

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BOUDELLA AL HAJJ, *et al.*)
)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1166 (RJL)
)
)
 GEORGE W. BUSH,)
 President of the United States, *et al.*,)
 Respondents.)
 _____)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

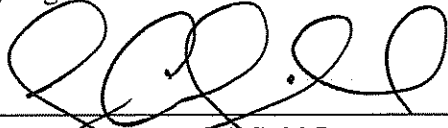
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Boudella Al Hajj that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted information that would personally identify other detainees and the family members of detainees, as well as certain U.S. Government personnel in order to protect the personal security of those

individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 30 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0304
28 October 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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5071

27 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-32 and R-33 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested five witnesses. Three were produced and testified at the Tribunal. The U.S. State Department sought to locate the other two witnesses but was unable to find them. Due to the inability of the State Department to locate the witnesses, the Tribunal President determined that they were not reasonably available. In my opinion, the Tribunal President's decision was not an abuse of discretion.

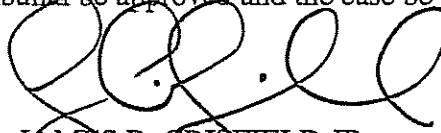
The detainee also requested two documents. The first was a copy of a Bosnian court document. The other was a copy of "Humanity of the People." The Recorder and the detainee's Personal Representative attempted to locate the documents but were unable to find them. The Tribunal President therefore determined that they were not reasonably available. In my opinion, the Tribunal President's decision was not an abuse of discretion.

- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]

- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Marine Corps Reserve; President

[REDACTED] Lieutenant Colonel, JAGC, U.S. Army;
Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

22 October 2004

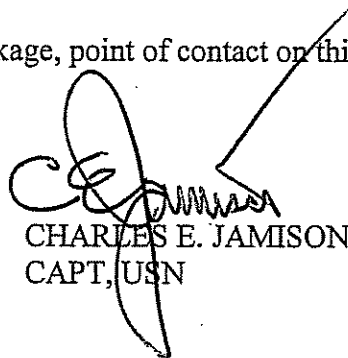
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #12

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #12 of 29 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 18 October 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 18 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this Detainee is part of, or supporting, forces associated with Al-Qaeda, which is engaged in hostilities against the United States and its coalition partners, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]
Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #12
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant because he is considered as being part of, or supporting, forces associated with Al-Qaeda, which is engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder asserted that the Detainee was affiliated with associated forces engaged in hostilities against the United States and its coalition partners. The Detainee chose to participate in the Tribunal process. He requested five witnesses (three of which were produced), requested two unclassified documents be produced, and made a sworn verbal statement. The Tribunal President found three requested witness reasonably available and two not reasonably available. For the two not reasonably available, alternative means of producing the witness's testimony were also not reasonably available. The Tribunal President ordered the unclassified document requested by the Detainee to be produced but the Recorder was unable to comply because the document could not be located. The Tribunal President directed the Recorder and Personal Representative to continue searching for the requested document and, if they were successful in locating it, to bring it to the Tribunal's attention so it could be introduced and considered as an exhibit on behalf of the Detainee. The Detainee, in his verbal statement, denied being affiliated with any terrorist organization. He also denied any involvement in any plan to attack the U.S. embassy in Sarajevo, Bosnia-Herzegovina. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and D-b, and R-1 through R-33.

b. Testimony of the following persons: [REDACTED]
and [REDACTED] The internment serial numbers of these three detainees are included in the classified enclosure to this report (Enclosure (2)).

c. Sworn statement of the Detainee.

4. Rulings by the Tribunal on Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing (Note: Exhibit D-b denotes the Tribunal President's approval of the request as he deemed these witnesses relevant):

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	Reasonably Available	Yes
[REDACTED]	Reasonably Available	Yes
[REDACTED]	Reasonably Available	Yes
[REDACTED]	Not Reasonably Available	No
[REDACTED]	Not Reasonably Available	No

[REDACTED] is the Detainee's father in law and has been since 1993. He was expected to testify as to the Detainee's background and activities. [REDACTED] was expected to testify as to the Detainee's background and work habits. Coordination was made with the Department of State in an attempt to secure these witnesses but according to the Department of State they could not be located. The other witness were fellow detainees and therefore were produced

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
1. Copy of Court Document (apparently, a Bosnian Supreme Court Decision declaring him not guilty)	Not Reasonably Available	No
2. Copy of Humanity of The People Document (Bosnia) dealing with his detention in Cuba	Not Reasonably Available	No

The Detainee insisted that he had seen these documents since his detention in Cuba. The Personal Representative said he had tried to locate them but was told they were not here. The Tribunal President directed the Recorder and Personal Representative to conduct additional searching for this document, and for it to be produced if found.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to additional unclassified exhibits and classified exhibits for support of the Unclassified Summary of Evidence.

b. The Tribunal considered the Detainee's sworn testimony, a summarized transcript of which is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he denied being affiliated with any terrorist organization. He also denied any involvement in any plan to attack the U.S. embassy in Sarajevo, Bosnia-Herzegovina.

c. (U) Exhibit R-3, "The Suspects, a Bosnian subplot," by Andrew Purvis, Sarajevo, page 10 (excerpt from Time Magazine, November 12, 2001). This exhibit appears to be a news article or a book excerpt. As an account of the "Algerian Six" individuals accused of plotting to attack the U.S. embassy in Sarajevo, Bosnia-Herzegovina, it is quite interesting and appears to support paragraph 3a2 of Exhibit R-1, the unclassified summary of evidence. Yet it does not identify the Detainee by name. The only way the Tribunal knows that the Detainee is involved in this because his place of employment is identified (the Tribunal made the connection between the Detainee and his place of employment from other exhibits). However, on page 4 of 12, the article notes that Al-Qaeda "acts as an umbrella group, financing and subcontracting operations to local networks like Algeria's Armed Islamic Group (GIA)." This exhibit provides information concerning a direct connection between Al-Qaeda and the GIA; therefore, this exhibit was quite persuasive to the Tribunal that the GIA qualified as a force associated with Al-Qaeda.

d. (U/FOUO) Exhibit R-4, Bosnia-Herzegovina Federation Supreme Court Document, 11 January 2001. This document, an apparent "investigation order" against the "Algerian Six" individuals, was helpful to the tribunal in ascertaining with which offenses the Detainee and the other individuals originally were charged after their apprehension in Bosnia. However, it provides no evidence as to whether the Detainee himself committed any of the offenses with which he was charged. For that reason, in and of itself, this exhibit was not helpful to the Tribunal as it considered its decision as to whether the Detainee was properly classified as an enemy combatant.

e. (U) Exhibit R-5, Counterterrorism Analysis Team (CTAT) document, 2 April 2002. This document announces the arrest of the "Algerian Six" individuals "on suspicion of being linked with international terrorism," including the Detainee. Also, the exhibit notes, "there are unconfirmed reports from American intelligence sources that the detained Algerians are part of the European network of the Algerian GIA (Algerian Islamic Group) militant organization." Although helpful in familiarizing the Tribunal with the background of the case, it provides insufficient supporting evidence as to the Detainee's involvement, and, accordingly, was not helpful to the Tribunal as it considered its decision as to whether the Detainee was properly classified as an enemy combatant.

f. (U) Exhibit R-6, Affidavit of [REDACTED] (Wife of ISN [REDACTED]). This document indicates to the Tribunal that the Detainee is represented by counsel. His wife, acting as "next friend" of her detained husband provided interesting background detail as to the circumstances that led to her husband's detention. The Tribunal would expect a wife to provide favorable comments concerning her husband, which she did. Nevertheless, the exculpatory information in paragraphs 6, 7, and 8 was of particular interest and was taken into account by the Tribunal. Certainly any future Administrative Review Board convened in the future concerning this Detainee should consider the information contained therein.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.

b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant because he is considered as being part of or supporting, forces associated with Al-Qaeda, which is engaged in hostilities against the United States or its coalition partners.

d. The Detainee acquitted himself well at the hearing. He was particularly respectful, appeared sincere, and apologized to the Tribunal for some of the responses given, and attitudes displayed, by his witnesses. He asked the Tribunal to consider his record of cooperative behavior while detained in Guantanamo Bay. He claims he does not consider the United States as an enemy and offered that he had had numerous opportunities to engage in terrorist activities against the United States (which he claims he has not done) or to elude custody while in B-H (which he claims he could have done but did not do). The Tribunal recommends that any Administrative Review Board convened in the future concerning this Detainee consider these matters, and, should the Board conclude that he no longer represents a danger to the United States or its allies, that he be considered for release to his home country.

e. As a side note, this Tribunal was originally scheduled for the panel for which Colonel [REDACTED] was Tribunal President (hence his approval of the witness requests as indicated in Exhibit D-b). However, due to Colonel [REDACTED]'s departure from Guantanamo Bay, Cuba on 16 October 2004 at the conclusion of his assignment, this case was reassigned to the panel for which I am Tribunal President.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]
Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

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

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

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

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

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

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

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

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

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

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

ISN# [REDACTED]
Enclosure (3)
Page 1 of 25

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

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

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

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

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

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

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

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

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

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

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

ISN# [REDACTED]
Enclosure (3)
Page 2 of 25

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

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

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

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

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

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

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

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

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

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

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

ISN# [REDACTED]
Enclosure (3)
Page 3 of 25

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

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

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

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

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

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

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

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

Tribunal Members Questions to the Recorder

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

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

Tribunal Members Questions to the Personal Representative

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

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

ISN# [REDACTED]
Enclosure (3)
Page 4 of 25

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

A: No, I don't.

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

Tribunal Members Questions to the Detainee

Q: How long have you been living in Bosnia?

A: From 1992 until I was captured.

Q: You are married with five children?

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

Q: Congratulations.

A: Thank you.

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

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

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

A: Yes.

Q: That is your primary occupation?

A: Yes, that is my job.

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

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

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

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

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

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

A: I believe 1987 to 1989.

Q: Prior to the insurgency of the Armed Islamic Group?

A: Way before that. The problems started in the 90's. I believe the problems in Algeria started in 1992.

Q: While you were in Algeria, you decided to become an Imam, conducted your studies in Algeria and Pakistan, and decided to settle in Bosnia?

A: That is true.

Q: Why did you choose to go to Bosnia, as opposed to any other place you could go?

A: The Humanitarian organization needed people to go work for them in Bosnia. That's how I ended up in Bosnia.

Q: How did you first know about this organization?

A: I first worked with this organization in Pakistan for a little while. My studies matched what they needed, so I went with them to Bosnia.

Q: Did you do the same type of work in Pakistan that you did in Bosnia?

A: Yes, it was the same.

Q: The reason you chose to go to Bosnia was because they had a greater need for you there?

A: I wouldn't say the need was greater, it was just because I finished my studies. They needed someone to work for them and I went.

Q: So, from 1992 until 2001, your primary duty was as an Imam on one hand and assisting this organization on the other?

A: Yes. My main job was working with the orphans, but I volunteered to be an Imam and to teach. My job was to work with the orphans.

Q: What kind of things would you do for them [orphans]?

A: Our job...we had people who sponsored the orphans. They would bring money and clothing and things like that. Our job was to see that things were run properly and the orphans got what was meant for them.

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

A: Never.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q: How long have you been here?

A: Almost three years.

Q: How many others were taken with you?

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

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

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

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

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

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

Q: We cannot answer that because we ourselves don't have any access to any other information at this point except what you're telling us now and the accusations told to you.

A: I was just observing and making a point.

Q: We understand. That is why it is necessary for us to ask you these questions.

A: I don't object to any of your questions. Ask any question you want, I'm just mentioning what I observed. I just can't understand how accusations came out and nobody talked about it in investigations or interrogations. It just seems strange to me.

Q: At this point, we don't know why you're being accused of being a member of the Armed Islamic Group. Do you have any idea why you are being connected with this group?

A: I don't know. All I know is that after the horrible problem with 9/11, all of the nations in the world wanted to help because it was a big problem. I think that Bosnia didn't find anything to give to the United States, so they said okay, let's give them these six Algerians; they are Muslims. We were sacrificed just to show they gave something. There is no other way to look at this.

I'm asking you. You are just people, if I did a crime in the United States, would you take me to the courts in the United States? Of course. You are not going to deliver me to another country. If you find me innocent you'd let me go free, if not, you'd take me to jail. If I was innocent, it is impossible that you would give me to another nation.

Even though we were innocent, we were delivered to another nation and we don't know why.

Q: We didn't realize you had never been confronted with these allegations.

A: No, nobody ever mentioned anything about any of these things. I should admit, that one time one investigator asked me if I walked by the street the embassy is located on. I said no, I never walked on that street; I never went there.

Q: I don't mean to recount three years of interrogations, but can you give us a brief summary of things you have been asked about?

A: I was asked about my life story, from the day I was born until the day I got here. I asked the interrogator if he'd give me a copy of that, it would be great! I would not have a chance to go through my life story again. I asked for it as a souvenir.

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

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

Q: We appreciate your decision to participate.

A: Thank you.

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

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

Q: You're quite sure of this?

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

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

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

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

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

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

Q: You were not in the same prison or jail you were in while you were waiting for the Supreme Court?

A: No, we were separated. Each of us was in one cell.

Q: But it was a different jail? Was it a different jail than when you were waiting for the Supreme Court trial?

A: [No response. The Detainee did not appear to understand the question.]

Q: Before the Supreme Court trial happened, you were in jail.

A: We were in Sarajevo prison.

Q: You were not placed in Sarajevo prison after you were released by the Special Police and the Americans?

A: No, they took us to an American place, I don't know the name, or where it is.

Q: No one asked anything about your innocence from the Bosnian Supreme Court decision?

A: I tried to clarify this to all of the interrogators, but they keep telling me it's not their job for me to convince them of my innocence. It's their job to interrogate me.

Q: At any time, did you admit to anything that you did not do, hoping that it might make it easier for you?

A: No, I never admitted or confirmed anything, because I had nothing to admit or confirm. I am innocent.

Q: You said you never even walked by the American embassy and you also said you never watched the American embassy. Why did you say you never watched the American embassy?

A: I never needed a visa or anything. I have nothing to do with the American embassy, so why would I go and look at it? That's what I meant. I have no business there and I don't need anything, so why would I go?

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

Tribunal President: Of course.

The Personal Representative called [REDACTED] ([REDACTED]).

Detainee's Questions to the Witness, [REDACTED] ISN [REDACTED]

The Witness, [REDACTED] was sworn.

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

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

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

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

Personal Representative Questions to the Witness, [REDACTED] (ISN [REDACTED])

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

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

Tribunal Members' Questions to the Witness, [REDACTED] (ISN [REDACTED])

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

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

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

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

Q: Describe the circumstances when you were released by the court and then ended up here. Tell us what happened.

A: We heard the news like everybody else. The Supreme Court found us innocent. There was news and media. We went outside the jail, our families were waiting for us, and as soon as we walked out, they captured us and the next thing we knew, we were here. This is briefly what happened.

Q: Do you know who [REDACTED] is?

A: He was jailed with us, but I don't know him as a person. I just know he was captured with us.

Q: Is he Algerian/Bosnian also?

A: They say that he is Algerian, but I don't know. The only people I know are those three, [REDACTED] and [REDACTED].

Q: Do you know anything about the Armed Islamic Group of Algeria?

A: All I know about this organization is through the media. From the media I know they are labeled as a terrorist organization and they kill people and they do bad things. We don't approved of these things; we are against these kinds of acts.

Q: Have you ever been accused of being involved with them?

A: When? Before, or when I got to Cuba?

Q: At any time.

A: Yes, here I was accused of that. The interrogator came and said I was a member and I said no, that was not true.

Q: Why would someone accuse you of being a member of this group when you say you are not a member?

A: I don't know. Throwing accusations is so easy, but you have to have the proof. It is impossible for me to belong to this organization. Even in Bosnia, they were saying we might have connections to these organizations. They contacted the Algerian government and the Algerian government confirmed that we have no relation with this organization, whatsoever.

