Summarized Sworn Detainee Statement

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

The Tribunal President then addressed the Detainee Election Form (Exhibit D-A) indicating the Detainee had requested two Witnesses from his home country. The Tribunal President explained that the information was given to the State Department to locate the Witnesses; however, all attempts to contact the Witnesses through the country's embassy were unsuccessful. It was determined that the two Witnesses requested by the Detainee were not reasonably available for the Tribunal.

The Recorder then read the unclassified evidence. The Detainee interrupted the proceedings and stated the following:

Detainee: I would like to try to ask a question.

Tribunal President: If you have a question, please ask.

Detainee: When you have a question, I will answer. I have already spoken to the Personal Representative about the answers. When he reads to me, I will answer one by one.

The Tribunal President then offered the Muslim oath to the Detainee. The Detainee questioned the use and purpose of the oath, but opted to be administered it after discussing its purpose with the Tribunal President. The Recorder then administered the oath to the Detainee. Afterward, the Tribunal President reiterated to the Detainee that he had now promised to tell the truth to the Tribunal.

The Personal Representative then stated each point of unclassified evidence separately, to include previously submitted written responses from the Detainee.

Personal Representative: *(3.a) Detainee is allied with al Qaida and the Taliban.* The Detainee's written response was "that is not true."

Personal Representative: *(3.a.1) Detainee's uncle was the commander of a known terrorist organization.* The Detainee stated in writing that, "his natural uncle was a commander against the Russians in the Russian time. My uncle was a member of the post-Taliban government for three months; the first three months of the new government." (To the Detainee) Would you like to say more about that?

Detainee: No.

Personal Representative: *(3.a.2) Detainee was a member of the same terrorist organization.* His written response to me was "he was a driver for his uncle in the post-

Taliban government also for just three months. Then he worked in a gas/oil store." Do you want to say more about that?

Detainee: That's correct; I was working in a store. Before the government of Karzai, I was working in the same store, and after that, I was working in the same store.

Personal Representative: Do you want to say any more about that?

Detainee: No.

Personal Representative: *(3.a.3) Detainee worked for this known terrorist organization as an operator on the communications system.* His response in our discussion was, "No; not true. I was not an operator on any communications systems in Kandahar." Would you like to say more about that?

Detainee: No.

Personal Representative: *(3.a.4) The terrorist organization is led by an individual that has been found to be allied with al Qaida and the Taliban.* When we discussed this, he stated, "there was no proof, even during Russian times. The only membership was his uncle who worked with the Karzai government. He knows no individual that has been allied or a member of the Taliban."

Personal Representative: *(3.a.5) This terrorist organization is led by an individual who was formally designated by the U.S. Government as a "Specially Designated Global Terrorist."* His response was, "I do not know this individual." Do you want to say more?

Detainee: No.

Personal Representative: *(3.a.6) Upon capture, numerous weapons were found on the Detainee's family orchard to include two tanks, rockets, Kalashnikovs and other guns.* In his response he stated, "Not true. Afghanis captured me on my motorcycle at the bazaar. They took my money and motorcycle, and turned me over to the Americans. I took the Americans to my store and my house. I did live in the family house we were renting. I know nothing about tanks, rockets or Kalashnikovs. I spent one month in jail in Kabul and one month in Bagram." Is there anything else you wish to say (about this point)?

Detainee: No.

Personal Representative: *(3.a.7) A search of the Detainee's house revealed receipts and paperwork showing a transfer of weapons, including Kalashnikov rifles, a rocket and three machine guns, from his uncle to another individual.* His response during our meeting was, "this was a lie; there were no weapons in the house, just receipts and paperwork. These showed the weapons were given back to the government. They

searched these receipts in Kabul, and found a commander named (inaudible), who took the weapons and gave them to another commander named (inaudible). This showed the weapons were given back to the government." Is there anything else you want to say about that?

Detainee: No.

Personal Representative: *(3.a.8) The Detainee was also found with a fifty-meter spool of detonation cord.* In our discussion, he said, "wires are pretty much everywhere. When homes were looted, I saw the wire on the street and took it. I took it to use for electricity wire for my home for lighting, and other wire left over I threw it in the yard where it was found." Would you like to say more?

Detainee: No.

Personal Representative: That concludes our statement. Do you have anything else to add?

Detainee: I will give now an explanation about each allegation. For number one, I never was a member of them, never allied with them; I was an enemy of them. For the second one, my uncle or cousin was no commander of a terrorist organization. If Karzai is a terrorist, then my uncle is also a terrorist. If this is true, then my mother, brother, cousin and uncle are also. If Karzai was Taliban then my uncle is. Only my uncle worked for the Karzai government. Fifteen years ago, everybody was working for HIG during the time of the Russians; (if this is true) then all of Afghanistan is terrorists. All of Afghanistan belonged to this group fifteen years ago. All I did was drive a car that belonged to the Karzai government because they paid me to drive a government car. Number three; I did not work as a communications operator. I showed the Americans my store and my house. They searched and they did not find any evidence, or telephones; just the documents. Number four; do you know when and how? I spent only three months for the Karzai government. How and when are they a terrorist group? Five, the American government says they are a terrorist organization. How does the American government stamp anybody or anyone as a terrorist? What evidence do you have to prove this is a terrorist group? They say they found tanks, rockets and others guns. What kind of evidence do you guys have? The day and time other Afghans turned me over to the Americans, I took them to my store and house. They searched everything in my home and my store and only found one empty bullet (empty shell of Kalashnikov). If there's not but one empty shell, then forget the whole thing. They have some evidence or paper to transfer a Kalashnikov. Those receipts belong to my uncle when he did Karzai government work. When my uncle quit or resigned the job, the weapon was returned back to the government. That was the reason I kept the receipt; it was for records and for proof. If someone asks in the future what happened, then I would have a receipt for the weapon. The receipt would tell the time the weapon was given back to the government. That was the only reason, nothing else. Eight, there were areas close to our house that belonged to Arabs. At that time, all the Arabs escaped; some people grabbed chairs,

tables, anything they could find. I found some wire to use for my electricity. Houses are close together; you could walk from the top of one house to the other. I don't know who threw the wire into the street. I don't know who left the wire there. One more thing: I was never involved with any terrorist group, and I never witnessed a terrorist group, I only helped out the American government. I think for this reason, my enemy put me in trouble. There were two times when there were operations by the Americans against al Qaida. I was the one that helped take them to this area where they were. I still think people associated with al Qaida turned me in because I helped the Americans. Maybe this is the reason. Still, people in the new government associate with al Qaida. If anybody is against al Qaida, they find an excuse to put you in trouble. That time after they stole my bike, they took my money and took away my store. They didn't take me from another country; they took me from my own business. It's up to you guys of my judgment. Also, I have no association with my uncle. He has his own house and life. I have my own house and life. There is no connection. He is almost 20-25 years in Pakistan, and I live in Afghanistan. He only came to Afghanistan for three months to work for the Karzai government, and they paid me to drive the car. The Taliban killed my uncle's brother. He was never in Afghanistan because he was afraid of the Taliban. Maybe that's the reason he left the country after three months; he left the job. To my knowledge, my enemy possibly found out about the receipt of the weapon. There's no more HIG, especially in Kandahar; that was a long, long time ago, about 15 years ago. The only government in power is Karzai. There are no other people or organization. That's all I will say.

Tribunal President: We may have some questions for you, but does that complete your statement?

Detainee: Yes.

Tribunal President: Thank you for your testimony.

At this time, the Tribunal President allowed the Personal Representative and the Tribunal Members to ask questions.

Personal Representative: Referencing (3.a.6) the tanks and the equipment found on that property; did you live there on that property?

Detainee: No.

Tribunal Members' Questions to Detainee:

Q: There were some things I would like to clarify. There was mention of your grandfather; does he have anything to do with any of this?

A: My mother's brother only.

Q: Did your uncle have some position of responsibility with HIG?

A: No. He was only in contact with the Karzai government. Fifteen years ago he was with HIG.

