

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee requested additional clarification of the purpose of the proceedings. The Tribunal President explained the process a second time. The Detainee then confirmed that he understood the process and had no questions. The Recorder presented the summary of evidence in full to the Tribunal. As the Tribunal President explained the proceedings, the Detainee interrupted and stated the following:

Tribunal President: The Detainee had requested no witnesses or documents be produced for the Tribunal today.

Detainee: I don't have witnesses, but I have a lawyer in Italy.

Tribunal President: Your lawyer will not be available for this session.

Detainee: How can I bring witnesses? I have no witnesses. I have one friend that came with me from Afghanistan. He is here, I can bring him, and he will say everything. But he's not here, so I don't know who to bring as a witness.

Tribunal President: I understand. As we indicated earlier, and you indicated earlier, you have no witnesses to appear today.

Detainee: Yes, sir.

The Tribunal President then asked if the Detainee still wished to participate in the Tribunal, and if he would like to take the Muslim oath. The Detainee indicated he still wished to present evidence, and took the Muslim oath.

The Personal Representative then stated each point of unclassified evidence separately to allow the Detainee to respond, and included notes he had gathered from the Detainee in a previous interview.

Personal Representative: We met on the 25th of October, three weeks ago, for about 70 minutes. We discussed the summary of evidence, and he (the Detainee) was given the options on how he wanted to present it. We decided we'd present the evidence together, especially since it's three weeks old.

Regarding the first two points now: (3.a.1) *The Detainee traveled from Germany to Afghanistan via Turkey and Pakistan in September 2001 and (3.a.2) The Detainee received training on the AK-47, RPG's, grenades and pistols at al Farouq; all of the aforementioned training occurred sometime in September 2001:* On the first point, he said he did travel. On the second one, regarding the training on the different weapons systems at al Farouq, they will be addressed together. The training, he stated, on the AK-47 and RPG, were done in his home country of Algeria. He stated that every Algerian

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was asked to perform two years of military training. When asked if he went to al Farouq, he said yes, he went there for 12 days and got some training; of course he received training, he stated he didn't go there as a tourist. For a matter of record, the Detainee stated he only received training on the AK-47. (To the Detainee): Is there anything you would like to add regarding this item?

Detainee: The five accusations, I confessed myself. What hurt me hurt my kids. I talked to interrogators for 2 ½ years. I didn't speak to them to harm me, I was telling them the truth. I didn't want to lie to them, or (for) those to be used to harm me.

Personal Representative: And I think as we proceed through the remaining evidence, that will come forward; your story and what you have said to be your truth.

Detainee: Yes.

Personal Representative: *(3.a.3) The Detainee received camouflage and physical training at a facility near Kabul known as "Camp Nine" after America was attacked.* Regarding this, he stated in our previous meeting that he did not receive physical training or camouflage training. Others had gotten physical training, but the Detainee claims he did not.

Detainee: Yes.

Personal Representative: *(3.a.4) The Detainee was captured in a house where he stayed with a senior al Qaida leader in Faisalabad, Pakistan.* On this fourth point, he stated yes, he was in Pakistan. And you (the Detainee) may need to help me on this because there's a lot of information here. The houses, he stated, each had supervisors. The house you stayed at was (affiliated with the) al-Tabligh (Jamaat al-Tabligh) society. Their mission was to recruit Muslims. The people of al-Tabligh would move people between different houses, and he stayed at two houses. The first house was for two months, and the second one was for one month and ten days. You waited there until at such time you were told where to go next, and you were told to go to Faisalabad until people would come to give you your passport, and then send you back to Germany, which is where you lived. You stated you were with three people, a Yemeni, a Russian and yourself. You went by car to this house, and the supervisor of that house was Abu Khalid. Abu Khalid would go to get food and supplies because he had a motorcycle. When you were at this house, you were all three told that you were brought to this house by mistake. You were told that after the evening prayer, you'd all be moved to another house. You told them you would not leave. Can you clarify the reasons you would not leave?

