

Exhibit 1

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AFFIDAVIT OF BELKACEM BENSAYAH

I Belkacem Bensayah, swear and attest that, to the best of my knowledge, the following is true:

1. I was born on September 10, 1962, in Wargila, Algeria. I was raised by my mother and father. I have two brothers and five sisters. All live in Algeria.
2. I began to attend elementary school in 1968. Academics were difficult for me. My formal education stopped in or around 1975, before I completed secondary school, when I was about thirteen. From that time until I was approximately eighteen, I attended an Islamic Institute in Wargila, Algeria. I left that institute in 1980 before completing the work needed to receive a diploma. As a boy, my father told me I should attend prayers and become a more devout Muslim, but I did not adhere to religious practices as a young man.
3. After leaving the institute, I worked as a municipal civil clerk from 1980 until 1982, and again from 1984 until 1986. My work involved preparing birth certificates and death certificates. I also completed two years of mandatory military service in Algeria between 1982 and 1984. I was stationed in Algeria and the tasks I performed during that time were largely in the nature of civil service, such as planting trees.
4. My father died in 1986. In 1989, I set up a small store which we ran from my mother's home for one year. It was not a success.
5. In approximately 1989, I began attending prayers and practicing my faith. The next year, in 1990, I left Algeria and traveled to Mecca to go on the pilgrimage called the "Hajj." I traveled from Algeria to Tunisia by train and then by plane from Tunisia to Jeddah, Saudi Arabia. From Jeddah I traveled by bus to Mecca. In Mecca, I learned more about my religion by listening to teachers who were there.
6. While in Mecca, I also learned of the violence that was taking place in Algeria and became afraid to return there. I overstayed my Algerian passport, which expired while I was in Mecca. I do not want to return to Algeria, even today.
7. While in Mecca I lived on alms that I received from wealthy people practicing the Muslim faith. In addition, I earned money selling goods on the street.
8. I left Saudi Arabia in May or June of 1995. I intended to go to Bosnia, having seen stories about the suffering Bosnian Muslim civilians during the Civil War there. I traveled by bus to Yemen, and stayed for about two months in Sanaa. Although I had by then purchased a Yemeni passport under an assumed name, and wanted to travel as little as possible on the expired Algerian passport for fear of being detained and deported to Algeria, I used the Algerian passport to cross into Yemen because I was concerned that Yemeni authorities would suspect me due to my accent.
9. I then traveled from Yemen to Damascus, Syria, where I stayed for a several days before traveling by bus through Antioch and on to Istanbul, Turkey. I stayed in Istanbul, Turkey for approximately one month in order to obtain a visa to enter Croatia to travel to Bosnia.

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I then traveled from Istanbul to Split, Croatia, and from there to Zenica, Bosnia, where I arrived in November, 1995.

10. When I reached Zenica, I worked for a charity organization called Balkans. I prepared food packages for Balkans organization in exchange for room and board, and lived in a house owned by the Balkans organization with other men also working with the Balkans.
11. In 1996, the Balkans' office closed; I briefly returned to Turkey and worked as a trader of clothes, where I remained for approximately three to four months. In December 1996, I returned to Zenica, traveling from Turkey through Sarajevo.
12. In January 1997, I met Anela Kobilica. Anela had attended seminars at the Balkans when I lived and worked there. We were married on March 14, 1997, and remain married today. We have two daughters. Our first daughter, Shayma was born in September 1997. Our daughter, Sara was born in January 1999. My wife and daughters are citizens of Bosnia and Herzegovina.
13. When I married in 1997, I had not yet changed my records in Bosnia to reflect my true name. Because I wanted my wife and any children we might have to have my real last name, I took a photocopy of my former Algerian passport, which was issued in my true name, and had it translated into Bosnian. I then used that photocopy to obtain a marriage license. Using translated versions of documents such as a passport was not an unusual way to file for a marriage license in Bosnia at that time.
14. In late 1997 or early 1998, after the birth of my first daughter, I told Anela that I had entered Bosnia using a false Yemeni passport under an assumed name. In 1996, I possessed a false Yemeni passport containing an assumed name, and a Bosnian passport that I was issued under the assumed name that appeared on the Yemeni passport that I had used to enter Bosnia. I tried to correct my identity records. I went to the police station and submitted an application to change my assumed name to my correct name, and I received a Bosnian passport in my correct name. That is the last passport I obtained, and these four passports are the only ones I have ever owned. I have not attempted to obtain passports for others.
15. During the first few years of my marriage, I traveled to Turkey twice a year for work and then returned home to Bosnia. I was able to earn approximately \$2000.00 from each trip to Turkey. That was my primary source of income while I lived in Bosnia until the time of my arrest in October 2001. I also once received money through an alm provided by another Muslim and twice obtained food for my family from the Red Crescent.
16. In 2001, Anela and I rented an apartment in Zenica in which we shared the telephone with the landlord, who lived upstairs. The phone number was 032 420 737. As far as I know, no one outside of Bosnia was aware of this number. I do not know who the landlord may have given the number to. I do not know who the previous tenants may have given the number to. I lived in that apartment only from April 2001 until my arrest in October.

