

UNCLASSIFIED

Exhibit D.
Boudella CSRT Decision
Report:

UNCLASSIFIED

UNCLASSIFIED

Exhibit D(a).
UnClassified Summary of
Basis for Tribunal Decision,
Enclosure (1)

UNCLASSIFIED

**UNCLASSIFIED SUMMARY OF BASIS-FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #12
ISN #: 10006 **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: Mohammed Nechele, Mustafa Ait Idr, and Lakhdar Boumedienne. 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>
Mohammed Nechele	Reasonably Available	Yes
Mustafa Ait Idir	Reasonably Available	Yes
Lakhdar Boumedienne	Reasonably Available	Yes
Planyah Muo	Not Reasonably Available	No
Razy Al-Monajad	Not Reasonably Available	No

Planyah Muo 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. Razy al-Monajad 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.

UNCLASSIFIED//~~FOUO~~

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 evade 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.

c. As a side note, this Tribunal was originally scheduled for the panel for which [REDACTED] was Tribunal President (hence his approval of the witness requests as indicated in Exhibit D-b). However, due to [REDACTED] 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

UNCLASSIFIED//~~FOUO~~

ISN #10006
Enclosure (1)
Page 3 of 5

UNCLASSIFIED

Exhibit D(b).
Classified Summary of Basis
for Tribunal Decision,
Enclosure (2)

UNCLASSIFIED

Exhibit withheld in full under
5 U.S.C. § 552(b)(1) and (b)(7) as it
contains classified and law enforcement
sensitive material.

UNCLASSIFIED

Exhibit D(c). Exhibit R-1

UNCLASSIFIED

UNCLASSIFIED

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 Bensayah Belkacem, a known al Qaida associate, for International Terrorism by the Bosnia-Herzegovina authorities.
 2. Bensayah Belkacem had phone conversations with Abu Zubaydah, a senior aide to Usama Bin Laden, who was in charge of screening recruits for al 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.

Page 1 of 2

UNCLASSIFIED

Exhibit R-1

UNCLASSIFIED

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.

UNCLASSIFIED

Page 2 of 2

UNCLASSIFIED

Exhibit D(d). Exhibit R-2

UNCLASSIFIED

UNCLASSIFIED

Memorandum



To : Department of Defense Date 09/30/2004
Office of Administrative Review
for Detained Enemy Combatants
[REDACTED] OIC, CSRT

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
US9AG-10006DP

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 10006 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

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED]
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]

UNCLASSIFIED

UNCLASSIFIED

Exhibit D(e). Exhibit R-3

UNCLASSIFIED

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 2,147 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.

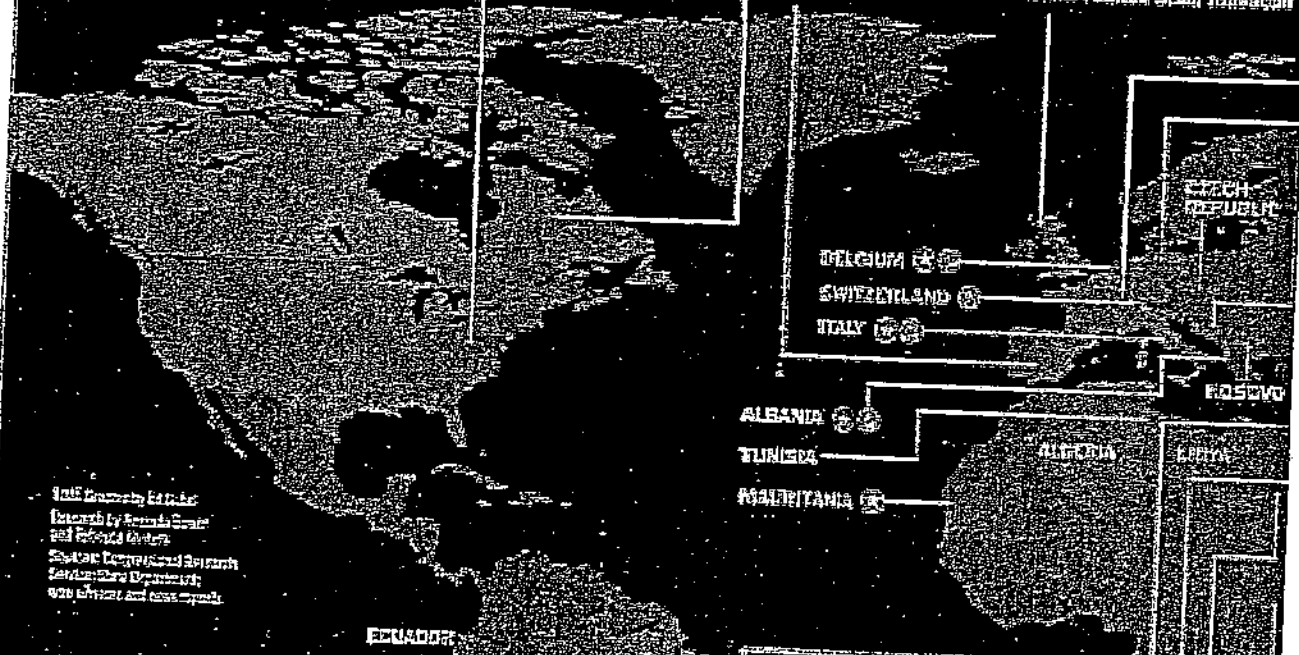
SPAIN

● 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 Mansoor, who allegedly helped teach the hijackers how to fly; Manuel Daoudi, a computer virus suspected in the Paris plot; and Yasser al-Siri, who was charged last week in connection with the assassination of Afghan rebel leader Ahmad Shah Massoud



Full search by British Security Services and Federal Bureau of Investigation; Ecuadorian Security Services; and other agencies

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

● Nineteen people in this "central bank 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 Mokbel, an Egyptian wanted for his alleged role in a 1997 attack on tourists in Luxor, Egypt, was arrested last July, having traveled 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

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 19 hijackers are thought to have been Saudi

● 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; 19 died in a truck-bomb attack two years later

EGYPT

● Authorities plan to put on trial 250 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 1993 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

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

GERMANY

Alleged terrorist cells have been foisted in Munich, Hamburg and Frankfurt. Officials are most interested in the Hamburg operation, which included hijackers Mohamed Atta and Marwan al-Shehhi. These others thought to have helped in the planning of the Sept. 11 attacks are the subject of international arrest warrants.

BOSNIA

NATO says it has disrupted a terror cell. The alleged instigator is linked to al-Qaeda, investigators say. The arrests uncovered a comprehensive plot to attack Eagle Base, used by some 3,000 U.S. paratroopers, as well as the U.S. and U.K. embassies in Sarajevo.

TIME GRAPHIC BY ED GABEL

RESEARCH BY AMANDA BOWER AND REBECCA WINTERS

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

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-Jihad, 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

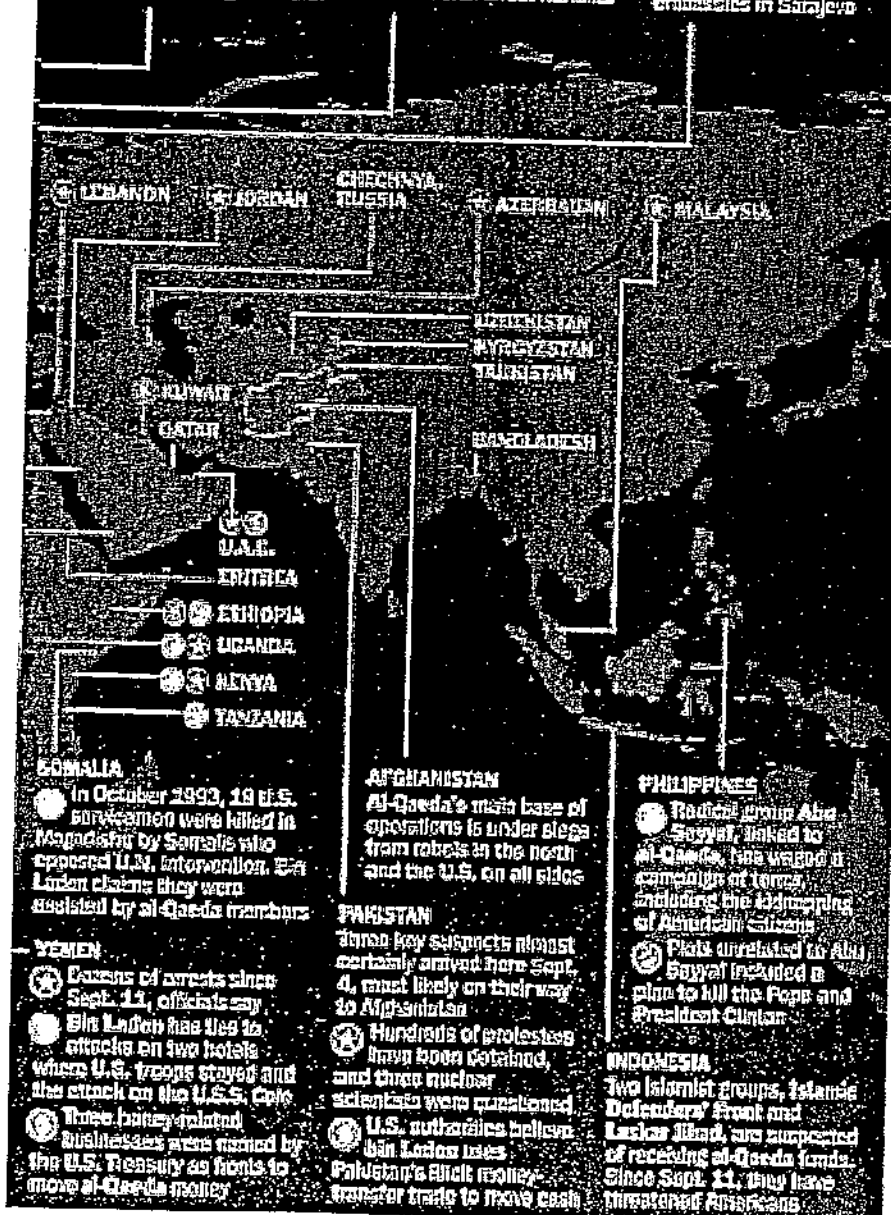
The only Palestinian in bin Laden's inner circle, the man reportedly nicknamed "the Mailman" coordinates international operations and helps select recruits for training in al-Qaeda camps.

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 breakout 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.



SOMALIA

In October 1999, 19 U.S. servicemen were killed in Mogadishu by Somalis who opposed U.S. intervention. Bin Laden claims they were assisted by al-Qaeda members.

YEMEN

Dozens of arrests since Sept. 11, officials say. Bin Laden has ties to attacks on two hotels where U.S. troops stayed and the attack on the U.S.S. Cole. Three hijack-related businesses were named by the U.S. Treasury as fronts to move al-Qaeda money.

AFGHANISTAN

Al-Qaeda's main base of operations is under siege from rebels in the north and the U.S. on all sides.

PAKISTAN

Three key suspects almost certainly arrived here Sept. 4, most likely on their way to Afghanistan.

Hundreds of protesters have been detained, and three nuclear scientists were questioned.

U.S. authorities believe bin Laden uses Pakistan's illicit money-transfer trade to move cash.

PHILIPPINES

Radical group Abu Sayyaf, linked to al-Qaeda, has waged a campaign of terror, including the kidnapping of American citizens.

Plans unrelated to Abu Sayyaf included a plan to kill the Pope and President Clinton.

