / district / ولایت / province / ولایت / country / مملکت / هیواد } Sex F M I { جنس }

Refugee camp / Detention place [REDACTED] { نام اردوگاه پناهندگان / محل اسارت / پناهگاه کافر / کسب نوم / مند دهان نوم / کورچه / دگرشی نوم }

Street [REDACTED]

Village, District or City [REDACTED] { قریه / ولسوالی / ولایت / کلیه / ولسوالی / ولایت }

Province / Country [REDACTED] House No. [REDACTED] { ولایت / مملکت / ولایت / هیواد / دگرشوم }

REPL [REDACTED]

ICRC No. 581

Full name Sayed, Abdul Rahman { شماره صلیب سرخ / هیواد صلیب نوره / نام کامل / مکمل نوم / نام پدر / دیان نوم / نام پدر بزرگ / دینگی نوم / نام مادر / دمی نوم / تابعیت / هیواد }

Father's name S. Abdul [REDACTED]

Grand-father's [REDACTED]

Mother's name [REDACTED]

Nationality [REDACTED]

Date of birth [REDACTED]

Place of birth { village / کور / district / ولایت / province / ولایت / country / مملکت / هیواد } Sex F M I { جنس }

Refugee camp / Detention place [REDACTED] { نام اردوگاه پناهندگان / محل اسارت / پناهگاه کافر / کسب نوم / مند دهان نوم / کورچه / دگرشی نوم }

Street [REDACTED]

Village, District or City [REDACTED] { قریه / ولسوالی / ولایت / کلیه / ولسوالی / ولایت }

Province / Country [REDACTED] House No. [REDACTED] { ولایت / مملکت / ولایت / هیواد / دگرشوم }

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ
دسمره صلیب نوره / کسب
19, av. de la Paix - 1202 Geneva, Switzerland

MCR/EN-DA-PV/01/ACR

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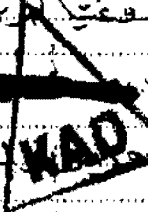
11. REPLY TO THE MESSAGE

جواب اخواب

Family and/or private news only

احوال خانوادگی که محض ماهیت شخصی داشته باشد
کودکی بشارت چه نوعی شخصی احوال بیان کردی

دعا اولاد در فرموده و فرستاده
ورد سیزی منتکرا لیل الله موبک قولہ جو پ او روع
پوسته جوتی تیا او لوقتی ایلله دلوی خدای
بسی سلام ختم فرود دا خط ما لعلی
موبک سبیل سبیل و سبیل سبیل و سبیل سبیل و سبیل
روع دعاه یه قول کورک خیریت دعا



موبک سبیل سبیل سبیل سبیل سبیل سبیل
قول خدای ته امید استیم چه مستطاب و لوی
اوکم لا جرحا تو فارم و سبیل هم منته او سبیل
بیراماضت با نوسا هم پانجه کورد
موبک یه قاتله دعاوی کور اوتم به موبک ته دعاوی
کورد لورد دعا لوی اهدا تم سبیل

والسلام

دهر صلیب دینر مد

آدرک و سیره صلیب دفتر [redacted] در لور به آدرک مور

خط را لینه

12

Date [redacted] Signature [redacted]

The addressee is my [redacted] نسبت خانوادگی یا گرفته
اصولک سوا کورس اینک

Translated this letter, it reads:

From your brothers Abdul Haq Agha, Abdul Salam Agha and the whole family and friends to our brother. Our brother at home everything is fine, from young to old thank God everyone is fine. Everyone else is doing ^{good} we want your happiness from God. We want your happiness from God like Abraham when he was in the middle of the fire and God protected him. We tried to release you but we haven't found any response, we will try God willing, and we hope that you will be released, and your chicken farm is there. CENSORED is also sending his greetings. Your letter you sent to Quetta, you wrote that you wrote us a lot of letters and you haven't sent responses, we've replied to all of your letters. I don't know why it hasn't gotten there. We are praying for you and we will pray.

Sept 26, 2002

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EXHIBIT D-D

from your brothers Abdul Haq Agha, Abdul Salam Agha
and the whole family and friends to our brother
Our brother at home everything is fine, from young
to old thank God everyone is fine. Everyone
else is doing good, we want your happiness from
God. We want your happiness from God like
Abraham when he was in the middle of the
fire and God protected him. We tried to release
you but we haven't found any response, we will
try God willing, and we hope that you will
be released, and your chicken farm is there.

Blank is also sending his greetings. your
letter you sent to Quetta, you wrote
that you wrote us alot of letters and you
haven't sent responses, we've replied
to all of your letters, I don't know why
it hasn't gotten there. We are praying for
you and we will pray.

Sept 26 2002

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I-004421

7. RED CROSS MESSAGE

13 OCT 2002

JJJEHA

پیغام خانوادگی صلیب سرخ ادماره صلیب کورنی پیغام

8. SENDER

ICRC No.

Full name

Father's name

Grand-father's name

Mother's name

Nationality

Date of birth

Place of birth

Refugee camp/ Detention place

Street

Village, District or City

Province/Country



صید عبدالمق

صید عبدالمق

APPROVED BY US FORCES

CLEARED BY US FORCES



US FORCES

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10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ
دماره صلیب ادماره کمیته

19, av. de la Paix - 1202 Geneva, Switzerland

MCRVEN-DA-PH/10.01/ACR

REPL

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11. REPLY TO THE MESSAGE

جواب اطوار

Family and/or private news only

احوال خانوادگی که معترف عامیت شخص نشده باشد
گرددش به خارج چه بیاری شخصی احوال بیان کردی

دعای سلام بر طرفین (عبدالمعین آقا و عبد السلام آقا) و تاریخ محمد او
گل صید او عبد المنان او که در این تو لوفرو و سواخی او در قریب انو او انان
والا انولنا انی و طرفین کدرانک منشن و روز انعامه سسته اسلام ملیک و وصیت
و بر کاتر معترف و روز یکورگی خیر خیریت مودنک کم لوی دی کورگی دی دوی
خدا ای به فضل سر چو لور و غیورگی ان و در و رستا او مستاد ان لوی و ان فوجور
او در وقتیا او حفاظت او ان لوی دوی خدا ای به حق چو ان و در و رستا
خدا ای به حق دی رو غر و سینه صومیه سلامت او او لک کنگدی ای انرا هم به او کور
و ساق معترف و روز و روزی هر شونند کوشش و روز او و سینه و انرا هم به
نک و کوری او من هر سینه کوشش کوه انشا و ان لک ان لک ای به حق
مستقیم انرا ان من به می خدا ای به حق خوهیج زور و نوار و کوشش
و روز غصه دهر کور انرا هم مستقیم او غصه دهر کور انرا هم مستقیم