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17. On October 8, 2001, I was at home with my family when I was questioned and arrested by Bosnian authorities. My family was present while our home was searched.
18. Between 10:30 and 11:00 a.m. on October 8, 2001, Bosnian police officers came to my house. They were polite and asked if I was Belkacem Bensayah. I said yes, and agreed to come to the police station with the officers. I was brought to the station for about two hours, and then brought back to my home. When I returned, there were many people there, including a French person from the United Nations, officers from Sarajevo, and two intelligence agents.
19. The agents started to do a search, more thoroughly than what I expected since I was told they had come to ask about my immigration status. They searched everywhere, including in blankets, a hole in my bathtub, my wife's handbag, and the back of the television set.
20. When the agents searching my house on October 8, 2001 read a document explaining that my name had been changed on my passport from Abdelkarim Al-Sabbahi to Belkacem Bensayah, the agents asked for an explanation of this document. To help explain, I asked the agents to allow my wife to call her father, who had my old passport, which was issued in the name Abdelkarim Al-Sabbahi, at his house. The agents allowed my wife to make the telephone call, and my father in law brought over my old passport for the agents inspection.
21. My wife and I observed the search, but were instructed not to speak. The search started in a small room with our couch, and moved to our bedroom. When most of the bedroom had been searched, my wife and I asked to be able to pray. We had missed mid day prayers because I was with the police. We prayed in a room apart from the searchers, while a police representative stayed with us. We returned to the bedroom and the search resumed, but my wife was asked to leave the room. Shortly after my wife left, one of the searchers pulled a piece of paper out of a book stored in our closet. He did it quite dramatically. I had never seen that paper before that. Once the search finished in the bedroom, we moved to the living room and kitchen. My wife was again allowed to be present for those parts of the search. Once the search was completed, I voluntarily accompanied police to the police station to answer questions and then was put in jail. I have not returned to my home since.
22. I was questioned about immigration and citizenship issues by a judge in Zenica. Because of immigration and nationality issues my lawyer told me I would have to stay in jail for between eight months and a year.
23. After I had been in jail for some time I was taken before a Bosnian Judge. The Judge told me of a plot against the United States' Embassy that had just been discovered. I told the Judge I had no idea what she was talking about and that I had been in jail since October 8, 2001. I recall that the Judge said that the case was a political case and that it was out of her control.
24. The first time I ever heard anything about a plot against the U.S. Embassy in Sarajevo was after I was in jail. I know nothing of any such plot except due to questions I was

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asked while in jail in Bosnia and because of reports made to me by my lawyer. I have never been involved in a plot against the United States Embassy or any other Embassy.

25. While in jail I was interviewed by the FBI. I do not recall making all of the statements attributed to me in Exhibit 6 of the Amended Factual Return, which relates to an FBI interview on October 25, 2001. I do recall the discussion of a document that was given to me by a man whose nickname is Belkacem. The document was not an address book, as stated on page 1 of Exhibit 6, but a will. I believe there were other problems with the translation of my statements at the interview on October 25. Paragraph number 9 of Exhibit 6 is inaccurate. I did not go on a vacation with "Sharfuldin," who I understand the Government contends is Mr. Nechla, with or without our families. I did not meet Mohamed Nechla until I was in the United States custody in January 2002.
26. In January 2002, a Bosnian Judge ruled that the investigation had concluded that there was no evidence against me and issued an order that I be released from jail. I was released from the Bosnian jail, but was immediately seized by Bosnian Federal Police and handed over to the U.S. military forces in Bosnia.
27. Following that hand over, I was sent to Guantanamo. I have been imprisoned in Guantanamo since January 20, 2002.
28. Before reaching Guantanamo I knew Saber Lahmar. I met him at an outdoor market in Zenica, and we socialized occasionally when he was in Zenica to visit his son from his first marriage. I also knew Lakhdar Boumediene, who managed an office of the Red Crescent in Sarajevo. I had called and visited him at Red Crescent offices to obtain food for my family.
29. I am not, and never have been associated with a group known as the Armed Islamic Group ("GIA") in Algeria. To my knowledge the group did not operate in the southern part of Algeria where I lived. It did not even exist until after I left that country.
30. I am not, and have never knowingly associated with Al Qaeda at any time in any place.
31. I am not, and have never knowingly been associated in any way with a group that intended to harm the United States or any ally of the United States.
32. I am not, and have never knowingly associated in any way with any terrorist organization or with any person that I knew or suspected might be affiliated with a terrorist organization.
33. I have never traveled to Afghanistan, and I never planned to travel to Afghanistan.
34. I did not apply for a visa in 2001 to travel to Afghanistan.
35. I have never acted as either a leader or facilitator for a "Mujahedin."
36. I never have operated my own non-governmental organization. I was never director of such an organization. I was not associated with al Furqan or al Haramayn. When

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working for a non-governmental organization, my tasks were those described above in paragraph 10.

37. I never have had any money in a bank account. I never deposited or directed that money to be deposited into any bank account.
38. I have no connection and have never been involved with anyone involved in criminal activities in Bosnia.
39. I have never worked to assist, nor did I plan to assist anyone to travel between Bosnia and Afghanistan – in either direction.
40. I do not know anyone named “Umar Faruq.” I was not in Turkey in 1993 or Zenica in 1993, nor have I ever been in a camp in Derunta, Afghanistan.
41. I have never met, nor have I ever spoken with Abu Zubaydah, nor, to my knowledge, any man referred to in press stories or interrogations who was conducting or associated with terrorist activities. I have never communicated with Abu Zubaydah, or, to my knowledge any man referenced in press stories or interrogations who was conducting or associated with terrorist activities.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September __, 2008.

Belkacem Bensayah

Translated by the Certified Court Translator

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