INDONESIA

Two Islamist groups, Islamic Defenders' Front and Laskar Jihad, are suspected of receiving al-Qaeda funds. Since Sept. 11, they have threatened Americans.

**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. Bensayah Belkacem, 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.

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

"GLOABLIZATION 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

UNCLASSIFIED

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 Hajar 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, Thamar 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

UNCLASSIFIED

UNCLASSIFIED

(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 Leicester, 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

UNCLASSIFIED

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.

Alert U.S. Customs agents noticed that Ahmed Ressay was sweating—in winter—while waiting to cross from Canada into the U.S. In his trunk, they found explosives. Ressay 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

UNCLASSIFIED

8

UNCLASSIFIED

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-

sawi, the Courtailler brothers and Beghal all attended 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 CIA, 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."

Belkacem 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, Bensayah Belkacem, 41, alias Mejd, 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 Belkacem discussed procuring passports. There was more. Belkacem 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

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 hard-liners 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

From *Time*, November 12, 2001, pp. 58-68. © 2001 by Time, Inc. Magazine Company. Reprinted by permission.

UNCLASSIFIED

Exhibit D(f). Exhibit R-4

UNCLASSIFIED

UNCLASSIFIED

Jan 12 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 Belkacem Bansayah 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. ~~XXXXXXXXXXXXXXXXXXXX~~ son of Ahmed & Alia, nee Esabahi, born on Sep 10, 1968 in Miswar, Sarajevo, residing at 124 Gorazdanska-Lukova Polje, Zenica. Currently detained at Zenica jail by Zenica County Court order.

SEE PAGE 3

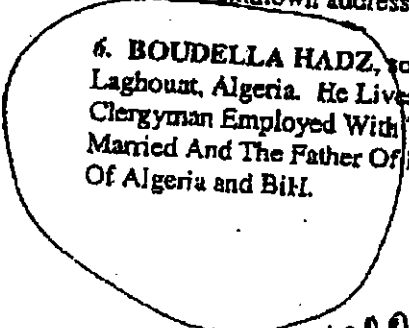
2. **SABER LAHMARA**, son of Mahvud & Akila, nee Sheih, born on May 22, 1969 in Constantine, Algeria, residing at 24 Mahmutovac in Sarajevo, teacher of Arabic language employed by Saudi High Committee Islamic Center. Married with one child; Muslim, Algerian citizen. Identity determined by passport #0705315 issued by the Algerian Embassy in Rome. Currently in detention.

3. **AIT IDIR MUSTAFA**, son of Hashemi & Sadia or Tasadi, nee Sachret, born on July 9, 1970 in Sidi Mhamed, Algeria, residing at 26/1 Tome Mendesa, Sarajevo. Citizen of Algeria & BiH, holds BiH pasaport #9699980 & Algerian passport #0189352 which was used to determine his identity. Currently in detention.

4. **KHALED EL ARBED**, born on 30 oct 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 Omar and Ajsa Nee Boudella, born on 18 Apr 1965 in Laghouat, Algeria. He Lives In Sarajevo on Dobojska Street, Number 1/4. 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.



10006

TB: RM

Page 1 of 3

UNCLASSIFIED

Exhibit R-4

7. BOUMEDIENE LAKHDAR, Son Of Kada And Dzebli Rahma, Born On 27 Apr 1966 In Aynsultan, Algeria. He Lives In Sarajevo On Semira Fraste Street Number 16. 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. NECHILE MOHAMED aka "SHARFULDI", Son Of Abdel Kadera And Keljurn Nee Keljum, Born On 2 Apr 1968 In Laghvat, Algeria. He Lives In Bihac On Zavnobih Street Number 16/4. 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 Benacem Hajseyana. They also used the mobile telephone number 066 775 375. To date it is not known who this number belongs to. They completed this with a mobile phone number 066 775 375 pertaining to the US Embassy in Sarajevo. They have attempted to coordinate actions of the individuals pertaining to the US Embassy in Sarajevo in order to determine the security measures in order to successfully carry out an attack on the US Embassy and its personnel. They were thwarted in there actions by the security forces of the Sarajevo federal MP. Therefore, with the intent to strike back at their country - the U.S.A., they have attempted to attack the factory and the employees of the US Embassy in Sarajevo.

3.a.3

TB: RM

UNCLASSIFIED

~~FOUO~~

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 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.
BELKACEM BANSAYAH, son of ahmed & Alla, nee Esabahi, born on Sep 10, 1960 in Miswar, Sana; Yemen, residing at 184 Gorazdanska-Lukovo Polje, Zenica, 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 Belkacem Banasaha. 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

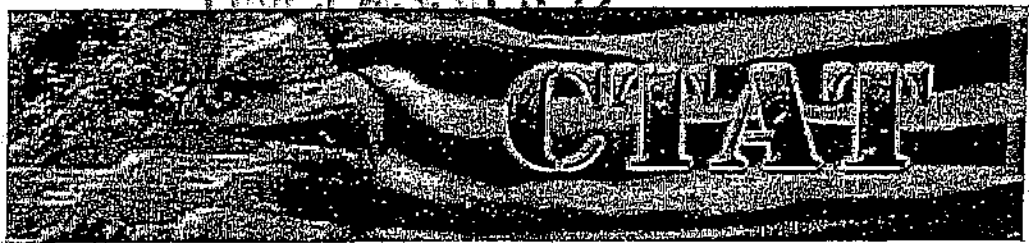
22274

UNCLASSIFIED

Exhibit D(g). Exhibit R-5

UNCLASSIFIED

UNCLASSIFIED



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.

Belkacem Zenica Sarajevo

The well-coordinated operation by the federal police and the police of the three cantons started on 8 October, when Bensai Belkacem Mej, a humanitarian worker and citizen of Algeria and Bosnia-Herzegovina, was arrested in Zenica. Ten days later, Mustafa Adir, an employee of the Taibah humanitarian organization, and Saber Lahmar, 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 Muhamed Nehle, alias Serefdin, was detained; and then in Sarajevo on 20 and 21 October with the detention of Lakdar Bumadyan, 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.

*3. a. 5.
3. 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.

UNCLASSIFIED

UNCLASSIFIED

Exhibit D(h). Exhibit R-6

UNCLASSIFIED

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (R.JL)

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.

AFFIDAVIT OF EMINA PLANJA

I, Emina Planja, of 24 Butilska Street, Sarajevo, Bosnia and Herzegovina ("BiH"), depose and state as follows.

1. I was born on January 19, 1979 in Rogatica, BiH. I am a citizen of BiH. I married Boudella Hadj on February 20, 1999 in Sarajevo. We have four children: Abdulrahman, born September 16, 1994, Aisa, born August 24, 1996, Sajmaa, born May 7, 1999, and Ali, born February 15, 2002. They are all citizens of BiH.
2. My husband Hadj Boudella was born on April 18, 1965 in Laghouat, Algeria, and is an Algerian citizen. His parents are Omar and Aicha Boudella. 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 Rogatica where I went to elementary school. Due to the hostilities we had to leave Rogatica. We came to Zenica 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 Algeria. 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.

- 1 -

Page 1 of 6

BOSTON 1967170v1

UNCLASSIFIED

Exhibit R-6

UNCLASSIFIED

UNCLASSIFIED

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.

UNCLASSIFIED

UNCLASSIFIED

- 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 two and one-half 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.

Emina Emina
 Emina Emina

Liliana Scasascia Kleiser
 Witness: Liliana Scasascia Kleiser

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (RJL)

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.

AFFIDAVIT OF EMINA PLANJA AUTHORIZING REPRESENTATION

I, Emina Planja, hereby depose and say:

1. I am Emina Planja, of 24 Butilska Street, Sarajevo, 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:

Planja Emina

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:

Bensayah Belkacem (A-JJJA)
Sabir Lahmar (A-JJJB)
Mohamed Nechele (A-JJJC)
Mustafa Ait-Idr (A-JJJD)
Lakhdar Boumediene (A-JJJE)
Hajj Omar Boudella (A-JJJF)

Page 5 of 6

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

150 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,



Page 6 of 6

UNCLASSIFIED

UNCLASSIFIED

Exhibits D(i) to D(ii) are withheld in full under 5 U.S.C. § 552(b)(1) and (b)(7) as they contain classified and law enforcement sensitive material.

UNCLASSIFIED

Exhibit D(jj).
**Mr. Boudella's statement to
the Tribunal, Enclosure (3)**

UNCLASSIFIED

DETAINEE ELECTION FORM

Date: 28 Sept 2004

Start Time: 1000

End Time: 1130

ISN#: 10006

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? ARABIC

CSRT 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 10004, ISN 10003, and ISN 10005 they have known the detainee since 1997 and can testify on the detainee's background and activities.
2. Planyah Muo, 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: [REDACTED]

UNCLASSIFIED//FOUO

D-a

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.

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# 10006
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.

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, Bensayah Belkacem, he was not one of the six?
- A: The media said he was one of the six, but I don't know him. I've not seen him. Maybe he's here, I don't know. I'm sure he's here because they've asked me about him many times in interrogations and they told me he was here, so he must be here, but I don't know him.
- Q: You never met him in Bosnia or ever heard his name mentioned?
- A: Never. I first heard his name here in this prison. In the beginning, when we were in the old spot, in the old jail, they put all of us there. They had us all in one area and they were saying the Algerian or Bosnian Six. He was there and I saw him there.

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

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 Nechele Mohammed (Mohammed Nechele).

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

The Witness, Nechele Mohammed, was sworn.

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

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

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

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

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

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

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

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

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

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

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

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

ISN# 10006
Enclosure (3)
Page 14 of 25

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

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

Q: Do you know who Bensayah Belkacem is?

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

Q: Is he Algerian/Bosnian also?

A: They say that he is Algerian, but I don't know. The only people I know are those three, Hajj, Mustafa and Lakhdar.

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

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

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

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

Q: At any time.

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

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

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

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, Nechele Mohammed, was excused.

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

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

The Witness, Aet Adeer Mustafa, was sworn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A: Absolutely never.

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

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

A: Are you asking me about myself?

Q: Yes.

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

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

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

Q: How long have you known Hajj?

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

Q: Been very good friends ever since?

A: Yes.

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

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

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

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

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

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

A: Yes.

Q: What is your occupation?

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

Q: What sport did you coach?

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

The witness, Aet Adeer Mustafa, was excused.

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

Tribunal Member: Thank you.

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

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

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

The witness, Bomedienne Lakhdar Mohammed, was sworn.

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

A: Never.

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

A: Never.

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

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

A: No, I don't know.

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

A: Yes.

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

A: Yes.

Q: Do you know Bensayah Belkacem?

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

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

A: I don't know.

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

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

Q: The other guy.

A: No, I don't know.

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

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

Q: Do you consider yourself a friend of his?

A: Yes, he is my brother.

Q: How long have you known each other?

A: From the time I got to Bosnia?

Q: Which was when?

A: 1997.

Q: How often did you see him in Bosnia?

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

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

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

Q: Did you socialize together?

A: We used to visit each other.

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

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

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

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

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

A: Yes.

Q: Hajj coached a sport. Which sport?

Detainee: That was Mustafa, not me.

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

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

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

A: No, I don't know.

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

Q: You indicated you worked for the Red Crescent?

A: Yes.

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

A: Yes.

Q: Who was that?

A: Mohammed (Nechele).

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

A: No.

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

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

Q: You're posing the question to us?

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

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

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

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

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

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

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

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

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

A: Yes, we had lawyers.

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

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

The witness, Bomedienne Lakhdar Mohammed, was excused.