او ~~.....~~ هم سسته بویتسه بانندی کور معترف
سلام مودن در بانندی و ای کرات و روز دستا خطونه دکوشه
در لاری هم را او سیدل قاب خطونه کنی لیکل و بی ما ریز خطونه در
استولی دی تمامی جواب دکوشه دی در استولی مودر خطونه
جواب در استولی دی نوی و لی زور خطونه نفاقت ندی در سیدلی
دا وجه ندره معلوم میروی صتر چو روز دعاوی دی دی کوه کوه مؤلف
مود دعاوی ندره میر کوری تمام دعاوی در ان کوه نور دی چو غل او
سپارو و السلام

ورخ پهنشبه

Date 2002 2 مهر 26

Signature

عبدالمعین

The addressee is my نسبت خانوادگی یا گهرتده
انرا هم کور انرا هم

~~UNCLASSIFIED//FOUO~~

Summarized Detainee Statement

The Tribunal President explained the Tribunal process to the detainee. When the Tribunal President indicated the Tribunal would determine whether the detainee has been properly classified as an enemy combatant, he interjected as follows.

Detainee: I'm not a fighter. I am not an enemy combatant.

Tribunal President: Ibrahim, you'll have the opportunity to make a statement in just one moment. And I will ask you if you are ready to make statement. Do you understand?

Detainee: Yes.

The Tribunal President continued explaining the Tribunal process to the detainee. Prior to explaining the detainee's rights at the Tribunal hearing, the Tribunal President discussed the results of his Psychological Evaluation conducted on 22 September 2004.

Tribunal President: Ibrahim, I understand that your Personal Representative received some information from you that you felt that you were suffering from mental dementia?

Detainee: No.

Tribunal President: I received a request from the Personal Representative, who indicated that there was a reason to have a medical evaluation submitted on you.

Detainee: No, I'm fine. Mentally and physically. I'm fine.

Tribunal President: Personal Representative, let's clarify the reason you requested this medical evaluation.

Personal Representative: He mentioned that he had dementia and had not received treatment as of yet.

Tribunal President: And this was during . . . [Translator interrupts.] I'm sorry?

Translator: I don't know the word for dementia.

Personal Representative: Chronic memory loss.

Detainee: Yes, that is true. Sometimes I don't remember everything.

Tribunal President: Okay. And it was during one of your interviews?

Personal Representative: During the one and only, ma'am.

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Tribunal President: So the Personal Representative--

Detainee: Just because of the situation here, you know you have other things you don't remember, all the rest.

Tribunal President: I understand. The Personal Representative felt it necessary to ask for a medical evaluation. I received a report from a doctor that said you are able to understand the Tribunal process and can participate. So we will go on with an explanation of the Tribunal process.

The Tribunal President completed explaining the Tribunal process.

Tribunal President: Ibrahim, do you understand this process?

Detainee: Explain it to me what.

Tribunal President: Ibrahim, what part don't you understand?

Detainee: You mean what she said or what you said?

Tribunal President: Do you understand that you do not have to testify if you do not want to?

Detainee: Yes, I understand.

Tribunal President: Do you understand that you can make a statement when asked under oath or not under oath?

Detainee: I didn't understand what you just said.

Tribunal President: You can make a statement or you can answer or respond to the allegations when we ask you to.

Detainee: This is clear now.

Tribunal President: He understands now? Okay. You understand that your Personal Representative is here to assist you with making your statement.

Detainee: Okay, I understand.

Tribunal President: Do you understand if you had asked for witnesses, your witnesses could have been present here?

Detainee: I don't have any witnesses.

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Tribunal President: That's fine. You understand that you can examine documents that are presented other than classified? You can look at unclassified documents.

Detainee: I don't understand.

Tribunal President: Ibrahim, you were presented the allegations, which are considered to be unclassified evidence.

Detainee: Yes, I remember I discussed with him [the Personal Representative] the charges.

Tribunal President: Okay. You understand that?

Detainee: So far, I understand.

Tribunal President: Do you have any questions concerning the Tribunal process?

Detainee: Honestly, I am not understanding anything that is going on here.

Tribunal President: Ibrahim, help me to understand what you don't understand. I don't know what to go over.

Detainee: I don't really understand what is going on with this situation because I have never been in a Tribunal. I have been to a court, so I don't know what is going here.

Tribunal President: Ibrahim, this is not a court. We will look at the unclassified evidence that was presented to you during an interview.

Translator: I asked him if it was clear, what you discussed with him before, is this clear so far? He said yes.

Tribunal President: Ibrahim, you'll have the opportunity to respond or answer the questions or allegations.

Detainee: Okay.

Tribunal President: Okay. And then we will consider the allegations and the information you give us, and we will consider that information before we make a decision on whether you are an enemy combatant or not.

Detainee: Yes.

The Tribunal President continued with the Tribunal process. The Personal Representative introduced the Detainee Election Form, Exhibit D-a.

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Tribunal President: Ibrahim, in this document [the Detainee Election Form] it tells me that you want to participate in this Tribunal. Is that correct?

Detainee: Yes.

Tribunal President: Yes.

The Tribunal President continued with the Tribunal process. The Recorder submitted the Unclassified Summary of Evidence (Exhibit R-1) and the FBI redaction certification (Exhibit R-2) into evidence. The Recorder had no other unclassified evidence to present, and called no witnesses. The Recorder asked for a classified Tribunal session at an appropriate time to submit classified evidence for the Tribunal's consideration. It was then time for the detainee to present any evidence he had for the Tribunal's consideration.

Tribunal President: Ibrahim, would you like to present evidence to the Tribunal?

Detainee: Like what?

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

Detainee: Repeat it.

Tribunal President: Personal Representative, would you assist us with that?

Personal Representative: Yes, ma'am.

Tribunal President: Let me ask a quick question. Ibrahim, would you like to make your statement under oath or not under oath?

Detainee: Yeah, sure. Yes, no problem.

The Detainee was sworn using the Muslim oath.