Detainee: Yes. I was here for about three months. They transferred me because of problems with people inside of house. There were always a lot of people. There were problems with food and sleeping areas. They didn't let me sleep or eat well, and nothing was organized, so I always had problems. One of the people from the Tabligh group told me they would take us to another house so we could be relaxed. A car came, and he

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brought us all three to Faisalabad. After going there, we stayed in one house. And then a vehicle came and took me to the house I was arrested. We stayed in that house for maybe an hour to an hour and a half. The supervisor of the house was a Pakistani named Abu Khalid. He told us you have to go to another house because it was a mistake. The house was big and nice, everybody had their own room, and I didn't want to leave. I had my own room and put my clothes and belongings in that room. I told him I wouldn't leave there until I get back my passport and then I'll leave. After the evening prayers, they brought the vehicle, and I was told to take my belongings and go with the Pakistani, but I refused to leave. I stayed there about two days. The guy from al Qaida, Daoud, questioned me as to who I was, what I was doing here and who brought me. I said I'm from Germany waiting on my passport. When I get it, I will leave. He said, no problem, you can stay here for a week. I stayed there for about twelve days and the Pakistani police came. They took us to prison. Daoud was arrested with us, you can ask him about us.

Personal Representative: That was consistent with the notes of our meeting on 25th of October. And it also covers the unclassified evidence, up to item 4, the circumstances of his capture. Regarding (3.b.1) *The Detainee carried an AK-47 on the battlefield* and (3.b.2) *The Detainee volunteered to fight on the Northern front in the vicinity of Bagram, and did so for a period of approximately two months*, you told me you did not carry an AK-47 on the battlefield. You stated you were with the Taliban because they were giving you freedom. When you were ordered to leave Afghanistan, you left the Taliban, and gave back the AK-47 you were given in Kabul. Regarding fighting on the Northern front, you explained that during that time there were three lines. The first line was the Taliban, the second line was the Pakistanis, and the third line was the Arabs. You told me you had no animosity or hate towards Americans, and that you did not come to Afghanistan for the purpose of fighting. You stated you came for personal reasons, and mentioned you wanted to express those reasons to the Tribunal. Do you still want to express those personal reasons to the Tribunal?

Detainee: I left Germany. I went to prisons in Germany and in Italy, a lot of prisons. In July 1999 was the last day I was in prison in Germany. I didn't have anything but my Polish girlfriend. I was told to go there to buy heroin because it was cheaper there; in Europe it is very expensive. We agreed that we would leave and buy (heroin) and come back. I went to Afghanistan and found everything. The Taliban officials did not let me leave Afghanistan. I had no passport or identification. They told me you cannot leave unless you are given an order. So for two months or so, they bought vehicles and told us to put our weapons in those vehicles, and then we left for Pakistan. That's it. I didn't enter there to fight with the Taliban. Even in Algeria when I was in the military, I did not complete my duty; I left before. Every time I was given a month for leave, I would leave for a year. I didn't like military training. I didn't like Afghanistan; I wanted to live in Europe. It was a mistake going to Afghanistan.

Tribunal President: Does this conclude your statement?

Detainee: I don't understand. I have questions about the five points. The training at Camp Nine, I told the interrogators that I didn't have the training; I just told them the truth about the training others were doing. I could've said I never went to Afghanistan, they would've believed me. I didn't go there to fight. I didn't want to die; I have a wife, children and a girlfriend. I told them the truth from the time I left Germany until I went to Afghanistan. I didn't have the training. That was the first time I went to Afghanistan, so when I was told to go here or there, I went because I didn't know where to go. I chose to go with the Taliban because there were problems with the Arabs every day. The Taliban gave me the freedom to go anywhere. Arabs are given certain times to get up and certain times to go to the market. My friend and I had a lot of problems. We went to the Taliban and were relieved. The Taliban never told us anything and we were free to go to the market or anywhere. At that place, there were airplanes flying, they told us to leave that place and go to our families. I had a Kalashnikov, and gave it to them when the vehicles came, and went to Pakistan. I was the one that told them this. They asked (the interrogators), and I told them the truth. There's no lies in this story. There's no negative or positive, or anything added or taken from it.

