

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."]

[When asked by the Tribunal President if he wanted to make a statement, the detainee stated, "yes" and provided his statement after electing to be sworn. The detainee testified essentially as follows]:

Detainee: First, I want to thank the United States government for the opportunity to defend myself. I would also like to thank the Tribunal President for giving me his time and my Personal Representative for his assistance.

I would like to start by addressing how the United States government could classify me as an enemy combatant? I have never carried a weapon. I was not part of or associated with any organization, or under the control of any person. I have never worn a military uniform and I have never been at a military base. I never did any fighting. I was in civilian areas providing help to people.

[Detainee began referring to specific paragraphs in Exhibit R-1, beginning with Paragraph 3.a.1: (In September 2001, Detainee, who is a Saudi National, traveled voluntarily to Afghanistan through known al Qaida routes under the guise that he intended to assist in relief efforts for the Afghani people, a known al Qaida cover story.)]

Detainee: I traveled to Afghanistan in 2001, to provide humanitarian aid to the civilian populace of Afghanistan. My country allows this type of assistance. I am not aware of any other legal way to enter Afghanistan, other than the way I traveled. I used my official documentation as I traveled through airports and crossed borders. I have never lived or slept in a house owned by al Qaida or any other terrorist organization.

[Paragraph 3.a.2, (The Detainee admitted being recruited by Wael Al-Jabri in Saudi Arabia to join Al Wafa, a nongovernmental organization with ties to al Qaida.)]

Detainee: I was never recruited by anyone to work for a terrorist organization. I had asked Wael Al-Jabri how I could help the Afghani refugees? He convinced me to go to Afghanistan. I am a religious person and a good human being. My intent was to help the people in Afghanistan, who didn't have food or shelter during the war. No answer that I left after 11 September when Americans bombed Afghanistan, when I saw it in the media.

[Paragraph 3.a.3, (Detainee admitted working for Al-Wafa while in Afghanistan.)]

Detainee: No, I didn't.

Personal Representative: There were seven allegations and you only covered six. Did you miss one by accident?

Detainee: I read them all.

Personal Representative: The one about the computer.

Detainee: I read it.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You say you distributed money in Afghanistan. Is that correct?

A. Yes, for civilian refugees.

Q. How much money did you travel to Afghanistan with?

A. Sixteen thousand Saudi.

Q. Where did you get the money?

A. It was my personal money. I work for a company owned by my father and uncle.

Q. You traveled around the country giving out money?

A. Yes.

Q. Who did you give it to?

A. To the Afghani refugees. The civilians.

Q. They would walk by and you would hand them money?

A. No, I went to their homes.

Q. You never bought any food and distributed it? You just gave them money?

A. Yes, only my personal money.

Q. Did you carry a weapon to protect yourself?

A. No.

Q. Were you ever robbed?

A. No.

Q. You say you went to Kabul and from Kabul you distributed the money. Is that correct?

A. Yes

Q. Do you know where you stayed in Kabul?

A. Yes.

Q. Was it a Taliban house?

A. No.

Q. Did you ever run across Taliban in your travels in Afghanistan?

A. He doesn't know who the Taliban are. All Afghanis look and dress alike.

Q. When you came to Afghanistan, you had a Saudi passport?

A. Yes, my own personal passport.

Q. Your Visas were up to date? There were no problems with your travel documents?

A. Everything was official.

Q. When you went to Pakistan, you had no problems getting across the border?

A. No, I didn't have any problems.

Q. Can you tell me how you traveled from Kabul to Peshawar?

A. When the Northern Alliance came to Afghanistan, I went from Kabul to Khost and stayed approximately twelve days. From Khost, I went to Jalalabad, and from Jalalabad I went to Pakistan. I went to Pakistan through the border and turned myself in to the Pakistani officials at Peshawar.

Q. Why did you turn yourself in?

A. So they could take me to the Saudi Embassy. I needed to get a new passport. I left my passport in Afghanistan when the Northern Alliance arrived.