Q: When we talk about this organization, it is HIG that we are talking about, there is no other?

A: There's another organization also under Rabbani or Sayyaf. I don't remember all of the names.

Q: As we understand it, it would be Hezb-e Islami Gulbuddin, is that the correct name for the organization?

A: There's only one person by this name. After I saw him in some pictures, we know that fifteen years ago there were three groups led by Hekmatyar, Rabbani and Sayyaf. Sometimes you heard on the radio which group belonged to whom.

Q: The original purpose of this group was to resist the Russian occupation of Afghanistan?

A: Yes.

Q: After the Russians left, what was the purpose of the group then?

A: When the Russians left, they fought each other.

Q: When they are speaking about you being an operator of communications equipment, do you know what they are talking about?

A: People can say anything and don't have to have a reason. They robbed me, took my money and took my bike; they have to find something to put on me for an excuse. If I turn to the Americans, I have to find something. The true thing is if anybody turns in anybody, they have to find something. It is just nonsense.

Q: So you don't have any special training or expertise with communications?

A: Never. I barely read or write Pashtu or Farsi. I never did have any training.

Q: Before you came to the camp, what was your occupation in Afghanistan?

A: I had my own store; I was in the business of oil and petrol. I don't know why they did not find the evidence; they must not have looked. Still, my brother is running the business. I don't know why they don't find this place. My brother was also arrested with me, but he was released, and sends me letters from the store address.

Q: Was he sent here for the same reason as you?

A: Yes, for the same thing. In one month, they tied our hands and left us hanging like this for one month. They put us in a small box. The same people still exist and work for the government. Maybe these people did not look for the evidence. Why didn't they find it? They don't want to look. There is a military officer that is still the existing police chief in Kandahar City. He can be found easily. They don't want the whole truth. Our embassy or state ministry, I think they are lying.

Q: Do you have any idea why your brother was released, but not you?
A: I was hoping they'd release me too, because they found nothing. For some reason, they didn't release me, only my brother. Maybe it was those people because I helped the Americans.

Q: The gas and oil store; how long did you have that business?

A: The store was for rent. Anyone can rent it for business. I had it since the Taliban was in power.

Q: How long was that?

A: Three years of Taliban times, and three years since until now; about 6 years.

Q: Before that, what was your occupation?

A: I had a farm with fruit. At one time, there was a drought and no water and no profit, so I came to the city for the store or business to support my family.

Q: And this was the same family orchard that we were talking about earlier?

A: Yes, it was my home. One of the reasons I came from there to the city, was because the Taliban would ask anyone that had a garden for money. If you had no money, then you must give up a person to join the Taliban. The last time they asked for money or for a person, they took me by force for two months. Then I said, please let me go, and I gave them my entire garden and went to the city.

Q: At the store, did they (the Taliban) ask for money or people, too?

A: They came and forced me into jail. They physically abused me. I gave them the garden. I said, that is not my garden anymore. The garden is yours. Maybe if I just said forget it, they wouldn't bother me anymore.

Q: So they didn't do the same thing to you at the store that they did to you at the orchard?

A: No. I gave them the garden. When I gave them the whole thing, they didn't bother me anymore.

Q: Do you have personal enemies that you believe may have made these accusations against you?

A: I think I had one because when I helped the Americans, they didn't like that. When the Americans and I went to some houses of some people that work for the Karzai government, they saw me and got me into trouble. The Taliban is my uncle's enemy, and they turned against one uncle and killed him. This is common sense, that when you want revenge, give some money to someone, and the money will help get them into trouble. Money will do anything you want.

Q: Did someone actually say that to you, that if you gave them some money (to them) that they wouldn't give you to the Americans?

A: First of all, an enemy can make money on you and sell you. Another thing, if I have money, then I can turn you over to Americans. Before that, he asked me for dollars, and he took money from my store with the keys he took from me for the box; he also took the money because it wasn't with me and also took my bike. The whole thing was for money. That was enough to find some reason and put my name on the paper. How come in the heart of the city, I'm working day and night undisturbed? Anywhere hiding could be terrorists, but the government is always watching. They could be hiding anywhere. My store and my house are close; 50 meters around me are military personnel all the time. Around me are government people always watching or guarding something.

Q: Besides the HIG, were you ever affiliated with any other group, or did you have a position of responsibility with them?

A: For personal needs, I never did answer to HIG. Fifteen years ago I never did, and I never did again or with anybody. The only time I did was when Karzai came to power, I did for three months, because I was happy, but they turned their backs on us. I was hoping and wishing and looking forward to Americans to come here and better our life and better our country. I don't know how I ended up in Cuba. A lot of people everywhere out there lie, from A to Z against each other for power and money against their enemy.

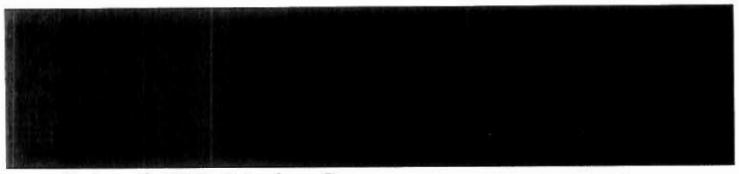
Tribunal Member: Thank you very much. I don't have anything else right now.

At this time, the Tribunal President asked the Detainee if he had anything else to add. The Detainee replied that he believed he had explained the whole story completely. The Tribunal President explained the remainder of the Tribunal process to the Detainee, at which time the Detainee interrupted to inquire as to when he would be

notified of the results. The Tribunal President replied that it would take 30-60 days for review by the convening authority, 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. Marine Corps
Tribunal President

Summarized Unsworn Detainee 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 Personal Representative presented the Tribunal Exhibits D-B through D-D on behalf of the Detainee.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. The Recorder also presented R-2 to the Tribunal as evidence.

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

The Tribunal President confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have two on island witneses participate in the Tribunal on his behalf.

The Recorder administered the Muslim oath to the Detainee.

Summarized Sworn Detainee Statement

The Tribunal President opened the Tribunal to the Detainee to make his statement with the assistance of his Personal Representative.

Detainee: In the name of Allah my name is Kadir Khandan, resident of Khowst, Afghanistan.

3.a. The detainee is a member of forces associated with the Taliban.

Since the creation of Taliban in 1996, my first allegation is that I had relationships with Taliban forces. Since 1996, from day one, I was against the era of Taliban and I have written and physically, and full evidence from that day until this day in this camp in writing and I can talk about it too that what I said was all true that I was not apart of Taliban.

In the whole Afghanistan where I lived and all 28 states, if one person says or has a small piece of paper that I am in any possible way related to Taliban, supported the Taliban, then everything that you have against me is true.

I wanted to add to this particular accusation a little more. Whoever put these chains on me they have to look at their evidence. I want to see their evidence and they can compare it to the evidence that I have. Whether they are saying that I have ties with Taliban and I

am saying that I did not have ties with Taliban. We have to confront this evidence of which one will win the battle that way.

If there is any way possible for me to be able to pursue my own case, any kind of evidence that you want I am capable of arranging that and present it to you.

3.a.1. The detainee was captured in the company of Jan Baz, the nephew of Pacha Khan.

From day one that I was captured, it is amazingly clear that I have announced Jan Baz, referring to question number one, at this camp, that I am enemy number one of Jan Baz and Pacha Khan. I have not actually got caught together with Jan Baz. Actually Jan Baz was caught four months after me. I saw him four months later in Bagram, that he was then caught. I can prove this with physical evidence and also with more explanation.

You can study my evidence and my case and study Jan Baz's case, if you find any relation in any particular sentence that I was somehow had any ties to Jan Baz, then all the accusations are true.

And I knew from the beginning that Jan Baz had made all of this possible for you guys, and made this all up on me. He was my enemy from day one. He has orchestrated all these situations because I was his enemy and he had to get me into this somehow.

