

Summarized Unsworn Detainee Statement

Bring me the information that is correct. This information is not correct. The accusations are not correct against me. First of all, I do not belong to Al Qaeda.

The Tribunal President interrupted the Detainee to give the Detainee an opportunity to make his statement under oath. The Detainee declined and made an unsworn statement.

I will not take an oath like that. First, I have to see, then I will take the oath. Everything that was said about me was false. I never said that. Bring your evidence; true evidence. Just a small amount of evidence, so I can understand.

The Tribunal President offered to show the Detainee the oath so he could decide if he wanted to take the oath.

It is not about taking an oath; it's about evidence. Bring the evidence and I'll take the oath to apply to the evidence against me, so I can understand the case against me. The accusations at least have to be true. I want to see the accusations against me. That's it.

The Tribunal President advised the Detainee that he had the opportunity to review the Unclassified Summary, R-1, which is the evidence against him.

All the accusations that they [Personal Representative] showed to me, they are all lies. They are not true. I want to see a little bit of the classified information against me.

The Tribunal President advised the Detainee he could not be permitted to see any classified evidence.

How can I defend myself? All those accusations and I cannot defend myself? There is no solution for this.

The Tribunal President advised the Detainee he was being given this opportunity to defend himself against this [showing the Detainee R-1] evidence.

That is not true. Bring me the evidence; the real evidence. The papers that were taken from me, the things that were taking from me, are used against me, fingerprints...My father is a lawyer, I know the process. The simple things, the training, those are not evidence. The things that were found on me when I was arrested; bring me those. I know for sure you have nothing against me. Why is this court happening? This Tribunal?

The Tribunal President advised the Detainee the purpose of the Tribunal was to determine the Detainee's status as an enemy combatant.

I can say 100% that is not correct. If I'm not an enemy combatant, you will still classify me as an enemy combatant. If want or do not want, you will still classify me as an enemy combatant, that's the truth.

The Tribunal President stated that wasn't necessarily true because we have the opportunity today to allow the Detainee to present his story.

I have never told my story before. I told my story before in details. There are some mistakes in translations, even before, because I speak so fast.

In general, I just want simple evidence against me. Some of the evidence.

The Tribunal President stated this [holding up R-1] is the only evidence the Detainee will see today.

All that evidence is because of my hand, or my injuries. It's all because of that. I told them the truth. I told them I trained on mines. Because if I told them the truth, adding up to my statement, I'm not sure.

The Tribunal President advised the Detainee he had the opportunity now to clear up any misconceptions or allegations that he felt were untrue with the assistance of his Personal Representative and this was the Detainee's opportunity to speak.

There are a lot of mistakes made on my case, for example 10 weapons, 30 weapons. I've never said I had that kind of training before. I never mentioned that. I'm not scared. I told them [interrogators] I did train on some weapons and I told them I didn't want to train on some of them and I told them why I went to Afghanistan.

I didn't go there [Afghanistan] to fight Americans; I went there before the Americans were there. I wanted to train to go fight the Chechnyans. That is the truth. I didn't go there to fight Americans. Sure, they did arrest me in a safe house. It was a safe house, but I have no connection to being against Americans. I was not planning to fight or be against Americans.

Maybe because I was arrested in their house, they accused me of those accusations. Of course at that house, maybe someone did say something against me that didn't know me and accused me of things.

I told them, I went to Afghanistan to train, but the car bombs and other things, all that is false, actually.

The second thing, for example, there were people testifying against me. There are documents and passports that state they will testify against me, so I can believe the accusations you're telling me I've been accused of. Something true, something I can see. All these are just rumors. Just someone's hearsay. You have the secret information, so

you know everything and you know you did arrest high top-level people and generals, so you do know. The first thing you said, "I think he's from Al Qaida".

The interpreter stated that the Detainee is translating the word "with" incorrectly to mean "I think".

The third thing, I cannot bring witnesses here. How can I bring witnesses here? Even if I have witnesses outside of here, how can I bring them here? It is very difficult.