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

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

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

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

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

A: I used to work with the Red Crescent.

Q: How long have you lived in Bosnia?

A: Almost five years.

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

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

Q: You're very good friends?

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

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

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

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

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

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

Q: You stayed at his house?

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

The witness, [REDACTED], was excused.

The Personal Representative called [REDACTED] ([REDACTED]).

Detainee's Questions to the Witness, [REDACTED] (ISN [REDACTED])

The Witness, [REDACTED], was sworn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A: Absolutely never.

Tribunal Members' Questions to the Witness, [REDACTED] (ISN [REDACTED])

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

A: Are you asking me about myself?

Q: Yes.

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

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

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

Q: How long have you known Hajj?

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

Q: Been very good friends ever since?

A: Yes.

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

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

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

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

Tribunal President's Questions to the Witness, [REDACTED] (ISN [REDACTED])

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

A: Yes.

Q: What is your occupation?

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

Q: What sport did you coach?

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

The witness, [REDACTED] was excused.

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

Tribunal Member: Thank you.

The Personal Representative called [REDACTED] (ISN [REDACTED])

Detainee's Questions to the Witness, [REDACTED] (ISN [REDACTED])

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

The witness, [REDACTED] was sworn.

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

A: Never.

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

A: Never.

Tribunal Members Questions to the Witness, [REDACTED]
(ISN [REDACTED])

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

A: No, I don't know.

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

A: Yes.

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

A: Yes.

Q: Do you know [REDACTED]?

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

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

A: I don't know.

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

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

Q: The other guy.

A: No, I don't know.

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

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

Q: Do you consider yourself a friend of his?

A: Yes, he is my brother.

Q: How long have you known each other?

A: From the time I got to Bosnia?

Q: Which was when?

A: 1997.

Q: How often did you see him in Bosnia?

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

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

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

Q: Did you socialize together?

A: We used to visit each other.

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

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

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

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

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

A: Yes.

Q: Hajj coached a sport. Which sport?

Detainee: That was [REDACTED], not me.

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

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

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

A: No, I don't know.

Tribunal President's Questions to the Witness, [REDACTED]
(ISN [REDACTED])

Q: You indicated you worked for the Red Crescent?

A: Yes.

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

A: Yes.

Q: Who was that?

A: [REDACTED].

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

A: No.

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

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

Q: You're posing the question to us?

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

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

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

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

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

Tribunal Members Questions to the Witness, [REDACTED]

(ISN [REDACTED]

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

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

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

A: Yes, we had lawyers.

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

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

The witness, [REDACTED] was excused.

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

Tribunal Members: I have no further questions.

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

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

The witness was removed from the Tribunal room.

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

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

Tribunal President: Very well.

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

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

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

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

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps
Tribunal President

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DETAINEE ELECTION FORMDate: 28 Sept 2004Start Time: 1000End Time: 1130ISN#: [REDACTED]Personal Representative: [REDACTED]
(Name/Rank)Translator Required? YES Language? ARABICCSRT Procedure Read to Detainee or Written Copy Read by Detainee? BOTH**Detainee Election:**

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

Detainee will participate in the Tribunal. Detainee request five (three in the camp and two outside of the camp) witnesses:

1. ISN [REDACTED] ISN [REDACTED] and ISN [REDACTED] they have known the detainee since 1997 and can testify on the detainee's background and activities.
2. [REDACTED] detainee father-in-law since 1993, can also testify on the detainee's background and activities.
3. Razy Al-Monajad, detainee's manager for his job at The Office of Human Appeal INT can testify on the detainee's background and work habits. Phone number: 232398

The detainee has also request a copy of the court document from his trial in Bosnia (American Embassy). There should be a copy of the document here. Additionally, he would like a copy of a document from Humanity of the People (Bosnia) the document is dealing with his detention here.

Personal Representative: POK [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (6 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal: AL HAJJ, Boudella

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is associated with al Qaida.
 - a. The detainee is associated with al Qaida:
 1. The detainee was arrested with [REDACTED], a known al Qaida associate, for International Terrorism by the Bosnia-Herzegovina authorities.
 2. [REDACTED] had phone conversations with Abu Zubaydah, a senior aide to Usama Bin Laden, who was in charge of screening recruits for al Qaida training camps in Afghanistan.
 3. The detainee and others acted as an organized terrorist group and they were in contact with known al Qaida member, Abu Zubaydah.
 4. Detainee was arrested by Bosnian authorities in connection with a planned attack on the American embassy.
 5. Detainee is a member of the Mujahadin network. Also, detainee is likely a member of Armed Islamic Group of Algeria, a militant organization.
 6. Armed Islamic Group of Algeria is on the list of sympathizers and helpers of Usama Bin Laden's al Qaida.

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Exhibit 3108e-1

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4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Memorandum



To : Department of Defense Date 09/30/2004
 Office of Administrative Review
 for Detained Enemy Combatants
 Col. David Taylor, OIC, CSRT

From : FBI GTMO
 Counterterrorism Division
 Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
 NATIONAL SECURITY INFORMATION
 [REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 02/27/2002
 FD-302 dated 05/02/2003

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/30/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED] or Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]

HATE CLUB

An in-depth look at al-Qaeda, the sprawling terror network through which Osama bin Laden exploits the borderless globe with a secret army driven by a ruthless new brand of extremism

By MICHAEL ELLIOTT

"You know that al-Qaeda exists from Algeria to the Philippines... it's everywhere."

—from a conversation secretly taped by the Italian police on March 22; the speaker was Essid Sami ben Khemais, a Tunisian arrested the next month for alleged terrorist offenses

It was the worst crime in American history, and it has triggered the greatest dragnet ever known. The investigation into the atrocities of Sept. 11 has involved police forces across the U.S. and around the world. From Michigan to Malaysia, from San Diego to Ciudad del Este, Paraguay, law-enforcement agencies have been trying to figure out how the terrorists carried out their attacks, who helped them—and what they might do next. Along the way, the American public has been introduced to a confusing mass of names and faces and has learned of more links between them than any but the most nimble fingered could ever untangle. After nearly two months, there is much that we know about the global terrorist network that goes by the name of al-Qaeda—but an awful lot that is still hunch. Still, an international investigation by TIME into al-Qaeda's structure reveals that it is more global in its range, and more ruthless in its ideology, than all but its most dedicated students could have ever imagined.

The essential story of Sept. 11 is straightforward. A group of 19 men spent months in the U.S. preparing for the hijackings. The cell had earlier been headquartered in Hamburg, Germany, where its alleged ringleader, an Egyptian named Mohamed Atta, 33, had lived off and on for eight years. Atta is thought to have piloted Flight 11, the first to make impact; two of the other suspected pilots,

Marwan Al-Shehhi and Ziad Samir Jarrah, were also residents of the Hamburg region. The Hamburg cell, in turn, is thought to have been an operating unit of a worldwide network of terrorists called al-Qaeda, the name of whose reclusive leader is now known all over the world: Osama bin Laden.

Al-Qaeda had its origins in the long war against the Soviet occupation of Afghanistan. After Soviet troops invaded the country in 1979, Muslims flocked to join the local *mujahedin* in fighting them. In Peshawar, Pakistan, which acted as the effective headquarters of the resistance, a group whose spiritual leader was a Palestinian academic called Abdallah Azzam established a service organization to provide logistics and religious instruction to the fighters. The operation came to be known as al-Qaeda al-Sulbah—the "solid base." Much of its financing came from bin Laden, an acolyte of Azzam's who was one of the many heirs to a huge Saudi fortune derived from a family construction business. Also in Peshawar was Ayman Al-Zawahiri, an Egyptian doctor who had been a constant figure on the bewildering mosaic of radical Islamic groups since the late 1970s. Al-Zawahiri, who acted primarily as a physician in Peshawar, led a group usually called Al Jihad; by 1998, his organization was effectively merged into al-Qaeda.

In 1989, while on his way with his two sons to Friday prayers in Peshawar, Azzam was killed by a massive explosion. His killers have never been identified; Azzam had many enemies. But by the time of his death, the group around al-Qaeda were debating what to do with the skills and resources that they had acquired. The decision was taken to keep the organization intact and use it

WORLDWIDE WEB

COUNTRIES WITH KNOWN OR SUSPECTED AL-QAEDA CELLS IN LIGHT GRAY
ACTIVITIES WITH POSSIBLE ISLAMIC TERRORIST LINKS:

- ARRESTS/DETENTIONS
- TERRORIST ATTACK
- FOILED TERRORIST ATTACK
- FINANCIAL BACKING

UNITED STATES

Of a total 1,147 arrests, fewer than 10 may be of people with information about the hijackers or the Sept. 11 attacks

World Trade Center in 1993 and 2001; Pentagon and Pennsylvania in 2001

Plans to blow up various bridges and tunnels around New York City and L.A. airport on New Year's Eve 2000

CANADA

As many as 20 people have been taken into custody in possible connection with the Sept. 11 attacks, and one faces extradition to the U.S.

SPAIN

Six members of an alleged sleeper cell picked up across the country since Sept. 11

BRITAIN

London in particular is seen by many as a terrorist recruiting zone

Key arrests include Latif Raissi, who allegedly helps teach the hijackers how to fly; Manuel Daoudi, a computer whiz suspected in the Paris plot; and Yasser al-Saifi, who was charged last week in connection with the assassination of Afghan rebel leader Ahmed Shah Massoud

Full coverage to date
Research by Amanda Black
and Edward Keefe
Special Congressional Research
Service Staff Department
was withdrawn next month

ARGENTINA, BRAZIL, PARAGUAY

The area where all three countries meet is thought to be a terrorist financing center; banks are investigating dozens of accounts for links

At least 10 people in this "contraband capital" have been arrested, mostly on false documentation charges, and Paraguay has charged officials in 11 of its consulates with selling illegal passports and documents

Last November a Palestinian allegedly plotted to bomb the U.S. and Israeli embassies in Asunción

URUGUAY

Al-Said Hassan Mokhammad, an Egyptian wanted for his alleged role in a 1997 attack on tourists in Luxor, Egypt, was arrested leaving Brazil through Uruguay in 1999. He is said to have trained in an al-Qaeda camp in Afghanistan

Last April U.S. embassies in Uruguay, Paraguay and Ecuador shut down for three days after receiving "credible threats" of attacks

ALBANIA

TUNISIA

MAURITANIA

BELGIUM

SWITZERLAND

ITALY

CZECH REPUBLIC

KOSOVO

LIBERIA

KOREA

ISRAEL

Israel says it has arrested two groups of suspected al-Qaeda operatives in Gaza and the West Bank

SAUDI ARABIA

At least half of the 15 hijackers are thought to have been Saudis

Saudi security services have carried out a small number of arrests of suspected supporters of the Saudi-born bin Laden

Five Americans were killed when a car bomb exploded outside a military base in Riyadh in 1995; 16 died in a truck-bomb attack the next year

EGYPT

Authorities plan to put on trial 253 alleged members of three Islamist groups linked to al-Qaeda. All were arrested before Sept. 11

SUDAN

Khartoum was bin Laden's base from 1991 to '95. The U.S. responded to the 1998 embassy bombings with a missile assault on a suspected chemical weapons plant in the capital

The government has rounded up 30 foreign extremists since Sept. 11

Osama bin Laden's network of influence reaches across five continents, creating a complex tangle of men, money and murder

TIME GRAPHIC BY ED GABEL

RESEARCH BY AMANDA BOWER AND REBECCA WINTERS

SOURCES: CONGRESSIONAL RESEARCH SERVICE; STATE DEPARTMENT; WIRE SERVICES AND NEWS REPORTS

FRANCE

Eight people are still in custody as part of the so-called Beghal network. Djamel Beghal, first picked up in Dubai, has said he received his orders from bin Laden lieutenant Abu Zubaydah.

Beghal described a plan to blow up the U.S. embassy in Paris. An earlier plot, uncovered last December, targeted Singapore cathedral.

GERMANY

Alleged terrorist cells have been busted in Munich, Hamburg and Frankfurt.

Officials are most interested in the Hamburg operation, which included hijackers Mohamed Atta and Marwan al-Shehhi. Three others thought to have helped in the planning of the Sept. 11 attacks are the subject of international arrest warrants.

BOSNIA

RAFO says it has disrupted a terror cell. The alleged ringleader is linked to al-Qaeda, investigators say.

The arrests uncovered a comprehensive plot to attack Eagle Base, used by some 3,000 U.S. peacekeepers, as well as the U.S. and U.K. embassies in Sarajevo.

Who's Who in the Enemy Alliance

The top brass of al-Qaeda has wide-ranging ties to the shadowy world of international terror. A look at Osama bin Laden's lieutenants, their friends and alleged associates

AYMAN AL-ZAWAHIRI EGYPTIAN

A physician whose group, al-Ithad, has effectively merged with al-Qaeda, al-Zawahiri, 50, is said to be the transforming mentor to bin Laden as well as his No. 2 man. Charged in connection with the 1981 assassination of President Anwar Sadat, he was convicted only of weapons possession.

ABU ZUBAYDAH SAUDI PALESTINIAN

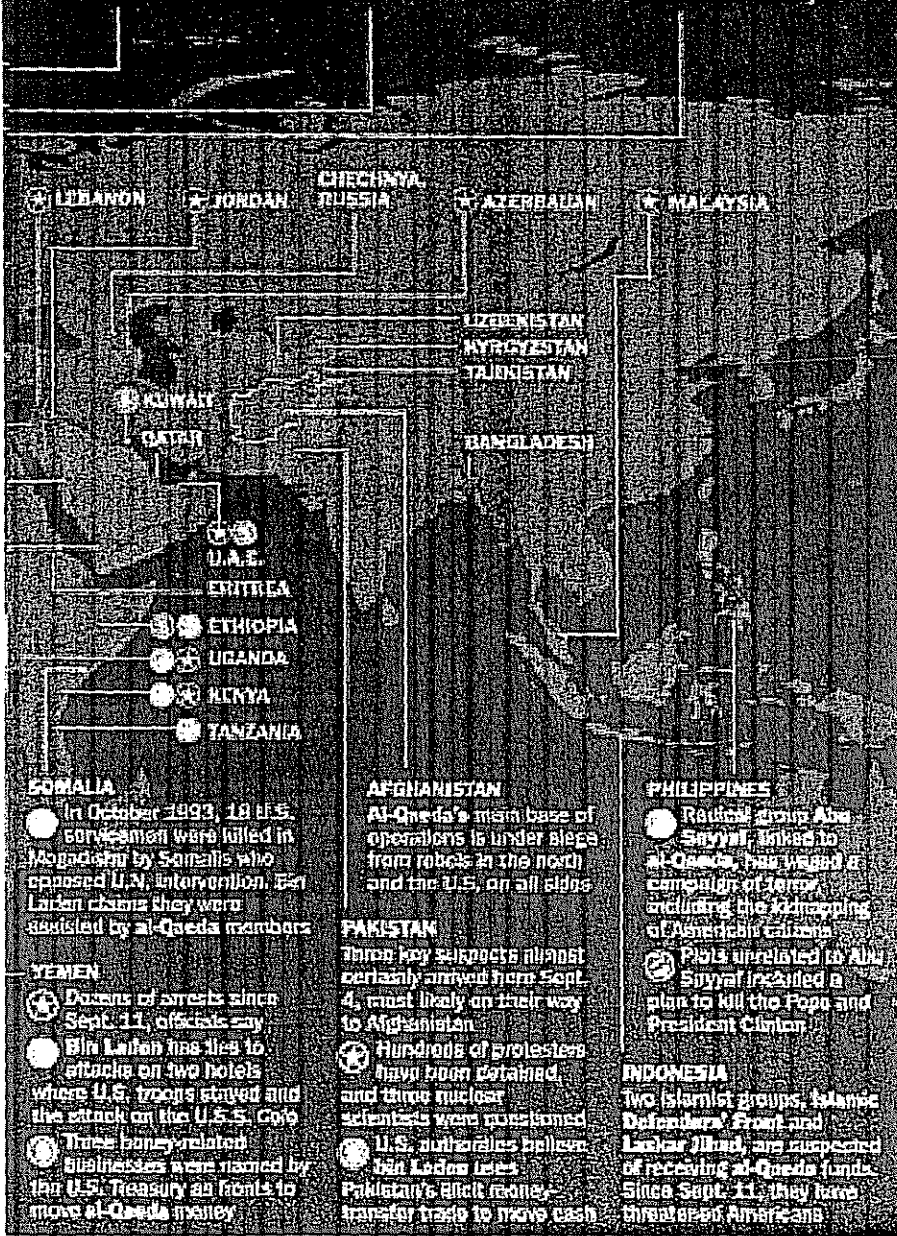
The only Palestinian in bin Laden's inner circle, the man reportedly nicknamed "the Mailman" coordinates international operations and helps select recruits for training in al-Qaeda camps.

