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Summarized Detainee Statement

Tribunal President: Adel Ben, 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 want to present information to this Tribunal?

Detainee: Which statements?

Tribunal President: Would you like to respond to the unclassified evidence?

Detainee: Yes, I do.

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

Detainee: It does not make any difference. If I can be sworn in, or I'll do it either way.

Tribunal President: Recorder, please administer the Muslim oath.

Detainee: Fine.

The Detainee was sworn using the Muslim oath. In the section that follows, the Personal Representative read the allegations on the Unclassified Summary of Evidence one at a time, followed by the response to the allegation that the detainee had previously given him (see Exhibit D-b). The detainee added comments as he deemed necessary.

3.a.1. The detainee, a Tunisian national living in Italy, traveled to Afghanistan in early 2001.

Personal Representative on behalf of the detainee: Yes, this is true. I went to Afghanistan as an immigrant.

3.a.2. The detainee stayed at the "House of Algerians" guesthouse in Jalalabad.

Personal Representative on behalf of the detainee: Yes, this statement is true.

Detainee: Yes, it is true.

3.a.3. The detainee trained on the assembly and disassembly of the Kalashnikov rifle.

Personal Representative on behalf of the detainee: Yes, this statement is true.

Detainee: Regarding number three, this is true.

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3.a.4. The Tunisian government has listed the detainee as an extremist who lived in the Bosnian-Mujahedin Village of Bocinja Donja.

Personal Representative on behalf of the detainee: No, I didn't go there. I went to Italy in 1995 and the war was over in 1994. This is the first I have heard of this town.

Detainee: The year was 1994. This statement [referring to the Personal Representative's answer on behalf of the detainee] is correct.

3.a.5. The detainee was a member of the Sami Essid Network.

Personal Representative on behalf of the detainee: I don't know what this Sami Essid Network is.

Detainee: This statement [referring to the Personal Representative's answer on behalf of the detainee] is true I don't know who that is.

3.a.6. The Sami Essid Network provides financial support to terrorist groups.

Personal Representative on behalf of the detainee: My answer is the same as in number 5.

3.a.7. The detainee was sentenced to twenty years imprisonment in Tunisia, for being a member of a terrorist organization operating abroad.

Personal Representative on behalf of the detainee: This is an allegation I don't know anything about. This concerns the Tunisian government and I know nothing about it.

Detainee: Of course I don't know anything about it.

3.a.8. The detainee possibly falsified passports for fleeing Al Qaida combatants who make it to Europe.

Personal Representative on behalf of the detainee: I have not done this. If I forged passports, I would not use my own. I would be the first person to use a forged one.

3.a.9. The detainee was captured on the Afghanistan-Pakistan border by Pakistani military forces.

Personal Representative on behalf of the detainee: Yes, this is true.

Detainee: Number nine is true.

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The Personal Representative introduces into evidence a written version of the detainee's answers to the allegations on the Unclassified Summary of Evidence and a copy of the detainee's passport, marked as Exhibits D-B and D-C, respectively.

Tribunal President: Personal Representative, this [referring to Exhibit D-C] has not been translated, so how are we supposed to know what it says?

Personal Representative: We have to use our translator.

Tribunal President: If you are handing it in, it is supposed to be translated.

Personal Representative: The detainee was indicating to me that this would show he was not stamped into Bosnia.

Tribunal President: As I am reviewing Exhibit D-C, I can't understand what the stamps mean. I can't determine if there is a Bosnia stamp there or not.

Detainee: The majority of the stamps on the passport, they are in the French. They are stamped in French or the Italian language.

Tribunal President: Okay, it looks like I am going to need some help from Adel Ben. Adel Ben, I am going to need your help in telling me what these stamps mean.

Detainee: Of course.

Tribunal President: Adel Ben, if you can call out each page and tell me what does that mean.

Detainee: I went from Tunisia to a place called Palermo. On May 11, 1995. Did you want me to mark this stamp, or what do you want me to do with this stamp?