If you're going to call me a combat fighter, I spent all this time here and that's what I spent it for. That's the reason we [detainees] got detained here. Because we were here detained, they have to label us something, like combat fighter. Even if we are not combat fighters, they will still label us that because they arrested us and brought us here.

The Tribunal President advised the Detainee that the purpose today is to see if he had been properly classified as an enemy combatant.

That is a different story. I just want to defend my case. It is a false accusation against me and I just want to clarify it, in general. I know, for a fact, that you don't have any evidence against me. I'm not dangerous and I'm not planning and did not plan to fight Americans. For example, show me books, papers, show evidence. Was I on a wanted list before? Did I have any problems in the other parts of the world? Did I have any problems there? There is a list you have to read to really find out if I am really someone who is trying to fight against you or am I really fighting against you.

The Tribunal President stated that is what the Tribunal is going to try to do today. The Tribunal panel has clear minds, and all they have been exposed to at this point is R-1, the unclassified evidence. The Tribunal will take what the Detainee is saying, along with the evidence, to make a determination. The Tribunal President advised that the Tribunal panel would like to ask questions.

I do not have a way to defend myself. You ask me, I can't defend myself. I don't have anything. I'm telling you this is not correct. There is no strong evidence, and I know this very well. In general, you can ask me; I'll tell you.

In general, I just want to say that all the accusations against me are wrong and that is what I told you, all the accusations are wrong. For example, they never found anything on me, like a map, piece of paper, a book that would connect me to these accusations. They never found that on me. At least, someone would say, "we found this on you, it says this on it, it connects you to the accusations". They are just rumors; just hearsay. People say lies about me. That happens a lot. If they have a witness that would come and say I trained with him, then I'll believe them. They don't have someone that was with me when I was training to say "he did do this or do that". This is how I talk, I talk very fast.

The Tribunal President asked the Detainee to talk slower.

The Americans talk fast too, so I talk fast just like them too.

The Tribunal President stated the Recorder identified the fact that the government has no witnesses to testify against the Detainee.

I know that, I know that well. I tell you the truth. I spoke to investigators before the same way. They told me "people" told rumors about me, hearsay. It's not a problem. If that's what you want to do, call me a terrorist? Then go ahead and do it.

Compared to other people in the world, I'm just an average person, like everyone else. Afghanistan is just another country. A lot of people enter and go to Afghanistan. Everyone has their own goals.

I lived in Europe; I never fought Americans. I didn't have any problems in Europe. Something normal.

Questions to Detainee by Tribunal Members

Q: Because this [R-1] is the only information we have concerning you so far, there are a number of things you should expect we want to ask you now. From what country do you come?

A: Algeria.

Q: Did you go to Algeria to Afghanistan in 1999?

A: I went from Great Britain to Afghanistan.

Q: How long did you live in Great Britain, prior to going to Afghanistan?

A: About 2 years.

Q: What was the reason you chose to go to Afghanistan?

A: I saw a tape, showing were they [Russians] killed Chechnyans. I saw a tape in a mosque. I saw the situation in Afghanistan. In Great Britain, there was a mosque. We went to a mosque and saw a tape of how they [Russians] were killing Chechnyans. The Russians were killing Chechnyans on that tape. Someone told me they were going to train and go to Chechnya.

