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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10011

OPENING

REPORTER: On the record.

PRESIDENT: Remain seated and come to order. Proceed, Recorder.

RECORDER: This Tribunal is being conducted at 1320, 21 March 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present: Captain (b)(6), United States Navy, President  
Lieutenant Colonel (b)(6), United States Air Force, Member  
Lieutenant Colonel (b)(6), United States Marine Corps, Member  
Lieutenant Commander (b)(6), United States Navy, Personal Representative  
Muhammad Arar, Translator  
Gunnery Sergeant (b)(6), United States Marine Corps, Reporter  
Lieutenant Commander (b)(6), United States Navy, Recorder  
Captain (b)(6) is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All Rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Commander (b)(6) (b)(6) solemnly swear to carry out the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you, Gunnery Sergeant (b)(6) swear that you will faithfully discharge your duties as assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing, so help you God?

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TRANSLATOR: I do.

PRESIDENT: We will take a brief recess now in order to bring the Detainee into the room. Recorder, note the date and time.

RECORDER: The time is 1322 on 21 March 2007. This Tribunal is now in recess.  
[The Tribunal recessed at 1322, 21 March 2007. The members withdrew from the hearing room.]

CONVENING AUTHORITY

RECORDER: All Rise.  
[The Tribunal reconvened and the members entered the room at 1328, on 21 March 2007.]

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: This hearing will come to order. You may be seated.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Mustafa Ahmed Al Hawsawi, this Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: This Tribunal will determine whether Mustafa Ahmed Al Hawsawi meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

TRANSLATOR: (TRANSLATION OF ABOVE).

OATH SESSION 2

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

TRANSLATOR: (TRANSLATION OF ABOVE).

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RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRANSLATOR: (TRANSLATION OF ABOVE)

TRIBUNAL: I do.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: The Recorder will now administer the oath to the Personal Representative

TRANSLATOR: (TRANSLATION OF ABOVE)

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Personal Representative in this Tribunal so help you God?

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL  
REPRESENTATIVE: I do

PRESIDENT: You may be seated.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: The Recorder, Reporter, and Translator have previously been sworn

TRANSLATOR: (TRANSLATION OF ABOVE)

**EXPLANATION OF PROCEEDINGS**

PRESIDENT: Mustafa Ahmed Al Hawsawi, you are hereby advised that the following applies during this hearing:

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may not be compelled to testify at this Tribunal. However, you may testify if you wish to do so. Your testimony can be under oath or unsworn.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may examine documents or statements offered into evidence other than classified information. However, certain documents may be partially masked for security reasons.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Mustafa Ahmed Al Hawsawi, do you understand this process?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator). Yes.

PRESIDENT: Do you have any questions concerning the Tribunal process?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator). No.

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**PRESENTATION OF UNCLASSIFIED INFORMATION**

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form.

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: I am handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

TRANSLATOR (TRANSLATION OF ABOVE)

PRESIDENT: The Tribunal has the Detainee Election Form marked as D-a indicating that the Detainee wishes to participate in the Tribunal and wants the assistance of the Personal Representative.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

**RECORDER PRESENTS UNCLASSIFIED**

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee. [Documents presented to Tribunal]

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Recorder, please read the unclassified summary of evidence for the record. But before you proceed, let me remind you, Mustafa Ahmed Al Hawsawi, that you must not comment on the evidence at this time. You will be provided with an opportunity to provide comments shortly. Recorder, please proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

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RECORDER           The following facts support the determination that the Detainee is an enemy combatant

- a. On the morning of 11 September 2001, four airliners traveling over the United States were hijacked. The flights hijacked were: American Airlines Flight 11, United Airlines Flight 175, American Airlines Flight 77, and United Airlines Flight 93. At approximately 8:46 a.m., American Airlines Flight 11 crashed into the North Tower of the World Trade Center, resulting in the collapse of the tower at approximately 10:25 a.m. At approximately 9:05 a.m., United Airlines Flight 175 crashed into the South Tower of the World Trade Center, resulting in the collapse of the tower at approximately 9:55 a.m. At approximately 9:37 a.m., American Airlines Flight 77 crashed into the southwest side of the Pentagon in Arlington, Virginia. At approximately 10:03 a.m., United Airlines Flight 93 crashed in Stoney Creek Township, Pennsylvania. These crashes and subsequent damage to the World Trade Center and the Pentagon resulted in the deaths of 2,972 persons in New York, Virginia, and Pennsylvania
- b. According to United Arab Emirates General Postal Authority records, the Detainee opened a Post Office Box, number 19738, in Sharjah, United Arab Emirates on 24 June 2001. He opened the Post Office Box under the name Mustafa Ahmed Al-Hawsawi, date of birth 5 August 1968. He listed his home address as 103 Shaikh Sultan Bin Saqer Street, Al-Butheena, Sharjah, United Arab Emirates. He listed his mobile phone as 050-5209905.
- c. Recovered Western Union receipts show that on 8 September 2001, "9/11 hijacker" Mohamed Atta sent 2,860 United States dollars from Western Union, Safeway Store, 14100 Baltimore Ave, Laurel, Maryland. The funds were received by the Detainee at the Wall Street Exchange, Dubai, United Arab Emirates on 9 September 2001.
- d. Recovered Western Union receipts show that on 8 September 2001, "9/11 hijacker" Mohamed Atta sent 5,000 United States dollars from Western Union, Food Giant Store, 1009 Fairlawn St., Laurel, Maryland. The funds were received by the Detainee at the Wall Street Exchange, Sharjah, United Arab Emirates, on 10 September 2001.
- e. Recovered Western Union receipts show that on 9 September 2001, "9/11 hijacker" Waleed Al-Shehri sent 5,000 United States dollars from Western Union TravelEx #7201, Currency Booth Room 2250, Logan Airport, Boston, Massachusetts. The funds were received by the Detainee at the Al-Ansari Exchange, Sharjah United Arab Emirates on 11 September 2001.

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f. Recovered Western Union receipts show that on 9 September 2001, "9/11 hijacker" Marwan Al-Shehhi sent 5,000 United States dollars from Western Union Greyhound Bus Terminal #0406, 700 Atlantic Ave, Boston, Massachusetts. The funds were received by the Detainee at the Al-Ansari Exchange, Sharjah, United Arab Emirates on 11 September 2001.

g. "9/11 hijacker" Mohammed Atta (Atta) sent the Detainee a package with Fayeز Banihammad's Automated Teller Machine card and checkbook. One check was endorsed, but not filled in, and split from the checkbook. The Federal Express receipt for this package was recovered from a trash receptacle located at a hotel utilized by Atta. The receipt indicated that the package was sent to the Detainee's Post Office box in Sharjah, United Arab Emirates.

h. On 11 September 2001, the Detainee flew from Dubai, United Arab Emirates to Karachi, Pakistan via Pakistan International Airlines flight 212, according to United Arab Emirates immigration records.

i. A handwritten 19 page telephone and address book was found in a laptop computer case associated with the Detainee. The address book contained contact information of numerous al Qaida operatives. The document was discovered where a senior al Qaida operative was captured.

j. A laptop computer hard-drive associated with the Detainee contained al Qaida expense reports from February 2002 to April 2002.

k. A laptop computer hard-drive associated with the Detainee contained detailed information for the families of al Qaida operatives.

l. A laptop computer hard-drive associated with the Detainee contained detailed family information of 22 Yemeni al Qaida operatives along with the status of the operatives.

m. A laptop computer hard-drive associated with the Detainee contained al Qaida expenditure data from 1 January 2002 to 31 December 2002.

n. A laptop computer hard-drive associated with the Detainee contained a list of al Qaida members who were killed or wounded.

o. A laptop computer hard-drive associated with the Detainee contained al Qaida family allowance information from November 2002 to October 2003.

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p. A laptop computer hard-drive associated with the Detainee contained detailed al Qaida expense reports from January 2002 to December 2002.

q. A laptop computer hard-drive associated with the Detainee contained detailed al Qaida United States dollars fund serial account information from 1 January 2002 to 15 May 2002.

r. A laptop computer hard-drive associated with the Detainee contained detailed al Qaida expense information through various incoming and outgoing rupee, Euro, riyal and dirham fund transactions for the period of 1 January 2002 to 31 December 2002.

TRANSLATOR: (TRANSLATION OF UNCLASSIFIED SUMMARY).

RECORDER: Sir, this concludes the summary of unclassified evidence.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Very well.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: Yes, sir. I am handing to the Tribunal the following unclassified exhibit marked as exhibit D-b. A copy of this exhibit has been previously provided to the Recorder. [Documents presented to Tribunal]

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: I will read the Detainee's oral statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: And he will respond after each point.

TRANSLATOR: (TRANSLATION OF ABOVE).

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PERSONAL

REPRESENTATIVE: And at the end as desired.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: Personal Representative, I will permit you to do that at the appropriate time.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: Is there any other evidence?

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: I'm going to explain now certain of my reasons regarding request made by the Detainee for the production of evidence.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: I do that for two reasons. One, that you understand my decisions.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: And two, that it may be recorded on the record.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Detainee initially requested the production of the laptop referenced in the unclassified summary.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Detainee indicated that he would be in a better position to explain the information in the unclassified summary with the laptop.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Especially the items mentioned in paragraph, paragraphs 3j thru 3r.

TRANSLATOR: (TRANSLATION OF ABOVE)

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TRANSLATOR: What letters please?

PRESIDENT: 3j thru 3r.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: On February 22 2007.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: I determined that the laptop, specifically the information on the laptop, would be relevant

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: The government then undertook trying to locate that information.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: It was located and with minimal redaction was provided to the Detainee.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: I was advised that after the Detainee had the opportunity to review that information,

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: he did not wish to present it to the Tribunal

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: But would perhaps address the information in his statement to the Tribunal.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator). I would like for you to repeat your last point. Please.

PRESIDENT: That the information was provided to the Detainee.

TRANSLATOR: (TRANSLATION OF ABOVE)

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PRESIDENT: And that the Detainee is not going to offer that information now to us in written form.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: But he may speak to it somehow during his statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

DETAINEE  
(through translator): Did I say things.

PRESIDENT: You don't have to speak to them if you don't want to. But you may.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Did I say these things in the past?

PRESIDENT: No. It's my understanding that you have been given this information. And then you can talk about it if you want to.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes, I didn't refuse. I ask that the accusations or evidence was presented against him..

PRESIDENT: Am I correct that you receive the information you requested, however...

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: Do you have any further question about that information?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Only what I have written down

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PRESIDENT: Very well.

PRESIDENT: Additionally the Detainee requested the production of a phone book.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: As referenced in paragraph 3i.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: That request was made known to me last week by the Personal Representative.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Detainee stated he wanted to see this information.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: in the belief that it could not be something he owned.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Because he didn't know enough people to fill a nineteen page phone.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Determining that the phone book was relevant.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: since it was mentioned in the unclassified summary.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: and the Detainee believed that it wasn't his item.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: it was arranged to provide the Detainee with the phone book for his review.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: And I understand that, that has happened. Is that correct?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) Yes.

PRESIDENT: And at this point the Detainee does not wish to produce that phone book to the Tribunal for its consideration.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Is that correct? Do you want us to see that phone book?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Do they want to look at it or should I look it?

PRESIDENT: I want to know if you have seen it?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes. I saw it this morning.

PRESIDENT: Do you want us to see it? The Tribunal.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): It doesn't make any difference to me.

PRESIDENT: Having provided the information to the Detainee that he requested.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: it's up to him if he'd like us to review it.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If the Tribunal believes it need to see these materials.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: we will have them produced for us.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do you understand?

DETAINEE  
(through translator) Yes.

PRESIDENT: Very well.

PRESIDENT: Does the Recorder have any further unclassified evidence?

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal, but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Recorder, your request for a closed session is granted and will be taken up in due course.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do the members need additional time to review the unclassified evidence?

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: No, sir. No, sir.

PRESIDENT: Mustafa Ahmed Al Hawsawi, you may now make an oral statement to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to make an oral statement to this Tribunal?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Not an oral statement

PRESIDENT: Do you want your Personal Representative to read the statement that has been prepared for you?

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE  
(through translator): Yes.

PRESIDENT: Alright. You are free to comment on that statement if you desire to.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Good.

PRESIDENT: If you would like to take an oath, we would provide one to you as well. I understand you do not wish to take an oath.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes. I do not wish to take an oath.

PRESIDENT: I understand. Personal Representative you may proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: Responses to the Unclassified Summary of Evidence for Combatant Status Review Tribunal for Mustafa Ahmed Al Hawsawi dated 21 March 2007. Opening Remarks. The Detainee would like the Tribunal to know the following information and take it into consideration concerning the laptop found in his possession when he was arrested. The Detainee states that he did not have any knowledge of some of the content of the documents and files contained on the laptop and wants to emphasize that he has never seen some of the information listed against him in the Unclassified Summary of Evidence. The Detainee wants the Tribunal to understand the reason for this statement is the information contained on the laptop was copied from several different personal computer hard drives located in a safe house. The Detainee and other people copied the personal computer hard drives to several laptops in order to make it easier to transport the information.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: In response to item b, the Detainee states that he opened a post office box

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in Sharjah, United Arab Emirates but does not remember any of the numbers listed in the paragraph.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: In response to item i, the Detainee states that he has never seen the nineteen page telephone and address book.

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: In response to item j, the Detainee states that he does not recall seeing this information before because the Arabic characters used on the document are unclear and mixed up.

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: In response to items o, m, p, and r, the Detainee wants to emphasize that he has never seen this information before.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: In response to item l, the Detainee states that he did not write this document. Additionally, the Detainee states that the computer contained information about Yemeni families but he did not know they were from al Qaida

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: In response to item n, the Detainee states that the laptop computer contained information about all people who were killed or injured and not necessarily people from al Qaida. Furthermore, the Detainee states that the document was downloaded from the internet and anyone who had new information was responsible for updating the document.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: That is the end of the statement Sir.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Mustafa Ahmed Al Hawsawi, is there anything you would add to that statement?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) No.

PRESIDENT: Did you understand earlier when I told you did not have to make statement here today?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) Yes.

PRESIDENT: Are you under any pressure or duress today to make a statement through your Personal Representative?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) No.

PRESIDENT: Were those your words as read by the Personal Representative?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) Yes.

PRESIDENT: Personal Representative, do you have question for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: No, sir.

PRESIDENT: Does the Recorder have any questions for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

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RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do any of the Tribunal Members have questions for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: Yes, sir. Yes, sir

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Very well. You may proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: Did you receive the four Western Union wire transfers mentioned in the unclassified summary?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

MEMBER: From Mohammed Atta and Waleed Al-Shehri?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:  
(through translator) Yes

MEMBER: How did you know them?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:  
(through translator): By communicating with them. Mohammed Atta called me before I received these receipts. There was some communications between us.

MEMBER: Now, what did you do with the money after you received it from Mohammed Atta and Waleed Al-Shehri?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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(through translator): I put it in my bank account in United Arab Emirates. Only, I did not do anything else with it.

MEMBER: Why did you fly to Pakistan on September 11, 2001?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): On September 11, I knew there was an operation. So, I was told to go and to return back to Pakistan.

MEMBER: Who told you to go back to Pakistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Ramzi bin al-Shibh. He suggested to me that I should go back to Pakistan. And, I ask Khalid Sheikh Muhammad and he told me to go back now.

MEMBER: When you were in Pakistan. Did you ever meet with Khalid Sheikh Muhammad or Ramzi bin al-Shibh?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. I have met Ramzi.

MEMBER: Did you ever travel to Afghanistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

MEMBER: How long? And, when were you there?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I stayed in Pakistan, Afghanistan for a period of nine months

MEMBER: When you were in Afghanistan, did you ever meet with Usama bin Laden, Dr. Ayman Al-Zawahiri or Khalid Sheikh Muhammad?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

MEMBER: Did you ever attend any al Qaeda training camps in Afghanistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

MEMBER: Did you train Al Farook?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

MEMBER: Did you have any contact or correspondence with September 11 hijackers before September 11, 2001?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

MEMBER: If so, what was the nature of that contact or correspondence?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): I have met four of them in the United Arab Emirates. And, I had a communication with Mohammed Atta.

MEMBER: Did you wire transfer money to them prior to September 11, 2001?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No.

MEMBER: Did you know about the September 11, 2001 attacks before they occurred?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I knew it on the night of September 11, 2001.

MEMBER: Did you ever use the laptop computer that's mention in the unclassified summary?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes

MEMBER: No more questions.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Okay. Thank you.

MEMBER: Why did the three members send you those Western Union telegrams of about twenty thousand dollars?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I don't know the reason why.

MEMBER: Had you received previous Western Union telegraphs of similar amounts of money or any amounts of money from those members previous to that day?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

MEMBER: Are you an al Qaida member?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

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MEMBER: If not, why do you have so many associations with al Qaida members?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): I help all the Jihadists.

MEMBER: No further questions, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Have you sworn Jihad? Are you a Jihadist?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No. I have never taken an oath to be a Jihadist.

PRESIDENT: And, you said you are not a member of al Qaida?

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: So you have never sworn allegiance to Usama bin Laden?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No.

PRESIDENT: Have you met him?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes

PRESIDENT: How many times?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): I'm not sure. About four or five times.

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PRESIDENT: When was the first time, approximately?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) In the second half of the year 2000.

PRESIDENT: And, when was the last time you saw him?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) Approximately at the end of September 2001.

PRESIDENT: And, was that in Pakistan or Afghanistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator) It was in Afghanistan.

PRESIDENT: You mention that you were in Afghanistan for some time following September 11.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: Were you assisting the Jihadist at that time?

DETAINEE  
(through translator): Yes.

PRESIDENT: Did you carry and use a weapon?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: And, the Jihadist were fighting against the US Forces at the time?

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

(through translator): When I was in Afghanistan there no American forces. There were no American forces in Afghanistan.

PRESIDENT: So, who were the Jihadist fighting against?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): There was no one at the time. The people were just acting as guards. They were ready and prepared to rebel and attack if it occurred.

PRESIDENT: And you were there assisting or helping that?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

PRESIDENT: Where were you captured?

TRANSLATOR: (TRANSLATION OF ABOVE)

DETAINEE

(through translator): In the city of Rawalpindi in Pakistan

PRESIDENT: And, how did that happen?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I was living in house by myself and about nine PM, Khalid Sheikh Muhammad came to me in the evening. And, about two AM in the morning the Pakistani came and they arrested us. Would you like more details or that's enough?

PRESIDENT: You can explain what happen.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): He has no more details but if you have questions about other matters. He is ready to answer them.

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PRESIDENT: Would you describe your meetings with Usama bin Laden. The nature of those, what did you discuss? What was that about?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): The last time I met with we had like a limited meeting. But in the beginning I basically I saw him in the guest houses or during the holiday season. He was also present at the time.

PRESIDENT: Would you discuss al Qaida operations or military operations with him?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No.

PRESIDENT: You said that you went, I believe it was to Pakistan, on around the time September 11?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: And you were aware of the attacks that night?

DETAINEE  
(through translator): Yes.

PRESIDENT: But you had been contact with Ramzi bin al-Shibh and Khalid Sheikh Muhammad talking about those events before they happened? Would explain that for me?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): On the 10<sup>th</sup> of September, I met Ramzi bin al-Shibh in United Arab Emirates. He told me that next night there would be an operation and therefore I should go back to Pakistan. So, I called Khalid Sheikh Muhammad and he told me to go back. And Ramzi bin al-Shibh in the morning of the 11<sup>th</sup>, he traveled to Pakistan. And I left on September 11 to Pakistan. And on the 12<sup>th</sup> of September, we met at the airport in Pakistan. And we entered Afghanistan from there.

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PRESIDENT: Why did you have to leave UAE? Because of what Ramzi told you?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Ramzi told me that the next day there would be an operation. And I told him I would be able to move to any hotel or any other city within United Arab Emirates. For about a week or two until things quieted down. And, then I can go back to my apartment. He told me you have to return. Then I spoke to Khalid Sheikh Muhammad and he told me to return.

PRESIDENT: What I don't understand, is why did you have to get out of town if you had nothing to do with the September 11<sup>th</sup> bombings?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Ramzi told me to go back. I don't want to go back. I told Ramzi that I could stay at the hotel for about a week or two. Then back to my apartment. But he told me, no, you have to go back.

PRESIDENT: Okay. Any further questions in light of mine?

MEMBER: Just one more question sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: Khalid Sheikh Muhammad and Ramzi bin al-Shibh were they your bosses?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

MEMBER: One addition question sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: You found out on the 10<sup>th</sup> of September there would be an operation.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: On the 11<sup>th</sup> of September you flew back and heard of the attacks in New York City and Pentagon.

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TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: What was your reaction when realized that you were part of that operation?

TRANSLATOR: (TRANSLATION OF ABOVE)

DETAINEE

(through translator): In the beginning I was surprised by the size of the operation. It was mostly a surprise to me.

MEMBER: No more questions sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Thank you.

PRESIDENT: Mustafa Ahmed Al Hawsawi is there anything else you would like to add?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

**CALLING OF WITNESSES**

PRESIDENT We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Detainee, the Personal Representative, the Recorder, and the Tribunal Members.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Does the Recorder have any witnesses to present?

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: From the Detainee Election Form provided to the Tribunal earlier, I note that the Detainee has not requested the presence of any witnesses.

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE  
(through translator): Yes

PRESIDENT: Mustafa Ahmed Al Hawsawi, this concludes the presentation of unclassified evidence to the Tribunal. We are about to conclude the unclassified portion of this hearing. Do you wish to now make any final statement to the Tribunal??

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No.

**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open tribunal session.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Mustafa Ahmed Al Hawsawi, you shall be notified of the Tribunal decision upon completion of the review of these proceedings by the Combatant Status Review Tribunal convening authority in Washington, D.C.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If, however, the Tribunal determines your classification as an enemy combatant, you may be eligible for an Administrative Review Board hearing at a future date.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaeda and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at that Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: A military officer will be assigned at a later date to assist you in the Administrative Review Board process.

TRANSLATOR: (TRANSLATION OF ABOVE).

**ADJOURN OPEN SESSION**

PRESIDENT: The open session of this Tribunal hearing is adjourned.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: The time is 1429 on 21 March 2007.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: All Rise.

REPORTER: Off the Record.

[The Tribunal withdrew from the hearing room]

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10011.

(b)(6)  
(b)(6)  
(b)(6) CAPT JAGC USN  
Tribunal President

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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10018

OPENING

REPORTER: On the record.

PRESIDENT: Remain seated and come to order. Please proceed, Recorder.

RECORDER: This Tribunal is being conducted at 1329, 30 March 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:  
Captain (b)(6), United States Navy, President  
Lieutenant Colonel (b)(6), United States Air Force, Member  
Lieutenant Colonel (b)(6), United States Marine Corps, Member  
Major (b)(6), United States Air Force, Personal Representative  
(b)(6), Translator  
Gunnery Sergeant (b)(6), United States Marine Corps, Reporter  
Major (b)(6), United States Air Force, Recorder  
Captain (b)(6) is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All Rise

PRESIDENT: The Recorder will be sworn. Do you, Major (b)(6) solemnly swear to carry out the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you, Gunnery Sergeant (b)(6), swear that you will faithfully discharge your duties as assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will now be sworn.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing, so help you God?

TRANSLATOR: I do.

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PRESIDENT: We will take a brief recess now in order to bring the Detainee into the room.  
Recorder, note the date and time.

RECORDER: The time is 1330 on 30 March 2007. We are now in recess. All rise.  
[The Tribunal recessed at 1330, 30 March 2007. The members withdrew from the hearing room.]

### CONVENING AUTHORITY

RECORDER: All Rise.  
[The Tribunal reconvened and the members entered the room at 1335, on 30 March 2007.]

PRESIDENT: This hearing will come to order. You may be seated.

PRESIDENT: Before we proceed, Ammar al Baluchi, I understand that you speak and understand the English language. Is that correct?

DETAINEE: Yes. That is correct.

PRESIDENT: We have present a Translator, who can assist you. If you don't understand any of the proceedings going on, we will pause to get a translation for you. Do understand?

DETAINEE: Sure.

PRESIDENT: If at anytime you don't understand what is happening please indicate that to me or the Translator and we will provide a translation

DETAINEE: I will.

PRESIDENT: Thank you.

PRESIDENT: This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

PRESIDENT: This Tribunal will determine whether Ammar al Baluchi meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

### OATH SESSION 2

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

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RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially, examine, inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRIBUNAL: I do.

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

RECORDER: Do you affirm that you will faithfully perform the duties of Personal Representative in this Tribunal?

PERSONAL REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

PRESIDENT: The Recorder, Reporter, and Translator have previously been sworn.

**EXPLANATION OF PROCEEDINGS**

PRESIDENT: Ammar al Baluchi, you are hereby advised that the following applies during this hearing:

PRESIDENT: You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence.

PRESIDENT: You may not be compelled to testify at this Tribunal. However, you may testify if you wish to do so. Your testimony can be under oath or unsworn.

PRESIDENT: You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present.

PRESIDENT: You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal.

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PRESIDENT: You may examine documents or statements offered into evidence other than classified information. However, certain documents may be partially masked for security reasons.

PRESIDENT: Ammar al Baluchi, do you understand this process?

DETAINEE: Yes, I do.

PRESIDENT: Do you have any questions concerning the Tribunal process?

DETAINEE: Not so far.

PRESIDENT: Alright.

**PRESENTATION OF UNCLASSIFIED INFORMATION**

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form.

PERSONAL

REPRESENTATIVE: Sir, I am handing the Tribunal Exhibit D-a labeled the Detainee Election Form.

PRESIDENT: Thank you. [Documents presented to Tribunal]

PERSONAL

REPRESENTATIVE: At this time, I would also like to provide a pen to the Detainee.

PRESIDENT: You may.

PRESIDENT: The Tribunal has received Exhibit D-a. Indicating that the Detainee wishes to participate in the Tribunal and wants the assistance of the Personal Representative.

**RECORDER PRESENTS UNCLASSIFIED**

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee.  
[Documents presented to Tribunal]

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PRESIDENT: Recorder, please read the unclassified summary of evidence for the record. However before you proceed, let me remind the Detainee that he must not comment at this time. The Detainee will be provided with an opportunity shortly to provide any comments. Recorder, please proceed.

RECORDER: The following facts support the determination that the Detainee is an enemy combatant.

a. On the morning of 11 September 2001, four airliners traveling over the United States were hijacked. The flights hijacked were: American Airlines Flight 11, United Airlines Flight 175, American Airlines Flight 77, and United Airlines Flight 93. At approximately 8:46 a.m., American Airlines Flight 11 crashed into the North Tower of the World Trade Center, resulting in the collapse of the tower at approximately 10:25 a.m. At approximately 9:05 a.m., United Airlines Flight 175 crashed into the South Tower of the World Trade Center, resulting in the collapse of the tower at approximately 9:55 a.m. At approximately 9:37 a.m., American Airlines Flight 77 crashed into the southwest side of the Pentagon in Arlington, Virginia. At approximately 10:03 a.m., United Airlines Flight 93 crashed in Stoney Creek Township, Pennsylvania. These crashes and subsequent damage to the World Trade Center and the Pentagon resulted in the deaths of 2,972 persons in New York, Virginia, and Pennsylvania.

b. On or about 10 October 1998, the Detainee opened a bank account at the Emirates Bank International. The Detainee provided a Pakistani passport with number *E911562* as identification. The Detainee's passport listed the name of the bearer as "Mr. Ali, son of Mr. Abdul Aziz Ali," (*Mr. Ali*). The Detainee provided, "MEC Ltd Post Office Box 16958, Jebel Ali, Dubai," as his address

c. On or about 8 August 2000, the Detainee opened a bank account at the Dubai Islamic Bank. The Detainee provided a Pakistani passport with number *E911562* as identification. The Detainee's passport listed the name of the bearer as "Mr. Ali, son of Mr. Abdul Aziz Ali". The account documents listed the Detainee's phone number as *0506745651*.

d. On or about 18 April 2000, a person named *Ali*, sent 5000 United States dollars from the Wall Street Exchange Centre in Dubai, United Arab Emirates to Adel Rafeca. *Ali* listed the Post Office Box and phone number utilized by *the Detainee*. The identification card of the sender of the money, photocopied by the Wall Street Exchange Centre, further identified the sender as *Mr. Ali*, a computer technician of Pakistani nationality with the passport number *E911562*.

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e. On or about 4 June 2000, "9/11 hijacker" Mohammed Atta purchased a Voicestream Wireless pre-paid telephone in Manhattan, New York. The phone was activated on 4 June 2000 and de-activated on 11 July 2000.

f. Between 28 and 30 June 2000, "9/11 hijacker" Mohammed Atta's Voicestream cell phone used a calling card to make approximately sixteen calls to the Detainee's phone number in the United Arab Emirates.

g. On 29 June 2000, "9/11 hijacker" Marwan Al-Shehhi picked up a Western Union wire transfer in the amount of 5,000 United States dollars at the Western Union facility located at 1440 Broadway, New York, New York. The funds were sent by "Isam Mansar" from the U.A.E. Exchange Centre, Bur Dubai, United Arab Emirates on 29 June 2000.

h. On 18 July 2000, "Isam Mansur" sent 10,000 United States dollars via a bank transfer from U.A.E. Exchange Centre, Bur Dubai, United Arab Emirates to "9/11 hijacker" Marwan Al-Shehhi's Suntrust Bank, Florida, account (a joint account with "9/11 hijacker" Mohammed Atta). The funds posted to the Suntrust account on 19 July 2000 less a 15 United States dollar fee. Isam Mansur listed the same Post Office box number associated with the Detainee.

i. On 5 August 2000, "Isam Mansour" sent 9,500 United States dollars via a bank to bank transfer from the U.A.E. Exchange Centre, Bur Dubai, United Arab Emirates to "9/11 hijacker" Marwan Al-Shehhi's Suntrust Bank, Florida, account (a joint, excuse me, a joint account with "9/11 hijacker" Mohamed Atta). The funds posted to the Suntrust account on 7 August 2000 less a 15 United States dollar fee. "Isam Mansour" listed the same Post Office box number associated with the Detainee.

j. On 29 August 2000, *Mr. Ali* sent 20,000 United States dollars via bank to bank transfer from U.A.E. Exchange Centre, Bur Dubai, United Arab Emirates, to "9/11 hijacker" Marwan Al-Shehhi's Suntrust Bank, Florida, account (a joint account with "9/11 hijacker" Mohammed Atta). The funds posted to the Suntrust account on 30 August 2000 less a 15 United States dollar fee. *Mr. Ali* listed a phone number one digit off of the phone number listed by "Isam Mansour" on 5 August 2000.

k. On 17 September 2000, "Hani (Fawaz Trading)" sent 70,000 United States dollars via a bank to bank transfer from the U.A.E. Exchange Centre, Bur Dubai, United Arab Emirates to Marwan Al-Shehhi's Suntrust Bank, Florida account (a joint account with "9/11 hijacker" Mohammed Atta). The funds posted to the Suntrust account on 18 September 2000 less a 15 United States dollar fee. "Hani (Fawaz Trading)" listed the same phone number that "*Mr. Ali*" listed on the 29 August 2000 transfer documents.

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l. During an August 2002 Federal Bureau of Investigation interview, Abdul Samad Din Mohammed, told the Federal Bureau of Investigation that the Detainee was in constant contact with Khalid Sheikh Mohammed, the Detainee's uncle. Abdul Samad Din Mohammed also stated the Detainee would constantly receive Arab visitors from Pakistan at the Airport.

m. During an August 2002 interview, the Detainee's uncle's brother-in-law, Abdul Samad Din Mohammed (Mohammed), stated the Detainee left the United Arab Emirates on 9 September 2001 or 10 September 2001. The Detainee did not have all his belongings together, but insisted on leaving. Mohammed asked the Detainee why he was in such a rush to leave, but did not receive a satisfactory answer.

n. The Detainee discussed the smuggling of explosives into the United States through an import and export textile company in New York, with another individual.

o. The Detainee was arrested in possession of a compact disk which contained a letter addressed to Usama bin Laden. The disk also contained two photographic images of the World Trade Center when United Airlines flight 175 crashed into the south tower.

p. The Detainee was captured on 29 April 2003 in Karachi, Pakistan, as he waited for the delivery of explosives for an alleged plot against the United States consulate in Karachi, Pakistan. The Detainee was in possession of a perfume spray bottle which contained a low concentration of cyanide when he was arrested.

q. The Detainee's pocket litter included a letter from unidentified Saudi Arabian scholars to Usama bin Ladin. The letter discussed al Qaida's strategy in the War on Terror

RECORDER: Sir, this concludes the summary of unclassified evidence

PRESIDENT: Very well.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

PERSONAL

REPRESENTATIVE: Sir, I am handing exhibit D-b, D-c, and D-d skipping D-e. And presenting D-f, D-h, and D-i to the board. The Recorder has been previously given copies.  
[Documents presented to Tribunal]

PRESIDENT: And, ah, for the record PR, I understand that Exhibit D-e was to be a statement from requested witness Saifullah Paracha?

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PERSONAL

REPRESENTATIVE: That is correct.

PRESIDENT: And it is the Detainee's desire not to submit that statement. Is that correct?

PERSONAL

REPRESENTATIVE: Yes, sir.

PRESIDENT: Is that correct?

DETAINEE: Yes that's right.

PRESIDENT: Alright. We will note that there is no exhibit D-c for the record. The Tribunal has received Exhibits D-b through, D-d, and Exhibits D-f through D-i.

DETAINEE: G.

PRESIDENT: Was it i?

DETAINEE: G.

PRESIDENT: G.

DETAINEE: D-g, D-h and D-i.

PRESIDENT: That is correct. Thank you.

PRESIDENT: Alright. It appears that one of the statements, D-b, is the oral statement or rebuttal, as it is entitled, by the Detainee. Is it your desire to read that for the Detainee at a certain point?

PERSONAL

REPRESENTATIVE: Yes, sir.

PRESIDENT: Alright. I will allow you to do that later in these proceedings. And, ah, let's take this opportunity to address some of the witness and evidence issues, that we discussed so far by paper in these proceedings. On about February twenty first, the Detainee requested the production of certain evidence and witnesses for consideration by this Tribunal. Specifically, we will deal with them in two groups. One, the in-camp witnesses. And two, the out of country witness and evidence. In the first group were included Khalid Shick Muhammad, Saifullah Paracha, and Ramzi bin al Shibah.

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DETAINEE: Shibah.

PRESIDENT: [Continuing] Shibah. Who were proffered by the Detainee as having information about his family connections and that he did not have any involvement with al Qaida or its organizations. Based on that representation by the Detainee, I determined that such evidence would be relevant to these proceeding. And then, ah, requested the Tribunal staff to secure the presence of those witnesses to testify. It was determined for security reasons that they could not be here in the Tribunal room with the Detainee to be questioned here on the record. So, in consultation with the Personal Representative, we came up with questions that the Personal Representative reviewed with the Detainee to pose to these three potential witnesses to get their responses to present them in a statement for the Tribunal's consideration. The Tribunal determined, or rather I determined, that the witnesses were not reasonably available for security reasons and they would not be physically present. But, alternative substitutes for testimony would be permissible, meaning these statements we just talked about. I understand that by meeting with the Detainee the Personal Representative also developed these questions. Those questions were put to KSM, to Paracha, and to bin al Shibah, and that statements were produced. That the Detainee had the opportunity to review those statements and now has decided to present us with two of those statements from KSM and bin al Shibah. And has decided not to present the statement of Paracha. Have I correctly summarized the proceedings so far regarding these witnesses, Personal Representative?

PERSONAL

REPRESENTATIVE: As far as I know sir.

PRESIDENT: Alright. And Detainee?

DETAINEE: Yes. Ah, regarding the Paracha statement. I might call it for future if could be used for it or...

PRESIDENT: If, well, that is up to the detention facilities whether or not how it is kept or where it is kept. But if you don't want us to see it, we will not consider it.

DETAINEE: Well, ah, I was assuming that it will stay in the file. That I might...

PRESIDENT: No one is going to throw it out. But if you don't want us to consider it during these proceedings, we will not.

DETAINEE: Okay for this time

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PRESIDENT: Alright. So that handles those three witnesses and where we're going to proceed with those. The next group which I will refer to as the MEC witnesses. The Modern Electronics Corporation witnesses, and of which the Detainee proffers he was an employee of that organization. And, worked in their offices in the United Arab Emirates. And that this company also has offices in Canada...

DETAINEE: ...Saudi Arabia

PRESIDENT: [Continuing] and Saudi Arabia. With respect to the request for witnesses, the Detainee requested the production of Samir Sharin, Mohammed Mayer, Asraf Mayer, Ammar al Tesqui, and Sayed Tesqui as witnesses. Describing what they would testify to in summary: that he was an employee of this organization and that he had no associations with Taliban, al Qaida, or any other organizations associated with them. The Detainee also requested the production of certain business documents that belong to MEC in order to explain his reason for leaving the country. As well as MEC's leaving the United Arab Emirates. Losing work visas and the like. And some payroll records, again to show employment. I determined on the twenty second of February when I reviewed the Detainee's requests for this evidence and these witnesses, that part of this request was not relevant and part of this request was relevant. I believe that it was not relevant to issues regarding the Detainee's capture or his combatant status to produce business records relevant to MEC. It would have been interesting for us to understand how that company operated but not necessary for our determinations regarding the Detainee's capture or his status. I did however find relevant any statements from these witness that, again, would speak to the Detainee's lack of association with al Qaida, Taliban, or other organizations aligned with them. Yes, go ahead

DETAINEE: Sorry. Ah, the thing you mention earlier about the business record I was meaning the officials, official paper the company had with Government. When they close down. The actual closing. That shows the reason I left the country. Cause one of the facts that I'm here my leaving ten or nine September. And, that record will show why I left that date. That's how the company was closed so it can imagine how work that I left the country on that date.

PRESIDENT: I understand that's why you were seeking it. But for the reasons I've stated I didn't determine that it would be relevant for these proceedings. However, I did believe that the testimony of the witnesses regarding your connection or the lack thereof with al Qaida would be relevant. Following that determination the Tribunal Staff began a series of efforts to locate these witnesses. I've determined however, that because they were all going to say the same or similar things about your connections, that one of them would suffice. And that it would be an

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unnecessary duplication of testimony and evidence to prove essentially the same thing. The staff of this Tribunal and other agents and organizations of the United States Government have been seeking to determine the location of the five witnesses that I've just described. We understand that they are, as that the Detainee has indicated, perhaps in Canada or in United Arab Arab Emirates. We haven't determined whether they are or not but we've begun looking for them. The Detainee has been informed of everything that I just described before this point. Is that correct?

DETAINEE: It's good.

PRESIDENT: I'm not saying anything new to you at this point that you understand.

DETAINEE: No, exactly.

PRESIDENT: Okay. At this juncture I've been informed that the Detainee is going to offer exhibits D-h and D-i. D-h being a summary of a statement prepared by the Detainee, that the Detainee believes his co-workers at MeC would say if they were called here to testify or if they provided a statement. Exhibit D-i, is a statement prepared by the Detainee that describes what his roommates in Dubai would say if they were called or if they provided a statement.

DETAINEE: Exactly.

PRESIDENT: And, at this point the Detainee would like us to consider those exhibits. They have been offered and we certainly will. I have explained our efforts that we are attempting to locate these individuals as of today. We have not yet done so. So we are faced with two alternatives. And I'm essentially going to leave up to you. That we can proceed today up to the point of taking everything that is available and we can continue, for a reasonable amount of time, to see if these people can be located. And, if they can, whether they are willing to provide a statement in your behalf. And, I'm prepared to do that today. That is, we would recess. We would not make any decisions about your status. And we would come back at a later date if those statements were made available. However, there may come a time when we are not able to find them and then we will be at the same point that we are right now. But we are completely prepared to stop these proceedings today, and give it addition time to see if that would assist us in determining whether these people are reasonably available. We can, however, if you request it, accept these statements as what your witnesses would say if they gave a statement. And we would give it the weight as if they were making a statement here today. And we would consider it with all the other evidence. I'm not willing to say that we will believe that it is true but we will consider it. And we will read

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it with all the other evidence in making our determination. But I'll only do that if you tell me that that's what you would like to do with regard to your witness request.

DETAINEE: Well, if you grant them I will.

PRESIDENT: Let me ask you a few question about that.

DETAINEE: Okay.

PRESIDENT: Do you understand that we would recess this proceeding and allow additional time to seek these witnesses?

DETAINEE: Yes.

PRESIDENT: And, are you making this decision to have us consider these statements instead of taking more time of your own free will?

DETAINEE: Well ah, I don't know how long it's gonna take until you find them and the procedure you are taking so.

PRESIDENT: Right. We may not be successful. But, we may be successful. We don't know. But if, what I'm trying to understand is are you doing this voluntarily. Has anyone forced you to...

DETAINEE: No. No. Not at all.

PRESIDENT: Um. Have you consulted with the Personal Representative about everything we just talked about now?

DETAINEE: Yes.

PRESIDENT: And, do you understand the efforts the Tribunal and its staff has taken so far to try to find these witnesses?

DETAINEE: I have been updated by the Personal Representative.

PRESIDENT: Alright. And, that you understand that if you withdraw your request to seek these witnesses we are not going to take any further steps.

DETAINEE: Exactly.

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PRESIDENT: To try and find them. You understand that?

DETAINEE: Yeah. But, ah, if the statements are accepted, so no reason to hold

PRESIDENT: Alright. Alright. So rather what we will do then is accept these statements in place of the witness statements. And here is how the Tribunal will treat exhibit b and i. We will accept them as statements of what these witnesses would say if they actually were called or provided a statement. And, we will give the same weight as if they had provided the statement themselves. However, how we will consider these statements and how we view them, and the ultimate weight and determination we give it, is up to us when we make our decision. Do you understand that?

DETAINEE: Ah, Can I.