Tribunal President: Thank you. Personal Representative, would you please assist us with reading the allegations?

Personal Representative: Yes ma'am.

3.a. The detainee is a member of the Taliban.

Personal Representative: When we spoke, he mentioned that he is not a member of the Taliban.

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Detainee: No, no. I am not a member of the Taliban.

3.a.1. The detainee was recruited to go to Afghanistan from his native Saudi Arabia.

Personal Representative: He said he was not recruited. He was going to visit the Afghan people and stay for less than one month.

Detainee: That is true.

3.a.2. The individual that recruited the detainee advised him that the Taliban was in need of assistance in Afghanistan.

Personal Representative: He said that was false.

3.a.3. The detainee was also influenced to travel to Afghanistan by a written fatwa issued by a fellow Saudi.

Personal Representative: He said he does not remember.

Detainee: Fatwa, in regard to what?

Personal Representative: The next question covers that.

3.a.4. This fatwa encouraged traveling to Afghanistan to assist the Taliban "in its fight to protect Moslems in Afghanistan."

Detainee: No, this is not true.

Personal Representative: That's correct. He said previously, "No, I never read this fatwa."

Detainee: I never read this fatwa.

3.a.5. Approximately two weeks after 11 September 2001, the detainee traveled voluntarily to Kandahar, Afghanistan, from Saudi Arabia via Tehran, Iran and Pakistan.

Personal Representative: He says yes, I did make that trip.

Detainee: That is true.

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3.a.6. Upon his arrival in Afghanistan, the detainee sought out Taliban members.

Personal Representative: He said he just met Afghans and he has no way of knowing who is Taliban and who is not.

Detainee: This is true.

3.a.7. The detainee resided in Taliban safehouses while in Afghanistan.

Personal Representative: He said he stayed in houses, but he does not know of them as "safehouses."

Detainee: That is true. I did not know they were Taliban houses.

3.a.8. According to the detainee, the safehouses where he resided were used by Taliban soldiers to rest and recuperate from wounds.

Detainee: This is not true.

Personal Representative: He said previously, he did not see any wounded people in these houses.

Detainee: No, I never saw them.

3.a.9. One of the safehouses where the detainee resided was located near the front lines in the vicinity of Konduz, Afghanistan.

Detainee: Explain to me this point.

Translator explained this allegation to the detainee.

Detainee: Yes, there is a place called Konduz.

Translator explained this allegation to the detainee again.

Detainee: No, I was not on the frontline. I said no, the statement said the house I was in was close to Konduz. I wasn't and the house wasn't, so there was no fighting around.

Personal Representative: And he further said that he never saw bombing or any weapons fired.

Detainee: No, never. Not even once.

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3.a.10. The detainee was issued a Kalashnikov rifle to perform guard duty at a warehouse near Konduz, Afghanistan, which was used to store food and supplies.

Detainee: Yes, that is true. When I had guard duties, they used to give me a weapon.

Personal Representative: He said he worked for the owner of the store who hired him. He didn't have a rifle, but was a guard.

Detainee: Repeat that again. I did not understand.

Translator repeated the allegation to the detainee.

Detainee: Yes, it was not a store, it was a warehouse. When I was doing guard duties, I used to get a Kalashnikov.

3.a.11. The detainee was assigned to guard the warehouse because of the approaching Northern Alliance forces.

Personal Representative: He said no. He was there to guard against workers who steal.

Detainee: That is true.

3.a.12. The detainee retreated to Konduz after Northern Alliance forces advanced on their position.

Personal Representative: He said he wanted to go back to Saudi Arabia, but the only way out was through Konduz because the border was closed.

Detainee: That is true, I wanted to go to Saudi Arabia.

Personal Representative: He didn't know why the border was closed, but it was shortly before Ramadan.

Detainee: I really don't remember exactly, but I think it was before Ramadan, not after Ramadan.

3.a.13. The detainee was captured by Northern Alliance forces while attempting to cross into Pakistan.

Personal Representative: He said the Afghani people took them from Konduz to Mazir-e-Sharif.

Detainee: That is true.

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3.a.14. Following his capture, the detainee was wounded in a prison uprising in Mazir-e-Sharif.

Personal Representative: He said he has never been wounded, but he saw explosions at Mazir-e-Sharif and was hit by shrapnel from behind.

Detainee: They handcuffed us and put us in a court, a big open space, and there were explosions behind us. Shrapnel from that explosion hit me.

Tribunal President: Does that conclude your comments or your questions?

Personal Representative: Yes, ma'am. That is everything we spoke about.

Tribunal President: Ibrahim, do you have anything else you would like to add?

Detainee: No.

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

Personal Representative: No, ma'am.

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

Recorder: No, ma'am.

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

Members: No, ma'am.

Tribunal President: I have a couple of questions.

Tribunal President: Ibrahim, you said you went to Afghanistan to visit Afghanistan or Afghanis. Help me to understand why you went to Afghanistan.

Detainee: Honestly, just to visit.

Tribunal President: Who did you go to visit?

Detainee: Just Afghanistan.

Tribunal President: The country, not people?

Detainee: The country and the people.

Tribunal President: Did you know anyone in Afghanistan?

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Detainee: No, I did not anybody; but again, you have all the story. The interrogators, they have all my story. You have all my story. I have told everything before. I had a teacher who was Afghani. He used to teach me the study of the Koran in Saudi Arabia. He was Afghani. He used to talk to me about Afghanistan and that they had nice people, religious people. I was interested in visiting Afghanistan, and that was it is. He is the one who helped me go to Afghanistan. His name is Abdul Rahman, the Afghani.

Tribunal President: How long were you in Afghanistan before you tried to go to Pakistan?

Detainee: I really don't remember exactly, but I don't think it was even a month.

Tribunal President: Who owned the warehouse that you were guarding?

Detainee: I really don't know who owned it. There were guys there, but I really don't know who owned it.

Tribunal President: That's all of the questions I have. Personal Representative, do you have 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 evidence having been provided to the Tribunal, this concludes this Tribunal 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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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: I don't really have a statement but if you read the charges I will respond to each one.

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

Detainee: Yes.

[The detainee was sworn using the Muslim oath.]

Tribunal President: You may proceed, Personal Representative please assist the detainee.

Personal Representative: 3.a. (The detainee was an associate of the Taliban and/or Al-Qaida.)