- Q: So, after going to the mosque, seeing the tape and talking with people, you went to Afghanistan to get training to go fight the Russians in Chechnya?
- A: To fight the Russians, yes.
- Q: Do you remember when you went to Afghanistan, what year?
- A: 1999.
- Q: Since you raised the issue with your injuries, tell us how you became injured.
- A: Small mine training.
- Q: What happened?
- A: It was a small bomb buried, a mine, and the top was lifted up. Some of them have covers, some of them don't. I was digging them out. While digging, I pressed it accidentally. I thought they wouldn't switch. After I pressed, it exploded.
- Q: Are you permanently injured, or is there a chance that you will someday be healed? What is the nature of your injuries.
- A: [The Detainee pulled the cloth off of his left arm and showed the Tribunal Panel his left hand, which had been injured during the explosion. All fingers were missing and only his thumb, which was mangled, was left. Detainee's left hand was covered with scar tissue.] All this was torn off. There were stitches, and minor cuts on my legs.
- Q: Also on your left leg, we see it is bandaged here? [The Detainee's left ankle had a bandage covering it].
- A: Maybe you won't believe me, but that's an investigation. They [guards at Guantanamo Bay] did that to me, for a year and a half. From walking for an hour and a half with chains on. There was an investigation, about a 2 month investigation. It was cut from the top and the bottom at the base of my leg. It happened here, not before.
- Q: How long ago?
- A: 1 ½ years ago.
- Q: Are your injuries permanent, or do you know?
- A: It needs surgery. I don't want to have the surgery here. We know how military doctors are. They offered me surgery, but I told them no. It's not guaranteed.

- Q: Let us return to Afghanistan. What training were you able to receive in Afghanistan?
- A: Weapons training, rifleman's training. I don't understand the measurements of the weapons, but rifle.
- Q: On what weapons do you consider yourself proficient?
- A: It is difficult; I have one hand. It would be difficult for me.
- Q: Before you were injured?
- A: It was just a few months. Right when I went to training I got this injury. The whole time I was there, I still had the injury.
- Q: Between the time you arrived in Afghanistan and the time you were injured, on what weapons did you become proficient?
- A: Just simple training. It was a few months, maybe 5 months. My training stopped.
- Q: Were you trained either before or after your injuries in the area of land mines?
- A: During training, I had my injury.
- Q: During the training?
- A: Yes. There are mines in every country. There were mines everywhere.
- Q: Yes, but one needs specialized training to learn how to handle them.
- A: I don't have specialized training. The training camps where I trained, there is no specialization, you just get trained in general training.
- Q: Did you receive any training in the area of remote control devices, or how to...?
- A: It was a military calling device. About one week of training. It was a regular phone call, a regular call.
- Q: You received one week of training?
- A: About. I studied 2 years. I can't tell you exactly the time period.

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- Q: When you say you studied 2 years, 2 years in what?
- A: Those things happened so long ago that I don't remember it very well. I can't tell you precisely, exactly. I don't remember it. If you ask me what I ate 2 days ago, I don't remember what I ate 2 days ago. A week, a month, how can I remember?
- Q: All we seek today is to hear your story and get to the truth.
- A: I told my story from the beginning. There are some errors, some mistakes done. I will tell you something, you might believe me, you might not believe me. I said I trained at 3 camps, 3 military camps. One of the camps, I added to the list because they pressured me, so I said yes, I did. I lied. I lied to them and I lied to myself too. If you believe me or not...
- Q: Well, tell us the truth. How many camps did you train at?
- A: Two camps. I'm telling you right now I trained at 2 camps. I lied to myself because they liked hearing that kind of thing.
- Q: Do you understand English?
- A: A little bit. I knew English before. I know a little bit.
- Q: Where did you study English, in your time in Great Britain?
- A: No, in Algeria in the school. They teach French and English.
- Q: How many years of instruction in English did you receive?
- A: Up to high school.
- Q: Did you train other people, other fighters while you were in Afghanistan?
- A: No, I didn't train. You know very well I didn't train anybody. Do you have witnesses? I'm ready. I'm ready, not a problem.
- Q: We don't know whether it's true or not. That's why we're asking.
- A: I'm telling you right now, I'm not scared. If I did something...the evidence, the witnesses, bring them. I'm ready.

