

Summarized Sworn Detainee Statement

With the permission of the Tribunal President, I would like to say something before I respond to the accusations.

In the name of Allah, when I was in Bosnia, everybody knows I was very moderate and very nice. I was not an extremist. This is very well known. I was brought up not to harm anyone, but to be just and fair, that's how I grew up. I learned that my religion forbids harming others. In our Koran, it says it is absolutely forbidden to kill a human being. The Koran says killing one person is like killing all of humanity. If you bring one person to life, it's like giving life to all of humanity. You can check this in the English version of the Koran.

With God as my witness, if you believe me or not, it's not important, but I absolutely never supported and always condemned any terrorist act against the United States or anybody else.

As I love life for myself, my family and my kids, I love that for everybody else. I believe all religions should live in harmony and in peace.

For these reasons, I am against any and all terrorist attacks. That's why I'm surprised I'm in this camp, in prison now, classified as a terrorist or enemy combatant.

The Detainee responded to each point in the Unclassified Summary of Evidence.

• **3(a) The Detainee is associated with Al Qaeda.**

This is absolutely not true. I've never heard of them until the 9/11 incident. I heard about it through the media. How can you associate me with an organization I've never heard of? As I said before, I'm against any terrorist attacks.

I've lived in Bosnia for a long time, and you can check and see that I've never been associated with or belonged to any terrorist or criminal organizations. Further, all the years I spent in Bosnia, I never broke the law, not even for one day. I've never harmed Bosnians, or foreigners, ever.

You say I'm associated with this organization, so if you have any proof just bring it.

- **3(a)(1) The Detainee was arrested with Bensayah Belkacem, a known Al Qaeda associate, for International Terrorism by the Bosnia-Herzegovina authorities.**

I've never met this person and I've never seen him in my life. Interrogators asked me before about his name and I told them I don't know this person. You can ask my wife, my work, people I've associated with, ask them if they've ever seen me with this person, if this person came to visit me, if I've talked to this person. You can ask. I've never had anything to do with this person.

You say I was captured with this person and this is not true. I surrendered myself to the police; they didn't capture me. I went myself and surrendered.

Does the President of this Tribunal think that if someone would surrender himself if he weren't innocent? I don't think so.

- **3(a)(2) Bensayah Belkacem had phone conversations with Abu Zubaydah, a senior aide to Usama Bin Laden, who was in charge of screening recruits for Al Qaeda training camps in Afghanistan.**

I don't know the first person or the second person. You can ask either one of them, I don't know them. You can ask the second guy, I believe you have him in jail. Ask him if he knows me.

The second one, I didn't hear about him until I was here. I've never heard his name before. How can I hear of him here, and be accused of knowing this person?

- **3(a)(3) The Detainee and others acted as an organized terrorist group and they were in contact with a known Al Qaeda member, Abu Zubaydah.**

This is not true. I don't know anyone except the three names I gave you, that are going to be my witnesses. All three of these were working in international organizations and humanitarian organizations. We have no relation whatsoever with terrorism, so how could we have contact with people that have relations with terrorism?

It doesn't make sense and it's not logical that we'd be working with humanitarian organizations and then be doing terrorism. It doesn't make sense. Each one of us has a family and kids.

I've been living in Bosnia for 10 years. If my goal was terrorism, why wouldn't I have done that a long time ago? Why did I wait until the end?

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If I was thinking of terrorism, I would have thought about it for a while, not just at the last moment.

You have these people's names. You can double check with them. I have no relations with terrorists whatsoever.

- **3(a)(4) Detainee was arrested by Bosnian authorities in connection with a planned attack on the American embassy.**

First, that's not true. When I heard about the accusations, I went to the police myself. They didn't capture me, I went myself.

I never walked the streets the American embassy was on, I never observed or watched it or anything ever. If you have any proof of this, it's no problem, please bring me proof and confront me with it.

Also, the Supreme Court of Bosnia found us innocent because there was no proof and nothing to sustain the allegation that we were plotting to attack. They set us free. We were found innocent by the Supreme Court of Bosnia.

Plus, if I was really a terrorist, or if I were to do any terrorism act, instead of going to the police, I could've easily escaped and left the country.

I knew that the three that were going to be witnesses were captured, so I had plenty of time. Before I went to the police, I heard of their capture and I went myself. They were captured 2 or 3 days before I went to talk to the police, so I had plenty of time if I wanted to do something. I still went to the police on my own. I could have easily escaped if I wanted to because I had my passport and I had money.

The papers from the Court that say we are innocent do exist. When the Bosnian Commission was here, they showed me the papers and I read them myself. It said the International Human Rights Organization was suing the Bosnian government for our treatment.