Q. Did you lose your passport when you went to Afghanistan? I thought you said you had it? (Or Pakistan, I'm sorry).

A. Yes, I left it in Kabul.

Q. Did you have enough money to buy a plane ticket back from Pakistan to Saudi Arabia?

A. Yes

Q. When you told the Pakistani police that you had lost your passport, was that when they decided to arrest you?

A. Yes.

Q. Why do you think your name was on the hard drive of an al Qaida leader?

A. I didn't read my response to that allegation. Thank you for reminding me. When I was taken by the Pakistani police, myself and other prisoners were asked to provide our names, addresses, and phone numbers. One officer told us he would contact our families to let them know we were okay, and advise them of our situation. After I provided the information, they took my picture. Later, other individual's names and photos were posted on the internet and in newspapers. The Pakistani police either gave or sold the information. I never personally provided my name or number to anyone in al Qaida. Al Qaida tries to mix up our religion. I hope you will look at my life in Saudi Arabia, and understand who I was. I was a civilian who worked in my fathers company. I am married and have a daughter. Because I wanted a stable life, I would never be involved with any terrorist organization.

Q. You were in Saudi Arabia when the World Trade Centers in New York were attacked?

A. Yes, I saw it in the media.

Q. How long after that, was it you decided to travel to Afghanistan?

A. After the Americans attacked Afghanistan. 10 October.

Q. You didn't travel to Afghanistan until October?

A. No, I didn't.

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

Detainee: I never said I worked for the Al-Wafa organization. The interpreter either made a mistake with the translation, or someone provided the investigators with the wrong information. After I traveled to Afghanistan, I couldn't find the Afghani refugee camps. I was invited to the humanitarian aid organization known as Al Wafa, to help the poor. I went to their office in Kabul, and I was shown the location of the camps. I have never heard that Al-Wafa was a terrorist organization. I have, however, seen them provide food to the poor refugees. I never worked for Al-Wafa.

[Paragraph 3.a.4, (Detainee observed that the leader of the Al-Wafa office in Kabul, Afghanistan, known as Abdul Aziz, carried a Kalashnikov rifle, as did several of other Al-Wafa workers located there.)]

Detainee: According to my knowledge, the weapon carried by Abdul Aziz was an official weapon and he had a license to carry it. The weapons were used to protect the food and supplies from being taken by thieves. I felt it was appropriate for them to protect themselves from thieves, and it was allowed in that country.

[Paragraph 3.a.5, (The Detainee stated that he fled Kabul, Afghanistan when the town fell to the Northern Alliance forces.)]

Detainee: I decided to leave Kabul to protect myself.

[Paragraph 3.a.7, (Detainee surrendered to Pakistani authorities in Peshawar, Pakistan in late 2001 and was later transferred to the custody of U.S. forces on January 3, 2002.)]

Detainee: I voluntarily went to the Pakistani police in the beginning of December 2001, not 2002. I went there because I wanted help getting to the Saudi Embassy. I needed to return my country and obtain official paperwork so that I could return to Afghanistan. Before I was able accomplish that, I was detained and given to the American forces.

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

Personal Representative: Yes sir, I do.

Personal Representative to Detainee: During the short time you were in Afghanistan, were you ever able to provide help to the Afghani people?

Detainee: Yes.

Personal Representative: What type of aid did he provide?

Detainee: My personal money.

Personal Representative: Did you help distribute food?

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Detainee: I don't have any witnesses, but in my country everyone could be a witness on my behalf. If you give me a chance to provide witnesses, I will.

Tribunal President: If after this Tribunal you are determined to be an enemy combatant, you will have an opportunity to get statements from witnesses and present them to another board that will meet.

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

A. No, sir.

AUTHENTICATION

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

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Tribunal President

Col, USAF

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Summarized Detainee Statement

Tribunal President: Tariqe Al Harbi, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present evidence to the Tribunal?

Detainee: Yes, I do. I gave that information to the Representative.

Tribunal President: Okay. Your Personal Representative will read a statement on your behalf.

Detainee: Yes.

Tribunal President: Would you like to swear or not that the words he is going to speak on your behalf are the truth as far as you know?

Detainee: Yes.

Tribunal President: Will this be the Muslim oath or non-Muslim oath?

Detainee: Muslim oath.

Tribunal President: You stated previously that you wanted to take the Muslim oath. Recorder please administer the Muslim oath.

The Detainee was sworn using the Muslim oath. The Detainee testified to the Tribunal in substance as follows:

Tribunal President: Tariqe Al Harbi, you may begin.

Personal Representative: Sir, Detainee Tariqe Al Harbi dictated the following written statement on 7 September 2004 in response to the unclassified summary of evidence dated 30 August 2004.