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- Q: You said you wanted to go to Chechnya. Why didn't you ever go to Chechnya?
- A: The situation was very difficult at the time. It was very difficult to travel there. Sometimes the door would be open and sometimes it would be closed. The borders are very difficult there.
- Q: But there were many fighters who trained in Afghanistan that did go to Chechnya, yes?
- A: I don't know. Everyone has his own goal.
- Q: Did you try to go to Chechnya and were prevented?
- A: I tried a lot, but couldn't go.
- Q: Tell us how you ended up in Pakistan.
- A: The situation was very difficult. I left Afghanistan when the fighting started. It was a mess. I was going from house to house. I was going from one place to another. Things were a mess. Finally, I went to a house. I stayed in their house about 10 days, or maybe less. That's where I was arrested?
- Q: By the Pakistani police?
- A: Yes.
- Q: The evidence says you were with a top Al Qaida member. At this point, we don't know who that might be. Do you know who that might be?
- A: I don't know anyone from the Taliban.
- Q: I said Al Qaida member.
- A: I know just one guy was arrested. Abu Zabaida. I don't even know him. I don't know him. I was arrested with him, so they dumped everything on me and said I was Al Qaida also. They know I'm not from Al Qaida. You know people from Al Qaida. You have a list; you know who they are. You know very well. I don't need to know anything else.
- Q: We know now, because you told us. You were arrested with Abu Zabaida?
- A: I only know him because I was in the same house as Abu Zabaida. That's all the problems. Abu Zabaida. That's it. That's the whole problem. If they had arrested me alone in that house, I would not have had this problem.

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Q: I want to just clarify one more thing before I stop here. The accusations against you are very precise in nature. For some reason, there is evidence concerning the specific types of weapons on which you are said to have trained, the additional training you received in mines and mountain navigation...

A: After you finish, I will reply to this.

Q: ...and the area of remote controlled devices. The most serious allegation is that you participated in a plan to bomb the United States.

A: From where?

Q: I would just like you to address that specifically, please.

A: I never! That is strange, very strange. I want to laugh. Honestly, I want to laugh at those allegations. If I was so dangerous, I would not be here. This is very strange.

Q: You have no idea of who would accuse you of this, or why?

A: At the investigation, they told me "people are talking about you a lot" and "people" said. Give me the picture or tell me this person said this about me. They tell me no, it's secret and we can't do this. So, I can't defend myself.

Q: Why would any of your comrades want to say anything against you?

A: Ask yourself, when you talk to someone, are they going to tell you 100% the truth? I know these are just rumors; just hearsay. If you don't have something that's strong evidence against, it's a problem. If I did something, I would say I did this or did that. I would tell you this is what I did if I did. I don't want to lie and say I did it when I didn't do it. I don't want to lie to you. If you'd like, you can get a camera, take a picture of me and say I was with Al Qaida or Usama Bin Laden. You tell me I am against America. I am not against America. I don't have any information or planning against the United States. You know that very well.

Q: Right now, all we know is what you are telling us.

A: I told them [investigators] okay, people have said this about me, no problem. Bring them here and let's see if they can testify against me, or bring their picture. If they spoke about me, if they testified against me... You do have a way of knowing if they are telling the truth or if they are lying. The problem is they don't have strong evidence against me. The allegations, 4, 5, 7.

- Q: We understand that. I'm not as interested in what other people have to say or not say, as much as we are to hear what you say.
- A: I just clarified it to you. That's how it is. For example, they accused me, okay? If you found something, a piece of paper, and you'd say, okay this is the piece of paper and it proves you did this...at least so I can believe you. There is an important point. People are like this. Everyone wants to make his own statement against another. Here, everyone is on their own. That's what's happening here. That's the problem here now. Everyone is lying at each other, and everyone is saying, making a statement against each other. Lying is very easy. Someone will say 100 stories of lies. The truth is difficult. It is difficult to get the truth.
- Q: Travel is fairly expensive. How or who funded your travel to Afghanistan for this trip?
- A: I was working. The British pound is strong. In Pakistan, you can get more for your money. You can live like a Sultan, or like a chief.
- Q: So, you funded your own trip?
- A: Yes, I did.
- Q: Who was running the camp you went to train at?
- A: We never saw them. There were a lot of people, and they usually don't say. They don't say "Oh, I'm the Chief", they never say. Everyone is training, doing their own job. You're not supposed to ask; you can't ask.
- Q: I'm just trying to get the sequence down. In 1999, you went to train?
- A: Yes.
- Q: And then when things started to get really bad in Afghanistan, you left?
- A: Yes.
- Q: So, that's about 2 years. Were you training the whole time?
- A: No.
- Q: What other activities were you doing?
- A: I helped kids. I was teaching them the Koran and Arabic. I was handicapped. I couldn't do anything. I couldn't do most things. I was teaching and that's what's in my file.