They went to court on our behalf because they treated us badly. The document didn't just show that we were innocent, but they also gave us compensation for our families. They gave us 10,000 marks each. I saw the document showing that amount.

I believe you can get these documents because the Bosnian Delegation showed them to me. It shouldn't be too hard to get it back from them or to get a copy from them.

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The Tribunal President advised the Detainee we would continue to try to find those documents.

- **3(a)(5) Detainee is a member of the Mujahadin network. Also, Detainee is likely a member of Armed Islamic Group of Algeria, a militant organization.**

What do you mean by Mujahadin? Where? When? What do you mean by this? This is not clear. It is just a general statement.

First, this is not true. The accusation is not clear, saying I'm part of Mujahadin. You say I'm a member of this Islamic Algerian Armed organization. I left Algeria in 1990, and from what I know, this organization was formed long after I left Algeria. You can contact the officials in the Algerian government and ask them if I really belonged to this organization and they will be able to give you the right answer.

- **3(a)(6) Armed Islamic Group of Algeria is on the list of sympathizers and helpers of Usama Bin Laden's Al Qaeda.**

As I mentioned before, I am against any terrorist acts. How could I belong to an organization that I strongly believe harmed my people in Algeria?

This is all I have to say. I'm convinced and I believe that you will look at my responses and accusations with an eye of justice and fairness. My response to the accusations has ended, but I would like to bring the witnesses.

The Tribunal President advised the Detainee that the witnesses will be brought in later, but the Tribunal Members have some questions to ask.

Tribunal Members Questions to the Recorder

Q: The Detainee mentioned he had seen a document from the Supreme Court of Bosnia that indicated he was innocent of the charges against him. I presume that refers to exhibit R-4. Do you have any knowledge of the document he is speaking of?

A: I am familiar with this document [R-4], but I don't believe it is the document the Detainee is referring to.

Tribunal Members Questions to the Personal Representative

Q: Are you familiar with the document the Detainee has spoken of?

A: I am familiar that it was a requested piece of evidence that was unable to be located.

Q: Do you happen to know what efforts were made to locate it?

A: No, I don't.

Q: As the President said, we'd like the Recorder and the Personal Representative to work together at the conclusion of these proceedings to try to locate that document.

Tribunal Members Questions to the Detainee

Q: How long have you been living in Bosnia?

A: From 1992 until I was captured.

Q: You are married with five children?

A: I now have seven. I've had two since I was captured.

Q: Congratulations.

A: Thank you.

Q: I presume you moved from Algeria to Bosnia in 1992?

A: Yes, but not directly. First I studied in Pakistan and then I moved to Bosnia. I finished my studies, got my degree, got certified and then I went to Bosnia.

Q: It says here (on exhibit R-4) you are a clergyman.

A: Yes.

Q: That is your primary occupation?

A: Yes, that is my job.

Q: You were able to make a sufficient living as an Imam?

A: As I said, I was working with a humanitarian organization and I was making decent money. According to the Bosnian income, it was very good money.

Q: Can you describe what duties you had with this organization in Bosnia?

A: I worked with orphaned boys that don't have fathers.

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- Q: Did you live in Sarajevo the entire time, or were you in different places in Bosnia?
- A: Most of that period was in Sarajevo, but I lived in other places too.
- Q: Can you give examples?
- A: I lived in a city called Tesanj, then Tuzla and then Sarajevo. From 1996 on, I was in Sarajevo.
- Q: We recall that during that time Bosnia was in the midst of a terrible civil war.
- A: Yes, before 1995, not after.
- Q: Prior to 1995, while the war was still going on, people in Sarajevo suffered terribly, as I understand.
- A: All Bosnians suffered from the war.
- Q: Did anyone ever approach you to assist the Bosnian army to fight against the Serbs or the Croats?
- A: I enlisted in the Bosnian military because as a Bosnian, I am married to a Bosnian and her family was Bosnian. I had to enlist. For example, if I was living in the United States and I am a nationalized American, if there was an attack against the United States, and every man has to enlist, I should enlist. It's the same thing here.
- Q: Did you volunteer to serve in the Bosnian military or is it mandatory service?
- A: You can't really say if it was volunteer or not. Everybody has to, it's not explicit, by force or obligation, but everybody feels that way.
- Q: How long was your term of service with the Bosnian military?
- A: I don't remember exactly. It was from the beginning of 1994 until the end of 1995. From the beginning of 1992 I was working with them, teaching. They consider me one of them since 1992. I was a clergy person and they know me and I was part of them.
- Q: Did you have those duties while you were serving in the military as well, or only before that?
- A: While I was in the military that's what I was doing. Just as a teacher, Imam and a clergy person.