PRESIDENT: Sure, go ahead. [Detainee talks with Translator]

DETAINEE  
(through translator): Could you reject those statement in the future?

PRESIDENT: Could I reject them in the future? We might. We have not seen all the evidence yet.

DETAINEE: [Converses with Translator].

DETAINEE  
(through translator): Not to carry any weight in the future.

DETAINEE: Not to accept them but

PRESIDENT: We have accepted them

DETAINEE: Oh, I see.

PRESIDENT: And, we will give them the weight, we deem appropriate when we read all the other evidence.

DETAINEE: Oh Okay. [Translator explains]

DETAINEE: Okay. Accepted.

PRESIDENT: Okay, let me just explain one more thing, alright? And, then please translate.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: We might believe it or we might not believe it.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: But we will consider it with all the other evidence that going to be presented to us.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE: [Speaks to translator] What is the difference if they came themselves and give you this exact statement and now you have this statement?

PRESIDENT: Well, if they were here physically, then you could ask them questions. We could ask them questions. You can't do that with a statement.

DETAINEE: Yeah

PRESIDENT: If they provided a statement, we would treat it the same way. We would give it the weight that we deem appropriate in view of all the other evidence.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE: I accept it.

PRESIDENT: Alright. We will proceed in that fashion. And for the benefit of the record, I find that the Detainee has knowingly and intelligently and voluntarily decided to withdraw this request for production of witnesses or witness statements. And, to accept the statement contained exhibits D-h and D-i in their place.

DETAINEE: Thank you.

PRESIDENT: Very well.

PRESIDENT: Does the Recorder have any further unclassified evidence?

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal, but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

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PRESIDENT: Recorder your request for a closed session is granted and will be taken up in due course.

PRESIDENT: Do the members desire additional time to review some of the unclassified exhibits?

MEMBERS: Yes. Yes.

PRESIDENT: Just take a few moments here in place so we can look at the exhibits.

TRANSLATOR: (TRANSLATION OF ABOVE)

TRANSLATOR: Sir, I'm trying to explain what you are doing right now. You are revising the unclassified evidence.

PRESIDENT: We're reviewing rather than revising. We are gonna read your exhibits now, Ammar al Baluchi. [Board reviews unclassified documents]

PRESIDENT: Ammar al Baluchi, you may now make an oral statement to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to make an oral statement to this Tribunal?

DETAINEE: Yes. I do sir.

PRESIDENT: Very well. And you'd like your Personal Representative to read it for you.

DETAINEE: That's right.

PRESIDENT: And you are free, of course, to comment during it, assist him if you'd like or make other comments at the end.

DETAINEE: Alright.

PRESIDENT: Do you wish make your statement under oath. I understand you do not wish to take an oath.

DETAINEE: No.

PRESIDENT: No oath?

DETAINEE: No.

PRESIDENT: Very well. You may proceed.

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PERSONAL

REPRESENTATIVE: This is entitled as exhibit D-b. ISN 18 oral statement for rebuttal of summary of evidence for combatant status review Tribunal dated 8 February 2007, taken on 30 March 2007 by PR #3. Mr. President and board members, I was informed via the Personal Representative you assigned me about the Combatant Status Review Tribunal process. He informed me that I would be meeting a board of three military officers and that there would likely only be one open session. I would like to thank the board for informing me and allowing me to participate, despite the fact that I have nothing to do with some of the accusations against me. Since I am here with no rights and will remain in US custody for an undetermined time, I only have these few words:

Since this tribunal is not judicial or legal but administrative only, I do not know the limits of the evidence or how to present an acceptable rebuttal. Therefore I will try to clearly explain my connection to the evidence explain, and explain the facts the way I know them to be true and not as described by others! I will try as much as possible, not to go into detail by accepting or denying each charge. Rather, I will try to explain my situation in general and provide details where required.

Paragraphs: b,c,d,f,g,h,i,j,k: I am an entrepreneur with many personal contacts in different companies around the world. Because of my position I am able to accomplish tasks, whether administrative, monetary, buying, selling, advertising and customs through my own private resources. So it is normal that people use my outsourcing services.

As a businessman my personal information has been distributed to thousands of people from different parts of the world. This information includes my signature that is found on general invoices that are sent to customers. Therefore, it is possible for anyone to use my personal information and signature to accomplish business in the Middle East in general and the United Arab Emirates in particular, without my knowledge

That does not necessarily mean that every statement that has the name "Ali" on it, his telephone number, his passport number, his P O. Box or even his signature, is mine.

Paragraph k: When Marwan Al Shehhi approached me, he never declared himself as "hijacker Marwan Al Shehhi". He approached me the same way he approached other individuals and companies in the US; a man wanting to do business.

Paragraph l: Mr Khaled Al Sheikh Mohammad is my uncle by blood; he is my mother's brother. He owned a honey trading company, and a henna distribution company. Additionally, he was also trying to work Pakistan export & import. All these companies or activities were personal and belonged to no organization or party

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but a source of income for his family members. I even worked with him in the honey company in Karachi for a short while and I did not see any, presence or membership of al Qaida. I heard that Mr Khaled Sheikh Mohammed while he was in Qatar in the 80's had a self improvement hobby where he and his brother "Abid" encouraged teenagers and youths to finish their education and pay attention to education in general.

If I was introduced to a person via Khaled Sheikh Mohammad that does not necessarily mean that this person is a combatant or necessarily an al Qaida supporter. The people I met through my uncle are business men interested in trade, education and travel. I am not aware of any links to animosity towards the United States or fighting against the United States.

Why would a contact with my uncle who is a member of my family be considered as a crime or as evidence that I am an enemy combatant?

Meeting Arabs at the airport is not a crime and certainly not evidence that I am an enemy combatant. It doesn't matter if they came from Pakistan or any other country. I used to live in Dubai with three Israeli's, work for a Canadian Company, and have my own outsourcing business. I did business worldwide.

Paragraph m: My residency permit in Dubai was cancelled by the government, not by me. I had not requested the cancellation, on 8<sup>th</sup> or 9<sup>th</sup> of September. Not only was I surprised that my residency permit was cancelled, but I received my passport which was held by the company, with a notice to leave the country immediately. If I didn't leave, then I would have been fined for every day I was delayed. The proof lies within the government of Dubai. I did not have time to pack my personal belongings, because I did not receive a prior notice from the government. This also proves that I did not know about 9/11.

Paragraph n: I don't know anything about smuggling explosives or shipping explosives in the United States or any where else in the world. Additionally, I do not know the source of your information.

Paragraph o and q: I am not a correspondent of Usama Bin Laden and I don't know anything about the mentioned disk that contains a letter and pictures of the trade center. I might have printed the documents from the internet about general opinions of scholars. However, I also printed out many articles on many subjects to include job hunting articles from the United States. This not considered a crime because millions of surfers read and print those documents everyday and the internet is a free venue for everybody.

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Paragraph p: I did not plan, know about, or carry out any plot against the United States Consulate in Karachi, Pakistan. I refuse the accusations against me regarding the United States Consulate in Karachi, Pakistan. I do not know anything about a plot against the United States Consulate. I don't know anything about any explosives.

The low concentration of cyanide in my possession is used in clothing factories to bleach, de-color, tint, and perfume clothes. It is not associated with threatening United States National Security at all.

Mr. President and board members, I do not belong to al Qaida, the Taliban or associated organizations. I do not have any I.D. card showing that I am a member. I have never received any military training in Afghanistan. I refuse to be called or classified as an enemy combatant. I affirm these are my words and the truth as I know it. Signed and dated.

PRESIDENT: And that was the contents of exhibit D-b?

PERSONAL

REPRESENTATIVE: That's correct, sir.

PRESIDENT: Alright. Ammar al Baluchi, was that the statement that you wanted the Personal Representative to read for you?

DETAINEE: Exactly.

PRESIDENT: Were those your words?

DETAINEE: Yes, sir.

PRESIDENT: Are you under any force or pressure to give a statement here today?

DETAINEE: No.

PRESIDENT: And that statement was given of your own free will?

DETAINEE: Exactly.

PRESIDENT: Very well. Personal Representative, do you have any questions for the Detainee regarding his statement?

PERSONAL

REPRESENTATIVE: No, sir.

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PRESIDENT: Recorder, do you have any questions for the Detainee regarding his statement?

RECORDER: No, sir.

PRESIDENT: Do the members have any questions for the Detainee?

MEMBERS: Yes, sir. Yes, sir.

PRESIDENT: Alright. Please proceed.

MEMBER: Did you speak with Mohammed Atta sixteen times when you were in the United Arab Emirates and he was in the United States?

DETAINEE: No, I didn't. Ah, I spoke with Marwan al-Shehhi but not Mohammed Atta.

MEMBER: Do you ever meet Mohammed Atta?

DETAINEE: No.

MEMBER: Have any correspondence with him?

DETAINEE: No.

MEMBER: Communications with him ever?

DETAINEE: No. I never heard of him.

MEMBER: Did you wire transfer over hundred thousand dollars in separate transactions to al-Shehhi. Do you admit to that?

DETAINEE: Yes.

MEMBER: What was the purpose of that money?

DETAINEE: I don't know. Was something that Marwan asking me to transfer money for him.

MEMBER: Where did the money come from that you were transferring?

DETAINEE: From him.

MEMBER: Was it.

DETAINEE: Marwan.

MEMBER: His account.

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DETAINEE: There was not account. It was his own money. He wanted to transfer to America but it was different companies. And ah, like ah, different they charge a lot of money for transferring. So he use my services to that for him.

MEMBER: Just so I'm clear..

DETAINEE: Yes

MEMBER: This was, this was Marwan Al-Shehhi's, money...

DETAINEE: Exactly. Exactly

MEMBER: That was in his account in Dubai and you transferred the money to him in the United States?

DETAINEE: For him yeah. He couldn't carry money with him so.

MEMBER: Okay. Do you know where he got that money from, or?

DETAINEE: No

MEMBER: Did you expect any money back or any return money, or?

DETAINEE: No. No.

MEMBER: Not at all?

DETAINEE: That was his own money.

MEMBER: And, how did you meet Marwan Al-Shehhi?

DETAINEE: He was introduced through Khalid Sheikh Mohammed.

MEMBER: Okay. And, then, and then, Khalid Sheikh Mohammed, introduced him to you. Is that correct?

DETAINEE: Exactly

MEMBER: Okay.

MEMBER: How many times did you meet Marwan Al-Shehhi?

DETAINEE: I do not recall exactly but I met him couple times.

MEMBER: Several times? In the United Arab of Emirates?

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DETAINEE: Yes.

MEMBER: Okay. Did you help Marwan Al-Shehhi get into United States at all by assisting him with visas or anything like that.

DETAINEE: I don't recall. Maybe I can because I have contacts. So, that's normal but I don't recall.

MEMBER: What kind of contact do you think you would have that would help him get visa?

DETAINEE: Any kind of companies that help people travel do business around the world will help out.

MEMBER: Did, did, Khalid Sheikh Mohammed, did he ever ask you to assist him with, ah, any types of al Qaida operations?

DETAINEE: No.

MEMBER: Commands.

DETAINEE: No. No, he never mentioned.

MEMBER: Did you have any knowledge that he was involved with al Qaida?

DETAINEE: No, he never mentioned or I never heard from another person.

MEMBER: Again, one more time. Did you ever discuss smuggling explosives into United States?

DETAINEE: No.

MEMBER: Never? And you weren't expecting explosive when you were arrested.

DETAINEE: Exactly.

MEMBER: Were did you go when you left the United Arab Emirates on nine or ten September? Where did you travel to?

DETAINEE: I was in Pakistan.

MEMBER: You traveled to Pakistan. What did you do when you got to Pakistan?

DETAINEE: I was there. I was ah, waiting to get a job. I was searching for trade in the countries employing same computer lab.

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MEMBER: Where were you living? In Pakistan?

DETAINEE: I was in Karachi.

MEMBER: In Karachi. Who were you living with?

DETAINEE: My family.

MEMBER: And, were you living with Khalid Sheikh Mohammed at the time?

DETAINEE: Well, he used to visit us.

MEMBER: How often?

DETAINEE: Well, ah, not couple of very often.

MEMBER: Was he in Afghanistan prior to coming to Pakistan around that time?

DETAINEE: I don't know. I haven't seen him.

MEMBER: And, um, how soon after the attacks on September eleventh did you see Khalid Sheikh Mohammed?

DETAINEE: How soon?

MEMBER: How soon after? You left about nine or ten September travel to Pakistan. How soon after September eleventh did you see him?

DETAINEE: I saw him there he was. When I reached Pakistan. And then I haven't seen him for a couple of like weeks. And again I saw him, so.

MEMBER: Did you, did you assist him in anyway in helping out with al Qaida or Taliban operatives that were fleeing Afghanistan or Pakistan after the US attack. Did you help him?

DETAINEE: I don't know. I use to help in general but I don't know if any al Qaida.

MEMBER: What kind of help did you help them with?

DETAINEE: Business emails. I could send his emails if he liked.

MEMBER: Did you help him with moving people from Afghanistan into Pakistan?

DETAINEE: No.

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MEMBER: Finding them housing, jobs or money or anything like that?

DETAINEE: No.

MEMBER: Do you know Majid Khan at all?

DETAINEE: Yes, I do.

MEMBER: How do you know Majid Khan?

DETAINEE: Just was a person ah, introduced through KSM.

MEMBER: Okay. Did you help Majid Khan get into United States or do you help him with any business matters or loans or anything like that?

DETAINEE: No. But, ah, he was from the States. So, he doesn't need any help going to States.

MEMBER: Did you ever personally travel to Afghanistan?

DETAINEE: No.

MEMBER: Never been there?

DETAINEE: No.

MEMBER: Ever meet Usama bin Laden?

DETAINEE: No.

MEMBER: Dr. al Zawahiri?

DETAINEE: No.

MEMBER: Did you swear allegiance to Usama bin Laden or al Qaida?

DETAINEE: No.

MEMBER: How do you know Ramzi bin al Shibah?

DETAINEE: I met him in Dubai.

MEMBER: Dubai.

DETAINEE: Yes.

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MEMBER: How and for what purpose did you meet him?

DETAINEE: Just was introduced through Khalid Sheikh Mohammed. If he needed any business help. Which he didn't.

MEMBER: Did you know he was member of al Qaida?

DETAINEE: No.

MEMBER: Did you know Majid Khan was a member of al Qaida?

DETAINEE: No.

MEMBER: So you, um, did you know anything about. Do you know Richard Reed, Sajid Bada'?

DETAINEE: No.

MEMBER: You never met them?

DETAINEE: No.

MEMBER: Never any correspondence with them?

DETAINEE: No.

MEMBER: No further questions.

PRESIDENT: Thank you. Member?

MEMBER: What was the business of MEC?

DETAINEE: MEC.

MEMBER: Yes.

DETAINEE: It's a computer company.

MEMBER: And, what was your position with them? In what capacity did you work with them?

DETAINEE: Well, I was holding two different. I was, ah, marketing and I was computer engineer as well. I used to do marketing for the company.

MEMBER: What period of time? What years?

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DETAINEE: Ah, ninety eight through two thousand one, three years.

MEMBER: How did?

DETAINEE: Until they closed.

MEMBER: When you were working with them in that capacity in marketing and computer support.

DETAINEE: Support.

MEMBER: Support. Were you doing what you referred to earlier as out-sourcing?

DETAINEE: Exactly.

MEMBER: Is that right?

DETAINEE: That's why free business.

MEMBER: On the side you were doing that?

DETAINEE: Exactly.

MEMBER: Um, not on MEC company time?

DETAINEE: MEC have, ah, basic business with the company itself. But, I have my own business in free times.

MEMBER: Would MEC been aware of that?

DETAINEE: Yes or no. That wasn't. That's very normal for country I was living. People would do that business.

MEMBER: So, the co-workers that you worked with would maybe have been aware of or might not been aware of your out-sourcing business?

DETAINEE: Possible Very possible Yes. It's not, ah, an issue if you have an out-sourcing that your company should approve or they are aware or not. Everybody's looking for a different income source. So that is another source.

MEMBER: Did you discuss it, ah, with your co-workers? Other types of work that you were doing, sharing ideas?

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DETAINEE: I don't recall exactly. Might yes, might no. They know I used to have outside services but not exactly which kind. I used to have, ah, used to sell computer systems out of my company. I used to make by myself computer systems. They wouldn't know that but not exactly what.

MEMBER: So, they wouldn't be fully informed of what you were doing in your out-sourcing.

DETAINEE: No. That's not exactly.

MEMBER: Okay.

MEMBER: KSM is documented as your uncle.

DETAINEE: Exactly.

MEMBER: Um, he says that, ah, he never involved you with al Qaida operations. Is it possible that your uncle would say this to protect you?

DETAINEE: I don't think things are very clear. Like in which, ah, sense.

MEMBER: In introducing you to people that were al Qaida operatives.

DETAINEE: Well ah, he ah, when he introduce a person he would never say he is from al Qaida. He would introduce him and mention what kind of business he want. And the business is normal very normal trading businesses.

MEMBER: So moving pretty substantial amounts of money to and from someone. Would not cause question, why?

DETAINEE: That's for me is very small amount. The business I was making when I was in Dubai was much more higher than that amount so. Ah, a normal student from the Gulf country would take even more than this amount to buy. Just for example, I had a friend he was going to study English language, not University, for six months. He took money to buy a Ferrari car in America. So you can imagine Ferrari is three hundred thousand. This is one hundred thousand. So it's not that big question.

MEMBER: When you went to Pakistan. They were. While you were in Pakistan you describe the cyanide...

DETAINEE: Exactly.

MEMBER: ...Cyanide you had in your possession, small amount, as being textile chemical oriented.

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DETAINEE: Yes.

MEMBER: Why would you have that on your person?

DETAINEE: Just I have. Wasn't for specific purpose but I have. It's ah.

MEMBER: Did you have intent to use once you got there? What you were going to do with it?

DETAINEE: No. No. Just ah, it's use for clothings to remove the color. And something in Pakistan it's something that they do. It's bleach like kinda bleach but industrial bleach so.

MEMBER: In reference to Isam Mansour.

DETAINEE: Yes.

MEMBER: Using your PO box? Are you him? Isam Mansour?

DETAINEE: No.

MEMBER: Do you know of him?

DETAINEE: Isam Mansour. No, I don't know this name.

MEMBER: How do explain coincidence of phone calls from Mohammed Atta and the phone call, your phone.

DETAINEE: Yes.

MEMBER: And you said you didn't have those and also having wire transfers with your address with Isam Mansour?

DETAINEE: Well, the money transferred to Marwan al-Shehhi, ah, not Mohammed Atta, I don't know that joint account or anything so I'm not aware of that. But was for Marwan al-Shehhi. Not necessarily that money being transferred through Isam Mansour might be otherways but I did transfer money. How? I just am saying. I did transfer the money.

MEMBER: Were you aware of the activities that al Qaida, was of al Qaida first of all, prior to two thousand and one? al Qaida existence um, ah

DETAINEE: That's every person would know.

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MEMBER: Were you, you said you were not aware of your uncle's involvement?

DETAINEE: Exactly. He never mention to me.

MEMBER: Were you aware of other people you had come into contact? That never come into up in conversation with others?

DETAINEE: No. They never mention. I always have my business cover. My business which, I was doing. That was the reason for meeting or attracting a person.

MEMBER: Had you been aware of their involvements with al Qaida, would you have distanced yourself from them.

DETAINEE: Exactly, no

MEMBER: If you had known that they were involved al Qaida?

DETAINEE: Well, they would mention that if there was, if they want to but no body mention.

MEMBER: No more questions.

PRESIDENT: Thank you, gentlemen.

#### CALLING OF WITNESSES

PRESIDENT: We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Detainee, the Personal Representative, the Recorder, and the Tribunal Members.

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, sir.

PRESIDENT: From previous discussions there were requests for witnesses by the Detainee. And, we have provided for those witnesses by way of statements which you have presented to us.

DETAINEE: Yes.

PRESIDENT: Ah, from Ramzi and from KSM which we will consider in our deliberation. And we also are going to consider the two statements you prepared regarding your MEC contacts.

DETAINEE: Thank you.

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PRESIDENT: Do you have any further questions about that?  
DETAINEE: About the statements?  
PRESIDENT: Right  
DETAINEE: Not so far. But ah.  
PRESIDENT: Okay. And, ...  
DETAINEE: I'm sorry.  
PRESIDENT: Yes, please.  
DETAINEE: Would you read the statements that provide where other...?  
PRESIDENT: We were just getting to that.  
DETAINEE: Oh.  
PRESIDENT: I understand that the Personal Representative desires to read into the record for the Detainee the statement of these witnesses. Is that correct?

PERSONAL

REPRESENTATIVE: It was expressed to me that the Detainee would like to have them read for the transcript.

PRESIDENT: And that what you would like the PR to do for you at this time?

DETAINEE: That's right.

PRESIDENT: You may proceed PR.

PERSONAL

REPRESENTATIVE: Exhibit D-d, ah witness, witness statement from Khalid Sheikh Mohammed.

I, Khalid Sheikh Mohammad, voluntarily make the following statement regarding Ammar al Baluchi for presentation at his Combatant Status Review Tribunal. I am providing this statement to the person identified to me as Ammar al Baluchi's Personal Representative. I make this statement of my own free will without any threats or promises extended to me.

The PR asked me to answer the following questions:

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Question: Please describe Ammar Al Baluchi's knowledge, if any, about al Qaida, Taliban and associated organizations.

Answer: To my knowledge Ammar has never had association with Al Qaida, Taliban or associated organizations. I am not aware of any knowledge that Ammar had about al Qaida, Taliban or associated organizations. I never recruited Ammar for al Qaida. Ammar al Baluchi has never trained in any al Qaida or Taliban training camps in Afghanistan, Pakistan or anywhere else in the world. To my knowledge Ammar has never received any training from al Qaida, Taliban, or associated forces.

Question: Please describe your family type relationship with Ammar al Baluchi and whether it included any enemy combatant acts or associations.

Answer: My dealings with Ammar have always been as his uncle. He is the son of my sister. My working relationship with him was as a family member and not a member of al Qaida. Ammar would not say if I asked him to do something. Any dealings he had with al Qaida were through me. I used him for business dealings. He had no knowledge of any al Qaida links. Ammar is being linked to al Qaida because of me. I would send papers to Ammar in the UAE. I may have used Ammar to ship henna from Karachi to Dubai. I know Ammar worked for a computer company in Dubai working with software and hardware. I moved money to Mohammad Atta and Ramzi in Germany to support the 9/11 attacks. I don't remember using Ammar for the 9/11 hijackers. I used mostly Hawsawi in 2000 and 2001. I've been provided the opportunity to make any changes or corrections that I desire to make and have placed my initials over those changes and corrections. This statement was typed by the Personal Representative and reviewed with me. I affirm, I affirm these are my words and the truth as I know it.

**PERSONAL**

**REPRESENTATIVE:** Also from exhibit D-d is an additional statement from Khalid Sheikh Mohammad. To the President of the CSRT: The definition of "Enemy Combatant" as presented to us in the CSRT papers is so unclear that it allows the arrest of thousands of innocent people since many of those have committed or have been tricked to commit belligerent acts without their knowledge. I cite as an example: suppose that the CSRT president is my neighbor and my friend who is not aware of my affiliations to al Qaida, and I gave him a letter or letters containing anthrax to mail to the United States and these letters killed thousands of people. Would the neighbor be considered as an enemy combatant? Or, if I were to give him certain e-mails to send, that contain orders addressed to the executors of belligerent operations against the United States without the

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knowledge of that neighbor neither on the content nor of my jihadist background, and all he did was a service to a friend and a neighbor. In the same token, if I gave him thousands of dollars to transfer from the bank next to his office, or on his way to work, would this neighbor be considered as an Enemy Combatant even though it never occurred to him that his neighbor is the president of the Military Committee of Usama Bin Laden. So, I am certain that many people in Karachi were surprised when they saw my pictures on the day of my capture, and every one of them reevaluated every word or service he rendered to me. Most of the classified evidence in your possession are confessions that were obtained under torture by the CIA, or testimonies of witnesses that do not conform to the level of legal evidence to which you can apply any definition under any constitution. Thanks. Signed.

PERSONAL

REPRESENTATIVE: Exhibit D-f. Ramzi Bin al Shibahah questions written by Ammar Al Baluchi on

20 March 2007. Mr Ramzi Bin al Shibahah, God blessed him. These are questions sent to you on my behalf, please answer them only if you like to answer, or if you know the answers. And Allah rewarded you well.

- 1) Do you know Marwan al Shehhi or Mr Khalid al Sheikh Mohammad?
- 2) Did you know that there was a business relationship between Marwan al Shehhi and myself?
- 3) Did I previously tell you that I was aware of the 9/11 events?

Signed Ammar al Beluchi, 20 March 2007

PERSONAL

REPRESENTATIVE: Exhibit D-g. Ramzi Bin al Shibahah, responses on behalf of Ammar al Baluchi taken by PR3 on 21 March 2007 Statement of Ramzi bin al Shibahah.

From: Abi Ubeyda al Hadrami, Ramzi Bin Mohammad Bin al Shibahah  
To: My dear brother Ammar, may Allah bless you and protect you.

Greetings

In reference to your question on whether I know Marwan al Shehhi and Khalid al Sheikh. Yes, I know them well.

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In reference to your question about my knowledge of a business relationship between Marwan al Shehhi and yourself or not. That I do not know. I do not know if there was a business relationship between you and him.

In reference to your question on whether you told me previously that you know of the 9/11 events. No, you did not tell me that nor did you have any knowledge about them. I affirm that these are my words and the truth as I know it. Signed. Wednesday 21/3/2007.

PERSONAL

REPRESENTATIVE: Exhibit D-h is the expected witness statement from the MEC co-workers.

Question: If you can, please describe any discussions or knowledge you have about Ammar's associations with al Qaida, the Taliban or associated forces?

Answer: As far as I know, Ammar does not have any affiliations with the above mentioned organizations.

Question: Please describe your dealings with Ammar?

Answer: Ammar is a hard worker. He is always the first in to work and the last to leave. I never noticed any abnormal activities outside of business dealings with MEC.

Question: Please provide any information you may have as to why Ammar left Dubai?

Answer: We closed our branch office in Dubai and had to revoke the employee's work visas.

Question: Please provide any additional information you think may be relevant?

Answer: Ammar never expressed any animosity against the United States or its allies. He seemed very open minded and western oriented.

PERSONAL

REPRESENTATIVE: Exhibit D-i Expected witness statement from roommates taken by PR3.

Question: If you can, please describe any discussions or knowledge you have about Ammar's associations with al Qaida, the Taliban or associated forces."

Answer: As far as I know, Ammar does not have any affiliations with the above mentioned organizations.

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Question: Please provide any information you may have as to why Ammar left Dubai?

Answer: MEC closed its branch office therefore his visa was cancelled.

Question: Please provide any additional information you think may be relevant?

Answer: Ammar never expressed any animosity against the United States or its allies. He seemed very open minded and western oriented. Ammar never engaged in activities other than MEC and trading. Additionally, Ammar was looking for a job in the United States since MEC was closing its branch office. I believe he actually applied for United States visa. Ammar was spending his time either at home or at work "Working hours." That concludes witness statements, sir.

PRESIDENT: Thank you, Personal Representative.

PRESIDENT: Ammar al Baluchi, this concludes the presentation of unclassified information to the Tribunal. We are about to conclude the unclassified portion of the hearing. Do you wish to now make any final statement to the Tribunal?

DETAINEE: Yes, sir.

PRESIDENT: Alright. How would you like to that? With your Personal Representative reading it for you?

DETAINEE: I prefer that.

PRESIDENT: Very well. You may proceed.

PERSONAL

REPRESENTATIVE: Exhibit D-c. ISN 18 final oral statement for Combatant Status Review Tribunal taken on 30 March 2007 by PR3. I am not an enemy combatant. For decades the United States Government has been supporting Israel with weapons of destruction and explosives. The United States Government knows in advance that the result of this support is the killing of more than one million civilians in Palestine and South Lebanon. The United States Government declares to this day that it is not an enemy combatant against the people of Palestine and Lebanon, and is not involved in threatening the National Security of the Palestinian civilians. The same applies on all of the US factories, companies, and individuals who participated in manufacturing selling,

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transporting, and exporting those weapons. According to the United States Government they too are not enemy combatants against the Palesti, Palestinian People.

My question is the following: How could the American administration consider me as an enemy combatant who is the reason for killing 2972 American civilians or the destruction of three buildings. I was outsourced by a person called Marwan Al Shehhi not hijacker Marwan Al Shehhi who used my services even though, I did not supply him with weapons, explosives or any military support and he never mentioned that he is an al Qaida member or a hijacker.

When Marwan Al Shehhi approached me, he never declared himself as hijacker Marwan Al Shehhi. He approached me the same way he approached other individuals or companies in the US. So, according to your definition, it is imperative that the US financial institutions, banks, flight schools, rental car agencies, and property managers all fall under the enemy combatant definition, since without the support of all those people, 9/11 would not have been possible.

I often wonder how come the law applies to me only and not to others, knowing the United States always seeks justice.

I would also like to point to a very important issue regarding my status as an enemy combatant. The United States Government may consider me an enemy combatant, even though I disagree. Some people allege that they used my services to benefit al Qaida. Ever since I was turned in to the United States Government, about four years ago, the Government uses my services by getting information from me about al Qaida activities and personnel that I obtained through independent research. The United States has benefited from the vital and important information I supplied by foiling al Qaida plans and obtaining information on al Qaida personnel. My point is this, the period over which the US has outsourced me exceeds the period in which I am alleged to have supported al Qaida activities.

So, is it fair or reasonable that after all the important and vital information I have supplied to the United States Government that I be considered an enemy combatant?

I feel that labeling me as an enemy combatant will endanger my personal safety. I will be the subject of personal animosity and there is no authority in the United States Government that I can complain to.

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The United States Government can keep me as it pleases, but please stop all actions that will compromise my safety. Please, look into it. Talking about it doesn't help. There is a reason for mentioning this subject.

In conclusion I did what I did because I know that the United States Government is looking for unlimited justice. I know very well that the same things I did, are occurring at even higher levels in the United States. The US Government never minded and still supports those activities today. Therefore, I can expect the same would apply for me especially if the government is still willing or wishing to maintain justice. I affirm these are my words and the truth as I know it

PRESIDENT: Ammar al Baluchi, was that the statement you wanted your Personal Representative to read for you?  
DETAINEE: Exactly.

**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open tribunal session.

PRESIDENT: Ammar al Baluchi, you shall be notified of the Tribunal decision upon completion of the review of these proceed by the Combatant Status Review Tribunal convening authority in Washington, D.C.

PRESIDENT: If the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made.

PRESIDENT: If, however, the Tribunal determines your classification as an enemy combatant, you may be eligible for an Administrative Review Board hearing at a future date.

PRESIDENT: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaeda and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

PRESIDENT: You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at that Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

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PRESIDENT: A military officer will be assigned at a later date to assist you in the Administrative Review Board process.

**ADJOURN OPEN SESSION**

PRESIDENT: The open session of this Tribunal hearing is adjourned.

RECORDER: The time is 1455. The date is 30 March 2007.

RECORDER: All Rise.

REPORTER: Off the Record [The Tribunal withdrew from the hearing room]

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**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10018.

(b)(6)

(b)(6) CAPT JAGC USN  
Tribunal President

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Bates 67 is duplicate of Bates 66.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10018.

(b)(6)

(b)(6)

CAPT JAGC USN  
Tribunal President

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15-L-1645/DOD/67

## Exhibit D-b

#19

Written Statement to CSRT

Meeting #4 with PR#4

Tuesday, 20 Feb 07

(Translated and type-written from hand-written statement from #19)

Titled: Answer to the Evidence

- I. It is my opinion that points a, b, c, f, i, j are not in accordance with the definition of an enemy combatant because:
  - a. Points a, b, c, f all deal with or are connected with the bombing of churches
    - i. They occurred in 2000 before the "war on terrorism" was declared
    - ii. The victims of the churches were not Americans, Europeans, Australians or other foreigners
    - iii. The communal violence between Muslims and Christians that was usually occurring began after the fall of President Soeharto and did not only consist of the church bombings but on the part of Christians who killed Muslims and set fire to them after taking shelter in a mosque
    - iv. The Taliban and al Qaida were not mixed up in this conflict
  - b. With regard to point b, it is written "Singapore operation against the US embassy" -- I have never discussed this matter at all
  - c. With regard to point ~~e~~, the first time that I heard of the Malaysia Mujahadin group was after 9/11 from Malaysian newspapers. For years before that I lived in Malaysia and I never heard or never read about MMG. I do not know who they are. Is it true they really exist or are they made up. I only heard about them from stories in the mass media and partly from propaganda. Because of that, I am surprised that I am accused of being the head of MMG. At the same time the existence of this group is in question and I have never read in the mass media or no one else has said that the goal of the MMG was to overthrow the government of Indonesia.
  - d. With regard to point j, Al-Ghuraba is only a study group for Malaysian students and only has a few members. It is not connected with the development of Jemaah Islamiyah (JI) in Pakistan. So I think

## Exhibit D-b

that this point above does not have anything to do with the interest of America or its allies.

- II. Points d, h, I I have never heard of these 3 things whatsoever.
- a. Point d
- i. Usually if someone is the supervisor of something, he understands the method of work from a to z in whatever matter he is the supervisor of. If you ask me about where the embassy was, what its address was, color of the building, the shape of the building, how tall the walls were, how many exits and entrances there were, what time they started work, what time the office closed, how many kilometers distant were the three embassies from each other, how many security guards there were and so on. I cannot answer all of these questions let alone to be able to go into greater detail. Why don't I know? Because I was never the supervisor of the above planning.
- b. Point h
- i. In order to carry out the planning as written in point h, I would need to have a lot of skills and manpower would be needed and even more to carry this out in several different countries that have different levels of security. It would really be a difficult endeavor and we would need many different things to support these activities. Meanwhile, in 2000, I had already resigned from the JI and I no longer participated in the activities of the JI and no longer knew anything about the development of the JI except from the mass media. After 9/11 many people were captured and imprisoned. So how would it be possible for me to discuss this large undertaking with them that I myself was not capable of doing or carrying out because I did not have the friends and the skills and the other things that were needed.
  - ii. I never possessed explosives in any form whatsoever and I do not know where to buy or how to buy explosives because that was not my work.
- c. Point I
- i. Regarding the charge in this point, this is also something new to me. I don't know anything about a document like that when I was captured and I am not an expert bomb maker. I remember one charge that was almost the same when I was interrogated in the CIA prison. There was one interrogator who showed me a document that contained some kind of a rudimentary plan for

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some kind of operation but I don't remember all of the contents of that document. I only remember that it was about carrying explosives from Mombassa to Pakistan and also then buying a 4x4 vehicle and so on until there was an explosion. That document was written in the computer. The interrogator said that document was found in my apartment when I was arrested. I replied that I had never had any document like that. In addition to that, it was written on the computer and you know that I do not have a computer. He replied that wasn't important. What was important was the contents like that. I kept repeating no and it was true that I did not have any kind of document like that. Then he gave me a night to think it over and remember. When I returned to and I was in my cell, I tried to remember but I still thought that I did not have that document. And that I remembered that maybe this was a kind of trap because this matter was something that could happen anywhere and is usually found in fiction or in non-fiction and it was a classic trick. The next day the interrogator asked me again. I still replied no a number of times. After that I was not asked about this document again even up until the time I left the CIA prison and I was not tortured or given a sentence for this matter. Just like that, I have never been questioned about this point I and after that I think it was a trap. A few months after that there was another interrogator after I was taken to another country, he showed me another document that was different but he did not say it was from my apartment. That document contained a schedule of activities of the JI. It was written in Malay and used the kind of phrases usually used by JI members. It also referred to the locations usually used by the JI in peninsular Malaysia. But in other respects there were a lot of differences. I told the interrogator that this was not a JI document and I am convinced it was not something that the JI had. Then he told me to examine it again in my cell. After I read it over repeatedly I became increasingly convinced that it was not a JI document. A few days later, he questioned me again and I said it was not a JI document even though it imitated the style and the locations. After that I was not questioned about this document again.

III. Point e

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- a. Before this, I have never heard of the term "Singapore plot". If there is something involved in this story, I don't know for sure if it is like that or if it is different. I think that the person referred to in this point is not me.

### IV. Point g

- a. When I was in Cambodia around the middle of the day, it was the first time I heard of the Bali bombing from the mass media. It is difficult for others to believe I was not involved in this operation but the truth is I was not involved. Even though I am an Indonesian, I have never been to Bali for any reason at all. And as I have stated in point h, since 2000 I have not been active in the JI. Earlier I have considered asking for testimony from a witness from someone who was involved in that operation but there are several reasons that make for problems and I think this will be difficult. My thoughts on why this is so difficult for a witness to attend are in this answer below.

### V. Point k

- a. As far as I know in the JI there is no special department that is called head of operations of JI and I have never been selected by anyone to be the head of operations. So as far as this matter is concerned it is not I, there are other people more suited for that work. Also, I have never felt as the point man of al Qaida in South East Asia. Usually the person who is called the head of operations or another important person is protected by bodyguards who are strong and big or at least they are protected by a circle of comrades all ready to die. And also they have people who are always assessing the situation and getting information or have other things that they need. While I don't have any of those things at all. One proof of that is when I was arrested at that place and at that time there was only myself and my wife that were arrested. I was at the office apartment ground floor and my wife was above on the 6<sup>th</sup> floor. There were no bodyguards or comrades to help us. I think that this matter is like the one in Point i. I have read in the mass media all kinds of rumors like that, also all kinds of accusations that I am the big fish, the most wanted man in Asia and things like that. If people ask why it is like that, it was because when my comrades were captured I was still free and in hiding so many people thought that Hambali had this and had that, did this and did that so they frightened themselves and made other people panic. You should know that the members of JI in Malaysia and Singapore were

## Exhibit D-b

arrested under the provisions of the internal security act (ISA) without being judged in court.

### VI. Witnesses

- a. To be sure in order to prove the truth of some matter evidence or witnesses are needed or some other method like that that can be accepted. In order to select witnesses that are relevant or irrelevant is a little difficult for me. In the case of matters that have already occurred, such as the Bali bombing it is easy because just ask someone who was involved in the operation so that they can provide testimony as to whether I was involved or not. But for those things that haven't happened yet it is somewhat difficult because maybe it is still in the imagination or is a rough idea or is just some idle talk while drinking tea or somebody else is just saying this or that or part of it is a story from a, part from b, part from c, and so on. So then it is all put together and becomes a complete story and scares someone. To select a witness that is relevant in a matter like this is difficult for me because that person may have already forgotten and so forth. But there are other matters which make it difficult for me to request written testimony from a witness and the reasons are as follows:
  - i. It has been about 3.5 years since I've been in jail and I don't know anymore about how these people are or what their condition is. In order for them to become a witness for me, it is obvious that I need to know that they are in good condition because in 3.5 years those people may have changed.
  - ii. Maybe they are afraid because if they hear about Guantanamo or the CIA and that they are going to be a witness for Hambali they don't want to take the risk. This is even more so if these people have been previously arrested or are still in detention.
  - iii. And thirdly, I think that there is information that is most important, that is that after 3.3 years of being imprisoned my contacts with my family have been broken and after 3 months I have been in jail on Guantanamo island I got my first letter from my wife via the ICRC (International Committee of the Red Cross). The first time I saw that letter I was surprised because that letter was not written by my wife. It was written by someone else. I do not know who wrote it. Since my wife is not illiterate I know what her writing looks like because we have not been together for one or two days but for years. And also, I know how she would write because I know the character

## Exhibit D-b

of my wife just as other people know their wives. Considering my position now as a detainee I am going to say this is "fake letter" for the following reasons:

1. I am 100% sure it is not my wife's writing.
2. If you look at the writing in the first page, it is not the same as the writing on the 2<sup>nd</sup> page. And it is written with a different color pen. Usually the writer of something who sends it and the one who receives the message as well as the message has it written by the same person.
3. On the first page the name of the sender is NUR ALWIZAH which is written in capital letters. But then on the upper right-hand corner, KUA Ref No: KUA TA 2006/09 RCM 06/1019 is written. But then in the column of the receiver there is (US-10019). I think that all of this was written by the same person because the method of writing the capital letters U and A inside NUR ALWIZAH and the letter U and A in the Reference Number and also the U in the column for the recipient are all the same and were written in the same color pen. Usually the sender doesn't know the reference number only the ICRC official knows it, just as when I wrote that letter I didn't know the reference number.
4. There is no address written for the sender.
5. On the 2<sup>nd</sup> page, the message that is written is not complete more or less only ¼ of a page. Usually when a person who hasn't met someone for a long time and misses them will write a complete page just as I did and my wife's message doesn't answer my questions. That message was written on a Malaysian ICRC form and in Malay. Even though it is like that, this is just my suspicion because it is obvious I can't further investigate the letter. And until now I haven't met the ICRC official again and I haven't gotten information from the ICRC regarding their true position on this letter. But what is certain it's not my wife's writing and when I met with the ICRC official the last time he said that the Jakarta ICRC representative had encountered some difficulties in Jakarta (that had to do with me). I did not ask him what

## Exhibit D-b

were the problems but it was clear that the problems were from the Indonesian authorities. There was one message I received from Indonesia that had one oral request. I do not completely remember what it was but more or less it was like this "may you quickly be freed and be returned to Indonesia and don't forget the 5 times" (that means to pray 5 times every day). It was said that that request was from my younger brother. But according to me a request like that is very strange because it is not usual in my family to give advice like that. But that's my suspicion and not a conclusion. Finally now if I receive a message from outside, I have some doubts about it. You have to be very careful and investigate it and understand its true position, which is just the nature of mankind. I remain suspicious because imagine that if there is something like a personal message that is disturbing, what about something more important like testimony in order to determine my status as an enemy combatant or not and other matters. A matter like this makes it difficult for me to request written testimony from witnesses but on the other hand I also want to prove to you that what I am saying is the truth, and this is my dilemma. If I force an issue maybe this will be something that will make more problems for me than solve problems for me. Maybe with the second method of having the witnesses coming, this is a better method but I think there isn't anyone who wants to come to Guantanamo. They are afraid they will not return to their native place. At the time I do not understand the conditions outside, so I can't make any conclusions because it would be making conclusions without supporting information that is true and so it would only make further problems for me. So this is my answer to the evidence above based on my ability now in this condition.