Tribunal President: We understand. This is why we welcome your testimony here today to clear up any questions we might have.

Detainee: Now I was able to say it, and it is out.

Tribunal President: We certainly welcome the truth, and appreciate your openness with these statements that you have made. We'll have some questions, but before that, is there anything else you'd like to make known to us?

Detainee: If you have a question, I will answer you.

The Tribunal President then asked the Personal Representative if he had any questions for the Detainee, or had any additional information to present to the Tribunal.

Personal Representative: (to the Tribunal) Sir, the one point is that the statement he has made to this Tribunal was consistent with the session we had three weeks ago. I just have a couple questions for the Detainee.

Q: When did you move to Germany?

A: I was in Italy, then Germany.

Q: When did you go to Germany?

A: 1994.

Q: Are you still a citizen of Algeria or Germany? What country do you claim for citizenship?

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A: I have Algerian citizenship and am a permanent resident of Italy.

Q: Did you travel to Afghanistan with legal papers?

A: No. It was a fake passport. It was not original.

Q: What was the reason why you traveled with a fake one?

A: In Germany, they wouldn't give me a passport, only a permit to just move from Hamburg. Even from Hamburg to Bamberg (phonetic)(another city in Germany), they would punish you.

Q: Is that because you had prison time?

A: Yes.

Q: So you traveled illegally, and for illegal reasons, to get pure heroin?

A: Yes.

Q: And who gave you the money?

A: I had money. And a person from Tabligh (Jamaat al Tabligh) brought me the tickets.

Q: Your main, prime reason to go to Afghanistan was for what?

A: Drugs.

Q: You did go to al Farouq to train on a Kalashnikov. Could you explain why you did that?

A: The person that brought me the tickets from Hamburg told me to go to Pakistan. He told me there'd be one or two people waiting for me. He gave me his name. When we got to airport at 2 a.m., they saw us because we didn't look like Pakistanis. We got a rental car, went to a hotel. We stayed there about three days. He showed us the way and bought us clothes. He bought us plane tickets from Karachi to Quetta. The reasons I went were not known to them. I didn't want them to kill me or anything. And they showed me where to go to get to the Taliban center. We stayed for two or three hours before we went to Kabul. They brought us a car just to get to Kabul, and then to Kandahar. When we got to Kandahar, they took us to a guesthouse for Arabs. When we went there, there were about 25 or 26 Arabs in the house. We stayed there about 3-4 days; we were divided into two groups, and we walked to al Farouq. Then the incident happened in the U.S., so they told us to leave al Farouq and go to the mountains. We were there for 12 days before we were taken to Kabul.

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The Tribunal President then asked any Tribunal Members if they had any questions of the Detainee.

Q: Good afternoon. I just have some things I want to clarify from what you told us today. I'll go to the most recent first since it's fresh in our mind. When did you first realize you were going to al Farouq - in the guesthouse or before that?

A: When I got to it.

Q: You didn't know you were going until you actually got there?

A: We got to the place where there were a lot of military personnel; then I saw the flag, and it was what I remembered from a tape I saw in Germany. The flag had al Farouq written on it like I saw on the tape.

Q: What was the tape about that you saw in Germany?

A: A Moroccan missionary was the one that bought me tickets to Pakistan and was the one that showed me the tape. I saw a tape in which one was for Chechens, and one for Afghans. He would show the tapes and ask if you wanted to be a jihad fighter, and would buy them tickets to send them there.

Q: This man was not a Jamaat al Tabligh person, he was someone else?

A: He walked by himself, and you would always see him at the mosque.

Q: Is that where you first met him was in a mosque?

A: Yes.

Q: And that was in Germany; the mosque you attended?

A: Yes.

Q: So he wanted you to go to be a fighter, but you went for other reasons as you said?

A: Just go and train and come back, he told me if you want to stay, then stay. I told him I would go, but inside myself I knew I was coming back.

Q: Did you believe or know him to be an al Qaida person?

A: Before I didn't know, but right now, I think he is.

Q: When you went to Afghanistan to get the drugs, was it to sell them to earn a living or use them because you needed to?