Q: Did you teach at mosques?

A: It was like a big room and the children would come to that room and learn. They don't speak Arabic; they don't know Koran. They don't know how to read and write. That's normal over there. There was no problem with me teaching them. That's how it is in those countries. Like here, you help people, over there, you try to help people also. It was not problem teaching education.

Q: Can you remember what time it was when you decided you wanted to leave Afghanistan?

A: After the problem, the attack. A short time after, I left.

Questions to Detainee by the Tribunal President

Q: Where did you live when you were in Afghanistan?

A: Different places. Three neighborhoods.

Q: In your own house, or a friend's house?

A: Regular houses. Muslims, we go and live and live in different houses, with Afghans. Afghans have guests at their houses.

Q: They would provide you food and shelter as long as you want?

A: That's very normal there. Maybe a year is different. When you have a visitor, you offer them your house and food. It's regular there, it's normal. You go there as a guest and they offer you food and shelter. The houses aren't specialized houses; they are regular houses. We go to any house. Not a problem.

Q: So, you did not have to earn money?

A: No, I went there with money.

Q: For 2 years? You had enough money for 2 years?

A: Sometimes they would give me money here and there, gifts. It's regular, not difficult. It's normal over there.

Q: Who would give you gifts? The Taliban?

A: No. Muslims, just regular people. Not the Taliban, regular muslims.

- Q: So, you were happy in Afghanistan, and you were not interested in traveling anywhere else?
- A: Life is difficult in Afghanistan.
- Q: Why didn't you want to go home to Algeria to see your family?
- A: I told you why I went to Afghanistan. I wanted to go to Chechnya. That's why. Maybe, if there wasn't a way to go there, I would go back and work in my country. My parents, my father, my mother, my brothers, they all work.
- Q: I understand that the reason you originally went there was to go to Chechnya.
- A: Yes.
- Q: But, after your injury, how could you have been able to benefit the effort in Chechnya?
- A: In any way to help them. I would help them in any way. I'm not the only one who wanted to go to Chechnya. A lot of people from the whole world go to Chechnya. Even you helped Chechnya. Didn't you help Chechnyans? Because you don't like the Russians. We read history and geography and studied it in school. It is very well known. I don't need intelligence.

Questions to Detainee by Tribunal Members

- Q: But for the war in Afghanistan, would you still remain there today if you had not been captured?
- A: I left.
- Q: I understand that.
- A: No, I would go to Chechnya. That was my goal. I tried so hard to go there. I tried. I would take my chances, just to go there.
- Q: So, for almost 2 years, between the time you were injured and the time you had to leave to go to Pakistan, there was no way you could go to Chechnya?
- A: The situation was very difficult. Sometime, if there is a chance, I will go. I honestly tried. I wasn't able. You might ask me why I couldn't go there, but it may be questionable why I didn't go, but I did try multiple times. It is difficult.
- Q: The reason I asked, you just mentioned that so many people did go to Chechnya, and we wondered why you didn't go with them.

A: Everyone has a destiny. Everyone has his own situation. People go, people come and so on. The situation is difficult.

Questions to Detainee by the Tribunal President

Q: When you were arrested in Pakistan at that safe house, and there were other people that were there at the time, did they travel with you from Afghanistan to Pakistan?