Detainee: There is no evidence of this statement. The statement suggests that you are giving me a choice between Taliban and Al-Qaida.

Personal Representative: 3.a.1. (The detainee is a Yemen citizen who lived in Saudi Arabia and traveled to Afghanistan via Doha, Qatar, and Karachi, Pakistan. The detainee remained in Afghanistan from May through November 2001.)

Detainee: Yes it is true I lived in Saudi Arabia and traveled through Doha and Karachi Pakistan. I went through Jeddah, Qatar, Karachi and Quetta. I told the interrogators I stayed for either five or six months. I don't think I was there in May. I think I was there in April. You can verify this with the Jeddah airport; I believe it was late April.

Personal Representative: 3.a.2. (The detainee stated that he went to Afghanistan to fight Jihad with the Taliban.)

Detainee: Yes I told them I went from Saudi Arabia to Afghanistan to fight the Jihad with the Taliban. There is nothing wrong with that in our religion. Is it acceptable for the Americans but not for us? This is normal in our religion. To go back to the first point, it says I am with Al-Qaida. I told them many times that I fought with the Taliban.

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Tribunal President: The first statement says Taliban or Al-Qaida. I understand that you say you were part of Taliban.

Personal Representative: 3.b. (The detainee participated in hostilities against the United States or its coalition partners.)

Detainee: This is not true. I went to Afghanistan before the Americans. If I wanted to fight the Americans I would have gone there after the Americans arrived. When the Americans came we were told to leave. If we wanted to fight the Americans we would have never surrendered our weapons.

Personal Representative: 3.b.1. (Upon arriving in Afghanistan the detainee traveled immediately to the front where he supported the mujahidin.)

Detainee: As I said before, I went to Afghanistan from Saudi Arabia. From Saudi Arabia to Jeddah, Qatar, Karachi, and then Quetta. We stayed in Quetta for about a month. After Quetta, I went to Kandahar and stayed there for two weeks. I needed little training because I knew how to use the weapon; I learned how to shoot while I was in Saudi Arabia. That is why I went straight to the front line.

Personal Representative: 3.b.2. (The detainee traveled on Taliban aircraft, stayed in Taliban guest housing, and upon arriving at the front line he received a Kalashnikov rifle and ammunition.)

Detainee: Yes, I traveled on Taliban aircraft that is true. Yes, I stayed at the Taliban houses, where was I supposed to stay in the streets? The prior statement said that I went straight to the front line, which is not true. I was on the back line. I wasn't in the front. And of course I received a Kalashnikov rifle that is normal just like everyone else.

Personal Representative: 3.b.3. (The detainee delivered supplies to the front lines.)

Detainee: This is not true. As I told the interrogators I was an assistant cook. There was four or five other people that would bring us the supplies.

Personal Representative: 3.b.4. (The detainee was part of a 400-600 man force that surrendered to General Dostum's forces.)

Detainee: This statement is true. When they came in they told us to surrender our weapons to General Dostum. We would then be delivered to the United Nations. This point proves there is no animosity between us and the United States.

Personal Representative: 3.b.5. (The detainee was present during the prison uprising in Mazir-E-Sbarif.)

Detainee: That is true.

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Personal Representative: Do you have any final comments you want to make regarding these statements?

Detainee: If I had any animosity toward the United States I would not have surrendered my weapon. I would have stayed there and fought.

Tribunal President: Does this conclude your statement?

Detainee: There are about thirty-five of us here from the north. You can show my picture to them and all the interrogators and they will tell you.

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: No sir.

Tribunal President: Does the board have any questions for the detainee?

Summarized Answers in Response to Questions by the Tribunal Members

- Q. What month was it that you surrendered?
- A. Do you mean our weapons or when we were in Mazir-E-Sharif.
- Q. Weapons.
- A. I think it was during Ramadan.
- Q. Was it at the start of Ramadan or at the end?
- A. It was in the beginning.
- Q. Did you know whom the Taliban was fighting when you joined them?
- A. Mahsood.

Detainee: How can I get myself a lawyer?

Tribunal President: This is not a criminal court. This is an administrative government review of your status as an enemy combatant. It is the first step. If you are not an enemy combatant you would not need to be detained. If you are an enemy combatant there is another board and I will cover that shortly.

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Detainee: I am definitely an enemy combatant. There is no question about that. I am sure that you will find me as an enemy combatant. Nobody has been found to not be an enemy combatant. Everybody has been found to be an enemy combatant. I am certain that I will be found to be an enemy combatant.

Tribunal President: Do you have any other evidence to present to this Tribunal?

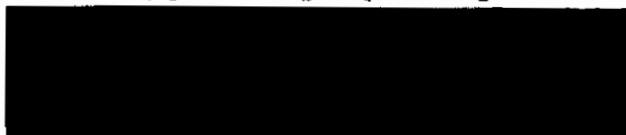
Detainee: No.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: No sir

AUTHENTICATION

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



Col, USAF

Tribunal President

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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 Jamalat-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 Jamalat-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

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?

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.

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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Summarized Unsworn 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.

Tribunal President stated that the detainee wants to participate and has requested one witness, which will be present later on during the tribunal hearing.

The Recorder administers the Muslim oath to the detainee.

Detainee: All of my testifying during this tribunal is fact.

Tribunal President: You may now begin.

Detainee: How do I start? Is he going to say one at the time?

Personal Representative: I can read them off and you can respond.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. The detainee is associated with al Qaida and the Taliban.

3.a.1. The detainee is associated with al Qaida.

Detainee: I did not say that.

3.a.2. The detainee is associated with the Taliban.

Detainee: I have never said that.

3.a.3. The detainee is known by an al Qaida facilitator.

Detainee: I never did.

3.a.4. The detainee has attempted to travel on a false visa.

Detainee: I never traveled with a fake Visa.

3.a.5. The detainee was trained by a General on the use of a Kalashnikov rifle.

Detainee: I said that, I never trained for that.

3.a.6. The detainee is possibly associated with UBL (Usama Bin Laden) terrorist activities based upon information gathered from telephone records.

Detainee: I never said that. I was not a member of that.

3.a.7. The detainee reports being imprisoned by the Taliban for 5 years, approximately 1996 through 2001.

Detainee: When was that, in January through what year? (The detainee said this during initial reading of the allegations by the Recorder.)