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

Tribunal Members: I have no further questions.

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

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

The witness was removed from the Tribunal room.

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

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.

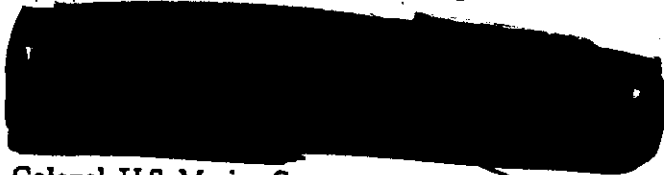
Tribunal President: We'll certainly take that into consideration.

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.

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED

Exhibit E.
Lahmar CSRT Decision
Report:

UNCLASSIFIED

UNCLASSIFIED

Exhibit E(a).
Unclassified Summary of
Basis for Tribunal Decision,
Enclosure (1)

UNCLASSIFIED

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: #11
ISN #: 10002

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 of, or affiliated with, 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, or affiliated with, al-Qaida. The detainee chose to participate in the Tribunal process. He called one witness, requested one document be produced, and made a verbal statement. The Tribunal President found the requested witness reasonably available. The detainee, in his verbal statement, denied being a member of al-Qaida or associated with al-Qaida. 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 through D-b and R-1 through R-21.
- b. Sworn statement of the detainee.

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

The Detainee requested one witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Belkacem, Bensayah	Approved	no

* The detainee requested one witness that is a current detainee held in GTMO and was reasonably available; however, the requested witness was contacted and refused to testify at this Tribunal.

The Detainee requested the following additional evidence be provided:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Bosnian government document finding detainee not guilty of attempting to bomb US Embassy.	not reasonably available	no*

*The Tribunal president initially approved the request and the information was given to the U.S. State Department, which attempted to acquire the requested document. The Bosnian government was unable to provide any such document.

The Detainee requested no additional evidence be produced; no rulings were required.

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-6 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. Exhibit R-3 is used to provide a link that the detainee is a member of or associated with a terrorist organization. Exhibit R-4 is the detainee's Petition for Writ of Habeas Corpus on behalf of the detainee. Exhibit R-5 contains a sworn affidavit from the detainee's wife that briefly discusses the detainee's work and arrest in Bosnia. Exhibit R-5 offered no new evidence. Exhibit R-6 is used to provide a link that the detainee associated with known al-Qaida members.

b. The unclassified evidence provided some background and possible links from the detainee to known terrorist organizations. Additionally the Tribunal considered the detainee's sworn testimony and transcribed written notes (Exhibit D-b). A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he is not a member of al-Qaida or a member of the Armed Islamic Group (GIA). In the detainee's testimony he refuted items 3a, 3a1, 3a2, 3a3, 3a4, 3a7, 3a8, 3a10 made in the unclassified summary (Exhibit R-1). The detainee admitted he was arrested for items 3a5 and 3a6 but was found not guilty by the Bosnian government. This is the evidence the detainee wanted to provide, but was unavailable from the Bosnian government. In regard to item 3a11, the detainee said he

UNCLASSIFIED//~~FOUO~~

had already served his time for and had been released and considered the matter closed. The Tribunal President agreed on that matter and said that it had no bearing on this case. Overall, the Tribunal did not find the detainee's testimony persuasive and turned to classified evidence 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. He asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, USAF

Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #10002
Enclosure (1)
Page 3 of 3

UNCLASSIFIED

Exhibit E(b).
Classified Summary of Basis
for Tribunal Decision,
Enclosure (2)

UNCLASSIFIED

Exhibit withheld in full under
5 U.S.C. § 552(b)(1) as it contains
classified material.

UNCLASSIFIED

Exhibit E(c). Exhibit R-1

UNCLASSIFIED

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal LAHMAR, Sabir Mahfouz.

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 a member of al Qaida.
 - a. The detainee is associated with al Qaida:
 1. The detainee is associated with a known al Qaida facilitator..
 2. Bensayah Belkecem, alias Mejd is the apparent leader of the Algerian cell and has a direct link to Usama Bin Laden.
 3. Bensayah Belkecem made phone calls to Abu Zubaydah, a senior aide to Usama Bin Laden, who was in charge of screening recruits for al Qaida training camps in Afghanistan.
 4. The detainee and Bensayah Belkecem were arrested on suspicion of being linked with international terrorism.
 5. The detainee had charges filed against him by the Bosnia-Herzegovina govt for International Terrorism.
 6. The detainee was arrested in October 01 under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.
 7. The detainee advocated attacking U.S. forces and supported the Fatwa issued by Usama Bin Laden.

Exhibit 14

UNCLASSIFIED

8. The detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.

9. The Algerian Armed Islamic Group is listed as a terrorist organization in the United States Department of Homeland Security Terrorist Organization Reference Guide.

10. The detainee applied for a visa in Sarajevo for travel to Afghanistan on 27 September 2001.

11. The detainee was jailed in late 1997, for robbing a U.S. Citizen.

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:

UNCLASSIFIED

Exhibit E(d). Exhibit R-2

UNCLASSIFIED

Unclassified

Memorandum



To : Department of Defense Date 09/16/2004
 Office of Administrative Review
 for Detained Enemy Combatants,
 [REDACTED] OIC, CSRT

From : FBI, GTMO
 Counterterrorism Division,
 Office of General Counsel,
 Asst. Gen. Counsel [REDACTED]

Subject: REQUEST FOR REDACTION OF
 NATIONAL SECURITY INFORMATION
 ISN US9AG-10002DP

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 10002 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 02/25/2002

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

²See Executive Order 12958

Exhibit 22

Unclassified

Memorandum from [REDACTED]
Re: REQUEST FOR REDACTION, 09/16/2004

If you need additional assistance, please contact
Assistant General Counsel [REDACTED] or Intelligence Analyst [REDACTED]
[REDACTED]

UNCLASSIFIED

Exhibit E(e). Exhibit R-3

UNCLASSIFIED

Unclassified

UNCLASSIFIED



U.S. Department of Homeland Security
U.S. Customs and Border Protection
Office of Border Patrol

NOTE: This report is based upon information obtained from various open sources. No classified information was used in the preparation of this report.

Office of Border Patrol
1624 SSG Sims Road,
Fort Worth, TX 79908
Address: Attn. BPSCC P.O. Box 6017
Fort Worth, Texas 79906
Contact: Sgt. D. Thew
Phone: (817) 572-3218

Terrorist Organization Reference Guide

January 2004

UNCLASSIFIED

Exhibit R-3

4. Armed Islamic Group (GIA)

Description

An Islamic extremist group, the GIA aims to overthrow the secular Algerian regime and replace it with an Islamic state. The GIA began its violent activity in 1992 after Algiers voided the victory of the Islamic Salvation Front -the largest Islamic opposition party -in the first round of legislative elections in December 1991.

Activities

Frequent attacks against civilians and government workers. Since 1992, the GIA has conducted a terrorist campaign of civilian massacres, sometimes wiping out entire villages in its area of operation, although the group's dwindling numbers have caused a decrease in the number of attacks. Since announcing its campaign against foreigners living in Algeria in 1993, the GIA has killed more than 100 expatriate men and women - mostly Europeans -in the country. The group uses assassinations and bombings, including car bombs, and it is known to favor kidnapping victims and slitting their throats. The GIA hijacked an Air France flight to Algiers in December 1994. In 2002, a French court sentenced two GIA members to life in prison for conducting a series of bombings in France in 1995.

Strength

Precise numbers unknown, probably fewer than 100.

Location/Area of Operation

Algeria.

External Aid

None known.

5. 'Asbat al-Ansar

Description

'Asbat al-Ansar - the League of the Followers - is a Lebanon-based, Sunni extremist group, composed primarily of Palestinians and associated with Usama Bin Ladin. The group follows an extremist interpretation of Islam that justifies violence against civilian targets to achieve political ends. Some of those goals include overthrowing the Lebanese Government and thwarting perceived anti-Islamic and pro-Western influences in the country.

UNCLASSIFIED

Exhibit E(f). Exhibit R-4

UNCLASSIFIED

Unclassified

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE,
Detainee, Camp Delta;

ABASSIA BOUADJMI,
as Next Friend of
Lakhdar Boumediene;

MOHAMMED NECHLE,
Detainee, Camp Delta;

BADRA BAUCHE,
as Next Friend of Mohammed Nechle;

HADJ BOUDELLA
Detainee, Camp Delta;

EMINA PLANJA
as Next Friend of Hadj Boudella;

BELKACEM BENSAYAH
Detainee, Camp Delta

ANELA KOBILICA
as Next Friend of Belkacem Bensayah;

MUSTAFA AIT IDIR
Detainee, Camp Delta;

SABIHA DELIC - AIT IDIR
as Next Friend of Ait Idir Mustafa;

SABER LAHMAR
Detainee, Camp Delta;

EMINA LAHMAR
as Next Friend of Saber Lahmar,

Petitioners,

v.

04-1166 (RJL)

FIRST AMENDED PETITION FOR
A WRIT OF HABEAS CORPUS

(continued on next page)

November 13, 2001, *see* Exhibit G, Order on Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism, November 13, 2001, attached to Affidavit of Stephen H. Oleskey ("Detention Order"), or alternatively, consistent with his authority as Commander in Chief and under the laws and usages of war. Accordingly, Respondent Bush is responsible for the Detained Petitioners' unlawful detention. He is sued in both his official and personal capacities.

18. Respondent Rumsfeld is the Secretary of the United States Department of Defense. Pursuant to either the Detention Order or the President's authority as Commander in Chief and under the laws and usages of war, Respondent Rumsfeld has been charged with maintaining the custody and control of the Detained Petitioners. He is sued in both his official and personal capacities.
19. Respondent Hood is the Commander of Joint Task Force-GTMO, which operates the detention facilities at Guantánamo Bay. He has supervisory responsibility for the Detained Petitioners and is sued in both his official and personal capacities.
20. Respondent Cannon is the Commander of Camp Delta at Guantánamo Bay. He is the custodian immediately responsible for their detention, and is sued in both his official and personal capacities.

IV. STATEMENT OF FACTS

A. Petitioners' Detention

21. The Detained Petitioners are not, nor have they ever been, enemy aliens, lawful or unlawful belligerents, or combatants in any context involving hostilities against the citizens, government or armed forces of the United States.
22. The Detained Petitioners are not, nor have they ever been, "enemy combatants," who were "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in an armed conflict against the United States there," *see Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 2639 (2004) (internal quotations omitted), or anywhere.
23. Petitioners seek a judicial determination of the adequacy of the Respondents' determination that the Detained Petitioners are "enemy combatants."