The unfortunate thing is that I see Jan Baz in this camp and I see myself in this camp. It is so unfortunate. You have him who is an enemy of the Americans and at the same time I am his enemy, but I am here too. I just kind of seem like you catch Usama Bin Laden and another Arab, then eventually Usama Bin Laden gets released and treated nice and the other Arab guy just because he is an Arab is blamed with all the accusations. This is not a very sufficient type of operation of justice.

3.a.2. Pacha Khan, a renegade Pashtun Commander, has conducted military operations against the Afghan Transitional Administration (ATA) and coalition forces.

Referring to question number two, that you have the translation, my assumption of who Pacha Khan was had started a lot prior to him being accused by the Americans meaning that I knew him very well before anybody else did and he became my enemy. So I knew he was against the Karzai government and he was against the U.S. forces and that was very clear to me, that's why I had become an enemy to him. That is who Pacha Khan is.

I was a known person and so was Pacha Khan and it is a very obvious thing and you can physically go and ask every single resident of Khowst in the province of Paktia, in which Khowst is the capital of Paktia. They all know about the whole thing about us being known as opposite enemies. Maybe my witnesses have mentioned something like that as being residents of Khowst and maybe they will say something about my animosity and Pacha Khan. My animosity with Pacha Khan had begun right from the time that he announced himself an opposition to Karzai's government and the support of the Americans to the Karzai government. From that day on, I did not agree with his

approaches and I did not agree with him. When the Karzai government came, I had established being opposite of Pacha Khan, being his opposition through the government, their politics and through the government's era and being a personal enemy of him.

3.a.3. The detainee claims to have worked as the head of Office Number 7, for the Afghan National Security Division (NDS) in Khowst.

Yes, I was for nine consecutive months during Karzai's government I was the head of the Office Number 7 or the branch number 7 of the National Security Office, the head of the office in Khowst. In my attendance as part of the Karzai's government for this national security office, I have been registered mornings and evenings when I got there and when I left there.

A letter that kind of says exactly what I just said as part of my evidence, I was the head of that department. My identifications, my driving privileges, my memberships and permits were all apart of my evidence and was given by the government of Karzai to me to not only in a particular, but in throughout the whole Afghanistan they were apart of my evidence and if you do not physically have them, they are registered in the computer when I was caught. I also had a pistol and a radio for my office so they could get in contact with me. It had all the numbers and everything, my employment number and my private driver's license number, and my identification number.

Every single stamps of these four divisions that I said I was a division leader, national security, civil security and those privileges were given to me so I'm entitled to all of that and it is part of my evidence that I was with the new government and operating in this operation together with the Karzai government. I had my identification cards when I was captured in my possession when I went to Kandahar and when I came here and for some reason they are not here anymore, but I do have copies of them. I need a phone or something so I can get you the copies of all of these documents to provide it for you. There will not be one person that will not know me in that area that I did not have those positions there. I swear of providing the proof whether they are physical or oral or they are meaningful evidence. I am ready. You just give me the opportunity and I will provide it for you.

I also, within my papers, had gone and arranged for a lot of furniture and what ever else these offices needed, I had the copies of the receipts that I was in charge of all these operations and provided people with the furniture in these offices. This is all apart of my evidence and proof that I was doing what I said. I did this; I bought all of these things with my own money. I borrowed 180,000 rupees to purchase these things as a favor so we could operate successfully there in Khowst and they even made a joke out of it. They were trying to tease me, that I was doing all of these favors for the job that doesn't even pay you that much to buy all of these things with your own money.

3.a.4. The NDS denied that the detainee was an officer in their service and they do not consider him a recruited source.

3.a.5. The detainee ran a safe house for members of the Karim explosive cell in Khowst.

Before I started the work that I told you about working for the Karzai government, I had a pharmacy. The only Karim that I know was a guy who, when I was going to my pharmacy, he had a store that was selling pottery and pots for the kitchen purposes and also he was selling flowers. My acquaintance with Karim was just like I'm sitting across from you here, he had a shop there and when I was going to the prayer, to the mosque, I waved at him. He probably came and prayed at the same time and that is all I know about the name Karim.

The Karim that I am talking is right here in this facility. Go ahead and ask him. He will swear and where I live people would rather die than take a wrong oath.

The Tribunal President called for a brief recess.

The Tribunal reconvened.

Detainee: If you don't mind I can continue right now. About accusation number five, about Karim, I would like to say a couple of things about that. Karim is in your hands here, right here in this camp. You can ask him and see what he says if he ever had something like that and that I ran it for him. He is right here.

Let's say that there is a house here, it has to physically exist somewhere and can't be in the sky. I don't know where this house is that you are talking about. Where this house is? Who built it? Something on paper that says there is a house, that I went there and that I ran it, something that supports this accusation. Do you guys have this? What building was it? Other than my residence, my own house, my work with national security the operations and my pharmacy, I did not have or never owned or never stayed in any other place at all.

I know every single shopkeeper and their kids from the five to seven years I ran my pharmacy there. People like Karim; there were a hundred stores there above me and on the other side of me there were hundreds more. Karim is just another shopkeeper there and that is how I know the name Karim. Do not think of Khowst like America or anything like that. There is one area in Khowst that all these services are provided for the people and everybody know each other. On holidays and eids, we go and we pray together, this is how our culture is done; like a big family and I know the guy that is right next to Karim as much as I know Karim and we they are all from that same area.

When I started medicine school, I told my God that I wanted to heal people. Explosives are something that is destroying people is truly against my ideology. That is why I opened that pharmacy. That is why I became a doctor to cure people and not to deal with explosives that destroys people and this is to me that is an amazingly shameful accusation

that instead of I had the mentality of a doctor and curing people that now I am accused of destroying people.

Through the whole bazaar, I was protesting loudly and had a loud voice about the Taliban, their system, and the way they worked and I never committed any type of charity, which is part of the culture with the government. I even stopped supporting and giving the government any charities while the Taliban was there and I never supported them.

Karim is right here. I did not have any other relationship of running a house or anything like that with Karim either than knowing him as a shopkeeper. Here is Karim; I am here and you are here; go ahead and check. See if he has any accusations against me that I caused such a thing or that I did such a thing.

I was so much against the Taliban that go ahead and ask him since he is here. If we had Taliban during prayer and there was a Taliban type of ideology during the prayers, I would not even go and I was considered a dangerous and controversial guy and would not stand behind him. I never went to a prayer if there was a Taliban member in front. And ask Karim, because he asked me why I was doing this and he knows I was against it.

I did not have a long beard, I was listening to the music and the Taliban knew that I wanted to do that and not to follow on their thing that there was no music or you have to have a long beard.

3.a.6. The detainee was arrested by Americans at his neighbor's house in Khowst, Afghanistan on 20 September 2002, attempting to elude capture by hiding with a group of women.

On 19 September 2002, I went to work and on the dawn of that Friday, in Afghanistan Fridays is the only day off, I got up for prayer at 5 AM in the morning, and tried to finish up on my previous work and make note of my previous day and I was sitting in little girth house, and somebody knocked at the door. My child went outside and came back and somebody was there in uniform. She said that I think that there is someone from your office. My national security office that I am talking about; I had people working there with uniforms. She said that the guys that work for you are outside.

I sent my brother to tell them that they were my guests and to take them to the guesthouse and I will be there. When my brother went outside, he came back and said they are not the people that work for you, they are Americans and they have Jan Baz and Pacha Khan soldiers or followers with them. Two Afghani soldiers that were fighting together with the American soldiers, Jan Baz was acting as the leader of those soldiers that was combined with the American forces.

And I asked my brother what are they saying and he said that they wanted to search the house. I told them please come in. They told me to put the females in one room. I told them that I volunteered and told them that before I put the females in one room. There is

a room but before I put them in the room come and see the room first and then I will lead the females there. And when they checked the room, I led the females into that room.

I knew right then and thought about all the ultimatums and warnings that Pacha Khan gave and I was thinking about those moments. Pacha Khan has personally told me, my opposition, I will somehow get you and will create situations and discrepancies for you. Pacha Khan had already captured, when I was working for the government, two of my drivers and had already started with me. All the people that are here and know me they also know that Pacha Khan had captured me six months ago as well. And they know that he still has my cars and he had imprisoned me two times prior to that. And soon as I saw Jan Baz, I knew that there goes another attack of Pacha Khan on me.