(b)(1)  
(b)(3) NatSecAct

~~TS//SI~~

Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10015

OPENING

REPORTER: On the record.

RECORDER: All rise.

PRESIDENT: Remain seated and come to order. Proceed, Recorder.

RECORDER: This Tribunal is being conducted at 0813, 14 March 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:  
Captain (b)(6) United States Navy, President  
Lieutenant Colonel (b)(6) United States Air Force, Member  
Lieutenant Colonel (b)(6) United States Marine Corps, Member  
Lieutenant Commander (b)(6) United States Navy, Personal Representative  
(b)(6) Translator  
Gunnery Sergeant (b)(6) United States Marine Corps, Reporter  
Lieutenant Commander (b)(6) United States Navy, Recorder  
Captain (b)(6) is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All Rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Commander (b)(6), solemnly swear to carry out the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you, Gunnery Sergeant (b)(6), swear that you will faithfully discharge your duties as assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

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RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing, so help you God?

TRANSLATOR: I do.

PRESIDENT: We will take a brief recess now in order to bring the Detainee into the room. Recorder, note the date and time.

RECORDER: The time is 0814 on 14 March 2007. This Tribunal is now in recess.  
[The Tribunal recessed at 0814, 14 March 2007. The members withdrew from the hearing room.]

### CONVENING AUTHORITY

RECORDER: All Rise.  
[The Tribunal reconvened and the members entered the room at 0822, on 14 March 2007.]

PRESIDENT: This hearing will come to order. Please be seated.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Recorder note the date and time.

RECORDER: The time is 0822 on 14 March 2007.

PRESIDENT: Al Nashiri, this Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: This Tribunal will determine whether Al Nashiri meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

TRANSLATOR: (TRANSLATION OF ABOVE).

### OATH SESSION 2

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

TRANSLATOR: (TRANSLATION OF ABOVE).

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RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially, examine, inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRANSLATOR: (TRANSLATION OF ABOVE).

TRIBUNAL: I do.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Personal Representative in this Tribunal so help you God?

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Recorder, Reporter, and Translator have previously been sworn.

TRANSLATOR: (TRANSLATION OF ABOVE).

**EXPLANATION OF PROCEEDINGS**

PRESIDENT: Al Nashiri, you are hereby advised that the following applies during this hearing:

TRANSLATOR: (TRANSLATION OF ABOVE).

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PRESIDENT: You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may not be compelled to testify at this Tribunal. However, you may testify if you wish to do so. Your testimony can be under oath or unsworn.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may examine documents or statements offered into evidence other than classified information. However, certain documents may be partially masked for security reasons.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Al Nashiri, do you understand this process?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): By the procedure, do you mean what we just talked about?

PRESIDENT: Yes.

DETAINEE  
(through translator): Yes.

PRESIDENT: Do you have any questions concerning the Tribunal process?

TRANSLATOR: (TRANSLATION OF ABOVE)

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DETAINEE  
(through translator): No.

**PRESENTATION OF UNCLASSIFIED INFORMATION**

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL REPRESENTATIVE: I am handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Tribunal has received Exhibit D-a.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Indicating that the Detainee wishes to participate in the Tribunal and wants the assistance of the Personal Representative.

TRANSLATOR: (TRANSLATION OF ABOVE).

**RECORDER PRESENTS UNCLASSIFIED**

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibits, marked as Exhibits R-2 thru R-3. Copies of these Exhibits have previously been provided to the Personal Representative. [Documents presented to Tribunal]

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Recorder, please read the unclassified summary of evidence for the record. But before you proceed, let me remind Al Nashiri that he must not comment on the

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evidence at this time. The Detainee will be provided with an opportunity shortly to provide any comments. Recorder, please proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: The following facts support the determination that the Detainee is an enemy combatant.

a. The Detainee was experienced in military and explosives training, having participated in such activities during his travels to Afghanistan, Bosnia, and Chechnya.

b. On 7 August 1998, near simultaneous truck bombs were detonated at the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania. The explosions at the United States embassies resulted in the deaths of 224 people, including 12 Americans. More than 4,585 people were wounded.

c. Mohammad Rashid Daoud Al-Owhali (Al-Owhali), confessed and was later convicted in the United States District Court, Southern District of New York, for his role in the al Qaida bombings of the United States embassies in East Africa, which occurred on 7 August 1998. Al-Owhali obtained a Yemeni passport in the name of Khalid Salim Saleh Bin Rashid. Al-Owhali identified the individual who facilitated Al-Owhali's obtaining a Yemeni passport as Bilal, Bilal is known to Federal Bureau of Investigation investigators as Abdul Rahim al Nashiri, the Detainee. Al-Owhali used this same Yemeni passport to travel to Nairobi, Kenya, arriving on 2 August 1998.

d. On 12 October 2000, the *USS COLE* was attacked by a small bomb-laden boat. The small boat pulled along side the *USS COLE* and detonated. The explosion opened a 40 foot hole in the *USS COLE*, killing 17 sailors and injuring approximately 40 personnel.

e. A Federal Bureau of Investigation source identified the Detainee as an important person in al Qaida and the source stated he heard the Detainee helped arrange the *USS COLE* bombing.

f. Jamal Ahmed Mohammed Ali Al-Badawi (Al-Badawi) stated he met the Detainee in Aden, Yemen in the summer of 1999. Al-Badawi stated he purchased a boat for the Detainee upon a request from the Detainee.

g. Jamal Ahmed Mohammed Ali Al-Badawi stated the Detainee bought explosives in Sadah, Yemen and transported the explosives concealed in fishing coolers.

h. Approximately one and a half months prior to the *USS COLE* bombing the Detainee explained the details of an operation in the port of Aden, Yemen against a United States Naval ship. The Detainee discussed this operation with Jamal Ahmed Mohammed Ali Al-Badawi (Al-Badawi). The Detainee asked Al-Badawi for assistance videotaping the operation.

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i. Jamal Ahmed Mohammed Al-Badawi claimed the Detainee personally funded the USS COLE operation from the Detainee's own sources.

j. Jamal Ahmed Mohammed Al-Badawi was tried and convicted in Yemen for his involvement in the USS COLE bombing. The Detainee was tried in absentia in Yemen, convicted and sentenced to death. The Detainee's conviction was later upheld following appeal.

k. An alias used by the Detainee was found on a contract for the purchase of a vehicle in Yemen, which was used in support of the USS COLE attack. An individual identified the Detainee from a photograph as the person who purchased the vehicle.

l. The Detainee was one of the main suspects for masterminding the attacks on the USS COLE and on the French oil tanker Merchant Vessel Limburg in October 2002.

m. The Detainee was identified on a leadership list for a scientific laboratory in Karachi, Pakistan, which was sponsored by Harakan Desturia Islama, a Kuwaiti-based Islamic extremist group that raised funds for al Qaida.

n. The Detainee was arrested at the end of October 2002 in the United Arab Emirates. When the Detainee was arrested, he was holding several forged passports from several countries. The passports contained several different identities.

PRESIDENT: Translate.

TRANSLATOR: (TRANSLATION OF UNCLASSIFIED SUMMARY).

RECORDER: Sir, this concludes the summary of unclassified evidence.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Very well.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: Yes, sir. I am handing to the Tribunal the following unclassified exhibit marked as Exhibits D-b. A copy of this exhibit has been previously provided to the Recorder. [Documents presented to Tribunal]

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TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: I will read the Detainee's oral statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: And he will respond after each point.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: And at the end as desired.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: At the appropriate time, I'll permit you to do that.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Does the Recorder have any further unclassified evidence?

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal, but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Your request for a closed session is granted and will be taken up in due course.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do the members need additional time to review the unclassified evidence?

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: No, sir. No, sir.

TRANSLATOR: [Requesting clarification for Translation] Yes? No?

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MEMBERS: No.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Al Nashiri, you may now make an oral statement to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to make an oral statement to this Tribunal?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): My Personal Representative will speak on my behalf.

PRESIDENT: Very well.

PRESIDENT: Would you like to make any statement here today under oath? We have prepared an oath for you. However, we do not require an oath.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. I have no problem.

PRESIDENT: In taking an oath?

TRANSLATOR: Yes.

PRESIDENT: Alright.

PRESIDENT: Would you like the Muslim form of oath or the other form of oath that the PR has described here?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): It makes no difference to me. I will take either one.

PRESIDENT: Alright. Recorder, administer the other form of oath.

TRANSLATOR: (TRANSLATION OF ABOVE).

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RECORDER: For clarification.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: Would you like the Muslim oath?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

RECORDER: Please repeat in the name of Allah the most compassionate the most merciful I, Al Nashiri, swear by almighty God that my testimony before this Tribunal will be the truth.

TRANSLATOR: (TRANSLATION OF ABOVE). [Detainee repeats after Translator]

PRESIDENT: Very well.

PRESIDENT: Al Nashiri, you may begin your statement and the Personal Representative may proceed as outlined.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: Responses to the Unclassified Summary of Evidence for Combatant Status Review for Abd al Rahim Hussein Mohammed al Nashiri dated 20 February 2007

#### Opening Remarks

The Detainee states that he was tortured into confession and once he made a confession his captors were happy and they stopped torturing him. Also, the Detainee states that he made up stories during the torture in order to get it to stop. The Detainee confessed under torture to the following events:

1. The French Merchant Vessel Limburg incident.
2. The *USS COLE* bombing
3. The rockets in Saudi Arabia.
4. The plan to bomb American ships in the gulf.
5. Relationship with people committing bombings in Saudi Arabia.
6. Usama Bin Laden having a nuclear bomb.
7. A plan to hijack a plane and crash it into a ship.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: Al Nashiri, do you have anything to add?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

PERSONAL

REPRESENTATIVE: [continuing]

- In response to item a, the Detainee states that he has never visited Bosnia or been trained in explosives. Also, the Detainee states that no one in the world can testify to the fact that he has been trained in explosives. Additionally, the Detainee states that he has visited battlefields and observed battles in progress because it was his intention to help people by gathering information and an understanding of what was occurring in Afghanistan.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

- In response to item b, the Detainee states that the item listed is a statement of facts which he heard of in the news and that the statement does not accuse him of any involvement. The Detainee further states that he had nothing to do with the bombings and believes that these facts were listed against him because of his cousin, Jihad Muhammed Al Harazi, who has been implicated in the bombings by the media along with Al-Owhali. Finally, the Detainee would like to restate that he had nothing to do with the Kenya and Tanzania bombings.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

- In response to item c, the Detainee states that he does not ever remember seeing Al-Owhali in Yemen and furthermore he did not help Al-Owhali in any way to obtain a passport.

TRANSLATOR: (TRANSLATION OF ABOVE).

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PERSONAL  
REPRESENTATIVE: [continuing]

- In response to item d, the Detainee states that the item is a statement of facts which he heard of in the news and that the statement does not accuse him of any involvement.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: [continuing]

- In response to item e, the Detainee states that he is not a member of al Qaida and denies any involvement in the *USS COLE* bombing. Furthermore, the statement listed in the Summary of Evidence is based on hearsay from an FBI source who only heard the Detainee helped arrange the bombing and definitely does not have any firsthand knowledge of the actual events or participants. The Detainee also acknowledges that he knows the people involved in the *USS COLE* bombing personally because he had a business relationship with them in the fishing industry and did not know what they were planning to do. [Pause]

TRANSLATOR: [Requesting clarification for Translation] Can you finish ending of paragraph?

PERSONAL  
REPRESENTATIVE: Sorry.

- Additionally, the Detainee left Yemen two months prior to the *USS COLE* bombing for Pakistan and was in Afghanistan when the bombing took place. Finally, the Detainee states that he did not even hear about the *USS COLE* bombing until many hours after it had occurred and was surprised by the incident.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: [continuing]

- In response to item f, the Detainee agrees that the item listed in the evidence is true but the reason why he asked Al-Badawi to buy him a boat was for his fishing business.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: [continuing]

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- In response to item g, the Detainee states that he never spoke of or discussed the buying of explosives with Al-Badawi in Sada, Yemen.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: [continuing]

- In response to item h, the Detainee denies discussing an operation to bomb the *USS COLE* with Al-Badawi but he did ask Al-Badawi to videotape the people who were trying out a boat in the port to see if it worked. The Detainee states that the people had asked him to videotape the boat but he was scheduled to be on travel during that time.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: [continuing]

- In response to item i, the Detainee states that he did not have any money to fund the bombing of the *USS COLE*.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: [continuing]

- In response to item j, the Detainee states that the item is a statement of facts which he heard of in the news. Additionally, the Detainee states that he had heard in Afghanistan that Al-Badawi was tortured to confess to the *USS COLE* bombing and it is the Detainee's belief that the Yemenis would have done anything to make Al-Badawi confess. Finally, the Detainee heard that the Yemeni Intelligence people had actually tortured and killed Mihdar because they did not like the answers he gave during interrogation.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: [continuing]

- In response to item k, the Detainee states that it is possible that his name was on the contract for the vehicle because Hassan could have taken his identification without his knowledge. Furthermore, the Detainee states that Hassan had put the Detainee's name on one of the houses Hassan leased without his permission. The Detainee states that it was Hassan's car and not the Detainee's car that was used in the operation to pull the boat.

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Finally, the Detainee states that he only found out that the car was in his name after he arrived in Guantanamo Bay, Cuba.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

- In response to item l, the Detainee again acknowledges that he knows the people involved in the *USS COLE* bombing and the French Merchant Vessel Limburg incident personally because he had a business relationship with them in the fishing industry and did not know what they were planning to do. The Detainee denies any involvement in either incident because he was in Afghanistan during the *USS COLE* bombing, finding a place to live, and in Dubai during the French Merchant Vessel Limburg incident, trying to get married.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

- In response to item m, the Detainee states that this information is not true and that he has never heard of this group.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

- In response to item n, the Detainee states that when he was arrested he only had one passport. The Detainee also states that he met somebody in Dubai and asked for some forged passports but never saw him again.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: PR, does that conclude, um, the oral statement that you had prepared?

PERSONAL

REPRESENTATIVE: Yes, sir.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: Al Nashiri, would you like to add anything to the statement your PR just made for you?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No.

PRESIDENT: And, what he read is that what you wanted him to read for you?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: So, that was your statement?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: Alright.

PRESIDENT: Al Nashiri, there are a few thing I would like to speak to you now about regarding your allegations of torture.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You stated that you were tortured into confession by your captors. And, that you made certain statements in order to stop the torture?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: Alright. I need some more details about that.

TRANSLATOR: (TRANSLATION OF ABOVE)

DETAINEE  
(through translator): I have a lot of information.

PRESIDENT: Alright. I'll ask questions and then please respond to them.

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE  
(through translator): Okay.

PRESIDENT: Do you know, the ah, who your captors were?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No. I do not.

PRESIDENT: Were they Americans, Yemenis?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): They were Americans.

PRESIDENT: And ah. When did this occur?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): From the time I was arrested five years ago, they have been torturing me. It happened during interviews. One time they tortured me one way and another time they tortured me in a different way.

PRESIDENT: Please describe the methods that were used.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): By hanging, head was up and legs were pointing downwards. I was hung for almost a month. You doing your things basically and you were hung upside down and drowning and hitting at the wall. There are many scars on my head if I shave my head. If I shave my hair the scars will become obvious. What else do I want to say? I was without clothes. I was sleeping on the floor for about a month. Many things happened. There were doing so many things. What else did they did?

There a box half meter by half meter. It was two meters in height. They used to put me inside the box. I was standing in that box for about a week and I couldn't do anything. My feet were swollen. My nails were about fall off because, I was standing on my feet for long time. They do so many things. So so many things. What else did they did?

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That thing lasted for about six month. After that another method of torture began. They use to put something in the food that use to make the body tired. Before I was arrested I used to be able to run about ten kilometers. Now, I cannot walk for more than ten minutes. My nerves are swollen in my body. Swollen too. They used to ask me questions and the investigator after that used to laugh. And, I used to answer the answer that I knew. And, if I didn't reply what I heard, he used to put something in my food. And, after I ate it my body felt like, um, strange. After that he used to come back and talk to me. He told you he put anything in the food. He used to deny that but the camera was behind him. And; I would stand in front of the camera and he used to tell you that because camera was on. He could not deny anything. You have to acknowledge to what we are saying. And, I used to say acknowledge what? They used to ask even political questions. One is the solution to the American problem in Iraq. I'm not the American Foreign Minister to answer these questions. So they used to go and put some stuff in my food. These things happen for more than two years. That thing did not stop until here. So many things happened. I don't in summary, that's basically what happened.

PRESIDENT: Alright. Let me ask. So then since the time of capture 2002 until you came to Guantanamo you experienced these types of events?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes.

PRESIDENT: Are you under any pressure or duress today?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): No. Not today.

PRESIDENT: You mentioned in your statement that there were seven things you admitted to. The French Merchant Vessel Limburg incident and the rest.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do you have that there in front of you?

TRANSLATOR: (TRANSLATION OF ABOVE)

DETAINEE  
(through translator): Yes.

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PRESIDENT: You admitted to these seven things. You're telling us because the treatment you received?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): Yes. That's the meaning.

PRESIDENT: Is what you said, following the treatment you said you received incomplete or untrue in any way?

TRANSLATOR: Please. Ah, if can you repeat what you just said? Please.

PRESIDENT: Certainly.

PRESIDENT: The seven things that you said, following the treatment, are they incomplete or untrue in any way?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): In summary that's what happened. But if you have any questions for me, I will answer in more detail.

PRESIDENT: Alright.

PRESIDENT: Let's just turn to number one. The French Merchant Vessel Limburg incident.

TRANSLATOR: Okay. (TRANSLATION OF ABOVE).

PRESIDENT: You, ah, do not claim any responsibility for that incident?

TRANSLATOR: (TRANSLATION OF ABOVE)

DETAINEE  
(through translator): Before we go and talk about these things, I need to talk about something else.

PRESIDENT: Go ahead.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): These are not only the seven things I, I, said. I also talked about other things during the investigation. And, they were understood as being admissions or

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plans. And these seven are not exactly in this way. They need explanation. I talk this way because the Recorder, because I don't want the Recorder to look at the things like that during the classified session. And, think that those are evidences against me. That's why I need to explain these things so they will become clear.

PRESIDENT: Please, proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Regarding the first point. What happened is that I knew some people who were related to this incident. And, during the investigation, they did not tell me whether I know these people or not. You admit. So you say I knew these people and I helped them out. They went to Yemen to ah, to ah be involved in some bombings. I help them go to Yemen but in reality I did not know what they planning to do. They went to Yemen to do this and that. I have no, I have nothing to do with that. But after the bombing occurred I heard from the people that this and that happened. I heard a lot of details and during the investigation I told them those details. That there was this individual and that individual. That I don't know if they misunderstood and they thought that I was involved in their planning. I swear that I knew some information and I admitted, da, ah those information. But generally I had nothing to do with this bombing. I don't know how it happened and I have no idea how, ah, it was planned. After it occurred I knew the details. And I admitted to them that, ah, that the thing happened. That's what occurred. Should I repeat what I said during the investigation or not?

PRESIDENT: If you'd like, you can tell us what you said.

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DETAINEE

(through translator): From what I remember because this thing happened over five years. I don't know what exactly what I said, ah, many things, many thing happened. But in general there was a group of people Walhid and, dah, and he was with a group. I met these people, I met those people in Pakistan before they went and they were with me one to two days before they left. After the explosion happened, I heard more details. That they were, that they had boat ready in a house and two people took a boat and they hit the ship. Also during the investigation, they had an So, they used to torture him and ask him a lot of questions about that And I have no, nothing, ah, whatsoever, ah, I don't know anything about this said that there were explosions and there were road blocks. After that I remembered and then, then I understood that the young man or people had those things. And they wanted somebody to help them. So he used to talk

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with somebody else. I think it was Khalad. Khalad told me, ask me, do you want to go to Yemen? And, I told Khalad, no. I nothing to do with that. I'm not involved with these people. And those things were misunderstood and they made the people believe that I had something to do with those people. That's the general stuff that I had that I recall. I had nothing to do with these people.

PRESIDENT: And, is that same thing for the *USS COLE*?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I also about the *USS COLE*. They took lot of information from me during the investigation about this incident. The business was about fishing not uh, not uh bombings. And, I spent a lot of time with people who I had fishing project with. And the people who where involved with, in the project, died because of a natural incident. And after that I got to know the people who were involved in the explosion. We were also, we were planning to be involved in a fishing project. I left the thing, I left the project and left. They are the ones who were involved in those things. I'm not responsible for them or what they have in their heads.

PRESIDENT: What did you say to your interrogators about your involvement in the *COLE* bombing?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): From what I remember in simple details. For example, I was in Afghanistan. When I knew that two people were going to Yemen to be involved in a fishing project. And, I took about five or ten thousand dollars from Usama bin Laden. He used to help all people. He used to help people get married and so forth. So I just I get help from him too. So I went to Yemen to get involved with those people but during the investigation that's not what was explained. In the investigation they think that I took the money to be involved in a military incident. And, they used to drown me in water. So, I use to say yes, yes; I went there. I took money from Usama bin Laden. I was planning this and that. After that they used to ask me how many times did I go to Usama bin Laden, and take money and went back continue planning and explosions. I just make up I don't know how many times. I used to stop by Usama bin Laden and take some money. Also regarding the explosions in Sa'ada because this is not connected it had nothing to do with *COLE* bombing. It's the truth that during the investigation I admitted to. I told them that I took some money then I gave it to somebody to buy, to buy explosives. That's, this, this thing news in general is true. But during the investigation I told them yes I took this money and to get involved in some

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bombings. But in reality I took them and I gave them to my friend and I gave them to my friend Rhibay. For Herdada. It was simple. I don't recall. Maybe three or four boxes, fifty kilograms. I gave it to him. In Yemen they use that to dig wells. So buying explosives is a common thing. That's in general what happen. I still told them a lot of thing. A lot of details like how to buy a boat or a new boat that boat. Things like that.

PRESIDENT: So, you took money from Usama bin Laden in order to get married? To get married and because he was being generous to you?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. I took a lot of money from him.

PRESIDENT: And, you gave explosives to friends but that was to dig wells?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. But during the investigation I told them those things were used to bomb, to bomb the *COLE*.

PRESIDENT: And, you're involvement with the people, who did bomb the *COLE* or involved in the Limburg, was because of your fishing business and not because of the bombing?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. It was business relationship, like fishing projects.

PRESIDENT: Going back to the seven items that are in your statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: It, ah. You said you made statements about bombing American ships or about planning to attack ships. And about Usama bin Laden having a nuclear bomb and a plan to hijack a plane.

TRANSLATOR: (TRANSLATION OF ABOVE).

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(through translator): I just this, I just said those things to make the people happy. They were very happy when I told them those things. But when they freed me, I told them all I only told you these things to make you happy.

PRESIDENT: So what your telling us today is those statements, those statement are not true?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): For example the rockets in Saudi Arabia. In general it the truth there was a man who took rockets from Yemen to Saudi Arabia. But I know nothing about things. I only know the person only. But doing the investigation they hit me and tortured. And I said yes I know these things. I used to say yeah, yeah we did those things to hit you in the peninsula. And this person in prison right now in Saudi Arabia right now. He cannot say I help them in the planning, because I don't know about that thing. That is the reason why my mom, my father, my brother, and my family are in prison. The people in Saudi Arabia they want me to surrender. That's the reason why I left Saudi Arabia and went to Pakistan. That's one point. Regarding point number four, which talks about which talks about the plan to bomb the American ship in the Gulf, I had a project in Dubai regarding a ship. A business project. But I took money from Usama bin Laden to do this project. And at the end, Usama bin Laden asked me if I can use those things in military actions. But when I went to Dubai I ended the whole project. I sold the boat and I let the people go. I was able to do this project if I wanted to with the people on the boat and put the explosives on the boat and send them to Yemen and bomb anything. But I ended the project. I wasn't planning anything. I worked for about six or seven months on the project as a business project. At the end I knew that Usama bin Laden was able to use this project as the military tool. But I stopped everything and I let the people go. And what I had on my mind is to get married and live in Dubai. In regarding point number five. A relationship with people committing bombings in Saudi Arabia. They tortured me. They made me very tired regarding those people those people who were in Saudi Arabia. They used to call me the "commander of the sea". The used to call me the "commander of the Gulf". He was in charge of the people there. When everything happened in Saudi Arabia or whenever explosions occurred. They use to tell me what relation do I have with those things and they used to torture me. And I have nothing to do with these things. Five years they weren't able to get anything from me. I don't know. Like now to admit what. Yes, I know those people. I know a lot of people in Saudi Arabia who do not want a military presence in Saudi Arabia. They will move against you in a natural way. I know some people in Saudi Arabia who I have helped financially. Some of them to get married and some of them to do other stuff. But I'm not responsible if they take the money

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and they go and fight or do something else. Number six. Usama bin Laden having a nuclear bomb. The stuff in your food to eat and the pressure of you body used to go up and down. Then they used to laugh. Then they used to tell me you need to admit to those information. So I used to invent some of the stuff for them to say Usama bin Laden had a, had a nuclear bomb. And they use to laugh and they were very happy. They were extremely happy because of this news. Then after that I told them, listen. He has no bomb. After a month of playing games and doing this and that. I understood at one time I talk to Hilad. We were walking in the street. I was joking with him and I told him we had nuclear missiles or bombs and to hit the Americans. Like in the movies, like in a movies that contain talk about the nuclear weapons. They play with things. They might have some, some kind of little information. They torture you and they make you tired. And they use to give you the impression that they knew something and they want you to admit to it. So when you used to lie to them, they used to get very hard, they use to get happy. One time Mukhtar told me about a point which is, which is not listed here. General talk. Maybe we should find somebody to kill him and get rid of him. So I used to say okay. Do, do whatever you want. I was traveling during that time. So they spent about two months torturing because of this point. I really didn't understand what they were getting at. They want you to admit that you are planning. General stuff that everybody was talking about. I use to take a ride in a tax: cab. And he use to say that it was important for the Americans to leave. And if I find an American I will hit them with my car. Everybody was angry at the Americans. Why are they coming? So what meant by that is they take some little simple point and they take it as evidence. Usama bin Laden having a nuclear bomb. That's just a story. I told them one time that I was in office with Usama bin Laden and I went to bathroom of Usama bin Laden. Then after that Usama bin Laden came and he was with Abu Hafs. And they were talking about the subject and I heard them. So I told them. So I told you this stuff to make you happy. They really happy because I told them this story. After that I told them it was just basically a story. And regarding point seven a plan to hijack a plane to crash it into a ship. They also tired me out and hit me. Because one time I went and I rented a plane for leisure. So I was forced to tell them listen I took that plane or I leased that plane to explode it into ship. They didn't even know that I was lying. They were very happy. Things like that.

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PRESIDENT: Alright. I only have one more question regarding these treatment issues.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: There is mention of, somewhere in your statement, I believe about the Yemenis torturing Al Badawi.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do you have any direct knowledge of that?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I do not have direct information. But the prisoners tell one another. So we receive the news in Pakistan or elsewhere. Of course they hit him and tortured him. I said they did it. They actually hit a person and killed him without any court. And they hit somebody with a rod on his head. And they threw water on him. And after three days he died. And one them Mihdar They shot him. And even his body they did not return it to his family.

PRESIDENT: But you only receive information about Al Badawi from others. Is that correct?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. People say this and that.

PRESIDENT: Is there anything else you would like to add or tell the Tribunal about your treatment or what you may have said following it?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No, I have nothing else to say. That is enough.

PRESIDENT: What you have told us will be included in the record of these proceeding.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: And will be reported for investigation that may be appropriate.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: We will also consider what you have told us.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: When we make our decisions about your combatant status.

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE  
(through translator): Okay.

PRESIDENT: Alright. Let's, um, turn to, um, questions at this point.

PRESIDENT: Personal Representative, do you have any questions for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL  
REPRESENTATIVE: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Recorder, do you have any questions for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Tribunal Members, do you have any questions for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: Yes, sir. Yes, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: You describe a business relationship in Yemen, with whom?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): In Yemen there was a person called Rub'i. And another person named Salman. Those people died. A natural incident took place. And they wanted to have a project in Yemen. They wanted to buy two or three boats to use them for fishing. So after they died I took the boat that was there and I took it to some brothers.

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One is called Hassan and one is called Nibras. After that I left and traveled. And those are the two people who exploded the *COLE* ship. At the end.

MEMBER: Did this business have name have a name or any paper work to support it?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No. There was the beginning process of having or forming the business. Nothing really took place was in the preliminary stages.

MEMBER: Why did you leave Yemen to go to Pakistan/Afghanistan, in August of 2000?

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: Two months before the *USS COLE* attack. You said you left Yemen to go to Afghanistan/Pakistan. Why?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes I was in Yemen to be involved in a project. But I didn't like the situation there and the Yemen Government was looking for me. The Saudi government was also looking for me. So I left to Pakistan maybe to get married and live there. So I left and basically had no plans of going back. In reality what happened after two months I was in Pakistan and the bombing of the *COLE* ship took place.

MEMBER: Why was the Yemeni government looking for you?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): The Saudi government. They had rockets case. So they were looking for me in Saudi Arabia and in Yemen. I learn that from the young people that they were looking for me. In Saudi Arabia and Yemen are not really a whole lot different from Saddam Husscin. If they catch you, they put into a prison you never leave again or they kill you. They shoot you. They kill so many people. So best thing is for somebody to leave.

MEMBER: Do you, ah, then travel to Pakistan/Afghanistan? If so, why?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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(through translator): Yes. I did I went from Pakistan to Afghanistan. I was looking for a place to live in. But Afghanistan was recognized by the Saudi government. It was an official government. I heard about the bombing of the *COLE* when I was in Afghanistan. I think it occurred at noon time. And I heard basically at midnight that the explosion took place. General information only.

MEMBER: When did you ask Al Badawi to videotape the boat?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I don't remember exactly but before I left. I met with him and other people who wanted to videotape the boat. Hassan wanted to get married and he had the boat because I gave him the boat. And he rented a very nice house and he fixed the boat so it could be use for tourism and things like that. He said, he wanted someone to videotape the boat. So talk to Al Badawi about this matter and I left. After that they had, had communications between themselves.

MEMBER: When did you ask for forged passports in Dubai?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Because my Saudi passport was forged. So I couldn't travel under my name. So I was forced to use a forged passport because I wanted to travel immediately. The passport I had was no good. I was looking for a passport to use to travel. So accidentally I met someone and I ask them to look for a passport for me. After that I never saw him again.

MEMBER: How did you come to meet Usama bin Laden? I thought it was pretty difficult to meet him.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): It wasn't difficult. All people had meetings with Usama bin Laden. Any was able to meet Usama bin Laden. That's according to what I know. I was either as a guest with people or I just went to some place I wasn't with Usama. I rented a house and I had a car. And if I needed him I just ask the people for him and I told that Usama bin Laden was at the place. And he used to help all the people.

MEMBER: How many times did you meet Usama bin Laden and did you take money from him every time?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Many times. I don't remember what year I met Usama bin Laden. What year, I don't remember. I don't remember what year. Maybe 96 or 95. And during that time whenever went to Afghanistan I just stop by and visited him. And if I needed money I would just ask him and he would give money to me.

MEMBER: What was the money used for? And, how much money did you take?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Personal expenses. Many times I would tell, give me three or four thousand dollars and he would give them to me. And I use them as personal expenses. When went to have a project in Yemen, I took money from him several times. I don't know the total amount of money. Maybe ten thousand. After that five thousand. And the second project after that. After the *COLE* incident ended. I wanted to have a fishing project in Pakistan and a wooden ship in Dubai. I also ask Usama bin Laden to support me. There a bigger project than the one in Yemen. A lot of money we talk. Maybe about a half million dollars. After that I used to work of this project under that impression that it was official project. And at the end after you entered Afghanistan. I met Usama bin Laden in Kabul. I talk Usama bin Laden about using that ship or that boat to hit an American ship. After the many things incidents happened, Usama bin Laden disappeared and I did not see him again. I went to Dubai and I told people to sell the ship and sell the rest of my stuff. So we cannot continue with the fishing project and we cannot continue also with the military project either. So the project ended. So the bottom line is that I took money from Usama bin Laden for a fishing project. I was under the impression that the project was mine. And it was a fishing project. I didn't care about Usama bin Laden. If the project succeeded, I would have paid the money back to Usama bin Laden. That's it. I understood it as being a loan. But when he told me that we could use this for bombing something. When I went to Dubai. I dissolved the project. I took the money from the people. If any of the people whom I knew they needed money. I gave them money. So I helped a lot of people. If anybody want to get married I give them twenty something. And things like that until the money finished. Possibly a half million dollars I gave away. That's what happened.

MEMBER: When you were in Afghanistan, did you ever train at any al Qaida camps such as Khald or Al Farook?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No, no. I was never trained.

MEMBER: When you met Usama bin Laden. Did you swear allegiance to him or al Qaida?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No. I didn't take the pledge of allegiance to Usama bin Laden. I rejected this subject. The way he does it. I did not support them one hundred percent. Well, I told this to the people when I was tortured.

MEMBER: You mention before that you obtained explosives. Can you explain to the Tribunal how the explosives are related to the fishing industry?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No, it's not related to it. This one subject and the other thing is another subject. Buy and selling weapon in Yemen is a common thing. Rub'i is basically a fisherman. And Rub'i is the one who was in charge of the fishing industry over there. And the fishing project. His father is a very rich man in Yemen. So he wanted me to bring him some explosives to be used in digging wells in Yemen. So I helped him on the subject. But that is isolated from the other thing. But during the investigation they used to ask me a lot about this subject. So they used to ask him. Are you involved in the explosions? I used to say yes. They may have misunderstood what I said. But I have not seen any explosives with the people in Aden. How they were able to obtain the explosives, that's a different subject.

MEMBER: How do you explain how you have so many relationships with business associates in Yemen, Dubai, and Saudi Arabia, who have been involved in some form of terrorism?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): It's a common thing. We are young men. I travel a lot. Pakistan, Saudi Arabia, Chechnya. I used to go to the battle fields. And witness how the fights were taking place. And I met so many people. And many incidents were related to those people. But that doesn't mean that I was involved with them.

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MEMBER: How does, I'm just wondering, how does a fisherman travel to so many countries in the middle east? You said, you been to Yemen, UAE, Saudi Arabia, Dubai, Afghanistan, Pakistan, Chechnya. Who funded these trips? Was it funded from your business?

DETAINEE: I did not go to all those place in one day. Those travels occurred over the period of five years. I travel for about two months then I went back. Then I spent another two months in another location. Then I went back. I was Saudi Arabia as a merchant. I was the youngest millionaire in the world. I was a millionaire when I was even nineteen years old. I was the number one merchant. So I had money and I was traveling. But when I traveled and the incident of the rockets in Saudi Arabia took place. That's the incident that made me leave and never go back. That incident made me go to Afghanistan and look for things. I don't want to go to Saudi Arabia and Yemen and be in prison for twenty years.

MEMBER: Do you.

MEMBER: [Inaudible. Members speaking at the same time.] Sorry. Do you know Khalid Bin Attash? If so, how?

TRANSLATOR: (TRANSLATION OF ABOVE).

TRANSLATOR: Repeat the name? Please.

MEMBER: Do you know Khalad Bin Attash? If so, how?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I met him Afghanistan. He the regular guy who was Jihadist. He was with Usama bin Laden.

MEMBER: Just one more question. Do you consider yourself an enemy combatant against the United States or our coalition partners?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I mean. I don't know. The term enemy combatant is wide. It's a big thing. If you think that anybody who wants the Americans to get out of the Gulf as your enemy, then you will catch about 10 million peoples in Saudi Arabia, that have same opinion. That will mean, that I am one of those people. Why do you interfere in the Gulf with all your weapons? That's my opinion and the opinion of everybody else in the Gulf. The people are asking by force for the people to leave

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their land. I mean if you think that anybody who has this opinion is an enemy combatant, then I don't want to say. But anything other than that. I'm not the enemy of anybody. Why I am I not fighting the Chinese? I don't think of those people as my enemy. Even you, the Americans, I don't consider you as my enemy. You are people like other people; the French, the Chinese. They are all people. All people are equal. All people have the right to live. Nobody has the right to send military to other countries. So when you ask me if I'm an enemy combatant, I don't think of myself as an enemy to anybody. That's a legal right for anybody to express his opinion. And I believe the Americans should leave the area. Leave people, let people live their lives and let them live their future. We do not, we do not have a Saddam. Somebody like Saddam in the Gulf. We need to get rid of people who are like Saddam in the Gulf. And let the people live their lives. Your policy is wrong. You come and support these governments. So the people are very angry at you. I have no idea how you classify us as enemy combatants. I don't understand that. I do not think of myself as an enemy to anybody. I see all people to be equal. Anybody who comes to my land, I will ask them to leave. Why are you coming here with your Army? There are businesses there between countries. And they deal with each other. That's what I mean. So I don't know how you classify people as enemy combatants. How do you classify people as your enemy? And people not your enemy. What do you base that? Do you call anybody who ask you to leave from the Gulf as an enemy combatant? Your enemy. Everybody in the world is telling you to leave. Everybody in the world is asking you to leave. Not only the people in the Gulf. And, I think that is a legal right that the people have. That's what I mean by that.

MEMBER: No more questions

PRESIDENT: Thank you. Member?

MEMBER: Could you clarify your relationship with Al-Owhali?

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: Ah, Mohammad Rashid Daoud Al-Owhali.

DETAINEE

(through translator): Yes. This is the guy who was in Nairobi. This is the guy who was caught in Nairobi. Is this the person you are talking about?

MEMBER: Yes.

DETAINEE

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(through translator): This person I only met in Afghanistan. They said that I met this individual in Yemen and helped him get a passport. They been torturing me for the last five years and they force me to admit to that. I don't know anything. I haven't seen this person. I may have met him accidentally. But I have no relation with this individual. I don't know him. Even his nickname, I have no idea what he was called. And when the bombings in Nairobi and Dara Al Salem took place. I knew that he was involved in those bombing from the media, from the news. Even my cousin, he was also involved in those bombings. And I learned that he was involved. But I didn't know it originally. That's the reason why my name came up with those incidents.

MEMBER: In his testimony he refers to you by the nickname of Bilal. Is that a familiar name to you?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. I had the name Bilal. But there are many other people, other than me who are also name Bilal. But Al-Owhali claims that I help him get a passport. And I have no idea how that thing happened. The problem is I don't even remember him. And I wish I had the chance to speak with and ask him how he claims that. I have no idea where he brought this stuff from.

MEMBER: Were you aware of Usama bin Laden's declaration of war against United States when you first met with him?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Which one are you talking about? Usama bin Laden declaration of war. Which one are you talking about?

MEMBER: I can't remember the specific time. It was around 1993.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I don't remember that. At that time I didn't even know Usama bin Laden. I met Usama bin Laden accidentally in 1996 or 1997 in Afghanistan. I have no relationship with him.

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MEMBER: In your meetings with him were there ever discussions beyond just the one business deal where he said the boat might be used for military purposes. Did you have any other discussions along those lines?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Are you talking about the boat used in the *COLE* bombing? Yes. I had a fishing project in Dubai and fishing project in Yemen. And Usama bin Laden not say anything about a war incident. We took money from Usama bin Laden for fishing incident, for fishing project. Then I left the travel, I left the people and I have no idea what they did afterwards. Even Usama bin Laden didn't know anything about *COLE* bombing. Because, I was in Afghanistan when the explosions took place. And he himself was even surprised because he learned of the incident at midnight. But he benefited from the incident. But he didn't know the details. Obtaining explosives in Yemen is very simple. In two days you can buy weapons in Yemen. Put them on boat and make it explode. So I never talk to Usama bin Laden about this subject. Even about the project in Dubai. Soon after you went into Afghanistan. He told me that we could use this ship in a military incident. And he told there was another individual possibly an Egyptian man. That individual might give you explosives. So I told him yeah, yeah maybe. When I went to Dubai, I ended the whole project. There was nothing.

MEMBER: Did your travels ever take you to Chechnya?

TRANSLATOR: (TRANSLATION OF ABOVE)

DETAINEE

(through translator): Yes. I went to Chechnya. When the incidents began I don't remember exactly what year. Possibly, maybe 1994 or 1995. Right after when the Russian interfered in Chechnya. We went there as part of an Aid Group. Saudi Arabia was a person named Habib. He was the one who established that agency. So we stayed there one winter and, we left. That's what happened.

MEMBER: You said, you had not been to Bosnia. Is that correct?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I have never been to Bosnia. Never.

MEMBER: That's all I have, sir.

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PRESIDENT:     Alright.

PRESIDENT:     When you were with Usama bin Laden in Afghanistan.

TRANSLATOR:    (TRANSLATION OF ABOVE).

PRESIDENT:     Had the war begun at that time?

TRANSLATOR:    (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): What war is that?

PRESIDENT:     When the United States entered into Afghanistan?

TRANSLATOR:    (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): After the *COLE* bombing in nineteen, ninety. I use to go many times from Pakistan to Afghanistan and from Afghanistan to Pakistan. I had a friend named Badr in Pakistan. So we had a fishing project in Pakistan. So when I used to go to Afghanistan sometimes I used to meet Usama bin Laden.

PRESIDENT:     So you had. So you were with him in Afghanistan in late 2001 and into 2002?