In response to allegation 3(a)(1), in June 2001, the Detainee voluntarily traveled from Saudi Arabia to Afghanistan for the purpose of fighting the Northern Alliance.

Personal Representative: Tariqe went to Afghanistan for religious reasons, to help the poor and needy. The Islamic religious leaders (Sheiks) told him that he had to go to Afghanistan to help the poor and needy or God would punish him. He did not go there voluntarily, he went there to avoid punishment by God. He did not go to fight against the Northern Alliance.

In response to allegation 3(a)(2), after arriving in Afghanistan, the Detainee trained at Al Farouq training camp.

Personal Representative: Tariqe traveled alone by plane from Saudi Arabia via the United Arab Emirates to Pakistan. In Pakistan, Tariqe was picked up by an Afghani who took him to an Arabic guesthouse in Afghanistan. Tariqe did not speak the same language as the Afghani that picked him up. So the Afghani took him to the Arabic guesthouse to find someone who could understand him. At the Arabic guesthouse Tariqe was asked why he was there. Tariqe told them to help the poor and needy. Tariqe was told that he would not be able to help the poor and needy without first attending the Al Farouq training center. Tariqe did not want to go to this training center, but the Arabs at the guesthouse told Tariqe it was the only way he could help the poor and needy.

In response to allegation 3(a)(3), at the Al Farouq training camp, the detainee received training on the Kalishnikov and pistols.

Personal Representative: The Al Farouq training Center was not for the Afghanis, but was for Arabs. At the camp, Arabs would train Arabs on how to use the Kalishnikov rifles and pistols. Tariqe found it odd that the camp was for Arabs only, and taught how to use these weapons. When Tariqe questioned people about this, Tariqe was told if you don't learn the Kalishnikov and pistols, you can't help the poor and needy Afghanis. Tariqe attended the Al Farouq training camp for approximately two weeks and never shot any of the weapons. The training Tariqe received during these two weeks consisted of theory on how to use and repair the aforementioned weapons. Tariqe also received training on how to read and understand the Koran. Tariqe did not go to Afghanistan to learn how to fight and shoot weapons. Tariqe went to Afghanistan to help poor and needy Afghanis. Thus, Tariqe decided to escape the Al Farouq training camp and go to Kandahar.

In response to allegation 3(a)(4), in Kandahar, Afghanistan, the detainee sought to become a member of the Taliban.

Personal Representative: Tariqe went to Kandahar to find the Taliban to see if it was true that the only way to help the poor and needy in Afghanistan was to attend the Al Farouq training camp. The Taliban told Tariqe there was another way, the Taliban way, meaning Tariqe could help the poor and needy if he joined the Taliban. The Taliban also told Tariqe he was too young to be a member of the Taliban. This did not matter, because Tariqe did not want to join the Taliban, even if he was old enough. Tariqe was there to help the poor and needy, not to join the Taliban and not to learn to shoot and maintain Kalashnikovs or pistols at Al Farouq. Tariqe was faced with three options. Tariqe could return to the Al Farouq training camp and learn fighting skills, wait until he was old enough to join the Taliban, or simply go home.

In response to allegation 3(a)(5), the detainee was apprehended by Pakistani police when he attempted to cross the Pakistani border. He was then transferred to U.S. custody.

Personal Representative: Tariqe decided to go home. Tariqe traveled to Jalalabad and then to the Pakistani border. At the border, Tariqe asked the Pakistani authorities to take him to the Saudi embassy so they could send Tariqe home. Tariqe was not apprehended. Instead, the Pakistani authorities turned him over to the United States authorities. The only reason Tariqe went to Afghanistan was to help the poor and needy. Although Tariqe had been told that Massoud's fighters had mistreated Afghans, Tariqe did not go there to help the Afghani poor and needy by taking up arms against Massoud, nor did Tariqe go to Afghanistan to join the Taliban.

Personal Representative: Tariqe, in your statement, you indicated that you did not go to Afghanistan to fight against the Northern Alliance and you did not go there to fight against the Taliban. Did you go there to fight with Al Qaida?

Detainee: No.

Personal Representative: You were told you had to go to the Al Farouq training camp in order to help the poor and needy people. While you were at that camp, at any time, did you handle or did you shoot any weapons?

Detainee: No.

Personal Representative: Is it true that the only instruction you received was theory on the weapons? There was no handling of weapons?