Member: Is there a page number?

Tribunal President: Yes, what is the page number for that one?

Detainee: Page 6 of 9. It would be a good idea just to mark the stamp.

Tribunal President: Is that the only page?

Detainee: This is, I believe enough evidence to prove my innocence. This is the only stamp that I have here.

Tribunal President: Okay, is there a stamp that relates to Adel Ben traveling from Italy to Afghanistan?

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Detainee: Yes, there is. I have the visa stamped on my passport.

Personal Representative: Page 7.

Detainee: On page 7 of 9, that visa, and on page 8 of 9 is my exit visa from Italy.

Tribunal President: Okay, is that all we need to know about that exhibit?

Detainee: That's all I have to say regarding the passport.

Tribunal President: Okay. Thank you. Adel Ben, I understand that you may have additional information that you would like to provide for us?

Detainee: I don't have anymore to say.

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

Personal Representative: No, ma'am.

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

Recorder: No, ma'am.

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

Member: Yes, ma'am. Why were you in Afghanistan? Why did you travel there?

Detainee: They have asked me so many times.

Member: We have not seen your record. This is all fresh and new to us. We have no knowledge.

Detainee: I was leaving because I wanted to immigrate.

Member: But why? In order to do what?

Detainee: Because I became a Muslim when I was in Europe. My country was very tough on the Muslims. Afghanistan was a country where they were willing to take anybody, you don't need any money to live there, and they welcome all the Muslims.

Member: How did you learn about Afghanistan?

Detainee: That's a known fact. Everybody knows this.

Member: Did you pay for your own trip to Afghanistan?

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Detainee: Yes, I did.

Member: While you were in Italy, what did you do? What was your occupation?

Detainee: I was a telephone sales representative, and also a representative selling advertisements. Also I was self-employed.

Member: Okay. You said that when you were in Algeria, that you stayed at the "House of Algerians," correct? I'm sorry, excuse me, not Algeria, Afghanistan.

Detainee: That's true, I did.

Member: While you were there, did you ever see any soldiers or militia?

Detainee: I saw a lot of people there, but I am not sure which ones were militia and which ones were not.

Member: Did most of them have weapons?

Detainee: No, I did not see anybody with weapons.

Member: Why were you trained in the Kalashnikov?

Detainee: I did not go into the army in Tunisia, and it is compulsory to go in the army in Tunisia. Since I did not go into the army, I wanted to learn something about the Kalashnikov or the other weapons, and I don't think this is a crime.

Member: That's all I have right now, ma'am.

Tribunal President: Okay.

Member: Where did you get the training on the Kalashnikov?

Detainee: Inside the house.

Member: So, you did not shoot it at all?

Detainee: I never did.

Member: When were you captured?

Detainee: I forgot the date, but I believe it was sometime in September towards the month of Ramadan. Either the end of it, or the beginning of Eid.

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Member: So Eid would be at the end of Ramadan?

Detainee: Yes, it is.

Member: How did you leave Afghanistan to go to Pakistan?

Detainee: There was one road, but that was closed to go from there to Jalalabad. We had to take second route, which was towards the mountains.

Member: Was this towards the mountains that are called the Tora Bora mountains?

Detainee: Yes it is.

Member: And did you travel by yourself, or were you with other people?

Detainee: I traveled by myself. When you asked me that I traveled, what are you referring to?

Member: When you are going from Jalalabad to where you were captured by the Pakistanis.

Detainee: I thought you were talking about Italy.

Member: Oh, okay.

Detainee: I was with a group of people, and then everybody went their own direction.

Member: So when did they go in their own direction? Were you already in Pakistan when you went on your own direction?

Detainee: Close to the border.

Member: Were people armed? Did they have weapons to go to the mountains?

Detainee: They did not have any weapons.

Member: Did you see any fighting or any bombing as you were going through the mountains?

Detainee: I heard of the bombing and the fighting, but I did not see any.

Member: Okay, I have no further questions.

Tribunal President: How long did you live in Italy?

