

Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee, and asked if he understood the Tribunal process. The Detainee replied the following:

Detainee: Could you please repeat the last statement?

Tribunal President: Do you understand this Tribunal process?

Detainee: I hope so.

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

Detainee: I don't have any questions.

Tribunal President: Very well.

The Recorder then read in full the Unclassified Summary of Evidence to the Tribunal.

The Tribunal President informed the Detainee he would have the opportunity to respond to the allegations, and could make his statement under oath. The Detainee was then administered the Muslim oath by the Recorder.

At this time, the Personal Representative would read each allegation individually to allow the Detainee the opportunity to respond.

Personal Representative (to the Detainee): Would you like me to say what you said, these few sentences (from the previous interview), or would you like to say it?

Detainee: I will say it myself.

Personal Representative: Do you need a translated copy of the allegations?

Detainee: Yes.

At this time, a translated copy of the Unclassified Summary of Evidence was handed to the Detainee for his viewing and use throughout this Tribunal.

3.a. The Detainee is a member of a terrorist organization that was supported by al Qaida and the Taliban and participated in military operations against the United States or its coalition partners.

Detainee: I was not. I don't know anything about this or what you are talking about.

3.a1. In October 2000, the Detainee left Belgium for Afghanistan, traveling through Iran.

Detainee: That is not right. What is right is what is in my file; [that is] what I said to interrogators.

Tribunal President: Let me just interject here one minute, and make sure you understand: this Tribunal panel has not seen any information about you until today with this Unclassified Summary of Evidence and Detainee Election Form. We've come here with an open mind and have not seen your file; it is to your benefit to provide additional information.

Detainee: I understand, but you can ask for my file if you want.

Tribunal President: All right, if you prefer that, it can be done that way.

3.a2. The Detainee was a member of the Theological Commission of the GICM.

Detainee: What is GICM? I have never heard about this; I never heard of this. I don't know about GICM.

Tribunal President: Recorder, could you explain what GICM is; I have that same question?

Recorder: I'm not sure what the exact translation of GICM is, sir.

Detainee: The important thing is I don't know this group.

Tribunal President: OK, very good. Thank you. Continue.

3.a3. The GICM is associated with and supported by other known terrorist groups, including the: Libyan Islamic fighting Group (LIFG), Hizb-E Islami Gulbuddin (HIG), al Qaida, Egyptian Islamic Jihad (EIJ), Egyptian National Tarouat Salah, the Taliban, and the Algerian Armed Islamic Group (GIA).

Detainee: I don't know GICM or who you call that. How can I know what they have or what they do? Is there some group like this?

Tribunal President: Continue.

3.a4. The GICM allies itself with al Qaida and has supplied personnel for al Qaida for operations abroad.

Detainee: The same thing; I don't know this group.

Tribunal President: OK, I'm going to interject. We are going to take a short recess, and the Recorder is going to find out, for everyone's benefit, what GICM stands for. At this time, we're taking a recess and we will be right back.

The Tribunal took a short recess to research the organization GICM, and quickly reconvened.

Tribunal President: We will pick it up where we left off with the Detainee asking, as well as the Tribunal panel asking, what GICM stands for. Recorder, could you please explain that?

Recorder: The GICM stands for Group Islamiste Combatant Du Maroc; better translated as the Moroccan Islamic Fighting Group.

Detainee: I never before have heard of all this.

Tribunal President: Very well. Thank you. Now we may continue.

3.a5. The GICM, with assistance from al Qaida, planned to carry out attacks against U.S. citizens in foreign countries.

Detainee: I don't know this group.

Personal Representative: We're just going through each one; do you want us to continue to do it that way, or do you want to keep reading each one?

Detainee: Keep on.

3.a6. Members of the GICM trained in an area between Kabul and the front lines against the Northern Alliance, where they fired AK-47 rifles.

Detainee: I don't know this group.

Tribunal President: Very good. Next.

3.a7. The Detainee wanted to go to a military training camp in Afghanistan, but was unable due to malaria.

Detainee: It's not right; this allegation is not right. I didn't train because I was sick with malaria. Somebody has called me to train, but not in a training camp. I didn't want to train because I was sick with malaria. The next reason is because he (someone else he heard of) killed himself by mistake. Because of this I didn't want to train, Your Highness.

Tribunal President: I'm just the President of the Tribunal. Please continue.

Detainee: I'm sorry.