24. Until shortly before Respondents unlawfully detained him, Petitioner Boumediene had worked for the Red Crescent of the Emirate of Abu-Dhabi since at least 1995. (Bouadjmi Aff. ¶ 3.) The Red Crescent is the arm of the International Federation of Red Cross and Red Crescent Societies that operates in Islamic countries. See International Federation of Red Cross and Crescent Societies, available at <http://www.ifrc.org/who/movement.asp> (last visited August 16, 2004). In October 2001, at the time of his arrest and detention in Bosnia and Herzegovina ("Bosnia"), Mr. Boumediene had been living and working there for four years. (Bouadjmi Aff. at ¶¶ 5, 6.)
25. Following his arrest, Mr. Boumediene was held in pre-trial detention in Bosnia for three months, but was then ordered released from confinement on January 17, 2002, by the investigating judge of the Supreme Court of Bosnia and Herzegovina, who had determined there were no further reasons or circumstances upon which pre-trial detention could be ordered. See *Boudellaa v. Bosnia and Herzegovina*, Nos. CH/02/8679; CH/02/8689; CH/02/8690; CH/02/8691, H.R. Chamber for Bosnia and Herzegovina, at ¶ 53 (Oct. 11, 2002), attached as Exhibit H to Affidavit of Stephen Oleskey, Esq. ("H.R. Chamber Decision").
26. Contrary to the judge's Order, however, Mr. Boumediene was not released but instead was immediately taken into custody by the Federation Police of Bosnia and Herzegovina under the authority of the Federal Ministry of Interior. (*Id.* at ¶ 55.) Those forces, and forces of the Ministry of the Interior of Sarajevo Canton, then handed over Mr. Boumediene to U.S. forces at 6:00 a.m. on January 18, 2002. (*Id.*) United States forces then flew Mr. Boumediene out of Bosnia and delivered him to what was then called Camp X-Ray at Guantánamo Bay. (*Id.*) Ms. Bouadjmi has not been able to learn since that time why her husband is being held. (Bouadjmi Aff. at ¶ 9.)
27. When he originally was detained, Petitioner Nechle, like Petitioner Boumediene, worked for the United Arab Emirates' Society of the Red Crescent. (Baouche Aff. ¶ 5.) He worked as an aid worker, helping orphans. (*Id.*) Mr. Nechle and Ms. Baouche had lived in Bihartch, Bosnia, for approximately five years. (*Id.* at ¶ 6.)

28. On October 19, 2001, Mr. Nechle was arrested by police in Bihartch, Bosnia. (Baouche Aff. ¶ 7.) He was held and interrogated for approximately twenty-four hours. (*Id.*) Mr. Nechle was then held in pre-trial confinement for three months, but then ordered released on January 17, 2002 by the investigative judge of the Supreme Court of Bosnia and Herzegovina, also on the ground that there were no further reasons or circumstances upon which pre-trial detention could be ordered. *See* H.R. Chamber Decision at ¶ 53. Like Petitioner Boumediene, and in the same fashion, Mr. Nechle was delivered on January 18, 2002 to U.S. forces in Bosnia who transported him to Guantánamo Bay. (*Id.* ¶ 57.)
29. Until before Respondents unlawfully detained him, Petitioner Boudella, like Petitioners Boumediene, and Nechle worked for a humanitarian aid organization in Bosnia and Herzegovina. (Planja Aff. ¶¶ 2, 5). He worked with war-orphaned children on behalf of a group named Human Appeal. (Planja Aff. ¶ 5).
30. On October 21, 2001, in response to a call from the local police, Mr. Boudella went to the police station in Sarajevo. (Planja Aff. ¶ 6). After the police accompanied him to his home and searched his home, they arrested him. On January 17, 2002, following three months of pre-trial detention, the Bosnian Supreme Court ordered the immediate release of Mr. Boudella. *See* H.R. Chamber Decision at ¶ 53. Contrary to the Chamber's Order, however, Mr. Boudella was not released and instead, the Federation Police delivered Petitioner Boudella to the custody of the forces of the United States at 6:00 a.m. on January 18, 2002. (Planja Aff. ¶ 6).
31. Petitioner Bensayah formerly worked in an administrative position at a local government office in Algeria. (*See* Kobilica Aff. ¶ 2). He was arrested in Zenica in Bosnia and Herzegovina on October 8, 2001 on unspecified criminal charges. (Kobilica Aff. ¶ 5). On January 16, 2002 a court in Zenica ended Petitioner Bensayah's detention (Kobilica Aff. ¶ 6). However, based on terrorism allegations lodged against him in Sarajevo while he was in custody, on January 16, 2002 Mr. Bensayah was transferred to the central prison in Sarajevo. The next day Mr. Bensayah was ordered released (Kobilica Aff. ¶ 7). However, despite that order, Federation Police transferred Mr. Bensayah to the forces of the United States on January 18, 2002. (*Id.*)

Mr. Bensayah thereafter was transferred to the United States facility at Guantánamo Bay, Cuba. (Kobilica Aff. ¶ 10).

32. Petitioner Mustafa Ait Idir moved from Algeria to Croatia in 1993. (See Ait Idir Aff. ¶ 4).

Since at least November 1994, he had been residing in Bosnia and Herzegovina and working for humanitarian aid agencies. At the time of his arrest, he was employed by the humanitarian aid agency, Taibah, as its IT system administrator. (Ait Idir Aff. ¶ 4). While employed by Taibah, he volunteered on many weekends to work with orphaned children at facilities operated by the Red Crescent in Bosnia and Herzegovina. (*Id.*)

33. Petitioner Mustafa Ait Idir was arrested at 3:15 a.m. following a two-hour police raid and search of his apartment, in front of his wife and children. (Ait Idir Aff. ¶ 5) Following three months of post pre-trial detention, the Bosnian Supreme Court ordered his immediate release on January 17, 2002 based on the grounds that there were no reasons upon which to continue pre-trial detention. As was the case with Petitioners Boumediene, Nechle and Boudella, however, rather than freeing Petitioner Mustafa Ait Idir, Federation Police instead delivered him to the custody of United States forces at 6:00 a.m. on January 18, 2002. (Delic Aff. ¶ 5) Since shortly after his transfer to the forces of the United States, Petitioner Mustafa has been held illegally at Guantánamo Bay. (*Id.* ¶ 8). The United States has informed Petitioner Sabiha Delic-Ait Idir that her husband may be held indefinitely at Guantánamo Bay. (See Dec. 31, 2002 Letter from Christopher Hoh, Chargé d'Affaires (attached to Ait Idir Aff.))

34. Petitioner Lahmar worked as a professor of Arab language at the Islamic Center of the High Saudi Commission. (Lahmar Aff. ¶ 4). The Bosnia and Herzegovina Ministry of Human Rights and Refugees terminated Lahmar's permanent residency in 2001 because of a prior criminal conviction. (Lahmar Aff. ¶ 5). He appealed the decision of the Ministry of Human Rights and Refugees, but had not received a decision on his appeal when he was taken into custody by the forces of the United States.

35. Petitioner Lahmar was arrested on October 18, 2001. Following three months of pre-trial detention, on January 17, 2002 the Bosnian Supreme Court ordered his release on the grounds

that there were not reasons upon which pre-trial detention could be ordered. *See* H.R. Chamber Decision at ¶ 53. As was the case with the other Petitioners, Federation Police ignored that order and instead transferred Petitioner Lahmar to the custody of the forces of the United States on January 18, 2002. (Lahmar Aff. ¶ 8). At this time Petitioner Lahmar is being held in the custody of the United States at Guantánamo Bay. (*Id.*)

36. In the wake of the September 11, 2001 terrorist attacks, the United States, at the direction of Respondent Bush, began a massive military campaign against the Taliban government, then in power in Afghanistan. On September 18, 2001, a Joint Resolution of Congress authorized Respondent Bush to use force against the "nations, organizations, or persons" that "planned, authorized, committed, or aided the terrorist attacks on September 11, 2001, or [that] harbored such organizations or persons." Authorization for Use of Military Force, Public Law 107-40, 115 Stat. 224 (Sept. 18, 2001).
37. On November 13, 2001, Respondent Bush issued the Detention Order, which purports to authorize indefinite detention without due process of law. The Detention Order authorizes Respondent Rumsfeld to detain anyone Respondent Bush has "reason to believe":

- i. is or was a member of the organization known as al Qaeda;
- ii. has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or
- iii. has knowingly harbored one or more individuals described in subparagraphs (i) and (ii).

See Exhibit D to Oleskey Aff. Respondent Bush must make this determination in writing. The Detention Order was neither authorized nor directed by Congress, and is beyond the scope of the Joint Resolution of September 18, 2001.

38. On information and belief, at the time of their detention, Mr. Boumediene, Mr. Nechle, Mr. Boudella, Mr. Bensayah, Mr. Ait Idir and Mr. Lahmar were (i) not members of the al Qaeda terrorist network; (ii) had not caused any harm to American personnel or property; and

UNCLASSIFIED
Unclassified

(iii) had no involvement in either the terrorist attacks of September 11, 2001, or any act of international terrorism attributed by the United States to al Qaeda or any terrorist group. They are not properly subject to the Detention Order issued by Respondent Bush. As they did not participate in any armed conflict involving the United States or its coalition allies, they are not properly subject to the Executive's authority as Commander in Chief and under the laws and usages of war.

39. None of the Detained Petitioners were in or near Afghanistan, or any other theater of war, at the time of their unlawful detention on January 18, 2002.
40. The recent involvement of each Detained Petitioner with local authorities and the fact that they were delivered to U.S. forces by those local authorities suggests U.S. forces should have had no questions about the identities of the Detained Petitioners. Because of the circumstances surrounding their seizure and detention, it is not possible to state whether the Detained Petitioners promptly requested that the United States provide them with access to their families and to legal counsel. However, the fact that four of the Detained Petitioners had pressed their cases in Bosnian courts, suggests the detainees were aware of the assistance lawyers could provide to them. On information and belief, all of the Detained Petitioners were kept blindfolded against their wills for lengthy periods while being taken involuntarily to Guantánamo Bay; have been and will be interrogated repeatedly there by agents of the United States Departments of Defense and Justice and by intelligence agencies of U.S. allies, though they have not been charged with any offense or been notified of any pending or contemplated charges; have made no appearance before either a military or civilian tribunal of any sort, or been provided counsel or the means to contact counsel; and have not been informed meaningfully of their rights under the United States Constitution, the regulations of the United States Military, the Geneva Convention, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, customary international law and the recent decisions of the United States Supreme Court. Indeed, press reports indicate Respondents have publicly taken the position that Guantánamo detainees should not be told of

UNCLASSIFIED

such rights. Absent action by this Court, the Detained Petitioners are completely unable either to protect, or to vindicate their rights under U.S. and international law.

B. The Detention Order

41. The Detention Order seeks to vest Respondent Bush with unfettered discretion to identify the individuals that fall within its scope. It establishes no standards governing his discretion. The Detention Order contains no provision requiring notice to a person detained of the charges he may face. On the contrary, the Detention Order purports to authorize that detainees be held without charges. It contains no provision requiring that detainees receive notice of their rights under domestic and international law, and provides neither the right to counsel, nor the right to consular access. It provides no right to appear before a neutral tribunal to review the legality of a detainee's continued detention and does not provide for appeal to an Article III court. In fact, the Detention Order seeks expressly to bar review by any court. The Detention Order purports to authorize indefinite and unreviewable detention, based on nothing more than Respondent Bush's written determination that an individual is subject to its terms.
42. The Detention Order was promulgated in this judicial district, the decision to detain Petitioners was made by Respondents in this judicial district, the decision to detain the Petitioners at Guantánamo Bay was made in this judicial district, and the decision to continue detaining the Petitioners was, and is, being made by Respondents and in this judicial district.
43. On information and belief, Respondent Bush has never certified or determined, in writing or otherwise, that the Detained Petitioners are subject to this Detention Order.
44. The Detained Petitioners are not properly subject to the Detention Order.
45. In a related case, Respondents have contended that the Petitioners in that case are being detained not pursuant to the Detention Order, but rather, under the authority of Respondent Bush as Commander in Chief and under the laws and usages of war. *See Rasul v. Bush*, 215 F. Supp. 2d 55 (D.D.C. 2002). However, that rationale cannot, in good faith, be applied here because—unlike the petitioner in *Rasul*—the Detained Petitioners in this matter were not arrested or detained by the United States in the course of an armed conflict.