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- Q: Did the Bosnians give you regular military training, common to all soldiers?
- A: In the beginning it was not a regular army. There was no training and it was not organized. At the end of 1995 when the European nations and the United States intervened, they formed a regular army.
- Q: No one trained you on basic military skills, weapons or anything of that nature?
- A: No, I never sat down with someone and got trained.
- Q: They didn't issue you weapons for protection?
- A: Weapons were available, but they didn't give me one because I was a teacher and a clergy. I didn't go to the fighting lines. I was just a teacher and clergy.
- Q: Were those the only responsibilities you had during your term of service in the military?
- A: That's all. Just teaching, nothing else.
- Q: Prior to moving to Bosnia, when you were in Algeria, do they also have mandatory military service?
- A: Yes.
- Q: You were required to serve in the Algerian military?
- A: Yes, it's a law; everybody has to.
- Q: How long did you serve during that time?
- A: Two years.
- Q: What type of training did they give you there?
- A: We didn't have too many weapons, we only trained on the Russian Kalashnikov. We didn't have any other training.
- Q: What were your responsibilities as an Algerian soldier?
- A: I used to work in the administration. I was the postman in the military. I took care of mail, bringing letters to soldiers.
- Q: What years did you serve there?

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- A: I believe 1987 to 1989.
- Q: Prior to the insurgency of the Armed Islamic Group?
- A: Way before that. The problems started in the 90's. I believe the problems in Algeria started in 1992.
- Q: While you were in Algeria, you decided to become an Imam, conducted your studies in Algeria and Pakistan, and decided to settle in Bosnia?
- A: That is true.
- Q: Why did you choose to go to Bosnia, as opposed to any other place you could go?
- A: The Humanitarian organization needed people to go work for them in Bosnia. That's how I ended up in Bosnia.
- Q: How did you first know about this organization?
- A: I first worked with this organization in Pakistan for a little while. My studies matched what they needed, so I went with them to Bosnia.
- Q: Did you do the same type of work in Pakistan that you did in Bosnia?
- A: Yes, it was the same.
- Q: The reason you chose to go to Bosnia was because they had a greater need for you there?
- A: I wouldn't say the need was greater, it was just because I finished my studies. They needed someone to work for them and I went.
- Q: So, from 1992 until 2001, your primary duty was as an Imam on one hand and assisting this organization on the other?
- A: Yes. My main job was working with the orphans, but I volunteered to be an Imam and to teach. My job was to work with the orphans.
- Q: What kind of things would you do for them [orphans]?
- A: Our job...we had people who sponsored the orphans. They would bring money and clothing and things like that. Our job was to see that things were run properly and the orphans got what was meant for them.

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Q: If I understood you earlier, did you say that no one ever approached you about a plot to attack the American embassy?

A: Never.

Q: But, you heard the police were looking for you or concerned about your possible involvement?

A: What happened is, when they [Bosnian authorities] captured those three people, they [Bosnia authorities] asked them about me. They told the Bosnian authorities that I had nothing to do with it and neither did they. They gave the Bosnian authorities my number and told them to call me. The police contacted me and I said okay, I was coming.

Q: Why did they mention your name if you didn't have anything to do with it?

A: I don't know, by mistake or whatever. I want you to know one thing. If I really had anything to do with it, I had plenty of time and there was a great opportunity for me to leave and escape easily to any neighboring country if I wanted to. That shows you that I'm not guilty.

Q: The three people you said gave them your name, are these people known to you?

A: Yes, they are the three people I called as witnesses.

Q: So, you heard the police wanted to speak with you, you turned yourself in and then they arrested you?

A: Yes. They called me and asked me if I could come to the station and I said sure. But, before that I had heard about those people being captured through the news.

Q: So, when they said please come in, you went in, and then what?

A: I went in, found an investigator, and he said they wanted to investigate me for a few hours and after that I'd leave. I said, sure, go ahead, no problem. After that, when he finished with me, he said he had to check with his superiors to see the status. His superiors said I couldn't go, I had to go to court. I said no problem, because I have nothing, so I went. After that, we went to court.

Q: Did you have one court proceeding or more than one?

A: Only one time. The investigator stayed with me about 8 hours at one time and then we went to court. It was only one session and that was it.

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Q: Were you originally found guilty and the verdict was overturned by the Supreme Court, or did the Court you were at find you not guilty?

A: From the beginning, our case went straight to the Supreme Court. From the beginning the Supreme Court decided that we were innocent.

Q: You were declared innocent and what happened after that?