I quickly told my younger brother to go quickly and talk to the governor and tell them that Pacha Khan has done it again. He has sent Americans to my house and they want to search my house at that time let alone capturing me. I told him to tell Pacha Khan I am working for you guys; I am working for this government and why is Pacha Khan doing this to me to come and search my house. Jan Baz was Pacha Khan's nephew. All of a sudden the kids were playing and they were my neighbor kids and they just kind of ran inside the house and said hey, the Americans outside have caught your brother.

I was telling my brother to tell Pacha Khan to tell the Americans that it is very shameful for somebody to cross my walls and check into suitcases and the female stuff. It is a big shame in our country, can you do something here.

And here and I heard about that, I let the forces into different rooms and when I went there, they tied me up as well and now they were talking about I was caught in the middle of the women because I want to hide myself. What is this all about? Don't you have ladies and children in your household; so do I. So I was right there and led them inside and I was captured.

When they knocked on the door starting from my little baby child up to my brother, when they asked about me, they told them yes I was inside and did they you want to come in? What is this that I was hiding, I already told them that I was at home. I said if they wanted to search the house please, come in be my guest.

I knew some Americans during that time: Mike, Randy, John and James. All of these people I knew, it didn't have to be a search of my house. It didn't have to be difficult. I was with them all of the time. All they had to do was send me a letter and I would have been at their service. I have complete acquaintance with these guys. In my pocket among those other papers about my identification; I had a diary. I had their phone numbers; they were my friends. What are you guys talking about, I would have gone to see them right away.

I had close ties with all the Americans that were coming there. A representative, a delegate from the Washington Post, the day they came to Khowst agency. I had my guys with them and they went to the mountains and I led them in every way possible so they

could arrange all the information about Khowst and Paktia province and the head of the delegates was [redacted] I had his personal business card with me and I was at their service all the time. I had provided this delegate, the Americans when they came in with my own car, with my own security guards and I had the people that was living with me to go keep these guys secure so they could do their thing everywhere they had to go.

I have his phone number in my papers. Why don't you ask him about my background and who I am?

I led the American to the Khowst province to the Paktia province. I inquired them to please tell them to come here so I could tell them what was going on and Zakim Khan who was a commander with the northern alliance, he led and brought the Americans to my agencies from day one and I tried to be helpful there as well. And I told commander Randy, an American; can you please do something so I can get my cars back from Pacha Khan? He told me that it was a very serious matter. Do not get involved with this and to let him handle it. I will see what I could do. Pacha Khan was my direct opposition at that time in Khowst when I was telling Randy the situation.

Whoever was present, this is very shameful and an amazing situation please that you know that you are saying that I was caught in the women. Go ahead and ask my kids and my family and see what happens. And you can ask whomever I was known within at Khowst. I would have go to the American just by a piece of paper let alone them coming to my house. That's how I was trusted.

I was securing the American media at the airport and that was part of my job. To kind of secure them from being attacked and I worked doing media security at the airport of Khowst. In a sense, they had given me so many responsibilities, I had to get somebody else's help and I had assigned them to protect the media center at the airport.

The fact that I have been accused of these allegations about the Taliban and Al Qaeda, I want to say one more thing. I have initiated a huge campaign about Al Qaeda and Taliban. I personally managed to videotape the way they were conducting their business at school and at work. I made all of this as evidence and I had spread nightly leaflets and warnings to encourage people to bring us information about the Taliban or Al Qaeda. I did it at night so people would not know I was doing this. I personally from my own pocket promised that there would be cash awards for the information and passing out the leaflets. All of the videos that I managed to prepare as apart of the information that the Americans media and the American campaign are holding from me in Kabul that fighting against the Al Qaeda and the Taliban. This was a part of my service to the Americans and to the government of Afghanistan that this was a part of the national security that I created three visual videos and when I was taping, I was also talking at the same time trying to explain what the videos were about and give them to the intelligence center.

The videos are the evidence that the people who are within the Khowst area and that video show that I was telling them about my campaign. And this is what was going on

individually throughout the United States and different cities and at the same time is sometimes the Americans were helping them cash wise as well.

If you guys are not capable of finding my evidence, I need to be in a position so I can try myself and call my office and try to send you all of this proof. In my diary, I have a phone number and I can ask for them to send me the evidence and these papers that will get the videos that were given to the Americans that talk about the campaign I had in Khowst.

You can look at the witnesses' statements and see what they say. The evidence that we have as the exhibits that has been gathered by you, please refer to that and see what has been said on my behalf and who I am. I am not saying this for you to release me. I don't think that you will release me because I was sworn. I swear to almighty Allah that from the day that I was begotten, I was born from him, I have not had that type of intention. I was always in accordance with the policy of the new government and the Americans. I have not said one crooked thing against them.

I never had the intention of having a negative concept with human beings to destroy things, to blow things up, or to be the enemy of others. In the next ten years I will be saying the same thing to you that this is not who I am to go offer things like that.

Among these six accusations that have been arranged for me, even if you have something of solid evidence that supports that or even a part of this question, I will go ahead and admit to all six allegations. And that is up to you how you want me to prove this to you. What's available to me? Through writing, through talking, through finding evidence for you? If I am in that position I will do that. The way you want it, I will present it for you.

In the whole province of Paktia, they know me. If there is one person that has a legitimate accusation to say that I had any type of ties to Al Qaeda or Taliban, that knows me, then I would like to hear that. If Pacha Khan, which is my enemy that has created all of this for me, faced me eye to eye, I would like to see what he's got going as far as supporting that I did this or did that.

If I do not have an explanation and evidence to every single thing that I am talking about, then you can say that I am not saying the truth at all or I am lying. I would write it down on a piece of paper and sign it that if I am guilty of any of part of these accusations then I will be guilty of all of them.

The fact that I am in camp one and I was always a supporter of the campaign over there and I see the people who could have been apart of the Taliban or Al Qaeda, they are in a better camp, this is so amazing. To me it just shows the deficiency of the system when I was the guy that spend my whole life trying to stand for something and be against these people now I am in camp one in a lower degree person than those guys who were apart of their government, they are still detainees but they supported Taliban and Al Qaeda directly. Now they are in a better camp than I am.

I have asked for a small dictionary and I haven't been (given) it and they have piles of books to read. That is not a good faith on your part for your supporters. This is what I get for being against the Taliban and the Al Qaeda and being a supporter of Rumsfield. I was listening to his speeches, when he came to Afghanistan two to three times. I had campaigned for his speeches and for him to be heard and here this is what I get for it.

Tribunal President: And I appreciate it but we really need to get on with it. Do you have anything else you'd like to say in reference to your case or the allegations.

Detainee: I am going to finish up right now and I've seen a lot of Indian movies that were about detainees being held but after the end of the movie when evidence was brought and truth prevailed, they were released and that is where my case is right now.

I was brought on personal accusations on personal feelings about other people's lies. See what lies do, a set of a few lies, it ended me up over here. If you have my evidence, if you have my papers, then you have to compare these accusations with that and see if I belong here. Jan Baz is my enemy and here he is presented like we were caught together like a friend. The whole world knows that I was working for the Americans and the government and here it says there is no such proof.

I am really sorry; I had a lot to say now you may ask the questions.

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

Detainee: Yes.

Personal Representative's Questions to Detainee

Q: You had stated when the Americans came to your house, the day you were arrested, that you were told to put the females in another room. Who told you to do that?

A: The translator. One of the soldiers that were with them that spoke Farsi or Pashtu, said that the Americans wanted the females to get separate.

Q: Was this an Afghani soldier?

A: Yes, talking for the American soldier.

Q: The American worked with that soldier when he was talking to him?

A: They entered the premises at the same time.

Q: So the American soldier saw you when you moved the women? The American soldiers were with the Afghani soldier when he was telling you to move the women into another room?