3.a.8. The detainee reports that he has children born in approximately 1998 (4 years old in 2003) and 2000 (2-3 years old in 2003), which conflicts with his stated imprisonment dates.

(Both 3.a.7. and 3.a.8. were answered by the detainee at the same time)

Detainee: I did not tell him the numbers from what year to what year. As I told them, when I had been captured or imprisoned, I had newborn son. When released, the Americans had already been there. I do not relate to the calendar, with dates, I don't know much about that. I'm not a literate person. I do not even read. When I was released, I feel that my son was about five years old. Since I have been captured, here with you guys, it's been two years. By now, he should be seven years old. When I was captured I had a year old son and a newborn (fresh) baby girl. And that was exactly what I told them. I had a one-year-old son, and a newly born daughter. I don't deal with paper and pencil. They wrote it down, I don't write. I have no need to lie about my children's age and I told you what I thought how old they were.

3.b. The detainee participated in military operations against the coalition.

3.b.1. The detainee reportedly admitted to planning to plant explosive devices.

Detainee: I never did that.

3.b.2. The detainee was identified as a person who was going to plant the explosive devices.

Detainee: I did not say that.

Tribunal President: That's everything on the unclassified summary, is there anything else you'd like to tell?

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Detainee: I have this one question that I would like to talk about. Yeah, it's coming to my mind, and I'm asking myself and maybe now I will ask if from you. What was the reason that I was imprisoned in Kandahar for five years? (The interpreter indicates that the Detainee was being factious.) You're telling me that I was from the Taliban, and at the same time I was in prison in the Taliban city for five years.

Tribunal President: This is your opportunity to tell us that you want us to know about you.

Detainee: I got imprisoned because I was caught fighting against the Taliban. I belonged to, worked for Haji Qadir. The Taliban assassinated his brother; his name was Haji Douda, David. I was part of his people. He was against the Taliban; we were fighting against the Taliban at all times. There were hundreds of us. If you consider me to have ties to Al Qaida, then my boss Haji Qadir and his brother, Abdulhak, they are al Qaida people. I did not like the way the Taliban was going about their business. We did not accept oppression and be imprisoned through their system. I wanted to be a free man. So, I decided to fight them. I ended up in prison for five years.

Let's talk about planting explosives. There are one hundred and twenty people in prison with me, at the same time I got captured. From that one hundred twenty people, sixty-two people were released from the prison, and that was time that we came back towards the Eastern side of Afghanistan, which is Jalalabad, which is where I'm from. We were given 20,000 Pakistani Rupees by Haji Qadir to all these sixty-two people for their time spent in prison. There was a Brigadier General named Said Agha and his nicknamed Sakib. When Haji Qadir was finally assassinated in Kabul, this Brigadier General told us that you guys fought for Haji Qadir, you fought against the Taliban, you fought for our countries, freedom. If you guys want to receive some positions in the governmental branches then you guys tell me what you're preferred job would be. This general gave me a job. His infantry, I became an Officer in Charge, or commander for one of his five sectors. I had about twelve soldiers under my command. We were handling one of General's five different sectors of militia. There was a place called Shair Shahi, I was outside of the town, Jalalabad, and had my own militia with me. A commander told me another sector needed me, I was told to go to another group. When I was there, a commander came and told me that another sector of the General's needs me in his other militia from this one group and I was told to go to this other group. It was before dark by the time I got to the different group. I spent the night, and the next morning when I got up and I was captured. The witness that we go to Sharifullah he was among the captured. When I was captured, he was about three rooms away from me, or fifteen steps. In that area, where he had his room, and my room, they came and picked us up, captured us there. Now, these Americans are telling me that there are explosives, in all of that, I do not know where these sort of explosives where in that area where Sharifullah and I was, there was another room and they found something, where did they see them? That's all I know right now I do not know nothing about those explosives at all. I spent those five years in Kandahar that should tell everybody that what I stood for and why was I put in jail, and everybody should know what I lived for. I was so young, that is what happened to me. That's what I lost in my life. I lost my teeth and I was beaten up everyday. I don't

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have teeth; the Taliban beat me. I lost my teeth as a young boy, in my young life. I'm here because somebody got paid some dollars. Somebody got paid by turning in people, those are the people that should be here, not us. I don't blame the America, they don't know the facts of what is going, what is happening in Afghanistan. You don't know that. Here, I'm accused of being with al Qaida and Usama Bin Laden, and then at the same time, I was imprisoned by them for five years with the Taliban. I'm tired of here as well. This justice, I will swear to anything, I will put my hand on the Koran, I may have done wrong things in my life, I've probably committed you know, bad things in my life, but, I did not do, or commit any of these accusations that you guys have against me. We are Muslims; we are not traitors. If we decided that these people are not good for Afghanistan, we fought against them. I lost my life, my teeth, just because they were in power, or they have power, I would not have traded my statement in what I believe. Go ahead and work for them again. Where you have them accused me with being with the Taliban. I would not do that. When Americans came to Afghanistan, I was in prison, we were cheering and screaming. We were going to be released and the Taliban isn't in power. How could I be so bad to turn around and fight against the people who released me from prison? If you have questions, I'm willing to talk about it a little more.

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

Detainee: I'm present here and I'm ready.

Personal Representative: Have you ever attempted to travel outside of Afghanistan?

Detainee: Okay, I will answer this one. I was in prison for five years. Then I was working for one year. Then I was captured for a couple years. During this time, I never traveled. That should answer your question. Most of these questions I have only been asked in this tribunal. When I was interrogated none of these questions or accusations came into the picture. Nobody told me if I ever traveled, they never told me if I had anything to do with al Qaida. You are honestly telling me that you are a Mujahadeen, freedom fighters, that I you will be going home soon. It is possible that you made a mistake, concerning these mines and planting explosives. Remember you asking me about my children, or about the explosives or about planes, making trips. Please, I am hoping that you guys, very beautiful lady, look at my case, study, try to find out who I am, and decide about me.

Personal Representative: Have you been outside of Afghanistan?

Detainee: When the Russians were there. We took a family trip to Pakistan. My sister, my brother, my father, the whole family went on that vacation. That was during the Russians, when they came a lot of people went as refugees to Pakistan and after the Russians were gone, we, the whole family, came back to Afghanistan. Never returned after that. I was a little kid at that time. I had never seen anywhere else in my life.

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Personal Representative: Do you remember when you learned how to use the Kalashnikov AK-47?