3.a8. At the time of his capture, the Detainee possessed a letter from a known member of al Qaida that contained a hand-written quote from Usama Bin Ladin, when roughly translated said, "Destroy their economy, crash their planes, and kill them wherever you find them, at land, sea and air."

Detainee: It wasn't a letter first of all. Second, it wasn't meant for me. I was written in one book. It was in the book. This paper was an advertisement, and was not meant for me; it was just an advertisement. Maybe you have this paper in America. Some people publish their opinion. This was one of the papers where people published their opinion. This was not mine. It was in a book. It was a book on how to read the Koran right, and this newspaper was in the book. I didn't know this paper was in this book. Is there something else?

Tribunal President: Next one, please.

3.a9. When captured, the Detainee had a Casio watch.

Detainee: That is true.

3.a10. The Casio watch has been incorporated into improvised explosive devices that have been linked to al Qaida and radical-Islamic terrorists.

Detainee: How?

Tribunal President: Are you asking us how?

Detainee: Yes. You say this watch is used in this...

Personal Representative: (to clarify to the Detainee point # 10) They are saying this type of watch you were captured with has been incorporated into improvised explosive devices that have been linked to al Qaida and radical Islamic terrorists; and that watch has been used to detonate bombs.

Detainee: My watch is used?

Tribunal President: That model, or types like that.

Personal Representative (to the Detainee): They are trying to make that link.

Detainee: It's a watch; I use it like a watch. I don't know about these things, either.

Tribunal President: I understand. Continue.

3.a11. The Detainee was apprehended after crossing the Pakistan border, just East of Jalalabad.

Detainee: Yes, but I was not captured. I went to the police station in this region, so they could take me to the Belgian embassy because I had no visa.

Personal Representative: That covers all the accusations, do you want to say anything else about all this?

Detainee: I'm not a terrorist, and have no relationship with any terrorist group whatsoever.

The Tribunal President thanked the Detainee for his testimony thus far, confirmed that he had no additional information or questions, and requested that he answer questions from members of the Tribunal.

Personal Representative Questions to Detainee

Q: Did you ever attend any kind of training camp on the use of weapons?

A: No.

Q: When you were crossing the border to Pakistan, did you travel from Afghanistan?

A: Must I answer this question or not?

Tribunal President: No, you don't have to. For the record, the Detainee chooses not to answer that last question.

Tribunal Members' Questions to Detainee

Q: Good morning. You don't have to answer any of our questions if you don't want to, but this will give you an opportunity to say what you would like to say. Since we haven't seen anything about you before today, we want to be able to understand and see what happened and why you're here. You are originally from Belgium?

A: I was born there, yes, and I have Belgian citizenship.

Q: And are you also a citizen of Morocco?

A: Yes.

Q: Earlier when we asked about how you went to Afghanistan, you said that was not right. Were you in Afghanistan at any time?

A: No, I was not.

Q: Now that we know what GICM means, I'm going to assume it's a Moroccan group against the government of Morocco. Do you want to say anything about that?

A: I don't know.

Q: It says that you were a member of the theological commission of this group. Could you tell us what this is and what a person does on it?

A: I don't know because I wasn't [a member].

Q: When you spoke about training, you said that you didn't want to get training because someone else you knew killed himself by mistake. Is that accurate?

A: I heard this, I don't know.

Q: It was by mistake?

A: That's what I heard.

Q: This was one of your comrades?

A: I didn't know him; I heard about this, OK.

Q: What is your opinion of your groups like al Qaida and the Taliban? Do you have an opinion about them?

A: I don't know them.

Q: Do you have an opinion about the United States? It's OK to speak candidly.

A: I don't know the U.S. I am here at the Detainee camp. I have an opinion of the camp.

Q: What is your opinion?

A: Unjust; no human rights in this camp.

Q: Unjust?

A: Yes. I don't know about the United States.

Q: How long have you been here at the camp?

A: How long shall I stay here more?

Q: We can't answer that, because we don't know. I was just wondering how long you'd been here up until this point.

A: Maybe three years on the calendar. I don't have the [exact] time.

Q: Are you opposed to the monarchy of Morocco?

A: Why?

Q: I don't know why; that's why I am asking.

A: I have nothing to do with Morocco. I didn't do anything against them; I don't know. I lived all my life in Belgium; I had nothing to do with the Moroccan government.

Q: So you are not part of a Moroccan group against the Moroccan government?

A: I don't know this group.