Detainee: Yes.

Personal Representative: You also indicated in your statement that you decided to escape from the Al Farouq training center. This implies that they (Al Farouq training center) did not want you to leave, but you wanted to leave, is this true? You left on your own accord, without their permission?

Detainee: It was my choice.

Personal Representative: They did not make you leave?

Detainee: No.

Personal Representative: You went then, to Kandahar, to find the Taliban to see if there was another way to help the poor and needy. Did you go there to join the Taliban?

Detainee: No.

Personal Representative: You also indicated that when you decided to go home, you went via Jalalabad. How long were you in Jalalabad?

Detainee: Two to three months.

Personal Representative: What did you do while you were in Jalalabad?

Detainee: I was just discussing with the people there, why I came to Jalalabad.

Personal Representative: Did you receive any training while you were in Jalalabad?

Detainee: No.

Personal Representative: Did you receive anything related to military type training?

Detainee: No.

Personal Representative: Did you shoot any guns or any weapons, while you were in Jalalabad?

Detainee: No.

Personal Representative: At any time during your stay in Afghanistan, did you ever shoot any weapons?

Detainee: No.

Personal Representative: At any time while in Afghanistan, did you help anyone do any hostile acts against Northern Alliance forces or U.S. forces, or our allies in the war on terrorism?

Detainee: No.

Personal Representative: While you were there, all you tried to do was help the poor and needy?

Detainee: Yes.

Personal Representative: After two and a half months, you decided to go to the Pakistan border to have the authorities take you to the Saudi Embassy. You did not try to sneak across the border. You went and sought out the Pakistani authorities?

Detainee: I went there and sought the Pakistani authorities.

Personal Representative: Instead of taking you to the Saudi Embassy, the Pakistani authorities turned you over to the U.S. authorities?

Detainee: Yes.

Personal Representative: Thank you. Mr. President, I have no further questions.

Tribunal President: Does the Recorder have any question for the Detainee?

Recorder: No, Sir.

Tribunal President: Okay. Do any of the Tribunal Members have questions?

Tribunal Member: When you traveled from Saudi Arabia to Afghanistan, did you have a one-way ticket or a two-way ticket?

Detainee: I went from the United Arab Emirates to Afghanistan by plane. I went from Saudi Arabia to the United Arab Emirates. Then from there by a plane to Pakistan. I had a two way.

Tribunal Member: So you had a round trip plan?

Detainee: Yes. I was not planning on staying there for a long period of time. That is why I had the round trip ticket.

Tribunal Member: In regard to your travel and time in Afghanistan, how did you pay for that?

Detainee: It was my own funds.

Tribunal Member: So you used your own money for the airline travel and also your time in Afghanistan? You supported yourself with your own money?

Detainee: Yes.

Tribunal Member: Have you ever been a member of or associated with, or support Al Qaida forces?

Detainee: No.

Tribunal Member: When you had gone to Kandahar, Afghanistan, I understand you never shot a weapon, but did you ever carry any weapons?

Detainee: No.

Tribunal Member: Did you ever associate with anybody who did?

Detainee: No.

Tribunal Member: When you were going from Afghanistan to the Pakistani border, were you by yourself or with a group of people?

Detainee: I was by myself.

Tribunal Member: How old were you when you left Saudi Arabia and went to Afghanistan?

Detainee: I was eighteen or nineteen years old.

Tribunal Member: Who made arrangements for you to go to Afghanistan?

Detainee: Nobody.

Tribunal Member: How did you know where to go?

Detainee: From the religious people there and the Sheiks were telling me.

Tribunal Member: Where did they tell you to go?

Detainee: To go to Pakistan, then Afghanistan.

Tribunal Member: Did they make any arrangements for you at all?

Detainee: No.

Tribunal Member: Did you make any arrangements in advance before your trip?

Detainee: Arrangements like what?

Tribunal Member: Where you would stay along the way?

Detainee: I did that.

Tribunal Member: Did you know anyone in Afghanistan?

Detainee: No.

Tribunal Member: How did the Afghanistan man who met you in Pakistan know to pick you up at the airport?

Detainee: The Afghani guy was from the Afghani border.

Tribunal Member: Did you arrange to meet that man ahead of time?

Detainee: No.

Tribunal Member: You paid for the entire trip yourself?

Detainee: Yes.

Tribunal Member: Where did you get your money for the trip?