TOHIR YULDASHEV UZBEK

Condemned to death in absentia by the government of Uzbekistan, Yuldashev helps lead the Islamic Movement of Uzbekistan. The movement's armed wing, which trains in Afghan camps, has an estimated 6,000 fighters. The I.M.U. was part of an assassination attempt on Uzbek President Islam Karimov in February 1999, which left at least 15 dead and 100 wounded.

AMIR KHATTAB SAUDI

Khattab, who commands rebels in Chechnya, trained in Afghanistan and was reportedly sent by bin Laden to support the breakaway movement. Khattab is said to receive millions every month to finance camps that spend three months training (and, critics say, brainwashing) volunteers from all over the Muslim world.



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**KHADAFFY JANJALANI
FILIPINO**

Janjalani is believed to have taken over as head of Abu Sayyaf, a radical separatist group terrorizing the southern Philippines in its quest to establish an independent Islamic state. Officials say the group was partly funded by bin Laden, and many of its members are trained in the Middle East. It is currently holding two Americans and at least 16 Filipinos hostage

**MOHAMMED ATEF
EGYPTIAN**

Ataf is bin Laden's military chief, and helped set up al-Qaeda networks in East Africa. He was indicted by the U.S. for the 1998 embassy bombings in Tanzania and Kenya

**HASSAN HATTAB
ALGERIAN**

Head of the Salafist Preaching and Combat Group, a three-year-old offshoot of Algeria's Armed Islamic Group. Many experts say the Salafists have been absorbed by al-Qaeda. Religious exerts believe the document found in hijacker Mohamed Atta's luggage bears signs of a Salafist tract

**DJAMEL BEGHAL
FRENCH ALGERIAN**

Arrested in Dubai in July for traveling on a false passport, Beghal later confessed to playing a prominent role in al-Qaeda's European operations, acting on orders from Abu Zubaydah. On the basis of Beghal's information, some of which he later retracted, authorities uncovered a plot to bomb the U.S. embassy in Paris

**SAID BAHAJI
MOROCCAN GERMAN**

Germany has issued an arrest warrant for Bahaji and fellow alleged Hamburg operatives Zakariya Essabar and Ramzi Bin alshibh, who almost certainly traveled back to Afghanistan, through Pakistan, before Sept. 11. All three are suspected of playing a significant role in planning the U.S. attacks

**ZACARIAS MOUSSAOUI
FRENCH MOROCCAN**

Moussaoui is a tantalizing suspect for U.S. authorities, but he isn't talking. Arrested in August on immigration violations, Moussaoui drew attention at a flight school because of his apparent lack of enthusiasm in learning how to take off or land. French authorities have long suspected him of involvement in terrorist activities. What does he know about Sept. 11?

to fight for a purer form of Islam. The initial target was not the U.S. but the governments of Saudi Arabia and Egypt, which al-Qaeda claimed were corrupt and too beholden to the U.S. It was only after the Gulf War, by which time bin Laden had moved his operations to Sudan (he would later be forced to shift back to Afghanistan), that he started to target Americans. To all but insiders, he first became notorious in 1998, when al-Qaeda operatives exploded truck bombs at the American embassies in Kenya and Tanzania, killing 12 Americans and hundreds of locals. Since then there has been a steady drumbeat of

attacks linked to al-Qaeda—some successful, some not—on American targets and those of U.S. allies around the world.

Al-Qaeda has its headquarters in training camps in Afghanistan. In addition to directing its own attacks, it acts as an umbrella group, financing and subcontracting operations to local networks like Algeria's Armed Islamic Group (GIA), a terrorist organization active throughout Europe. The camps in Afghanistan play a vital role. Whatever network they may originally have been aligned with, visitors to the camps meet men from other groups, forge relationships and acquire the stature of soldiers in a holy war. The high command of the group includes bin Laden, al-Zawahiri and Abu Zubaydah, a Saudi-born Palestinian who was identified in an American court case in July as the organizer of the camps and who investigators believe may be al-Qaeda's director of international operations.

Some of the best leads on al-Qaeda's directorate now seem to be coming from Djamel Beghal, a French-Algerian who is suspected of being an al-Qaeda ringleader and who was arrested in Dubai in July on his way from Pakistan to Europe. After being convinced by Islamic scholars in Dubai of the evils of terrorism, Beghal started talking. (He is now back in France and has attempted to retract his confession.) Beghal has said that while in Afghanistan in March, he received instructions from Abu Zubaydah on a bombing campaign against American interests in Europe, including the Paris embassy. "He's talking about very important figures in the al-Qaeda structure, right up to bin Laden's inner circle," a European official told TIME. "He's mentioned names, responsibilities and functions—people we weren't even aware of before. This is important stuff."

Though al-Qaeda has its roots in Afghanistan, investigators now think that the "Afghan" nature of the group is subtly changing. The war against the Soviets ended in 1991. Increasingly, al-Qaeda's captains in the field are too young ever to have fought in Afghanistan, though some may have joined Islamic brigades in Chechnya—or in Bosnia, as Abu Zubaydah did. Many of the new fighters were born and raised not in the Arab lands but in the Muslim communities of Europe, around which they travel with ease. And there is a growing sense that a number of them are "Takfiris," followers of an extremist Islamic ideology called Takfir wal Hijra (Anathema and Exile). That's bad news: by blending into host communities, Takfiris attempt to avoid suspicion. A French official says they come across as "regular, fun-loving guys—but they'd slit your throat or bomb your building in a second."

In addition to the ruthless nature of al-Qaeda's soldiers, investigators now also appreciate just how extensive are its tentacles. In mid-October, for example, NATO forces in Bosnia foiled a plot to attack U.S. and British targets there. ██████████, an Algerian thought to be at the center of a Bosnia-based terror group, had the number of Abu Zubaydah on a chit of paper in his apartment.

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When Terror Hides Online

Did you hear the one about Osama bin Laden hiding messages in porn websites? It sounds like one of those crazy Sept. 11 rumors, but it's actually a law-enforcement theory about how the al-Qaeda network disseminates instructions to operatives in the field.

It's no secret that bin Laden's terrorist army is Internet savvy. Hijacking ringleader Mohamed Atta made his reservations on Americanairlines.com. Some of his confederates seem to have communicated through Yahoo e-mail. And cell members went online to research the chemical-dispersing powers of crop dusters.

How Secrets Are Concealed

DEVIL IN DETAIL

Hypothetically, a photo of a site to be attacked can be embedded in an innocuous image that is then posted on an existing website for terrorists to access for instructions

But secret Internet messages, known as steganography, may be the most insidious way bin Laden has taken his terrorist movement on line. Steganography, Greek for "hidden writing," allows messages to be slipped into innocuous picture and music files. The trick is that the insertions are so small they're impossible to detect with the naked eye, but easily retrieved through special software tools.

A terrorist mastermind could insert plans for blowing up a nuclear reactor in, say, the nose of a puppy on a pet-adoption website. Operatives in the field, told which nose to look at, could then check for their marching orders. Steganography is a fast, cheap, safe way of delivering murderous instructions. "It avoids the

operational security issues that exist anytime conspirators have a physical meeting," says Matthew Devost of the Terrorism Research Center. Terrorist watchers suspect al-Qaeda may be hiding its plans on online porn sites because there are so many of them, and they're the last place fundamentalist Muslims would be expected to go.

Even for netheads, steganography is a bit obscure. But bin Laden's followers may have learned about it when it burst on the pop-culture scene in recent movies like *Along Came a Spider*. The FBI has been close-mouthed on whether it has found any steganographic images from al-Qaeda. But a former government official in France has said that suspects who were arrested in September for an alleged plan to blow up the U.S. embassy in Paris were waiting to get their orders through an online photo.

Law enforcement is increasingly targeting terrorists' technology. After the Sept. 11 attacks, the FBI reportedly installed additional Carnivores, devices it has been using to surreptitiously read e-mail, on Internet service providers. The National Security Agency uses Echelon, a top-secret wiretapping device, to monitor e-mail, cell phones and faxes worldwide. And the antiterrorism law passed last month broadened law enforcement's powers to grab Internet communications.

Steganographic images can be detected through "steg analysis," a process of hunting for small deviations in expected patterns in a file. The hard part is knowing where to look in the vast expanse of the online world. Toughest of all to catch: so-called low-tech steganography, in which the message is conveyed overtly. A photo on a website with arms crossed could mean attack an East Coast nuclear power plant; a blue bandanna could mean West Coast bridges. "Sometimes," says Ben Venzke, a terrorism specialist at the security analyst firm IntelCenter, "the best technologies are the simplest ones."

—By Adam Cohen

On Oct. 28, Abu Sayyaf, a terrorist group in the Philippines that authorities believe has been supported in the past by al-Qaeda, bombed a food market, killing six people. And the Ugandan government announced that it had detained eight men on suspicion of belonging to al-Qaeda. How did one organization with an extremist ideology manage to acquire a reach that trembles governments from Bosnia to the Philippines to Uganda?

THE BORDERLESS WORLD

"GLOBLIZATION MEANS INTERDEPENDENCE," SAYS EDmund Hull, U.S. ambassador to Yemen and former State Department counterterrorism chief. "We have previously seen the benefits of this interdependence. Now we are seeing its risks." That goes to the heart of any attempt to understand al-Qaeda. For the past decade, globalization

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Is He Osama's Best Friend?

How dangerous can an Afro comb and a plastic bottle of hot sauce be? When Officer Louis Pepe came by cell No. 6 at the Metropolitan Correctional Center in lower Manhattan on Nov. 1, 2000, he was distracted by a squirt in the face from the bottle before the sharpened comb was plunged like a bayonet through his eye and 2½ in. into his brain. The man in the cell, Mamdouh Mahmud Salim, then allegedly took the keys from the paralyzed Pepe and began to wander down the hall. Guards stopped Salim, and he didn't get away. Or did he?

Arrested and extradited from Germany in December 1998, Salim was a prize prisoner for the U.S. government, which originally planned to put him on trial with four others charged with the Aug. 7, 1998, bombing of the U.S. embassies in Africa. Salim had complained that he should not be tried with the others in the trial scheduled for February 2000 because he had not been charged with directly carrying out the bombings. The judge had refused to sever the charges, but the assault on Pepe gave the court no choice but to postpone his conspiracy trial. Salim, 43, will first be tried for the attempted murder of Pepe. Three weeks ago, on Oct. 18, all defendants in the embassy-bombing trial were found guilty and sentenced to prison for the rest of their lives.

Salim has made himself out to be small fry in the search for bin Laden associates. But could he be something bigger? The portrait painted of Salim in the embassy-bombing trial is of a powerful and malignant personality. Prosecutors described Salim (whose alias was Abu Hajer al Iraqi) not only

as one of Osama bin Laden's council of advisers, the Shura, but also as a key member of the fatwa committee, which helped formulate the theological justification for al-Qaeda's actions. Salim derived his prestige from being a religious scholar who has memorized the Koran, and he would alternate with bin Laden in delivering regular sermons to the al-Qaeda faithful. The government's star witness, a former top al-Qaeda operative, described Salim as bin Laden's "best friend." It was Salim, the prosecutors said, who provided al-Qaeda with a rationale for "collateral damage," citing an ancient fatwa calling for all-out war against pagan invaders, one that was likely to bring about the death of Muslim traders and civilians in the cross fire. If the civilian dead were indeed innocent, the argument went, they would be headed for heaven anyway.

The prosecutors provided evidence in the recent trial that Salim contributed more than theology. He was on the committee that helped al-Qaeda decide to relocate to Sudan in 1990 after the Afghan war. While Salim had told the Germans he handled finances for bin Laden's agriculture business, Themar al Mubaraka, the prosecution's witness claimed that a significant part of one large farm owned by the company was used for training courses in explosives. The witness also said that Salim, who allegedly received a monthly salary of \$1,500; helped run bin Laden's Al Hijra Construction company, which ostensibly built roads and bridges but also had a permit to import explosives for construction use. The same witness said that Salim took him on a trip to a chemical-warfare-training facility in Sudan and was a critical link in the negotiations for an attempted \$1.5 million purchase of South African uranium in 1993.

(continued on next page)

has been understood as an economic process, rooted in the trade of goods and services. But the defining characteristic of our new world is not the movement of products or money but of people. Cheap air transport, the effects of decolonization and a population explosion in the poorer parts of the world have combined to create an unprecedented movement of humanity from one nation to another. Travel and emigration have broadened the mind and brought unparalleled opportunities to countless families. But they have also helped create havens for those seduced by the romance of terrorism.

French investigators believe Kamel Daoudi is one such recruit; his tale illuminates both the nature of modern terrorist cells and their global reach. Daoudi was the kind of child that immigrant parents dream of having. The son of Algerians who had immigrated to France, he took the tough post-high school exams a year early and started to study computer sciences at a university in Paris. But he

found the courses difficult, and according to reports, a family row exploded in 1999 when Daoudi's father found evidence of his son's appointments with psychiatrists. Daoudi left for Britain, his pockets bulging with the \$11,000 his family had saved for his education.

On Sept. 21, he made the same trip; this time, running not from his family but from the law. Daoudi slipped away from his apartment on the Boulevard John F. Kennedy after police across Europe started to round up the network that Beghal had assembled for his operations. (French investigators think Daoudi was the computer-and-communications whiz kid of the group.) Daoudi knew Britain well. He and Beghal had hung out there with Jerome Courtailler, one of two French brothers who had converted to Islam. For a while, Courtailler lived in south London with Zacarias Moussaoui, another French child of disappointed immigrant parents. Moussaoui grew up in the southern French town of Narbonne

(continued from previous page)

Salim admitted to German interrogators that he worked for bin Laden's business enterprises in Sudan, including Themar. But according to a transcript of his interrogation, he insisted that "my relationship with [bin Laden] was as an employee with a contract and monthly pay." When recruited to run the businesses, Salim said, he told bin Laden that "I was an electrical engineer, not a finance specialist. He said that was not important because he knew me to be an honest man and that I would manage."

Allan Haber, Salim's lawyer in the conspiracy case, says the prosecution's portrayal of Salim as a key bin Laden operative all comes down to the credibility of the government witness Jamal Ahmed al-Fadl and "whether or not you can believe a man who says he is a devout Muslim but steals money from his boss and tries to sell information to the government of Israel." (Al-Fadl sought protection with U.S. investigators after he embezzled \$100,000 from bin Laden.) The government says al-Fadl's testimony is accurate and can be corroborated.

When Salim was arrested in Munich, he said he had arrived in Germany for the first time in 1995, to buy electronics to set up an Arabic-language radio station in Sudan. The U.S. says the real goal was to get radio equipment that could be used by al-Qaeda to communicate with its operatives. The following year, however, found al-Qaeda in confusion: Sudan expelled bin Laden, and the group's members were scattered until their high command returned to Afghanistan. Salim was living in Dubai and by 1998 had made four more visits to Germany, ostensibly to look for a new wife and a car. "My wife had three operations on her uterus," he told interrogators. "I talked with my wife about this, and she agreed I should look for a second wife." (German police note that Salim's airfare from Dubai cost more than the car he hoped to purchase, a used Mercedes-Benz 230 station wagon.)