A: After that, they said we were free, we left, went outside the prison and found the Bosnian Special Police with the Americans and they captured us and we ended up here.

Q: How long have you been here?

A: Almost three years.

Q: How many others were taken with you?

A: We were six. I know about the six from reading the newspapers and watching TV. When they took us, we were blindfolded and couldn't see anything.

Q: But, this person who's name we were given, Bensayah Belkacem, he was not one of the six?

A: The media said he was one of the six, but I don't know him. I've not seen him. Maybe he's here, I don't know. I'm sure he's here because they've asked me about him many times in interrogations and they told me he was here, so he must be here, but I don't know him.

Q: You never met him in Bosnia or ever heard his name mentioned?

A: Never. I first heard his name here in this prison. In the beginning, when we were in the old spot, in the old jail, they put all of us there. They had us all in one area and they were saying the Algerian or Bosnian Six. He was there and I saw him there.

With permission, I'd like to say something I forgot to mention earlier. I've been here for three years and these accusations were just told to me. Nobody or any interrogator ever mentioned any of these accusations you are talking to me about now. I've been here for three years, been through many interrogations and no interrogator ever mentioned any of these accusations, so how did they just come now? Not even one mentioned the embassy thing, the terrorist organization, this Algerian Islamic organization. It's weird how this just came up now.

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- Q: We cannot answer that because we ourselves don't have any access to any other information at this point except what you're telling us now and the accusations told to you.
- A: I was just observing and making a point.
- Q: We understand. That is why it is necessary for us to ask you these questions.
- A: I don't object to any of your questions. Ask any question you want, I'm just mentioning what I observed. I just can't understand how accusations came out and nobody talked about it in investigations or interrogations. It just seems strange to me.
- Q: At this point, we don't know why you're being accused of being a member of the Armed Islamic Group. Do you have any idea why you are being connected with this group?
- A: I don't know. All I know is that after the horrible problem with 9/11, all of the nations in the world wanted to help because it was a big problem. I think that Bosnia didn't find anything to give to the United States, so they said okay, let's give them these six Algerians; they are Muslims. We were sacrificed just to show they gave something. There is no other way to look at this.
- I'm asking you. You are just people, if I did a crime in the United States, would you take me to the courts in the United States? Of course. You are not going to deliver me to another country. If you find me innocent you'd let me go free, if not, you'd take me to jail. If I was innocent, it is impossible that you would give me to another nation.
- Even though we were innocent, we were delivered to another nation and we don't know why.
- Q: We didn't realize you had never been confronted with these allegations.
- A: No, nobody ever mentioned anything about any of these things. I should admit, that one time one investigator asked me if I walked by the street the embassy is located on. I said no, I never walked on that street; I never went there.
- Q: I don't mean to recount three years of interrogations, but can you give us a brief summary of things you have been asked about?
- A: I was asked about my life story, from the day I was born until the day I got here. I asked the interrogator if he'd give me a copy of that, it would be great! I would not have a chance to go through my life story again. I asked for it as a souvenir.

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Then they asked me where I worked, where did I go, all the details. I was very cooperative and told them everything freely. You can ask, I always cooperated and always told them whatever they asked for.

I want to make an observation, also. I have a lawyer in the United States and he sent me a letter. He urged me not to participate, but to show you my good faith, I said I wanted to participate and I want to show you that I am really innocent and I want you to see. I can defend myself. If you're innocent, no matter how people try to cover your innocence, it will come out.

Q: We appreciate your decision to participate.

A: Thank you.

Q: Do you happen to know if any of the other people in the so-called Bosnian Six have connections with the Armed Islamic Group of Algeria?

A: As I told you, I only know three of them. Those three, I can guarantee you 100% it is impossible for anyone of them to be a member of any organization, especially terrorist. I know them as they know me. I know very well they are not part of this organization.

Q: You're quite sure of this?

A: I am certain. They are my friends and if I had even the slightest doubt that they might be members of those organizations, I would not be their friend and I would not be associated with them. I do not want to be dragged in things that are against the law or associated with things that are against the law. Plus, I condemn all things like that.

Q: You said you were released by the Bosnian Supreme Court and you walked outside the doors. You were greeted by the Bosnian Special Police and the Americans?

A: Yes, because we saw the Bosnian Police and other people wearing Bosnian clothes, but they couldn't speak Bosnian, they were speaking English, so they were obviously Americans. I know Bosnia very well, and just by looking at them it's easy to tell they are not Bosnians.

Q: Do you have any idea what organization the Americans belonged to?

A: No, I don't know these things. The only thing I know is we were taken by the Bosnians, delivered to the Americans and the next thing we knew, we were here.