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A: I didn't want to use them. I wanted to earn money to open a club with my girlfriend in Germany. If you can contact her, you can ask her.

Q: And she encouraged you to do this?

A: We both chose this together. I knew her from before when we used to go to dance clubs together and do cocaine together. In 1999 when I got out of prison, I found out a kilo is cheaper in Afghanistan. It was \$700 per kilo in Afghanistan, but in Germany, it would be worth \$330,000 for one kilo. I wanted to bring 5 or 6 kilos back, sell it for money and buy a club. I hated being in prison.

Q: Reference your timeline of the things you were doing in Afghanistan; which happened first, when you were in al Farouq and you tried to leave, or when you went there and got the drugs, tried to leave but they wouldn't let you?

A: First thing I went to Kandahar. We didn't know directions or the language, and the Moroccan guy told us where to go. When we entered Kandahar walking, we just wanted to make it to our goal. We got to Camp 9, and they wouldn't let us leave. I had problems with them until the Taliban came, and I went with them. Then I went to Bagram. Any crowd that came in with the food, I went with them, no problem. I was free, no one was telling me to sit, get up, move; no one was telling me to do that. Even the Taliban told us to go to Pakistan, and we went.

Q: I thought there was a part where you mentioned that you were trying to leave, but you weren't permitted to because you hadn't received an order to leave?

A: In Camp 9, I was told not to do anything without an order. They wouldn't even let us by food from the outside. Every day, rice and tea, rice and tea, rice and tea. It was like a house with no neighbors.

Q: How long were you at Camp 9?

A: About a month or 25 days.

Q: You mentioned you didn't get the camouflage or physical training, but others did; what did you do instead?

A: Even in the morning they would tell me to get up and run to do the physical training, and I would curse them. I did not want to run. I always had a problem running. Especially when you are sleeping, they would come and wake you up to run; this is why I left the military there in Algeria.

Q: They just let you do your own thing for a month?

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A: They couldn't do anything; I was in my room sleeping. I would put a big piece of wood on my door so they couldn't open the door until about 9 a.m. in the morning. They gave me and my friend bad treatment.

Q: You mentioned you gave your rifle back to someone; where did you get it in the first place?

A: The Taliban gave it to me. When we were leaving, they took them from us. The magazines were taken, too.

Q: Was this at Bagram that this happened?

A: Yes.

Q: So at al Farouq and Camp Nine, you didn't have a weapon?

A: There was training, but they don't give you one.

Q: What kind of training did you have in the Algerian military?

A: We trained a lot, for about six months. We trained on Kalashnikov and RPGs; mostly old Russian weapons.

Q: And there was a time you decided you didn't want to do that anymore and you went to Italy?

A: I don't understand.

Q: I thought you said you finished your Algerian service before it was supposed to end. Is that correct?

A: No, I was finished and detained in prison. I was then given my papers in January 1979. I left the prison in February 1984. It was about 5 years. In the law, it says two years. The rest of the time was all prison. I would be arrested, then released, then arrested again, then released so I got my papers and left. In 1986 I left and got married. In 1990, I went to Italy and haven't been back to Algeria since.

Q: You said you had a wife and children. Are they in Algeria or Italy?

A: Algeria. I have 4 kids.

Q: So when you were in Italy, you had permission to live there. In Germany did you have permission?

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A: I didn't give them my true name in Germany. In Italy, I had given my real name, and they will not give you permission for both places at the same time. I went to visit Germany and liked it so I decided to stay. I stayed for a month until I met a German, and so I got married. I stayed with her and forgot about Italy.

Q: Going back to the house in Faisalabad; when they mentioned you were in a house with a senior al Qaida leader, was that Daoud or someone else?

A: I didn't know his name, but after we were arrested, they showed us a picture and told us it was Abu Zubaydah.

Q: Was that the person you knew as Daoud?

A: Yes, he came in and said, "My name is Daoud." We all knew him by that name until we were arrested.

At this time, the other Tribunal Member addressed the Detainee.

Q: Just a few questions. How long did you spend on your plan to leave Germany to go to Afghanistan to buy drugs to finance a club; how long did you think about that?