More important, Salim acknowledged to his German interrogators that he had opened an account at Deutsche Bank and that he gave signature power over the account to Mamoun Darkazanli, a Syrian businessman

who had settled in Hamburg in the 1980s and who has told reporters that he knew some of the Sept. 11 hijackers. Darkazanli attended the wedding of Said Bahaji, an alleged member of the cell that included suspects Mohamed Atta and Marwan Al-Shehhi. Bahaji's wedding album includes pictures of Atta and Al-Shehhi. Darkazanli's name is now on a list of 39 terrorists and organizations whose assets have been blocked by the U.S. Treasury Department. He remains, however, free to roam about Hamburg.

If Salim had been on trial for conspiracy in the embassy bombings, the U.S. would potentially have been able to establish his intimacy with the highest levels of al-Qaeda. In that case, the Darkazanli connection might be more than a tantalizing possibility: a clear link between a "best friend" of bin Laden's and someone in contact with the Sept. 11 hijackers.

In the past five years, al-Qaeda officials have shown deep concern over the secrets held by its high-ranking members. When their finance chief was nabbed by the Saudis in 1997, there were discussions about assassinating him before he could turn information over to Riyadh and the U.S. When the head of the military committee drowned in a ferry accident in Lake Victoria in Kenya in the spring of 1996, al-Qaeda agents were sent to verify that he was indeed dead and that no secrets had filtered out. But if Salim is a big shot who knows too much, al-Qaeda doesn't have to worry about him for a while. His trial for the attempted murder of Pepe was scheduled to begin the week of Sept. 17 and has been put off until early next year because of the logistical and bureaucratic chaos in lower Manhattan, where the court system is located. His conspiracy trial has not even been scheduled. The planes that devastated lower Manhattan have made sure that whatever secrets he holds will take their time coming to light.

—By Howard Chua-Eoan.

With reporting by Charles P. Wallace/Berlin

but left for Britain in 1992 and took a degree at London's South Bank University. Earlier this year, he enrolled in an Oklahoma flight school that had been visited by two of the Sept. 11 hijackers, and German authorities say he had called the house in Hamburg used by Atta. In August, after suspicious behavior at another flight school in Minnesota, Moussaoui was arrested on immigration charges. Today he is incarcerated in the Metropolitan Correctional Center in Manhattan, refusing to speak to investigators.

Daoudi, who was picked up in the British town of Leices-ter, sits silent in a French jail. "He isn't giving an inch," says a French official. His lawyer denies that Daoudi has ever been involved in plotting terrorist attacks.

Children of immigrants, Muslims in Europe, highly skilled, Daoudi and Moussaoui epitomize the kind of person investigators now think provides some of al-Qaeda's key recruits. Above all, both men were true global citizens; Moussaoui, a child of the warm south, ended up in

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TERRORIST HITS AND MISSES A CHRONOLOGY OF MAYHEM

ATTACK

DEC. 29, 1992 ADEN, YEMEN

One hundred U.S. servicemen had just left the Gold Mohur Hotel, on their way to duty in Somalia, when the bomb hit. It killed two people in the hotel and seriously wounded four tourists. Two suspects reportedly had 23 bombs, two antitank mines, dynamite and machine guns.

ATTACK

FEB. 26, 1993 WORLD TRADE CENTER, NEW YORK CITY

The first attempt to bring down the Twin Towers resulted in six deaths and more than 1,000 injuries. The al-Qaeda organization was never mentioned at the trial of convicted mastermind Ramzi Yousef, but he was later convicted of other foiled plots that authorities suspect had al-Qaeda links.

ATTACK

OCT. 3, 1993 MOGADISHU, SOMALIA

Bin Laden claims he supplied weapons and fighters to Somalis involved in a fierce battle that left 18 U.S. servicemen dead.

FOILED

LATE 1994, EARLY 1995 MANILA, PHILIPPINES

Then-fugitive Ramzi Yousef had already slipped out of the U.S. and the Philippines when officials investigated an explosion in a Manila apartment occupied by two people linked to him. Investigators discovered plots to assassinate the Pope and President Clinton during visits to the Philippines and to explode a dozen commercial jets over the Pacific.

FOILED

JUNE 26, 1995 ADDIS ABABA, ETHIOPIA

An assassination attempt on the motorcade of Egyptian President Hosni Mubarak was unsuccessful.

ATTACK

NOV. 13, 1995 RIYADH, SAUDI ARABIA

A car bomb at a U.S.-run training facility for the Saudi National Guard killed five Americans and two Indians. Four Saudis confessed on national television (they were later beheaded) and said they were "inspired" by bin Laden.

ATTACK

JUNE 25, 1996 DHAHRAN, SAUDI ARABIA

A massive truck bomb at the Khobar Towers apartment compound, where hundreds of U.S. Air Force personnel were stationed, killed 19 U.S. airmen and wounded hundreds more.

ATTACK

AUG. 7, 1998 DAR-ES-SALAAM, TANZANIA & NAIROBI, KENYA

Truck bombs hit U.S. embassies in both cities, killing 224, including 12 Americans. Bin Laden and 20 others were later indicted; four received life sentences.

FOILED

DEC. 14, 1999 PORT ANGELES, WASH.

A U.S. Customs agent noticed that Ahmed Ressam was sweating in winter—while waiting to cross from Canada into the U.S. In his trunk, they found explosives. Ressam later confessed to a plot to blow up LAX airport.

FOILED

DECEMBER 1999 AMMAN, JORDAN

A tip to local intelligence officials revealed a plot to kill U.S. and Israeli millennium revelers by bombing a fully booked hotel and prominent Christian sites.

ATTACK

OCT. 12, 2000 ADEN, YEMEN

A boat laden with explosives rammed the U.S.S. Cole, killing 17 sailors and wounding more than 30. Bin Laden, at his son's wedding, wrote an ode to his supporters who carried out the attack: "The pieces of the bodies of the infidels were flying like dust particles."

FOILED

DEC. 25-26, 2000 STRASBOURG, FRANCE

German investigators picked up four men across the Rhine River in Frankfurt on the eve of what they said was a planned bomb assault on Strasbourg's cathedral and market.

ATTACK

SEPT. 11, 2001 NEW YORK CITY, WASHINGTON, PENNSYLVANIA

Four hijacked passenger airliners crashed into New York City's two tallest buildings, the Pentagon and a field in rural Pennsylvania. Thousands were killed.

FOILED

SEPT. 13, 2001 PARIS AND BRUSSELS

Evidence of plots to bomb the U.S. embassy in Paris, and possibly also NATO headquarters in Brussels, was uncovered after the earlier confession of Djamel Beghal. The information, despite being partially retracted, led to arrests.

FOILED

OCT. 8, 2001 SARAJEVO, BOSNIA

NATO officials say they disrupted an al-Qaeda cell that was planning to attack the U.S. embassy and Eagle Base airfield, used by some 3,000 U.S. peacekeepers.

—By Amanda Bower

the state where ice fishing is a favorite sport. As they dig deeper, law-enforcement agencies are beginning to understand just how effectively globalization has spread terrorism around the planet.

Consider two countries half a world apart and far from the Islamic heartlands: the Philippines and Britain. It was in Manila, that most Catholic of cities, that Mohammed Sadeek Odeh found his vocation. Sentenced to life imprisonment on Oct. 18 for his part in the 1998 bombings of the American embassies in Kenya and Tanzania, Odeh seemed to have lived the predictable life of an al-Qaeda operative—he was born to exiled Palestinians in Saudi Arabia and grew up in Jordan. Yet he turned to radical Islam while studying engineering in the Philippines. It was there that Odeh first saw and heard videos and taped messages from Abdallah Azzam. In 1990 Odeh moved to Pakistan, and from there to the camps in Afghanistan and a new life as a soldier in al-Qaeda.

Other Muslims who had studied in the Philippines maintained links there. It was from Manila that Ramzi Yousef, the convicted mastermind behind the first World Trade Center bombing, hatched a plan to blow up 12 American airliners as they flew over the Pacific. In the mid-1990s, Mohammed Jamal Khalifa, married to one of bin Laden's sisters, allegedly funded Islamic schools in the south of the country, where Muslim insurgents have been fighting for years. The Filipino government has long claimed that Abu Sayyaf, the most bloodthirsty of the groups—its specialty is beheadings—has been supported by al-Qaeda. Abdurajak Janjalani, the group's late founder, fought in Afghanistan, reportedly with bin Laden and Yousef. The links may be a thing of the past; these days Abu Sayyaf's style runs more to kidnapping and ransom than to jihad. Still, Philippine President Gloria Macapagal Arroyo recently said Khalifa had offered to secure the release by Abu Sayyaf of 18 hostages, including an American missionary couple.

About the only thing that Manila has in common with London is damp—that and a reputation for giving succor to terrorist supporters. Britain has always had a habit of providing safe haven to political refugees; that's why Karl Marx is buried in Highgate cemetery. But in the past 20 years, says Neil Patrick, a Middle East analyst at the Royal United Services Institute, London has become "the capital of the Arab world." As they used to say in Britain: Whoever lost the Lebanese civil war, London won it. With Beirut in ruins, banks relocated from Lebanon; they were followed by Arabs from Saudi Arabia and the gulf who summered in Kensington Gardens, journalists, members of opposition groups—and radical Islamic clerics.

One such preacher, Abu Hamza al-Masri, arrived in 1981, having left one eye and both hands in Afghanistan. He was granted British citizenship in 1985, and his mosque in Finsbury Park, tucked among Victorian row houses one tube stop from Arsenal's soccer stadium, has become famous worldwide for preaching jihad. Mous-

saoui, the Courtailler brothers and Beghal all attend prayers there. Beghal is said also to be a follower of Abu Qatada, a radical who preached jihad from a community center on Baker Street and whose bank account, allegedly with \$270,000 in it, was frozen by the Bank of England in mid-October.

London's dirty secret is that it has long been a recruiting ground for terrorists. French authorities moan with frustration at the lack of British cooperation. For years the French were unable to get London to extradite suspected members of the Algeria-based GIA, responsible for a wave of bombings in Paris in the mid-1990s. The U.S. hasn't always had better luck; Americans have been trying to get their hands on Khalid al-Fawwaz, a London-based Saudi alleged to have set up an office for bin Laden in 1994 and now wanted for trial in relation to the African embassy bombings. (Al-Fawwaz's legal maneuverings have just reached Britain's highest court.)

The gears of British justice are starting to grind more quickly. London has detained and questioned a number of Sept. 11 suspects, including Lotfi Raissi, an Algerian alleged to have helped train the suicide pilots in the attacks. And last week Yasser al-Siri, whose bookstore and website are well known in London, was charged with conspiracy to murder Ahmed Shah Massoud, the leader of the anti-Taliban Afghan Northern Alliance. Massoud died after assassins bombed his headquarters on Sept. 9.

But al-Siri's case demonstrates the oddities of the international legal system. He is in Britain on asylum from Egypt, where he was sentenced to death for the attempted murder of the Prime Minister in 1993, a charge he denies. "That was a military court," he told TIME before his arrest. "I'm a civilian." Governments across Western Europe, their feet held to the fire by strong civil-liberties groups, have been protective of the rights of refugees and asylum seekers. And while the European Union has demolished barriers to the movement of goods and people, its 15 nations have been slow to develop common institutions of criminal justice and investigation. For Atta and his cell of alleged conspirators in Hamburg, the characteristics of modern European life were a godsend. In addition to the hijackers known to have lived there, other men alleged to be part of the Hamburg cell have had arrest warrants issued for them: Said Bahaji, Zakariya Essabar and Ramzi Binalshibh. German officials believe that last spring both Essabar and Binalshibh tried to get to the U.S. to take flying lessons. The three almost certainly arrived in Pakistan from Germany on Sept. 4 and have since gone to ground—possibly in Afghanistan.

Hamburg was an ideal long-term base; 1 in 7 of the city's population is foreign, as is 1 in 5 of the students at Atta's college. (Foreign students pay no tuition in Germany.) Atta and his friends could have stayed as long as they liked—Germany invented the perpetual student—since they had legal residence, could travel freely around the E.U. or leave it for a period, without arousing suspicion. It is hard to think of a way of life that so epitomized

the promise of a borderless world and then perverted globalization to such an evil end.

YOUNG AND RUTHLESS

AFTER SEVEN WEEKS OF INVESTIGATIONS THERE IS NO HARD evidence that links the Hamburg cell to any other. There are fragments of a puzzle—Atta made a 10-day trip to Spain from Miami in July that continues to bother investigators, while French sources still think that Moussaoui may be connected to the Hamburg cell—but many pieces are missing.

For example: Was Mohammed Bensakhria, an Algerian arrested in June by Spanish police, bin Laden's key European lieutenant? If so, is there an American equivalent—and has he been picked up in the dragnet after the attacks? Did al-Qaeda's reputed training-camp chief Abu Zubaydah leave Afghanistan before Sept. 11, as European officials believe, and if so, where is he and what is he doing?

On one matter, however, European investigators are clear: there is something truly ruthless about the suspected terrorists they are finding. After six Algerians were picked up in Spain in September, police found videotapes in the apartment of one of the men. One tape showed four Algerian soldiers, with their throats cut, dying in a burning jeep.

For experts in terrorism, such incidents are suggestive. In Egypt in the 1960s, the Islamic ideology Takfir wal Hijra began to win adherents among extremist groups. One of them, the Society of Muslims, was led by Shukri Mustafa, an agricultural engineer. Mustafa denounced other Muslims as unbelievers and preached a "withdrawal" into a purity of the kind practiced by the Prophet Muhammad when he withdrew from Mecca to Medina. The ideology is particularly dangerous because it provides a religious justification for slaughtering not just unbelievers but also those who think of themselves as Muslim. Intensely undemocratic—for to accept the authority of anyone but God would be a blasphemy—Takfir wal Hijra is a sort of Islamic fascism.

European analysts now believe that Takfir thinking has won converts among terrorist groups. Beghal is Takfiri, and Daoudi is thought to be. Roland Jacquard, one of the world's leading scholars on Islamic terrorism, says flatly, "Atta was Takfiri." It is not just soldiers of al-Qaeda who may be following the Takfir line. Mustafa was executed in 1978, but his ideas lived on; the beliefs of al-Zawahiri's Al Jihad were dominated by Takfiri themes. Azzam Tamimi, director of the Institute of Islamic Political Thought in London, says of Zawahiri, "He is their ideologue now... His ideas negate the existence of common ground with others."

Bin Laden and al-Qaeda may have learned, by violent experience, to preempt and harness the new fanaticism. In late 1995, bin Laden's compound in Khartoum was attacked by gunmen believed to be Takfiri. A Sudanese

The Suspects: a Bosnian Subplot

The conversation was in code, but to trained ears it was easily understood. Picked up by U.S. listening devices on Oct. 16 in Sarajevo, it ranged in topics from the bombing in Afghanistan to "what the response should be here," a senior Bosnian official told TIME. U.S. and British targets in Bosnia were mentioned. But it was the sign-off that got listeners' attention: "Tomorrow we will start." Both countries shut down their embassies and branch offices overnight. Using mobile-phone-card registration numbers, Bosnian police tracked down and arrested both callers—Algerian nationals with Bosnian citizenship. Within 72 hours three others, also Algerian born, were in custody in a Sarajevo prison, bringing the number of terror suspects apprehended in Bosnia in the past month to at least 10. In the process, NATO uncovered a separate plot to attack Eagle Base, the airfield used by some 3,000 U.S. peacekeepers in the country. "We are confirming the presence of the al-Qaeda network in Bosnia," said a spokesman for NATO-led peacekeepers. The arrests, he added, had "disrupted" the network, but "it has not been destroyed. Investigations are continuing."