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We spent four days with our eyes closed, with bandages on our eyes, tape on our mouths, with shackled hands and feet. Tuesday through Sunday.

- Q: You were not in the same prison or jail you were in while you were waiting for the Supreme Court?
- A: No, we were separated. Each of us was in one cell.
- Q: But it was a different jail? Was it a different jail than when you were waiting for the Supreme Court trial?
- A: [No response. The Detainee did not appear to understand the question.]
- Q: Before the Supreme Court trial happened, you were in jail.
- A: We were in Sarajevo prison.
- Q: You were not placed in Sarajevo prison after you were released by the Special Police and the Americans?
- A: No, they took us to an American place, I don't know the name, or where it is.
- Q: No one asked anything about your innocence from the Bosnian Supreme Court decision?
- A: I tried to clarify this to all of the interrogators, but they keep telling me it's not their job for me to convince them of my innocence. It's their job to interrogate me.
- Q: At any time, did you admit to anything that you did not do, hoping that it might make it easier for you?
- A: No, I never admitted or confirmed anything, because I had nothing to admit or confirm. I am innocent.
- Q: You said you never even walked by the American embassy and you also said you never watched the American embassy. Why did you say you never watched the American embassy?
- A: I never needed a visa or anything. I have nothing to do with the American embassy, so why would I go and look at it? That's what I meant. I have no business there and I don't need anything, so why would I go?

When the witnesses are brought in, is it possible to salute them?

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Tribunal President: Of course.

The Personal Representative called Nechele Mohammed (Mohammed Nechele).

Detainee's Questions to the Witness, Nechele Mohammed (ISN 10003)

The Witness, Nechele Mohammed, was sworn.

Q: Hello, Mohammed. Do you know if I belong to any terrorist organization or if I am a terrorist?

A: All I know about this person [Detainee] is that he is a very nice and a very good person. He takes good care of his family. He is a family man. He works for a humanitarian organization.

Our case is very well known because we are called Algerian/Bosnians. Everybody knows that we have nothing really. We have no terrorism connections or anything. We are just wrongfully accused.

This is the truth, he [Detainee] is not a terrorist, because if he is a terrorist, that means I am a terrorist too. I know he is a straight and good person. He has nothing to do with terrorism. I know him very well, as much as I know myself or even more. If I knew he had anything bad about him, I would not be his friend. I would not be associated with him. God is my witness.

Personal Representative Questions to the Witness, Nechele Mohammed (ISN 10003)

Q: What did he [Detainee] do for the humanitarian organization? Can you describe it?

A: He worked with the orphans, that was his job with this organization.

Tribunal Members' Questions to the Witness, Nechele Mohammed (ISN 10003)

Q: So, you were arrested, along with this Detainee here?

A: I was detained before him. He was detained after me.

Q: What charges did they make known to you that you were being accused of?

A: All I know is through the media. They said we were planning a terrorist attack against the American embassy in Bosnia. This is not true. The Supreme Court of Bosnia found us innocent and when they took us out, they brought us here.

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- Q: Describe the circumstances when you were released by the court and then ended up here. Tell us what happened.
- A: We heard the news like everybody else. The Supreme Court found us innocent. There was news and media. We went outside the jail, our families were waiting for us, and as soon as we walked out, they captured us and the next thing we knew, we were here. This is briefly what happened.
- Q: Do you know who Bensayah Belkacem is?
- A: He was jailed with us, but I don't know him as a person. I just know he was captured with us.
- Q: Is he Algerian/Bosnian also?
- A: They say that he is Algerian, but I don't know. The only people I know are those three, Hajj, Mustafa and Lakhdar.
- Q: Do you know anything about the Armed Islamic Group of Algeria?
- A: All I know about this organization is through the media. From the media I know they are labeled as a terrorist organization and they kill people and they do bad things. We don't approved of these things; we are against these kinds of acts.
- Q: Have you ever been accused of being involved with them?
- A: When? Before, or when I got to Cuba?
- Q: At any time.
- A: Yes, here I was accused of that. The interrogator came and said I was a member and I said no, that was not true.
- Q: Why would someone accuse you of being a member of this group when you say you are not a member?
- A: I don't know. Throwing accusations is so easy, but you have to have the proof. It is impossible for me to belong to this organization. Even in Bosnia, they were saying we might have connections to these organizations. They contacted the Algerian government and the Algerian government confirmed that we have no relation with this organization, whatsoever.

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The Algerian government told them, if you found them innocent for what you are accusing them of, you have to let them go, because there is nothing against them.

Q: You've never had any associations with Al Qaeda or any other people?