Detainee: I received my Kalashnikov before I have shaved for the first time. I was still a young kid; I haven't shaved at this time. The Kalashnikov was given to me by Haji Qadir, to fight the Taliban. Not even a month later, I was imprisoned by the Taliban.

Personal Representative: When you were captured, did you have a telephone in your possession?

Detainee: Since my mother gave me birth, I have not touched a telephone. I don't even know how it performs, never been on the phone in my life. Yeah, in my last letter to my family I told them if they could clearly write me a phone number maybe I should try to use the phone for the first time. Maybe I can call them. I don't have a phone at home; my father is somewhere in the city. I'm hoping one of his friends will send me number so that maybe I can talk to my father.

Personal Representative: Do you know month, date, and year of your own birth?

Detainee: I don't know numbers. We don't have dates. I know my mom and dad estimated my age they would say you've been around more than two Easters now. Like they would refer to Christmas, or something. So, when we talk about age, we say you're three Easters old, something like that. Just as an example, there was fifteen days to Eid, which is the grade of Easter in Afghanistan that I was caught. So, we are always refer to either Christmas. Now, I'm just waiting for, when is the next eve, because when there is fifteen days to the next Eid or Easter, I know I will be here two years.

Personal Representative: Do you know month, day, and year of children's birth?

Detainee: For example, I spend five years in Kandahar, like I estimated, I was five years there, and two years here I do not know dates. I still don't know my own age.

Personal Representative: Is it common for Afghani's to celebrate birthdays or annual dates of birth?

Detainee: No, we don't have that custom.

Personal Representative: You stated that the day you were captured, which compound, where were you when you were captured?

Detainee: I think Shushiheed. I was transferred from Shushiheed to the Artillery branch. That's where I was captured.

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Personal Representative: How long were you there at the compound?

Detainee: Early, that day, before the dark, before it got dark. He was captured the next morning.

Personal Representative: Do you know any reason why you would be accused of having control, or ownership of explosive devices?

Detainee: No, the reason I was captured I was taken to a room. I said okay, fine, did they pick me out as a mistake and they were going to come back and release me. But, obviously that didn't happen. Then I went to Bagram and they said, no, you will be released there, and here I am.

Personal Representative: That's all my questions.

Detainee: Thank you so much for my questions.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. When you were captured, you said they woke you up did they wake everybody up?

A. They didn't wake me up.

Q. You were already awake?

A. I just had tea for my breakfast. I came out of my room, and I did not see any Americans themselves, but the people were shouting and screaming. I said what's going on here, and somebody came and captured me.

Q. You said you were three rooms away from where they arrested the other guy, is that where the explosives were found in that other room?

A. I was in the middle of Sharifullah's room, and his brother's room, that he mentioned his name, that's where I was caught. (The interpreter indicated that he did not finish asking the detainee the entire question) I did not see how they caught Sharifullah. I was not there with Sharifullah in that room. I did not see him, whether there were explosives or not I do not know that. I was, they were put together and I was with him for five minutes in one room, we were put together in one room.

Q. What was your job at the compound?

A. I was transferred from Shushiheed compound to this other compound that had a lot of cannons, artillery. I had just arrived there, that night. The only thing I was in charge of, when I arrived there, I was in charge of those twelve people that were brought with me. What my job was, was military related. The name of the head of the compound was Samay-Ullah. There was a compound that had only one wall. It was open on the other sides.

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Q. That is why I asked you to describe the compound. Can you tell me how difficult would it be for someone to bring in explosives?

A. I'm amazed about the same thing. I don't know. I never saw that. I don't even know if there were any explosives there or not. Yes or no, who brought it, where were they, I don't know. My job was not related to those explosives.

Q. Who were you arrested with, what was his name?

A. Sharifullah.

Q. Do you know if he had a phone?

A. I don't know if he owned one or not. Only thing I know about Sharifullah that he was like him, in the same compound, operating in that compound for Haji Qadir.

Q. You said Sharifullah was in his brother's room. Were you and Sharifullah good friends?

A. Before I got captured, I did not know that Sharifullah even existed there. Was he caught or not, did he work there or not; I did not know his existence at that compound, until then.

Q. Were you close friends with Sharifullah's brother?

A. His brother was the head of the group of soldiers that I was transferred to. I knew that he had a brother named Sharifullah.

Q. Sharifullah's brother had a room. Fazzal (ph) had a room. Did everyone get a room? Who decided who had a room?

A. Sharifullah did not have his own room, he come to see his brother there. He earlier said that he was head of the division. I thinking that Sharifullah was required for some kind of position with his brother, to get something going, but that's just my guess.

Q. Do you have a passport?

A. No, I do not have a passport.

Q. Do you have weapons/explosives training?

A. I do not recognize explosives. I do not, no.

Q. You said that the General did not train you with the Kalashnikov; did he train you in anything else?

A. You don't need training for the Kalashnikov. It's not like the General was teaching anybody any training on the Kalashnikov. The General was not that available that much to train everybody in the Kalashnikov here, three thousand people working for him. I don't think anybody from the revolution to another I don't think anybody needed to learn how to fire a Kalashnikov.

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Q. You said that you knew that Sharifullah's brother, that he had a brother, how did you know that?

A. I knew Sharifullah because his brother Kari Naquibullah was another officer with that division. I knew Naquibullah, Sharifullah's brother, like a soldier, like you know each other. He was handpicked, Naquibullah himself, he was handpicked by Karzai government for being such a great soldier, to go to, to attend training given by the British and American soldiers in Kabul. He was handpicked because he was a great soldier.

Q. I just want to make sure I understand your relationship with the brother, so you knew him informally, you didn't know him well

A. I agree with you. I know him through his occupation. I never had tea with him, never went to his village, and never went to his tribe, or anything like that. I never had a gathering with him, any talks, and discussions with him. He was coming to (inaudible) and coming to sign in his time sheets, as part of the system, I was going there and I use to see him there.

Q. Were you told why you were being transferred to the new compound?

A. I will tell you the reason now. When I told you about the Shushiheed, the big division, compound that I talked about, it was a huge compound. This particular, he twelve people that I spoke about, whatever job that they were doing, they were taking turns one group was going and one group was being released. That's how I was associated with that. We were there for a while, they told me no, no, we are going to transfer you and your twelve people, your group to the artillery division, in a different spot. When captured I had my transfer paper, my food allowance, all the papers that I give to the people who were captured with. This is what I had when you guys caught me.