██████████ made 70 calls to Afghanistan between the day of the U.S. attacks and his arrest

Direct links to bin Laden focus on just one man, the apparent leader of the Algerian cell ██████████, 41, alias ██████████ lived with his Bosnian wife and two children in the central town of Zenica until his arrest last month. Combing through his dingy ground-floor apartment, investigators found two sets of identity papers (Algerian and Yemeni), blank passports and on a small piece of paper the number of a senior bin Laden aide, Abu Zubaydah, himself a veteran of the Bosnian war. Investigators say he is now in charge of screening recruits for al-Qaeda training camps in Afghanistan. According to phone transcripts, Zubaydah and ██████████ discussed procuring passports. There was more. ██████████ made 70 calls to Afghanistan between Sept. 11 and his arrest. U.S. officials are particularly interested in the fact that he repeatedly sought a visa to leave Bosnia for Germany just before the terrorist attacks, according to a source close to the investigation.

The other suspects are mostly foreign-born nationals and belong to a community of about 200 ex-mujahedin who came to Bosnia to fight alongside fellow Muslims during the war and later settled in the interior, often marrying Bosnian women and working at humanitarian agencies. Saber Lahmar, the Algerian who allegedly placed the incriminating phone call on Oct. 16, served time in Bosnia for auto theft before being pardoned in 2000. He worked at the Saudi High Commission for Relief, an agency that has given \$500 million to Bosnia. Others, according to local reports, worked at the Red Crescent society, Taibah International—a Saudi group—and Human Appeal. Bosnian authorities say that they are stepping up surveillance of aid agencies and their staffs.

After the latest arrests, the U.S. reopened its embassy, released a statement saying that the specific threat "appears to have passed," and thanked Bosnian authorities for their swift action. But officials tell TIME that there are five more alleged terrorists whom police and peacekeepers are seeking in the rugged hills of central Bosnia. And so, as elsewhere in the world, the hunt continues.

—By Andrew Purvis/Sarajevo

3. a. 2

3. a. 3

friend of bin Laden's who questioned the surviving attacker said, "He was like a maniac, more or less like the students in the U.S.A. who shoot other students. They don't have very clear objectives." By the time al-Qaeda had resettled in Afghanistan, ideological training was an integral part of the curriculum, according to a former recruit who went on to bomb the U.S. embassy in Nairobi. Students were asked to learn all about demolition, artillery and light-weapon use, but they were also expected to be familiar with the fatwas of al-Qaeda, including those that called for violence against Muslim rulers who contradicted Islam—a basic Takfiri tenet. French terrorism expert Jacquard describes Takfiri indoctrination this way: "Takfir is like a sect: once you're in, you never get out. The Takfir rely on brainwashing and an extreme regime of discipline to weed out the weak links and ensure loyalty and obedience from those taken as members."

The results of the boot camps are diehard but undetectable soldiers of the movement. "The Takfir," says Jacquard, "are the hard core of the hard core: they are the ones who will be called upon to organize and execute the really big attacks." French officials think that Takfiri beliefs have bred a distinct form of terrorism. "The goal of Takfir," says one, "is to blend into corrupt societies in order to plot attacks against them better. Members live together, will drink alcohol, eat during Ramadan, become smart dressers and ladies' men to show just how integrated they are."

For law-enforcement officials, the Takfiri connection is terrible news. By assimilating into host societies—some won't even worship with other Muslims—it's easy for Takfiris to escape detection. Those stories of the Sept. 11

What Makes Youths Volunteer?

To British lawyer Anjem Choudary, 40, a British passport means very little. For a true Muslim, he says, "a British passport is no more than a travel document." Abu Yahya, 26, a Londoner and veteran of military training camps in Kashmir and Afghanistan, agrees: "Our allegiance is solely to Allah and his messenger, not to the Queen and country. Nationality... means nothing."

Choudary and Yahya belong to the extremist Islamic group al-Muhajiroun, and though they speak for only a tiny fraction of Britain's 2 million Muslims, their views received grim publicity last week with the news that three British-born Muslims had been killed in Kabul—allegedly in a U.S. bombing raid on a Taliban compound—after volunteering for the jihad.

The deaths of the three young men shocked their families. In Crawley, an industrial town 33 miles south of London, the mother of Yasir Khan, 28, insisted her son had gone to Pakistan for humanitarian work. In Luton, 34 miles north of London, the parents of computer-engineering student Afzal Munir and taxi driver Aftab Manzoor, both 25, weren't aware the two had joined up. Both lived with their parents in modest suburban houses in this quiet town that is home to 22,000 Muslims.

Many Muslims in Britain, however, are loudly anti-American and highly critical of the bombing in Afghanistan. Al-Muhajiroun is capitalizing on this anger. The group had been saying for weeks that Britons were flocking to the bin Laden cause, much as Jewish youths went to Tel Aviv in 1967 to fight in the Arab-Israeli war. In Lahore, Pakistan, last week a spokesman—British university graduate Abu Ibrahim—put the numbers at between 600 and 700. British authorities, however, speculated that volunteers probably amounted to a few dozen. Conservative peer Norman Tebbit suggested that it would be treason for British citizens to take up arms against Anglo-American forces. Defense Secretary Geoff Hoon warned that those who did fight for the Taliban might face prosecution should they return.

The jihad volunteers are mostly from first-generation British families and feel oppressed by the stresses of biculturalism, suggests Mounir Daymi, executive director of Britain's Muslim Students Society. This alienation is felt most deeply in the poorer communities. That's where you will find "some people who want the clash of civilizations to happen," Daymi says. Adam Armstrong, 35, a Luton teacher who converted to Islam in 1989 because he felt "something was missing" in his life, endorses that view. The volunteers, however few, are "devout Muslims, often university students," he says, the sort of idealists who used to go to Chechnya and now go to Afghanistan. Asked why mostly Britons seem to have volunteered so far, he said that Muslims are better organized in Britain, often have families in Pakistan or Kashmir and enjoy greater freedom of movement. There are no national identity cards, giving authorities less knowledge of their whereabouts.

Most British Muslims reject al-Muhajiroun's militant campaigning; fellow Muslims in Luton have been giving the hardliners a rough time. Al-Muhajiroun leaflets have been banned from Luton's Central Mosque, and last week the local al-Muhajiroun leader, known simply as Shahed, was attacked in the street after he staged a noisy demonstration in support of the Taliban. Although Daymi of the Muslim Students Society rejects al-Muhajiroun's message, he does believe that now is the time for jihad—but not the kind others are pursuing. "In these days of war, our jihad is to show the peaceful face of Islam," he says. "Retaliation and revenge will just lead to more retaliation and revenge. You can defend your religion peacefully." That may be the kind of jihad worth joining.

—By Helen Gibson. With reporting by Jeff Chu/Birmingham and Ghulam Hasnain/Karachi

hijackers drinking in bars and carousing in Las Vegas may now have an explanation. Jarrah's cousin Salim, who lives in the German town of Greifswald, claims that they "used to go to church more than to the mosque." Jarrah, says Salim, loved discos—"We didn't need veiled woman and all that"—and sneaked shots of whiskey during a family wedding. He makes Jarrah sound like a normal guy, and normal guys aren't easy to catch.

BOLTING THE DOOR

THOSE CHARGED WITH CATCHING TERRORISTS WON'T STOP trying. And governments are reassessing their policies on immigration, asylum and open borders. New legislation is promised in Canada, Britain and Germany; the talks this year when Mexican and American officials seriously considered not tightening, but liberalizing, their immigration policies now bear the sad echo of a lost world.

The American refugee program, which had been responsible for bringing about 80,000 people into the U.S., is barely alive; President Bush hasn't signed its annual authorization. Last week Bush announced further measures to bolt the nation's door, including the formation of a Foreign Terrorist Tracking Task Force to coordinate federal efforts to keep terrorists out and hunt them down if they slip in. Authorities will now check to see that those who enter the U.S. on student visas actually attend school. But there is an air of desperation to the proposals. "This was not an immigration failure; it was an intelligence failure," says Charles Keely, professor of international migration at Georgetown University.

In Washington, the Immigration and Naturalization Service is regarded as a mess; even its spokesman, Russ Bergeron, says it has "languished for decades." In 1996 Congress told the INS to set up a computer system to track those who come into the U.S. on student visas; but with some 600,000 such people in a country with more than 22,000 educational institutions, the system is not yet up

and running. Only one of the 19 hijackers entered on a student visa. Can screenings in foreign countries be tightened? Maybe, but all 19 were run through a computerized "watch list" of suspected terrorists when they applied for visas (at least six were interviewed personally). Nothing turned up. In any event, as Kathleen Newland, co-director of the Migration Policy Institute in Washington, says, "The facts remain the same." Globalization will continue to spin people around the world. The U.S. will continue to have two enormous land borders with peaceful neighbors; we're never going to see watch towers along the 49th parallel. Each year, says Newland, there are 489 million border crossings into the U.S., involving 127 million passenger vehicles; each year, 820,000 planes and 250,000 ships enter U.S. airspace or waters. However terrorism is beaten, it won't be by American border controls.

Will it be by war? In the immediate aftermath of Sept. 11, there was a hope that police work might be able to rid the world of al-Qaeda and its associates. But the more we know of bin Laden's group, the less that seems likely, and not just because its operatives are ruthlessly fanatic.

Perhaps the single most important truth learned in seven weeks is the existence of a creepy camaraderie, an international bond among terrorists. Those ties are forged in Afghanistan. "The one thing that absolutely everyone involved in terrorist groups has in common," says a European official, "is passage through the al-Qaeda camps. When leaders are sent from Afghanistan to start organizing people, there are no questions asked: the camp experience allows everyone to recognize the bona fides or jihad." The B-52s pounding away from 40,000 ft. may not look like sleuths and cops. But if al-Qaeda's sinister appeal and global reach are ever to be broken, the bombers too must play their part.

—Reported by Bruce Crumley/Paris, Helen Gibson and James L. Graff/London, Scott MacLeod/Cairo and Viveca Novak/Washington, with other bureaus

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Jan 11 2001

BiH Federation
BiH federation Supreme Court
Ki-101/01

Footnote # 3 page 2

Sarajevo, Oct 30, 2001

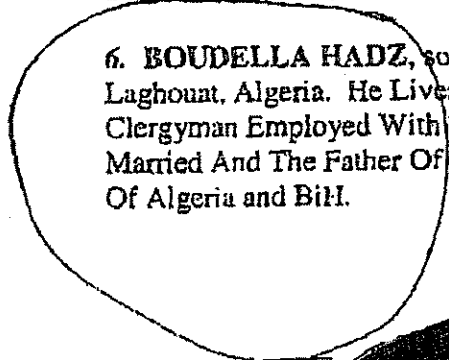
Jasminka Putica, BiH Federation Supreme Court investigative judge in the process against [redacted] et alia, because of the commission of criminal act as defined in Article 168, paragraph 1 of the FBiH Penal Code tied to Article 20, paragraph 1 of the FBiH Penal Code and Article 353, paragraph 1 of the FBiH Penal Code, and based on Article 151, paragraph 1&2 of (ZKP!), on Oct 30, 2001, issues this

RESOLUTION

Investigation order Against accused:

1. [redacted], son of [redacted] & [redacted], nee [redacted], born on Sep 10, [redacted] in Miswar, Sanja, [redacted] residing at [redacted] [redacted] Currently detained at Zenica jail by Zenica County Court order.
2. [redacted], son of [redacted] & [redacted], nee [redacted], born on May 22, [redacted] in Constantine, Algeria, residing at [redacted] in [redacted], teacher of Arabic language employed by Saudi High Committee Islamic Center. Married with one child; Muslim. Algerian citizen. Identity determined by passport # [redacted] issued by the Algerian Embassy in Rome. Currently in detention.
3. [redacted], son of [redacted] & [redacted], nee [redacted], born on July 9, [redacted] in Sidi Mhamed, Algeria, residing at [redacted]. Citizen of Algeria & BiH, holds BiH passport # [redacted] & Algerian passport # [redacted] which was used to determine his identity. Currently in detention.
4. **KHALED EL ARBED**, born on [redacted] 1972 in tripolj, other information is unknown, unknown address
5. **ATIF MUNASSUR** aka "ABU NASAR", originates from alzir, other information is unknown, unknown address
6. **BOUDELLA HADZ**, son of [redacted] and [redacted] born on [redacted] 1965 in Laghouat, Algeria. He Lives In [redacted] on [redacted] Number [redacted]. He Is A Clergyman Employed With The Humanitarian Organization "Human Appeal. He Is Married And The Father Of Five Minor Children. He Is Arab, A Muslim And A Citize Of Algeria and BiH.

SEE PAGE 3



TB: RM

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FOUO

7. [REDACTED], Son Of [REDACTED] And [REDACTED], Born On 27 Apr [REDACTED] In Aynnsultan, Algeria. He Lives In [REDACTED] On [REDACTED] Number [REDACTED]. He Is A Mechanic And An Administrator. He Is Employed With The Humanitarian Organization "Crveni Polumjesec" From The United Arab Emirates. He Is Married And The Father Of Two Minor Children. He Is Muslim And a Citizen Of Algeria And BiH

8. [REDACTED] aka "[REDACTED]", Son Of [REDACTED] And [REDACTED] Born On 2 Apr [REDACTED] In Laghvat, Algeria. He Lives In [REDACTED] On [REDACTED] Number [REDACTED]. He Is An Administrator Employed With The Humanitarian Organization "Crveni Polumjesec" Bihac Office. He Is Married And The Father Of 2 Minor Children. He Is Arab, Muslim And A Citizen Of Algeria And BiH.

SEE PAGE 3

Due to based suspicion that they have: during 2000 and 2001 in Sarajevo, especially in September and October of 2001, in unison and in agreement they acted as an organized terrorist group. As such, they have made contact with an officer of the terrorist network "Al-Qaida" aka Abu Zubaydah via telephone number 00387 32 420737 in order to coordinate actions in that time frame. The telephone number belongs to the first charged [REDACTED]. They also used the mobile telephone number 066 775 375. To date it is not known who this number belongs to. They attempted this with [REDACTED] in order to inflict harm on [REDACTED] in Sarajevo. They have [REDACTED] in Sarajevo in order to [REDACTED] security measures in order to successfully carry out [REDACTED] and its personnel. They were thwarted in there actions by the [REDACTED] employees of the Sarajevo [REDACTED]. Therefore, with the intent to [REDACTED] the [REDACTED], they have [REDACTED] to attack the facility and the employees of the U.S Embassy in Sarajevo.

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TB: RM

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10/01/04

From:
Sent: Friday, October 01, 2004 6:23 PM
To:
Subject:

-----Original Message-----

From:
Sent: Friday, October 01, 2004 5:53 PM
To:
Subject:

Sir, Pls pass this to [redacted] his should cover us.

<<footnote5.jpg>> <<footnote 6 7.jpg>> <<footnote1 4.jpg>>

Footnote 3:

BiH Federation
BiH federation Supreme Court
KI-101/01
Sarajevo, Oct 30, 2001

Para 1.

[redacted], son of [redacted] & [redacted], nee [redacted], born on Sep 10, [redacted] in Miswar, Sana; Yemen, residing at [redacted] Yemeni & BiH citizen, farmer, married with two children. Currently detained at Zenica jail by Zenica County Court order.