TRANSLATOR:    (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): I don't remember exact date. But I remember when the war started. When you went into Afghanistan, when you interfered in Afghanistan. I was in Kabul during that time. And I saw Usama bin Laden during that time.

PRESIDENT:     Were you, ah. Did you have a weapon when you were in Afghanistan?

TRANSLATOR:    (TRANSLATION OF ABOVE).

DETAINEE  
(through translator): In Afghanistan everybody had weapons. I rented house and I was sitting there. I met him there like you meet other people. On that day that's when he told me that he told me we could use the ship. They were planning to use for a fishing project and use it in a military incident. After that I never saw him again. I have no idea were he is. After that I traveled Pakistan, after that I went to Dubai. The project dissolved.

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PRESIDENT: You told us that at a very young age you had the good fortune of being a millionaire.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes I was a merchant. Mecca is a merchant's town. So I was a merchant.

PRESIDENT: Why then would have the need to take so much money from Usama bin Laden?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I was millionaire when I was in Saudi Arabia. As a merchant I use to have a business and use to study at the same time. But since the time somebody smuggled rockets into Saudi Arabia. I left Saudi Arabia. I tried to open a project in Yemen or in Pakistan. That's why I had the opportunity to ask Usama bin Laden to help me and to support me in my project. And he helps all people.

PRESIDENT: Would he give you US currency?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. Dollars.

PRESIDENT: Dollars.

PRESIDENT: Alright.

PRESIDENT: Thank you for your statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

#### CALLING OF WITNESSES

PRESIDENT: We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Detainee, the Personal Representative, the Recorder, and the Tribunal Members.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Does the Recorder have any witnesses to present?

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TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: I note from the Detainee Election Form the Detainee did not request any witnesses or evidence.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Al Nashiri, this concludes the presentation of unclassified information to the Tribunal. We are about to conclude the unclassified portion of the hearing. Do you wish to now make any final statement to the Tribunal?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I have nothing else to say but regarding the witnesses. If you want you can bring the Al-Owhali and I would like to know. How he's, he is able to say what he is claiming? That's the only thing I'm asking. I don't know where he, where he obtained his stuff.

PRESIDENT: I'm going to take the Detainee's statement as a request for a witness at this point. That request is not timely.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If the Tribunal determines it needs additional information.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: We will notify the Detainee and obtain that information.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do you have anything further to say?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Thank you.

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**DETAINEE QUESTION & ANSWER**

PRESIDENT: Does the Personal Representative have any questions for the Detainee based on his statement?

PERSONAL  
REPRESENTATIVE: No, Sir.

PRESIDENT: Does the Recorder have any questions for the Detainee?

RECORDER: No, Sir.

PRESIDENT: Do either of the Tribunal members wish to question the Detainee?

MEMBERS: No, sir. Nothing further, sir.

PRESIDENT: Alright.

**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open tribunal session.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Al Nashiri, you shall be notified of the Tribunal decision upon completion of the review of these proceed by the Combatant Status Review Tribunal convening authority in Washington, D.C.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If, however, the Tribunal determines your classification as an enemy combatant, you may be eligible for an Administrative Review Board hearing at a future date.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its

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coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaeda and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at that Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: A military officer will be assigned at a later date to assist you in the Administrative Review Board process.

TRANSLATOR: (TRANSLATION OF ABOVE).

**ADJOURN OPEN SESSION**

PRESIDENT: The open session of this Tribunal hearing is adjourned.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: The time is 1024 on 14 March 2007.

RECORDER: All Rise.

REPORTER: Off the Record.

[The Tribunal withdrew from the hearing room]

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**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10015.

(b)(6)

(b)(6), CAPT JAGC USN  
Tribunal President

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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10016

OPENING

PRESIDENT: This hearing shall come to order.

RECORDER: This Tribunal is being conducted at 1334 hours on 27 March 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:  
Colonel (b)(6) United States Air Force, President,  
Lieutenant Colonel (b)(6) United States Air Force, Member,  
Lieutenant Commander (b)(6) United States -- Commander  
(b)(6) United States Navy, Member,  
Lieutenant Colonel (b)(6) United States Air Force, Personal Representative,  
Language Analyst<sup>1</sup>, (b)(6)  
Sergeant First Class (b)(6) United States Army, Reporter,  
Lieutenant Colonel (b)(6) United States Army, Recorder,  
Colonel (b)(6) is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All rise.

PRESIDENT: Standby, we'll correct the record on that. Lieutenant Colonel (b)(6) (b)(6) is the Judge Advocate member of this Tribunal. Recorder, you may proceed. All rise. The Recorder will be sworn. Do you, Lieutenant Colonel (b)(6) swear or affirm that you will faithfully perform the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you, Sergeant First Class (b)(6), swear or affirm that you will faithfully discharge your duties as Reporter assigned in this Tribunal so help you God?

REPORTER: I do.

<sup>1</sup> Language Analyst, Translator, and Linguist are used interchangeably

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CONVENING AUTHORITY

PRESIDENT: The Translator will be sworn.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing, so help you God?

LINGUIST: I do.

PRESIDENT: We will take a brief recess while the Detainee is brought into the room.

RECORDER: The time is 1336 hours on March 27<sup>th</sup> 2007. This Tribunal is now in recess [The Tribunal members leave the room.] [The Tribunal members reenter the room at 1341.]

All rise.

PRESIDENT: This hearing will come to order. We may-- we may be seated. Good afternoon. Before we begin, I understand that you speak and understand English, is that correct?

DETAINEE: I have difficulty now-- to speak-- yes. [Also acknowledged by an up and down head movement.] ~~[SCT]~~

PRESIDENT: I understand; we will conduct this hearing in English then. If you do not understand something said here today, I encourage you to ask me for a translation at any time. A Linguist is present for this purpose. Also the Linguist is available to assist you in communicating with us. Also I have been informed that you have some physical health conditions. Before we continue, I want to know if you feel you are able to participate with us today. We will be here for about an hour.

DETAINEE: Yes. [Also acknowledged by an up and down head movement.]

PRESIDENT: Okay, very well. If you need a break or time to take care of yourself in any way, please let me know at any time. This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order dated 12 February 2007. This Tribunal will determine whether ZAYN AL ABIDIN MUHAMMAD HUSAYN meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

<sup>2</sup> Simultaneous Communication Interruption

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**OATH SESSION 2**

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

MEMBERS: I do.

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Personal Representative in this Tribunal, so help you God?

PERSONAL REP: I do.

PRESIDENT: Please be seated.

PRESIDENT: The Recorder, the Reporter and Translator have been previously sworn.

**EXPLANATION OF PROCEEDINGS**

PRESIDENT: ZAYN AL ABIDIN MUHAMMAD HUSAYN, you are hereby advised the following applies during this hearing. You may be present at all open sessions of the Tribunal; however, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence. You may not be compelled to testify at this Tribunal; however, you may testify if you wish to do so. Your testimony can be under oath or unsworn. You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present. You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal. You may examine documents or statements offered into evidence other than classified information. However, certain documents may be partially masked for security reasons. ZAYN AL ABIDIN MUHAMMAD HUSAYN, do you understand this process?

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DETAINEE: I do.  
PRESIDENT: Thank you. Do you have any questions concerning this Tribunal process?  
DETAINEE: No questions.

**PRESENTATION OF UNCLASSIFIED INFORMATION**

PRESIDENT: No, I understand. Personal Representative, please provide the Tribunal with the Detainee Election Form.  
PERSONAL REP: I am handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.  
PRESIDENT: The Detainee Election Form notes that you want to participate in the Tribunal and wants the assistance of the Personal Representative. It also includes some Personal Representative comments regarding meetings and other matters. Thank you.

**RECORDER PRESENTS UNCLASSIFIED**

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.  
RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the Unclassified Summary of the Evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal Representative--Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibit marked as Exhibit R-2. A copy of this Exhibit had previously been provided to the Personal Representative.  
PRESIDENT: Recorder, please read the Unclassified Summary of Evidence for the record. Before you proceed, Recorder, ZAYN ABIDIN, excuse me, ZAYN AL ABIDIN MUHAMMAD HUSAYN let me remind you that ah--not to comment on this unclassified summary at this time. You will be provided an opportunity shortly to provide comments. Recorder, please proceed.  
RECORDER: The following facts support the determination that the Detainee is an enemy combatant: Paragraph a. On 6 April 2001, a federal jury in Los Angeles, California, found Algerian national AHMED RESSAM guilty on nine counts of terrorism and other felony charges for what prosecutors said was his plan to bomb New Year's 2000 celebrations in the United States. RESSAM was arrested in Port Angeles, Washington, on 14 December 1999, after crossing the Canadian-United States border with a car allegedly loaded

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with bomb-making material. Paragraph b. AHMED RESSAM stated he attempted to enter the United States at Port Angeles, Washington, on 14 December 1999, for the purpose of placing an explosive device at the Los Angeles International Airport. RESSAM stated he studied for the operation in April 1998, while training at the Khalden training camp near Khowst, Afghanistan. Trainers at Khalden training camp indicated that viable targets included United States warships, hotels holding conferences of VIPs, barracks of United States military personnel, commercial and economic targets, petroleum targets, and information technology centers. RESSAM stated Khalden training camp was one of many camps operated by the Detainee. Paragraph c. AHMED RESSAM stated the Detainee was the Emir of the Khalden and Deronta training camps in Afghanistan, and did not have to report to anyone above him. The Detainee was an associate of USAMA BIN LADEN, equal to and not subordinate to USAMA BIN LADEN. The Detainee coordinated and cooperated with USAMA BIN LADEN in the conduct of training and trainee movements between their camps, and every Islamic extremist group present at Khalden training camp had a direct relationship with USAMA BIN LADEN. The Detainee corresponded with USAMA BIN LADEN mostly through writing and sending letters. Paragraph d. A Federal Bureau of Investigation source stated the Detainee traveled to Saudi Arabia in 1996 and transported 600,000 United States dollars to USAMA BIN LADEN. The source transported 30,000 to 35,000 United States dollars on eight occasions within and between Afghanistan and Pakistan for the Detainee. Paragraph e. AHMED RESSAM stated the Detainee was the facilitator of terrorist attack operations and that the Detainee knew about RESSAM's operation, although not specifically the date and exact target. Paragraph f. The Detainee made a diary entry in 2000 in which he described plans against America consisting of explosions and the burning of cities and farms. Paragraph g. AHMED RESSAM stated the Detainee wrote a letter in 1998 authorizing RESSAM to take explosives manufacturing training at the Deronta training camp in Afghanistan. Paragraph h. AHMED RESSAM stated that in December 1998 the Detainee wanted RESSAM to acquire fraudulently-obtained Canadian passports in order for the Detainee and a team of five other individuals to enter the United States to possibly bomb several cities. Paragraph i. The Detainee made a diary entry in 2001 in which he stated within days of the attacks of eleven of 11 September 2001 he was preparing for counter-attacks. The Detainee stated he was working within a military and security plan that USAMA BIN LADEN devised in anticipation of an American military action by buying and storing weapons and arming individuals as well as preparing defensive lines and planning ambushes. Paragraph j. The Detainee made a diary entry in 2002 in which he stated he would wage war against the United States. The Detainee stated he would use several dimensions such as instigating racial wars, timed

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explosive attacks, attacking gas stations and fuel trucks, and starting timed fires. Paragraph k. The Detainee was captured on 28 March 2002 during a raid of a safe house. Gunfire was exchanged during the raid and the Detainee received gunshot wounds. Sir, this concludes the summary of [un]classified evidence.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

PERSONAL REP: Yes, Sir. I am handing the Tribunal the following unclassified exhibits marked as Exhibits D-b through D-d.

PRESIDENT: Very well. At this point in the Tribunal I'd like to address some other requests for evidence that you had made previously. On February 22<sup>nd</sup>, I was informed by your Personal Representative that you requested the production of three documents. The first document was a draft two-page article you wrote to educate Mujahideen and set forth a doctrine of defensive jihad as opposed to conducting offensive jihad. From the evidence request that I received, you believe the article would support your position that your actions were defensive in nature and not hostile acts against the United States or its coalition partners. I found the evidence requested not relevant to the issues regarding your capture and combatant status. Specifically, the definition of an enemy combatant does not distinguish between offensive or defensive actions. The definition states, in part, that an enemy combatant was part of or supporting Taliban or al Qaida forces, or associated forces. What role, offensive or defensive, the individual had in the force is not relevant. Only the fact that the person was a part of the enemy force is relevant. Therefore I have denied your request for this draft article. Your second document requested was an email you sent to SHEIKH ALI AL KHOUDEIR, an Islamic Scholar. The email asked if the September 11<sup>th</sup> strike on the United--excuse me, on the World Trade Center was correct or permissible. From the evidence request that I received, you believe this email will indicate that you do not believe it is permissible to kill innocent civilians for jihad. I found this evidence request also not relevant to the issues regarding your capture and combatant status. Again, the definition of an enemy combatant used by the Tribunal does not take into account the individual's personal beliefs regarding valid or invalid targets. The Tribunal will determine, from the evidence provided, if you were part of or supporting specific forces that are engaged in hostilities against the United States or its coalition partners. If you were a part of or supported this enemy force, your personal belief as to which targets the enemy force attacks is not relevant to our determination of your status. Therefore, I have denied your request for this email. Your third and final request of evidence was your personal diary. From the evidence

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request I received, again, from your Personal Representative, you believe the statements in the Summary of Evidence document that you provided that -- excuse me, that you were provided are a misrepresentation of what you actually wrote in your diary. I reviewed the Summary of Evidence document and noted that there were at least three items listed which specifically cited your diary as the source of the information. Each of these items referenced operational plans and actions which were associated with enemy forces of particular interest to this Tribunal. It would be helpful to the Tribunal to review the source document of these statements and hear your representation of what you wrote in your diary. I therefore found your diary request relevant. On February 22<sup>nd</sup>, I ordered the production of your diary. As of today, the government has produced portions of your diary. These have been provided to your Personal Representative to prepare for the Tribunal's hearing today. I understand your statements provided today or the evidence previously provided will refer and provide us some of those diary entries for us to consider. I do need to address one additional matter regarding your diary. There are two additional relevant volumes of your diary in U.S. Government custody: volumes five and six. The government has made a diligent effort to produce those volumes for us today but--; however, they have not been located. So they are not available for us during this hearing. I therefore find that the volumes five and six are not available. Given this situation, the Tribunal will consider your statements if you wish to make any, of what you believe the diary entries represent. Since the original diary text is not available to benefit us here today, the Tribunal will consider weighing evidence related to your diary accordingly. Those are my rulings on the requested evidence. Does the Recorder have any other unclassified evidence to present?

RECORDER: Mister President, I have no further unclassified evidence for the Tribunal, but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

PRESIDENT: Recorder, your request for a closed session is granted and will be taken in due course.

RECORDER: Sir, I have a point of order.

PRESIDENT: Please.

RECORDER: I would also like to note that the Personal Representative has provided me copies of the Detainee exhibits and I have reviewed them prior to this Tribunal.

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PRESIDENT: Very well. And that's understood. We will now take a short recess-- excuse me, a short break in session here while the Tribunal members familiarize themselves with the unclassified evidence that was recently provided to us. [approximately a five minute pause] Very well, we have familiarized ourselves with the evidence provided to us so far. ZAYN AL ABIDIN MUHAMMAD HUSAYN, you may now make an oral statement to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to make an oral statement to this Tribunal?

LINGUIST: What did he say? [Detainee asked via the Language Analyst]

PRESIDENT: Does he wish to make an oral statement at this time?

DETAINEE: Yes.

PERSONAL REP: Mister President, and correct me if I'm wrong, the Detainee has requested that I, as his Personal Representative, read his oral statement, which I have submitted as an exhibit on the Detainee's behalf. Correct? [Confirming with Detainee.]

PRESIDENT: And if that's okay with you, Detainee, we will proceed in that manner.

DETAINEE: Yes. [Also acknowledged by an up and down head movement.]

PRESIDENT: And you nodded in the affirmative, that's correct. I understand from the Detainee Election Form that you wish to make your statement under oath. Is that correct?

DETAINEE: [Acknowledged by an up and down head movement.]

PRESIDENT: Again, nodding in the affirmative. In that case, Recorder please administer the oath to the Detainee.

**Form of Oath for a Muslim**

RECORDER: Please repeat after me, In the Name of Allah, the Most Compassionate, the Most Merciful, I, ZAYN AL ABIDIN MUHAMMAD HUSAYN, swear by almighty God that my testimony before this Tribunal will be the truth.

LINGUIST: [Translated in entirety to Detainee and Detainee repeated oath]

PRESIDENT: Thank you. Personal Representative, you may proceed with the Detainee's statement.

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**BEGIN DETAINEE ORAL STATEMENT**

PERSONAL REP: The Detainee responds to the following subparagraphs from the Unclassified Summary of Evidence with the following key points and with the understanding that he may interject or add to what I say, to correct what I say: Subparagraph 3-b. "Here I would like to add some additional context for the Tribunal's consideration regarding the Khalden training camp and what I had to do with this camp. To begin with, the Khalden camp has been around since back when Russia was considered our enemy due to their invasion of Afghanistan. The mission of this training camp was for the purpose of training Muslim brothers for defensive jihad. Defensive jihad means that if an aggressor or invader invades Muslim lands, no matter where, then it is every Muslim's duty to defend the land against the invader. For example, Russia against Afghanistan and Serbia against Bosnia. In the case of Serbia against Bosnia, America helped us which I was thankful for, but we did not like being in the position of needing America's help due to our feelings toward America due to their support for Israel. Another example of defending jihad is Russia against Chechnya and, of course, Israel against Palestine. I became affiliated with this training camp as a Coordinator in about 1994 and all this time, as well as in times prior to 1994, our doctrine was to train against the sort of enemy invaders I spoke of a moment ago. Please note that all this time I never once visited the camp. I did my job as a Coordinator out of Pakistan for the camp. Our doctrine was not to train against those who did not invade Muslim lands. Our doctrine was not the same as what USAMA BIN LADEN and al Qaida were promoting, which was and is a doctrine of offensive jihad. Our doctrine has always been to go after enemy targets, and by that I mean military targets, which include military members or civilians who work for or directly support the military. I disagreed with the al Qaida philosophy of targeting innocent civilians like those in the World Trade Center. In fact, I sent an email to the Islamic Scholars after 9/11, asking them to clarify if killing such non-military people as those in the World Trade Center and in the airplanes was permissible. If it was not allowed, I would confront USAMA BIN LADEN and al Qaida about this. The point of all this is that when RESSAM stated about specific types of targets is inaccurate in the sense that while some of the training manuals we used to learn about targeting did specify types of targets, we did not train for any specific targets there. Also, these training manuals were military manuals from America, Russia and other countries. My last point about 3-b is that from about 1994 to about 2000, I was posted to a guest house in Peshawar, Pakistan and one in Islamabad, Pakistan as the leader or Emir of this guest house. I was not the head of the training camp. Here at these guest houses my job was to facilitate the logistics of the brothers coming from their countries en route only to Khalden, not other camps. And after they returned from Khalden,

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my job was to send them to wherever they wanted to go, especially Chechnya and Bosnia. But some of the returning brothers just wanted to go back to their normal lives, which I also facilitated. Besides this responsibility, I would also send money to the Khalden camp. But, I knew nothing about the details of the actual training at the camp. Lastly, I want to say a few things about who I would and would not facilitate training for through my guest houses. There are three categories of Muslims that would come to us: Fundamentalist, Extremist, and Fanatical. I was always very selective about not working with the Fanatical Muslims that wanted training, such as the Algerians of the Armed Jamaat Islamia. In fact, the Armed Jamaat Islamia threatened my life because I refused to work with them. This is not to say that fanatics or takfiri-- takfiri did not deceive me in order to get training, but that I could not have been aware of and I would not have knowingly supported that." Subparagraph 3-c. "As I previously mentioned, I was not the Emir of the Khalden training camp. I was a Coordinator at two guest houses in Pakistan in charge of some logistical matters of getting Muslim brothers to Khalden. SALAH AL LIBI, IBN SHEIKH AL LIBI was the Emir of Khalden and Deronta training camps. It's true. I did not have to report to anyone above me, but AL LIBI and I agreed in 1997 not to accept the fanatical Algerians into Khalden. The statement that I was an associate of USAMA BIN LADEN is false. I only met him in the year 2000. I'm not his partner and I'm not a member of al Qaida. BIN LADEN wanted al Qaida to have control of Khalden, but we refused since we had different ideas. I only started relationships with the extremist groups after 2000, such as al-Jamaat Islamia of Egypt, not Algeria and Jamaat al-Jihad. I never corresponded with USAMA BIN LADEN before 2000. After 2000, I visited USAMA BIN LADEN to ask for help to re-open Khalden." Subparagraph 3-d. "This is not true. At this time, I was in Pakistan, as my diary shows. Also, I did not transport this money." Subparagraph 3-c. "There is nothing in this paragraph that gives a date, time, and location of the operations, so how can I be a facilitator on something so non-specific? In my jobs, I was a facilitator for all Muslim brothers I worked with. And with and for many things, but RESSAM's statement has no specifics for me to respond to." Subparagraph 3-f. "Here, the writing in my diary about plans against America were strictly hypothetical--they were not plans that I intended to execute against non-military targets in America or anywhere else. And even with the military targets, these were only ideas." Subparagraph 3-g. "I submitted to AL LIBI the request for AHMED RESSAM's training, but the decision to send him was not mine." Subparagraph 3-h. Yes, excuse me, subparagraph 3-h. "Yes, I requested AHMED RESSAM to get passports, but not fake ones. I wanted five real Canadian passports to be used for personal matters, not terrorist-related activities. Also, the passports were not for America; they were for Canada and other countries for people other than RESSAM."

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Subparagraph 3-i. "Again, these are in reference to ideas only, and not specifically relating to America, as my diary would show. After 9/11, I worked with al Qaida in Afghanistan. USAMA BIN LADEN wanted ABU KHEIR to be responsible for three cities in Afghanistan. ABU sub-divided these cities, and he made SALAH AL LIBI responsible for Khowst. SALAH wanted me to be his deputy. I refused because I had no memory and limited experience, as I referenced in my diary. But I volunteered to be a soldier. So, I left for Kabul and then Kandahar, as I put in my diary." Subparagraph 3-j. "These were hypothetical ideas based on what I knew about how past wars have been fought. For example, World War II. In World War II, the Allies pit Shia against Sunni for their advantage, and I wrote about this sort of thing in my diary. But I never believed in killing civilians." Subparagraph 3-k. "When our house was raided, we had no guns, so all we could do was fight with our hands. One of us had a knife, and he got killed. So, the statement that gunfire was exchanged was incorrect. The gunfire only came from the soldiers who attacked our house." Mister President, that concludes the Detainee's oral statement in response to the unclassified Summary of Evidence. With your permission I would like to read the cover letter regarding the diary. Volume four specifically as it relates to paragraph 3-d in the unclassified Summary of Evidence.

PRESIDENT: Before you do, I would like to ask the Detainee if he has anything to add to the statement that you read earlier.

DETAINEE: [Shook his head in a side to side motion to indicate a negative.]

PRESIDENT: And that was a negative; shaking the head. I understand. You may proceed, Personal Representative.

PERSONAL REP: Memorandum for the President and Members of Combatant Status Review Tribunal for ISN 10016. Subject: Exhibit D-c, Part 1 of 3, Review of ISN 10016's Personal Diary, Volume 4. Paragraph 1. On 16 February 2007, ISN 10016 herein referred to as "the Detainee" asked that I submit the Detainee's personal diary to the President and Members of this Combatant Status Review Tribunal as an exhibit for the Detainee to help corroborate his Oral Statement Exhibit D-b before the Tribunal Members. Paragraph 2. Volumes 1, 2, and 4 of the diary were reasonably available in support of the Detainee's request. Upon careful review of these four volumes by two U.S. Government Language Analysts and subsequently my personal consultation with these two Analysts, I hereby submit to the Tribunal the following conclusions: Of Volumes 1, 2, and 4, only Volume 4 pertains to the Detainee's Oral Statement in response to Sub-Paragraph 3-d of the unclassified Summary of Evidence, Exhibit R-1. Paragraph 2 b. Volume 4

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contains entries which suggest that, from 1 January 1996 through 15 August 1996 the Detainee spent time in Karachi and Peshawar, Pakistan. Within these entries and, indeed, throughout Volume 4, the Detainee makes no reference to traveling to Saudi Arabia and transporting 600,000 United States dollars to Usama bin Laden, nor does he make reference to having anyone transport 30,000 to 35,000 United States dollars on the Detainee's behalf. Part 2 of Exhibit D-c is attached to Exhibit D-c and that is the Detainee's volume 4 diary pages, which specifically state the Detainee's location and date he was at, during that time. And then part 3 of Exhibit D-c is also attached and it consists of the English translations of those specific Volume 4 entries, which identify dates and specific locations of the Detainee.

PRESIDENT: Personal Representative, just to clarify, part two is a copy of the Arabic version of the diary, just for our records.

PERSONAL REP: Yes, Sir. That is correct.

PRESIDENT: And part three is the translation provided by the Translator on record?

PERSONAL REP: Yes, Sir. That is correct.

PRESIDENT: Very well. Personal Representative, did you intend to read part three of your input? ~~(S)~~

PERSONAL REP: No, Sir.

PRESIDENT: We have that available and we will familiarize ourselves with those entries right now.

PERSONAL REP: Yes, Sir.

PRESIDENT: The Tribunal will take a little time to review your previous statement with regards to the Summary of Unclassified Evidence so we can put it all together for us here at this time. [After a several minute pause.] ZAYN AL ABIDIN MUHAMMAD HUSAYN, it was a very complete statement regarding all parts of your unclassified Summary of Evidence. Thank you, we just needed time to review that carefully. We now proceed to a portion of the script where we will ask questions, starting with the Personal Representative.

#### DETAINEE QUESTION & ANSWER

PRESIDENT: Do you have any comments to provide?

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PERSONAL REP: No, Sir. Mister President, I would like to request that the Tribunal Members be patient given the Detainee's difficulty with speaking. Please be patient to any responses he may have to your questions.

PRESIDENT: We appreciate that very much and we will take our time. Again, if anyone needs a comfort break, please let me know; we'd like to proceed. Recorder, do you have any questions for the Detainee?

RECORDER: No, Sir.

PRESIDENT: And I believe the Tribunal Panel Members do have a few questions they would like to ask.

MEMBER: One question. In your statement you said that you contacted USAMA BIN LADEN after 2000 to reopen Khalden camp. Was that after 9/11 2001 that you contacted him?

DETAINEE: I first meet with BIN LADEN it is before Cole.

MEMBER: Before Cole. [SCU]

DETAINEE: Yes, 2000. Maybe month eight-- eighth month; it is, of course, before 11 September.

PRESIDENT: I would like to ask a follow-up question. Why was the camp closed?

DETAINEE: Bin Laden try to close all camps to make all Arabs or all Muslims came through his camp; my camp, it was more famous. Our more people, more Mujahideen came to my side. Bin Laden he wants them to came his side - to put his idea. We do not give any idea, only please take training and use it in place it's appropriate in Islam. That time it was Chechnya; before it was Bosnia. That another places in Kashmir any place we tried to save Muslim land from attacking, BIN LADEN have different idea. So he not request; he I do not know the truth exactly. But it is order from Taliban against our camp to close our camp. We tried; Taliban refuse. They say, no, only BIN LADEN camp stay; another camp not allowed. When I visit Bin Laden, I request him to help me because he have nice relation with Taliban. With me, I don't know any Taliban. All my time in Peshawar or Islamabad I surprised he tell me, "It's good to close your camp to make all Mujahideen in one camp and one idea, one Emir." I understand it is his order, his idea, so he refused to help, to close, to reopen my camp.

PRESIDENT: Okay, thank you.

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MEMBER: You said in your statement that the Khalden camp has been around since back when Russia was considered your enemy. Who is the enemy now that the trainees at the Khalden camp are training operations against?

DETAINEE: When we give training order, brothers in our camp. We not put specific opinion this is the method to affect the enemies first. So any person want to go or to join jihad in Russia, Chechnya, or another place that Kashmir or Philippine, also, we not one specific enemy. And BIN LADEN come. He say enemy is America. We should how to-- second thing in our camp. We different all method after we tell him but this allowed in Islam, this not allowed in Islam; same killing the civilians, killing the old mens or womens; not allowed to kill the woman's child the [via Linguist ] clergyman any. All this not allowed to kill them during our jihad. And then BIN LADEN comes in some circumstance. It's no problem because the enemy not care. Why shall I, why shall we care-- clear-- clear in English?

PRESIDENT: I understand.

DETAINEE: In our camp. But truth is not all of us have this idea. This is [via Linguist]

LINGUIST: This is the basis of our camp.

DETAINEE: But it because some people take the training and use it

LINGUIST: In his way of understanding jihad.

DETAINEE: We not control completely.

LINGUIST: The trainees.

DETAINEE: Because we take train and leave; we not give order do this, do not do this, our camp.

MEMBER: In your response to subparagraph 3-f, you said that you had ideas only in your diary. Like if you believe only in attacking military targets, why were your plans to include the burning of farms which-- and cities-- which would include innocent people and non-military targets?

DETAINEE: Which number, which number? [asking the Language Analyst]

PRESIDENT: Paragraph 3-f is what we are referring to.

LINGUIST: Which paragraph?

MEMBER: 3-f. [Personal Representative and Member both speaking.] [SCI]

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PERSONAL REP: Can I go ahead and read paragraph 3-f? [Detainee, Language Analyst speaking at same time]

PRESIDENT: And for the Translator, please read in Arabic, paragraph 3-f. In English it is, the Detainee made a diary entry in 2000 in which it described plans against America consisting of explosions and the burning of cities and farms.

LINGUIST: He had it all not in order, I'm just finding it.

PRESIDENT: Please take your time.

DETAINEE: Shall I respond?

PRESIDENT: Please.

DETAINEE: I-- we talk about farm here. [Speaking with Language Analyst.]

PRESIDENT: Well, in your statement regarding 3-f, you said, "here the writing in my diary about plans against America were strictly hypothetical. They were not plans that I intended to execute against non-military targets in America or anywhere else. And even with military targets, these were only ideas."

DETAINEE: I can't remember exactly what you talk about in my diary. I know exactly what I wrote.-- writ wrote [asks for correction from Linguist] --One part I do remember, I write against eleven September. I talk for USAMA BIN LADEN as I talk-- is it for BIN LADEN or with BIN LADEN? [asking Language Analyst] [SCI] BIN LADEN. I told him, if it's only war-- he wants to make only war, you have too many avenues to pursue. It is eleven September operation; it is big operation. It is not war. Complete war if you not care about what is not allowed in Islam or what is not allowed; you can't make real war affect America more. One of this is killing people in the market and [via linguist] start a war race.

PRESIDENT: A race war; okay.

DETAINEE: Make poison and all this we study it, even in our camp, how to make war but what allowed or not allowed, this is what makes a difference between Mujahideen or only Army person. Army person, he want to win the war only; for us, no. We should make fight by religion method. So BIN LADEN, what he do on 11 September, he said, make these people an-- and make ordinary war. So all what I write how to affect America, and I not talk about America only. I talk Russia, Israel, India and there is a lot of method we can use, choice, but because we are Mujahideen we make our choice. It's big; it becomes small--small, small and BIN LADEN, because the truth another Mujahideen, it is reaction of what the enemy do against us in our

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country. They killing of our child so we not care to killing their child; it's not allowed in Islam. I have it exactly, if you read my diary nice, you will understand my idea nice. Sorry to say this in front of you, as lady, and you also gentlemen. Even Bosnia time what is happen raping a lot of women. Some brothers Mujahideen they don't know complete knowledge of jihad or Islam. He like to die sake in the sake of Allah the God but because he don't know the knowledge he see or saw Serbian raping the Bosnians women so he is angry reaction; he want to rape the Serbian woman because he is angry. It's not allowed in Islam [Asking Linguist for clarification]

LINGUIST: What is the fault or the accusation against this woman?

DETAINEE: So only reaction. So that is what I wrote here. If we have too much chance, if we are fighters, only army people. If we are Mujahideen, we should choose. So it is kind of I cannot talk to the brothers to tell them BIN LADEN he is make mistake because me myself I should ask scholars this allowed or not allowed. So I am talking or I was writing for myself the idea it is like this, if you understand me.

PRESIDENT: And I'll point out that I believe that volume of the diary is not available for us to see it in the context that you wrote it, so I understand what you provided to us in the statement is your representation of what it would tell us if we had it here today.

MEMBER: In the unclassified summary, it says you coordinated and cooperated with USAMA BIN LADEN. As a coordinator, did you help facilitate the transfer of fighters between the camps for training to support USAMA BIN LADEN?

DETAINEE: What, what? About what RESSAM say, no. RESSAM, he is only student [Via Linguist], a trainee. He don't know the big picture. He came; I sent to the camp; he returned from the camp, he think I am big relations and controls all camps. I only have control in my own camp, and we not make this change between anybody of our trainers. They want to join BIN LADEN, we will not give him, we will not tell him good or bad. We are same kind of supermarket; he came to take training and he leave. We give him knowledge as we can-- please be careful; the blood of the human, any human, it is not cheap but if he want to kill you--you, you have right to save yourself, your family, your country. Or help another countries in this circumstance--Chechnya that time. Excuse me, small point about RESSAM. He joined our camp. He take the training after he joined the Algerians. The Algerians, they are not the Algerians fanatical group, another small group, but they are also having more; they are a little extreme. We look at ourself as a fundamentalist. And to other people we are little

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extreme. We call them extreme. More the fanatic, the fanatic they are too bad. Same as what happen in Algeria. He leave our camp and he joined this group and they put in his mind more ideas because he, by himself, he is ordinary Muslim--not a scholar, not have any too much knowledge. He have ideas to make problems against Jew in Canada. I tell him if they are helping Israel, I told him this is good war. But if only Jew it is not our headache. It is between him and God. But helping Israel to killing our people and--and--and this good chance this is I do and I-- I admit, yes, I talked with him after he make another operation or ideas against America and another thing, it's too far - about what we talk about.

- MEMBER: In your statement you said you started relationships with extremist groups after 2000. Was that as a Coordinator?
- DETAINEE: No. Only all that time I was in Peshawar or Islamabad in secret life because the agencies, police, they would try to catch me or stop our jihad. So I didn't meet anybody, only anybody want to study in my camp. When they closed my camp, I entered Afghanistan after since 1993 to 2000. Yes, 2000. All the time I was in Peshawar I did not meet anybody from this group when I entered I metted them only ordinary relations, not helping, not work, nothing. Only as brothers only [Via Linguist] Not the supporters or the helpers. Even with BIN LADEN, another group, they are big Mujahideen I like-- it is my pleasure to meet them, know of them That is it. All my work is for my own Khalden camp.
- MEMBER: So am I understanding correctly that the relationship with the extremist groups was to allow them to obtain training at the camps?
- DETAINEE: No.
- MEMBER: At that particular one-- particular camp?
- DETAINEE: No, it isn't my camp. At that time it was closed. But only it is--
- LINGUIST: I only had social relations with them.
- DETAINEE: Because I not met them. All the time I hear about them, they hear about me.
- MEMBER: The unclassified summary states that RESSAM stated that you wanted to acquire passports in order to bomb several cities. And you stated it was for personal matters. Can you explain what you meant by personal matters?
- DETAINEE: Yes. Since we joined jihad against the Communist, at least in my time, the Russians came, they leave Kabul Afghanistan, so there was only the Afghanian Communists, at least in my time. But we was in the vision of

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Pakistanians, even Americans, or Saudi Arabia, or Arab countries; they look for us as heroes. Of course, we not care; we do it for God. But after Russia leave, Pakistan and Communist even by them self they leave. The Pakistanian start tell us leave that country. Most of us, we can't leave Pakistan because if we return for our country, they will hang us as a terrorist. That idea, we not have any big idea in terrorist. We came to help Afghans. So we became between the government of Pakistan and our government. We can't sit; we can't leave. So we start, start, tried to leave Pakistan to Europe to be refugee or go to work, ordinary work. Because of this, we start having no passport. We can't contact our Embassies so when we decide to married, we want to married. We start with a time we have child; we can't have any paper for our child. It was a big problem for us. Most of brothers say we can't go to school. We can't, we can't--we start work in fake passport. At that time, RESSAM, I request him passport, I was famous. I was me, myself, a big market for fake passport. I can send anybody to any place; it is easy. So this is my work. I am not shy from it, but RESSAM and other brothers in Africa, the Gulf, and Britain, French. I request please, I need real passports. The fake passport, it will take time. After, I can't renew it. I can't put my son in the any school, even Pakistani school. I should change and we can't make any business. We can't travel for ordinary traveling because it is not one case, two case most of Mujahideen. About me, I was responsible about Khalden. So I think brothers, they are working inside Khalden. My work to send them money so then anybody wants married, I tell them, why you not married? You start to become old; you not have any children. They say, "This is problem where do I put my child? In which embassy? Which passport?" I start thinking about this practically so it was since 95 or 6 or 7 I try to make real passport. It is not real, real. There is some hush money but in the last it become real I saw three four brothers they have this in Britain and French and RESSAM, by himself, he have this kind of fake passport and he contact the embassy by themselves. They cannot discover it is fake passport so he can renew it. I tell him please I need five for my instructor brothers in my camp. It is my work to give them money--anything. Then it is my work to make this thing for myself and for them. Myself I want to marry but what will happen to my child or even my wife if she wants to travel to her country? Or so I tell him please, I need this real passport, same what you have. I think may you have idea about this kind of passport RESSAM have. He contact the embassy; the embassy by them self they can't discover it is fake. The fake what I have is change the photo. This is easy, but I can't--can't renew it. That one he have, it is very well. So I try Canada, Britain, French, Africa, some three, four, Arab countries, but 'til the last I not succeed because it is chance once in the three four years because it is too difficult. So this, the passport I need. If I want to make operation best passport it is the fake passport not the real one.

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MEMBER: You said in your statement that after 9/11 you worked with al Qaida in Afghanistan; what did you do to support al Qaida after 9/11?

DETAINEE: After 11 excuse me, before 11 September, my camp and another small-- small camp, we was angry from al Qaida because order of BIN LADEN to close their camps. After eleven September, the big groups they was angry from BIN LADEN why you not tell us about this big operation? At least give us a chance to adjust ourself, but we have idea is that if the enemy came to attack us, it is not good to make different between us. Then you should united 'till we kick the enemy after we will return for our problems. So after eleven September, we know America or another countries. Even the north people in Afghanistan near Pakistan too-- they will attack Afghanistan. It is not good to make between us problem. Me myself, I was angry from BIN LADEN but it is not good appropriate time. We or most brothers, groups they don't have money same as al Qaida operations-- sorry experience, experience in the war. So everybody, we were ready. What you want us to do in Afghanistan, oh BIN LADEN? He say, "we will send our experience people to save the cities." Some group in Jalalabad, maybe you know the name, and in Khowst because our camp it was in Khowst City and another group. They or BIN LADEN or his deputy in the truth, he request BIN EL-SHEIKH SALAH, the Emir of my camp. We want you to care about Khowst, your Emir, your boss or responsible from al Qaida. one person his name ABU AL KHEIR as we mentioned. You will be responsible about the groups. When I found my Emir join al-Qaida, it is not join mean makes bayat [via the Language Analyst: he pledged Allegiance] no he did not, [via Language Analyst: yeah, he pledged Allegiance --[SCI]-- my Emir did not pledge Allegiance, that's what he's saying]. He worked with al Qaida so when I found my Emir he will work, I don't know anybody in Afghanistan--only the Emir or the responsible of my camp. I found him, he join, then I tell him OK, what you want us to do. You want me to be this one person from al-Qaida, and this is my camp Emir, and they want me to be the deputy of my Emir. I told them, I have no any experience in even how to open Kalashnikov very well. All my time in Afghanistan and Pakistan, I know how to make fake passport. Escaping anything, it is easy for me in the cities, but in the front lines or how to use this Russian gun machines since I lost my memory, I have problem to work with how you want me to be responsible about if something any work in Pakistan in the cities, I spent a lot of years-- I know how to do. But in the cities, mountains, this front lines since I lost my memory, I not have chance to re-study again. Quickly I became responsible, responsible responsible, and stop any new knowledge about gun machines. For this I tell him sorry and I leave. ABU AL KHEIR, al Qaida person, he said this order of BIN LADEN. I tell him I am not al Qaida, to give me order. I like him, I respect him, but there is no order to give me. Because it is not make sense, I will make the brothers in

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the bad circumstances because I do not know simply the truth if I know I will do my best.

MEMBER: So instead of being a deputy, you volunteered to be a soldier?

DETAINEE: Yes, I am ready to be a soldier, but they refused. They say no, at least because you have big name. I say ok, I have big name in different case not in this case. But even this, I not do it. I think best to help, to bring money. I know how to raise money so there is a lot of brothers they have bad circumstance. Al-Qaida they have money they know how to help their people. So I like to help the another brothers whose not join any groups and they have bad circumstance of money and their families child in Peshawar or in Afghanistan. It is one of my work to help them. So I decide to return to Pakistan or travel to Iran to try raise more money to help this people whose nobody care about them. Al-QAEDA they will care about money and front lines and these things all their groups, their people. And I mentioned this even by details, day by day in my diary, but you guys had it. Is my English, it's clear? Can you understand me?

PRESIDENT: I believe we do understand your statement. Thank you.

MEMBER: I just have one more question about the safe house that was raided. It says in the unclassified summary that you were captured during the raid of a safe house. What was that safe house used for?

DETAINEE: Only we are escaping from we leave Afghanistan. It was only you are Arabs or look Mujahideen in Pakistan, its big problem for you. Especially those they not have passports, fake or real. So we are saving our self because Pakistanian and Americans and another group they try to catch anybody came from Afghanistan. So we are tried to save our self 'til this problem came down, yes [confirmed with Linguist]. It's not from place, it is maybe the third or fourth house in maybe two months we change. We change 'till we found maybe we travel to Iran or any safe place 'till we found house again because it was bad circumstance from security.