A: I do not recognize if he was direct, if the Afghani soldier was together with the American soldiers. It was not a Karzai government soldier. He came five minutes came after the Americans came. When he told me and I told the ladies. I cannot put him in direct contact with the females so he had to tell me what was going on.

Q: Were you in the process of moving the women in the other room when the Americans came in?

A: The ladies went to the room, then later when they were kind of stationed in the room, the American soldiers came.

Q: When American soldiers saw you for the first time, there were no women in the room with you?

A: The little kids were there and maybe a couple of women were there also, but I told them to go to the room. I did not know if all of them were in the room or not. I was talking to the Afghani soldiers and my daughters and the kids were kind of walking around. The Afghani soldiers were not identifiable. They were all covered and you could only see their eyes but not the American.

Q: When the Americans came into the room, there may have been some women there?

A: When the Americans came the kids were there, but not the women.

Q: You had mentioned to me during our initial interview that Sudar, the nephew of Pacha Khan, was present at a meeting when Pacha Khan told Jan Baz to arrest you. Is that how Pacha Khan influenced the Americans to arrest you?

A: Sudar was assigned to a job by the Americans that Jan Baz later took over. Sudar was in a meeting that he witnessed Pacha Khan tell Jan Baz to make some type of situation available for him to set me up so I can get caught. Sudar had told the investigators in Bagram that he was there Pacha Khan ordered Jan Baz to make sure that I got captured. When Sudar was holding the same position as Jan Baz, he admitted to the Americans that Pacha Khan told him to find a way to put me in the hands of the Americans, three times. Sudar has said this in his testimony. He testified to the Americans right in front of me, that he knew me and that I was for the government of Karzai and supporter of the Karzai government.

Q: Just to clarify when you were arrested. Jan Baz was there with the Americans. He wasn't there with you; he was there with the Americans.

A: The people, the Afghani soldiers, I told you before were covered. When I saw him in Bagram, I asked Jan Baz, why did you do this to me? He was captured also. I asked him why did he tell the Americans to come and capture me? He said no I wasn't there and denied it, but Sudar said no you were there. Jan Baz said it wasn't him and someone else turned you in. Sudar told Jan Baz that he knew he was there and Pacha Khan told you to go get him and not to lie. The witnesses to that situation were captured and are here too.

Q: At that point, when you were arrested, Jan Baz was not with you? You were in a formally recognized position supporting the Americans?

A: Jan Baz still held the position with the Americans for four months before he got imprisoned himself. You can check his capture date. The Americans imprisoned him later on.

Recorder's Questions to Detainee

Q: If you liked being a pharmacist to help cure people, why did you give up the pharmacy to work in the national security office?

A: Very good question. The day the Taliban was created, I saw the atrocities and the way they were doing things. I had made up the situation in my mind available to me, you know what, if I don't do anything against this, I have studied; I know how to read and I know how to write. People like me are needed to fight against the Taliban. If I don't do it, than another ordinary person would not do it. The national security office in Afghanistan offered this position to me. I was qualified to help them with the campaign against the Taliban and that is why I dedicated my life or my goals to them. The government asked me to become a part of the campaign.

Being a part of the national security like a secret intelligence is a very shameful job in my country. Ordinary people would look at you in a strange way. How I exactly helped the campaign was in ways where I had studied; providing medicine, medical help for that campaign. To recognize narcotics in schools and college, because I had an education, that is how I participated in that campaign. That is when I spoke about office number seven, branch number seven and my allegation are saying but that is what that branch number seven was in charge of and how to run the hospitals, medicine and creating health related magazines. That is how I participate in the campaign and the reason for take the job in the national security office.

Q: You stated that you worked nine consecutive months. Were you paid regularly for all nine months?

A: Yes, I was getting paid from the central government.

Q: Item number four states the NDS denied the detainee was an officer working for them. Can you think of any reason why they would deny? Especially if you say you are well know in Khowst?

A: I don't know if you know. I can say that this was a secret job. Everyone did not know what I did because I was in the secret service division of it and that is probably why they did not recognize me or did not know me for that position. It is a worldwide policy that the secret service will not tell you everything they know. Other than the government related or government representatives and the people that who just worked in the number seven branch, nobody else did not know that I was in the secret service. What is the meaning of intelligence if you tell everybody about yourself? The only thing that I can think of was that the communication with that particular office was not known of how I got there and how I was introduced. A thousand years will pass by but my attendance during those nine months will always exist. The only possibility that you will not have my evidence of my papers is if things caught on fire.

Tribunal Members' Questions to Detainee

Q: I just want to follow up on her question a little bit. Do you know what is the name of your supervisor?

A: You want the central boss or in Khowst?

Q: In Khowst?

A: At the time I was working it was engineer Hazrat-U-Din. There are twelve branches in national security. I was responsible for branch seven. Engineer Hazrat-U-Din was the director for the twelve national security offices.

Q: Were all the branches in the same building?

A: Yes. Different offices. Different branches. Five to six people were in each room working.

Q: How did the central government pay you?

A: Usually, Hazrat-U-Din who would deliver the money from the central government to pay us. There was so much for our salary and so much for the budget purposes for the expenses for that particular year. It was not all the time on time as far as our salary went. They would say that the government is doing very poor right now. It's just starting and try to be patient and they would explain to us that he was not here or out of the country somewhere, so it was not a consistent flow.

Q: One of the witnesses you requested was Kiat Ali Goul (ph). Who is he and real briefly what he will testify to?

A: He was a security officer in my office. He had a weapon to secure the building. He was from one district and I was from another district about 100 kilometers away from each other. He knew about three things about me. I was the person in charge of that operation, that I was the enemy of Pacha Khan and also that Pacha Khan had seized two of my vehicles. He knew about these things. And he also knew about when I was captured by Pacha Khan. But I don't know the nature of his capturing or why he is here. Just in Bagram someone asked me if I knew him and I said yes he was a security guard.

Q: When you were captured I thought you said something to the extent of you told your brother to go tell Pacha Khan. Somehow you mentioned that you wanted to contact Pacha Khan when you were being arrested. Why would you want to contact him?

A: No. Not him. I told my brother to contact the governor.

Q: Did you have any relationship with the governor?

A: At that time for a week, we made Pacha Khan flee from the area. With the help of the American forces and the central government we had kicked Pacha Khan out of the area a week prior to that. But somehow Jan Baz was active in the campaign with the Americans. We did not have anything to do with Jan Baz, we were mainly after Pacha Khan.

Q: I want to ask you about your house real quick. Did you have visitor spend the night at your house very often?

A: It very common that I have friends there spending the night in Afghanistan they come for a whole day and don't go back home at night. I had visitors from the capital of Kabul. They were my guests and they spent the night. All Pashtu have guesthouses and the guesthouses were occupied by everyday people come, eat and go.

Q: Did anyone every stay more than one night?

A Not unless it was my wife's brother or something. When my brother-in-law came from Kabul, their family stayed longer than the night, maybe two to three nights.

Q: Where did you attend school to learn pharmacy?

A: A lot of Afghans go to school in Pakistan due to the Russians.

Q: Were the classes in Pashtu?

A: The medical words were in English, but the explanations and things like that were in Farsi and Pashtu.

Tribunal Members' Questions to Detainee

Q: Your pharmacy did you own it or did you work there?

A: It was my personal pharmacy. I owned it.

Q: I want to follow up on the question about the guest. Did you ever let strangers stay at your house, people you didn't know?

A: No.

Q: Do you have any military training at all?

A: No.

Q: Other than the pistol that you had from the NDS, did you have a personal weapon at you home?

A: Yes, I did have some weapons in my house Kalashnikovs - two. I have serial numbers of all of my weapons.

Q: Besides your education in Pakistan, have you ever traveled anywhere else?

A: No.

Q: Allegation number six says that you were in your neighbor's house. Were you in your neighbor's house or your house when you were captured?

A: The way my house is built, there is a door leading to my neighbor's house and on that side there is an empty space, there is a door there and because the neighbors and the kids came and said that my brother was captured. I went towards the door that led to my neighbor's house and we have a common area between my neighbor's and my house. It was kind of my neighbor's property but I wanted to check on my brother and I was caught there.