UNCLASSIFIED

C. Guantánamo Bay Naval Base

46. On or about January 11, 2002, the United States military began transporting prisoners captured in Afghanistan to Camp X-Ray, at Guantánamo Bay. The United States military transported the Detained Petitioners to Camp X-Ray approximately one week later. In April 2002, all prisoners, including the Detained Petitioners, were transferred to a more permanent internment facility at Camp Delta. Guantánamo Bay is a self-sufficient and essentially permanent city with approximately 7,000 military and civilian residents under the sole and complete jurisdiction and control of the United States. Guantánamo Bay occupies nearly thirty-one square miles of land, an area larger than Manhattan, and nearly half the size of the District of Columbia. Offenses committed by both civilians and foreign nationals living at Guantánamo Bay are brought before federal courts on the mainland, where defendants enjoy the full panoply of Constitutional rights. In *Rasul v. Bush*, decided on June 28, 2004, the United States Supreme Court held that the habeas statute §§ 2241–2243, App. 19, confers a right to judicial review of the legality of an indefinite Executive detention of aliens such as these Petitioners at Guantánamo Bay, a territory over which the United States exercises plenary and exclusive jurisdiction but not “ultimate sovereignty.” *Rasul v. Bush*, 124 S. Ct. 2686, 2698 (2004).

V. CAUSES OF ACTION

FIRST CLAIM FOR RELIEF
(DUE PROCESS – FIFTH AMENDMENT
TO THE UNITED STATES CONSTITUTION)

47. Petitioners incorporate paragraphs 1–46 by reference as if fully set forth herein.

48. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the Fifth Amendment to the United States Constitution. Respondent Bush has ordered the prolonged, indefinite, and arbitrary detention of the Detained Petitioners, without Due Process of Law. Respondents Rumsfeld, Hood, and Cannon are likewise acting in violation of the Fifth Amendment, since they act at the direction of Respondent Bush. The Detention Order violates the Fifth Amendment.

UNCLASSIFIED

UNCLASSIFIED

Exhibit E(g). Exhibit R-5

UNCLASSIFIED

UNCLASSIFIED
UNCLASSIFIED

F

UNCLASSIFIED

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (RJL)

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.

AFFIDAVIT OF EMINA LAHMAR

I, Emina Lahmar, of Mahmutovac 24, Sarajevo, Bosnia and Herzegovina ("BiH"), depose and state as follows:

1. I was born on September 17, 1976, in Sarajevo, BiH as Emina Susic. I am a Bosnian citizen. I married Saber Lahmar in April 2001. We have one child, our daughter Sara, born February 13, 2002. My husband has another child, his son Muad, born in 1999. Muad lives with his mother in Zenica. Both children are citizens of BiH.
2. My husband was born on May 22, 1969, in Algeria, in the settlement of Constantine, as an Algerian citizen. His parents are Mahfud and Akila nee Sajh. My husband completed his Islamic Theological faculty studies in Medina in 1996. He then came to BiH in 1997 to work for the High Saudi Committee and on April 4, 1997, he was granted a permit for permanent residence in BiH.
3. I completed my training as a dentist technician in Sarajevo. I then began my theological studies at the Islamic Theological Faculty in Sarajevo. My studies were interrupted during the second year when my husband was removed from BiH and I did not resume my studies. I have never worked. When my husband was living in BiH, we lived with my parents. I continue to live with my parents, brother, and daughter in my parents' home.
4. My husband worked as a professor of Arab language and worked at the Islamic Center of the High Saudi Committee. When my husband first arrived in BiH in 1997, he lived in

UNCLASSIFIED

UNCLASSIFIED

Mostar. He moved to Sarajevo in 2000, where we first met. He paid for my education. He also provided financial support to his son in Zenica, and we often went from Sarajevo together to visit his son. My husband had regular contacts with his family in Algeria, and, in his free time, he liked to play football and read literature.

5. My husband never had Bosnian citizenship, because he never applied for it. On November 23, 2001, the Ministry of Human Rights and Refugees issued a decision terminating my husband's permanent residence permit on the ground that he had been sentenced to imprisonment in 1998 for 5 years. He had served part of his sentence, and on January 6, 2000, was released on parole. My husband appealed the decision of the Ministry for Human Rights and Refugees terminating his residency permit. However, he was taken into United States' custody before the appeal was decided. The revocation of my husband's residence permit was affirmed on May 27, 2002; but due to his absence he was not able to appeal this decision.
6. My husband was arrested on October 18, 2001, 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. On January 16, 2002, my husband lodged an application with the Human Rights Chamber for BiH ("Chamber"). According to the decision of the Chamber, the respondent parties, BiH and the Federation of Bosnia Herzegovina, violated my husband's right not to be arbitrarily expelled and his right not to be subjected to death penalty. The Chamber also ordered the respondent parties to take all necessary action to protect my husband's rights while in United States custody and to pay compensation for non-pecuniary damages.
8. Presently, my husband is being held in custody of the United States military at Guantanamo Bay, Cuba. I was first notified of my husband's removal from BiH by a Bosnian police officer a few days after January 18, 2002. A few days later, a representative of the International Committee of the Red Cross ("ICRC") told me that my husband was in Guantanamo Bay. At the beginning, I regularly received letters from him but since September 2002 I have not received any correspondence from him. In response to my concerns, the United States Embassy in Sarajevo told me that I most likely did not receive any new letters from my husband because he did not want to write to me. I cannot accept this explanation because my husband was always very considerate and interested in family matters and would not simply stop communicating with us. In fact, a representative of the ICRC told me that he was present when my husband opened a letter from me containing a picture of our new baby and observed that my husband was overjoyed. Until approximately two months ago, I had no more news at all about my husband. Recently, I received news through released inmates of Guantanamo Bay, who told me my husband is alive. I am extremely worried, however, about the conditions under which my husband is being held.

UNCLASSIFIED

UNCLASSIFIED

9. My financial situation has been very difficult since my husband was taken to Guantanamo. I interrupted my studies, and now spend a lot of my time trying to seek assistance for my husband. My activities include regular contacts with the BiH government, international organizations and human right groups. My only income is child support provided by the BiH government. My daughter and I receive support from my family and my husband's family in Algeria. In our family, my mother is the only one who has a job; my father used to work for the United States Embassy in Sarajevo, but he lost his job on October 20, 2001, as a result of my husband's arrest a few days before. My brother lost his job for the same reason. Since my stepson's family in Zenica is also in serious economic difficulties, we try to help them as well.
10. It is my belief, based on the messages my family received, and from everything I know about my husband, that 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 Saber Lamar'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 10 day of August, 2004.

Lahmar Emina
Emina Lahmar

Liliana Scasascia Kleiser
Witness: Liliana Scasascia Kleiser

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (R/L)

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.

AFFIDAVIT OF EMINA LAHMAR AUTHORIZING REPRESENTATION

I, Emina Lahmar, hereby depose and say:

1. I am Emina Lahmar, of Mahmutovac 24, Sarajevo, Bosnia and Herzegovina.
2. I am acting as the next friend of my husband Saber Lahmar, 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:

Emina Lahmar

Date:

10.8, 2004

Witnessed:

Liliana Scasascia Kleiser

Liliana Scasascia Kleiser

Date:

10. August, 2004

UNCLASSIFIED

Exhibit E(h). Exhibit R-6

UNCLASSIFIED

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 Khemals, 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 1,247 arrests, fewer than 10 may tie 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.

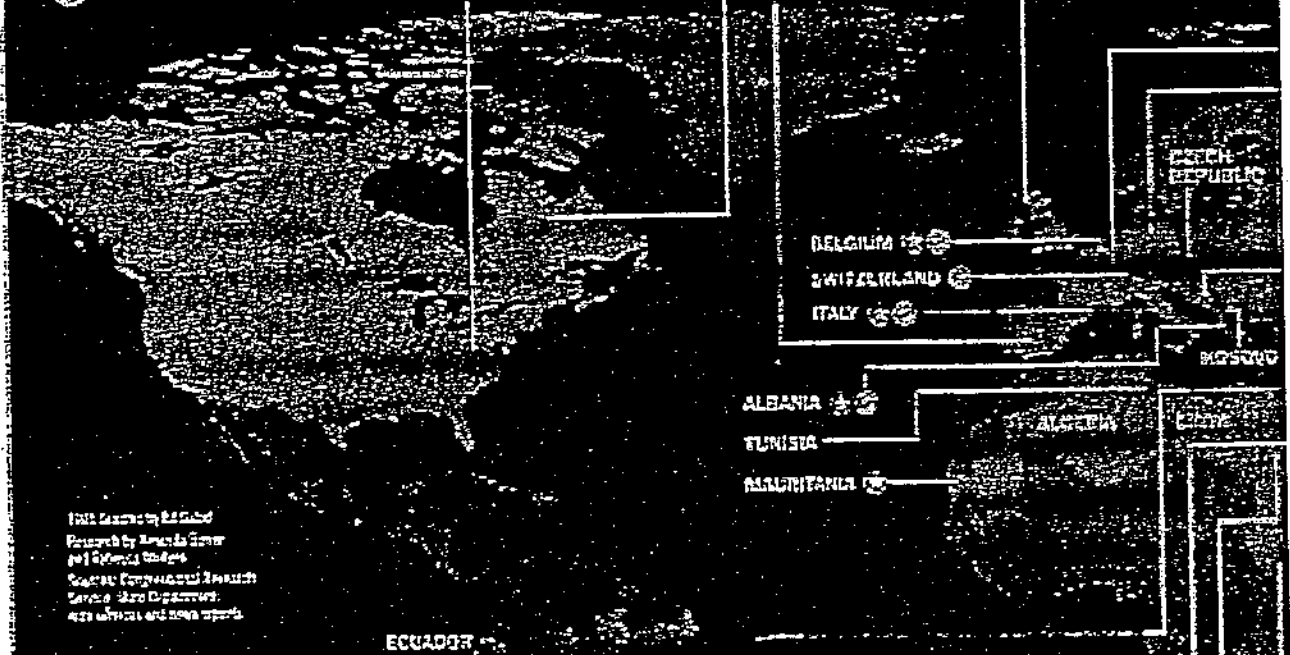
SPAIN

● Six members of an alleged sleeper cell picked up across the country since Sept. 12

BRITAIN

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

● Key arrests include Latif Rashid, who allegedly helped teach the hijackers how to fly; Hamid Ghadi, a computer whiz suspected in the Paris plot; and Yasser al-Siri, who was charged last week in connection with the assassination of Afghan rebel leader Ahmad Shah Massoud



Map created by Al Qaeda
 Prepared by Al Qaeda since
 9/11 attacks
 Source: International Security
 Service - Al Qaeda
 and other sources

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

● Nineteen people in this "controlband capital" have been arrested, mostly on false-documentation charges, and Paraguay has charged officials in 11 U.S. 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 Makid, an Egyptian wanted for his alleged role in a 1997 attack on tourists in Luxor, Egypt, was arrested leaving Brazil through Uruguay in 1998. 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

ISRAEL

● Israel says it has arrested 100 groups of suspected al-Qaeda operatives in Gaza and the West Bank

SAUDI ARABIA

At least half of the 19 hijackers are thought to have been Saudis

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

● Five Americans were killed when a car bomb exploded outside a military building in Riyadh in 1995; 19 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 '96. The U.S. responded to the 1993 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 Beghat network. Djamel Beghat, first picked up in Dubai, has said he received his orders from bin Laden lieutenant Abu Zubaydah. Beghat described a plan to blow up the U.S. embassy in Paris. An earlier plot, uncovered last December, targeted Strasbourg cathedral.