PRESIDENT: And from your statement, the only weapon you had in this house was knives?

DETAINEE: From kitchen; one of the brothers after we start by our hand.

PRESIDENT: That's the question that I had. In your statement we were talking about it earlier, I would just like to clarify if I could. This is again referring to what was in the diary. After 9/11 that you had worked with al Qaida in Afghanistan, we understand from your earlier statements that you weren't able to actually be a soldier because you couldn't remember how to work a

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weapon. So your statement is a little confusing. You said you volunteered to be a soldier, but from your previous discussion, am I led to believe that you could provide other services, such as raising money, forging passports, those were considering support to the forces in Afghanistan as they defended themselves from the Northern Alliance or American forces after 9/11? Is that correct?

DETAINEE: As I told you, God willing, you hear from this gentleman about what I did. Yes, I not try to cheat you or to safe to escape from something I do or done. I don't know grammar in English. There is I tried to raise money to help the brothers. It is they are not al Qaida, not Taliban; these people, they know how to help themselves. I try to help the brothers whose they are nobody care about them. I will and this is the same as my work from beginning. Maybe I will take them out of Afghanistan and yes I do, and make fake passport for them to take. I don't want them to be in the jail because something BIN LADEN do and he's maybe new brothers he didn't do anything about the real jihad. Yes it's one of my thing I was describe to you to give money, passport, safe houses for any brothers who he have had anybody to care about. And these people they are not group; they are members. If this you mean about this, yes, members, members of mujahideen, none al Qaida none, Taliban, even may most of them none Khalden brothers; they are new brothers, they are in bad circumstance; nobody care about them. It is my work to care about them.

PRESIDENT: Thank you; any other questions from the Tribunal panel?

MEMBERS: No, Sir; no, Sir.

PRESIDENT: Thank you for your statement. We'll now continue with the proceedings and other matters.

#### CALLING OF WITNESSES

PRESIDENT: We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Detainee, Personal Representative, the Recorder, and the Tribunal Members. Does the Recorder have any witnesses to present?

RECORDER: No, Sir.

PRESIDENT: And I noticed from the Detainee Election Form that the Detainee has not requested any witnesses today.

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**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: ZAYN AL ABIDIN MUHAMMAD HUSAYN, this concludes the presentation of the unclassified information for the Tribunal. We are about to conclude the unclassified portion of this hearing. I understand that you have a final statement that you would like us to receive at this time. And again I believe, the Personal Representative will be reading that statement on your behalf. Is that correct Personal Representative?

PERSONAL RFP: That is correct, Sir. Again, with the understanding that the Detainee may interject or add to what I say to correct what I say.

PRESIDENT: Very well. You may proceed.

PERSONAL REP: "In the name of God the Merciful. Mr. President and Members of the Tribunal, I would have liked to have spoken to you today on my own, but I have been having seizures lately which have temporarily affected my ability to speak and write without difficulty. Therefore, I asked my Personal Representative to speak on my behalf. I hope from you justice, and I know that is what you seek. Do not make the mistake the CIA has made when they first arrested me on 28 March 2002. After months of suffering and torture, physically and mentally, they did not care about my injuries that they inflicted to my eye, to my stomach, to my bladder, and my left thigh and my reproductive organs. They didn't care that I almost died from these injuries. Doctors told me that I nearly died four times. Then they transferred me to a secret location. They transferred me in a way that a normal, ordinary person would be embarrassed to be treated. They even prevented me from going to the bathroom at least five times, and sometimes I was deprived from being able to go to the bathroom for 24 to 36 hours when we traveled. This caused me to have chronic constipation to this day, where now I can only defecate about once a week or two weeks. They did this to me because they thought I was the number three leader in al Qaida and a partner to USAMA BIN LADEN, as is mentioned in the unclassified Summary of Evidence against me. After a few months went by, during which I almost lost my mind and my life, they made sure I didn't die. Therefore, year after year, I am losing my masculinity. Even my beard is falling out, not from injuries but from the lack of treatment. The CIA discovered after all of this that I am not USAMA BIN LADEN's partner, and that I am not number three in al Qaida, and that I'm not even in al Qaida. After that, all they said to me was, "Sorry, we made a big mistake." After this, I started feeling the symptoms of my 1992 injury to my head, including the complete loss of my memory and an inability to speak, read, or write. But, these abilities slowly came back to me although I still have shrapnel in my head. Also, another form of torture was when they-- when

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they-- excuse me, I'll repeat this sentence. Also, another form of torture was when they wouldn't give me my diary, which caused me to have nearly 40 seizures. The mental anguish that came from broken promises in which they said that they would give me my diary back contributed to the seizures. Most importantly, my diary can refute the accusations against me and it can show that I am personally against the sort of acts that were committed. Dear Members of the Tribunal. I am saying all of this-- excuse me. In saying all of this, I am not trying to gain your pity. I am only trying for you to see the big picture, the true picture not the picture, depicted by the media, which the CIA found out too late. Therefore, I would like you to know this truth before you make your decision. I know this is not a criminal trial, as you say, but all I hope from you is that you try me for something that I am proud of having done, not something I didn't do or am against, nor something that would shame me before the world. I am not here to lie to you, or cheat you, or to lie to myself by saying that I am not an enemy of your injustice. I have been an enemy of yours since I was a child because of your unjust acts against my people, the Palestinians, through your help and partnership with Israel in occupying our land and by killing our men and raping our women and kicking out our people and turning them into refugees for more than 60 years. Until now, half of my people are refugees in refugee camps. I can not deny that, since back when I was a child, I liked a lot of things in your country and your history and your culture. I am not lying by saying that, but it is the truth. My moral position is not against the American people or America, but against the government which I see as a partner in oppression. A partner of a killer is also a killer. I also resent the military that is used by this government to inflict this oppression. In other words, dear members of the military, I am against you. My words are not hypocrisy, and I do respect you. I believe that even my enemy should be respected. I don't deny that I am an enemy of your injustice, but I deny that I am an enemy combatant. I never conducted nor financially supported, nor helped in any operation against America. Yes, I write poetry against America and, yes, I feel good when operations by others are conducted against America but only against military targets such as the U.S.S Cole. But, I get angry if they target civilians, such as those in the World Trade Center. This I am completely against, as my letter to the Islamic Scholars would show. The CIA has this letter. My diary will prove that some of our accusations were not my plans. How can I plan for operations that I don't believe in? What you call plans about what BIN LADEN did on 9/11, I wrote in my diary in response to BIN LADEN's action, noting that he had many choices on how to conduct war which are wrong in Islam, such as race war, killing civilians, burning cities, and targeting civilians in markets. This is what people of war do, and I am sorry you are one of them. This is the truth. If someone reads my diary with a biased mind, he will misinterpret my meaning. Dear Members, this is what I have for you. As you have noticed, it wasn't a defense that

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contained much evidence because all my evidence is with the CIA, or what is left of it. I also do not have a lawyer to defend me in front of this Tribunal. Take notice that if a lawyer was present, he would not have allowed me to say what I said because I said the truth without reservation. And I am willing to be hung for it for something I have done. I am not a lawyer to defend myself. I can't even speak clearly, temporarily, God willing. It is only to demonstrate to you."

PRESIDENT: ZAYN AL ABIDIN MUHAMMAD HUSAYN, do you have anything to add to that statement?

DETAINEE: No.

PRESIDENT: No. Thank you. In your statement, you mentioned months of torture. Has anything that you provided us today regarding your written statements related to those times that you have been tortured?

DETAINEE: No. [conversation between Detainee and Language Analyst discussing the President's question] Actually, most of what they say I did in first months they take against me even for some things or like this they take I was--I was nearly before half die plus what they do torture me --it--There I was not afraid from die because I do believe I will be shahid [Language Analyst translates] martyr, but as God make me as a human, and I weak, so they say yes, I say okay, I do I do, but leave me. They say no, we don't want to. You to admit you do this, we want you to give us more information. This part I can't because I don't know. I say, "yes, I was partner of BIN LADEN. I'm his number three in al Qaida and I'm his partner of RESSAM." I say okay but leave me. So they write but they want what's after, more information about more operations, so I can't. They keep torturing me, tell me why them self they discover you are not torturing. So some, not all, some what you have here even me say of me here in the paper, it is from FBI. But I don't know of the dealing; I was in the hands of FBI or CIA. But FBI people when I met them in the last month, I understand they was partner of the people whose they attack my house. And they have my part--four part of my diary and the origin is with them. So who's torture me and taking over information. Maybe they are FBI, maybe are CIA; I don't know, 'till now. So here they say FBI-- FBI, they not talk about the CIA, so I don't know.

PRESIDENT: So you did make statements during that treatment?

DETAINEE: A lot.

PRESIDENT: And what you said, was it correct, was it incomplete or was it not correct or untrue in any way?

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DETAINEE: They say "this in your diary." They say "see you want to make operation against America." I say no, the idea is different. They say no, torturing, torturing. I say, "okay. I do. I was decide to make operation." This first part the second part, okay. What is the operation? I not have the specifics; I talk about open idea. So most of this here the CIA, they admitted that I admitted too. But after by them self when it is maybe three or four months torturing, some months in the hospital after this the circumstance became good. They start asking me again and again about this thing. I tell them no. They say why you change your words. I say it was bad circumstance, I was naked, I was like this, I was like this, I want to finish this. And something they not believe all what I do, say in that time. Some they believe, some they not believe. I don't know what they need or not need. They only ask and I answer.

PRESIDENT: In your previous statement, you were saying specific treatments. Can you describe a little bit more about what those treatments were?

DETAINEE: [Language Analyst translating] First thing, during I'm still--I was in--still in the hospital. They would ask me and I would answer. From the hospital, after, I don't know how many months, how many times. They take me to their secret place. From that time I was naked. And I think you know how much it is the bad for us as the Muslims, and I think it problem for you as Christian or Jew. I don't know but at least for us, it was very bad thing. I was too weak; they make me sleep in a metal bed, [via Language Analyst] a medical metal bed. It look like this. Naked and feel cold and this still bleeding [pointing to the inside of left thigh area] from this area. I'm sorry Madam, some blood even came out from my sex machine. Make me think badly. I asked what; I don't want help but tell me why; I not understand. Maybe this I understand [pointing to inside left leg area] but this I not understand [pointing to groin area]. So it take days and days, too cold place, naked and position sleeping. After this, they put me in the chair--same circumstance--naked, too much cold, no food, only Ensure [Language Analyst clarifies Ensure --Force feeding Ensure]

PRESIDENT: I understand.

DETAINEE: And they not give me chance all this, maybe one--two week, I don't know the time. No food, no sleep, not allowed to sleep. When I feel sleep, they shake me like this [shaking chair] or make me stand. But all that time I am sitting twenty-four hours, only sorry again, when I use the toilet, bucket, not real toilet, bucket near of me and in front of them, and from that time I feel shy, how to use this same animal in front of the people. But again, human is human. You want to go, as you say in English, you want to go to toilet, you will, you should go. How to say it? I refuse, refuse, refuse, human and use

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it in front with them. So all that time they ask me, they talk. One person talk and they leave another two, another two another two, no sleeping, no food, nothing, and cold, cold. I speaking, believe me; it is said this not because seizure, because cold and weakness. After time, I don't know how many, it's weeks and weeks, they give me chance to sleep once. Maybe once in the two months, two weeks. I don't know exactly, once a month. I again make me sit on the floor. Also cold, naked, try to cover my private part, because the shackles even I can't because kind of chair like this but its have [via President and Language Analyst [SCH]] arm rest. So I tried to cover nothing and start makes me stand hours and hours. This leg, it is nothing, nearly die now 'til now it's not same thing now problem in here. So all the hours I stand this leg. When I tried to switch here, I fell down. But I can't fall down because shackles, something happen with the leg or the hand. After this, I don't know how many even try. I request, I tell him, "do as you like; tell me the time I want to pray. No chance to pray. Give me the time and not need water. I need pray without cleaning. I should make some cleaning before I pray." I make request number of time. Nothing. After this put me in the big box same my tall but it's not and they put the bucket with me. Toilet bucket. I had no chance to sit, only in the bucket and because the bucket its not have cover, or sometime they put cover I found myself inside the bucket like this. [trying to move and show while in chair] And the place too close; I take hours and hours 'til he came and save me from the bucket, again and again sorry it full of urine. And start from that time--time and time put me in this and put me in small box, I can't do anything. I can't sit stay do anything and hours and hours. Start beat me in the wall and I do believe, one of the problems, and make the shrapnel [via the Language Analyst- the shrapnel in my head was moving] and that making, from that time start, I feel this hand shaking and seizure. Beat me badly in the back, in my back, in my head. Last thing, of course same thing use again and again, different time, plus they put me in the same [via Language Analyst] a medical bed. They shackle me completely, even my head; I can't do anything. Like this and they put one cloth in my mouth and they put water, water, water. Last point before I die they stand [via Language Analyst] bed they make like this [making breathing noises] again and again they make it with me and I tell him "if you want to kill me, kill me. I not care really, but why really, I not half you wanted me to make from my mind operation. I know how to make operation but, ok, this is good, they write it but this, who is the people? I make it from my mind because you like operation I give you operation, ideas of operation. So again and again, they make same things I don't know it's--long--time long I can't to remember it but after they discover, they stop everything and they give me in the last clothes to cover. Last thing they do they--I am still shackled. I was naked; I am naked; they bring the [Via Language Analyst] interrogator, female interrogator in front. I was naked, like this. I tell them, if you not

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respect me, you respect your-- this lady. She is woman. It is not an appropriate; give to cover and you ask me as-as you like. That's mean; you do not respect her. It means beat beat-beat. They say all what we do make you down you are still. Because I not afraid of what you do, but if I have I will give you real information but really I do not know and because I am human even I not afraid I will tell people it is more [Via translator] than I can handle. Yes after this, they discover they stop all this thing but I do not know how many times how months, months. But the truth after this after the second--or second--after one complete year, two year, they start tell me the time for the pray and slowly, slowly, circumstance became good. They told me sorry we discover that you are not number three, not a partner even not a fighter.

PRESIDENT: So I understand that during this treatment, you said things to make them stop and then those statements were actually untrue, is that correct?

DETAINEE: Yes.

PRESIDENT: Ok. Regarding your statements that you have made here today at this Tribunal session, have they been completely voluntary of your own free will?

DETAINEE: Yes.

PRESIDENT: Very well. What you have told us will be included in the record of these proceedings and will also be reported for any appropriate investigation. Also, we will carefully consider what you have told us as we make our determination as to your enemy combatant status. I understand it was difficult for you to provide that information to us and I appreciate your time in providing it as well as all the information you provided us today.

RECORDER: Sir, may I ask for one point of clarification?

PRESIDENT: Please. Continue Recorder.

RECORDER: ZAYN AL ABIDIN MUHAMMAD, have you been mistreated at any time since you have been in U.S. military custody here at Guantanamo Bay?

DETAINEE: The truth, no. But small things. Here I discover they have rules, strict rules for detainees, but they do not care about the [Via Language Analyst] sick. From some side I appreciate what the doctors they do for me even here. But see [points to his leg] the problem of my leg and knee. I need to cover my-- this thing, I used the, what this [Detainee removes his left shoe and extracts a prayer cap] what we use it for pray to, I request them give me socks; this is too much cold I feel twenty four hours even in the very hot time since I have

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the injury. They say socks in this not allowed in this area in this place. Sometime I appreciate what you do; sometime I say maybe they mean it because they look for me as enemy. Ok, me myself, I am not big group; I am small group. I was having rules for my group if we can catch anybody, even if he Israeli my enemy. I am Palestinian. you should trust--uh respect him completely and take--we finish his case if we make [Via Language Analyst] an Islamic trial. Or if he is not army or something me myself I will send him to his country. It was small group. But this big country, we have rules, they make small things really, its affect person same me from his half-half body my eyes, my hole in my head, my problem all is from this side sorry again and again, I have one testicle; I lost it even and this problem here is all this part it is not complete. [Indicating his left thigh] This part--still good, still strong. [Indicating his right thigh] I tried to adjust myself as I can with this but small problems; socks make big problems. Small socks as much I request I need to cover it by my head [Via Language Analyst]. The prayer hat I had to use it in my socks, as socks

PRESIDENT: And-- and during the session, you did remove your prayer hat from your shoe that you have been using to keep your feet warm. We understand that.

DETAINEE: At least twenty--twenty years hours I ask. And one of this big problem is it is my diary. Not my diary only, it is my papers. I do believe this seizure not came only here before sixteen years I have this big problem the holes or injury which I lost my memory. I not have seizure when I came here because angry because I don't know thinking about my paper diary it is nine parts, six they catch it with me and three I wrote through or under the CIA and some stories, novels, poetries. CIA by themselves promise me to give it for me. When I came here I ask about it again and again. I do not whose take it; CIA refuse or Army refuse. I was only thinking--thinking I found myself I found myself fell down. They not believe in the beginning but the specialist doctor they tell me yes most of the seizure he have he bring it for himself by that think. And I know I try to escape but I can't. Thinking--thinking sixteen years, I have these paper with me as my child Maybe it is too [Via Language Analyst] it's emotional. But I try to be practical mind but I find myself too weak in front of these things because I write and everything happen for me so when they take it I feel they take my child. The child his age is sixteen or seventeen years. So I think if you ask anybody outside they say this not torturing this is ordinary. For me, it is bigger than what CIA for me. This beating in the body is nothing, maybe what they do for dignity it is too much important, I can't forget it. What they do on my body I will forget it, plus now taking the paper, my paper. Maybe not the army take, it but the army, I think, is responsible about making me suffer. In these two fingers or three fingers, [Pointing to his feet.] it's too cold I didn't know what how to say it in English Twenty Four

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Hours. And small things, really, it's not too important thing but its affect person as me is--uh I don't like to admit I'm a sick person. I try to be good Muslim person but the truth is almost half of my body is not good.

RECORDER: Thank you for your response.  
PRESIDENT: Okay.  
DETAINEE: I will. [Tries to return prayer cap to his left shoe] i will use it after.  
PRESIDENT: Okay, we will see that your shoe is tended to at the end of this hearing; if we can proceed.

CLOSING UNCLASSIFIED SESSION

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open tribunal session. ZAYN AL ABIDIN MUHAMMAD HUSAYN shall be notified of the Tribunal decision upon completion of the review of these proceedings by the Combatant Status Review Tribunal Convening Authority in Washington, D.C. If the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made. If the Tribunal determines you're classified as an enemy combatant, you may be eligible for an Administrative Review Board hearing at a future date. The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations, such as al Qaida and its affiliates and supporters, or whether there are other factors bearing upon the need for continued detention. You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might be of help to you at the Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you. A military officer will be assigned at a later date to assist you in the Administrative Review Board process.

ADJOURN OPEN SESSION

PRESIDENT: The open session of this Tribunal hearing is adjourned.  
RECORDER: The time is 1551 hours; the date is 27 March 2007. All rise.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of the Detainee's words given during the Combatant Status Review Tribunal of ISN 10016.

(b)(6)

(b)(6) Colonel, USAF  
Tribunal President

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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10020

OPENING

PRESIDENT: This hearing shall come to order.

RECORDER: This Tribunal is being conducted at 08:42 on 15 April 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present: Colonel (b)(6) United States Air Force, President, Commander (b)(6) United States Navy, Member, Lieutenant Colonel (b)(6) United States Air Force, Member, Major (b)(6) United States Air Force, Personal Representative, Sergeant First Class (b)(6) United States Army, Reporter, Major (b)(6) United States Air Force, Recorder. Lieutenant Colonel (b)(6) is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All rise.

PRESIDENT: The Recorder will be sworn. Do you, Major (b)(6), swear or affirm that you will faithfully perform the duties as Recorder assigned in this Tribunal, so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you, Sergeant First Class (b)(6), swear that you will faithfully discharge your duties as Reporter assigned in this Tribunal, so help you God?

REPORTER: I do.

PRESIDENT: We'll take a brief recess while the Detainee is brought into the room.

RECORDER: The time is 08:43 on 15 April 2007. This Tribunal is now in recess. All rise. [All personnel depart the room.]

CONVENING AUTHORITY

RECORDER: [All personnel return into the room at 08:48.] All rise.

PRESIDENT: This hearing will come to order. You may be seated. Good morning.

DETAINEE: Good morning. How are you guys doing?

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PRESIDENT: Very good, fine, thank you. This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 12 February 2007. This Tribunal will determine whether you meet the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

OATH SESSION 2

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

RECORDER: Do you swear that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice. so help you God?

MEMBERS: I do.

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

RECORDER: Do you affirm that you will faithfully perform the duties of Personal Representative in this Tribunal?

PERSONAL REP: I do.

PRESIDENT: Please be seated. The Recorder and Reporter, have previously been sworn. Mister MAJID KHAN, you are hereby advised of the following during this hearing. Excuse me; the following applies during this hearing. You may be present at all open sessions of the Tribunal; however, if you become disorderly, you will be removed from the hearing and the Tribunal will continue to hear evidence in your absence. You may not be compelled to testify at this Tribunal; however, you may testify if you wish to do so. Your testimony can be under oath or not under oath. You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present. You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal. You may examine documents or statements offered into evidence other than classified information; however, certain documents may be partially masked for security reasons. Mister MAJID KHAN, do you understand this process?

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DETAINEE: Yes, Sir.

PRESIDENT: Do you have any questions concerning the Tribunal process?

DETAINEE: Ah, I personally am not satisfied with the process itself. But I don't have questions. So far, from what I understood. But I'm not satisfied with the course ah--the Tribunal process. I would-- I would rather have fair trial than rather than have a Tribunal process, but I so far, what I understood, I understood how it goes. But the Personal Representative told me, ah-- but I'm not satisfied with it at all.

PRESIDENT: Very well. This is an administrative process and we will continue through it, and if you have any questions about what we are doing at any time, please feel free to ask.

DETAINEE: The same goes for you too.

PRESIDENT: Certainly.

**PRESENTATION OF UNCLASSIFIED INFORMATION**

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form.

PERSONAL REP. Sir, I am providing to the Tribunal the Detainee Election Form labeled Exhibit D-a.

PRESIDENT: I have received the Detainee Election Form marked Exhibit D dash A and it does provide ah-- various administrative information, including a notation that you wish to participate in this Tribunal, you want the assistance of the Personal Representative and it summarizes a number of items regarding the witness and evidence requests and other matters related to this hearing.

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibits, marked as Exhibits R-2 through R-4. Copies of these exhibits have previously been provided to the Personal Representative.

PRESIDENT: The unclassified summary? [Looking for a copy.]

RECORDER: Can I give it to you after, after I read it?

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PRESIDENT: Oh. Very well.

RECORDER: Sorry.

PERSONAL REP: Sir, I have an additional copy.

RECORDER: Thank you.

PRESIDENT: No, that's fine. We'll receive it here shortly. Recorder, please read the unclassified Summary of Evidence which is R-1. Read it for the record please. Recorder, before you proceed--Mister MAJID KHAN, at this time please do not comment on the evidence. There'll be an appropriate time later in the hearing for you to comment on it. I would like it to be read into the record at this time. Recorder, please proceed.

RECORDER: The following facts support the determination that the Detainee is an enemy combatant: a. In March 2003, one of the Detainee's brothers stated the Detainee was involved with a group that he believed to be al Qaida, and as of December 2002, was involved in transporting people across the border of Afghanistan and Pakistan, and points elsewhere. b. On 1 May 2003, IYMAN FARIS pleaded guilty in the United States District Court in Alexandria, Virginia, to providing material support and resources to al Qaida and conspiracy for providing the terrorist organization with information about possible United States targets for attack. c. In mid-2001, IYMAN FARIS had dinner and spent the night at the Detainee's family residence in Baltimore, Maryland. FARIS stated during this visit the Detainee spoke to him about the fighting and struggle in Afghanistan. On a subsequent visit, the Detainee told FARIS he met KHALID SHAYKH MOHAMMED (KSM) in Pakistan and referred to KSM as his uncle. The Detainee told FARIS of his desire to martyr himself against President MUSHARAFF of Pakistan by detonating a vest of explosives inside a building. d. A computer harddrive seized from a residence where munitions were discovered contained linkages to media seized from the Detainee's residence. e. In March 2003, the Detainee's father stated the Detainee recently began to be influenced by anti-American thoughts and became extremely religious in his behavior. The Detainee's father believed the Detainee had come under the influence of family members in Karachi, Pakistan, who discussed anti-American feelings and could be very destructive. f. On 23 November 2005, UZAIR PARACHA was convicted in United States District Court, Southern District of New York, on charges relating to his provision of material support to the al Qaida terrorist organization. The evidence proved PARACHA agreed with two al Qaida members, including the Detainee, to provide support to al Qaida by trying to help the Detainee obtain a travel document that would have allowed the Detainee to reenter the United States to commit a terrorist act. g. In February and March 2003, UZAIR PARACHA posed as the Detainee

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during telephone calls with the United States Immigration and Naturalization Service, called the Detainee's bank, and attempted to gather information about the Detainee's immigration paperwork via the Internet. PARACHA also agreed to use the Detainee's credit card to make it appear that the Detainee was in the United States, when in fact the Detainee was in Pakistan. h. On 29 March 2003, a search of UZAIR PARACHA's bedroom in Brooklyn, New York, revealed a Bank of America Visa card, excuse me, check card in the name of the Detainee and five different identification cards for the Detainee, including one Maryland drivers license and one social security card. i. UZAIR PARACHA stated he knew from his father the Detainee and a second individual were al Qaida. The Detainee and the individual wanted to give PARACHA and his father between 180,000 and 200,000 United States dollars to invest in their company as a loan. PARACHA stated he knew the money was al Qaida money and that al Qaida wanted to keep the money liquid so they could have it back at a moment's notice. PARACHA felt it was implied that he had to perform tasks for the Detainee and the individual on behalf of al Qaida because of the money being loaned to their business. Sir, this concludes the unclassified summary of evidence.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

PERSONAL REP: Sir. I am handing Detainee exhibits D-b through D-l to the Tribunal Board Members. These have been provided to the Tribunal Court Reporter [Recorder] Exhibit D-b is MAJID's written statement of torture for Combatant Status Review Tribunal, taken March 2007 by PR3. It is twelve pages. Exhibit D-c is MAJID KHAN's oral Statement of Torture for Combatant Stat-- Status Review Tribunal, taken March and April 2007 by PR3. It is three pages in length. Exhibit D-d is MAJID KHAN's rebuttal statement for Combatant Status Review Tribunal taken March/April 2007 by PR3; six pages in length. Exhibit D-e is a witness statement from SAIFULLAH PARACHA for ISN 20 taken 6 April 2007; three pages. Exhibit D-f is a statement received from IYMAN FARIS for use at MAJID KHAN's Combatant Status Review Tribunal and it is three pages. Exhibit D-g is UZAIR PARACHA's court testimony at Federal Court of Southern District of New York; it's thirty-two pages in length. Exhibit D-h is a photo of MAJID KHAN's daughter, with a statement from MAJID KHAN; page--one page. Exhibit D-i are witness questions from MAJID KHAN as to the-- he requested to be asked to his witnesses; three pages. D-j is a statement of--from ALI KHAN for presentation at the CSRT-- MAJID KHAN's CSRT; three pages. Exhibit D-k are Detainee session notes, two pages. And finally, Exhibit D-l, the witness-- ah-- a typed witness statement from IYMAN FARIS. So you guys can-- excuse me, so the Board can actually-- IYMAN FARIS's handwriting is not the best, so I interpreted it and typed it so you guys can read it here. And now I am handing them to the Board.

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PRESIDENT: Thank you, Personal Representative. I appreciate the summary of all those documents. At this point, I would like to address some relevancy and rulings regarding the requests for evidence that were received. The first evidence request regarded your various documents that you believe show that you could legally enter the United States. I found this evidence request to be relevant, and I directed that efforts be made to obtain these or similar documents relating to your legal status to enter the United States. Various documents were provided by the government and also from your father's attorney to satisfy this request for evidence. Those were provided to your Personal Representative previously. The second evidence request that I received regarded your request for the transcript of UZAIR PARACHA's court case. I also found this evidence request to be relevant and directed that the document be produced. The relevant portions of that document has been provided. And this concludes my remarks regarding the relevancy and the availability of the evidence that you requested. I will address witness requests later in the hearing. Does the Recorder have any further unclassified evidence to present?

RECORDER: Mister President, I have no further unclassified evidence for the Tribunal, but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relative to this Detainee's status as an enemy combatant.

PRESIDENT: Recorder, your request for a closed session is granted and will be taken in due course. We now come to the point of the hearing where we'll address witness requests and the calling of witnesses.

CALLING OF WITNESSES

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, Sir.

PRESIDENT: According to the Detainee Election Form provided to the Tribunal earlier, I am reminded that, Mister KHAN, you have requested various witnesses to provide testimony at this hearing. For purposes of this process, the people are referred to as witnesses and the statements from them would be considered testimony. I will address each of your witness requests now. You requested the testimony of UZAIR PARACHA to address statements attributed to him in Exhibit R-1, which was read to us earlier, the Summary of Evidence. I determined the request was relevant. UZAIR PARACHA, through his attorney, has volunteered not to participate. Because this process cannot compel the testimony of non-U.S. military witnesses, the witness is not reasonably available. You also requested the testimony of IYMAN FARIS to address statements attributed to him, also in the unclassified Summary of Evidence, R-1. I determined the request was

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relevant and IYMAN FARIS voluntarily elected to participate by providing written testimony. Consequently, the testimony of IYMAN FARIS is reasonably available. Another witness you requested was SAIFULLAH PARACHA to address statements regarding his knowledge of you being al Qaida, as described also in the Summary of Evidence. I determined this request was also relevant. SAIFULLAH PARACHA voluntarily elected to provide a written statement; consequently, the testimony of SAIFULLAH PARACHA is reasonably available. You requested the testimony of your father, ALI KHAN to address statements attributed to him in the Summary of Evidence. I determined the request was relevant, and ALI KHAN voluntarily elected to provide testimony in the form of a written statement, and consequently, the testimony of ALI KHAN is reasonably available. The final testimony you requested is from your three brothers, MAHMOOD, MOHAMMED and AHMED KHAN, to address statements attributed to one brother in the Summary of Evidence. Initially, I determined the testimony from all three brothers to be relevant; however, because the Summary of Evidence concerns the testimony of just one brother, I determined the testimony from that specific brother to be relevant. The attorney of this brother indicated through written testimony that written testimony would be provided prior to this hearing; however, that date has passed and no testimony has been received through the attorney. Again, because this process cannot compel the testimony of non-U.S. military personnel, this witness testimony is not reasonably available. I will also make a note that the KHAN family was provided the opportunity to participate and provide their testimony by video teleconference. While video teleconference is the equivalent of in-person testimony, they elected to provide written testimony instead. So in summary, you have requested five witnesses: UZAIR PARACHA, IYMAN FARIS, SAIFULLAH PARACHA, your father ALI KHAN, and your three brothers, MAHMOOD, MOHAMMED and AHMED KHAN, who I treat as a request for just one of those brothers. Testimony from UZAIR PARACHA and one of those brothers is not reasonably available, and testimony from IYMAN FARIS, SAIFULLAH PARACHA, and your father, ALI KHAN, has been provided in writing and is available. And I do note that the Personal Representative has provided those various statements for us to consider in this matter. We'll certainly carefully review these statements and consider them as we go through the determination process of your enemy combatant status. With the witness testimony addressed at this point, we'll now receive your oral statement.

PERSONAL REP: Sir, the Detainee has requested that the witness statements be read into the record.

PRESIDENT: Oh. Very well. This is an appropriate time for you to do that. Please proceed Mister-- Personal Representative.

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PERSONAL REP: The first statement is from SAIFULLAH PARACHA taken on 6 April 2007. I, SAIFULLAH PARACHA, voluntarily make the following statement regarding MAJID KHAN for presentation at his Combatant Status Review Tribunal. I am providing this statement to the person identified to me as MAJID KHAN's Personal Representative. I make this statement of my own free will without any threats or promises extended to me.

The PR asked me to provide the following information: Your son-- your son stated he knew from you that MAJID KHAN was al Qaida.

1. Did you ever tell your son that MAJID KHAN was al Qaida? If not, why would your son say this? A person was introduced to me in Karachi, Pakistan who used to live in Baltimore, Maryland area. AMMAR AL BALUCHI introduced him with a different name, which I don't remember. That person was identified by the interrogator as MAJID KHAN. I never knew MAJID KHAN was member of al Qaida.

2. Do you think he may have been coerced, tricked or deceived into saying this? I don't know.

How did you know MAJID KHAN was al Qaida? Already answered as stated above.

Describe any conversation between you, your son, and MAJID KHAN about any money being loaned to your business. I never had any conversations with MAJID KHAN regarding any financial matters whatsoever.

MAJID KHAN wanted to give your company between \$180,000 and \$200,000 USD as a loan. Where do you think MAJID KHAN was getting the money to loan you? As stated above, I never discussed any financial matters with MAJID KHAN.

Did MAJID KHAN ever give you that loan? No, as stated above.

What was discussed regarding this loan? I never discussed above any loan as stated above.

What was the purpose of this loan? I never discussed any loan as discussed above.

How were you going to pay back-- excuse me, how were you going to pay the loan back? As stated above, there was no loan transaction with MAJID KHAN.

Did you ever feel like you had to perform tasks for MAJID KHAN on

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behalf of al Qaida? As stated above, there was no financial dealing with MAJID KHAN, and I never knew his affiliation with al Qaida and I am not aware of any tasks. I was told he had an issue with U.S. Immigration and wanted to keep his bank account in the USA active which I asked my son to assist him with as a fellow Pakistani.

Please describe your knowledge, if any, of MAJID KHAN's association with Taliban, al Qaida, or associated forces that are engaged in hostilities against the United States or its coalition partners. I am a business man and I have a large business setup in Karachi, Pakistan. All of my business details have already been provided. I have no way of judging MAJID KHAN's activities against the USA or its coalition partners at all.

Please describe your knowledge, if any, regarding MAJID KHAN's plans to commit terrorist acts. I have no knowledge about any error-- any terrorist acts by MAJID KHAN, as also stated above.

Please provide any additional information that you think may be relevant to the determination of MAJID KHAN's enemy combatant status. I have no knowledge about MAJID KHAN's enemy combatant status.

I have been provided the opportunity to make any changes or corrections that I desire to make and have placed my initials over those changes and corrections. This statement was typed by the Personal Representative and reviewed with me. I affirm these are my words and the truth as I know it. Signed and dated.

Before continuing on with IYMAN FARIS's testimony, I'd like to point out that the questions presented to IYMAN FARIS were not presented to the Detainee prior to IYMAN FARIS's answers. Exhibit D-i includes the questions that the Detainee provided for his witnesses.

Exhibit D-f, from the Department of Defense Office for the Administrative Review of the Detention of Enemy Combatants.

To IYMAN FARIS. You are being requested as a witness by MAJID KHAN as part of his presentation to a Combatant Status Review Tribunal (CSRT) being conducted at U.S. Naval Base, Guantanamo Bay, Cuba.

The CSRT will be evaluating whether MAJID KHAN is an Enemy Combatant. That term is defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

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MAJID KHAN has asked you to provide answers to the following questions. If you decide to answer the questions, your answers will be considered by the CSRT members as they evaluate whether or not MAJID KHAN is an enemy combatant.

Your participation in this process is entirely voluntary. Your decision to participate or not participate in this process has absolutely no effect on your pending criminal case in federal court or the appeal of your conviction. The government is not asking you to provide this information. It is MAJID KHAN who has asked you to answer these questions.

If you want to participate in this process, please write your answers in the foll-- excuse me, please write your answers to the following questions in the space provided below.

Questions:

1. In mid-2001 you had dinner and spent the night at MAJID KHAN's family residence in Baltimore, Maryland. You have stated that MAJID KHAN spoke to you during this visit about the fighting and struggle in Afghanistan.

Were you coerced, tricked, or deceived into making this statement? If so, please explain.

There was no discussion other than religious duty and what he like to do in life, like work in construction and not in his father's business because his father was involved in invest dealing.

b. Please describe the discussions you had regarding the fighting and struggle in Afghanistan. There were never any discussion regarding the fight in Afghanistan--ever.

What was the purpose of this visit to the KHAN residence?

To invest in the family business of gas station.

2. You have said that during a later visit with MAJID KHAN, MAJID KHAN said he had met KHALID SHAYKH MOHAMMAD in Pakistan and MAJID KHAN called him his uncle. You have also said that MAJID KHAN spoke during this visit of his desire to martyr himself against Pakis-- President MUSHARRAF of Pakistan by detonating a vest of explosives inside a building.

That is an absolute lie.

a. Were you coerced, tricked or deceived into making this statement?

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All of the above.

He called uncle to my friend MAQSOOD. I did.

b. What was the purpose of this visit to the KHAN residence? Were you there to see MAJID KHAN?

I was there to see his father which I had a business dealing.

3. Were you coerced, tricked or deceived into making any statements about MAJID KHAN? If so, please explain.

Yes, by FBI. If I don't tell them what they wanted to hear, they were going to take me to GITMO.

4. Please provide any other information regarding MAJID KHAN's knowledge of, planning of, or participation in activities of al Qaida, the Taliban, or associated forces that may be relevant in determining his enemy combatant status.

I do not know of anything as plan that he was involved, none what-so-ever nor he ever discussed the --and then there's an illegible word--fighting or anything relating to Afghanistan or al Qaida I have no idea of his affiliation.

I, IYMAN FARIS, state that the above answers are my words and the truth as I know it. I was coerced, excuse me, I was not coerced, tricked or deceived into providing these answers. I answered voluntarily and of my own free will without any promises being made. Signed and dated.

There's an additional note that reads: He, MAJID KHAN, numerous times told me he love USA and can't wait to get the U.S. citizenship. I would also like to point out that an Interpreter, Linguist, or Translator was not made available to IYMAN FARIS when ah. when OARDEC Forward asked, excuse me, when OARDEC was questioned about IYMAN FARIS understanding. The reply was, "He spoke perfect English."

DETAINEE: You said invest dealing; I thought it was interest dealing. [Spcaking to Personal Representative.]

PERSONAL REP: For the Board, question 1a; MAJID KHAN has stated that he believes it's interest dealing and not invest dealing. You'll see from the exhibit that it's hard to read.

PRESIDENT: We appreciate that. Thank you.

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PERSONAL REP: The final witness statement is from ALI KHAN. Similar to IYMAN FARIS, the Detainee was not presented the questions prior to the witness answering. Statement of ALI KHAN:

To the Tribunal. My name is ALI KHAN and I am MAJID's father. I am writing this statement on behalf of my family because the military will not let us travel to Guantanamo and participate in MAJID's hearing. I ask the Tribunal to consider my statement, which has been prepared with help from my children and from our lawyers at the Center for Constitutional Rights because I have difficulty with English.

I have not seen my son in more than four years since before he was kidnapped from his brother's home in Karachi on March 5, 2003. Now I am told by the military that my son wants to know whether I said in March 2003 that he became very religious and developed anti-American feelings and whether one of my other sons said that MAJID might be involved with al Qaida. Where and when did we make these statements that you claim we made? Who did we make these statements to, exactly? The government has refused to give us this information. Anything we may have said about MAJID KHAN was simply out of shock because we only knew that MAJID had disappeared and was pure speculation based on what FBI agents in the United States told us and pressured us to say.

You want to know whether my son is a terrorist. The answer is no. As of I--as I have said before publicly, I cannot accept these allegations against him. If you think that he did something wrong, show me the evidence. Charge him with a crime and give him a fair trial in a real court. This Tribunal is not a real court. It is not a legitimate proceeding. It is only for show and the outcome has probably already been decided. After several years of detention, there are still no charges against MAJID. He cannot see any evidence or question any witnesses against him. And he cannot have access to his lawyers at the Center for Constitutional Rights, which he has asked for in letters sent through the Red Cross. Anything that may a-- he may have confessed to, or that other prisoners may have said about him, should also be considered with suspicion because these statements were probably tortured or coerced out of them. Under these circumstances, how could anyone believe what the government says about my son?

What I can tell you is that MAJID was kidnapped from my son MOHAMMED's house in Karachi, along with MOHAMMED, his wife, and my infant granddaughter. They were captured by Pakistani police and soldiers and taken to a detention center fifteen minutes from MOHAMMED's house. The center had walls that seemed to be eighty feet high. My sons were hooded, handcuffed, and interrogated. After eight days of interrogation by U.S. and Pakistani agents, including FBI agents, MOHAMMED was allowed to see MAJID. MAJID looked terrible and

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very, very tired. According to MOHAMMED, MAJID said that the Americans tortured him for eight hours at a time, tying him tightly in stressful positions in a small chair until his hands, feet, and mind went numb. They re-tied him in the chair every hour, tightening the bonds on his hands and feet each time so that it was more painful. He was often hooded and had difficulty breathing. They also beat him repeatedly, slapping him in the face, and deprived him of sleep. When he was not being interrogated, the Americans put MAJID in a small cell that was totally dark and too small for him to lie down in or sit in with his legs stretched out. He had to crouch. The room was also infested with mosquitoes. This torture only stopped when MAJID agreed to sign a statement that he was not even allowed to read. But then it continued again when MAJID was unable to identify certain streets and neighborhoods in Karachi that he did not know. MAJID almost cried when he told MOHAMMED how he was accused of lie--lying even when he was telling the truth.

According to MOHAMMED, MAJID was interrogated and abused at a separate detention center in a different neighborhood. He was taken there in the morning and brought back at night. Other unknown prisoners were transferred to and from there as well. The Pakistani guards were upset by this treatment and often let MAJID speak with MOHAMMED when he got back late at night. After about twenty days of these interrogations, MAJID told MOHAMMED that the Americans had threatened to send him to Guantanamo. He was exhausted from lack of sleep. A day or two later, MAJID was again allowed to see MOHAMMED and told him that he was being sent to Islamabad. MAJID said he was not sure he would ever see his brother again and asked him to pray for him.