Excerpt below Para 8:

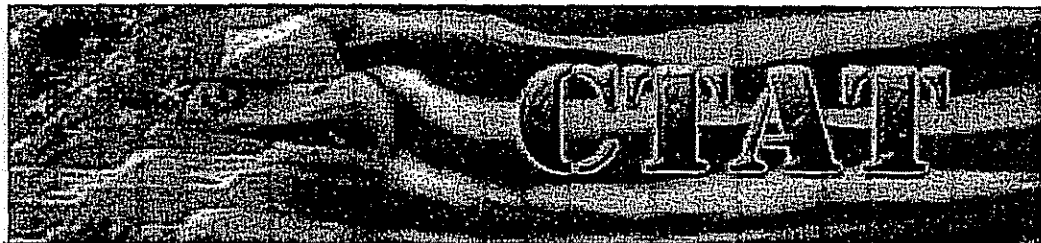
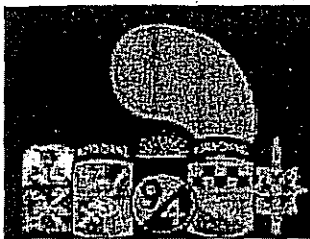
Due to based suspicion that they have: during 2000 and 2001 n Sarajevo, especially in September and October of 2001, in unison and in agreement they acted as an organized terrorist group. As such, they have made contact with an officer of the terrorist network "Al-Qaida" aka Abu Zubaydah via telephone number 00387 32 420737 in order to coordinate actions in that time frame. The telephone number belongs to the first charged [redacted]. They also used the mobile telephone number 066 775-373. To date it is not known who this number belongs to. They completed this with the goal to inflict harm to the U.S.A., in particular to the US embassy in Sarajevo. They have organized surveillance of the facility and personnel at the U.S. embassy in Sarajevo in order to determine the movement pattern of the employed personnel and high officials. They have implemented control and security measures in order to successfully carry out an attack of the U.S. embassy and it's personnel. They were thwarted in their actions by the authorized employees of the Sarajevo federal MUP. Therefore, with the intent to place harm to a foreign country-the U.S.A., they have attempted to attack the facility and the employees of the U.S. embassy in Sarajevo.

3.a.3

V/r
Capt

UNCLASSIFIED/
FOUO

10/1/2004



Tuesday April 02, 2002

Counter-Terrorism Analysis Team

GIA Members Arrested and Detained

["Exclusive" report by Azhar Kalamujic: "Federal Police Uncover Network of Algerian GIA Organization in B-H?"]

[FBIS Translated Text]

Over the past 17 days the federal police have arrested six Algerians employed in a number of humanitarian organizations in Sarajevo, Zenica, and Bihac on suspicion of being linked with international terrorism, while two others, also Algerians, are still being sought. *Oslobodjenje* has learnt this from MUP [Interior Ministry] sources in the Federation of Bosnia-Herzegovina.

Zenica Sarajevo
The well-coordinated operation by the federal police and the police of the three cantons started on 8 October, when [REDACTED], a humanitarian worker and citizen of Algeria and Bosnia-Herzegovina, was arrested in Zenica. Ten days later, [REDACTED], an employee of the Taibah humanitarian organization, and [REDACTED], an official of the Saudi High Committee, were detained in Sarajevo. The police operation continued over the next three days, first in Bihac on 19 October, when [REDACTED], alias [REDACTED], was detained; and then in Sarajevo on 20 and 21 October with the detention of [REDACTED], a humanitarian worker with the Red Crescent, and Budalah Haj, from the Human Appeal humanitarian organization.

There are unconfirmed reports from American intelligence sources that the detained Algerians, as well as two of their fellow-countrymen, Khaled Arbad and Atif Manasur, known as Abu Nasr, whom the police are still seeking, are part of the European network of the Algerian GIA [Armed Islamic Group] militant organization, which is on the list of the sympathizers and helpers of Usamah Bin Ladin's al-Qa'ida.

P.a.5.
P.a.6.

Oslobodjenje, however, learns that only one of the eight Algerians on the list of those arrested or sought is of "security" interest to FBI agents and those US intelligence services that are actively involved in counterterrorist operations in Bosnia-Herzegovina.

Our source warns that suspicions about a link between the above-mentioned Algerians and world terrorism are still being checked, and that beside the police the Ministry of Civil Affairs and the Ministry of Internal Affairs are involved in this task and are trying to establish whether the suspects acquired Bosnia-Herzegovina nationality, that is to say passports, legally. The Federal Financial Ministry has been given the task of checking their bank accounts and transactions.

Page 1 of 1

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Exhibit R-5

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

██████████, et al.
 Petitioners,
 vs.
 GEORGE WALKER BUSH, President
 of the United States of America;
 DONALD RUMSFELD, Secretary of
 Defense; GENERAL JAY HOOD,
 Commander, Joint Task Force;
 COLONEL NELSON J. CANNON,
 Commander, Camp Delta; *in their
 individual and official capacities,*
 Respondents.

04-1166 (RJL)

AFFIDAVIT OF ██████████

I, ██████████, of ██████████ Street, ██████████ and ██████████ (██████████), depose and state as follows.

1. I was born on January 19, ██████████ in ██████████. I am a citizen of BiH. I married Boudella Hadj on February 20, 1999 in Sarajevo. We have four children: ██████████ born September 16, ██████████, born August 24, ██████████, Sajmaa, born May 7, ██████████, and ██████████ born February 15, ██████████. They are all citizens of BiH.
2. My husband Hadj Boudella was born on ██████████ 1965 in Laghouat, Algeria, and is an Algerian citizen. His parents are ██████████ and ██████████. He came to Bosnia and Herzegovina in 1992 to work for the humanitarian organization El Ber. He served in the BiH Army during the civil war until 1993, when he was injured and returned to work for El Ber. He was granted Bosnian citizenship on January 2, 1995.
3. Until the beginning of the civil war, in 1992, I lived with my parents in ██████████ where I went to elementary school. Due to the hostilities we had to leave ██████████. We came to ██████████ as displaced persons; I finished elementary school, but was not able to continue my education.
4. Until coming to BiH, Hadj lived in Algeria, with his parents and his brother. Hadj also has three more brothers and one sister who live with their own families in ██████████. He was raised in an ordinary, religious family and worked as a professor of physics and chemistry in Algeria; he also qualified as an imam.

5. In 1996, my husband started to work for the humanitarian aid organization Human Appeal, and we moved to Sarajevo. He worked as a social worker with war-orphaned children. He loved working with children; he is also a very affectionate and loving father to his own children and spent all his free time taking care of them.
6. On October 21, 2001, upon receiving a call from the police, my husband went to the police station in Sarajevo. He then returned to our apartment with police officers, Stabilization Forces, and International Police Task Forces members. The police conducted a search of our home, but found no relevant evidence. My husband was arrested the same day, in connection with suspected terrorist activity. On January 17, 2002, the Bosnian Supreme Court ordered my husband's immediate release on the ground that there were no reasons upon which pre-trial detention could be ordered. Disregarding that decision, the Federation Police transferred my husband to United States custody at 6:00 a.m. on January 18, 2002.
7. The expulsion of Hadj Boudella, a Bosnian citizen, was made possible by the fact that his Bosnian citizenship was revoked shortly after his arrest. The decision to revoke his citizenship was based only upon the charges alleged against him, and not on any determination of the merits of his case. My husband appealed the revocation, but was handed over to United States forces before the validity of the revocation proceeding was reviewed by the Supreme Court. On December 19, 2002, the Supreme Court annulled the revocation of my husband's citizenship and stated that my husband never lost his citizenship. Accordingly, at the time of his abduction, he was a citizen of BiH.
8. On January 14, 2002, my husband lodged an application with the Human Rights Chamber for Bosnia and Herzegovina ("Chamber"). According to the decision of the Chamber, the respondent parties, BiH, and the Federation of Bosnia-Herzegovina, violated my husband's rights not to be arbitrarily expelled, to be presumed innocent until proven guilty, and not to be subjected to the death penalty. The Chamber also ordered the respondent parties to take all necessary action to protect my husband's rights while in the custody of the United States and to pay compensation for non-pecuniary damages.
9. A few days after his abduction, I learned from the International Committee of the Red Cross that my husband was being held at Guantanamo. I received the first official notice that he was in United States custody in March 2002 from the United States Embassy in Sarajevo. Since he has been at Guantanamo, my husband has written me more than twenty letters; they are all censored. Initially I received letters more frequently, since September 2003 they have become rare. The last letter was dated October 2003; I received it in May 2004. Based on the letters I have received from him, it appears that my husband is not receiving all the letters I am writing to him. In his letters, he asked me to write to him in Arabic since there apparently are not enough Bosnian interpreters.
10. Since my husband was taken into custody, I have worked very hard on his behalf. My activities for my husband's release include regular contacts with BiH government and international organizations, especially human rights organizations.

- 11. My family's financial situation has been very difficult since my husband was taken to Guantanamo. My husband used to provide financial support for my children and me. I live now with my parents; I am unemployed and my family is supporting my children and I. My youngest daughter was born with a heart ailment and needs special care; my youngest son is now [REDACTED] and [REDACTED] years old and has never seen his father. The elder children know where their father is and miss him a lot; every day they ask when their father will be coming back to them.
- 12. Based on the messages my family received and from everything I know about my husband, I believe he is seeking my assistance and support and would want me to take appropriate legal action on his behalf, as his next friend. In this capacity, I have retained and hereby request Wilmer Cutler Pickering Hale and Dorr LLP, and any person authorized by that Firm, to act on my own and Hadj Boudella's behalf and to take whatever legal steps they consider to be in our best interests, in connection with my husband's detention at Guantanamo.

I know the facts deposed herein to be true to the best of my knowledge.

Sworn to by the deponent on this tenth day of August, 2004.

[REDACTED]

[REDACTED]

Witness: [REDACTED]

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[REDACTED] et al.
 Petitioners,
 vs.
 GEORGE WALKER BUSH, President
 of the United States of America;
 DONALD RUMSFELD, Secretary of
 Defense; GENERAL JAY HOOD,
 Commander, Joint Task Force;
 COLONEL NELSON J. CANNON,
 Commander, Camp Delta; *in their
 individual and official capacities,*
 Respondents.

04-1166 (RJL)

AFFIDAVIT OF [REDACTED] AUTHORIZING REPRESENTATION

I, [REDACTED], hereby depose and say:

1. I am [REDACTED] of [REDACTED] Bosnia and Herzegovina.
2. I am acting as the next friend of my husband Boudella Hadj, who is in the custody of the United States at Guantanamo Bay Naval Base, Cuba.
3. I hereby authorize Wilmer Cutler Pickering Hale and Dorr LLP, and any person authorized by that Firm, to represent me in all proceedings relating to my husband's detention by the United States, and any and all proceedings related to my husband's status under custody of the United States.

Signed:

[REDACTED]

Date:

10. August, 2004

Witnessed:

Liliana Scasascia Kleiser

Liliana Scasascia Kleiser

Date:

10. August, 2004

UNCLASSIFIED



Sarajevo, Bosnia and Herzegovina
March 13, 2002

The Ambassador

Ms. Nadja Dizdarevic
Emila Zole 10
Novi Grad
Sarajevo
Bosnia and Herzegovina

Dear Families:

Thank you for your letter dated February 13th, 2002. The individuals referred to in your letter posed a credible security threat to United States personnel and facilities as well as to the people of Bosnia and Herzegovina. We brought the matter to the attention of appropriate domestic authorities, who detained them before transferring them to U.S. control at U.S. request.

The United States military subsequently transferred them to the United States facility at Guantanamo Bay. This approach allows the United States to safely detain these individuals while continuing to investigate.

All detainees at Guantanamo are being provided correspondence materials, and the means to send mail, as well as the ability to receive mail, subject to security screenings. It is important to note, however, that incoming mail is subject to censoring, and correspondence deemed inappropriate by authorities may not get through. Below you will find the necessary routing information, which will permit you to send correspondence to the detainees:

[REDACTED] (A-JJJA)

[REDACTED] (A-JJJB)

[REDACTED] (A-JJJC)

[REDACTED] (A-JJJD)

[REDACTED] (A-JJJE)

Hajj Omar Boudella [REDACTED]

Page 5 of 6

UNCLASSIFIED

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UNCLAS
160 Camp X-Ray
Washington, DC
20355
U.S.A.

Let me assure you that the United States has treated
and will continue to treat all Guantanamo Bay detainees
humanely.

Sincerely,



Clifford G. Bond

Personal Representative Review of the Record of Proceedings

I acknowledge that on 20 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED] LT COL USAF 20 OCT 04
Name Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARTIN MUBANGA, *et al.*)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1144 (RWR)
)
 GEORGE W. BUSH,)
 President of the United States, *et al.*,)
 Respondents.)
 _____)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

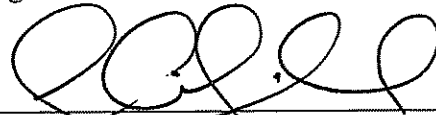
2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Martin Mubanga as of 30 October 2004 that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted information that would personally identify the detainee's family members and certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial

numbers with other information become classified under applicable classification guidance.

3. Further Tribunal proceedings have been ordered by the Director, Combatant Status Review Tribunals, and are currently pending in Guantanamo Bay, Cuba.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 30 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0180
5 October 2004

FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

Encl: (1) CDR J. R. Crisfield ltr of 5 October 2004 (w/enclosures)

1. The record of proceedings for the subject detainee is returned to Tribunal Panel #5. The Tribunal President is directed to make a determination of the reasonable availability of the three witnesses requested by the detainee on his Detainee Election Form. If these witnesses are not reasonably available and cannot provide evidence as an alternative to live testimony, then the Tribunal will return their original report, along with a statement from the President regarding his determination on reasonable availability, to the Legal Advisor for review in accordance with reference (b). If any of the witnesses are reasonably available or can provide evidence as an alternative to live testimony, then the Tribunal will re-convene to consider their testimony or other evidence, deliberate, and vote on whether the detainee shall continue to be classified as an enemy combatant.
2. If any members of Tribunal Panel 5 are not available to attend further proceedings, the OARDEC Forward Commander is authorized to assign new members to the Panel for purposes of this Tribunal provided that such new members have been previously assigned to a Tribunal panel by the Director. Any Tribunal members who were not present for the original Tribunal proceedings will listen to the audiotapes of those proceedings prior to deliberation and voting.
3. As a separate matter, the Tribunal will include an explanation of what additional information it requested from the Recorder; whether additional information was procured by the Recorder; and whether this information was considered by the Tribunal.

J. M. McGARRAH
RADM, CEC, USN

FOR OFFICIAL USE ONLY

5 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process, was present for the unclassified portions of the Tribunal, and made a statement through his Personal Representative.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-7, R-8 and R-17 was redacted. The FBI properly certified in exhibit R-2 and R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant. Additionally, on its own accord, the Tribunal recessed and requested additional information from the Recorder. Unfortunately, there is no further indication in the Record of what information was requested and whether or not it was provided. The Tribunal Decision Report should answer the questions of what additional information was requested; what additional information, if any, was procured by the Recorder; and what additional information, if any, was considered by the Tribunal.
- d. The Tribunal's handling of the detainee's witness requests is confusing. The Detainee Election Form indicates that the detainee requested the production of three witnesses: his sister, brother, and aunt. The detainee claimed that his sister and aunt would testify that he traveled to Zambia due to the ill health of his uncle. He claimed that his brother would also testify to his reason for traveling to Zambia; and could also testify to sending a valid passport to the detainee; and that the detainee traveled to Pakistan in order to fight in Kashmir, not Afghanistan.

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # [REDACTED]

The Tribunal President's decision memo regarding the witness requests only refers to the requests for the detainee's sister and brother. The President determined that the detainee's reasons for traveling to Zambia and Pakistan were not relevant to the Tribunal's decision and therefore denied the request. The request for his aunt and the fact that the brother would also testify that he sent the detainee a valid passport are not mentioned in the decision memo.

The summary of Tribunal rulings on witness requests, contained in paragraph 4 of enclosure (1) of the Tribunal Decision Report, only compounds the confusion over the witness requests. The paragraph states that the President's reason for denying the request for the detainee's brother and sister was that they were not reasonably available. This is not accurate. The President never even reached the issue of whether or not the brother and sister were reasonably available because he determined that their testimony was not relevant. The summary of Tribunal rulings also confuses the witness request for the aunt, who had substantive evidence to present to the Tribunal, with one of the detainee's sisters, who was not requested as a witness but is mentioned in the Detainee Election Form as someone who can help locate the detainee's brother. The Tribunal's confusion is understandable, but it calls into question the accuracy of the President's decisions.