A: No, it's impossible because from what I know, Al Qaeda is a terrorist organization and they kill innocent people. We don't approve of killing innocent people or killing anybody, so I can't belong to such an organization.

You investigated me for three years, and I'm sure you found out I have nothing to do with it. Even if you continue to investigate me for another ten years, you will find out that I have no relations with them.

Q: Before you were captured in Bosnia, what was your occupation?

A: I used to work with the Red Crescent.

Q: How long have you lived in Bosnia?

A: Almost five years.

Q: How long have you and Hajj [Detainee] been friends?

A: I met him as soon as I got to Bosnia, in 1997.

Q: You're very good friends?

A: Yes, he's a good friend. He's very straight and a very good human. That's why we're friends. Since I've been friends with him, I've never seen anything bad from him.

My testimony is said before God. I'm not saying it for anything, just to tell the truth.

Q: In your free time, what were your favorite things to do together?

A: I used to come to Sarajevo only once a month because I lived far from where he lived. Whenever I'd come, we just talked about business, life and things like that.

Q: How long would you stay? One day, three days?

A: It depends. The organization I work with was there, so sometimes it'd be one day, sometimes two days. It depended on the need.

Q: You stayed at his house?

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A: No, I just used to go visit him because we have an office there. I'd go and visit him and have coffee, that's it.

The witness, Nechele Mohammed, was excused.

The Personal Representative called Aet Adeer Mustafa (Mustafa Ait Adir).

Detainee's Questions to the Witness, Aet Adeer Mustafa (ISN 10004)

The Witness, Aet Adeer Mustafa, was sworn.

Q: Hello, Mustafa. Do you know if I am a terrorist, or if I belong to any terrorist organizations, or anything that is close to that? Do you know if anything of this nature has to do with me? If I had the intention of doing any terrorist acts against the embassy, or anything else?

A: First, I would like to talk about this tribunal, if it's possible, then I want to reply to what he asked me.

Tribunal President: You are here only to testify on behalf of the Detainee.

A: I know Al Hajj very well, as well as I know my pocket right here [pointing toward pocket on shirt]. If he is accused of terrorist acts, that means I am also accused of that.

With regard to the American embassy in Bosnia, if you don't believe the Bosnian government who told you that we are innocent, how are you going to believe me? How are you going to believe Hajj?

The Bosnian government declared us innocent and we have the document. You took those documents and you brought us here. You have the documents to prove that we are innocent and we have no relation with this embassy, period. It is impossible to believe me if you don't believe the Bosnian government.

Now, I'm going to talk to you about what the investigators said. All the investigators told me this just a play, just a joke. There is no American embassy and nothing that has any relation to terrorism in regard to us.

The Bosnian government took money from the American government to deliver terrorists. So the Bosnian government took that money and delivered six of us, just to show and we have nothing to do with all that. These are not my words, these are the words of the investigator. A tape of this does exist. That's what they told me. I don't know if they told Hajj the same thing.

The investigator told me personally that they have a big problem with us. In Bosnia they said they have classified proof against us and here they say they have nothing against us. The problem is that they cannot return us to Bosnia because they will ask where the proof is. If they keep us for three years in prison and tell us to go home, somebody who is plotting to bombard the American embassy should not stay only three years, he should stay the rest of his life. Now they have a problem with us, they don't know if they should release us or if they are going to keep us here. Therefore, this investigator kept telling me that we can't leave here until they find something against us.

I'm talking about myself, but I'm also talking about him [Detainee]. We have the same issue and the same problem. As I told you, I know Hajj very well, just as I know my pocket. If you think he's a terrorist, that means I'm a terrorist. If he thought about putting explosives in the American embassy, that means I thought about it too. If you're going to keep him in jail, I want to stay with him. I know him to the level I know my wife and my kids.

This is all I know about his case, but regarding this terrorism and putting explosives in the embassy, this is all false and all lies.

I'm going to tell you further things the interrogators are telling us about this issue. When I stopped talking to the interrogators, they asked me why I stopped talking. I stopped talking until I was told why we are here. He told me you still don't know the accusation against you? I said I didn't know. He asked what they accused me of in Bosnia. I told him they say we intended to think of doing this. I intended to think of putting explosives in the American embassy in Bosnia.

Forget about this. All of this is not true. He asked me if there were any other accusations besides this. I told him they said we are members of the Algerian Islamic Military organization. Forget this one, too.

There was another accusation, I forget. Maybe Hajj will remember.

Q: Did I ever talk to you about his Bensayah Belkacem that is mentioned in the accusations? Have I ever mentioned this person to you? Have I ever spoke to you about this person?