After that, MAJID disappeared and my family had no idea whether he was alive or dead until President Bush announced on September 6, 2006, that he had been moved from a secret CIA prison to Guan--Guantanamo. According to MOHAMMED, the Pakistani guards promised that MAJID would never be turned over to the Americans and sent to Guantanamo because President MUSHARRAF had a special deal with the Americans to prevent this. But this was obviously not true.

Also accord--according to MOHAMMED, he and MAJID were denied in the same place--excuse me, he and MAJID were detained in the same place where two of KHALID SHEIK MOHAMMED's young children, ages about six and eight, were held. The Pakistani guards told my son that the boys were kept in a separate area upstairs and were denied food and water by other guards. They were also mentally tortured by having ants or other creatures put on their legs to scare them and get them to say where their father was hiding. The Americans also once stripped and beat two Arab boys, ages fourteen and sixteen, who were turned over by the Pakistani guards at the detention center. These guards told my son MOHAMMED

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that they were very upset at this and said the boys were thrown like garbage onto a plane to Guantanamo. Women prisoners were also held there, apart from their husbands, and some were pregnant and forced to give birth in their cells. According to MOHAMMED, one woman almost died in her cell because the guards could not get her to a hospital quickly enough. This was most upsetting to the Pakistani guards.

At the time MAJID was kidnapped and these events were happening in Pakistan, our family's home in Maryland was also raided by government agents. Our whole house was searched from top to bottom and our whole life was so disrupted that we eventually had to move out of our neighborhood. I was also interrogated by the FBI agents for several days, as was each of my sons and daughters. We were threatened and when we asked about lawyers, we were told they could not help us. The FBI pressured us to talk and to speculate about MAJID. They followed us everywhere we went for a long time, requiring us to tell them in advance where we were going and what we were going to do there. They followed us so closely that we even asked them for directions sometimes when we got lost driving.

Despite all that we have endured, we have always cooperated and continue to cooperate with the government. At this point, the FBI has probably questioned us for hundreds of hours. I think they have opened our mail and they seem to have placed listening devices in our house, our phones, and probably our computers. They have also tried to recruit my sons to spy on other Muslims by bribing them with money. I am also not allowed to leave the country. But the government still refuses to show us any evidence against MAJID. This is not right. We expect much more in America. Particularly because MAJID has political asylum here and grew up and went to high school here in Maryland. He has legal status in the United States.

We are also deeply saddened that President MUSHARRAF and the government of Pakistan would allow this to happen to MAJID. We cannot understand why they participated in his abduction and rendition from Pakistani soil, or why they do not call for MAJID's release and return to Pakistan now. We can only assume that they do whatever the United States tells them to do; this is not right. It is not Islamic.

We love MAJID very much and we support him. Again, if he has done something wrong, he should be charged with a crime and given a fair trial. But this Tribunal provides no justice. It is also cruel that the military refuses to allow MAJID to see his family after several years of imprisonment. We would be allowed to visit him in jail in Pakistan. Why does the United States, which is supposed to respect the law and stand up for human rights, deny us this simple request? Is the United States afraid of what MAJID would say? Someday we'll-- we will learn the truth about

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what has happened to my son. Thank you for considering my statement.  
[As read by the Personal Representative.]

PRESIDENT: Personal Representative, does that conclude the statements that-- to be read into the hearing?

PERSONAL REP: That concluded the witness statements, Sir.

PRESIDENT: The witness statements. Very well. Mister MAJID KHAN, you may now make an oral statement to the Tribunal, and you have the assistance of your Personal Representative in doing so. I understand that you do have an oral statement that you wish the Personal Representative to read in. Is that correct?

DETAINEE: Yes, Sir.

PRESIDENT: Mister KHAN, if you make other statements today, would you like to make those statements under oath? We do not require an oath, but I do--would like-- I would like to offer that opportunity for you

DETAINEE: I am not in position to take an oath.

PRESIDENT: Very well then. Personal Representative, when you are ready, you may proceed with the Detainee's statements to be read in.

**BEGIN DETAINEE ORAL STATEMENT**

PERSONAL REP: Exhibit D-d. MAJID KHAN's rebuttal statement for Combatant Status Review Tribunal taken March and April 2007 by PR3. Mister President and Members of the Combatant Status Review Tribunal, thank you for letting me make a rebuttal statement regarding the Summary of Evidence for Combatant Status Review Tribunal. KHAN, MAJID dated 8 February 2007.

During this entire statement, I am bringing up other points of view regarding the evidence. I am challenging and refuting the authen-- authenticity and reliability of the evidence presented to me and whether it even applies to the definition of Enemy Combatant supplied to me in both the Combatant Status Review Tribunal Notice to Detai-- to Detainees and the Summary of Evidence.

Mr. President, I am going to need to ask you to double check the sources for the information presented against me. I guarantee you will find flaws in this evidence.

I am not an Enemy Combatant. I am not an extremist.

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Paragraph A:

Paragraph A discusses statements made by my brother concerning my associant-- association with al Qaida and transporting people. First of all, the paragraph states that his beliefs, excuse me, that he believes certain things, but does not provide an explanation for this belief. Additionally, Exhibit D-j clearly states that my brothers were extensively interrogated and pressured into making statements about me. In Pakistani culture, the father is the head of the household and speaks for the entire family. He states that I am not a terrorist.

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It is possible that the brother making these statements is the same brother that was kidnapped with me. His car, money, jewelry and other property was seized and his two-month-old daughter and his wife were also in a criminal cell with him.

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If I don't see any statements I made while in \_\_\_\_\_ in the Summary of Evidence, then my brother MOHAMMED's statements shouldn't be there either. If it was MOHAMMED and he made the statement in March 2003,

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Paragraph B:

Paragraph B has nothing to do with me. I have me: IYMAN FARIS, but I don't have any knowledge of his business dealings. Paragraph B has nothing to do with the definition of Enemy Combatant.

Paragraph C:

First, I would like to point out that to me, it doesn't appear that there was a translator made available to IYMAN FARIS when preparing his answers to the questions that I supplied.

It is true that IYMAN FARIS had dinner at my father's house. According to IYMAN FARIS' testimony, there was "never any discussion regarding fight in Afghanistan, ever." I have never been to Afghanistan. How would I be able to talk "about the fighting and struggle in Afghanistan?"

As you can see from the testimony, I have never called KSM my uncle. KSM is not my uncle. There was never any conversation between myself and IYMAN FARIS about meeting KSM.

When IYMAN FARIS was asked to provide any information regarding "knowledge of, planning of, or participation in activities of al Qaida, the Taliban or assodi-- associated forces that may be relevant in determining his enemy combatant status" he replied, "I do not know of anything as plan."

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My PR said this statement should be enough to cover the question about my desire to commit suicide bombing since the government never asked IYMAN FARIS about it. I wanted IYMAN FARIS to deny his statements about the plan without feeding him the answers.

The following is pertaining to the evidence that I told FARIS of my desire to martyr myself against President MUSHARRAF of Pakistan by detonating a vest of explosives inside a building.

Why would I leave my newlywed wife who was two months pregnant behind and become a martyr? In my Pakistani culture, if a woman becomes a widow, chances are she won't ever find another husband. Why would I want to destroy my 18-year-old wife's life by widowing her and letting her raise my daughter without a father?

IYMAN FARIS' testimony also states that he was coerced, tricked, and deceived by the FBI into making statements regarding me. He said he was told "by FBI, if I don't tell them what they wanted then they were going to take me to GITMO."

Paragraph C does not contain information related to being an Enemy Combatant.

Paragraph D:

Paragraph D is not relevant and does not fit the definition of Enemy Combatant. I never owned a computer or hard drive while living in Pakistan or the United States. In Pakistani culture, many things are shared more freely than in the United States. Computers are household computers. Everyone in my family used the computer for office work, entertainment, and internet surfing. My cousins and everyone who came to visit us used the computer.

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It is possible when FBI seized our family computer, they intentionally put suspicious stuff in the hard drive to link with the other computers. During interrogation I gave all my personal information, including e-mail addresses and bank account numbers with passwords, etc.

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A computer hard drive seized from a residence where munitions were discovered does not fit the definition of Enemy Combatant nor does that mean that munitions were al Qaida or Taliban related. It is possible that agencies intentionally put some linkages on that drive to link it with the family's computer hard drive.

Do you have any proof that the media belonged to me at time of my arrest?

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Do you have any proof that intelligence people didn't alter the family computer's hard drive after my arrest to link me with some suspicious things?

Just because media was seized when I was captured does not mean that media belongs to me. You have to give me benefit of doubt, please.

Paragraph E

Paragraph E does not fit in the definition of Enemy Combatant. Paragraph E discusses alleged statements made by my father. It is unclear from exhibit D-j, my father's testimony, that he actually said the things in paragraph E. My father said any statements provided by him were provided under the pressure of interrogation from the FBI. My father goes on to say that I am not a terrorist.

If my ma-- if my father said that I've become extremely religious and influenced by my relatives, who have anti-American thoughts, it is just his only opinion because it depends on how extremist or moderate or liberal he is himself. He thinks I am an ex-- an extremist and I have anti-American thoughts. I know some people who, in my opinion, are extremists, and they told me that I have pro-American thoughts.

I have a religious extremist family member in Karachi, Pakistan. Excuse me, retract that. Having a religious extremist family member in Karachi, Pakistan, does not put me in same category. If this was the case, then I think my whole family should be in Guantanamo Bay prison because they are also related to them.

If I was so anti-American, why would I help the FBI catch an illegal Pakistani immigrant named "SHAFEEQ" in mid of 2002. Certainly al Qaida lovers would rather die than do what I did.

After catching SHAFEEQ, the FBI called me to thank, to say thank you for your assistance.

If I was an extremist Muslim, why would I teach computers to Muslim and non-Muslim for free in Baltimore mosque ISB in 2001?

Paragraph F.

The United States District Court of New York has made me al Qaida. I am not al Qaida. To be al Qaida, a person needs to be trained in Afghanistan and needs to take an oath in front of USAMA BIN LADEN. I have never been to Afghanistan and I have never met UBI.. I cannot possibly be a member of al Qaida. I admit I can't prove that I am not al Qaida. It is very difficult to prove that someone is not al Qaida.

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The paragraph states that I was re-entering the states to commit a terrorist act. The only reason they assumed I was going to commit a terrorist act is because they made me al Qaida in the first place. Their logic says I must be coming to commit a terrorist act. I am not al Qaida. I am not an Enemy Combatant, and there were not any terrorist acts.

Paragraph G and H:

While visiting my new wife and family in Pakistan, my travel documents for return to the United States expired. As a fellow Pakistani, the PARACHAs agreed to help. UZAIR PARACHA is innocent; he is not a criminal. One ordinary citizen helping another ordinary citizen does not make them terrorists. Getting help from a criminal does not make me a criminal or, more importantly, an Enemy Combatant.

Just because I wanted my travel document back, that doesn't mean I was going to travel back to the states. Could it be that I was going to get this travel document, not for me, but to help other refugees to travel on this document after manipulating a bit? This makes me a fraud, certainly not a terror-- terrorist or an Enemy Combatant. You have to give me the benefit of the doubt because usually things aren't what they seem-- seem.

Paragraph I:

UZAIR PARACHA stated "he knew from his father" the Detainee was al Qaida. In this statement, UZAIR admits that I never told him that I was al Qaida.

SAIFULLAH PARACHA, UZAIR's father, admitted in his testimony he never said such things. He also said that there was never a conversation being myself-- between myself, UZAIR, and his father about any money being loaned to their business. UZAIR also states in his court case that his father never told him that I am al Qaida.

Nothing in this paragraph or in this whole evidence summary, never once did his father say himself that I am al Qaida. What was his source to know that I was al Qaida?

After watching too much FOX news, I learned that to become al Qaida, a person needs to go to Afghanistan for training, and take a oath front of USAMA BIN LADEN for their cause. I've never been to Afghanistan or met UBL; to prove it, I can take a lie detector test.

UZAIR himself admitted that I "wanted" to loan 200,000 dollars to their business and to have the money liquid for short notices. Please pay attention to word "wanted." I never loaned any money, meaning no harm done. It is clear from SAIFULLAH PARACHA's testimony and UZAIR PARACHA's court case, there was never any conversations about money

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being loaned and no money was loaned.

The Enemy Combatant definition clearly says "who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."  
Meaning everything is in past tense.

UZAIR also claims the only reason I wanted to give him money was to keep the money liquid so I could have it back at a moment's notice. If I really wanted to give him money for that particular reason, I could have sent myself money through Hawala dealers, without even trace of it. Or at least that's what I learned from FOX NEWS that you could do. If I really wanted to loan him money, I would have sent it in my family business so it would have at least benefited them, for at least some time.

UZAIR also said he "felt" it was implied that he had to perform tasks for me. Please pay attention on word "felt." It clearly shows that I never said anything to him about doing any task for me in the future regarding money. This is just his feelings. The Enemy Combatant definition does not say anything about feelings. The PARACHAs have made it clear that there were no future tasks.

I had asked for UZAIR PARACHA to be a witness for me. He has denied answering my questions. Instead of using this against me, it should go in my favor. If he was telling the truth, it would not have hurt him to confirm all of his accusations. This should tell you that there is something fishy going on.

The transcripts from UZAIR PARACHA's court case clearly states he was lying about me to the FBI. I still don't agree with everything UZAIR said about me after a quick review of the testimony he supplied at his trial. Everything is very contradicting in the transcript.

To summarize:

If you read the questions to my witnesses, they are probably the same things you want to know about me. I am also anxious to know. How can they accuse me of such things? I myself has asked, have asked them for the truth. I asked them to describe how they knew certain things. I asked them to add anything that the United States government should know about me without me feeding them any answers.

About ten white lies have been proved wrong by witnesses. These facts were against me, but now you know the truth. How the DoD lied and manipulated some evidence and witnesses and present these facts, excuse me, and present these to you as facts in the Summary of Evidence.

There is clearly something wrong with the evidence. The U.S. District

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Court of New York has made me al Qaida. The FBI told me here in February 2007 that the United States government hasn't charged me yet. It has been four years. Can the United States government call me a terrorist and not yet, and yet not charge me? What is stopping them?

How can a home owner in Baltimore, Maryland be an Enemy Combatant?  
How can a person who has passed a security clearance and worked for President Roosevelt's Company, EDS, until 2002 be an Enemy Combatant?  
How can a person that paid \$2,400 United States dollars in tax every month to the United States be an Enemy Combatant?

Mister President and Members of the board, I am not an Enemy Combatant.

I would like to make a few quick comments regarding the questioning of my witnesses. The CSRT refused to show me exactly what type of questions they were going to ask my witnesses until they were answered by my witnesses. But overall, we talked in general about what kind of questions were going to be asked. I did see the exact questions that were presented to SAIFULLAH PARACHA prior to him seeing them.

I am not fully satisfied with this whole tribunal process, but my Personal Representative has done a fine job guiding me through the whole process. Special thanks to my Personal Representative.

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Before the end of these proceedings, I would like to present to you "my after arrest report" and I even call it "torture report." It has some facts about how the CIA, and DoD abused me.

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If you don't want to hear the entire report, then at least allow me to present you the summary of this report which is very short and to the point. This report is directly related to the Summary of Evidence due to the Summary of Evidence coming from a combination of both classified and unclassified sources. All of your classified information is from the CIA. These are the same people who tortured me. Please read it before believing the government sources. These are my words and truth as I know it.

PRESIDENT: Thank you. There are a few more statements that I believe Mister McK-- Mister KHAN would like to be read in. Is that correct?

PERSONAL REP: Yes, Sir. I just want to confer with the Detainee regarding this statement.

PRESIDENT: Please.

PERSONAL REP: MAJID, do you want the entire statement read or the summary statement?

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DETAINEE: Two things I ask you. The, if the President allows, the entire statement is about twelve pages and the summary is to the point. But the summary doesn't really explain what really happened. I would prefer, if you can allow it, to read the whole report. It is more Intel but it's not to the point, but I think it have to do with ah--it have to do the whole thing because it has to do with the CIA and FBI and everything. So, I would prefer the whole report. And it's up to the President if he allows it or not.

PRESIDENT: We are certainly going to read everything that's provided to us and I will allow to have the whole thing read in. It would save us a little time as far as all three of us hearing it at one time. And again, we will also read all this material that is provided to us carefully and consider the matters regarding your determination as an enemy combatant status. So at this point, Personal Representative, when you are ready, you may proceed with the ah--I believe the written statement regarding his treatment.

PERSONAL REP: Exhibit D-b. MAJID KHAN written Statement of Torture for Combatant Status Review Tribunal taken March 2007 by PR3. On the night of 5 March 2003, I was sleeping in the apartment where my brother and my sister in-law and two-month-old niece lived in Karachi-Karachi, Pakistan. At approximately 4:00AM we were all kidnapped by Pakistani

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Everything in the apartment, including expensive items, was taken into custody. Very expensive clothes, expensive electronics, and money were all taken. I am not sure if my family ever got any of it back.

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The same morning we were taken to the prison. started interrogating me. It is possible that when the Pakistanis raided the apartment were also present, but I never saw them that night; however, they were interrogating me within a few hours of my kidnapping. Additionally, when they raided my house I was never given any arrest warrant nor was I told of my rights.

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There is a very popular restaurant in Karachi called "Taj-Mahal." The front of this hotel is a prison. I think that is where they kept us. Every morning they would drive me out from the prison to an unknown location. I think this location was close to "HI Defense" area. In there, there was a big bungalow where once I saw a dark blue color BMW parked in the garage.

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Every morning they would take me to this house, from prison, for interrogation and then back to the prison when they were done. At times, I would stay at the interrogation center as long as ten days. Please don't mistake the word bungalow to mean comfortable accommodations because my situation was the complete opposite. They built a small cage outside the house but within the boundary of the compound. When I would arrive in

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(b)(3) NatSecAct

this house, they would always keep me in this cage unless I was being interrogated on the second floor of the house. The cage was eight feet long and four feet wide. The top of the cage had two windows--one for light and the other for air. At night, it was so dark I was unable to read the Quran. The door of the cage was made of bars to help with the cross circulation of air. In the hot air a person is popped like popcorn. Believe it or not, it was so hot that I would-- when I would give my shirts to the guards to wet in water so I can wear the wet shirt to cool my body a bit, after 20 minutes the shirt gets dry again.

(b)(1)  
(b)(3) NatSecAct

I spent the five weeks after my arrest in I was told that my family members were released after a few weeks. My sister in-law is a very religious woman, a religious scholar. She had just given birth, two months previous to her kidnapping. Her, the baby, and my brother MOHAMMED were kept in prison.

I was in that house for interrogation. Just imagine how the people who can put a two-month old in a criminal cell would treat me during the interrogation. In the interrogation room, they would cuff my hands behind my back and make me sit on a small hardwood table instead of a chair. I would sit on this table for hours. They once put a hood on me, cuffed my hands behind my back, and started punching and slapping my face. I am not sure how long this went on, but I did see stars during daylight. I swear to God the punching itself was not the problem, but not knowing where the punches were coming from.

(b)(1)  
(b)(3) NatSecAct

After five weeks, I was moved to The same process was used at this prison. They would take me from prison to an unknown house and when I was done they would return me. Once they got ugly with me by making me sit on a chair for three straight days without any sleep. Believe me, they used all methods to mentally torture me, to instill fear, to make fun of me. They questioned my honor and my diginey-- dignity. They would curse and yell; they would trick me, and they would make me say things by using deception and leading questions. They would use every trick in the torture books. They even gave me the impression that they were human rights people or Red Cross to make me say things the way they wanted to hear things.

(b)(1)  
(b)(3) NatSecAct

I was moved to a prison after six weeks in Islamabad. On or about May 2003, The

(b)(1)  
(b)(3) NatSecAct

Americans first broke my eyeglasses knowing that I can't see things or men's features more than eight feet from my eyes. Essentially, I am blind without my glasses. They then ripped my clothes and searched my whole naked body and put their fingers in my rectum till I would scream in pain. To this day, I bleed from my rectum occasionally. During the so called enema exam, they would put diapers on my private parts and taped it with

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(b)(3) NatSecAct

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(b)(3) NatSecAct

duct tape. After this examination they put some clothes on me, cuffed my hands behind my back, and my feet were shackled during the flight from

(b)(1)  
(b)(3) NatSecAct

The prison was underground. I refer to this as In there were ten to twelve medium-size cells in extremely poor condition. In March of 2004 this basement--basement was repaired, and they made about eight more cells and three more bathrooms or toilets. This is the location that Algerian citizen, KHALED EL MASRI, talks about

(b)(1)  
(b)(3) NatSecAct

There were two sizes of cells. There was no running toilet, no built-in shower, no lights, no soap, no heater, no air conditioner. There was a small window in the middle of the door that light would enter through. That window, however, was not open all the time. At first, there was an underground window from which I could see daylight. I could not see any scenery or direct sunlight. Even with the daylight, I could hardly read anything. Since I did not have my glasses, when I would drop something, I would have to search like a blind man by bending down and touching every part of the floor with my hands. One old rug, blanket and pillow were filled with dirty feathers and the mattress was a blanket itself. Since there was no toilet seat, they gave us an open container or bucket for our number one's and number two's. I also got one bottle of water.

(b)(1)  
(b)(3) NatSecAct

In the beginning, we were allowed to empty that container full of shit or pee once or twice a day. Until they were emptied, a person had to eat, sleep, and live with that smell in his cell. After some time, I started protesting by going on hunger strikes to put an end to the inhumane treatment.

(b)(1)  
(b)(3) NatSecAct

The underground window in my cell was wide open and only covered by a plastic sheet on the cold days winter--even if it was snowing outside and we didn't have any heater. They would put a heater outside of my cell door. Eventually, the metal door would get warm and then I could warm my hands on the door. During the entire winter, I had to put two blankets on me all the time to survive. There was no hot water for ablution or showering on shi-- on snowing days. The food was as bad as it can get. We were allowed to take a shower once a week and wash our clothes by hand every other week.

(b)(1)  
(b)(3) NatSecAct

There were two or three floors on top of mine with some torture cells. They used to beat Afghani Mujahideen. I used to hear them screaming in pain every day at 4:00 PM.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

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(b)(1)  
(b)(3) NatSecAct

On my second day at [redacted] the Americans took me to [redacted] for three straight days. When they came to take me, they did the same thing as at the enema, diaper, naked, etc. This time they cuffed my hands behind my back and shackled my legs and took me out of the building by pulling me up by my shoulders and swinging me in the air.

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

I can still remember the pain. The reason I call this place the American Torture Cell is because the room and bathroom were American looking. When we arrived, they again pulled me up in the air by my shoulders and slamming me down the steps and dragging around with the front of my body on the ground or steps. This left me bloody and bruised all over my knees, forehead, nose, and arms.

(b)(1)  
(b)(3) NatSecAct

Note: my PR refuse to take any writing from me in Urdu and made me translate and write everything in English.

(b)(1)  
(b)(3) NatSecAct

Whenever CIA used to move me [redacted] from one place to another, they would physically torture me little here and there, like throwing me on back on my face. Sometimes they would put their knee on top of my throat until I choked and couldn't breath right. Sometimes-- sometime my leg shackles were so tight and they would make me walk until I reach my destination. My ankles will bleed or they will wrap duct tape around my head covering my eyes and unwrapped in such of way that some of my eyebrow and head hair would be missing.

(b)(1)  
(b)(3) NatSecAct

So let me come back to American torture cell. So when I came to this cell, they pulled my hands up and cuffed them, so I won't be able to kneel down and get rest for straight three days, meaning I was standing for three days. And then they took my clothes off and took me to bathroom and dipped me in full ice and ice water tub. And then they hanged me back again, and this time they would throw cold water on me after ever few hours and right next to me they would turn fan. So days pass like this for straight three days. The worst in all, when this whole thing was happening, American women was there watching. To me, as a Muslim, it was worse than torture itself.

(b)(1)  
(b)(3) NatSecAct

So when they brought me back to [redacted] for first two days I wasn't able to stand on my feet because of swollen and pain.

(b)(1)  
(b)(3) NatSecAct

So anyway, I would spend next five or six weeks in [redacted] peacefully. All sudden on July 03 CIA came again and moved me to another location, which I call [redacted]. So when I arrived there first, they [redacted]

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(b)(3) NatSecAct

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(b)(3) NatSecAct

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hanged me or pulled my hands up or make me-- made me stand. This cell was extremely small in size, pitched dark, butt naked, again women interrogating me while I was naked, like in American torture room. But only difference this time is that I was hanged for seven straight days and while I was standing I used to pee in floor and I was so afraid from this environment I did diarrhea while I was standing. This cell floor was so rough that my knees scraped and were-- and were wounded whenever I try to rest on them. And when-- and with that they left specially kind of bugs in my cell. When they bite, they bite like mosquitoes, but that part will be itching for hours. But since my hands were tied and my legs were shackled, I could only scream or cry without tears. And also, there were western pop songs and Eminem, a rap pop singer: very popular in America, on extremely high volume, enough to shake the walls, and with that smell of my shit and pee in cell, etc.

After six days they took me to this torture bathroom cell for water torture again but this time, not in tub but in large plastic. And they will throw large bucket of ice water on my face in a way until this water goes through my nose in my throat in my stomach. Also with that, they would throw large piece of ice on my private parts from high above, etc. After water torture, they moved me to other small cell for few hours. In this cell my one hand was cuffed with ring which was attach with wall and that ring was only one and half foot above the ground. So this way a person could not stand-- stand straight nor lay down other than one side. So I was butt naked, lying down on cold rough floor.

Then doctor came. I asked him for his mercy and remind him of his religion. So he can give my hand, my one hand rest. But in return he told to hang me back to complete seventh day. Note: meaning this doctor was supervising the whole torture process. Then CI[A] told me if I need some rest write this and that in your handwriting. I don't remember what I wrote because after seven day-- straight days of no sleep, a person is practically half mentally sick and half physically dead.

So anyway after seven days they moved me to other medium size cell with only one dirty carpet full of carpet fleas and bugs, two bottle of water, one bucket for toilet, but this time after seven days I got my clothes back. But music was still on, and room was so pitched dark that I could not even see my own hand. And whenever I would get up after sleeping, I would not know where is the door and where I was. And to walk, I had to always touch the walls of the cell. Also, my hands were cuffed and legs were shackled for twenty-four seven. So anyway, I did my time like this for next two weeks, in pitch dark cell. Then after two weeks, they opened my light of the cell. Then after few days, I got Quran to read and then after few days they moved me back to

(b)(1)  
(b)(3) NatSecAct

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(b)(3) NatSecAct

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(b)(1)  
(b)(3) NatSecAct

Meaning from July 2003 to August 2003, when I was in  
During this whole time I didn't have toilet paper, toothbrush, pillow,  
blanket, and handcuffed and feet shackled for twenty-four seven. As far  
food goes, I would let you decide yourself what kind of food they  
would have given me. But I can tell you one thing That they used to serve  
us after every thirty-six hours and then eight hours, then thirty-six hours,  
then eight hours.

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

There were people there who never even got shower in six straight months,  
but by the time I arrived, there was a new rule that person were given  
shower every ten days while guards were present in shower cell watching  
you butt naked, with that they would tie your one hand and with only one  
hand you would wash yourself with. (b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

When they move me back to from it felt like  
heaven. Yet before, I was thinking was hell. was better  
from in all sense except it did not have any light in cell. So I  
would spend next approximately eight to nine months in without light  
in my cell and without watch. (b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

As I written earlier, even in things were better from but we  
were still inhumanely treated. So I guess I was protesting in by  
yelling. Then they moved me again from on April 2004,  
for only week before moving me to another location.

(b)(1)  
(b)(3) NatSecAct

So I think April of 2004, I was moved to unknown location from.  
When they moved me, this time they did same thing again, what  
they did in --enema, naked, diapers, shackled, etc. for very  
long plane ride. Note: My Personal Representative gave me a copy of my  
Petition for Writ of Habeas Corpus, which my lawyers filed-- filled it out for  
me in District Court of D.C.

(b)(1)  
(b)(3) NatSecAct

And my Personal Representative promised to use my Petition of Habeas  
Corpus for evidence in front of Board Members in final hearing. That is one  
reason I have decide to work with my PR and to attend final hearing.

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

Ok. So the next location, in my opinion, was somewhere in So I  
call it The first thing they-- thing they did when I arrived  
there was to take four pictures of mine, butt naked, then put me in one cold  
cell, butt naked, for twenty-four hours. The cell was large and had running  
hot and cold water with toilet seat but no shower in the cell. They used to  
give us shower once a week. First, naked in bathroom for shower, but after  
protest they start giving me shower shorts. Slowly, they start giving me  
basic amenities like watch, blanket, pillow, etc. The biggest problem was  
that for the-- for first four month they chained one leg and tied that chain  
with my floor ring. So twenty-four seven I had to drag that chain with me,

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(b)(3) NatSecAct

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no matter what I do in my cell. Chain was long, but not long enough to reach other corner of the cell.

First four months I survived hoping things will get better, but it did not. For example, month passed but never saw human face nor talked to anyone because guard wore black mask and they would not talk. I decided to go on hunger strike for five weeks. During the whole time of hunger strike, the same doctor who torture me used all kind of method to torture me in name of health reason, or to make me eat my own or break my hunger strike. First thing they did was to move me to

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

So doctor would feed me through nose and to humiliate me and to do cover-up on strike. He would put tubes in my rectum and put lot of food in it, so I would use toilet bucket right away, and then he can lie in his reports that the food just came out, is the food that just digested after nose feeding. So for four straight weeks he nose fed me once or twice in a day and then torture me and to torture me more he would stab me with needle to put fluid in me through IVs and rectum feeding on only reporting hours or days to do cover-up. To make me break my hunger strike, he used every method he could think of. For example, he used regular size hose in my rectum and turned on the water from the faucet. Or he used the sharp, the beginning of the tube and with that he used to rub hot sauce around the tube and then he would nose feed me. Because of that, my nose and throat would get injured, and I would cough for weeks.

So I was at-- I was on hunger strike for whole month of September of 2004 and first week of October. First three weeks were only nose feeding, then last ten days of Sep of 2004 doctor got ugly on me and did whatever I wrote above, but with that he took my Quran and he handcuffed my one hand with ring which was built into the wall, so I could not stand straight. I could not roll over while lying down. I was like this for two straight weeks until I broke my strike. Remember this is which was only seven feet long and five feet in width. Only one mattress and toilet bucket and one bottle of water. The whole time of strike, especially in last days, they would not let me sleep by making all kind of noises.

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

After breaking my hunger strike in October of 2004, they moved me from Then slowly they started giving me my amenities back, just like when I arrived there for first time. But then-- but this time, instead of chain on one leg, they put shackle on both my feet for the next ten months twenty-four seven, seven days a week. But at least person could walk around cell.

So in end of November, I would go on hunger strike for only one week and then after nose feeding I broke my strike. One day guards lied that on December 17<sup>th</sup>, 04, I tried to put socks in my toilet seat to stop the toilet

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(b)(3) NatSecAct

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(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

hole. For that reason they moved me to [redacted] until January [redacted] of 2005, but this time I cut my foot nerve or vein with sharp plastic on December 25<sup>th</sup>, 04. Doctor had to put stitches, and to punish me he put diaper on me and took everything out of my cell even toilet bucket itself. And taught me lesson. They turned on the air conditioner on freezing level. For next two weeks, I would be froze to death. So on December 25<sup>th</sup>, 04 I decided to go on hunger and thirst strike. After four days, I was dry as hell. Then he had to put IV's and start nose feeding to keep me alive on December 28<sup>th</sup>, 04. I asked that doctor, "why do you torture me?" He said, "because you are fucking terrorist."

(b)(1)  
(b)(3) NatSecAct

So anyway, my worst day in [redacted] was December 31<sup>st</sup>, 04. They had to send some kind of report that day. Since I was not eating that day, they had to make sure that food go in and food come out, to do cover-up as for formality to send clean reports to Washington or to whoever. So first they put so much food in me, through rectum, that I didn't have any option but to dump it out or use toilet bucket. Meaning one problem was solved, meaning that food was digested. Now on another thing was to make sure food goes in and stay. They nose fed me, but this time I threw up by putting finger in my throat. So now that was the big problem for them. So now they decided to feed me again, but this time they put me on one chair, hands on back cuffed, and taped me and my whole body with duct taped. Even chair itself was attach with floor and then they used-- then they overdosed me forcefully by shot, injection. So I passed out until they sent reports but since I was in so much pain, I get up in pain and go back to sleep, then get up, then back to sleep. So I broke my strike next day, but they still kept me in cold, freezing cell for another week or so to teach me lesson. I think on January [redacted] 05 I came back to [redacted] and I was pretty much quiet until March. Then end of March, I cut my wrist and almost artery. So then they moved me back to [redacted] this time for whole month of April. Hence, after every month or two months I did some thing that they had to move me back to [redacted] to teach me a lesson. On or about April 23<sup>rd</sup> a dentist did something in my mouth that he wasn't supposed to. I think.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

Approximately fourteen months after my arrival in [redacted] they made a new rule that a person could not be shackled in [redacted] in his cell. Slowly after that time, changes came. There were no books before, then over thousand books came in library. They build indoor rec. Then February of 2006, some big changes happened. I was given portable DVD player, Gameboy, electric sudoko book, electronic Quran-ic book, poster, little better food, movie night, etc. Not once I abuse those amenities to break or hurt myself. I think from May of 2005 to August of 2006 I never went to hunger strike more than three days nor I spent more than ten days during this whole time in [redacted]. When CIA treated me with respect, I did the same for them.

(b)(1)  
(b)(3) NatSecAct

But even after-- but even then, I never had chance to feel fresh air nor saw a

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(b)(3) NatSecAct

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sunlight. Then on May 15<sup>th</sup>, 06 they built small outdoor gym with basketball hoops. The roof itself was covered, but they made a hole five feet long and three feet width, from which I could see sun after years. I was allowed to go three days in a week for about one hour.

(b)(1)  
(b)(3) NatSecAct

Another thing I would like to mention is that when I was in Jail and since I was innocent, didn't know anything. I refused to look at any pictures or cooperate with debriefers for more than eighteen months, but they still kept me in so-called intelligence gathering facility.

One more thing I would like to mention is that, since my arrest, I've communicated with more than ten prisoners, and five I know for sure even got released. So, please tell me why you kept me and keeping me in solitary confinement without access to outside world. If I had some kind of secret message, I probably have passed those messages through people who got released.

(b)(1)  
(b)(3) NatSecAct

For me, things got better after three years, and just six months more passed I am brought to Guantanamo Bay, Cuba. I swear to God this place in some sense worst than CIA jails. I am being mentally torture here, just like in when I had arrived there.

(b)(1)  
(b)(3) NatSecAct

Before they brought me here, they took my naked picture again in Then I think September 5<sup>th</sup>, 06 we come here after long, painful ride of plane for more than thirty straight hours. Eyes were covered, ears muffed, hands and feet were shackled, etc. When I ask them why so much long ride, they told me because of security reasons. But if they really want to secure the route, they could have put us Mach five jet and moved us anywhere in the world in few hours.

(b)(1)  
(b)(3) NatSecAct

Since I got here, I have tried to cut my artery which goes through my elbow, on January 12<sup>th</sup>, 07, and again on February 22<sup>nd</sup>, 07. I went on hunger strike for four weeks on January 2<sup>nd</sup>, 07, and lost almost thirty pounds. And I have already spent two and half month in disciplinary status without comfort, incentive items, and sometimes even without basic items. On 28 November 2006, I wrote on my walls, "Stop torturing to me-- stop torturing me; I need newspaper, my lawyer and my mail, etc." I don't cooperate with them until they would treat me as human and until they would stop mentally torturing me.

(b)(1)  
(b)(3) NatSecAct

In my opinion it was on July-- it was in July 2006, DoD took over the place of and CIA left the building. But DoD moved me again after fourteen months to to punish me for three days all together. They even took away my Quran and all basic amenities, and they shackled my legs and chained my shackles to the ring in the wall. Meaning I was able to stand but could not walk at all. My crime was that I was yelling in

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(b)(3) NatSecAct

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My real problem with this administration where I am staying right now, that they are corrupt and some of guards, supervisors, and manager who may be DoD contractor today, but they were the same people in prison. They are doing things to me here which they couldn't do under CIA. To prove it, check their profiles where they were working for past few years.

(b)(1)  
(b)(3) NatSecAct

There was one person, we called him . . . . He would not allow any guard to abuse me, but it took me awhile to get his trust. So they were afraid of him. That is why I never went to . . . . for fourteen months for any punishment. Just after he left, within a week, they moved me to . . . . twice.

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

Since these guards managers hate me and no . . . . to protect me or at least to hear my side of story, that what caused me to do or they call it act out. They are gotten-- getting even with me here under DoD, and making me suffer by mentally torturing me. They know my weaknesses--what drive me crazy and what doesn't. When that . . . . gave me portable DVD player, Gameboy, electric Quran book, electric Sudoku book, my own Head and Shoulders shampoo, my own Old Spice deodorant, wall map, poster, markers, crayons, chocolate candies, five books to keep any time of a day, cool magazines, etc. I never even thought of hurting myself in straight eighteen months, meaning I never hurt myself after March of 2005, even when I had access to DVD or glass, etc. In following paragraph, I am writing some facts about DoD and how they are abusing their powers, and there is no check and balance system. Even the doctor, medic, and Naval people are in this together, meaning that they are manipulators and corrupt. There is extensive torture even for the smallest of infractions.

(b)(1)  
(b)(3) NatSecAct

In mid of September 2004, they took my main rec privilege for two weeks because I only wrote my name on outside dirty door of main rec with my fingertips.

In mid of September 2004, I tear some notepad papers, which suppose-- which was supposed to be trash notes. They said I broke the rule; I refused to give my notepad away to guard, as a punishment. To repeat, in mid September 2004 I tear some notepad papers which was supposed to be trash notes. They said I broke the rule; I refused to give the notepad away to the guard, as a punishment, because in my opinion I didn't break any rule. They forcefully took it for two and half month; I got it back on December 31<sup>st</sup>, 06. To punish me more, they took all my incentive items and comfort items for few days, which in my opinion, they can't do that unless camp leadership writes an official letter explaining me in writing that for what reasons they took my items for and for how long. Note: When camp leadership steps in, they put a person in either disciplinary status 2 (D2) or disciplinary status 1 (D1). In disciplinary status 2: loss of all comfort, incentive, and some basic items, loss of joint-rec, loss of communal rec, loss

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of main rec and finger food. And disciplinary status 1: loss of all comfort and incentive items, and loss of joint rec and main rec and detainee needs to wear orange color clothes.

On October 6<sup>th</sup>, 06, ICRC gave me my only daughter pictures which was born after my abduction. I left my wife pregnant but didn't know the sex of the baby until ICRC told me about her. So anyway, when I took this picture and came back to my camp building, the guard forcibly took it from me. Then I went crazy and yelled for one hour and they ignored me as if they didn't know I was yelling and waited until they can send their reports; until next day, 1:00 PM they took all my incentive items comfort items, until October 16<sup>th</sup>, 06. Again, they can't do this. They should have put--they should have put me disciplinary status since each time they put me disciplinary status they have to report to camp leadership, and they didn't wanted to do that because then they had to explain why they took my baby pictures, etc.

On October 23<sup>rd</sup>, 2006, I went on thirst strike. Each time I refused to eat, they slowly took my incentive and comfort item one by one. Until I broke my strike and the same night I got my stuff back, meaning on 25-- on October 25<sup>th</sup>, 06.

On November 2<sup>nd</sup>, 06, they gave me new wrong prescription eyeglasses to wear. Also wrong frame which don't fit my nose. I took it and when I try to wear it, they made my eyes hurt and head spin. The prescription was way off. They knew I am practically blind without my glasses and knew exactly how to hurt me. Anyway, so I didn't wear it. I kept-- I kept wearing old one, the one I am wearing right now. After four days, they forcibly took my old glasses and made me wear new one, but I protested and then I got it back next day.

On November 13<sup>th</sup>, 06, I tore a disposable cup and playing card cover to throw them away as a trash, but guards again took my incentive and comfort item without explanation. Then I decided to protest on November 15<sup>th</sup>, 06. I refused to return breakfast tray and they ignored me until 1:00 PM and they didn't even give me my lunch that day. After 1:00 PM, the guard came forcibly inside my cell, never gave me a chance to be shackled down on my own. I never refused to be shackled; they just came in with eight guards and took me to main rec and forcibly shaved my beard to humiliate me and offend my religion. While they were shaving my beard, the female Navy head of Psychiatrist was watching the whole thing.

Then they put me for first time in orange clothes and three days of disciplinary two and another three days for disciplinary status one. Next day early in the morning, they moved me from cell B13 to cell A16. This cell is attach to main rec door's wall. Somehow it is easy to do cover-up on

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A16 because if I do anything unusual they make main rec occupied as if A16 is occupied. Since A16 and main rec both linked to same wall, it is somehow easy from them to manipulate A16 to main rec activities. The second reason they moved me to A16 is because to drive me crazy. Whenever they close main rec door or whenever they play games with main rec door, it just make big out loud noise in my cell. They have since moved me to A14 on 6 April 2007.

On November 28<sup>th</sup>, 06, I wrote on my walls stop, "torturing me. I need my mails, newspaper and my lawyer." Then they put me on D1 status for only two days, but took my writing pen for two weeks. They cleaned my walls the same day, but some marks are still there. This happened in cell A16.