Besides the Tribunal's confusion, the President's stated reason for denying the witnesses was erroneous. First, the President did not consider the detainee's proffer that his brother would testify that he provided a valid passport to the detainee. Assuming as we must that this proffer is accurate, then this testimony would tend to rebut the Government's assertion that the detainee "traveled with forged documents provided by a facilitator." This testimony would therefore be relevant. Additionally, the statements from the three witnesses as to the detainee's reasons for traveling to Zambia and Pakistan would also be relevant. While a detainee's motive for joining or supporting al Qaeda is irrelevant to a determination of their status as an enemy combatant, a detainee's reasons for traveling to a country could be relevant to determining what they did there once they arrived. In other words, if the detainee had claimed that he was forced to join al Qaeda, then his motive would be irrelevant to the Tribunal's purpose. In this case, however, the detainee claimed that he was not a member of al Qaeda. Under these circumstances, the detainee's reasons for traveling to various countries was relevant. If the detainee's motive for traveling was to do something other than join or support al Qaeda, that evidence could have some tendency, however slight, to make it less likely that the detainee joined or supported al Qaeda.

The detainee made no requests for other evidence.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]

- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings of the Tribunal are not sufficient and corrective action, as described below, is required.
3. I recommend that the Record of Proceedings be returned to the Tribunal President with direction to make a determination of the reasonable availability of the three witnesses requested by the detainee as listed on the Detainee Election Form. If the witnesses are not reasonably available, then the Tribunal should return their original report, along with a statement from the President regarding his determination on reasonable availability, to the Legal Advisor. If any of the witnesses are reasonably available, then the Tribunal should re-convene to consider those witnesses' testimony. If any members of the Tribunal panel were not present for the original Tribunal proceedings they should listen to the audiotapes of those proceedings prior to deliberations and voting.



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member
(JAG)

[REDACTED] Lieutenant Commander, U.S. Navy; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

28 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

A handwritten signature in black ink, appearing to read "D.L. Taylor", is positioned above the typed name.

DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #5

(U) ISN#:

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) (U) Summary of Detainee/Witness Testimony (U)
(4) (U) Copies of Documentary Evidence Presented (S//NF//ORCON)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 25 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 25 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of al-Qaida as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: _____ #5
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member al-Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of al-Qaida. The summary of evidence (exhibit R-1) stated that the detainee joined al-Qaida in October 2000 after arriving in Pakistan from the UK. The summary of evidence alleged that the detainee engaged in hostilities against the United States and its coalition partners. The summary of evidence further alleged that the detainee participated in military training at Al-Farouq and other terrorist associated schools for advanced training in Afghanistan. The summary of evidence also indicated that the detainee trained with small arms, crew served weapons and rocket propelled grenades (RPG). The summary of evidence further alleged that the detainee participated in actual combat operations against the Northern Alliance while serving on the front lines in and around Kabul, Afghanistan. The summary of evidence stated that the detainee traveled to Zambia in order to prepare for surveillance operations or possible terrorist attacks against 33 Jewish Organizations based in New York City. The summary of evidence stated that the detainee was captured in Zambia by Zambian Intelligence authorities and turned over to United States Forces. The detainee chose to participate in the Tribunal process. He called three witnesses, presented two letters from two witnesses, requested no unclassified or classified documents be produced, and presented a sworn, written statement through his Personal Representative. In his written statement, read aloud, to the Tribunal by the Personal Representative, the detainee retracted every statement ever made to interrogators, Zambian, British and US authorities. The detainee did not answer questions posed by the Tribunal. After consideration of the unclassified and classified evidence, the Tribunal recessed to permit the recorder time to gather additional evidence requested by the Tribunal. After all matters were considered, the preponderance of evidence clearly showed that the detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-19
- b. Testimony of the following persons: written statement by [redacted] and written statement of [redacted]
- c. Sworn statement of the detainee

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested three witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[redacted] (aunt)	none rendered-admin error	no*
[redacted] (sister)	not reasonably available	no*
[redacted] (brother)	not reasonably available	no*

* The detainee requested three witnesses, however, the Tribunal President was presented a request for [redacted] and [redacted] from the detainee's Personal Representative. If the request for Mrs. [redacted] were presented to the Tribunal President as a witness, and not as a person that would help find another witness, the Tribunal President would have denied the request. The Tribunal President believed the request was not relevant in determining the detainee's enemy combatant status.

The Detainee requested no additional evidence be provided.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 through R-19 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 and R-3 are FBI Redaction Requests and provided no usable evidence. Accordingly, the Tribunal had to rely on the detainee's sworn testimony, the witnesses' written testimony and looked to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's sworn written testimony and the witnesses written testimony. A summarized

transcript of the detainee's sworn written testimony as read aloud by the Personal Representative is attached as CSRT Decision Report Enclosure (3). In sum, the Personal Representative read the detainee's written statement and the Tribunal read the two written statements submitted by the detainee's sisters. The Tribunal recessed to read the written statements and reconvened the unclassified session. After reading all the unclassified evidence presented to the Tribunal, the detainee was given the opportunity to make a verbal statement. The detainee made his verbal statement through his Personal Representative and the detainee's statement recanted all statements previously made to interrogators and authorities. The detainee stated in his written statement that he made previous statements under physical and emotional duress and asked the Tribunal to disregard those statements. After the Personal Representative read the detainee's statement, a Tribunal Member asked one question which the detainee declined to answer. Although the Tribunal did not find the detainee's testimony persuasive regarding the allegations that he was a member of al-Qaida, the Tribunal turned to classified sources for further clarification.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of al-Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

UNCLASSIFIED//FOUO


Respectfully submitted,



Colonel, USAF

Tribunal President

UNCLASSIFIED//FOUO

ISN # 
Enclosure (1) 5147
Page 4 of 4

UNCLASSIFIED / FOUO

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the detainee stated, "yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee said, "no."

The Tribunal President stated: You may now present any evidence you have to the Tribunal. Your Personal Representative may assist you if you wish. It is my understanding that you wish him [Personal Representative] to read a statement on your behalf, is that correct? [The Detainee stated]: That is correct.

The Personal Representative read the following hand written statement by the Detainee:

Since having been picked up by the Zambian authorities on the instructions of the American government. I have been denied my rights physically and mentally. Intimidated and abused. From the time I was being questioned by the Zambian, Americans and British in Africa denied legal rights abducted and brought to Guantanamo Bay. Since arriving here the intimidation verbal abuse racial abuse has been forthcoming. For the Americans most intensely on 31st July 2003 from the direction of a Spanish American MP and on 15 and 22 June 04 by American interrogators. Only now today 25/9/04 have I realized that I must overcome my fears because I see now that the Americans will not and have not allowed me access to my real lawyers who are taking instructions from my sisters.

I see also that they will not allow me to have a fair trial and as such I see and know that the duress and mistreatment that I am incurring shall not stop until they (the American government) get the result they want.

I am, however, no longer afraid and no longer care or fear for the consequences and I feel somewhat strengthened by the fact that my sisters have got a gist of the truth and are not afraid to speak and have spoke. As such it gives me the strength to do what I know now is time to do. I retract everything I ever said from the time the Zambian authorities picked me up on orders from the Americans until now the 25-9-04. Because of the fact it was obtained from me by excessive duress.

The Tribunal President stated: At this time I would ask that you [detainee] verify everything your Personal Representative has read in your behalf is true to the best of your knowledge. The Detainee replied: "Yes."

The Tribunal President asked the Detainee: Do you [detainee] have any other comments or statements you would like to make to this Tribunal? The Detainee replied: "No."

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Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you [detainee] travel to Afghanistan?

[The Detainee did not answer the question.]

The Tribunal President stated: He [detainee] has the right not to answer any questions if he chooses not to do so.

The Tribunal President asked the Detainee: Would you [detainee] like to answer questions from the board or would you choose not to do so? The Detainee replied: You [Tribunal] denied me access to witnesses who know the reason I went to Africa. Now you [Tribunal] say that or they [US government] say that I went for such and such reasons, where did they [US government] obtain this information? I have people to verify what was spoken prior to my arrival in Africa as to why I went there. So, you [Tribunal] want answers to something but yet you won't let me (inaudible: get or give) answers to something else. So, I wish not to say anything other than what has been stated by my Representative.

Q. Personal Representative, do you have any other evidence to present to this Tribunal?

A. No.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[Redacted Signature]

Col, USAF

Tribunal President

ISN # [Redacted]
Enclosure (3)
Page 2 of 2

DETAINEE ELECTION FORM

Date: 24 SEP 04

Start Time: 1020

End Time: 1215

ISN#: [REDACTED]

Personal Representative: [REDACTED] LTC, US ARMY
(Name/Rank)

Translator Required? NO Language? ENGLISH

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

Personal Representative Comments:

Detainee elected to participate. He will provide an oral statement through the PR. He will likely comment on the individual points as well. His English is good, but very Africanized and he speaks rapidly (likely the reason the PR will speak from notes). Witnesses requested are his sister, brother and aunt. [REDACTED] at [REDACTED] [REDACTED] can provide information as to why [REDACTED] went to Zambia. His brother [REDACTED] whose address can be obtained from his other sister [REDACTED] at [REDACTED] [REDACTED] can provide background on why [REDACTED] went to Pakistan (to fight in Kashmir), he knows about sending him his real passport (he did not travel on forged documents), and also knows the reason he went to Zambia (uncles health). His aunt, Mrs. [REDACTED] would have to be reached through [REDACTED] can testify as to why he went to Zambia.

Personal Representative: [REDACTED]

MEMO FOR RECORD

TO: PR-52

SUBJECT: WITNESS REQUEST FROM ISN # [REDACTED]

DATE: 24 SEP 2004

ISN # [REDACTED] has requested two witnesses. The Detainee requested testimony from his sister, [REDACTED] and his brother, [REDACTED]. He stated that they would testify as to what they thought his reasons were for traveling to Zambia (his uncle's health) and to Pakistan (to fight in Kashmir not in Afghanistan). It is my determination that what his family believed were his reasons that he traveled to these locations is not relevant to this Tribunal process so the requests for these witnesses are denied.

[REDACTED]
[REDACTED], Colonel, USAF
Tribunal President

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UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: (U) Summary of Evidence for Combatant Status Review Tribunal - MUBANGA, Martin

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of al Qaida and engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is a member of al Qaida:
 1. The detainee joined al Qaida in October 2000 after arriving in Pakistan.
 2. The detainee visited an al Qaida house in Kandahar, Afghanistan where he observed the 11 September 2001 attacks on television.
 - b. The detainee engaged in hostilities against the United States or its coalition partners:
 1. The detainee received weapons training on the AK-47, the PK, and the RPG at the al Farouq training camp in Afghanistan.
 2. The detainee also received urban warfare training at the al Farouq camp.
 3. The detainee personally observed Usama Bin Laden on at least one occasion while the detainee was at the al Farouq camp.
 4. After completing his training at al Farouq, the detainee served on the front lines near Kabul, Afghanistan where he was armed with an AK-47.
 5. The detainee stated that his position received fire from Northern Alliance forces during his time on the front lines.

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Exhibit R.1

UNCLASSIFIED

6. The detainee arrived in this area in May 2001.
 7. The detainee then received additional training before being sent to Kandahar in October 2001 to defend against allied incursions.
 8. After his service on the lines, the detainee traveled to Zambia.
 9. The detainee undertook this travel in December 2001 and traveled with forged documents provided by a facilitator
 10. The detainee stated that he was tasked to look into a list of 33 largely New York-based Jewish organizations.
 11. The detainee stated that he received instructions to carry out violence against one, if not all, of the groups listed in the aforementioned list.
 12. In March 2002, the detainee planned to travel to the United States from Zambia.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/22/2004

If you need additional assistance, please contact

[REDACTED]
[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED]
Intelligence Analyst [REDACTED]
[REDACTED]

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/24/2004

If you need additional assistance, please contact

[REDACTED] Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]
[REDACTED]

STATEMENT OF [REDACTED]

I, [REDACTED] of [REDACTED]
[REDACTED] will say as follows:-

1. My date of birth is the [REDACTED] 1965 and I am a banking administrator who is currently unemployed. I am a British Citizen but was born in Luanshya, Zambia. My parents both died in Zambia some time ago and I have one younger sister and two younger brothers. The second eldest of my siblings is Martin Katyoka Mubanga. Like me he was born in Zambia but is a British Citizen. Martin's date of birth is the [REDACTED] 1972. He has had various occupations but at the time he left the country in October 2000 he was a motorbike courier. He was not married and had converted to Islam in the mid-1990's. In October 2000 he came to say goodbye to me and said he was going to Pakistan to stay with friends and go to Islamic School there. He had converted to Islam in the mid-1990's although we were brought up as Catholic. I am a staunch Catholic so we disagreed about his conversion. He was a bit rootless and Islam gave him a sense of identity. I did

Exhibit

R4

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not hear from him again until January this year although I believe he may have phoned my other brother and sister.

2. In January 2002 I visited Zambia intending to be there for about six to eight weeks to sort out some family affairs. I was surprised to receive a phone call first from an aunt telling me Martin was coming to Zambia and then from Martin himself asking him to meet me at a particular place in Lusaka. However I went with my cousin to meet him and we took him back to my cousin's place to stay. The following day my partner called me from London to tell me that a report had appeared in the Sunday Times regarding Martin being captured and held in Afghanistan awaiting trial. I attach a copy of this article as Exhibit "CLM1". The article was faxed to me and I showed it to Martin and he said he had lost his British Passport in Pakistan and believed that someone else must be using his passport.

3. We had a discussion about it in my cousin's house and decided that the best course of action would be for Martin to leave Lusaka and to go and visit an aunt in the north until any fuss had died down. Martin left after two days.

However the Zambian Intelligence Service got to hear about it because my cousin told a friend who had links with an Intelligence Officer. Some Intelligence Officers came to question me and said they wanted to take Martin into protective custody before the British and the Americans got hold of him. There were then also some phone calls from them and I told them where I believed Martin to be. Then the Intelligence Officers arrived with armed police in a car and instructed me to pack a bag as I might not be returning within 24 hours. They held me in a guest house and then in the local police station and then demanded that I take them to where my brother was.

4. I went with them on a five hour drive to Mufulira in the north, where I took them to my aunt's house. They searched her house and asked her where Martin was. My aunt took them to a block of flats and Martin came out with them after about thirty minutes. They then drove us to another town Kitwe about one hour away.
5. My brother and I were placed in cells in Kitwe Police Station under false charges of motor vehicle theft and left in there

overnight. They then took me to the hotel where they had stayed and questioned me about my passport. They had been told by my cousin's friend that I had a British Passport as well as a Zambian passport but I only had the Zambian passport in my possession. This is because I had sent my British Passport back to the UK as it did not have a Zambian visa in it.

6. We then drove back to Lusaka and I was taken to the same police station. The security officer at the police station in Lusaka said I had to tell them everything I knew because the British authorities were interested in speaking to me. I asked him when they would be here and he said they would be here shortly. However an hour later I was charged with possession of false documents and this was used as a justification to keep me in the cells for the rest of the day and overnight.

7. The following day they released me from the cell and took me to a motel close to the airport. I was held there for two weeks with a local policewoman sharing the room with me. During this time they continued to interrogate me about

Martin. After two weeks they took me to another hotel closer into town and I was held there for a week. I believe Martin was also held in the same motel and hotel but I did not get to speak to him in front of them.