Q: When you were arrested, did they take anything from your home, any evidence, papers, weapons beside you did they take anything from your house?

A: I was led to a vehicle. I don't think they got anything. They were still searching, but they didn't get anything from my house.

Q: During your nine months with the NDS you had indicated you made some videotapes of Taliban and Al Qaeda activities. Did you ever arrest any Taliban or Al Qaeda members?

A: No, I was not assigned to that part of the campaign. I think branch number 12 had direct ties with that part of it. I don't remember which number, but number seven was not assigned to capture real Taliban. I have captured narcotics, I have captured people who were using narcotics and they were kind of influenced by that. I did something else for the security office. I noticed a lot of kids would go and leave the house for school purposes and go to the video store and would watch porn videos and I captured those guys, I did not think that was the right way of life. I acted according to the rules and laws of the government. I had to look for the expiration of the medicine and stuff like that and that it was no longer good. And the medicine that was contaminated, I had to recognize that. These are the kind of things I was doing and fake medicines. I was controlling the media that were complaining against the Americans and the government. I was watching for them too. I was in the campaign and had meetings against the Taliban. We seized some weapons of the Taliban and I was apart of that. Not Taliban just weapons like land cruisers and weapons they had left behind. I did these operations.

Q: I understand that Jan Baz and Pacha Khan are you enemies, but at any point did you ever work for them?

A: At the time that Pacha Khan, right in the beginning of the Karzai government, when Pacha Khan was assigned to capture Taliban or Al Qaeda members by the Americans by the central government, as a commander, then I was with the same campaign with him. I did help. As soon as he turned around and became an opposition, I was his first enemy. At the time I was supporting Pacha Khan for the right purposes, the Americans was supporting him, the government of Karzai was supporting him, so I was with the same campaign to go find out Al Qaeda.

Tribunal President's Questions to Detainee

Q: When they showed up at your house, did they tell you what they were looking for?

A: Yes, they said we have come here to search the house. I told them that I was a member of the government and we have searched a lot of government employees' houses. We searched the governor's house too. I told them to please go ahead. During all of this, I was captured and put into the car.

Q: You indicated that you had trouble with Pacha Khan and I am assuming his nephew Jan Baz as well. Did you inform your boss of the fact that he had

captured two of your drivers and arrested you for a brief period? Did you let your boss know that you were having this much trouble with him?

A: Hazrat-U-Din completely knew about the scenario. Even Hazrat-U-Din was afraid of him. Hazrat-U-Din told me to watch it and look back sometimes because Pacha Khan is going to kill you. He was so strong that on the way to Kabul, he had checkpoints that we couldn't go through. Even the governor of Paktia was afraid of Pacha Khan and he would not even take that road to Kabul to report. We would go through the mountains instead. Even Hazrat-U-Din told the Americans that Pacha Khan had seized two of my vehicles and asked if they could return the vehicle to me.

I'm sorry, but I wanted to say something about your question. According to your question, I have to tell you something before I forget. I have also captured a couple of fake certificates where people would come and try to get medicine with the permission of that certificate and when I went to clean myself up before the prayer, you wash and open everything and if you have a gun and with a holster. I had put that in my drawer and had captured those two certificates and I think the Americans have the gun and the two certificates as well.

And because my shotgun was there, my brother since he did not have a permit to bring the gun to me, and because he did not have a permit, that weapon was my work weapon that was given to me, so he did not carry it with him, he put it in the safe and I think in Bagram I saw the shotgun and also the two certificates that I had seized. That was my personal gun for protection in the bazaar as all shopkeepers had one.

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

Detainee: I thank you for listening to me and to what I was saying. It is a treat to me that I spent two years here and finally somebody asked me to do this. I have been through so much. I was ordered to stand up 24 hours for 20 days in a row. I had blood coming out of my body and my nose for days because I was tortured so much. In the first two days I was caught they purposely did not give me any food for two days.

Tribunal President: Was this by U.S. forces or Afghan forces?

Detainee: American Forces (spoken in English). Afghan forces did not capture me.

Tribunal President: Since you have been here?

Detainee: Two days and three nights I was in Khowst. No food whatsoever. They had a huge wool bag on top of me and I developed rashes and I was so much uncomfortable. For 15 days I was in the dark standing looking at the ceiling. I was not given anything and the only thing that I took was the water and a soldier helped me with that. I saw four people die right in front of me. My blood pressure was so high that blood would be

coming out of my nose and all over my clothes. They put tight round glasses around my eyes, had my ears shut with plugs and I was covered with a bag. When they took the covers off it was black, pitch black because the blood had accumulated around my eyes for a whole month I could not touch the area. My whole face was black. Because I was standing, my feet had swollen so much that I could not move them when I was going to the bathroom, I would drag myself with my butt muscles and my thighs. One time I thought that I was going to get lucky and this officer came and he saw how I was doing and he told them to fix me up or untie me and he ran and the soldier came to do something and when the officer was gone the soldier ran away too. I was doing a lot better with the American forces in the Kandahar airport as I was there for four days and things were a lot better. The interrogators did not bother me that much and they did not even say anything offensive to me. And here in Cuba, I have been treated nice. Overall it is fine here.

Tribunal President: We will certainly make note of that in our reports.

The Tribunal President confirmed that the Personal Representative had further evidence to present, which was two statements from the detainee's witness and the Personal Representative read the statements verbatim and submitted the statements as exhibits (D-B and D-C) to the Tribunal.

The Personal Representative also presented and read a statement from the Detainee's brother and submitted the statement as (D-D) to the Tribunal.

Detainee: I wish that my witnesses could have been here.

Tribunal President: I told you earlier that I would allow you to speak on behalf of the witnesses' statements and you may do so at this time if you'd like.

Detainee: The only reason I said that because what he didn't mention as a witness (Karim) was that he was a witness to when I had my pharmacy I detested the Taliban and slapped a few Talibans right in the middle of the market. Karim was standing there and I got like into a fist fight with a Taliban and that is how much I hated them and I was going to ask him what he saw what I did with the Taliban members. The whole market knows that I beat up these Taliban members. He didn't mention that when I caused all that harm to the Taliban, they punished me by closing my pharmacy for weeks. The whole area knows that I went ahead and kind of slapped these guys across the face.

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

JJOHCA
GUAN20041 01986

01 APR 2004

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D CROSS MESSAGE

پیغام خانواد گی صلیب سرخ/دسره صلیب سوري

8. SENDER / فرستنده/لیږونکی

ICRC No. شماره صلیب سرخ / دسره صلیب نړیواله کمیټی لمبر

Full name نام کامل / بشپړ نوم [redacted]

Father's name نام پدر / ډیلار نوم [redacted]

Grand-father's name نام پدر نورگی / ډیکی نوم [redacted]

Mother's name نام مادر / ډمور نوم

Nationality تابعیت / هیواد [redacted]

Date of birth تاریخ تولد / نېټه ولادت [redacted] Sex F M ه i

Place of birth محل تولد / ځای ولادت — village/کلی/قریه district/ولسوالی province/ولایت [redacted] country/مملکت/هیواد [redacted]

Refugee camp/Detention place نام اردوگاه پناهندگان/محل اسارت / ډیرهندګاه وکسب نور/ډیره ونګاه نور

Street کوچه / ګوڅه نور

Village, District or City قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country ولایت مملکت / ولایت هیواد House No. نمبر خانه / کورنمبر

APPROVED BY US FORCES

JUL 05 2004

REPLY / جواب / جواب

9. ADDRESSEE / گیرنده/اخیستونکی

ICRC No. شماره صلیب سرخ / دسره صلیب نړیواله کمیټی لمبر [redacted]

Full name نام کامل / بشپړ نوم [redacted]

Father's name نام پدر / ډیلار نوم [redacted]

Grand-father's name نام پدر نورگی / ډیکی نوم [redacted]