On January 2<sup>nd</sup>, 07, I was on hunger strike way before than this date, but they officially put me on strike on January 2<sup>nd</sup>. But next day, to make me eat my own, they left me with only basic item and no sunlight and fresh air until I break my strike. I didn't break any rule; I was just simply practicing my rights by going on hunger strike. Anyway, days passed like this, but eventually I got frustrated and chewed my artery which goes through my elbow on January 11<sup>th</sup>, 07. But I never broke my hunger strike until January 29<sup>th</sup>, 07, after they tricked me or lied to me. On January 11<sup>th</sup>, 07, I also refused to get medical assistance, by giving them vital signs, because I was told by doctor that I had right to refuse to get medical assistance. But they never told me I have no right of refuse when I am on hunger strike, but by then it was too late. But anyhow, I wanted to be disciplinary status cause I had a feeling that this administration is doing cover-up on my strike. I was hoping when camp leadership steps in, they will know that I am on hunger strike and maybe they will come to talk to me what my problems were and why I was on hunger strike. The reasons I was on hunger strike is that I wanted to go back to Pakistan or charged. Until then, treat me with respect like CIA did in last ten months before my arrival. Later I found out it was camp leadership doing the cover-up. I was told by the head psychiatrist that the maximum a person can get in D status was six days. So knowing all the consequences, I decided to refuse to be shackled and refused to give my vital signs the next day. But in return, they put one IV in me and forcibly shaved my beard again, but again they still didn't put me in D status. Then again, next day, I refused to be shackled and refused to give my vital signs. But this time I finally got in D status, but three weeks in D2 status and another three weeks in D1 status. Instead of six days, I got six weeks in D status. If I had known that, if they didn't lied to me, I would not have refused to be shackled.

Note: They clearly lied to me. They could have always taken me vital signs from door's window without coming in my cell. But they wanted to make this disciplinary issue so they can put me in D2 status. Meaning I was on disciplinary status not because I refused to get medical assistance but

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because I refused to be shackled in my cell and the only reason I refused to be shackled in my cell because I wasn't cooperating with medic because I was on hunger strike.

Now if you check the database and the last report of disciplinary status, it doesn't say anything about me refusing medic because if it did then they had to explain why and everything about my strike. All I am saying is that they did the cover-up on my strike by making it as if I was only dieting or since they tricked me to go to D2 status for long time because they were suppose to give us finger food which is very low in calories and carbohydrates, etc. And because of finger food I lost more than twenty-five pounds. But in reality I was on hunger strike. When I was on hunger strike, they forcibly put IVs with potassium, glucose, sodium, etc. This left three big bruises for about two weeks.

On January 29<sup>th</sup>, 07, I broke my strike because they tricked me by saying that a team from Washington is coming to meet you specially and gave me an impression as if they are coming to talk to me about my issues and strike or even my lawyers, but actually they were FBI to whom I refuse to talk to very next day.

Before I write farther, let me tell you why they do these things to me. It's not entirely their fault; it just that I don't cooperate. volunteer, ask for things nor give my things my own.

Since I don't do anything-- to repeat, [Personal Representative starts sentence over.] since I don't do any above things I just mentioned, they have to do cover-up or make it as if I'm cooperating. Now if I am not cooperating, they got to at least make sure I don't act out or I don't do some unpleasant or unusual things. If, for example, I do unusual act, then they need to see me cooperating with medic, voluntarily giving or taking things my own. If that doesn't work, then they take my amenities, one way or other, to do cover-up on that unusual act. If that doesn't work, they would put me in disciplinary status and take my personal belongings, shave beard or take my blood test or see me in pain or give things from inside my body, like body weight, etc. Another option is to make that unusual act of mine, like yelling, not eating, my complaints, a normal act. To do that, they will make sure someone else will do the same act. For example, if I yell, they will make sure some other Detainee will also yell. The very last option they have is to take me out of the building for administrative purposes or for medical purpose, especially in reporting hours. Not only that, to make this act itself a normal act, they will take couple more Detainees with me to other building, as if it was a routine process, just like they did on January 2<sup>nd</sup>, February 14<sup>th</sup>, 07, etc.

They don't do this every day. They only do this on special reporting, hours,

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days, weeks, and even month. Anyway, they have a thousand ways to make sure as if Detainee is volunteering and everything is good to go up here.

February 1, 07, the dentist did some filling in my tooth, but she didn't do it right so I will be in pain and so I will get painkillers from medic. So it will seem like I am cooperating and working with medic. But when my pain got worst, instead asking for painkillers, I yelled and finally she did refilling on February 18<sup>th</sup>, 2007.

February 22, 07, I chewed my artery again. Medic cleaned my wound.

February 2-- February 23<sup>rd</sup>, 2007, I got my stuff back after six weeks.

February 26<sup>th</sup>, 07, they took some of incentive and comfort items, telling me that they are afraid as if I am going to hurt myself and they returned them on March 3<sup>rd</sup>, 2007. But never put me in disciplinary status.

Some Facts How They Are Mentally Torturing Us:

They them self use the best kind of stuff but they gave us cheap branded, unscented deodorant soap to wash ourselves with. Also, same goes for shampoo, toothpaste, and deodorant, etc.

This camp gives us only twelve to fourteen pages of newsletter only once week. Most of the stuff is crap; only few pages are worth of reading it.

In main rec no weight lifting machine, no toilet, no sink, no hoops, and even balls them self have little air in them; they hardly bounce.

In end of January 2007, they brought a big fan which makes noise, which makes more noise than produce air in main hall. It drives us crazy. They have since turned the fan off and I have been moved to A19 on 6 April 2007. The fan itself is still there.

They know how we feel about family members. They intentionally make our ICRC mails delay- very,very delay in so call censorship issues.

We only get one hour of communal rec and only one hour of main rec per day, 2 books per week, and that's it. No mind stimulations, no solitary games, no DVD players, no entertainment, and you know how small and cozy our cells are in size. It has been seven months like this, no improvement.

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In the end, any classified information you have is through \_\_\_\_\_ or American agencies who physically and mentally tortured me. So please, before making any decision on me, please read this report of torture and

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then think yourself if these people can go that far and how hard it is for them to make something up, especially after using modern technology and making fake stamp, passports, documents, and by having computer hackers linking me and my personal information to terrorist organizations, etc. I affirm these are my words and the truth as I know it.

PRESIDENT: Personal Representative, thank you.

PERSONAL REP: There is one additional statement, Sir.

PRESIDENT: Okay. Before we continue, I have a question. The title of this document says it was taken on March 2007. There's no specific date. And then at the end, it was certified as dated the 15<sup>th</sup> of April, which I would assume, correct me if I am wrong, that's the date it was finally agreed by yourself, Mister KHAN, that this was accurately what you had evidently provided in written form some time in March. Is that correct?

DETAINEE: Step by step. Eventually I added a lot of things. Mostly recently I add the last part, even the summaries itself, a few days ago. All together, yes. I just signed today.

PRESIDENT: Understand. There are some references to specific days that you were making the statement and it was unclear to me what date that was in-March or-- or April, so, I understand now, thank you very much. Personal Representative, there's another document?

PERSONAL REP: That is correct. Exhibit D-8, excuse me, Exhibit D-h, the photo of MAJID KHAN's daughter. The back of the photo reads, my daughter--

PRESIDENT: Excuse me just a moment. I have that in front of me now, thank you.

PERSONAL REP: To repeat, the back of the photo reads, my daughter MANAAL., she is three years and three months old in this picture. She is my only daughter, but I never even talk to her. Your decision today may not only affect my life, but also others too. So please be careful.

PRESIDENT: Is there anything else?

DETAINEE: I would like to have that summary as well, to read it if possible.

PRESIDENT: Does it contain the same information that was just provided?

DETAINEE: I think there's something, just a few lines may not be. It's just a couple of pages. [Detainee is searching for document.]

PRESIDENT: Is this a three-page document, Exhibit D-c?

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DETAINEE: Yes, Sir. D-c. It's really, it's-- it's ah-- it's right to the point and it actually, the whole report doesn't tell you for how long, for how long I was in that. I will certainly appreciate your allowance: it's only really short and it's only a couple of pages. If possible, if not--

PRESIDENT: I'm willing to hear it, but I'd like to ask the other Tribunal Members if they need a break at this time.

MEMBERS: [Indicated no.]

PRESIDENT: Okay. We'll take the time to have it read in, please. Personal Representative, if you will.

PERSONAL REP: Just to reiterate, there are points in the oral summary that are not contained in the written summary. So the written report that was just read, there are additional points in the in the oral statement. ~~{SCI}~~

PRESIDENT: Yes. I am looking forward to hearing those, yes.

PERSONAL REP: Exhibit D-c. MAJID KHAN Oral Statement of Torture for Combatant Status Review Tribunal taken March/April 2007 by PR3. Mister President and Members of the Combatant Status Review Tribunal, thank you for letting me make a statement regarding the torture I received after my kidnapping on the night of 5 March 2003.

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On 5 March 2003 my brother MOHAMMED, sister-in-law, two-month-old niece, and I were kidnapped from my brother's apartment by Pakistanis without any arrest warrant.

In March 2003, I was hooded and the guards punched and slapped on my face while I was hooded. Additionally, I was poorly treated and humiliated.

In April of 2003, I was poorly treated again, mentally tortured. They cursed, made fun of me, questioned my dignity, and they made me sit on one chair without sleep for three straight days.

In May 2003, I was dipped in a tub of ice water and made to stand for three straight days, butt naked, and then every few hours they would throw ice water on me and turn on a fan blowing directly on me. Even women were watching the whole thing.

In July 2003, I was forced to stand for seven straight days in a pitch dark room. I was forced to urinate and defecate while standing. During this time

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I was water tortured again, again butt naked. Additionally, women interrogated me and I was constantly being bitten by mosquitoes and bugs.

All together I was locked in a pitched dark room for approximately four weeks without toilet paper, without blanket and pillow, and my hands and feet were shackled the whole time.

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for eight to nine months, in one cell without light, without watch, without toilet seat, without shower in cell, without heater or air conditioning, and without soap, etc.

In three years I never saw sunlight except for a few hours all together.

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For seven days a week for fourteen months, my legs were either chained or shackled in the prison.

After three and a half years, I finally got my own shower in my cell, here in Cuba.

I am practically blind without my glasses. I finally got glasses after two and half years.

For the past four years, I have been in solitary confinement.

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They took pictures of me naked.

In the prison, I spent one month in a cell all together where one of my hands was cuffed to a ring embedded in the wall. I wasn't able to stand straight, walk, nor could change sides while sleeping.

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In they handcuffed me to the back of the chair and wrapped duct tape around my body and chair and they overdosed me for more than eighteen hours straight.

They forcefully shaved my beard. This even happened at Guantanamo Bay, Cuba.

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In the doctor put a regular size hose in my rectum and turned on the water. This was done to make me break my hunger strike

For weeks, I was frozen to death in an extremely cold cell.

After my arrest, Allah blessed me with only one beautiful daughter, but I have still been unable to talk to her.

Since my arrival at Guantanamo Bay I have been without communal

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recreation for eleven weeks all together.

I have had my beard forcibly shaven twice.

On two occasions I choed-- chewed my artery and three times they have made me wear the protective suicide prevention smock for days.

For three weeks, I was without basic, incentive, or comfort items.

For nine weeks, I was without incentive or comfort items.

Four weeks without sunlight and fresh air.

Four weeks straight I went on hunger strike and lost twenty-five pounds. They put nine bags of IVs of sodium, potassium, and glucose mix forcibly in my arm. It left big bruises on my arms for weeks. I was threatened by the medic with nose feeding where they would strap me in a special chair that allows nose-- no movement at all-- at all for more than ten straight hours each feeding.

There are many more abuses. Please read tort-- the report of torture that my Personal Representative has provided to the Board. My statements are 100% true. I can take a lie detector test and I tried to prove in my reports from the fact that these statements are 100% true. I affirm these are my words and the truth as I know it.

DETAINEE: Mister President, the questions that I wrote to my witnesses, at some point if you allow that, I want that to be readed because these other questions are different from what you guys asked.

PRESIDENT: In that case I will be reading them ah-- we will be reading them in written form. The matters regarding your witnesses have been previously addressed by myself. Making sure that they are contacted and known of your request, it's all been matters I have addressed previously. Certainly we'll consider those questions as well as the responses that we have received today. Anything else, Personal Representative?

PERSONAL REP: No, Sir.

PRESIDENT: Very well. At this point I would like to take a recess. We've been provided considerable amount of written material to review. We are going to be in this building for a little bit of time, I'm going to ask that the Detention Authorities give you a comfort break as well, Mister KHAN.

DETAINEE: Okay. [Spoken in a very low voice.]

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PRESIDENT: We will reconvene after we've completed this and depending on other matters regarding lunch, we will let you know as soon as possible. I hope that we can reconvene shortly. Recorder, please note the date and time of when we will go into recess.

RECORDER: The time is 10:49. The date is 15 April 2007. This Tribunal is now in recess. [All personnel depart the room.]

RECORDER: All rise. [All personnel return into the room at 13:38.]

PRESIDENT: This hearing will come to order. Please be seated. Mister MAJID KHAN, good afternoon.

DETAINEE: Good afternoon, Sir.

PRESIDENT: Excuse me. [clears throat.] We recessed to review all, excuse me, to read all the unclassified documents and evidence that was provided to us earlier. Thank you for allowing us time to read that carefully. We now are going to resume our hearing process by addressing some questions and answers to you, and then we'll be able to complete this session. Okay, Personal Representative, do you have any questions for Mister KHAN?

PERSONAL REP: No, Sir.

PRESIDENT: Okay. Recorder, do you have any questions for the Detainee?

RECORDER: No, Sir. I have a comment from the earlier proceeding. Would you like me to make that now or save it?

PRESIDENT: It would be appropriate to make that-- address that issue right now.

RECORDER: Yes, Sir. I'd just like to note for the record that during the previous proceeding a note was made regarding the earlier, an earlier version of the Unclassified Summary; references was made to it. The current version is dated 28 March 2007. The difference in the two versions is simply a wording in the definition of enemy combatant. The earlier version says an individual who is part of or supporting the Taliban or al Qaida forces and the 28 March 2007, current version says that an individual who is part of or supporting Taliban or al Qaida forces. That's all, thank you.

PRESIDENT: There's a minor wording change, the change of just deleting the word "the" in front of Taliban. Thank you for that administrative comment. [Referring to the Detainee.] I believe the Tribunal Members, with me, have questions for you.

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MEMBER: Mister KHAN, I have one question. In Mister SAIFULLAH PARACHA's statement, he said that you were introduced to him by Mister AMMAR AL BALUCHI. What did you, what was your dealing with Mister BALUCHI?

DETAINEE: I am not at-- I can't answer that in this ah-- under the circumstances. I'm not in position to tell you exactly what my association with that guy. And did you say that he call me? What was the question again? I'm sorry.

MEMBER: Mister SAIFULLAH PARACHA has stated in his, in his witness statement or his--

DETAINEE: In his testimony [~~SCI~~]

MEMBER: -documentation that you were introduced to him by AMMAR AL BALUCHI.

DETAINEE: All I can tell you that the person, whoever it is, that, that I was introduced to him, in my opinion, that he is not al Qaida, he's not Taliban, or associate forces who may be a threat to United States. And that's all I have to say about this person. Other than, I can't comment, and how do I know this person.

MEMBER: Alright.

MEMBER: Mister KHAN, I have two questions. The first is to clarify something you said in your rebuttal concerning paragraph G and H, about visiting your new wife and family in Pakistan, and your travel documents for return to the United States expired. Can you clarify the reason why you were trying to renew those documents?

DETAINEE: Ah-- which [looking through papers.] The point I was trying to make there is that, that's for sure that I was trying to get that ah-- ah--travel document back, but the point I was trying to make is ah-- the one thing is for sure, that I was not going to travel on that-- with that specific travel document. There could be other things, other options you could do, you could do with that travel document, that might be not legal or legal. I'm not sure about that, but the point I was trying to make there is that, one thing I can promise you, that I was not going to travel, travel on that specific travel document. Ah-- since I let it, myself, expire in December 25<sup>th</sup>, I was in Pakistan and know it was going to expire and I had made my mind that ah, that I was not going to go back to States. And at that, at some point in my time, some time in-- some time in-- ah--- [Detainee appears to be getting confused or experiencing anxiety.]

PRESIDENT: Take your time.

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DETAINEE: Some time in life, I made a decision that, there were times that I wanted to be citizen of the United States and there was times that I thought that I was done with United States. And I left it; I let it expire. And then, as you said, in the bottom it says that I was there-- there couldn't be, let me think, I don't have the correct words 'cause I wrote it this morning. Could it be that I was trying to get this document for refugee or stuff like that? I think I made the statement, there are other things that you can do too, with that travel document other than just, just traveling back to United States. So the point I was trying to make there is that, one thing is for sure, I was not going to travel with that specific travel document. And I can't talk about in-depth that-- what was my other intention for that. I think that not relevant to ah-- in my opinion, to enemy combatant definition, cause I had not intention to use it for Taliban, al Qaida, or associate forces to maybe engage against United States. So I don't be able to answer that. That's one of the reasons I can't talk in-depth about it. I can prob-- all I am saying, the point that I was trying to make there is that I was not going to travel on that specific travel document. That is for 100% sure. Ah-- Yeh, that's all I have to say about it.

MEMBER: So if I understand what you just said, you're clarifying that you wanted to renew the travel document, but you were not going to travel back using that documentation once it had been renewed.

DETAINEE: Yes, Ma'am. And then if it couldn't be-- I was trying to give you another option. A person can use it for other reasons, maybe legal or illegal. It has nothing to do with ah-- it could be a fraud or something like that. But it has nothing to do with enemy definition. Go ahead. [Member waiting to speak.]

MEMBER: But what your true intention was would be relevant because you're giving us a hypothetical, and I was wondering what the real intent was. So if you were not going to travel back with that documentation, can you tell us the specific purpose you intended to use it for?

DETAINEE: The specific purpose was that, as I said there, there are a lot of refugees out there, in Pakistan who are desperate, who need help. And I could use that-- I just don't want to talk a-- I can't, I can't give you specific person for some reasons. It could be, I don't want to endanger his life or it could be either a person or individual group, that I could give it to the refugees. And I was hoping they could manipulate this document and they can travel back to States and then they could apply for asylum there. Just like, like I used, my whole family used this kind of passport or travel document to go back to State first and once we in State, we can apply for asylum and for refugee status. So, since I made up my mind that I'm not going back to, I'm not going back, I'm not gonna go back to States, then I thought I might as well use this to help some desperate people who I believed, in my opinion, were

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refugees like my mother and so forth. And, but I can't really talk about specific names that I was going to give out to 'cause it may endanger their life.

MEMBER: Okay, thank you. Mister KHAN, I have one other question to clarify something you stated in this case, concerning paragraph 3-i which starts on page four of your rebuttal.

DETAINEE: Page four, paragraph i?

MEMBER: Yes, it starts on page four paragraph i, but if you look on page five in the section where you discuss to Mister UZAIR having admitted that you wanted to loan him money but you did not loan him money, so there was no harm. The question I wanted to ask you was to clarify whether you had wanted or intended to loan him money, but the loan did not [SCI, Detainee said something inaudible.] the transaction did not take place.

DETAINEE: Actually ah-- when I say UZAIR himself admitted that, I wanted-- what actually I'm trying to-- maybe it's some bad English, I was trying-- I was-- I was trying to point out the actual word in that, in that paragraph. He said I want it, not that I said I want it. What I'm trying to prove is that the enemy combatant definition doesn't say anything about a person want to become Taliban or a person wanted to help. It just claims that a person was associated or something like that. And I'm trying to clarify that, that I had no intention whatsoever, 'cause it just that I come bringing that statement from paragraph and--and--and--and challenging that, that specific word, whether it fits the definition of enemy combatant. For myself, I never wanted to give any kind of money to UZAIR or any al Qaida organization or whatsoever. There's no, "I want it." [Quotes inserted due to emphasis on, I want it.] I just, I'm bringing his statements to make point.

MEMBER: I think you've then clarified what I found a little confusing near the top of page five. You said you had never loaned any money, meaning there was no harm. And I wanted to clarify whether you had conversations to intend to loan the money or try to loan the money. It's just that the transaction did not take place.

DETAINEE: Yes, I think, if you read UZAIR transcript, and I just myself was reading it, and he, himself said there was no, no conversation between me and him and his father about any money. And-

MEMBER: I did read that and I wanted to clarify what your version of the facts were since this paragraph does not specify what you say about whether there were any conversations or intent to loan money. Your rebuttal merely says you did not loan the money. So I wanted to clarify-

DETAINEE: whether there were intentions-

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MEMBER: -or conversations-- your statement about that versus Mister PARACHA's statement.

DETAINEE: Let me-- I didn't make myself clear there that I want to make clear now. There were no intention or conversation at all, from my side as well.

MEMBER: Thank you.

PRESIDENT: First of all, I'd like to ask if the statements that you made to your PR during the course of preparing for this Tribunal, as well as the written documents that you have provided to us, were any of those, were all of those provided voluntarily by yourself? Were there any threats regarding submitting or not submitting something for consideration here today?

DETAINEE: The only thing I say that for-- when my PR first arrived, I--I had decide not to attend the Tribunal at all. And month passed 'cause I thought that Tribunal itself is a game. I think that it was a setup 'cause the kind of questions I had, I thought it was a trap to make me say things. Even when I was going through this process, I was uncomfortable I was like, this is just a game. But more I talk to my PR, I realize, maybe it is important in my life. Maybe it's very important. I didn't know that. The more I talk to my PR, then I realize, you know, it will affect a lot of people or myself. So then I start giving a lot things voluntarily and ah--but only thing, I as said it my statement that I wanted write in Urdu because I can express myself much better this way. Still, I know English as a second language, as you know, but my PR had me translate everything in English and had me write everything in English, so I just, I didn't feel very comfortable about it. And so, all I have to say that, when I was speaking-- actually I speak very finely, but when it comes to writing, it's pretty bad. You've probably seen it. So I wasn't very comfortable expressing things in writing. So that's-- yes, I pretty much volunteered everything I wrote. There was no threat, no coerce. There's only one thing that I have to say; it the travel document. In my opinion, I never ask for travel document. I never-- there had to be some kind of misunderstanding between me and him. And next day he came, we have asked for evidence in that travel document. And I don't say, I don't see any reason for travel document in this whole thing. So I refused it next day. And that's the only one thing I can think of that was not appropriate.

PRESIDENT: Very well. I understand on that last point that no-- none of those travel documents were submitted by yourself and certainly I believe, as we know here today, the Recorder didn't submit any of those for our consideration. So those were provided as a request that I thought came from you, but at this point, we don't have those.

DETAINEE: The only thing I was going to add, I don't want to give you the impression that I am hiding anything. 'Cause whatever we talked about, I, even good or

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bad, my PR used it. I just thought maybe you had a feeling that I had a travel document hiding or something hidden about it. There's nothing hidden, nothing to hide. So, [SC] I just wanted to make that clear.

PRESIDENT: I understand your point. And I do understand that English is your second language, and we have reviewed carefully everything you provided and I know you've had a discourse regarding every one of those documents with your Personal Representative. And we believe that they are very complete and where we do have questions, we have an opportunity get your input on that. So thank you very much. In your Exhibit D-f, regarding the treatments that you had while you were in custody, it was rather detailed and I understand that was probably difficult for you to present to us. But the question I have has to do with anything that you did say while, enduring those times, in specifically, I think, page seven, said that you didn't cooperate. In fact, I believe it said "since I was innocent and didn't know anything" you refused to look at pictures or cooperate. That's the only real reference I can find in that your document where you talked about things that you may have said during that period. What I would like to know is, were there any statements that you made during that whole period that what you said was incorrect or incomplete or not true? And you can relate any of those cases? It does appear that there is at least only one place where you said you didn't cooperate, which means you didn't provide any statements. But if you had provided statements, can you comment on the validity of the statements made during those conditions?

DETAINEE: There was always statement,

PRESIDENT: Statements that you made. (b)(1)

DETAINEE: Statement that I made, even written (b)(3) NatSecAct

PRESIDENT: Understood.

DETAINEE: And there were statements, just like after seven day they were hanging me and they said okay, if you want some rest, write this. I remember exactly what I wrote on that day. I think it has to do with recentering the United States. "What were your intentions to us" they said. Okay, we-- what they said to me was that, after six days, they said, I would, you know, in this situation, like they said sit there, we're gonna leave you there and when we come back, this is what we want you, we want you to write; and there was a camera there. So they left me all alone. So I wrote whatever they told me ahead of time and then they started recording it. I came back-- and they came back and they picked it up. Okay, it looks good. And since then, they decided-- decided, before I was just ah-- Pakistani, give it to me as still [inaudible] after that writing they made me permanent terrorist or whatever it was. So from there's--there--there's always been

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these statements. Now I call it, even after torture and un-cooperating, I mean, we call it torture, I'm--what--what did I say there just--I am--it just made me confused when you said cooperating, not cooperating.

PRESIDENT: Well I was just using the terminology that you had in your statement where you said you-- you [SCI] did not cooperate.

DETAINEE: Actually, what happened after-- after they stop torturing after [redacted] When we went to [redacted] there was mental torture rather than physical torture.

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There was a little torture but not to make what I used to hear people yelling or screaming and beating up, ah-- to me nothing happened in [redacted] as like physical torture type of thing. What they used to could do. [inaudible] the debriefer would come and show the picture so as if I am voluntary looking at the pictures, I'm cooperating with the--I think the debriefers were FBI people or whatever the--was not CIA. They would come everyday to try to show you picture and ask for intelligence. When I say that I didn't cooperate 'cause I didn't want to give any intelligence, 'cause I didn't have any intelligence. They would show me Uzbekistan pictures, Afghan pictures, Taliban pictures, and I go, like, this is ridiculous. I don't know anything. So, I got frustrated for a couple of months and then I said if you want to torture me, torture me, but I am not going to look at any more pictures. And then after I refused to cooperate with the debriefers. That's what I mean. Now, during that statement, ah-- during that time, I don't--I don't recall I make any statement. Ah-ah-- that can be used against me. Ah--there may be--can--even at that time, you know, what I was told, you have feeling you want to keep same story. Were you married in Karachi or Islamabad or Kabul, after torture. But if it changes after three years and they're gonna say "Uhh, after two years you come in with this new stuff, then you must be hiding something else." So just put you in a bad spot. So even after that, if someone had asked me about it, I would have still keep the same story so they can't come tomorrow, well after three years you come in with this new information, then you must be hiding something else. So that's-- that's another way of looking at it. Yes,-- it's very hard to explain what I've been through and I try to make the statement what I make in [redacted]

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But if you keep the same, you-- chances are they won't torture you. Wherever you go, you just make sure you keep the same statement.

PRESIDENT: Well, and I'd like to ask about those statements. Were those statements true or incorrect?

DETAINEE: Definitely not true.

PRESIDENT: That's all I am looking for and- [SCI]

DETAINEE: Okay. [SCI]

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PRESIDENT: -first direct statement on that.

DETAINEE: Definitely not true. Most of the stuff, yes.

PRESIDENT: Very well. Okay, that completes the questions I had. I will make an-a statement here regarding what we've heard here today. Ah-What you have told us will be included in the record, obviously. We'll also be reported to appropriate authorities for any investigation that's necessary. As you know, we will carefully consider what you have said to us today, as we make our determination regarding your enemy combatant status. [We] consider this a very important matter. You've heard us take our oath and ah-- you know we won't ah-- consider these-- this evidence that you provided as well as we received, very carefully. *[Tribunal President's post-hearing note: The previous sentence is a direct transcript of my statement; however, it is incomplete and disjointed as I attempted to transition to receiving the Detainee's final statement. As directly stated previously, I intended to reiterate that the Tribunal would carefully consider the Detainee's statements]* At this point in the hearing, we've received all the unclassified information [Detainee acknowledges with "ah ha."] and, ah, we're now about to complete this portion by providing you an opportunity to provide a final statement. Would you like to make a final statement at this time?

DETAINEE: I have few questions of what we talked about today.

PRESIDENT: Okay.

DETAINEE: Ah-

PRESIDENT: Ask your questions. Are they-- go ahead, please.

DETAINEE: Ah-- so you said there's one of my brother. I ask for MOHAM-, MAHMOOD, MOHAMMAD, AHMED KHAN, and ah you said that one of my brother wasn't able to make a statement. And were you talking about paragraph A or paragraph D in Summary of Evidence.

PRESIDENT: Where are you at? [Referring to Summary of Evidence.]

DETAINEE: Because we both, we don't know who made, what exactly-

PRESIDENT: It is actually referring to paragraph A.

DETAINEE: Okay. If you were referring to paragraph A, then ah-- I'd like to point that out that the question about one of my brother has ever made a statement about me being involved with al Qaida, I think my father in his statement, ALI KHAN, he made it clear that-- "because now I'm told by the military that my son wants to know whether I said in March 2003 that he became very religious and developed anti-American feelings. And whether one of

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my other son said MAJID might be involved with al Qaida." So basically he already answered the paragraph A in it. So even--even that brother didn't make it, and there's a statement attached to it, didn't make up here, so they should be-- I don't feel that we need his statement because my father took care of it. Another thing is D. ah-- I was wondering if-- if-- if you know that D is talking about, I think it doesn't fit the definition of enemy combatant itself because it's clear it doesn't fit the definition itself. But anyway, when it's talking about Detainee's residence, I mean my residence, now are they talking about Baltimore or-- or-- or-- or ah-- Pakistan, Karachi? 'Cause I lived in both place.

PRESIDENT: As you can see, this is what we know; the same thing you know at this point. So, we will have to consider that question after we receive all of the information. Again, this is a unclassified Summary of Evidence and this is all we know about this at this point.

DETAINEE: So, would it be appropriate statement to make that--that D itself, let's just say, ah I think I refuted pretty good with every single paragraph, all the witnesses. The D, I can't refute because I don't know. To me-- I just can't know. What you don't know, you can't refute. So, D itself can make me enemy combatant, if they're right; just only D itself. If I refute all successfully, let us say, and D I'm worried about because I don't know. And it's just--it's up to you. With D itself, will make me an enemy combatant?

PRESIDENT: I can't answer that at this point.

DETAINEE: Okay. ~~SCI~~

PRESIDENT: We have not received all information; we have not gone into deliberation. We--I certainly understand your point very well that you provided in your written statement, your oral statement as well, regarding that matter. We will consider that as we look at that information in its content. Thank you.

DETAINEE: Last--last question is ah-- actually there was--there was some comments made in that paragraph and me and PR talk about it and it was inappropriate--un-appropriate to bring it up. In paragraph F, Exhibit D-d, page number four-

PRESIDENT: Oh, I need to look at that, excuse me just a moment. Okay, please continue.

DETAINEE: And ah-- when I talk about I've never been to Afghanistan and I never met UBI.. I cannot possibly be member of al Qaida. I admit I can't prove I am not al Qaida. It is very difficult to prove that someone is not al Qaida. Now there was few more sentence in which me and PR decided may not be very appropriate to ask, but this is a very important question I need to ask you. Let's just say someone claims that the Board Member are themselves al

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Qaida. And if you were--if you were in my shoes, I would like to know that how can you prove it, that you yourself are not al Qaida? And if you can't, then I can't either. And if you can, then please let me know 'cause I will follow the same process to prove that I am not al Qaida. That was my question.

PRESIDENT: Sorry, I may have lost the question in there.

DETAINEE: If someone believes that you're, the Board Member, of al Qaida and you are in my shoes and you ought to prove, let us say you say I can't prove it, then I can't either. And let's say that you can prove it. Then I would like to know how can you prove it to anyone, anyone in the world 'cause there's a Board Member of this CSRT are not al Qaida. So I can follow same process.

PRESIDENT: Well, you are following that process. In a sense that evidence is being provided to these three Members, myself and the two Members next to me. And we will look at all of the evidence provided, including testimony and information you wish to provide and comment on. We recognize this may have been the first time that you've had an opportunity to comment on--on such matters. That is our job. We will determine that, based upon the evidence provided to us. Just what's provided to us here. There's probably a lot of other things out there regarding yourself as a detained person, but only certain things are provided to us. The things, as you read from the unclassified Summary of Evidence R-1, that the government believes makes you fit the definition of an enemy combatant. So, if the reverse happened, a Board, an independent group of officers that have not been part of your detention or your interrogation are now have been charged to do our responsibility, our duty. We make the decision based upon the evidence provided to us, just the three officers here. The majority vote determines your enemy combatant status.

DETAINEE: Okay. I don't have any comments to make. I said whatever I wanted to say. These are the questions and the answers.

PRESIDENT: Very well. Thank you.

DETAINEE: Thank you.

PRESIDENT: So that concludes your, your final statement?

DETAINEE: Yes, Sir.

PRESIDENT: I have some additional information I'd like to share with you, to conclude this hearing.

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**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: All unclassified evidence having been provided to this Tribunal, this Tribunal has concluded its open session. Mister MAJID KHAN, you will be notified of the Tribunal decision upon completion of the review of these proceedings by the Combatant Status Review Tribunal convening authority in Washington, D.C. If the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made. If the Tribunal determines that you are classified as an enemy combatant you may be eligible for an Administrative Review Board hearing at a future date. The Administrative Review Board will make an assessment of whether there are continued reasons to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaida and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention. You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at the Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you. A military officer will be assigned at a later date to assist you in the Administrative Review Board process. Thank you very much for participating with us today. I appreciate your, your understanding as this is a lengthy process, and I appreciate your continued cooperation with detention authorities while you are in detention.

**ADJOURN OPEN SESSION**

PRESIDENT: The open session of this Tribunal hearing is adjourned. Good afternoon.

RECORDER: The time is 14:10; the date is 15 April 2007. All rise.

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony during the Combatant Status Review Tribunal of ISN 10020.

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(b)(6)

Colonel, USAF

Tribunal President

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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10024

OPENING

REPORTER: On the record

RECORDER: All rise.

PRESIDENT: Remain seated and come to order. Go ahead, Recorder.

RECORDER: This Tribunal is being conducted at 1328 March 10, 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:  
Captain (b)(6), United States Navy, President  
Lieutenant Colonel (b)(6), United States Air Force, Member  
Lieutenant Colonel (b)(6), United States Marine Corps, Member  
Lieutenant Colonel (b)(6), United States Air Force, Personal Representative  
Language Analysis (b)(6)  
Gunnery Sergeant (b)(6), United States Marine Corps, Reporter  
Lieutenant Colonel (b)(6), United States Army, Recorder  
Captain (b)(6) is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All Rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Colonel (b)(6) solemnly swear that you will faithfully perform the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you Gunnery Sergeant (b)(6) swear or affirm that you will faithfully discharge your duties as Reporter assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

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RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing so help you God?

TRANSLATOR: I do.

PRESIDENT: We will take a brief recess now in order in to bring Detainee into the room. Recorder note the date and time.

RECORDER: The time is 1:30 pm hours on 10 March 2007. This Tribunal is in now in recess. [The Tribunal recessed at 1330, 10 March 2007. The members withdrew from the hearing room.]

### CONVENING AUTHORITY

RECORDER: All Rise.  
[The Tribunal reconvened and the members entered the room at 1334, 10 March 2007.]

PRESIDENT: This hearing will come to order. Please be seated.

PRESIDENT: Before we begin, Khalid Sheikh Muhammad, I understand you speak and understand English. Is that correct?

DETAINEE: [Detainee nods his head in affirmative].

PRESIDENT: Alright. Are you comfortable in continuing in English or would you like everything translated in Arabic?

DETAINEE: Everything in English but if I have a problem the linguist will help me.

PRESIDENT: We will proceed in English. If you indicate to me that you would like something translated we will go ahead and do that. Alright?

PRESIDENT: This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

PRESIDENT: This Tribunal will determine whether Khalid Sheikh Muhammad meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

### OATH SESSION 2

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

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RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRIBUNAL: I do.

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Personal Representative in this Tribunal so help you God?

PERSONAL  
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

PRESIDENT: The Recorder, Reporter, and Translator have previously been sworn.

#### EXPLANATION OF PROCEEDINGS

PRESIDENT: Khalid Sheikh Muhammad, you are hereby advised that the following applies during this hearing:

PRESIDENT: You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence.

PRESIDENT: You may not be compelled to testify at this Tribunal. However, you may testify if you wish to do so. Your testimony can be under oath or unsworn.

PRESIDENT: You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present.

PRESIDENT: You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal.

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PRESIDENT: You may examine documents or statements offered into evidence other than classified information. However, certain documents may be partially masked for security reasons.

PRESIDENT: Khalid Sheikh Muhammad, do you understand this process?

DETAINEE: Yes. If I have question can I ask you?

PRESIDENT: Yes, you may.

DETAINEE: About the testimony which I ask about the witnesses.

PRESIDENT: Yes, I'm going to address the witnesses shortly. So, if you will bear with us I will take that up in a few moments.

DETAINEE: Okay.

PRESIDENT: Do you have any questions concerning the Tribunal process?

DETAINEE: Okay by me.

**PRESENTATION OF UNCLASSIFIED INFORMATION**

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form

PERSONAL

REPRESENTATIVE: I am handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

PRESIDENT: Alright, the Tribunal has received Exhibit D-a that indicates the Detainee wants to participate in the Tribunal and wants the assistance of the Personal Representative.

**RECORDER PRESENTS UNCLASSIFIED**

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an

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enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibits, marked as Exhibit R-2. Copies of these Exhibits have previously been provided to the Personal Representative. [Documents presented to Tribunal]

PRESIDENT: Recorder, please read the unclassified summary of evidence for the record. But before you proceed, Khalid Sheikh Muhammad, let me remind you that you must not comment on this evidence at this time. You will be provided with an opportunity shortly to provide any comments that you would like. Recorder, please proceed.

RECORDER: The following facts support the determination that the Detainee is an enemy combatant:

Paragraph a. On the morning of 11 September 2001, four airliners traveling over the United States were hijacked. The flights hijacked were: American Airlines Flight 11, United Airlines Flight 175, American Airlines Flight 77, and United Airlines Flight 93. At approximately 8:46 a.m., American Airlines Flight 11 crashed into the North Tower of the World Trade Center, resulting in the collapse of the tower at approximately 10:25 a.m. At approximately 9:05 a.m., United Airlines Flight 175 crashed into the South Tower of the World Trade Center, resulting in the collapse of the tower at approximately 9:55 a.m. At approximately 9:37 a.m., American Airlines Flight 77 crashed into the southwest side of the Pentagon in Arlington, Virginia. At approximately 10:03 a.m., United Airlines Flight 93 crashed in Stoney Creek Township, Pennsylvania. These crashes and subsequent damage to the World Trade Center and the Pentagon resulted in the deaths of 2,972 persons in New York, Virginia, and Pennsylvania.

Paragraph b. The Detainee served as the head of the al Qaida military committee and was Usama bin Laden's principal al Qaida operative who directed the 11 September 2001 attacks in the United States.

Paragraph c. In an interview with an al Jazeera reporter in June 2002, the Detainee stated he was the head of the al Qaida military committee.

Paragraph d. A computer hard drive seized during the capture of the Detainee contained information about the four airplanes hijacked on 11 September 2001 including code names, airline company, flight number, target, pilot name and background information, and names of the hijackers.

Paragraph e. A computer hard drive seized during the capture of the Detainee contained photographs of 19 individuals identified as the 11 September 2001 hijackers.

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Paragraph f. A computer hard drive seized during the capture of the Detainee contained a document that listed the pilot license fees for Mohammad Atta and biographies for some of the 11 September 2001 hijackers.

Paragraph g. A computer hard drive seized during the capture of the Detainee contained images of passports and an image of Mohammad Atta.

Paragraph h. A computer hard drive seized during the capture of the Detainee contained transcripts of chat sessions belonging to at least one of the 11 September 2001 hijackers.

Paragraph i. The Detainee directed an individual to travel to the United States to case targets for a second wave of attacks.

Paragraph j. A computer hard drive seized during the capture of the Detainee contained three letters from Usama bin Laden.

Paragraph k. A computer hard drive seized during the capture of the Detainee contained spreadsheets that describe money assistance to families of known al Qaida members.

Paragraph l. The Detainee's name was on a list in a computer seized in connection with a threat, to United States airlines, United States embassies and the Pope.

Paragraph m. The Detainee wrote the *bojinka plot*, the airline bomb plot which was later found on his nephew Ramzi Yousef's computer.

Paragraph n. The *bojinka plot* is also known as the Manila air investigation.

Paragraph o. The Manila air investigation uncovered the Detainee conspired with others to plant explosive devices aboard American jetliners while those aircraft were scheduled to be airborne and loaded with passengers on their way to the United States.

Paragraph p. The Detainee was in charge of and funded an attack against United States military vessels heading to the port of Djibouti.

Paragraph q. A computer hard drive seized during the capture of the Detainee contained a letter to the United Arab Emirates threatening attack if their government continued to help the United States.

Paragraph r. During the capture of the Detainee, information used exclusively by al Qaida operational managers to communicate with operatives was found.

Paragraph s. The Detainee received funds from Kuwaiti-based Islamic extremist groups and delivered the funds to al Qaida members.

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Paragraph t. A computer hard drive seized during the capture of the Detainee contained a document that summarized operational procedures and training requirements of an al Qaida cell.

Paragraph u. A computer hard drive seized during the capture of the Detainee contained a list of killed and wounded al Qaida martyrs.

And lastly, Paragraph v. Passport photographs of al Qaida operatives were seized during the capture of the Detainee.

RECORDER: Sir, this concludes the summary of unclassified evidence

PRESIDENT: Very well.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

PERSONAL

REPRESENTATIVE: Yes, sir. I am handing to the Tribunal the following unclassified exhibits marked as Exhibits D-b through D-d. Copies of these exhibits have been previously provided to the Recorder. [Documents presented to Tribunal]

PRESIDENT: Exhibit D-b appears to be a statement that the Detainee has provided.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And Exhibit D-c contains hand written notes that appear to be Arabic and English as well as the typed version of that. Is that correct?

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And D-d is a written statement regarding alleged abuse or treatment that the Detainee received.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. We will go into those shortly.