A: No. They went a different way. I never met with them.

Q: Who did you travel with?

A: About 4 people, through the borderline. And the Pakistanis, they helped us. They divided us. Everyone was taken to a different spot. It was difficult. We couldn't be all in one spot. It was difficult to be in one spot.

Q: Who helped you?

A: Pakistanis. People in Pakistan. It's normal, they help you, sometimes.

Q: Not necessarily Al Qaida?

A: No, not Al Qaida. Maybe the government of Pakistan said Al Qaida, maybe. People from the military helped us, on the road. And then, the Pakistanis themselves, arrested us.

Q: Do you have any further information to present to this Tribunal?

A: Right now, this is it. That's the whole thing.

Questions to Detainee by Tribunal Members

Q: One more question. You're asking us to believe quite an incredible coincidence, that you can somehow end up in the same house as Abu Zabaïda and have it be a complete coincidence.

A: I never met him. I saw him at the house. You wouldn't believe me, but it's my story. For example, if I knew him very well, maybe they arrested him with things on him? Documents, paperwork or some information about me? When Abu Zabaïda got arrested, did they find things with him, documentation, that say I know him very well? For example, there are a few things that will prove it. It's simple; not very difficult. The story is very clear.

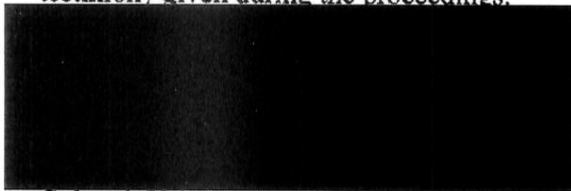
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- Q: Here is what I'm having trouble with. It would seem as though, someone as important as Abu Zabaida is probably surrounded by many guards, and the only people permitted to be with him or in his vicinity, are people who could be trusted. Not just any old person.
- A: I'm going to answer you. It's simple. The house, a lot of people went to that house, leaving and entering. For example, if I was his [Abu Zabaida] guard, so people are living in that house are his guards? I can't protect myself, how can I be his guard when I can't even be my own guard.
- They [Pakistanis] arrested us at the house. For example, I'm his [Abu Zabaida] guard. I have a weapon, so at least I would have a weapon to protect him or protect myself. I didn't have a weapon on me. They arrested us right away. If I were his [Abu Zabaida] guard, I would at least have a weapon, or I would know how to protect myself since I'm a guard and I have information.
- Q: I'm not necessarily saying you were a guard. I don't know that.
- A: No, I'm telling you as an example.
- Q: What I am saying is if Abu Zabaida was in the house, his guards would make sure that anyone they didn't know would not be allowed to stay there with him.
- A: I don't have any connection to him or any information about him [Abu Zabaida]. Leaving, entering the house...maybe people in the house were related or close to him, I don't know. You know, I've been telling this for 2 years.
- Q: Give me an estimate of roughly how many people were in the house at the time you were there.
- A: When I was arrested?
- Q: Yes.
- A: Before I was arrested?
- Q: How long were you in the house?
- A: Ten days.
- Q: Okay, give me a range then.
- A: Fifteen, sixteen, seventeen, add or take. People come in. Pakistanis bring more people and some leave. I didn't have a right to ask them why they were coming or leaving. I wasn't involved.

- Q: How long was Abu Zabaida in the house the same time you were?
- A: When I was there, he was there too. I found him there. I wasn't at the house the whole time. I didn't see him the whole time. I saw him, but I didn't see him that much.
- Q: He was there before you got there?
- A: I don't know. When I was there, I saw him there.
- Q: You were both arrested together, with others?
- A: At the same house.
- Q: Was everyone at the house arrested at the same time, or only some?
- A: I have heard some ran away. That's what I heard, they ran away.
- Q: Did you see them run away?
- A: No, I heard about it. I didn't see it.
- Q: How many people were arrested that you know?
- A: Ten, eleven or twelve, about that.

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