GERMANY
 Alleged terrorist cells have been linked in Munich, Hamburg and Frankfurt. Officials are most interested in the Hamburg operation, which included hijackers Mohamed Atta and Marwan al-Shehhi. These others thought to have helped in the planning of the Sept. 11 attacks are the subject of international arrest warrants.

BOSNIA
 NATO says it has disrupted a terror cell. The alleged mole is linked to al-Qaeda, investigators say. The arrests uncovered a comprehensive plot to attack Eagle Base, used by some 3,000 U.S. paratroopers, 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-Jihad, 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

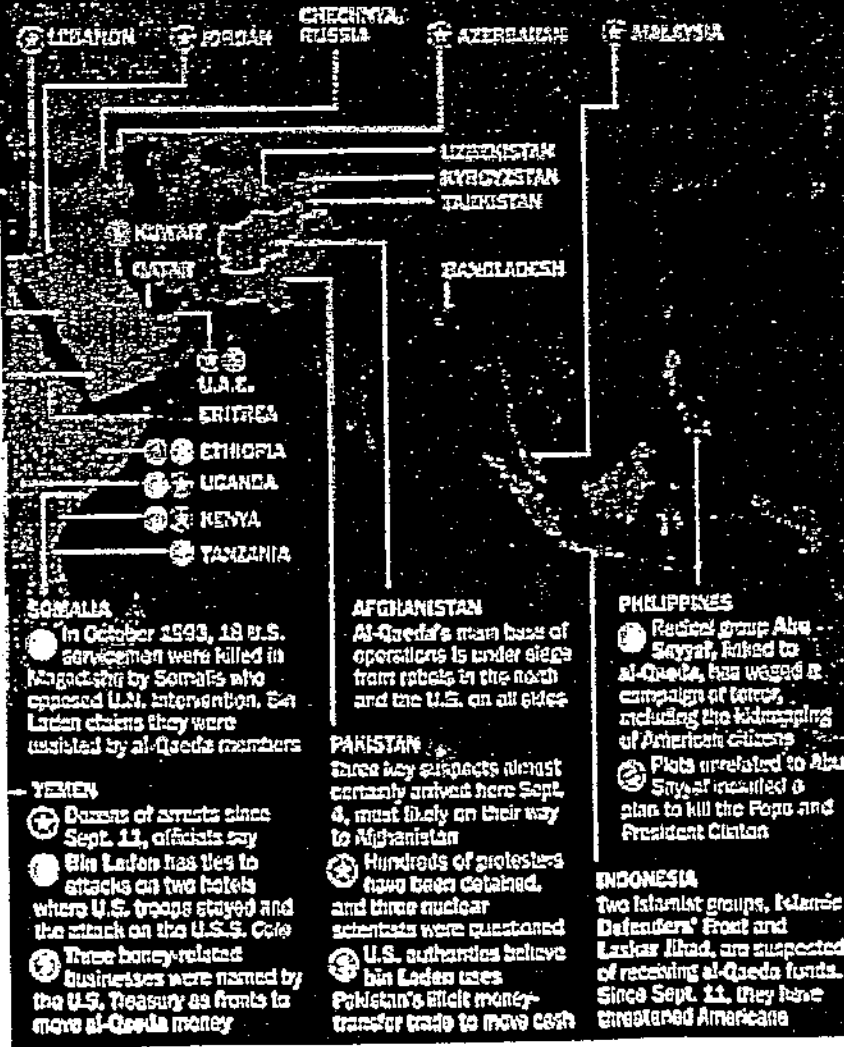
The only Palestinian in bin Laden's inner circle, the man reportedly nicknamed "the Mailman" coordinates international operations and helps select recruits for training in al-Qaeda camps.

TOHIR YULDASHEV UZBEK

Condemned to death in absentia by the government of Uzbekistan, Yuldashiev 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.



**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**

Atief 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 experts 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 al-Shibh, 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. Bensayah Belkacem, 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.

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

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 Hafar 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 Mubarak, 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 Leicester, 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

UNCLASSIFIED
One Classified

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.

Alert U.S. Customs agents noticed that Ahmed Ressaam was sweating—in winter—while waiting to cross from Canada into the U.S. In his trunk, they found explosives. Ressaam 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 attended 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

UNCLASSIFIED

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."

Belkacem 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, Bensayah Belkacem, 41, alias Mejd, 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 Belkacem discussed procuring passports. There was more. Belkacem 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

UNCLASSIFIED

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 hard-liners 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/Calro and Viveca Novak/Washington, with other bureaus

From *Time*, November 12, 2001, pp. 58-68. © 2001 by Time, Inc. Magazine Company. Reprinted by permission.

Exhibits E(i) to E(w) are withheld in full under 5 U.S.C. § 552(b)(1) and (b)(7) as they contain classified and law enforcement sensitive material.

UNCLASSIFIED

Exhibit E(x).
**Mr. Lahmar's statement to
the Tribunal, Enclosure (3)**

UNCLASSIFIED

DETAINEE ELECTION FORM

Date: 28 September 2004

Start Time: 0845

End Time: 1130

ISN#: 10002

Personal Representative: 
(Name/Rank)

Translator Required? Y Language? ARABIC

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 will participate, provided four pages of handwritten notes for a statement, likely the PR will read this. Although, not stated, he will also participate orally. He wants a written document. He was arrested in Sarajevo, Bosnia by Bosnian authorities. He says the Bosnian Supreme Court tried him on the charges of attempting to bomb the US Embassy and found him not guilty. This occurred sometime between mid 01 and the end of the year. He also wants ISN 10001 to testify. He has been questioned on his relationship with 10001 and he says he only met him in situations like running into him at a market and finding a fellow Algerian and speaking to him briefly. He wants 10001 to confirm this.

Personal Representative: 

Summarized Detainee Statement

When asked by the Tribunal President if he understood the CSRT Process, the Detainee answered, "yes".

When asked if he had any questions concerning the process, the Detainee answered as follows:

Detainee: I hope this hearing looks at the truth and represents true justice. This country has been a symbol of justice for more than two hundred years. I hope these hearings are not just one movie from many movies that have pasted by us. I also hope I will be judged by the law and not by politics. Please leave the politics on one side and put the law on the other side.

Others that have been judged were promised they would receive the results of the Tribunal within three weeks. Over a month has passed and they still have not received the results. This causes me to doubt the seriousness of this trial. In spite of that, I shall start but before I do, I would like to comment on the accusations that have been made about me.

Tribunal President to Detainee: You will have time to comment on the accusations in just a few moments. We have a time set aside for that. This Tribunal is here to review the facts and not politics. If someone understood they were to be notified in three weeks, I am not sure were they got that understanding from. We do not control the process by which notifications are returned to the Detainees. I cannot tell you how long it will take. When we are done, we forward our decision to Washington, D.C. They review what we have done. Once they approve it, they will come back and tell you at that time. I do not know how long that process will take. Do you have any questions about the process we are doing today?

Detainee: I don't have any, but if my Personal Representative wants to say anything please go ahead.

Tribunal President: The Personal Representative will present evidence on your behalf in just a moment.

Tribunal President: The Detainee has requested one witness and one document for this Tribunal. The Detainee requested his fellow Detainee (10001) be brought in as a witness to talk about their relationship while in Bosnia. The witness has refused to testify at this Tribunal.

The Detainee also requested a document be presented from Bosnia concerning his court case. We have not been able to locate this document through the Bosnian government. We were not able to find that for you.

When asked if the Detainee wished to make a statement, the Detainee stated:

UNCLASSIFIED / ~~FOUO~~

Yes, I would like to respond to the accusations that have been presented. I might not respond to the accusations in the correct order, since I don't have the unclassified summary in front of me.

Tribunal President: That is okay, we understand.

When asked by the Tribunal President if he wanted to take an Oath, the Detainee answered:

I don't have a problem either way, but I prefer not to swear. Don't focus on me not swearing. The focus should be on what I say and the accusations. If I swear, it will not help me in any way. What will help me is the presentation of the accusations, and my answers to them. This is how the problem will be solved. In my eyes, the problem cannot be solved by swearing under oath, but by the truth.

Tribunal President: We agree.

The Detainee made the following statement:

[The Personal Representative asked the Detainee if he would like him to present his written statement. The Detainee stated he preferred to talk.]

Detainee: Words are better than a written statement. The hearing is being recorded, so I prefer to speak.

I would like to point out something important. My detention from Sarajevo to Cuba was not legal. There is no current law in the world that allows for my detention from my country to another country. If I am accused of something in a country I was in, I should have been detained in that country. That country is recognized worldwide and therefore it has laws and courts. The court from the country should have tried me.

Let's assume I was guilty of something and received punishment for it. The punishment should have been in that country. I have nothing to do with Cuba. The intimidation from the Americans is what caused my illegal detention from one country to another country.

The Combatant Status Review Tribunal states I am an enemy combatant. Those words in my view are ridiculous and have no meaning. A sane person or a small child would never say anything like. The words 'enemy combatant' means a prisoner that has been arrested on the frontlines of the battlefield holding a weapon. In my case, I was kidnapped from my home by Americans. Therefore, the words enemy combatant doesn't apply to me.

Regarding paragraph 3.a.6, [The Detainee was arrested in October 01 under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.]

ISN #10002
Enclosure (3)
Page 2 of 9

UNCLASSIFIED / ~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

The day I was detained at Sarajevo, I asked the interrogators why? They told me they didn't know anything about it, the Intelligence Department at the Embassy in Sarajevo was responsible. As far as they were concerned, there weren't any accusations against me. The pressure came from the Americans.

From my first day in Cuba, I asked the interrogators to question me regarding the bombing of the Embassy. They tried to avoid asking me questions regarding that matter. On occasion, they told me they knew I didn't attempt to blow up the Embassy; they only brought me to Cuba for information. They told me if I gave them information, they would let me go. I refused to talk to them until they addressed the accusation of the bombing of the Embassy. This lasted for eight months before they gave up on me talking. I was punished and placed in solitary confinement for three months. I was released, and again I was asked to talk. I refused to talk until they interrogated me on the matter regarding the Embassy. Approximately one and a half years passed, when an interrogator named James (who is still here) told me he wanted to be honest with me for the first time. He told me he wanted to tell me things he hadn't told me before. They didn't want to interrogate me about the night of the Embassy, because that information wasn't contained anywhere in my file. He went on to say he'd hope I would forget about the matter. After that, I started talking to them about other things.

The accusation I tried to bomb the Embassy is merely a move cooked up by the intelligence people in Sarajevo. The intelligence community advertises to the terrorist media in Sarajevo. The news reported some people wanted to bomb the Embassy in Sarajevo. The people accused of the bombing were free at that time, they were in (inaudible). They should have been detained before the information was released. (I for example could have fled anywhere and they wouldn't have been able to catch me), I was arrested five days after the release of this information. If that were my intention, it wouldn't have made sense to stay in my house.

I want the judge to ask the intelligence people, were working at that time, the truth behind my detention. From my first day in Cuba until now, I have not been interrogated on this matter. How can I be accused of something I haven't been interrogated on? Is that justice?

I am not asking to be presented with evidence on this matter. I challenge you to come up with any proof that I planned to bomb this Embassy. I have a witness who can testify I am innocent. I was detained in Sarajevo, tried and acquitted. But, Americans are Americans.

Paragraph 3.a.8, [The Detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.]