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PRESIDENT: Khalid Sheikh Muhammad, you may now make an oral statement to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you wish to make an oral statement to this Tribunal?

DETAINEE: He will start, the Personal Representative; PR will read then later I will comment.

PRESIDENT: Very well, you may proceed.

RECORDER: Sir, would you hold one moment?

PRESIDENT: Yes

RECORDER: Ah, before the Detainee makes a statement, ah, I'd like to ah.

PRESIDENT: Question of the oath?

RECORDER: Ah, no sir.

RECORDER: Concerning classified evidence.

PRESIDENT: Very well.

PRESIDENT: Do you have any further evidence to present at this time. Recorder?

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

PRESIDENT: Very well, your request for a closed session is granted and will be taken up in due course.

PRESIDENT: You may proceed, PR.

PERSONAL

REPRESENTATIVE: The Detainee responds to the unclassified summary of evidence with the following key points.

PERSONAL

REPRESENTATIVE: "Some paragraphs under paragraph number 3, lead sentence are not related to the context or meaning of the aforementioned lead sentence. For example, paragraph 3-a is only information from news or a historical account of events on 11 September 2001, and note with no specific linkage being made in this

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paragraph to me or the definition of Enemy Combatant. As another example, sub-paragraph 3-n makes no linkage to me or to the definition of Enemy Combatant."

DETAINEE: Are they following along?

PERSONAL

REPRESENTATIVE: Ah, they they have that in front of them for reference.

PRESIDENT: Yes.

DETAINEE: Okay.

PERSONAL

REPRESENTATIVE: Second main point: "There are two false statements in the Summary of Evidence. Sub-paragraph 3-c is false. I never stated to the Al Jazeera reporter that I was the head of the al Qaida military committee. Also, sub-paragraph 3-s is false. I did not receive any funds from Kuwait "

PERSONAL

REPRESENTATIVE: Point number 3. "There is an unfair 'stacking of evidence' in the way the Summary of Evidence is structured. In other words, there are several sub-paragraphs under parent-paragraph 3 which should be combined into one sub-paragraph to avoid creating the false perception that there are more allegations or statements against me specifically than there actually are. For example, sub-paragraphs 3-m through 3-o, which pertain to the *hajinka* plot should be combined into one paragraph, as should paragraphs 3-a through 3-h, which pertain to 9/11."

PERSONAL

REPRESENTATIVE: Lastly, my name is misspelled in the Summary of Evidence. It should be S-h-a-i-k-h or S-h-e-i-k-h, but not S-h-a-y-k-h, as it is in the subject line.

PRESIDENT: Would you like to add anything to that, Khalid Sheikh Muhammad ?

PERSONAL

REPRESENTATIVE: Final statement.

DETAINEE: No, I just want to ask about witnesses.

PRESIDENT: Okay, ah, let's finish with these then I will get to the witnesses.

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DETAINEE: Okay.

PRESIDENT: Try to keep it in order.

PRESIDENT: You want to continue, PR? Do you have have another statement?

PERSONAL

REPRESENTATIVE: That concludes this Detainee's response to the, ah, unclassified summary of evidence, sir.

PRESIDENT: Oh.

### CALLING OF WITNESSES

PRESIDENT: We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Detainee if present, the Personal Representative, the Recorder, and the Tribunal Members

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, sir.

PRESIDENT: Alright.

PRESIDENT: From the Detainee Election Form and I was informed earlier that the Detainee requested the presence of two witnesses to testify here today. Ramzi bin al-Shibh and Mustafa Hawsawi. The Detainee believes the witnesses can provide testimony related to the Detainee's actions specified in the unclassified summary of the evidence.

PRESIDENT: I have had the opportunity to review the request for witnesses and I have made some findings and I'm going to place them on the record now and when I conclude that, Khalid Sheikh Muhammad, you may respond to that if you'd like.

PRESIDENT: First the request for Ramzi bin al-Shib, the proffer of the testimony from the Detainee was that Ramzi is alleged to have been present during the al Jazeera interview in June 2002 during which it is said the Detainee claimed to be head of al Qaida Military Committee. The Detainee claims he never stated that, to be the head of the Military Committee, during the interview and states that Ramzi, if called, can confirm this.

PRESIDENT: This witness is not relevant in the President's view for the following reasons. In the totality of the circumstances and given the nature and quality of the other unclassified evidence, the Detainee's alleged statements as reported in al Jazeera

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are of limited value and negligible relevancy to the issue of combatant status. As such, any corroboration or contradiction by the proffered witness is not relevant. The creditability determinations with regard to R-2, which is the al Jazeera article, can be made by the Tribunal without the proffered testimony. As such, the Detainee's request for the production of that witness is denied.

PRESIDENT: As to the request for Mustafa Hawsawi, ah, it is proffered that Hawsawi, if called, could testify that the computer/hard drive referenced in the unclassified summary was not this Detainee's property and that the place of the Detainee's capture was not the house of the Detainee. In the President's view this testimony is not relevant to the issues regarding the Detainee's capture or his combatant status for the following reasons.

PRESIDENT: Whether the Detainee had actual legal title or ownership of the computer/hard drive or the house where the capture took place is irrelevant to the determination of the Detainee's status as an enemy combatant. Based on the proffer, if true, Hawsawi's testimony will not provide relevant information. The issue of ownership, while of some interest, is not relevant to status. What is relevant is possession, usage, connection and presence. Hawsawi's testimony will not speak to any relevant information in regard to such points. As such, the request for the production of that witness is denied.

PRESIDENT: If you would like to respond to that, I'll hear you.

DETAINEE: Most of these facts which be written are related to this hard drive. And more than eleven of these facts are related to this computer. Other things are which is very old even nobody can bring any witnesses for that as you written here if it will be ah a value for you for the witness near by you will do it. This computer is not for me. Is for Hawsawi himself. So I'm saying I need Hawsawi because me and him we both been arrested day. Same way. So this computer is from him long time. And also the problem we are not in court and we are not judge and he is not my lawyer but the procedure has been written reported and the way has mostly as certain charged against me; tell him, [Arabic Phrase].

TRANSLATOR: [Translating] They are only accusations

DETAINEE: So accusations. And the accusations, they are as you put for yourself ah definition for enemy combatant there are also many definitions for that accusation of fact or charges that has been written for any ah. [Arabic Phrase]

TRANSLATOR: [Translating] Person is accused.

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DETAINEE: So, if I been accused then if you want to put facts against me also the definition for these facts. If you now read number N now what is written the *bojinka* plot. Is known many lead investigation it is not related to anything facts to be against me. So when I said computer hard drive/ hard disk, same thing. All these point only one witness he can say yes or not cause he is this computer is under his possession him computer. And also specifically if he said Mohammad Atta picture been this hard drive. I don't think this should accepted. There are many 100 thousand Americans who have a lot of picture on their computer. You cannot say I find Muhammad Atta on your computer then you use this fact against you. Or you find any files in your computer to be what about it's mine, it's not my computer. If this witness, he will state that this known and here that has been ninety percent of what is written is wrong. And for Ramzi, for reporter in Jazeera, he claimed that I state this one and you know the media man. How they are fashionable. What they mean in their own way in a whole different way. They just wrote it so he say I state. But I never stated and I don't have any witnesses and witness are available here at Guantanamo. He is Detainee. He was with me. Which he been mostly in all my interview with him. Me and them, there was three person, me and Ramzi and this reporter. So if you not believe me, not believe him, believe my witness Ramzi. Then he's what he state the reporter most is false. I not denying that I'm not an enemy combatant about this war but I'm denying the report. It not being written in the proper way. Which is really facts and mostly just being gathered many information. General information that form in way of doing, to use in facts against me.

PRESIDENT: I have heard and understood your argument. In order for me to make my determinations regarding the production of witnesses I first have to believe that they are relevant for the reasons that I have stated. For the reasons I have stated, I do not believe they are relevant. Whether or not they may be available here on Guantanamo, is a second decision to be made, but only if I decide they are relevant. I have heard your arguments. I noted them. However, my ruling stands.

PRESIDENT: The Recorder has no witnesses, is that my understanding?

RECORDER: No, sir.

PRESIDENT: And there are no other approved witnesses to taken up. Ah, we will take a brief moment to review the unclassified evidence that we received so far and then we will pick back up in the proceeding.

MEMBER: If I might ask a question real quick of the PR. This is the entire translation of the hand written notes?

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PERSONAL

REPRESENTATIVE: Yeah. The hand written notes are the Detainee is on yellow.

MEMBER: Yes.

PERSONAL

REPRESENTATIVE: and, then the next set of notes, hand written notes, are the Linguist's translation and then the final hard copy printed that's, ah, that...

MEMBER: Type written.

PERSONAL

REPRESENTATIVE: Typed from Linguist's notes.

MEMBER: Type from Linguist's translations. Okay.

PRESIDENT: Khalid Sheikh Muhammad. I did not offer you an oath early because I was informed by the Personal Representative that you would be making some statement later on in these proceedings relevant to the truthfulness of your comments. So, if you would like to take an oath I would administer one to you but I did understand that you going to make a statement.

DETAINEE: In the final statement, I will explain why then.

PRESIDENT: Alright. Thank you. [Tribunal pauses to review D-a thru D-d]

MEMBER: Seen those.

TRANSLATOR: Sir.

PRESIDENT: Yes.

TRANSLATOR: He wanted me to translate a Koranic verse on the spot.

PRESIDENT: I will permit it.

TRANSLATOR: Thank you.

TRANSLATOR: Can I ask him for clarification?

PRESIDENT: Yes.

PRESIDENT: Do you need a few more moments, Translator?

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TRANSLATOR: Yes, sir, about thirty seconds.

PRESIDENT: Go ahead and take your time.

TRANSLATOR: Would you me to read the English translation after he read Arabic verse or would like him to read it.

PRESIDENT: You want to save that for later?

TRANSLATOR: [Nods head]

PRESIDENT: Alright.

PRESIDENT: Let me take up a few things that have come up as based on my review of these documents that have been provided to us so far. D-d, appears to be a written statement regarding certain treatment that you claim to have received at the hands of agents of the United States government as you indicated from the time of your capture in 2003 up until before coming here to Guantanamo in September 2006.

PRESIDENT: Is that correct?

DETAINEE: Yes.

PRESIDENT: Alright.

PRESIDENT: Now, I haven't seen any statements in the evidence we receive so far that claim to come from you other than acknowledging whether you were or not the head of the Military Committee. Were any statements that you made as the result of any of the treatment that you received during that time frame from 2003 to 2006? Did you make those statements because of the treatment you receive from these people?

DETAINEE: Statement for whom?

(b)(1)

PRESIDENT: To any of these interrogators.

(b)(3) NatSecAct

DETAINEE: CIA peoples. Yes. At the beginning when they transferred me to After they shifted me to the man who was torturing me he spent long time with me. He stayed with me two years. Later we became friends and I told him about all these procedures against American constitution law. This what I understand he told me: you are not American and you are not on American soil. So you cannot ask about the Constitution.

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PRESIDENT: What I'm trying to get at is any statement that you made was it because of this treatment, to use your word, you claim torture. Do you make any statements because of that?

TRANSLATOR: Sir, for clarification.

PRESIDENT: Can you translate it?

TRANSLATOR: I will translate in Arabic.

PRESIDENT: Yes.

(b)(1)

TRANSLATOR: [Translating above]

(b)(3) NatSecAct

DETAINEE: I ah cannot remember now because three years daily asking question. I be under questioning so many statement which been some of them I make up stories just location UBL. Where is he? I don't know. Then he torture me. Then I said yes, he is in this area or this is al Qaida which I don't him. I said no, they torture me. Does he know you? I say don't him but how come he know you. I told him I'm senior man. Many people they know me which I don't them. I ask him even if he knew George Bush. He said, yes I do. He don't know you that not means its false. Then finally I said yes I know him. Took me more then twelve persons. I said yes I know him. Which I don't him the some more. The procedure they were given me picture for peoples which were in I mean CIA camps with Detainee. In the beginning almost the four month hard time this time I. But later they did same thing because I transferred hard time then even I not remember the pictures. I said yes or not. This I said.

PRESIDENT: Alright, I understand.

PRESIDENT: Is there anything you would like to correct, amend, modify or explain to us from what you said back then?

DETAINEE: I want to just it is not related enemy combatant but I'm saying for you to be careful with people. That you have classified and unclassified facts. My opinion to be fair with people. Because when I say, I will not regret when I say I'm enemy combatant. I did or not I know there are other but there are many Detainees which you receive classified against them maybe, maybe not take away from me for many Detainees false witnesses. This only advice.

PRESIDENT: So you are aware that other...

DETAINEE: Yes.

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PRESIDENT: People made false statement as a result of this?

DETAINEE: I did also.

PRESIDENT: Uh huh.

DETAINEE: I told him, I know him yes. There are and they are. Not even you show me. This I don't know him I never met him at all. So, unclassified which is both classified and unclassified so this is you know him you don't know him. You have to be fair with people. There are many many people which they have never been part of the Taliban. Afghanistan there have been many people arrested for example people who have been arrested after October 2001 after make attack against Afghanistan many of them just arrive after they don't what has happen. When Russian came to Afghanistan they felt they went back but they did anything with Taliban and al Qaida then came after that. I don't know why it was younger people same thing for Afghanis people they show Afghanis people. I will give example one. His name is Sayed Habib. This I remember. Him they found his name in my notes and I told them this note is old note and have people which even before al Qaida I know. And he is not. He is one of my students and the Russian times and I don't know him. Then they show me his picture. He had been stripped and hanged and they said this man he said Habib. I told he is not al Qaida. After six months they show his picture again. They ask do you know him, did not release him. Then they told me he states he never saw you from ninety four. I said that is right. I never met him after ninety four. This one is example. Many people they show pictures which face I know but don't them because I was under pressure. Then I said yes.

PRESIDENT: Alright.

PRESIDENT: Now what.

DETAINEE: For me nothing which was recorded. For which is written here is not related

PRESIDENT: I understand.

PRESIDENT: I do note that in one of the exhibits you indicate you are not under any pressure or duress today. Is that correct?

DETAINEE: That is about I'm hearing today. Yes.

PRESIDENT: So anything.

DETAINEE: Some of this information, I not state it to them.

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PRESIDENT: The information that you are telling us today, so we are clear. You do not believe you are under any pressure or threat or duress to speak to us today, is that correct?

DETAINEE: Yes, that's correct.

PRESIDENT: Alright.

PRESIDENT: Now what you have told us about your previous treatment is on the record of these proceeding now and will be reported for any investigation that may be appropriate. Also, we will consider what you have told us in making our determination regarding your enemy combatant status.

DETAINEE: I hope you will take care of other Detainees with what I said. It's up to you.

PRESIDENT: I will do as I've said. I'll see to it that it is reported.

PRESIDENT: Alright. At this point, we are going to go into the final statement but I do want to give the opportunity to the Recorder, PR, and Tribunal member to ask questions if they would like. So, what will do is proceed then to the Detainee's final statement and then I'll have a question and answer session following that. Alright just give me a moment.

PRESIDENT: Alright.

PRESIDENT: Khalid Sheikh Muhammad, this concludes the presentation of unclassified information to the Tribunal. We are about to conclude the unclassified portion of the hearing. Do you wish to now make any final statement to the Tribunal? You have the assistance of your PR.

DETAINEE: I make a two part. Maybe he will read then I will go also.

PRESIDENT: Very well. You may continue.

PERSONAL

REPRESENTATIVE: Mr. President, the Detainee has asked me to read his final statement to the Tribunal with the understanding he may interject or add statements if he needs to, to correct what I say. According to the Detainee:

"I hereby admit and affirm without duress to the following:

1. I swore Bay'at (i.e., allegiance) to Sheikh Usama Bin Laden to conduct Jihad of self and money, and also Hijrah (i.e., expatriation to any location in the world where Jihad is required).
2. I was a member of the Al Qaida Council.

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3. I was the Media Operations Director for Al-Sahab, or 'The Clouds,' under Dr. Ayman Al-Zawahiri. Al-Sahab is the media outlet that provided Al-Qaida-sponsored information to Al Jazeera. Four."

DETAINEE: [speaking inaudibly to Personal Representative]

PRESIDENT: Please tell.

PERSONAL

REPRESENTATIVE: In other channels or other media outlets.

PRESIDENT: Thank you.

PERSONAL

REPRESENTATIVE: [continuing] "4. I was the Operational Director for Sheikh Usama Bin Laden for the organizing, planning, follow-up, and execution of the 9/11 Operation under the Military Commander, Sheikh Abu Hafs Al-Masri Subhi Abu Sittah.

5. I was the Military Operational Commander for all foreign operations around the world under the direction of Sheikh Usama Bin Laden and Dr. Ayman Al-Zawahiri.
6. I was directly in charge, after the death of Sheikh Abu Hafs Al-Masri Subhi Abu Sittah, of managing and following up on the Cell for the Production of Biological Weapons, such as anthrax and others, and following up on Dirty Bomb Operations on American soil.
7. I was Emir (i.e., commander) of Beit Al Shuhada (i.e., the Martyrs' House) in the state of Kandahar, Afghanistan, which housed the 9/11 hijackers. There I was responsible for their training and readiness for the execution of the 9/11 Operation. Also, I hereby admit and affirm without duress that I was a responsible participant, principal planner, trainer, financier (via the Military Council Treasury), executor, and/or a personal participant in the following:

1. I was responsible for the 1993 World Trade Center Operation.
2. I was responsible for the 9/11 Operation, from A to Z.
3. I decapitated with my blessed right hand the head of the American Jew, Daniel Pearl, in the city of Karachi, Pakistan. For those who would like to confirm, there are pictures of me on the Internet holding his head.
4. I was responsible for the Shoe Bomber Operation to down two American airplanes.
5. I was responsible for the Filka Island Operation in Kuwait that killed two American soldiers.
6. I was responsible for the bombing of a nightclub in Bali, Indonesia, which was frequented by British and Australian nationals.
7. I was responsible for planning, training, surveying, and financing the New (or Second) Wave attacks against the following skyscrapers after 9/11:
  - a. Library Tower, California.
  - b. Sears Tower, Chicago.
  - c. Plaza Bank, Washington state.

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- d. The Empire State Building, New York City.
8. I was responsible for planning, financing, & follow-up of Operations to destroy American military vessels and oil tankers in the Straights of Hormuz, the Straights of Gibraltar, and the Port of Singapore.
  9. I was responsible for planning, training, surveying, and financing for the Operation to bomb and destroy the Panama Canal.
  10. I was responsible for surveying and financing for the assassination of several former American Presidents, including President Carter.
  11. I was responsible for surveying, planning, and financing for the bombing of suspension bridges in New York.
  12. I was responsible for planning to destroy the Sears Tower by burning a few fuel or oil tanker trucks beneath it or around it.
  13. I was responsible for planning, surveying, and financing for the operation to destroy Heathrow Airport, the Canary Wharf Building, and Big Ben on British soil.
  14. I was responsible for planning, surveying, and financing for the destruction of many night clubs frequented by American and British citizens on Thailand soil.
  15. I was responsible for surveying and financing for the destruction of the New York Stock Exchange and other financial targets after 9/11.
  16. I was responsible for planning, financing, and surveying for the destruction of buildings in the Israeli city of Elat by using airplanes leaving from Saudi Arabia
  17. I was responsible for planning, surveying, and financing for the destruction of American embassies in Indonesia, Australia, and Japan.
  18. I was responsible for surveying and financing for the destruction of the Israeli embassy in India, Azerbaijan, the Philippines, and Australia.
  19. I was responsible for surveying and financing for the destruction of an Israeli 'El-Al' Airlines flight on Thailand soil departing from Bangkok Airport.
  20. I was responsible for sending several Mujahadeen into Israel to conduct surveillance to hit several strategic targets deep in Israel.
  21. I was responsible for the bombing of the hotel in Mombasa that is frequented by Jewish travelers via El-Al airlines.
  22. I was responsible for launching a Russian-made SA-7 surface-to-air missile on El-Al or other Jewish airliner departing from Mombasa.
  23. I was responsible for planning and surveying to hit American targets in South Korea, such as American military bases and a few night clubs frequented by American soldiers.
  24. I was responsible for financial, excuse me, I was responsible for providing financial support to hit American, Jewish, and British targets in Turkey.
  25. I was responsible for surveillance needed to hit nuclear power plants that generate electricity in several U.S. states.
  26. I was responsible for planning, surveying, and financing to hit NATO Headquarters in Europe.

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27. I was responsible for the planning and surveying needed to execute the Bojinka Operation, which was designed to down twelve American airplanes full of passengers. I personally monitored a round-trip, Manila-to-Seoul, Pan Am flight.
28. I was responsible for the assassination attempt against President Clinton during his visit to the Philippines in 1994 or 1995.
29. I was responsible for the assassination attempt against Pope John Paul the second while he was visiting the Philippines."

DETAINEE: I was not responsible, but share.

PERSONAL

REPRESENTATIVE: I shared responsibility. I will restate number twenty nine.

29. "I shared responsibility for the assassination attempt against Pope John Paul the second while he was visiting the Philippines.
30. I was responsible for the training and financing for the assassination of Pakistan's President Musharaf.
31. I was responsible for the attempt to destroy an American oil company owned by the Jewish former Secretary of State, Henry Kissinger, on the Island of Sumatra, Indonesia."

PERSONAL

REPRESENTATIVE: Sir, that concludes the written portion of the Detainee's final statement and as he has alluded to earlier he has some additional comments he would like to make.

PRESIDENT: Alright. Before you proceed, Khalid Sheikh Muhammad, the statement that was just read by the Personal Representative, were those your words?

**BEGIN DETAINEE ORAL STATEMENT**

DETAINEE: Yes. And I want to add some of this one just for some verification. It like some operations before I join al Qaida. Before I remember al Qaida which is related to *Bojinka Operation* I went to destination involve to us in 94, 95. Some Operations which means out of al Qaida. It's like beheading Daniel Pearl. It's not related to al Qaida. It was shared in Pakistani. Other group, Mujahadeen. The story of Daniel Pearl, because he stated for the Pakistanis, group that he was working with the both. His mission was in Pakistan to track about Richard Reed trip to Israel. Richard Reed, do you have trip? You send it Israel to make set for targets in Israel. His mission in Pakistan from Israeli intelligence, Mosad, to make interview to ask about when he was there. Also, he mention to them he was both.

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He have relation with CIA people and were the Mosad. But he was not related to al Qaida at all or UBL. It is related to the Pakistan Mujahadeen group. Other operations mostly are some word I'm not accurate in saying. I'm responsible but if you read the heading history. The line there [Indicating to Personal Representative a place or Exhibit D-c].

PERSONAL

REPRESENTATIVE: [Reading] "Also, hereby admit and affirm without duress that I was a responsible participant, principle planner, trainer, financier."

DETAINEE: For this is not necessary as I responsible, responsible. But with in these things responsible participant in finances.

PRESIDENT: I understand. I want to be clear, though, is you that were the author of that document.

DETAINEE: That's right.

PRESIDENT: That it is true?

DETAINEE: That's true.

PRESIDENT: Alright. You may continue with your statement.

DETAINEE: Okay. I start in Arabic.

PRESIDENT: Please.

DETAINEE

(through translator): In the name of God the most compassionate, the most merciful, and if any fail to retaliation by way of charity and. I apologize. I will start again. And if any fail to judge by the light of Allah has revealed, they are no better than wrong doers, unbelievers, and the unjust.

DETAINEE: For this verse, I not take the oath. Take an oath is a part of your Tribunal and I'll not accept it. To be or accept the Tribunal as to be, I'll accept it. That I'm accepting American constitution, American law or whatever you are doing here. This is why religiously I cannot accept anything you do. Just to explain for this one, does not mean I'm not saying that I'm lying. When i not take oath does not mean I'm lying. You know very well peoples take oath and they will lie. You know the President he did this before he just makes his oath and he lied. So sometimes when I'm not making oath does not mean I'm lying.

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(b)(3) NatSecAct

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PRESIDENT: I understand.

DETAINEE: Second thing. When I wrote this thing, I mean, the PR he told me that President may stop you at anytime and he don't like big mouth nor you to talk too much. To be within subject. So, I will try to be within the enemy combatant subject

PRESIDENT: You can say whatever you'd like to say so long as it's relevant to what we are discussing here today.

DETAINEE: Okay, thanks.

DETAINEE: What I wrote here, is not I'm making myself hero, when I said I was responsible for this or that. But you are military man. You know very well there are language for any war. So, there are, we are when I admitting these things I'm not saying I'm not did it. I did it but this the language of any war. If America they want to invade Iraq they will not send for Saddam roses or kisses they send for a bombardment. This is the best way if I want. If I'm fighting for anybody admit to them I'm American enemies. For sure, I'm American enemies. Usama bin Laden, he did his best press conference in American media. Mr. John Miller he been there when he made declaration against Jihad, against America. And he said it is not no need for me now to make explanation of what he said but mostly he said about American military presence in Arabian peninsula and aiding Israel and many things. So when we made any war against America we are jackals fighting in the nights. I consider myself, for what you are doing, a religious thing as you consider us fundamentalist. So, we derive from religious leading that we consider we and George Washington doing same thing. As consider George Washington as hero. Muslims many of them are considering Usama bin Laden. He is doing same thing. He is just fighting. He needs his independence. Even we think that, or not me only. Many Muslims, that al Qaida or Taliban they are doing. They have been oppressed by America. This is the feeling of the prophet. So when we say we are enemy combatant, that right. We are. But I'm asking you again to be fair with many Detainees which are not enemy combatant. Because many of them have been unjustly arrested. Many, not one or two or three. Cause the definition you which wrote even from my view it is not fair. Because if I was in the first Jihad times Russia. So I have to be Russian enemy. But America supported me in this because I'm their alliances when I was fighting Russia. Same job I'm doing. I'm fighting. I was fighting there Russia now I'm fighting America. So, many people who been in Afghanistan never live. Afghanistan stay in but they not share Taliban or al Qaida. They been Russian time and they cannot go back to their home with their corrupted government. They stayed there and when America invaded Afghanistan parliament. They had been arrest. They never have been with Taliban or the others. So many people consider them as enemy but they are not. Because definitions are very wide definition so people

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they came after October of 2002, 2001. When America invaded Afghanistan, they just arrive in Afghanistan cause they hear there enemy. They don't know what it means al Qaida or Usama bin Laden or Taliban. They don't care about these things. They heard they were enemy in Afghanistan they just arrived. As they heard first time Russian invade Afghanistan. They arrive they fought when back than they came. They don't know what's going on and Taliban they been head of government. You consider me even Taliban even the president of whole government. Many people they join Taliban because they are the government. When Karzai they came they join Karzai when come they join whatever public they don't know what is going on. So, many Taliban fight even the be fighters because they just because public. The government is Taliban then until now CIA don't have exactly definition well who is Taliban, who is al Qaida. Your Tribunal now are discussing he is enemy or not and that is one of your jobs. So this is why you find many Afghanis people, Pakistanis people even, they don't know what going on they just hear they are fighting and they help Muslim in Afghanistan. Then what. There are some infidels which they came here and they have to help them. But then there weren't any intend to do anything against America. Taliban themselves between Taliban they said Afghanistan which they never again against 9/11 operation. The rejection between senior of Taliban of what al Qaida are doing. Many of Taliban rejected what they are doing. Even many Taliban, they not agree about why we are in Afghanistan. Some of them they have been with us. Taliban never in their life at all before America invade them the intend to do anything against America. They never been with al Qaida. Does not mean we are here as American now. They gave political asylum for many countries. They gave for Chinese oppositions or a North Korean but that does not mean they are with them same thing many of Taliban. They harbor us as al Qaida does not mean we are together. So, this is why I'm asking you to be fair with Afghanis and Pakistanis and many Arabs which been in Afghanistan. Many of them been unjustly. The funny story they been Sunni government they sent some spies to assassinate UBI. then we arrested them sent them to Afghanistan/Taliban. Taliban put them into prison. Americans they came and arrest them as enemy combatant. They brought them here. So, even if they are my enemy but not fair to be there with me. This is what I'm saying. The way of the war, you know, very well, any country waging war against their enemy the language of the war are killing. If man and woman they be together as a marriage that is up to the kids, children. But if you and me, two nations, will be together in war the others are victims. This is the way of the language. You know 40 million people were killed in World War One. Ten million kill in World War. You know that two million four hundred thousand be killed in the Korean War. So this language of the war. Any people who, when Usama bin Laden say I'm waging war because such such reason, now he declared it. But when you said I'm terrorist, I think it is deceiving peoples. Terrorists, enemy combatant. All these definitions as CIA

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(b)(3) NatSecAct

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(b)(3) NatSecAct

~~TS/SCL~~

you can make whatever you want. Now, you told me when I ask about the witnesses, I'm not convinced that this related to the matter. It is up to you. Maybe I'm convinced but your are head and he [gesturing to Personal Representative] is not responsible, the other, because your are head of the committee. So, finally it's your war but the problem is no definitions of many words. It would be widely definite that many people be oppressed. Because war, for sure, there will be victims. When I said I'm not happy that three thousand been killed in America. I feel sorry even. I don't like to kill children and the kids. Never Islam are, give me green light to kill peoples. Killing, as in the Christianity, Jews, and Islam, are prohibited. But there are exception of rule when you are killing people in Iraq. You said we have to do it. We don't like Saddam. But this is the way to deal with Saddam. Same thing you are saying. Same language you use, I use. When you are invading two- thirds of Mexican, you call your war manifest destiny. It up to you to call it what you want. But other side are calling you oppressors. If now George Washington. If now we were living in the Revolutionary War and George Washington he being arrested through Britain. For sure he, they would consider him enemy combatant. But American they consider him as hero. This right the any Revolutionary War they will be as George Washington or Britain. So we are considered American Army bases which we have from seventies in Iraq. Also, in the Saudi Arabian, Kuwait, Qatar, and Bahrain. This is kind of invasion, but I'm not here to convince you. Is not or not but mostly speech is ask you to be fair with people. I'm don't have anything to say that I'm not enemy. This is why the language of any war in the world is killing. I mean the language of the war is victims. I don't like to kill people. I feel very sorry they been killed kids in 9/11. What I will do? This is the language. Sometime I want to make great awakening between American to stop foreign policy in our land. I know American people are torturing us from seventies. This is you see [Detainee hold out wrists] I have been tortured by CIA. Nobody will believe me. If I say here or there the hang me, strip, for three months. I know they talking about human rights. And I know it is against American Constitution, against American laws. But they said every law, they have exceptions, this is your bad luck you been part of the exception of our laws. They got have something to convince me but we are doing same language. But we are saying we have Sharia law, but we have Koran. What is enemy combatant in my language?

DETAINEE

(through translator): Allah forbids you not with regards to those who fight you not for your faith nor drive you out of your homes from dealing kindly and justly with them. For Allah love those who are just. There is one more sentence. Allah only forbids you with regards to those who fight you for your faith and drive you out of your homes and

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(b)(1)  
(b)(3) NatSecAct

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(b)(3) NatSecAct

~~TS/SCT~~

support others in driving you out from turning to them for friendship and protection. It is such as turn to them in these circumstances that do wrong.

DETAINEE: So we are driving from whatever deed we do we ask about Koran or Hadith. We are not making up for us laws. When we need Fatwa from the religious we have to go back to see what they said scholar. To see what they said yes or not. Killing is prohibited in all what you call the people of the book, Jews, Judaism, Christianity, and Islam. You know the Ten Commandments very well. The Ten Commandments are shared between all of us. We all are serving one God. Then now kill you know it very well. But war language also we have language for the war. You have to kill. But you have to care if unintentionally or intentionally target if I have if I'm not at the Pentagon. I consider it is okay. If I target now when we target in USA we choose them military target, economical, and political. So, war central victims mostly means economical target. So if now American they know UBL. He is in this house they don't care about his kids and his. They will just bombard it. They will kill all of them and they did it. They kill wife of Dr. Ayman Zawahiri and his two daughters and his son in one bombardment. They receive a report that is his house bc. He had not been there. They killed them. They arrested my kids intentionally. They are kids. They been arrested for four months they had been abused. So, for me I have patience. I know I'm not talk about what's come to me. The American have human right. So, enemy combatant itself, it flexible word. So I think God knows that many who been arrested, they been unjustly arrested. Otherwise, military throughout history know very well. They don't war will never stop. War start from Adam when Cain he killed Abel until now. It's never gonna stop killing of people. This is the way of the language. American start the Revolutionary War then they starts the Mexican then Spanish War then World War One, World War Two. You read the history. You know never stopping war. This is life. But if who is enemy combatant and who is not? Finally, I finish statement. I'm asking you to be fair with other people.

PRESIDENT: Does that conclude your statement, Khalid Sheikh Muhammad?

DETAINEE: Yes.

PRESIDENT: Alright.

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~~TS/SCT~~

(b)(1)  
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(b)(1)  
(b)(3) NatSecAct

~~TS//SI~~

**DETAINEE QUESTION & ANSWER**

PRESIDENT: Does the Personal Representative have any questions for the Detainee based on his statement?

PERSONAL  
REPRESENTATIVE: No, Sir.

PRESIDENT: Does the Recorder have any questions for the Detainee?

RECORDER: No, Sir.

PRESIDENT: Do either of the Tribunal members wish to question the Detainee?

MEMBERS: No, sir. Nothing further Sir.

PRESIDENT: Alright.

**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open tribunal session.

PRESIDENT: Khalid Sheikh Muhammad, you shall be notified of the Tribunal decision upon completion of the review of these proceed by the Combatant Status Review Tribunal convening authority in Washington, D.C. If, the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made. If however, the Tribunal determines your classification as an enemy combatant you may be eligible for an Administrative Review Board hearing at a future date.

PRESIDENT: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaeda and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

PRESIDENT: You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at that Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

PRESIDENT: A military officer will be assigned at a later date to assist you in the Administrative Review Board process.

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(b)(3) NatSecAct

~~TS//SCIF~~

**ADJOURN OPEN SESSION**

PRESIDENT: The open session of this Tribunal hearing is adjourned.

RECORDER: The time is 2:43pm. The date is 10 March 2007.

RECORDER: All Rise.

[The Tribunal withdrew from the hearing room]

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10024.

(b)(6)	(b)(6)
(b)(6)	(b)(6)
(b)(6)	CAPT JAGC USN
Tribunal President	

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~~TS//SCIF~~

(b)(1)  
(b)(3) NatSecAct

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~~TS/SCIA~~

ISN 10024's Written Statement Regarding Alleged Abuse

*Quotes as Taken Verbatim from Detainee by Personal Representative #1 & Linguist During Interview with Detainee on 21 February 2007*

(b)(1)  
(b)(3) NatSecAct

**NOTE: The Detainee requested that Personal Representative (PR) #1 submit the following Detainee quotes to the President of the Combatant Status Review Tribunal as a Detainee Exhibit.**

1. "At the beginning of 11 September 2002,   
 (b)(1)   
 (b)(3) NatSecAct   
 raided my house in Karachi. They took my computer, my papers, and everything in the house—even the curtains and the salt in the kitchen. They arrested my two kids (i.e., Hamza, who is 10 years old, and Zaid, who is eight years old). They were held for five months. They used them as bait so that I would turn myself in. I rejected to do that. Then I asked   
 (b)(1)   
 (b)(3) NatSecAct   
 if they would release my children and they said it was   
 decision to make, not theirs. After five months, the kids were released. They dropped them off at a mosque/religious school."
2. "On 1 March 2003 at 3 a.m., they raided a house in Rawalpindi, Pakistan, which was not my house. Me and two of my kids (i.e., Jalal, who is six years old, and Ibrahim, who is five years old) and Hawsawi were all arrested by   
 (b)(1)   
 (b)(3) NatSecAct   
 At the first night, man started to hit and punch me and threatened to torture my kids if I did not tell him where Usama bin Laden was. Then, he transferred me to the next room and then I started to hear my kids crying. The same man came back to tell me that I could stop what I'm hearing. They seized everything in the house, none of which was related to me because it was not my house. I arrived at this house for the first time the night before, on 28 Feb, at 9 p.m."
3. "Then, I was transferred to   
 (b)(1)   
 (b)(3) NatSecAct   
 Before being transferred here, two men laid me down, took my pants off and stuck a suppository in me. After that, I felt I was sedated."
4. "After arriving at   
 (b)(1)   
 (b)(3) NatSecAct   
 they cut my clothes off with scissors and I believe they were CIA and military. Then, they got a doctor and checked me out. Then they shaved my head and mustache. Then, they took me to a torture room. The same question was asked: 'Where is Usama bin Laden?' Every time I said I did not know, they tortured me by dripping very cold water on my head while I was naked. Then they took me to another room and hung me from my hands and poured cold water on me while I was hanging. From time to time a Doctor came and checked my pulse. By the fourth day, I was not fed solid food—only Ensure. When I rejected to drink the Ensure, they force-fed me through the rectum; then I got diarrhea. There was no bathroom—only a bucket. And every time I had to go to the bathroom, they would take me down, let me go, and then hang me back up. All of this deprived me of sleep and every time I would fall asleep, the Guards would throw cold water on me. Two interrogators were female CIA and talked to me while I was naked, and I believe the CIA installed speakers in my cell where I was hanging and they played loud music. The only time the music stopped was when I was interrogated."
5. "Then they took me to a third country. I suspect it was   
 (b)(1)   
 (b)(3) NatSecAct   
 Before departing for the third country, a Doctor gave me a pill which I swallowed, which sedated me for the

Exhibit D-d  
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~~TS/SCIA~~

(b)(1)  
(b)(3) NatSecAct

TS//SCII

ISN 10024's Written Statement Regarding Alleged Abuse

*Quotes as Taken Verbatim from Detainee by Personal Representative #1 & Linguist During Interview with Detainee on 21 February 2007*

whole trip. In this new location, they put me in a location underground. The guards were wearing black head to toe, and then three people in black came in, but I could see their faces and the guards were also in the room. The three men tortured me. They wanted to know where and when the next operation in the U.S.A. would happen. They used the same method of torture—I was naked, but they used a hose instead of a bucket. They moved me from time to time to a room where they laid me on a bed, tied me to it with belts, covered my face with a towel while naked, and they kept pouring water on the towel over my face so I couldn't breath. Then, when I got hysterical, I started trying to break free from the hand cuffs. They would turn a handle to make the bed stand vertical immediately so my feet wouldn't touch the ground. This movement made me burp a lot to purge the water I swallowed. They did this three or four times and the doctor stopped them to take my pulse. Then, they took me back to the room where I was hung and they laid me down on the floor and tied my feet and arms to the floor for about 15 minutes, then they hung me back from my arms from the ceiling. This went on for about a month. This left scars on both my wrists."

(b)(1)  
(b)(3) NatSecAct

6. "Then I started talking to them when they realized that I did not know where UBI. was and that their information was wrong. Then they transferred me to another room naked. They released my hand cuffs but not my feet cuffs. My feet were not freed until about two and 1/2 years later."

(b)(1)  
(b)(3) NatSecAct

7. "Then on September 2003, they transferred me to another country—I believe in In this country, they kept our clothes on, but our feet shackled. The rooms were about four feet wide by nine feet long. The walls were ceramic, there was a hook in the ceiling and two hooks on the floor, and there was a drain in the floor. From time to time, I would hear other detainees screaming. And now I believe there was no more military people handling me—only CIA. The only time I ever was handled by Military people was at and the Military never tortured us—only CIA tortured us. I stayed at this location until October 2005. During this time, I was interrogated daily by different people from Washington under threat. The threat was: 'If we think you're lying to us, you're going back to the torture room.' Every interrogator that talked to me had three muscled men dressed in black from head to toe. All this time, I never once saw the sun or daylight. They intentionally gave us the wrong times for prayer."

(b)(1)  
(b)(3) NatSecAct

8. "On October 2005, they transferred me to a fourth country, I believe in Living conditions improved. There were ~~two~~ hooks on the floor. There was a bigger room; food was better; it had a gym. But still we were never allowed to see the sun."

red on the ceiling.

9. "On March 2006, they transferred me —I believe that was the country. Here in the gym, there was an opening in the roof so this was the first time I could see the sun since March 2003. Again, here the food was better, and we got a matt on the floor to sleep on."

(b)(1)  
(b)(3) NatSecAct

10. "On 5 September 2006, I was transferred here [to GTMO, Cuba]."

(b)(1) (b)(1)  
(b)(3) NatSecAct (b)(3) NatSecAct

Exhibit D-d  
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TS//SCII

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

~~TOP SECRET~~ / ~~NOFORN~~

**ISN 22 - Mohammed Nazir bin Lep issues in the  
evidence for Combatant Status Review Tribunal  
19 Mar 2007 by PR 3**

Mr President and members of the board. Upon review of the documents, I identify the following items.

(b)(1)  
(b)(3) NatSecAct

1. ~~(TS~~ ~~NF)~~ Exhibit R-10 is used to support paragraph i of the unclassified summary. According to Exhibit R-2 Gunawan went to "military training" in June or July 2000, and June 2001 at Camp Al Faruq, Afghanistan that included "training in explosives". Exhibit R-10 states that Gunawan first met "Bashir" in June 2001 in Qandahar, Afghanistan. It also states that Gunawan lived with Bashir for the "duration of the basic explosive training course." However, Gunawan had basic explosive training in June or July 2000 not June 2001.
2. ~~(TS~~ ~~NF)~~ Masran and Bashir were roommates in November 2001. According to Exhibit R-8, Masran was not identified as a leader of a suicide team until July or August 2002. There is no indication that he contacted the other identified members of the team.
3. ~~(S/NF)~~ Exhibit R-7 mentions an al Qaida suicide plan for late 2001 to attack the tallest building in California without identifying the Detainee as part of this plan

(b)(1)  
(b)(3) NatSecAct

~~TOP SECRET~~ / ~~NOFORN~~

(b)(1)  
(b)(3) NatSecAct

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Exhibit  
Dc  
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