Q: If you were to be released, where would you wish to go?

A: To my parents.

Q: In Belgium, is that where they are?

A: Yes, they are in Belgium.

Q: We noticed that the Detainees come here in different colors, some orange or white, and today you are wearing tan or beige or khaki. What is the significance of you wearing tan?

A: You must ask those that give orders in this camp; I don't know.

Q: Are you in good health?

A: What do you mean in good health?

Q: You look well; you've been smiling and appear to be in a good mood. I just wondered if you felt well today.

A: Not bad, I hope.

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Q: You said earlier you didn't want to train, but they wanted you to train. Where were you when you were aware someone wanted you to train? In Afghanistan?

A: Yes.

Q: What did you do for a living or an occupation before you went to Jalalabad?

A: It is a long story, and it is better to read the file.

Q: Did you have a passport in Afghanistan?

A: Yes, I did have a passport.

Q: Did you have your passport when you were in Pakistan and you went to the police station to go to the Belgian embassy?

A: Yes.

Q: Do you still have that passport?

A: Yes.

Q: Is there a reason you went to Jalalabad?

A: Yes.

Q: What was that reason?

A: To teach and to learn and to study in school. I think you'd be better off reading the file; there's more information.

Q: So you wanted to start a school?

A: To study; I wanted to study.

Q: You had mentioned several times that it's in your files because of previous interrogations, but to your knowledge, is there anything you said in interrogations you'd like to change or clarify at this point during this Tribunal? [This is] so when I do look in your file, and I read something, you might think they're going to get the wrong idea. This is your opportunity to clarify or re-state anything you might've told an interrogator.

A: I have nothing to change.

Q: When you were in Jalalabad, and I assume that's where you had malaria, where were you sleeping?

A: In Jalalabad.

Q: In the streets, or in a hotel or house?

A: In a house.

Q: What was it a house for?

A: One family.

Q: No other guests, just you?

A: Yes.

Q: Did you have to pay to stay in the house, or was it free?

A: It was his house. Sometimes I helped.

Q: Was it a house where you were waiting to go to the military training camp; I understand you didn't want to train, but was it a house that would accept people?

A: Family only in the house.

Q: How long were you with the family in Jalalabad?

A: From the beginning.

Q: How many months?

A: From the beginning when I was in Jalalabad until the end.

Q: So that was approximately in the year 2000?

A: Yes.

Q: Did you get to be familiar with the Jalalabad area; searching around, maybe a location for your school?

A: It's a long story, too.

Q: Did you ever come across some of the camps that were around Jalalabad?

A: Training camps, right?

Q: Yes; like Derunta Camp?

A: Yes I visited.

Q: You visited Derunta Camp?

A: Yes.

Q: Did you visit any other camps? Could they have been known as something other than a camp?

A: I just visited the camp.

Q: I understand. What did you do when you visited Derunta?

A: I just visited only.

Q: OK, I understand; just to say hello to some of your friends I guess; people you met from town.

A: It was the Ramadan holiday.

Q: So you visited, and visited because of friends there you knew from Jalalabad; they lived there and it was OK to go visit them?

A: Repeat this please.

Q: If you're visiting, you're visiting because you know people.

A: New; I was new in Jalalabad.

Q: OK.

A: I was new. They asked this person to visit, and I was with him.

Q: Have you been visited here at the camp by the Belgian embassy, or the Belgian government at all? Did they come to see you?

A: Yes.

Q: Did the Moroccan government come to see you?

A: Yes.

Tribunal President Questions of Detainee

Q: Just one question. Your host, while staying in Jalalabad, the man and his family, what was his occupation?

A: A businessman.

Q: Of what type of business?

A: Goods that he brought from Pakistan.

Q: What type of goods?

A: Many things; clothing, food.

Q: Lots of different kinds of merchandise; clothing, produce, just whatever would be worth a profit?

A: Yes; according to what sells well in the market.

Q: I understand. Thank you very much for your testimony today. Do you have any other information or anything else you feel is important you want us to know?

A: Is there justice?

Q: Yes, there is; that is what we're here for today is to determine if you've been properly classified as an enemy combatant. Is there anything else you would like to share with us before we make a determination of your enemy combatant status?

A: Yes. I am not an enemy. Even if you determine so, I am not an enemy. That's all I have to say.

The Tribunal President again thanked the Detainee for his testimony, explained the remainder of the Tribunal process, and adjourned the open session.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President