8. On Saturday the 25th March they went to the house where I had been staying and picked up the rest of my stuff which had been packed for me. They drove me to the airport and took me through immigration all the way up to the tarmac and put me on a British Airways flight to Gatwick. They gave me my Zambian passport back but never returned the cell phone which they had confiscated from me. On the way to the airport one of the officers said "We are not your enemy. We are your friends. You don't have to discuss this with anyone."

9. I arrived at Gatwick and went through Immigration. At immigration I was escorted to one side by a Special Branch Officer who introduced himself and showed me an ID Card. He asked me questions about Martin and the last time I saw him and asked me for Martin's address and my sister's and brother's names and addresses and phone numbers.

He asked me if Martin had asked me to do anything for him and if so what and did I give Martin any money or do anything for him. He took away my passport to photocopy it. When he gave me it back he told me that officers from MI5 and MI6 would contact me.

10. I went home and the following day I was telephoned by two officers from MIS, [REDACTED] and [REDACTED] who said they needed to speak to me. They asked for my nearest police station and I told them it was Harlesden. They called me back again and said this was not convenient and would I go to Paddington Green. On the 27th or 28th March I met them at 2pm at Paddington Green Police Station together with my partner who went with me. They questioned me from 2pm until 4pm. They said they wanted a profile of Martin and to establish whether he was actively involved in terrorist activities against any British people in Afghanistan. They asked me questions about my mother and father, when I came to the UK, what schools Martin had attended and what jobs he had. They asked me if he had any problems with the police (the only problems he had had was when he was young for football

hooliganism). I answered all their questions and didn't ask for a lawyer because I didn't want them to think I had anything to hide. After they had finished asking questions my partner and I went for a drink with them in the pub. I have not heard back from them since.

11. I discovered my brother was imprisoned in Guantanamo Bay when I was telephoned by a Sunday Times journalist on about the 30th April and an article subsequently appeared in the Sunday Times saying that my brother had been taken there.

12. I believe the contents of this statement to be true.

SIGNED



DATED

STATEMENT OF [REDACTED]

EXHIBIT CM1

This is the exhibit referred to in the statement of [REDACTED]
referred to as exhibit "EX/CM1"

[REDACTED]

Case Number: _____

IN THE ROYAL COURTS OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

R
(on the application of [REDACTED] and Martin Mubanga)

-v-

(1) THE SECRETARY OF STATE FOR THE FOREIGN AND
COMMONWEALTH OFFICE

(2) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

WITNESS STATEMENT OF [REDACTED]

I [REDACTED], Receptionist, [REDACTED]

[REDACTED] WILL SAY AS FOLLOWS: -

1. I am the sister of Martin Mubanga who is detained in Guantanamo Bay. There are four brothers and sisters in our family, [REDACTED], who is the oldest, was born in 1965. I was born in 1967, Martin in 1972 and [REDACTED] in 1974. We were all born in Zambia and our father worked for the Government there. He died in 1975 and the family came to the UK in 1976. Our mother was [REDACTED] and we

Exhibit **R-5** | 5166

were brought up Catholic. We lived in the Wembley area and our mother worked as a AN Assistant Education & Welfare Officer. We went to St Gregory's School in Harrow, apart from a year when I was about 17 when Martin and I went to a Catholic boarding school in Wales. Our mother was working for the Zimco Services Limited and at the time she thought she was going to be posted back to Zambia. The employers changed their mind so we came back to school in London.

2. Martin got GCSEs in Maths, English, History, French and Geography. He left school when he was 16 in about 1988 or 1989. In 1988 our mother died aged 41 of cerebral malaria. It was a very big blow to Martin when she died so young. He was only 16 and [REDACTED] was only 14. [REDACTED] had had a child and had left home so my brothers stayed with me for the next ten years and I looked after them. I have no children myself.
3. Some time after leaving school, Martin did an NVQ in construction at Hendon College. After that he was either unemployed or working as a motorbike courier. He got in to some trouble over a fight and was sent to Feltham Young Offenders Institute for hooliganism. After he was there there was a change in him and he started going to our local mosque in Neasden. He had fallen in love with an Asian Muslim

woman. He wanted to marry her but the relationship broke up shortly before he left the country. This caused him great distress. He left the country at the end of 2000. He told me he was going to India or Pakistan - I did not really understand the difference between the two countries. He had been saving up to go there and was going with a friend. He rang me when he got there to say he had arrived. I thought it was India but it might have been Pakistan. I didn't hear from him again for a long time. He left me a message on the answerphone saying he was okay but he couldn't contact me for a while because he was going to be travelling.

4. On 28 February 2002 I received a letter from Dipesh Gadhur of the Sunday Times which is now produced and shown to me marked "KM1". I did not reply to the letter because I knew Martin was in Zambia. Martin had rung my brother [REDACTED] to say he was there and [REDACTED] was also visiting. Some time later I heard [REDACTED] and Martin had been arrested in Zambia at the end of March. I heard about this from [REDACTED] when she came back from Zambia. The first communication we had from Martin was dated 20 April from Guantanamo Bay. This is now produced and shown to me marked "KM2".

5. Martin has never given any indication to me that he was intending to go to Afghanistan or anywhere else to fight. I do not believe he is a terrorist. Martin writes letters to us from Guantanamo Bay in Jamaican slang. Three of these letters suggest he is suffering ill treatment. Letters dated 24 March 2003, 31 March 2003 and 30 March 2004 are now produced and shown to me marked "KM3" together with a transcript I have made. The first letter of 24 March 2003 which refers to somebody thinking he is some kind of rent boy suggests concern about sexual abuse or the threat of sexual abuse. The second letter dated 31 March 2003 suggests provocation and later bribery using women. The word "radix" means police and the word "butters" means women. The third letter sent recently on 30 March 2004 says "well believe me it ain't all good over here".
6. On 25 March 2004, I accompanied my constituency MP, Sarah Teather, to a meeting with the Foreign Secretary Jack Straw. I wanted to take my solicitor Louise Christian to this meeting but was not allowed to do so. Jack Straw would not say why the British Government had not brought Martin back to this country with the five detainees who were returned. When asked why Martin had been left behind, Jack Straw said that they had intelligence on Martin and that he could not elaborate on this as to do so would jeopardise the safety of the

source/informant bringing forth a security issue. He added that it was a matter for the Americans. Jack Straw did say that the British Government knew that Martin had been detained in Zambia and did not do anything for him. He said that they had had several reports. Martin has dual nationality and holds both Zambian and British passports. Jack Straw said that because Martin had entered Zambia on a Zambian passport, the British Government couldn't interfere. He said the only time they would be able to intervene was once Martin was taken to a third country. Jack Straw said they he would look into the circumstances of Martin's arrest.

7. My sister [REDACTED] who was with Martin when he was detained is temporarily out of the country. However, she has given my solicitor a witness statement regarding the circumstances of the arrest and this is now produced and shown to me marked "KM4".
8. I believe the contents of this witness statement to be true.

Signed: [REDACTED]

Dated: 19/5/04.

Case Number:

IN THE ROYAL COURTS OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

R
(on the application of [REDACTED] and Martin Mubanga)

-v-

(1) THE SECRETARY OF STATE FOR THE FOREIGN AND
COMMONWEALTH OFFICE

(2) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

EXHIBIT "KM4"

This is the exhibit referred to in the statement of [REDACTED] referred
to as exhibit "KM4"

[REDACTED]

P. 1

SINCE HAVING BEEN PICKED UP BY THE ZAMBIAN AUTHORITIES ON BEHALF & THE INSTRUCTIONS OF THE AMERICAN GOV. I HAVE BEEN DENIED MY RIGHTS PHYSICALLY & MENTALLY ~~HA~~ INTIMIDATED & ABUSED: FROM THE TIME I WAS BEING QUESTIONED BY THE ~~F~~ ZAMB. AMERICANS & BRITISH IN AFRICA DENIED LEGAL RIGHTS ABDUCTED AND BROUGHT TO GUANTANAMA BAY.

SINCE ARRIVING HERE THE INTIMIDATION VERBAL ABUSE RACIAL ABUSE HAS BEEN FORTHCOMING FOR THE AMERICANS, MOST NOTICIBLY INTENSE - EY ON 31 ST JULY 2003 FROM THE DIRECTION OF A SPANISH AMERICAN MP & ON 15 & 22 OF JUNE-04 & BY AMERICAN INTERROGATORS. ONLY NOW ~~HA~~ TODAY 25/9/04 HAVE I REALISED THAT I MUST ~~OF~~ OVER COME MY FEARS BECAUSE I SEE NOW THAT THE AMERICANS WILL NOT & HAVE NOT ALLOWED ME ACCESS TO MY REAL LAWYERS WHO ARE TAKING INSTRUCTIONS

FROM MY SISTERS

I SEE ALSO THAT THEY WILL NOT ALLOW ME TO HAVE A FAIR TRIAL, AND AS SUCH I SEE AND KNOW THAT THE DURESS & MISS TREATMENT THAT I AM INCURRING SHALL NOT STOP UNTIL THEY (THE AMERICAN GOVERNMENT) GET THE RESULT THEY WANT.

I AM HOWEVER NO LONG AFRAID & NO LONGER CARE OR FEAR FOR THE CONSEQUENCES & I FEEL SOMEWHAT ~~STRONGER~~ STRENGTHENED BY THE FACT THAT MY SISTERS HAVE GOT A JIST OF THE TRUTH & ARE NOT AFRAID TO SPEAK & HAVE ~~SO~~ SPOKE. AS SUCH IT GIVES ME THE STRENGTH TO DO WHAT I KNOW NOW IS TIME TO, I RETRACT EVERY THING I EVER SAID FROM THE TIME THE ZAMBIAN AUTHORITIES PICKED ME UP ON ORDER FROM THE AMERICAN UNTIL NOW THE 25-9-04 BECAUSE OF THE FACT THAT IT WAS OBTAINED FROM BY EXCESSIVE DURESS.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

Date: 26 Sep 04

[REDACTED]
[REDACTED], USA
Personal Representative

ISN # [REDACTED]
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARTIN MUBANGA, *et al.*)
)
 Petitioners,)
)
 v.)
)
 GEORGE W. BUSH,)
 President of the United States, *et al.*,)
 Respondents.)
 _____)

Civil Action No. 04-CV-1144 (RWR)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

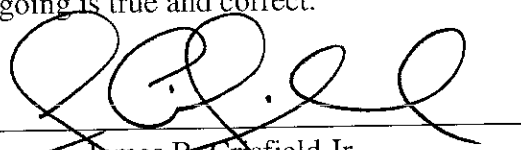
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of additional proceedings before the Combatant Status Review Tribunal related to petitioner Martin Mubanga that are suitable for public release. The Combatant Status Review Tribunal Convening Authority directed these additional proceedings by his order serial 0180 of 5 October 2004. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with

other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 17 Dec 04


James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0515

16 DEC 2004

FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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13 Dec 04

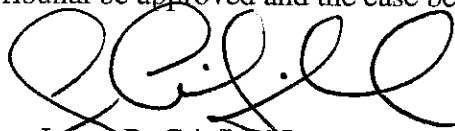
MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: ADDENDUM LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS
REVIEW TRIBUNAL FOR DETAINEE ISN # [REDACTED]Ref: (a) Your ltr Ser 0180 of 5 October 2004
(b) Capt [REDACTED] E-Mail memo of 1 December 04Encl: (1) Appointing Order for Tribunal #15 of 12 October 2004
(2) Col. [REDACTED] ltr of 26 November 2004

1. In response to reference (a), the Combatant Status Review Tribunal attempted to procure the testimony of three witnesses requested by the detainee. Due to the departure of the Tribunal President for the Tribunal that initially heard this case, the case was re-assigned to Panel #15 for further proceedings. As documented in enclosure (2), the Tribunal attempted to contact the three witnesses. Authorities from the United Kingdom, acting on the request of U.S. State Department personnel, located and contacted the three individuals. Unfortunately, those individuals did not respond to the UK authorities regarding their intentions to testify or not. Based on the lack of response from the witnesses, the Tribunal President determined that they were not reasonably available. In my opinion, the Tribunal President provided ample time for the witnesses to communicate their intentions to the authorities and acted properly in determining that they were not reasonable available.
2. Enclosure (2) does not answer the question contained in paragraph 3 of reference (a). I queried the CSRT Assistant Legal Advisor in Guantanamo Bay, Cuba about this omission. In reference (b) I received information from him that he spoke to the Recorder for the Tribunal that originally heard the detainee's case. The Recorder told him that exhibits R-15 through R-18 were the additional documents requested by the Tribunal. The Tribunal considered these exhibits in reaching their decision.
3. In my opinion the proceedings of the Tribunal are legally sufficient and no further corrective action is required.
4. I recommend that the decision of the Tribunal be approved and the case be considered final.

James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member
(JAG)

[REDACTED] Lieutenant Commander, U.S. Navy; Member

A handwritten signature in cursive script, reading "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy

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Enclosure(1)



Department of Defense
Office for the Administrative Review of the Detention
of Enemy Combatants, Guantanamo Bay, Cuba
Office of the Secretary of the Navy
1000 Navy Pentagon, Washington, DC 20350-1000

26 November 2004

From: Combatant Status Review Tribunal (CSRT) #15 President

Subj: REVIEW OF CSRT FOR DETAINEE ISN # [REDACTED]

To: CSRT Legal Advisor

Ref: CSRT Director Ltr of 5 October 2004 (w/enclosures)

1. Reference directed the Tribunal Panel #5 President make a determination of the reasonable availability of the three witnesses requested by the detainee on his Detainee Election Form. The Tribunal #5 President's effective duty assignment ended 13 October 2004. The OARDEC Forward Officer In Charge assigned the case to Tribunal Panel #15 for follow up action as requested. This memorandum provides the determination requested.
2. On 14 October 2004, Special Agent [REDACTED], Naval Criminal Investigative Service, OARDEC Liaison Division, forwarded witness identification information to the Defense Department contact at the Department of State in Washington DC, LTC [REDACTED]. In this case, LTC [REDACTED] forwarded an action message to the US Embassy in the United Kingdom (UK) to request assistance in contacting the requested foreign witnesses. A response was requested not later than 4 November 2004. On 28 October 2004, Special Agent [REDACTED] requested a status report from LTC [REDACTED] on the witnesses contact request. LTC [REDACTED] acknowledged on 29 October 2004 that the US Embassy had received the request. He has since confirmed that it is DOS policy for a US Embassy to take action on contacts to foreign government within 48 hours of receiving the tasking. A 3rd CSRT liaison follow up request was sent on 2 November 2004 with a reminder that the suspense date was 4 November 2004.
3. On 8 November 2004, LTC [REDACTED] notified Special Agent [REDACTED] that the UK government identified a Point of Contact (POC) specifically to address all UK witness requests by detainees. At that time, LTC [REDACTED] indicated all UK witnesses have been located; however, the UK POC was awaiting a response from respective witnesses regarding their intentions to support detainee request to provide testimony. As of 18 November 2004, LTC [REDACTED] confirmed the UK POC had not been contacted from respective witnesses regarding their intentions.
4. I determine the requested three witnesses are not reasonably available to provide testimony for consideration regarding the classification of ISN # [REDACTED] as an enemy combatant. The US government actions undertaken to contact the requested witnesses were thorough and appropriate. The UK government cooperation in establishing a specific point of contact is also noted as helpful to the tribunal process. The UK government confirmed the witnesses were located and informed of the detainee request. This confirmed to me that the US government made a positive effort to procure the presence of the requested witnesses. The consistent communication of a reasonable suspense date of 4 November 2004 was also appropriate for the timely completion of this administrative review process. Neither the US nor UK government can

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Enclosure (2)

compel witnesses to testify in this administrative hearing. By not providing their intention to provide testimony, I reasonably assume they do not wish to testify.

5. As directed by reference letter, the original CSRT #5 report for ISN # [REDACTED] is returned for final disposition. Respectfully request the Legal Advisor review this determination of witness availability as directed by the convening authority.

[REDACTED]

[REDACTED], Colonel, USAF
CSRT Tribunal #15 President