A: First of all, this guy [Bensayah Belkacem] is with us here. He is one of the six that were brought here. I've never seen him with Hajj and Hajj never even once mentioned his name. I am sure if Hajj knows this person, I would know this person too because I'm with Hajj almost every day in Bosnia. We are always together. It is impossible for him to know this person and for me not to know him. I would have at least seen him with him and he never talked to me about this person.

They asked me about this person in Bosnia, but I didn't know him. I met him here in this prison.

Q: Do you know of me knowing anybody belonging to Al Qaeda, or have I ever mentioned anything to you about this?

A: Absolutely never.

Tribunal Members' Questions to the Witness, Aعت Adeer Mustafa (ISN 10004)

Q: As I understand it, you deny being associated with any terrorist organization at any time?

A: Are you asking me about myself?

Q: Yes.

A: I thought this was a tribunal for Hajj, not my tribunal. When it is my tribunal, then you ask me.

Q: I was listening closely to your testimony and I thought you said you were not affiliated with these groups, so I just wanted to make sure I understand what you said.

A: I don't want to answer you. If you ask me about Hajj I will answer you, but if you ask me about myself, I'm not answering. My tribunal is over, and I already talked to them about my case.

Q: How long have you known Hajj?

A: I believe I met him in Tuzla in 1996, when I moved there.

Q: Been very good friends ever since?

A: Yes.

Q: In your free time, what is your favorite thing to do together?

A: We had some free time, but unfortunately his free time is different than mine. Me, personally, I don't have a lot of free time. I work in the morning and in the evening I am a coach for a team. Mostly we just go have coffee. We'll go to Sarajevo to a sidewalk place and just have coffee or go to the Mosque. Sometimes we'd go to Friday prayer.

Q: You know Hajj as well as your wife and kids, always together. What was Hajj's favorite thing to do?

A: He likes to buy cars and he likes soccer.

Tribunal President's Questions to the Witness, Aet Adeer Mustafa (ISN 10004)

Q: Did your families ever get together for celebrations or festivities?

A: Yes.

Q: What is your occupation?

A: I'm a computer designer. I program and repair computers, software and hardware.

Q: What sport did you coach?

A: Karate. I am member of the national team in Bosnia.

The witness, Aet Adeer Mustafa, was excused.

Detainee: I apologize for the way the he answered your questions.

Tribunal Member: Thank you.

The Personal Representative called Bomedienne Lakhdar Mohammed (Lakhdar Mohammed Boumedienne)

Detainee's Questions to the Witness, Bomedienne Lakhdar Mohammed (ISN 10005)

The witness was reluctant to take the oath. He explained that he did not know why he was here. He said he would testify and take the oath, if Hajj had asked for him. It was explained to the witness that Hajj did ask for him and the Tribunal President apologized for not making it known to the witness why he was here.

The witness, Bomedienne Lakhdar Mohammed, was sworn.

Q: Lakhdar, do you know of me being part of any terrorist group, or have I ever mentioned anything to do with terrorism? Do you know of me associating with anything to do with terrorism or any terrorist organization?

A: Never.

Q: Have I ever talked to you about anybody that belonged to Al Qaeda, or to Muslim Algerian Military organization, or anything of this kind?

A: Never.

Tribunal Members Questions to the Witness, Bomedienne Lakhdar Mohammed (ISN 10005)

Q: Do you know why anyone would accuse Al Hajj of being involved with terrorist organizations?

A: No, I don't know.

Q: You were apprehended with him in Bosnia and taken here as well?

A: Yes.

Q: You went through the same trial in Bosnia with the same result?

A: Yes.

Q: Do you know Bensayah Belkacem?

A: During the investigations, they have talked to me about him.

Q: Do you know whether or not he is associated with Al Qaeda?

A: I don't know.

Q: Do you know if he is associated with the Armed Islamic Group of Algeria?

A: Are you talking about him [Detainee] or the other guy [Bensayah Belkacem]?

Q: The other guy.

A: No, I don't know.

Q: Do you know if Al Hajj has any enemies that might have accused him of being involved with any of this?

A: No, I don't know, but he is a very nice person and I don't think he would have enemies.

Q: Do you consider yourself a friend of his?

A: Yes, he is my brother.

Q: How long have you known each other?

A: From the time I got to Bosnia?

Q: Which was when?

A: 1997.

Q: How often did you see him in Bosnia?

A: I don't have a number. I didn't write down every time I saw him, but I used to see him. I don't know how many times.

Q: I don't need to know exactly, but I'm looking for frequently...occasionally...what?

A: He's not my wife, so I'm not going to tell you I see him every day. I see him once in a while, yes. I don't see him every day.

Q: Did you socialize together?

A: We used to visit each other.