Detainee: It is my own money.

Tribunal Member: Do you have a job in Saudi Arabia?

Detainee: I am a businessman.

Tribunal Member: What do you do?

Detainee: I sell clothes for the Pilgrim people who make pilgrimages to Mecca.

Tribunal Member: What is the nearest Afghani big city closest to the Al Farouq training camp?

Detainee: Kandahar.

Tribunal Member: About how far away is it?

Detainee: I don't know.

Tribunal Member: How did you get from Al Farouq to Kandahar?

Detainee: When I escaped from the Farouq training camp, I used some Bedouins in the area. They took me to Kandahar.

Tribunal Member: So you did not travel with anyone else from the camp?

Detainee: No.

Tribunal Member: Did you have a weapon at that time?

Detainee: No.

Tribunal Member: What Taliban officials did you talk to in Kandahar?

Detainee: I do not know.

Tribunal Member: How did you know who to talk to?

Detainee: I did not know any of them. All I knew was those were the Taliban people and I went there to talk to them.

Tribunal Member: Were they soldiers?

Detainee: No.

Tribunal Member: Were you around any Taliban fighters at all in Kandahar?

Detainee: No.

Tribunal Member: How did you travel from Kandahar to Jalalabad?

Detainee: I was in a taxi.

Tribunal Member: Were you by yourself?

Detainee: Yes.

Tribunal Member: Were you armed?

Detainee: No.

Tribunal Member: You then stayed in Jalalabad for two and a half months?

Detainee: Yes.

Tribunal Member: What did you do in Jalalabad?

Detainee: I was checking on my status on how much longer I was going to stay in Afghanistan.

Tribunal Member: Why didn't you just go home?

Detainee: I went to Jalalabad to find out my status and how they were going to take me back to Saudi Arabia.

Tribunal Member: Who were you checking with?

Detainee: The Afghani Government.

Tribunal Member: Do you know at what point during your travel did the September 11th attacks on the United States take place?

Detainee: I was in Jalalabad.

Tribunal Member: How did you pay for everything? Where did you get the money to stay in Jalalabad?

Detainee: I paid with the money I had with me from Saudi Arabia. I used it all up.

Tribunal Member: Who did you stay with?

Detainee: I stayed at a guesthouse for people coming from outside Afghanistan. People stop there to rest.

Tribunal Member: Were there Taliban fighters staying at the guesthouse?

Detainee: I do not know.

Tribunal Member: Were people with weapons staying at the guesthouse?

Detainee: No.

Tribunal Member: Was it an Arab guesthouse?

Detainee: It was mixed.

Tribunal Member: How about Al Qaida members? Were there any Al Qaida members staying there?

Detainee: I do not know.

Tribunal Member: When were you captured? Can you give us an idea of the date you were captured?

Detainee: I have no idea.

Tribunal Member: How many months after the September 11th attacks were you captured?

Detainee: I do not know. I was not counting.

Tribunal Member: When you were in Jalalabad, did you ever stay with any fighters?

Detainee: No.

Tribunal Member: Did you see any fighting in Kandahar, Jalalabad, or on your way to Pakistan?

Detainee: No.

Tribunal Member: Did you have your passport when you were captured?

Detainee: No.

Tribunal Member: What happened to your passport?

Detainee: I forgot it in Kandahar.

Tribunal President: I understand you do not know when you were captured, but do you know when you left Saudi Arabia to start your trip?

Detainee: I do not know.

Tribunal President: When you were at the guesthouse on your way to Afghanistan and you were told you had to go to Al Farouq to learn training to take care of the poor and needy.

Detainee: Yes.

Tribunal President: Did you know then that it would be military training?

Detainee: Yes.

Tribunal President: When you got to Al Farouq, you said it was Arabs training Arabs. What were those Arabs? Were they Al Qaida, Taliban; were they any kind of group?

Detainee: I was forbidden to ask any questions.

Tribunal President: You had no discussions with others in the camp on that topic?

Detainee: Yes.

Tribunal President: Explain. Yes, what?

Detainee: I talked with some people from the Taliban in the camp.

Tribunal President: So you did know that there were people in the camp from Taliban and Al Qaida. Were there people in the camp that were Taliban or Al Qaida?

Detainee: No.

Tribunal President: How do you know that?

Detainee: I never asked.

Tribunal Members had no additional questions for the Detainee.