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Detainee: I lived there for 6 years. Since 1995, and before that I was in Rome. So the total period is like 7 to 8 years.

Tribunal President: Was it your intention to stay in Afghanistan?

Detainee: That depended on the situation once I got there.

Tribunal President: When you realized that there was bombing and there was a war, what were your intentions?

Detainee: The United States is one of the super powers. I did not have any intentions.

Tribunal President: Once the war started, was it your intention to stay there, or were you ready to leave?

Detainee: I wanted to leave.

Tribunal President: Did you travel for a jihad?

Detainee: No, I did not. I went there 10 months before the U. S. forces got there.

Tribunal President: Was there a person that encouraged you to go to Afghanistan?

Detainee: This was of my own thinking and my own doing. There was no other guy.

Tribunal President: Was there anyone that assisted you with finding a place to stay?

Detainee: There was not a specific person, but there was a guy who helped me go to the Algerian safehouse.

Tribunal President: Who would that be?

Detainee: Yes, there was a guy. His name was Abdel Fath.

Tribunal President: How did you know Abdel Fath?

Detainee: When I went to the mosque, I knew of him.

Tribunal President: What mosque and where?

Detainee: In Milan, there is a mosque over there. The name of the city I believe is Via Boivia.

Tribunal President: What did Abdel Fath help you with?

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Detainee: He just assisted with the place I go to.

Tribunal President: Were there any other cities or villages you attended or went to while in Afghanistan?

Detainee: I passed by Iran, and Mashed.

Tribunal President: And what was the last one again?

Detainee: Mashed.

Tribunal President: Is Mashed in Afghanistan?

Detainee: In Iran.

Tribunal President: Were there any other cities or villages that you stayed or visited?

Detainee: I passed by, I am thinking of the city's name, Herat. The name of the city is Herat and then from there I went to Kabul.

Tribunal President: Did you stay in Kabul for any length of time?

Detainee: Yes, I did.

Tribunal President: How long were you in Kabul?

Detainee: Too long.

Tribunal President: Was that a week or a month?

Detainee: More.

Tribunal President: A year?

Detainee: Less. I stayed there for approximately 9 months.

Tribunal President: What did you do there?

Detainee: This is a new form of interrogation. In the past 3 years, I got so sick and tired of all the interrogations, but I will answer the question. I stayed in a house where I was getting some advance religious training or schooling. If an interrogator asked me that question, I would not answer it, but because of my respect for the Tribunal, I will answer that question.

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Tribunal President: I appreciate that. Do you know the name of the house that you stayed in?

Detainee: There was no name, but it was huge house.

Tribunal President: Do you know if the house was owned by the Taliban or Al Qaida?

Detainee: I don't think so.

Tribunal President: Were there soldiers or fighters there?

Detainee: No, there was not any. They were all students.

Tribunal President: How did you support yourself while you were in Afghanistan?

Detainee: I had a little bit of money with me.

Tribunal President: Did you receive any money or give any money to any foundations or organizations while you were in Afghanistan?

Detainee: I had a small amount of money. How can I give them money?

Tribunal President: Thank you for answering our questions. Is there anything else that you would like to add to your story or your statement?

Detainee: No, I don't have anything to say.

Tribunal President: Any other Tribunal members have any questions?

Members: No, ma'am.

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

Personal Representative: Madame President, I have no other evidence and there are no witnesses.

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Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

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Detainee 148 responses to allegations

1. Yes, this is true; I went to Afghanistan as an immigrant.
2. Yes, this statement is true.
3. Yes, this statement is true.
4. No, I didn't go there. I went to Italy in 1995, and the war was over in 1994. This is the first time I have heard of this town.
5. I don't know what this Sami Essid Network is.
6. Same answer as in number 5.
7. This is an allegation I don't know anything about. This concerns the Tunisian government and I know nothing about it.
8. I haven't done this. If I forged passports, I would not use my own. I would be the first person to use a forged one.
9. Yes, this is true.

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