Q: What were some of the things you enjoyed doing together?

A: We used to like to eat, drink and watch soccer on T.V.

Q: What was your line of work in Bosnia before you came here?

A: I worked with a humanitarian organization that deals with orphans, the Red Crescent.

Q: This is a different organization than Hajj is associated with?

A: Yes.

Q: Hajj coached a sport. Which sport?

Detainee: That was Mustafa, not me.

Q: You were good friends. He coached a sport. Do you know which sport that was?

A: We used to play soccer, but he wasn't the coach.

Q: He also had a part-time job, exchanging things, buying and selling things. Do you know what that was?

A: No, I don't know.

Tribunal President's Questions to the Witness, Bomedienne Lakhdar Mohammed (ISN 10005)

Q: You indicated you worked for the Red Crescent?

A: Yes.

Q: Did anyone else work with the Red Crescent that was captured with you?

A: Yes.

Q: Who was that?

A: Mohammed (Nechele).

Q: Your occupation, did you have any other occupation besides your work with orphans?

A: No.

Q: What else can you tell us about Al Hajj that could convince us that he has nothing to do with any terrorist organization?

A: Well, to tell you the truth, this is just like a play. This is all politics. First of all, may I ask a question? If you know you are a terrorist and you know people are looking for you, are you going to escape or not? Answer me.

Q: You're posing the question to us?

A: Yes, I'm asking you. You said you want me to convince you, so I'm asking you.

Q: You would have reasonable thought that a person would try to flee, yes.

A: Good. When they captured me and told me the accusations, I was surprised. I was actually shocked. When they asked me about people I know or not, on the list was Al Hajj's name. I thought for sure there was confusion on the subject. I asked the head of the investigation the same question I asked you. He told me, of course, if accused of this and the police were looking for him, he'd flee.

I told him, how about I call him [Detainee] on the phone and he'll come himself. At that time, I thought it was democracy and there was a mistake or a problem. If they wanted to investigate, that was okay. I didn't know that these things were cooked from way up top and they were such a big thing. After that, Al Hajj walked by himself to the investigator's office and now he is in chains.

It is unreasonable that a terrorist would deliver himself to the police. That doesn't make sense. I have other things, but this is the most important thing.

Tribunal Members Questions to the Witness, Bomedienne Lakhdar Mohammed (ISN 10005)

Q: When you were on trial in Bosnia, were all of you on trial at the same time?

A: Yes, of course. In Bosnia, we didn't go to official court, similar to this. We were in jail and they told us that we were acquitted and had official papers that we were acquitted and there was nothing against us. It was announced on the national T.V. and everywhere.

Q: Did you have representatives on your behalf? Any lawyers or anything?

A: Yes, we had lawyers.

Q: Did you have to pay for them yourself or did someone pay for them for you?

A: I'm talking about myself. I don't know who paid for Hajj, but I know that the organization I worked with paid for mine.

The witness, Bomedienne Lakhdar Mohammed, was excused.

Witness: Why, you can ask. It's no problem.

Tribunal Members: I have no further questions.

The Witness and the Detainee had a conversation as the witness was being removed. The Witness told the Detainee that he would not do this for his own tribunal, but for his brother, he would testify.

Witness: You people who are asking these questions, you don't know that Hajj is innocent?

The witness was removed from the Tribunal room.

Detainee: I apologize to the Tribunal and to the Translator for the witness' behavior. It was unnecessary.

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Detainee: This is all that I have. But, also those documents in Bosnia will help my case.

Tribunal President: Very well.

Detainee: Also, during my time here, my behavior with investigators, interrogators, and the guards was exemplary. I was very kind to them and they know that. This might also help and show that I was very kind to everybody.

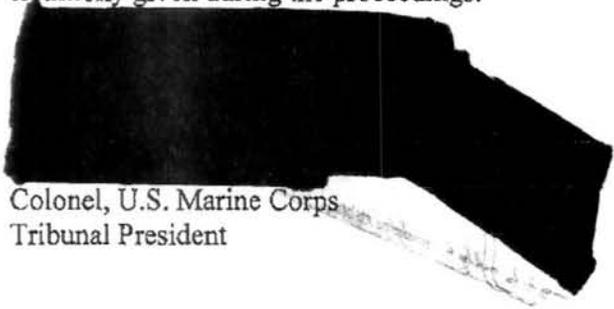
Tribunal President: We'll certainly take that into consideration.

Detainee: I know and I am confident that the Tribunal is experienced in this field and they took the oath and they are just people. I'm sure they will get to the right answer and do the right thing.

Thank you for listening and for your patience, and also for your patience with the witnesses also. I thank you very much.

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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