Q. You indicated that you were the commander, or leader of these twelve people, why were you the commander? What qualification did you have that they didn't?

A. Good job, good question. In American, here, unless you have a lot of education and a lot of operational experiences, and a lot of qualifications you're not given higher authorities. But in Afghanistan, especially in the old days, it was not how educated you were, or how much you have fought, Haji Qadir gifted me with this position for the time I spent in the prison, you sacrificed so much for us, that you deserve to, you know, the twelve people for the time that spent, five years, the five years you spent with the Taliban. If you go through tough times, and you show that you have, you can take hardship that is recognition for you that you can go through a lot. Talking about education, Hazrat Ali, was the head of whole province of Jalalabad, he couldn't even write as much as I did, so, it's not always about writing and education and stuff. My qualifications there are other tangibles and stuff. Maybe now, things will change, and people will get qualified upon their education and their competency, understanding of situations.

Q. Would you say that in the compound that you were arrested, there were a couple hundred soldiers?

A. I don't know that.

Q. A lot, a lot of people?

A. When I got to the compound, it was right before it got dark. I got up the next morning, so, when I got up the next morning, I was looking around. There were some people shouting, but I could not estimate. There were about twenty people or fifty, or, I don't know.

Q. When you were arrested, was it just you and Sharifullah? You were the only two arrested?

A. Me and Sharifullah got captured, but I did not see him get captured, because I saw him later. I don't know if he saw me getting captured either.

Q. You said that between your five years in the Taliban prison, and your capture in the compound you were working for one year. What were you doing for that one-year you were working?

A. I was in school, before they caught me. I did not work, as far as I know; I was going to school before I got captured by the Taliban.

Q. I thought he said that after he got released from five years with the Taliban, for one year then he...

Interpreter: I'm sorry, I misunderstood, I thought you meant before he was captured....

A. See, that is what I'm talking about being an officer, within those compounds, under Haji Qadir.

Q. Did I understand you say, that you and your family were in a refugee camp in Pakistan, and if so, how long were you there?

A. Yes were in the camps.

Q. How long?

Interpreter: He is using a lot of expressions that aren't known by anybody.

A. Again, I do not know days, when I left Afghanistan, I do not know myself, I wasn't an adult, and I was a kid.

Interpreter: I can ask him again, one more time, if you want me to, about how many years or something, so to specify that.

Q. Well, just a range, I mean, was he a child, when he left, was he then a teenager, or adult?

Interpreter: I asked him how many Easters he spent there...

A. About three or four years. I remember that much from when we were coming back, I was competent enough, that you know, here we are, making a trip back to Afghanistan, we are going to our house, I was becoming an adult.

Interpreter: This is hard to translate, his date, how old he was.

Q. You indicated you were put into prison for being against Taliban. Did you actually fight against the Taliban?

A. Yes, because I was fighting.

Q. Sharifullah's brother, he was not your supervisor, that's correct?

A. Yes, I'm sure he is not my boss. Whether how high his rank was, I could not recognize that much, I think he was in charge of few soldiers, same amount, same amount of responsibility as I had. He was not my supervisor. The General was my boss.

Tribunal President's questions.

Q. Can you tell us, you said you were working for Haji Qadir, can you tell us how you got connected with him, how did you hook up with him?

A. It's not like it was a hiring or firing employees, it was a movement, Our leaders, Haji Qadir, it was a movement, everybody was joining the movement against Taliban. I became one of them. Haji Qadir became very serious about us. He had to continue with his battle against the Taliban, because the captured these one hundred twenty people, innocently, he swears to fight all against the Taliban. Five years in prison is a long, long time, and Haji Qadir knew this, and that deserved a lot, he told us, he started to love us and knew we were faithful fighters for him and will lead us on.

Q. What did Qadir think of Karzai?

A. I did not get, or reach the level to understand the two leaders. What they thought about each other was above my level of participation, education. When he got assassinated, which I remember that day, he was assassinated in Kabul.

Q. Who Qadir?

A. Yes, Qadir, when he got assassinated. To answer your question, I think your question is a very good question, all I know is when he got assassinated; in appreciation for my services I was given that job as an officer. As for Karzai was for him or against him, you know, he treated followers nicer in a way, Karzai did. I was running a ministry for the government of Karzai at that time. I was the Minister of Public Benefits.

Q. So, he had a position for the government?

A. I was asked to come. That was a very good question. I was thinking about it, they told me to come, in anticipation for the new government. He was a very big man on the Eastern part of Afghanistan. He had actually asked for a lot protection, they didn't give it to him, which is why he got assassinated, he car was topped, right on the stop, on the street. I was the minister.

Q. In your soldier position, for the new government, did you have a uniform, rank, name tags?

A. Yes.

Q. So they could identify you as you with your rank?

A. We had ranks.

Interpreter: I asked him, well; did you have your clothes on when you got caught?

A. The rule of thumb was that you do not put your uniform on unless you have the tea first. At that time when captured, I did not have my uniform on.

Q. Of the people that you saw, the morning you were arrested, would you say that you were the senior ranking person?

A. Mostly I saw only soldiers that had come, that they were shouting, forcing people, pushing and shoving. I only saw as recognition goes, I only saw soldier types of uniforms, I had only been there that morning, I did not see higher-ranking people like this.

Q. Where were your twelve men as you were being captured?

A. They were in their rooms.

Q. Did they come out though?

A. The room where we were together, he had just come out, with those twelve people. I told you over twelve people. The number had initiated twelve before I left. I brought seven people with me; because the head of that particular compound told me that for now take the people who have gone through the process, not new people, qualified as compared to the five people I left behind. So I brought some people who have been through training. There were seven people in those rooms.

Q. Do you have any reason to believe that you may have had personal enemies that may have provided false information about you?

A. I don't want to blame anyone; I don't know that answer, that someone turned me in or not. I don't know the case. It's not like I came there by force to that new compound from the previous compound, where they may have not liked me, I came there with the previous arrangement by the order of the other commander and by the request of this commander, and I don't know who might have turned me in, it's somebody who is my enemy.

Tribunal President: At this time, is there anything else you'd like to tell us?