Tribunal President: Tariqe Al Harbi, now that we have finished our questions, do you have any other evidence to present to this Tribunal?

Detainee: If I have more information? No.

Tribunal President: Personal Representative, do you have any further evidence or questions to present to this Tribunal?

Personal Representative: Yes, Sir. I do have a few more questions based on the questions asked. When you went to Afghanistan, you had a passport and papers?

Detainee: Yes.

Personal Representative: When you went to the Al Farouq training camp did they take those papers from you?

Detainee: Yes, they took everything from me.

Personal Representative: Did they give those papers back to you while you were at that training camp?

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Detainee: No.

Personal Representative: When you escaped, did you get your paperwork before you left?

Detainee: I left my passport at the Arabic house in Kandahar.

Personal Representative: You left them there before you went to the training camp in Al Farouq?

Detainee: It was before I went to Farouq camp.

Personal Representative: So you never got your passport back after you left?

Detainee: I forgot it there.

Personal Representative: Thank you. No further questions.

Tribunal President: Recorder do you have any further questions?

Recorder: No, Sir.

Tribunal President: Tribunal Members, any final questions?

Tribunal Members: No, Sir.

Tribunal President: Nor do I. All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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


COL, USA
Tribunal President

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Enclosure (3)
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003082

Detainee Tariqe Shallah Hassan Al Harbi dictated the following written statement on 7 Sept 2004 in response to his unclassified summary of evidence dated 30 Aug 2004.

1. Tariqe went to Afghanistan for religious reasons, to help the poor and needy. The Islamic religious leaders (Sheiks) told him that he had to go to Afghanistan to help the poor and needy or God would punish him. He did not go there voluntarily, he went there to avoid punishment by God ~~by helping the poor and needy~~^{CEL}. He did not go to fight against the Northern Alliance.
2. Tariqe traveled alone by plane form Saudi Arabia via the United Arab Emirates to Pakistan. In Pakistan he was picked up by an Afghani who took him to an Arabic guesthouse in Afghanistan. He did not speak the same language as the Afghani who picked him up, so the Afghani took him to the Arabic guesthouse to find someone who could understand him. At the Arab guesthouse he was asked why he was there. Tariqe told them to help the poor and needy. He was told that he would not be able to help the poor and needy without first attending the Al Farouq training center. He didn't want to go the this training center, but the Arabs at the guest house told him it was the only way he could help the poor and needy.
3. The Al Farouq Training Center was not for the Afghanis but was for Arabs. At the camp Arabs were training Arabs on how to use Kalashnikov rifles and pistols. He found it odd that the camp was for Arabs only and taught how to use these weapons. When he questioned people about this he was told if you don't learn the Kalashnikov and pistols, you couldn't help the poor and needy Afghanis. He attended the Al Farouq training camp for approximately two weeks and he never shot any of the weapons. The training he received during these two-weeks consisted of theory on how to use and repair the aforementioned

weapons. He also received training on how to read and understand the Koran. He did not go to Afghanistan to learn how to fight and shoot weapons, he went there to help poor and need Afghanis. Thus he decided that he would escape the Al Farouq training camp and go to Kandahar.

4. He went to Kandahar to find the Taliban to see if it was indeed true that the only way he could help the poor and needy in Afghanistan was to attend the Al Farouq training camp. The Taliban told him that there was another way, the Taliban Way meaning he could help the poor and needy if he joined the Taliban. However they also told him that he was too young to be a member of the Taliban. This didn't matter because he did not want to join the Taliban, even if he was old enough. He was there to help the poor and needy, not to join the Taliban and not to learn to shoot and maintain Kalashnikovs or pistols at Al Farouq. Thus he was faced with three options. He could return to the Al Farouq training camp and learn fighting skills, he could wait till he was old enough to join the Taliban or he could simply go home.
5. Tariqe decided he should go home. He traveled to Jalalabad and then to the Pakistani boarder. At the boarder he asked the Pakistani authorities to take him to the Saudi embassy so they could send him home--he was not apprehended. Instead, the Pakistani authorities turned him over to United States authorities. The only reason Tariqe went to Afghanistan was to help the poor and needy. Although he had been told that Mossoud's fighters had mistreated Afghanis, he did not go there to help the Afghani poor and needy by taking up arms against Mossoud. Nor did he go to Afghanistan to join the Taliban.

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.

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

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