Mother's name نام مادر / ډمور نوم

Nationality تابعیت / هیواد

Date of birth تاریخ تولد / نېټه ولادت [redacted] Sex F M ه i

Place of birth محل تولد / ځای ولادت — village/کلی/قریه district/ولسوالی province/ولایت country/مملکت/هیواد

Refugee camp/Detention place نام اردوگاه پناهندگان/محل اسارت / ډیرهندګاه وکسب نور/ډیره ونګاه نور

Street کوچه / ګوڅه نور

Village, District or City قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country ولایت مملکت / ولایت هیواد House No. نمبر خانه / کورنمبر

JTF/ JDOG GUANTANAMO BAY, CUBA

GTMO

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللي صلیب سرخ

دسره صلیب نړیواله کمیټی

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

Exhibit D-d Page 1 of 3

AP 01816

Unclassified / FOUO

Exhibit D-d Page 2 of 3

11. REPLY

GUANTANAMO 20041 01986

MESSAGE APPROVED BY US FORCES

Family and/or personal

احوال خانواده گی که محض ماهیت شخصی داشته باشد
کدام بهانه جه بواری شخصی احوال بیان کری

JUN 0 2004

JTF GTMO S-2

GUANTANAMO

Signature [redacted]

Date 3-09-2004

The addressee is mu

Unclassified / FOUO

Translation of highlighted portion of a letter from the brother of Detainee, [redacted]

"We are not facing problems. Security is reliable. Each person does his own thing. Your friends, some have their jobs, some have been transferred to different jobs. If they're not working on your release, that is upon their fairness and dignity. Other than that, do not worry about us. Merciful God will one day release you because you are an innocent person and not a criminal and a member of the transitional Islamic [Karzai] government. God is kind. You will be released soon."

UNCLASSIFIED / ~~FOUO~~

The following is a statement obtained orally from [redacted] regarding [redacted] It was obtained freely on 5 Jan 05 and translated back to him for verification prior to him signing its truthfulness.

I met [redacted] when he was working for Karzai's government in the National Security or Secret Service. He was not against Karzai because he worked for Karzai's government. I was responsible for guarding the building where [redacted] worked. He was against [redacted] because he put him in jail. I do not know what his thoughts are about the Taliban. I don't know if he fought the Taliban in the Khost area. If he works for Karzai then he is for America. I knew him for our mutual employment for Karzai — a working relationship. I saw him daily at the National Security building.

I, [redacted] swear by all mighty Allah that what I have said today is the truth.

[redacted]

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Exhibit D-b Page 1 of 1

The following is a statement obtained orally from [redacted] regarding [redacted]. It was obtained freely on 5 Jan 05 and translated back to him for verification prior to him signing its truthfulness.

[redacted] owned a pharmacy in [redacted] acted as a physician. I don't know him as Taliban. I owned a flower shop and cooking pots shop across the street for five years before my arrest. [redacted] already owned the pharmacy before I got there. He was always involved with the pharmacy and nothing else. I never heard of any explosive cells in [redacted] [redacted] worked just after sunrise until sunset. He and I would see each other during the day to go pray at the mosque about 5-6 minutes walk. My relationship was casual, not close. I've never seen him do anything except work 100% in his profession.

I, [redacted] swear by all mighty Allah that what I have said today is the truth.

[redacted]

Summarized Unsworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee, who was absent from the proceedings.

- **3(a)1 The Detainee was second in command of his group in Tora Bora.**

  I have never been to Tora Bora. This is not true.

- **3(a)2 The Detainee trained at al Farouq and Kandahar, Afghanistan.**

  I did train in a camp, but the camp was not al Farouq. The camp I trained in translates to "the truth." I deny being at the al Farouq training camp.

- **3(a)3 The Detainee has met Usama Bin Laden.**

  This is not true. I did not meet Usama Bin Laden. All I did was see a photograph of him. If I see a photograph of President Bush, does that mean I met President Bush? If I see a photograph of so and so, did I meet so and so? I adamantly deny meeting Usama Bin Laden, I only saw him in a magazine.

- **3(a)4 The Detainee's name was found on an Internet web-site listing of captured Taliban and Al Qaeda fighters.**

- **3(a)5 The above-mentioned website's stated goal was to publish the names to place pressure on the home countries and Pakistan to release the "prisoners."**

- **3(a)6 The Detainee's name was found on a computer server hard drive of Arabs incarcerated in Pakistan recovered during a raid on a suspected Al Qaeda safe house in Islamabad, Pakistan.**

- **3(a)7 One of Detainee's known aliases was on a list of captured Al Qaeda members discovered on a computer hard drive associated with a senior Al Qaeda figure.**

- **3(a)8 One of Detainee's known aliases and corresponding "trust" account were found on computer media seized during raids on Al Qaeda-associated safe houses.**

  Points 3(a)4 through 3(a)8, I do not have direct knowledge of. These items have all been made up. When I was picked up by the Pakistanis, I was kidnapped. They could have used information against me. The French media also wrote about a number of individuals being kidnapped,

therefore, my name was being used…maybe my passport was found and someone took my name, and the Pakistanis used it against me.

While I was in the prisons in Pakistan, I gave my name to the military personnel there. Anybody in uniform that would ask my name, I thought they were legitimate, and I gave them my name. They may have used my name against me.

I was a kidnapped person from Pakistan. If you want me to be in this prison, I will be here for 200 or 300 years. I have a good time here, I am in Camp 2; I've been in Camp 2 the entire time. I've never had any problems here. I have always been cooperative while I've been here, and if all is well, I will be here for the rest of my life.

I did lose my passport in Kabul, and someone may have found that passport and used the name against me.

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

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 still want to present information to this Tribunal?

Detainee: To what?

Tribunal President: Any statement on your behalf concerning the unclassified evidence or any information that you want us to be aware of.

Detainee: The fact that the Derunta camp is run by Al-Qaida, that is not correct.

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

Detainee: Yes.

[The Detainee was sworn using the Muslim oath.]

Tribunal President: Thank you, you may begin.

Detainee: It is true that I trained for twenty-eight days. I trained on the Kalashnikov and fired about ten shots. With a pistol I fired just a few shots, maybe five or six. The RPG, I only saw it I did not train on it. The training camp was small so there were only six or seven people that trained on the RPG.

Personal Representative: If he would like, I can read the statements.

Detainee: Yes.

Personal Representative: 3.a.1. (The Detainee is a Tunisian national who traveled to Italy then to Afghanistan where he received training at the Derunta military camp.)

Detainee: Yes, that is correct.

Personal Representative: 3.a.2. (Derunta is an Al-Qaida military training camp.)

Detainee: No, that is not correct.

Personal Representative: We have already talked about number three. 3.a.3. (The Detainee spent twenty-eight days at the camp where he participated in Kalashnikov rifle, pistol, RPG, and grenade training.)

Personal Representative: 3.a.4. (The Detainee fought with Al-Qaida in the mountains of Tora Bora.)

Detainee: No, I did not fight.

Tribunal President: Does this conclude your statement?

Detainee: This training camp is not associated with Al-Qaida. The proof to this is the Taliban shut down all the training camps in Derunta. The training camp I trained in is associated with the Islamic mujahadin. They were against the Taliban and fighting the Russians. They were the ones running this camp and were not associated with anyone. The man running it told me as soon as I got there that they were not associated with anyone or any regime. The Taliban closed these camps so the people training there would have to go and train in camps with Bin Laden and Al-Qaida in Kandahar. I trained in 1997 at the beginning of the Taliban. About the issue with Tora Bora; I did not go there, Tora Bora is a village. The only way for me to go to Pakistan was through that village and the mountains of Tora Bora. There were Arabs in the mountains but I wasn't there. I just walked through there to get to Pakistan. That's it.

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: If we may, the Tribunal Members have some questions.

Detainee: Yes.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When did you go from Tunisia to Italy to Afghanistan?