A: It was in my head a long time ago. I always heard about the product being cheaper there. I had a chance to go because of the Moroccan. When the chance came, then I planned.

Q: Just for the cheap drugs?

A: Yes.

Q: Would it make any difference to you who you had to work with to get those cheap drugs?

A: Yes. I brought a lot of information with me from Afghanistan.

Q: I don't think you understood the question. You took a free ticket to get to Afghanistan; you had help to get there.

A: The person that showed me the tape paid for the ticket.

Q: And the person that showed you the tape showed you military training camps?

A: He didn't tell me anything. After showing me the tape, he asked me if I wanted to go to Chechnya or Afghanistan. I will buy you a ticket to this country or the other.

Q: To do what?

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A: To train; to become a mujahadin. The Chechen tape was difficult, and so I decided to go to Afghanistan.

Q: With your love of the military it seems strange you would want to go to Afghanistan to get training even though you could get drugs there. They just bought you a free ticket to get into the country.

A: Not because I couldn't get the tickets, I did this because I didn't know the way to get there.

Q: What did you do for a living when you were not in prison?

A: Which prison?

Q: What did you do for a living; what was your occupation? In Germany and Italy?

A: I was helping a cook, and I was selling vehicles. I was also a thief. In Italy and Germany we were thieves. We would steal things.

Q: How much cash did you have on you when you left Germany for Afghanistan?

A: I had 17,000 Marks. I took 11,000 for my girlfriend, and took 6,000 with me.

Q: And it was 700 Marks per kilo?

A: At the beginning, I didn't want to buy anything yet.

Q: You left Germany for Afghanistan with about 17,000 Deutschmarks?

A: In Germany, I had 17,000 marks. When I left, I took 6,000 Marks, and 11,000 with my girlfriend.

Q: When you were in Camp Nine, who was your friend? Did he travel with you?

A: When he saw the tape of Afghanistan, he just wanted to visit. He bought a ticket that was a two-way ticket to go and come back. I didn't even tell my friend I was going there for drugs. When I went to the market, I didn't take him with me, I went alone.

Q: So he bought his own ticket from Germany to Afghanistan?

A: The Moroccan bought it. He showed us a Pakistani visa and passport, and he was the one that showed us the way and bought us the tickets. The visa was for three months, or 90 days.

Q: So basically you worked with the Taliban to try to get drugs?

A: No, no. If the Taliban knew, they would kill me.

Q: I don't mean you told the Taliban what you were going to do. I meant you worked with the Taliban to get what you wanted.

A: Yes, because they don't tell anyone where to go, and you are not afraid to go wherever.

The other Tribunal Member then addressed the Detainee a second time.

Q: If you were to be released, where would you go and what would you do?

A: My goal is to go back to Germany and open a club and relax. I've told everyone that. I don't want to live in any Arab country. I want to live in Europe; I like Europe. We would meet in Germany or Italy. Italian interrogators came here two years ago. They interrogated me about when I went to Germany. They told me they didn't have a problem with me. They have my passport and everything. Germany or Italy is where I'd like to live. I would want to bring my kids from Algeria. That's what is in my thoughts.

The Tribunal President then asked if anyone else had questions for the Detainee.

Personal Representative: One short question; I remember when we talked during our session, you talked about your Muslim religion. Could you clarify to me if you consider yourself a strong and dedicated Muslim, or to what level do you consider yourself a Muslim?

Detainee: I just know my parents would pray and fast. They passed away. I don't have any problems.

Personal Representative: But you did not go to Afghanistan to answer a fatwa or to fight for any religious cause?

Detainee: No, I don't know, not a fatwa. My parents raised us not to cause problems and to be peaceful.

The Tribunal President thanked the Detainee for his testimony, and began explaining the rest of the Tribunal process. The Detainee interrupted and stated the following:

Detainee: I would also like to tell you that I do not have any problems with the United States of America, or any other country. From my side, in my heart, I don't have anything against (the U.S.).

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The Tribunal President again thanked the Detainee for his testimony, then completed his explanation of 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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