I left Algeria approximately fifteen years ago, in 1992. I met an Islamic group in the city. My whole life consisted of studying, until I graduated from the University. I then went to Bosnia where I worked for a charitable organization. After which, I was detained and brought to Cuba. If someone wants to become a leader in an armed Islamic organization

ISN #10002
Enclosure (3)
Page 3 of 9

UNCLASSIFIED / ~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

in Algeria, that person should have lived in Algeria, not outside of Algeria. A leader is supposed to live with his group. It doesn't make sense if a group lives on one continent and their leader lives on another continent for several years.

The Algerian Embassy in Saudi Arabia, kept records of my time spent studying at the Islamic University. I have identification from the Embassy. The Algerian Embassy in Italy has a record of when I moved to Bosnia (Bosnia doesn't have an Algerian Embassy). If I had been a leader of an armed Islamic group and this group was considered dangerous to the Algerian government, I wouldn't have registered at the Algerian Embassy, because it would have been stupid. The government would have known where I was and they would have immediately arrested me and taken me to jail.

My passport was issued by the Algerian Embassy. If I were leader, as you have said, I wouldn't have gone to the Embassy for the passport. Algeria looks for everyone with any connection to this group. More importantly, the day I applied for the passport, the Ambassador told me over the phone he wasn't able to issue me a passport until certain procedures were met. The Ambassador told me he had to get in contact with the interior ministry in Algeria to verify the Algerian government wasn't looking for me. I was told it would take approximately four months. After four months, I was contacted by the Embassy and they said they were able to verify I didn't have any problems in Algeria. If I still wanted to apply for a passport, I would have to pay a fee. I received the passport and you have it with you.

I am not asking you for truth, but I challenge you to find proof or anything that looks like proof that I had anything to do with this group.

Paragraph 3.a.7, [The Detainee advocated attacking U.S. forces and supported the Fatwa issued by Usama Bin Laden.]

First, I am not a scholar or sheik to support Usama Bin Laden. I am not considered someone with great weight or great consideration. He wouldn't make me a leader, and I'm not a leader. I am just an employee who works in the Higher Saudi Arabia Charitable Organization. I was a professor who taught children Arabic in Bosnia and Herzegovina.

If you assume I am a scholar, Bin Laden is not a scholar. He is nothing more than a military man and I wouldn't help him. It might make sense if I helped him in military operations. However, I am not a soldier, my whole life has been related to books.

I did not go with Usama Bin Laden until after the events of 11 September.

I ask you and once again challenge you to find any proof that I aided Bin Laden in any of those Fatwas.

Paragraph 3.a.8, [The Detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.] [The translator

ISN #10002
Enclosure (3)
Page 4 of 9

UNCLASSIFIED / ~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

referred to this paragraph after relaying the name Bensayah Belkecem. The response given by the Detainee could have actually been for paragraph 3.b.2, {Bensayah Belkecem, alias Mejd jis the apparent leader of the Algerian cell and has a direct link to Usama Bin Laden.}}

I do not carry the status of others. For example, you can say this man who was this man's son is a member of this group. This is not my crime. Whoever wrote this accusation may have been drunk. I have only seen him twice in my life. I don't remember the exact time between each visit, because they were many years apart.

[Tribunal member asked Detainee to clarify with whom he was referring.]

Detainee: Bensayah Belkecem.

I asked him to come here as a witness, but he refused because he thought my Personal Representative was lying to him. He told me if I wanted him to appear as a witness, to have my Personal Representative ask him again. He would appear. I refused. I told the Personal Representative I only wanted him to testify that I didn't have a relationship with him and he didn't have one with me. I have only seen him twice. His testimony is in his file. I am sure he was asked if he knew me; and he answered the question.

-Regarding the word 'apparent' in paragraph 3.a.2, [Bensayah Belkecem is the apparent leader of the Algerian cell] in matters of law, the word apparent isn't useful in any way. In law, either you did it or you didn't. I am being tried on a word that is not used in a court of law. 'Apparent' is not based on facts.

The accusation should be made against Bensayah Belkecem, not me. It would be humorous if I were accused as being a member of al Qaida just because my Personal Representative was a member. If he were a member of al Qaida, it had nothing to do with me.

Paragraph 3.a.1, [The Detainee is associated with a known al Qaida facilitator.]

I don't know anything about al Qaida or (inaudible) except after the surprising events of 11 September. In matters of law, you cannot say that I associated with a person; you have to tell me the name of this person. Who is it? Up until now, this man is imaginary. He doesn't exist. Also, assuming this person did exist, prove he is a member of al Qaida, and I am associated with this person. If you prove this person really is a member of al Qaida, it doesn't mean I am a member. I believe I have made a reasonable point.

I ask and challenge you to find one person or something that proves I had a relationship, or anything close to a relationship, with a man from al Qaida. You can look in Bosnia, the Earth, and the moon. If you find a man on the moon from al Qaida, tell me.

Paragraph 3.a.6, [The Detainee was arrested in October 01, under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.]

ISN #10002
Enclosure (3)
Page 5 of 9

UNCLASSIFIED / ~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

When I was detained for attempting to bomb the American Embassy in Sarajevo, I sat in the police station for forty-eight hours being interrogated. Shortly before the end of the forty-eight hours, the interrogator told me they were waiting for replies, regarding me, from all police stations in Bosnia-Herzegovina. After an hour, they were able to verify the police didn't have any issues with me in any city. The head of the police department provided me with a piece of paper that allowed me to leave. He said they no longer had a right to keep me there.

Shortly thereafter, The State Head of the police department apologized to me. He told me he was under pressure to keep me detained. He said he didn't want to go into details, but maybe I had an idea who the pressure was coming from. I was put in prison for three months before I was acquitted in court. I was then detained by the Americans and brought to Cuba. I believe it is important for the judge to get this document from the Sarajevo police department.

If I had problems in Bosnia-Herzegovina, I should have been tried there. Therefore, this accusation is not valid. There is a quote that states, "a chicken lays an egg and the rooster head hurts." The chicken's head should hurt, not the rooster's head. If all my problems were in Bosnia, then Bosnia's head should have hurt, not Americas.

I have not committed any criminal acts inside or outside of Bosnia.

Paragraph 3.a.10, [The Detainee applied for a Visa in Sarajevo for travel to Afghanistan on 27 September 2001.]

How could I apply for a Visa in Bosnia-Herzegovina for Afghanistan, when there isn't an Afghani Embassy in Bosnia? To my knowledge, I have never known of an Afghani Embassy in Bosnia.

I would also like to point out, not everyone that travels to Afghanistan is a terrorist. Everyone has their own personal reasons for traveling to Afghanistan. Some travel to study, some travel for charitable organizations.

I would like you to provide me proof that I applied for a Visa from the Afghani Embassy, if there is such an Embassy.

Paragraph 3.a.5, [The Detainee had charges filed against him by the Bosnia-Herzegovina government for International terrorism.]

I don't support or advocate any terrorist acts whether they are local or worldwide.

I would like you to show me proof that I advocated terrorism. Provide me with one witness that will say I encouraged them to perform terrorist attacks.

Paragraph 3.a.11, [The Detainee was jailed in late 1997, for robbing a U.S. Citizen.]

ISN #10002
Enclosure (3)
Page 6 of 9

UNCLASSIFIED / ~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

I was accused of that accusation in Bosnia-Herzegovina. After spending time in prison, I was acquitted by the court and released. Lets assume I did this, I served my time. I don't understand why it was presented again. This happened in Bosnia-Herzegovina and not in America. I have been punished for this, and I served my time. I considered the matter closed. You don't have the right to bring up this accusation, unless you want to be laughed at.

Tribunal President to Detainee: That is one thing we agree on. That point has no bearing on this case.

Detainee: God knows I have answered all the accusations. The last thing I would like to say is I hope this trial is fair. I am ready if you find anything on me then punish me as you see fit. I hope there is no political pressure on these trials. I also hope, there are no invisible hands playing (inaudible) regarding the trials of these people. I hope, that I am tried according to the law and nothing else. Regarding my Personal Representative, do you have anything? Thank you for listening to me.

Summarized Answers in Response to Questions by the Personal Representative

Q. When you were talking about Usama Bin Laden, the translation came out that you did not know him until after 11 September. I believe he meant he did not know of him until 11 September.

A. I did not know him or anything about him.

Q. Would you like me to give the Tribunal your written words that you provided me the other day to remind the Tribunal of your testimony?

A. Yes. I hope when you review the facts, you will pay more attention to what I said then what I wrote because there were things I remembered that were not on the paper.

Tribunal member to Detainee: The reporter will provide a transcript of your statement, and we will review that.

Detainee: Excellent.

[Translator clarified she made a mistake when the Detainee talked about studying in a city in Saudi Arabia. The Detainee said Medina. Medina can be referred to as a city or a place. In this case, Medina was the city in Saudi Arabia {not a city}.]

Summarized Answers in Response to Questions by the Tribunal Members

Q. Did you have any plans to, or ever want to travel to Afghanistan?

A. Never. I have never seen Afghanistan, and I never had any intentions of going there.

ISN #10002
Enclosure (3)
Page 7 of 9

UNCLASSIFIED / ~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

Q. You stated when you left Algeria you went to work for a charitable organization?

A. When I left Algeria, I went to Medina to study. After I graduated from the university, I went to Bosnia.

Q. In Bosnia you worked for the charity organization?

A. I was a teacher at the Arab college. I taught children Arabic.

Q. What was the name of that organization?

A. The Higher Saudi Organization.

Q. Were you ever a member of the Algerian Armed Islamic Group?

A. I was never part of it. I was very young when this organization was formed. I left Algeria when I was twenty or twenty-one years old. Since I left, I have not returned to Algeria. When I wasn't studying at the Islamic University in Medina, I was in Bosnia-Herzegovina. That was from 1996 until I was detained and brought here.

Q. When you were captured in Bosnia, where were you?

A. I was leaving prison. Please repeat the question.

Q. When you were captured by the Americans, where were you?

A. I left prison and was headed for my house. It was nighttime, around 9:00 p.m., when I received my acquittal paperwork. The American forces and the United Nations, with the help of the Bosnian police, captured me.

Q. You never reached your home?

A. No.

Q. Who else was with you when you were captured?

A. There were five people. The day I was captured?

Tribunal President: Yes

A. When I was captured I was alone. They came to my house. The first to arrive was the Bosnian police (intelligence police). They came by at 8:00 p.m. and told me they wanted to search my house. I told them no problem, come in. I asked them, what was the problem? I was told there wasn't a problem they just wanted to search the house. For four hours they searched my house, from 8:00 p.m. until midnight. After they searched

ISN #10002
Enclosure (3)
Page 8 of 9

UNCLASSIFIED / ~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

my house, they told me to come with them to search my car. They searched my car for an hour, before I was asked to go to the police station. I was interrogated for forty-eight hours I was transferred to the higher court. The judge ruled I would be detained for three months. After serving three months, I was acquitted. I was then kidnapped, as you know the story.

Q. When the Bosnian police came to your home, was there anyone else there?

A. Two individuals from the United Nations and the Bosnian police.

Q. Who did you have at your house before the police came?

A. My wife.

Q. No one else?

A. No.

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

A. No.


The Tribunal President asked the Detainee if he had any other evidence to present to this Tribunal. The Detainee stated, "no."

Detainee: I see the biggest problem regarding me is the bombing of the Embassy. I ask that you ask the intelligence authorities who were during that time in Sarajevo for the real reason I was detained. Then, you will know the truth.

Tribunal President: It is our objective to discover the truth. And we will do everything we can to find that truth.

