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RECODER: 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.

RECODER: 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

RECODER: 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.

RECODER: 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 Salch 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 Islamia, 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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RECORDED: For clarification.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDED: Would you like the Muslim oath?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

RECORDED: 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 Sadah, 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 if 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". They 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 used 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 taxi 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 [redacted] 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 Hussein. 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).

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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 what 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.

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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 where 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 convened 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 Risc.

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 Analyst¹, (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.

¹ 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 27th 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.] ~~SCFT~~

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.

¹ 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 HUSA YN 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 elev.. 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 22nd, 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 defin--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 KHOUDIR, an Islamic Scholar. The email asked if the September 11th 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 22nd, 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-e. "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. "Hence, 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? ~~(SCH)~~

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 USAAMA 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. [SC]

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 come 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: -- 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-- write [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 ourselves 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 Pakistani 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 Pakistani and Americans and another group they try to catch anybody came from Afghanistan. So we are tried to save our self 'till 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 Khaliden 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 REP: 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 is 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 shoc 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 Languagc Analyst] it's emotional. But I try to be practical mind but I find myself too weak in front of these things because I writc 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.

RECODER: Thank you for your response.

PRESIDENT: Okay.

DETAINEE: I will. [Tries to return prayer cap to his left shoc] 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 HUSA YN 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.

RECODER: 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) [Redacted]
(b)(6) [Redacted] Colonel, USAF
[Redacted] 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 ah-- 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 understand, 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 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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