A. 1989.

Q. For what purpose did you go?

A. To work in Italy.

Q. How long did you stay in Italy?

A. From 1989 to 1990. And then I went to (inaudible). Then I returned in 1990 until 1997.

Q. Was the main reason you went to Italy to find work?

A. Yes.

Q. So you stayed in Italy until 1997 and then you went to Afghanistan?

A. Yes.

Q. Why did you choose to go to Afghanistan at that time?

A. I did not decide. I was working with drugs and using drugs. There was a restaurant beneath a mosque and I would go there to eat because it had Arabic food. I met a Tunisian man there and his name was Abu Abdullah. He encouraged me to start praying. I continued to pray and started observing the religion. I stayed there for about three months and then he gave me money and a ticket and told me to go to Afghanistan.

Q. To start your life over?

A. Partly, I just didn't know anything at that time because of my drug use. I think he had some problems with Tunisia. He told that there were no people with beards and no people wearing veils in Tunisia. People were not praying and things like that.

Q. That is the reason he said you shouldn't go back there?

A. Don't go back there?

Q. Abu Abdullah said don't go back to Tunisia because the people were not properly observant to Islam?

A. No, because the government forbids having a beard and the veil and the praying.

Q. So he advised you that you should not go back to Tunisia or were there other reasons why you did not want to go back?

A. At that time?

Q. Yes.

A. Because I was using drugs. It would have been a problem for me to stay there for seven years and then go back to Tunisia with no money or nothing.

Q. So, around 1997 or 1998 you went from Italy to Afghanistan?

A. 1997.

Q. Where did you go and what did you do?

A. When I first got there I went to Islamabad. A Tunisian man named Saif met me at the airport and took me to Peshawar. I stayed there about a month. I was clean-shaven at time and I was able to grow a beard within that month. Then I went into Afghanistan and stayed for about a month in a house. He then took me to the Derunta camp.

Q. So we are still in the 1998 time frame?

A. 1997 or 1998.

Q. Did you have any military training before you went to that camp?

A. No.

Q. Why did you go to that camp at that time?

A. I didn't go there, the Tunisian man took me there.

Q. Why did he say you needed to go there?

A. To train.

Q. For what in particular?

A. He told me that in our religion this is something that you should do. You should train.

Q. In case of a conflict coming up?

A. Maybe, in our religion, that is how it is. For example, someone that works in the Army in his country, why is he in the Army?

Q. Because he is volunteering to train and be prepared. Is that the right answer for you also?

A. Just about.

Q. Did the Taliban approve of your presence in the country?

A. The Taliban was not the country and couldn't approve or not approve. Afghanistan is a jungle. There is no law or anything.

Q. So you didn't ask for anybody's approval to go to the camp? You just went with the man that led you there?

A. Yes, I didn't know anything.

Q. So after your training at the Derunta camp what did you do after that?

A. I wanted to return to Italy because I had a round trip ticket.

Q. Did you return or did you remain in Afghanistan?

A. No, I left Afghanistan.

Q. And you went back to Italy or somewhere else?

A. No, I stayed in Pakistan.

Q. You had a round trip ticket - did you ever go back to Italy or you just didn't do it?

A. No I did not return.

Q. If you had a round trip ticket, why did you choose not to return?

A. Saif took me to a house, and two of my Libyan brothers were there and they advised me not to go back. They told me to stay here so I was away from the drugs and the problems.

Q. And you accepted their advice?

A. Yes.

Q. We are in 1998 now and you are in Pakistan and what did you do while you were in Pakistan at that time?

A. The Libyans had a store where they sold several Arabic things like honey. So I just stayed with them there.

Q. Did you work in the store with them?

A. Yes.

Q. How long did you do that?

A. Until 2000 when I got married.

Q. In Pakistan?

A. Yes.

Q. Was there a time then when you returned to Afghanistan?

A. In 2000.

Q. After you got married?

A. Yes.

Q. What was the reason you decided to go back?

A. When the current President of Pakistan came into power he started rounding up Arabs and returning them to their countries. I was afraid he would turn me over to Tunisia. So I went to Afghanistan because there is no law or anything.

Q. So you went to Afghanistan and left your Pakistani wife behind?

A. No, she was with me.

Q. So your intent was to move to Afghanistan and stay there because it was more secure for you?

A. Yes.

Q. So we are still in 2000 and you and your wife are going to Afghanistan. Where did you go in Afghanistan?

A. Jalalabad.

Q. Were you able to find work there?

A. No, there is no work in Afghanistan. You can be an independent merchant if you want.

Q. How were you able to survive then?

A. I would send an Afghani man to Pakistan to buy honey. He would bring it back and I would sell it in little containers.

Q. That was enough to for you and your wife to survive?

A. In Afghanistan it is normal. The cost of living is very low. I wasn't living in a palace, I was living normally.

Q. Where you ever bothered or harassed by anybody in the Afghan government because you were not Afghan?

A. No.

Q. Of course at that time, Afghanistan is in the middle of their civil war. When did you first become aware that they were in the middle of a war?

A. From the minute I entered in 1997. The fighting was in Kabul, not in Jalalabad.

Q. So you weren't concerned for your safety or your wife's safety?

A. No, because I knew there was nothing going on in Jalalabad.

Q. Did the Taliban ever approach you and ask you to do things for them?

A. No.

Q. Even though they needed every able body man they could get?

A. That is not true.

Q. When was it that you decided that you needed to leave Jalalabad?

A. When the problems with America started.

Q. And the war advanced to the city of Jalalabad?

A. Not in the city, in the mountains far away.

Q. And you decided at some point to try to return to Pakistan?

A. Yes.

Q. But the same President was still there and you said before that he was rounding up Arabs and sending them back to their home countries. So were you still afraid that might happen?

A. It's better than getting killed.

Q. So please explain how it was that you were captured.

A. My wife's brother came to me and said you and my sister should return to Pakistan. I told him to take his sister to Pakistan and then come back and I will give you everything that we have in the house. Then I will go by myself through the mountains. I couldn't go through the main road because I am an Arab. That way, when he entered Pakistan with all these household goods there would be no problem. I would just walk through the mountains. When Jalalabad was captured I heard that a lot of Arabs had been killed there. So everyone escaped. That was during the month of Ramadan. So we went to a village. I stayed there for about ten days when the head of the village came to me. He told us we had to leave because it was possible that the Americans would bomb the village if they knew Arabs were there. So they took us to the village of Tora Bora and we stayed about twenty days. We were told to stay there until they could find an Afghani guide to show us the way. The sixth night a man came and took us. We started walking with this man through the valleys where we were bombed. A lot of people were killed and I was injured. I surrendered the next morning to the Afghans. They took me to Jalalabad and then to Kabul and then to Bagram, and Kandahar to Cuba.

Q. So you never made it back to Pakistan?

A. No.

Q. Who were the Afghanis that you surrendered to?

A. The new government.

Q. So, if we understand correctly, you did your training a long time ago in the camp. Nobody tried to make you fight in the war and you didn't volunteer to fight in the war.

A. Yes, who would I fight?

Q. I thought perhaps the Taliban would want you to help them fight against the Northern Alliance.

A. No. I heard that they never forced anybody to fight.

Q. Are you part of any group of people that is sympathetic to the Taliban or the Al-Qaida?

A. No, what do I have to do with the Taliban or Al-Qaida?

Tribunal President: Do you have any other information to present to this Tribunal? Anything that you would like to make known to us?

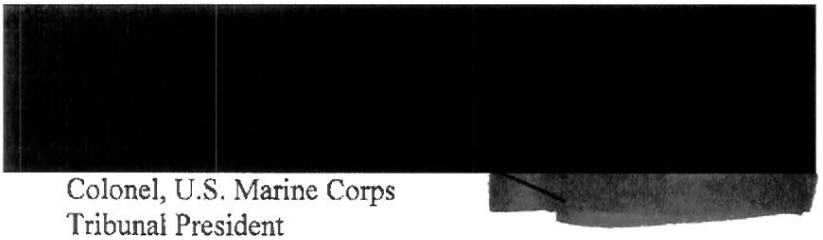
Detainee: No.

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.



Colonel, U.S. Marine Corps
Tribunal President