AUTHENTICATION

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


_____, Col, USAF
Tribunal President

ISN #10002
Enclosure (3)
Page 9 of 9

UNCLASSIFIED / ~~FOUO~~

Exhibit E(y) withheld in full under 5
U.S.C. § 552(b)(1) as it contains
classified material.

UNCLASSIFIED

Exhibit E(z).
Mr. Lahmar's written
statement to the Tribunal

UNCLASSIFIED

unclassified

These are my detailed responses to the accusations that are facing Sabir Alahmar - from the side of the concerned authorities .

As for that I say :

As for me being an enemy combatant (EC), this is basically wrong .I have been kidnapped, a kidnapping from the prisons of Bosnia and Hercegovina in Europe accordingly I have nothing to do with being an EC. As the EC is the one who had been arrested from the front line and in the fighting arena, with a gun at hand .

As for me having been associated with one of Al Qaida operatives This is all purely bull shit. This is an allegation that needs evidence, but evidences I also need to say : who is that person? Then you have to prove that he is AlQaida associate. Then get me his testimony that testifies that I have a relation with him. That you need to prove beyond doubt that this person is also a member of AlQaida .

As for the one named - Ben Sayeh Belgacem. Who may be as the committee of revision claims is one of the leaders of some Algerian cells, that is directly connected to Usama Ben Laden (UBL). I say: if that person is as such then what is my crime? I am not responsible for other's mistakes, and they being criminals. If they were so ..Every one is responsible for what he does, he himself no one else ..This is the conventional thing in all international tribunals.

Let us suppose I am responsible for what others did. Then the revising committee is not sure that Mr. Ben Sayeh Belgacem is the one leading this Algerian cell that is so close to UBL , as the committee says, maybe and maybe means doubt and you can not build anything on doubt .

AS for the fact that Mr. Sayeh Belgacem had contacted by phone ...etc.
I say : This accusation is supposed to face no one but Ben Sayeh Belgacem, not Sabir Alahmar, as I am not supposed to be punished for someone else's mistake .

- As for my being arrested on suspicion of being related to terrorism .

I say:

That this is a plot cooked by hidden guys well known to the Americans for sure. I have been arrested in Bosnia and Hercegovina for three months. All interrogations were done with me. Then I was charged by the Bosnian Justice. The result -that is- the judge's decision was -I am innocent and no authority, anywhere, has the right to follow me any more. But the American plot insisted to arrest me and to bring me to Cuba . .Then I say the day I was arrested the police authority in Sarajevo, the capital, has investigated me thoroughly, all through Bosnia police centers and Hercegovia. Accordingly they inquired about my situation in Bosnia, the answer from their side was I have no problem with any body at all and no one is looking for me all through the cities of that country for anything. The police director himself gave me a paper that proves that. This you can request from them or from my attorney in Sarajevo.

- AS for the accusation that I tried to blow the American Embassy in Sarajevo .This is all bull shit and plain wrong for the following reasons:

Since the day I was arrested and up to this people's day No one had interrogated me or.

this subject .. Yet so many times have I asked the interrogators to interrogate me for that but they were evading this each time. They even said to me about a year back, we do not want to talk to you about the Embassy subject because it is not at all in your file. Interrogator James said this to me, he is in this island now. We brought you here to give us information only. Accordingly I say that how can I face such an allegation that I have not been interrogated for, they even deny it.

- As for the allegation that I encourage fighting the USA and I am in favor of UBL (fatwas.) I say that this is base-less talk and is not true. This is an allegation that necessitates proof and you have not a single evidence for that. I hereby request the revision committee to give me one single proof or give me one word that I said in this line to encourage fighting the USA.

As for being in favor of any of UBL fatwas. I say that this UBL in fact I only knew him after September 11th events. Then again this man is not a scholar so that I should favor his fatwas. He is in my opinion nothing but a military man and who ever is like that can not be favored nor can he give fatwas. I request the revising committee to give me one single evidence that I support this man.

- As for my being a member of the Algerian Islamic Armed Group(AIAG), and that I tried to lead the group sometime in 2000. This is a belated mistake and a wrong allegation. My evidence against this is that you can inquire about me in the Algerian emabassy in Jeddah In Saudi Arabia where I used to live as a resident or the Algerian Embassy in Italy whence I used to live in Bosnia and Hescovia, where I was officially registered with them and hold a consulate card ..If I were a member of the AIAG I would not have gone to the Embassy of my home and registered myself with them also the same thing applies for Italy. Since in that case I will be arrested on the spot.

I say that because in around the year 2000 I renewed my passport in the Algerian Embassy in Italy. Before renewal they told me that they have to wait for response from the home affairs department in Algeria (Ministry of interior) for the permission to renew it. Four months later the response came as OK, permitted to renew my passport as there is no search for me as I have no problem with any body at all. What is meant here is that If I were a memeber of the (AIAG) then I would have been arrested and my passport would not have been renewed And If I were a memeber of the (AIAG) I would not have registered myself in the Embassy as it makes my arrest easy and I would have uncovered myself.

-As for the allegation that I applied for a visa to enter Afghanistan in Sarajevo this is also plain lying as there is absolutely no embassy in Bosnia or Hescovia that gives Afghanistani entry visas.

As for my being imprisoned in Bosnia for stealing from some American This according to my knowledge occurred in 1996 in Bosnia and Hescovia. I spent some time in prison and went out free as there was a review of my case and I was declared innocent of that charge.

Then suppose that was true If ever it was that I stole from an American this stealing must have occurred a long time back, and I spent the prison punishment I had to and the Bosnian Justice took course. Why is this case reopened?

These are my responses to the allegations that I am facing. I hope you will be considerate in looking at it in depth.

UNCLASSIFIED//FOUO

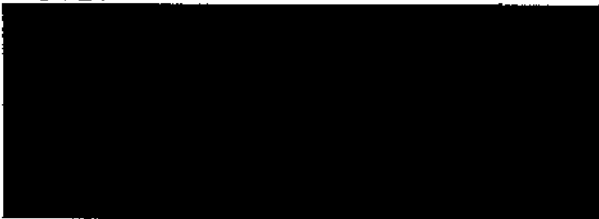
Personal Representative Review of the Record of Proceedings

I acknowledge that on 11 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #10002.

I have no comments.

My comments are attached.

Name



11 OCT 04
Date

ISN #10002
Enclosure (5)

UNCLASSIFIED//FOUO

UNCLASSIFIED

Exhibit F.
Bensayah CSRT Decision
Report:

UNCLASSIFIED

UNCLASSIFIED

Exhibit F(a).
Unclassified Summary of
Basis for Tribunal Decision,
Enclosure (1)

UNCLASSIFIED

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: _____ #6
ISN #: _____ 10001

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 was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or 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 initial session of this Tribunal was held on 28 September 2004. The Recorder presented Exhibits R-1 through R-6 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence (Exhibit R-1) indicates, among other things, that: the detainee is an Al Qaida member and is linked to Usama Bin Laden's operational network; he had phone conversations with Abu Zubaydah, a senior Al Qaida aide to Usama Bin Laden pertaining to procuring passports; he was identified as the primary Al Qaida facilitator in Bosnia; in late September 2001 in Bosnia-Herzegovina, he planned to join Jihadist elements in Afghanistan in anticipation of the U.S./coalition invasion, and encouraged other Algerians to do the same; he was going to assist the mid-October 2001 arrival of unidentified travelers from Afghanistan [to Bosnia-Herzegovina]; and he planned to coordinate from Tehran, Iran, the late-October 2001 travel to Bosnia-Herzegovina of an additional 30-40 travelers from Afghanistan. The Recorder called no witnesses.

The detainee chose not to attend the Tribunal as reflected in the Detainee Election Form (Exhibit D-A), and the Personal Representative presented no evidence and called no witnesses.

During the classified session of the Tribunal, the Recorder presented Exhibits R-7 through R-13. The Personal Representative presented no classified evidence, and neither the Recorder nor the Personal Representative commented on the classified exhibits. After the Tribunal read all of the classified exhibits, the Tribunal requested additional information and recessed until the Recorder could obtain it.

The Tribunal reconvened on 1 October 2004. In response to the Tribunal's request, the Recorder offered into evidence additional classified Exhibits R-14 through R-20 after giving the Personal Representative an opportunity to review the documents. Neither the Recorder nor the Personal Representative had any comments on the additional documents. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-20 and D-A.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

a. The recorder offered Exhibits R-1 through R-6 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, the FBI redaction certification, provided no usable evidence. Accordingly, the Tribunal had to look to other exhibits for support of the Unclassified Summary of Evidence.

b. Exhibit R-3 is an affidavit of Anela Kobilica, the detainee's wife, dated 10 August 2004. The affidavit explains how the detainee came to be detained in Guantanamo Bay, Cuba. The affidavit has been filed in the United States District Court for the District of Columbia in support of a habeas petition on behalf of the detainee.

c. Exhibit R-4, as it was originally offered, was page 10 of a 12-page article on terrorism, marked as "Original Exhibit R-4." The focus of the article on page 10 is the detainee's case. Because the Tribunal could not tell the source of the article, the Tribunal requested that the Recorder produce the entire article for the Tribunal's consideration. The full article was submitted by the Recorder and is marked "Supplemental Exhibit R-4." The article provides information on the detainee, including links the detainee has to Abu Zubaydah, a senior Usama Bin Laden aide. Although the Tribunal found the article

informative, the Tribunal placed greater weight on the classified evidence than on this news article.

d. Exhibit R-5 is a request from the government of Bosnia and Herzegovina for information from Interpol. The exhibit did not provide any useful information.

e. Exhibit R-6 contains an undated news article concerning the detainee. No author or title to the document could be found by the Recorder after the Tribunal asked that the additional information be produced. The Tribunal did not rely upon this document in formulating its conclusions.

The Tribunal did rely upon 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 chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-A.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

UNCLASSIFIED//~~FOUO~~

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #10001
Enclosure (1)
Page 4 of 4

UNCLASSIFIED

Exhibit F(b).
Classified Summary of Basis
for Tribunal Decision,
Enclosure (2)

UNCLASSIFIED

Exhibit withheld in full under
5 U.S.C. § 552(b)(1) as it contains
classified material.

UNCLASSIFIED

Exhibit F(c). Exhibit R-1

UNCLASSIFIED

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (24 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal BELKACEM, Bensayah

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 an al-Qaida member.

The detainee is an al Qaida member:

1. The detainee traveled from Yemen to Bosnia-Herzegovina during November 1995.
2. Detainee is linked to Usama Bin Laden's operational network.
3. The detainee was in possession of Abu Zubaydah cell phone number in Afghanistan.
4. The detainee had phone conversations with Abu Zubaydah, a senior al Qaida aide to Usama Bin Laden pertaining to procuring passports.
5. The detainee made 70 phone calls to Afghanistan between September 11, 2001 and the time he was arrested.
6. The detainee was being investigated under the criminal acts for international terrorism in Bosnia.
7. The detainee was identified as the primary al Qaida facilitator in Bosnia.
8. In late September 2001 the detainee in Bosnia Herzegovina planned to join jihadist elements in Afghanistan in anticipation of the United States/coalition invasion and encouraged other Algerians to do the same.

Page 1 of 2

UNCLASSIFIED

UNCLASSIFIED

9. On 1 October 2001, the detainee applied for a visa in Sarajevo, Bosnia - Herzegovina for onward travel to Afghanistan.
10. The detainee, prior to planned departure to Iran/Afghanistan, was to assist the mid-October 2001 arrival of unidentified travelers from Afghanistan.
11. The detainee planned to coordinate from Tehran, