

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the hearing instructions to the Detainee and confirmed that the Detainee understood the process.

The Assisting Military Officer presented Exhibit EC-A, the Enemy Combatant Notification Form to the Administrative Review Board.

The Assisting Military Officer presented Exhibit EC-B, the Enemy Combatant Election Form to the Administrative Review Board.

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Evidence to the Administrative Review Board and Exhibit DMO-2, the FBI Redaction Certification.

The Designated Military Officer gave a brief description of the contents of Exhibit DMO-1, the Unclassified Summary of Evidence to the Administrative Review Board.

The Designated Military Officer confirmed that he had no more additional unclassified information to present and requested a closed session to discuss classified information relevant to the disposition of the Detainee.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Assisting Military Officer began to read the items from Exhibit DMO-1. The following statements were made by the Assisting Military Officer on behalf of the Detainee taken from notes made by the Assisting Military Officer during the Administrative Review Board interview with the Detainee:

3.a.1. While in Afghanistan, the Detainee engaged in jihad in the Tora Bora region.

Detainee: These allegations are not true and were brought about by Moroccan interrogators. I was actually fleeing from death and riots in Kandahar. I was fleeing to escape Afghanistan to Pakistan in an effort to return to my own country.

3.b.1. The Detainee participated in weapons training in the mountains north of Kandahar, Afghanistan, where he learned how to operate and clean an AK-47.

Detainee: I did receive training on how to clean and use an AK-47 but it was in the mountain area I was in immediately prior to leaving Afghanistan for Pakistan and not when I was in the mountains north of Kandahar. I never fired my weapon at anyone, not even for hunting. I received the AK-47 from an Arab that I was traveling with who gave it to me so I could defend myself. The same Arab also taught me how to operate it and clean it.

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3.b.2. The Detainee attended training at a terrorist training camp.

Detainee: I never attended training at a terrorist training camp.

3.c.1. The Detainee affiliated himself with Muslim fighters in Afghanistan.

Detainee: This is not true. During my attempt to flee Afghanistan into Pakistan, Afghans who were looking to kill Arabs blocked the road that I was traveling on and so I had to take another route through the mountains. I coincidentally found myself with other Arabs who were also fleeing Kandahar to Pakistan and they provided me with food and water. I had no other means of surviving without them. I was not aware that these people might have been Muslim fighters. They were not carrying any weapons and I did not know any of them personally.

3.c.2. The Detainee admitted he tried to join with other Arab fighters prior to the commencement of the Coalition air raids.

Detainee: I never admitted that I tried to join with other Arab fighters prior to the commencement of the Coalition air raids. This allegation is a lie.

3.c.3. The Detainee was captured while attempting to escape to Pakistan with other Arab fighters.

Detainee: The people that I was traveling with while fleeing Afghanistan were Arabs and Afghans traveling through the mountains seeking a village near a mountaintop in Afghanistan but near the Pakistan border. One of the people that I was traveling with had connections with people in that village who knew people in Pakistan who could provide us passports to our country. However, after traveling on foot with them for seven or eight days, I became tired and stayed behind in the mountains while the remainder of the group traveled on. Not long afterward I was captured by Pakistani authorities. I was alone when I was captured.

3.c.4.a.4. The Detainee stated his training at the mountain camp was for self-protection.

Detainee: I deny stating that I trained in a mountain camp. I never attended any type of training camp. If I am released I would like to return to Morocco to live with my parents and look for an industrial type of job.

Assisting Military Officer: Sir, that concludes the notes I took from our interview.

Presiding Officer: Muhammad Ben Moujan, I understand you want to make a statement. Do you want to make your statement under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it. We do not require an oath.

Detainee: What do you want me to take the oath for?

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Presiding Officer: He does not have to take one if does not want to.

Assisting Military Officer: Sir may I interject, I would ask the Detainee that we are asking him to take the oath in that the answers he gives the board, he would be swearing that they are truthful.

Presiding Officer: Yes, that is a good explanation. The oath is so that we know that you are telling us the truth.

Detainee: I have nothing further to say sir. Everything I wanted to say I told you guys.

Translator: I guess he doesn't want to take the oath.

Presiding Officer: Okay! Do you still have a statement that he wishes to make or comments that you would like to say whether you take the oath or not?

Detainee: I have nothing else to say.

Presiding Officer: Okay! Did the Assisting Military Officer statement provide the information you wanted us to hear?

Detainee: Everything I have, I gave to you and I said it to the Assisting Military Officer.

Presiding Officer: Thank you. Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Administrative Review Board members' questions to the Detainee

Q. Muhammad, did you have a passport when you traveled from Morocco to Afghanistan?

A. Yes I did.

Q. What happened to that passport?

A. It stayed with my brother in law in the house in Kandahar.

Q. Why did you travel to Afghanistan?

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A. I went to visit my sister there.

Q. Do you speak English?

A. Seldom. Very seldom.

Q. Can you speak English? I'm not asking how often you speak English. Can you speak English?

A. I can't.

Q. How did you travel to Afghanistan? What route did you take?

A. I took the plane to Syria. From Syria to Afghanistan I went by buses. I took a plane from Morocco to Syria.

Q. Have you ever been in an area where planes have been dropping bombs?

A. Never. Through my route from Morocco to Syria or what?

Q. Anywhere.

A. Yes, there was aircraft riot in Afghanistan and I was there.

Q. In Afghanistan? In the mountains?

A. Even in the city. In the city of Kandahar itself there was...

Q. Where did you encounter Moroccan interrogators?

A. When the Moroccan group came. A group came from Morocco and they interrogated me here in the camp.

Q. Why were Afghanis trying to kill Arabs when you were trying to go from Afghanistan to Pakistan?

A. I really don't have a clear picture of why they want to kill Arabs but we were trying to flee and escape with our lives from the aircraft bombing.

Q. How many jobs have you had in the past?

A. This question is not called for because it was in the past and really I don't... (Detainee began to smile).

Q. So you don't want to tell me what jobs you've had?

A. The last occupation I had was doing metal doors, metal windows with types industrial windows and doors.

Q. Is that the kind of job you're going to try and get if you return to Morocco?

A. No.

Q. What kind of job do you mean when you say industrial jobs?

A. Some kind of industrial repair like housing developing or anything. It doesn't have to be only housing.

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Q. Do you have any training to do those jobs?

A. Somewhat.

Q. What kind of training?

A. Sir, this has nothing to do with this trial or this board. My only problem when I entered Afghanistan is that they captured me and that was my only problem with them or you guys.

Q. You don't need to be worried of what you think we should be doing, you just decide to answer to the questions or not.

A. Very good sir.

Q. So you have no other training that would be applicable to getting a job? You didn't answer the question. You said that you would be looking for jobs in housing, and I asked if you had any in that, and you never fully answered that question.

A. I might work in this mission or I may not. I may find something else. It doesn't necessarily in industrial with the doors and the windows.

Q. Okay, I'm going to assume that you have no other training in the jobs he's looking for then.

A. True.

Q. When you said the Moroccan interrogators brought that information, I forget exactly what it was; it was about his training camp? Is that correct sir? Or being in Tora Bora?

Presiding Officer: The allegation is that he engaged in jihad near Tora Bora were not true and was brought by Moroccan investigators.

Assisting Military Officer: Let me go ahead and clarify that just a little bit. The word brought, when explained it to me was explained to me that the allegation was untrue and it was the Moroccans that suggested that he was in Tora Bora. They fabricated the story.

Detainee: When one of the Moroccan investigators came here and interrogated me, I did not know the name of Tora Bora. I was describing the mountains that I went through or the route that I took. The investigators suggested that it was Tora Bora and I said yes maybe and he put down Tora Bora. I did not even know that the city was Tora Bora.

Q. Okay, so maybe you were in Tora Bora, but you don't know one way or the other, is that correct?

A. I was somewhere in the mountains and when I mentioned to my interrogator he said it could be Tora Bora.

Q. Okay, I think I understand. You are laughing a lot and you look kind of amused, why is that?

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A. What do you want me to do? Do you want me to cry?

Q. That's not what I asked you. I asked why you were laughing.

A. This is my nature sir when I talk I smile.

Q. When the Assisting Military Officer was reading the points and comments you wanted to make it seemed like you wanted to clarify something at one point. If you remember that, you can do that now if not then I just mistook when you looked like you were making a motion like there was something you didn't agree with.

A. Some of the things weren't like one hundred percent accurate and it wasn't one hundred percent of how I tried to say it.

Q. If he'd like to clear it up now that's fine. If not, we will leave it the way it was read.

A. Very good. I don't remember exactly. It could be the third allegation or the fourth allegation sir.

Q. The allegation that you affiliated himself with Muslim fighters?

A. I want to know what my reply was sir. I don't remember what I said.

Q. You said it was not true.

A. I never considered myself as being affiliated with any group in first place. That is the truth.

Q. The other one just said that you never attended training at terrorist training camps.

A. This is true. I never attended any terrorist training camp.

Q. Muhammad, do you want to be released?

A. I really don't know. Why am I captured here in the first place and want to release me? Why did you capture me?

Q. I didn't and I'm asking the questions.

A. I answered you. What was your motivation for me? You captured me and put me here so you can release me?

Q. Will Morocco take you back? Will your country take you back do you think?

A. First of all, I don't know what is going on in Morocco right now. We don't have T.V., we don't have radio, and I don't watch the media so I don't know if they would take me or not.

Presiding Officer: Assisting Military Officer, is there any other information the Detainee wants to present?

Assisting Military Officer: Not that I am aware of sir.

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The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer explained the reminder of the Administrative Review Board 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. Marine Corps
Presiding Officer

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