Detainee: Of course, I have a lot to say, but this is my duty, this is my case. I have this question. I'm not the kind of commander that you would think, like the whole of Afghanistan, for that matter, the whole province of Jalalabad. I was like this light to the Karzai government. They know us very well, personally me, because he was aware of my imprisonment with the Taliban. He gave him five hundred Afghani's, for the time that I spent as a prisoner. They have exaggerated in brutality in my case. I can spend a thousand years in this compound. It wouldn't hurt me a lot. I can do this, that's not the issue. I don't belong here. I can prove this truth to you, by lots of people in Afghanistan, what I did, what I stood for. Please try to read my case and make the right decision for me. I spent five years there; my third is going to start here pretty soon. That will make it eight, and eight more will pass like this. I can't do nothing about it, there's nothing I can do about it. Everyday I spend here makes a bad reputation for United States. I'm not al Qaida, or not Bin Laden, I'm not Malar Rumor (ph). Even if I was released, someday you will find me guilty. I'm ready to be hung, ready to be punished. Whatever I have to say concerning this case, I have told you.

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Tribunal President: Personal Representative, did you have any other evidence or does the detainee have any previously approved witnesses to present to this tribunal?

Personal Representative: Yes, Ma'am we have a pre-approved witness, Sharifullah.

Tribunal President: At this time, let me explain to you how the witness process occurs. We will bring him in and I'll ask him if he is still willing to testify for you. Then you will be allowed the first opportunity to ask him questions to get him to present information that you think is relevant to your case. Then the Personal Representative, the Recorder, and the Tribunal Members will be able to ask questions. I would like to remind you everything needs to be translated.

Detainee: That's fine.

Tribunal President: You are certainly welcome to give him a brief greeting or brief exit greeting, orally. Again, please remember, that it all needs to be translated.

Detainee: (laughing) So there is no hidden stuff said.

Tribunal President: Yes, that's a way to put it.

Detainee: You cannot cover the sun with two fingers.

The Tribunal President called for a brief recess while the witness is brought into the room.

Hearing is reconvened with witness and detainee present.

Detainee: May I say hi to him now?

Tribunal President: Yes, you certainly can.

The detainee and witness exchange greetings.

Tribunal President: This tribunal has been reconvened with the witness in the room. Would you please state your name for the record?

Witness: My name is Sharifullah I'm from the providence Mangrahar.

Tribunal President: You are here today to testify for Said Amir Jan, are you still willing to do so, and are you willing to do so under oath?

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The recorder administered the oath to the witness.

Witness: That my testimony in front of the tribunals are truth.

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

Detainee: Yes, I do. The accusations that they have against me about the bombs and explosions. Did I have anything to do with that situation or not?

Witness: No he did not.

Detainee: Should I ask another question?

Tribunal President: Yes, go ahead.

Detainee: I have a second question. I have a question about my association about Usama Bin Laden, al Qaida, phone numbers, etc?

Witness: All lies, from day one, he was against the Taliban campaign, he was in prison for five years, can it be possible, you know, he fought against the Taliban and al Qaida, but at the same time have association, affiliated with them is that possible?

Detainee: There is no more questions to ask. These are two tough questions that I ask him.

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

Personal Representative: Yes Ma'am, I do. The first question is how do you know Said Amir Jan?

Witness: I met him after the fall of the Taliban when he was released from the prison in Kandahar. I met him in Jalalabad.

Personal Representative: Do you know why was Said Amir Jan was put in the Taliban prison?

Witness: The reason was because he was fighting the Taliban and they captured him and put him in jail.

Personal Representative: You stated he was in prison. How did you know how long he was in prison?

Witness: After the fall of the Taliban Haji Qadir was in Nooristan province and everybody went to see him, for his leadership. Said Amir was known as Ghorzang and

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that how I got to know him. Everybody went to their own states after the fall of Taliban if they were captured. They went to their own states.

Personal Representative: In reference to compound where you both were captured; how long was Said Amir Jan at the compound before captured?

Witness: He had just arrived the previous evening.

Personal Representative: Do you know if Said Amir Jan ever planted, or plan to plant explosives devices?

Witness: I do not know anything about it. Knowing him, I don't think he would do anything like that. Usually, explosives and bombs are al Qaida and Taliban related. We're not that kind of people.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sharifullah, do you drink tea?

A. Yes.

Q. Have you drunk tea with the Said Amir Jan?

A. I never had tea with him; at the time, that he came to the compound I did talk to him, he was transferred before he was captured. Whether in the past, at all he had ever seen him in Mangrahar province, had tea somewhere, I don't recall.

Q. Do you have a cell phone?

A. No, never had one in my life.

Q. Does your brother have one?

A. My brother did have a C.B. radio, walkie-talkie.

Q. Did you know if Said Amir Jan owned a vehicle?

A. When I was released from Kabul, and went to my state, I think twenty-two days spent in Jalalabad, until met him. I don't know if he ever had a car.

Q. Did your brother know Said Jan?

A. My brother and Said Amir were in one division, one brigade.

Q. Was it an informal or did they know each other well?

A. I think they only knew each other through their profession, when they were working.

Q. I just want to clarify, you knew Jan for about, since he was released from prison, so at least two years. Before you came here? How long did you know Said Jan in Afghanistan?

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A. Not specified amount of time. I saw him in Jalalabad and I knew he's the guy that spent five years with the Taliban and his name was Ghorzang and then I went to Kabul to the capital.

Interpreter: Do you want me to ask him again, for how long did he know him, I can.

Q. I guess my question is did you know him well or did you just know of him?

A. Kind of both. I heard of him and then I knew he was working for my brother, I mean, it was in the same spot, same brigade as my brother, I had seen him, so a combination of both.

Q. Just to clarify, you were arrested at the same time, how many others were arrested with you?

A. When I was caught, I was put inside of a Datsun, which was the old name for a Nissan. They took to where the Americans were. I was put into a room. I was there; they brought him as well into the same room. I asked him, what are we doing here; he goes, I don't know, I'm captured as well. I don't know, they brought me here. Then they took him away from that one room.

Tribunal President: I'd like to thank you for participating in this tribunal today.

Witness: Thank you so much for having us here. Please try to expedite our case procedures. We've been here for two years. We did not hold anything in the government over there. Please try to finish up with our case.

Tribunal President: Thank you. We will take a brief recess while the witness is removed from the room.

Tribunal is recessed until after witness is removed from the room.

Detainee: Like a court? (Said as a comment, not a question)

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains 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, United States Army
Tribunal President

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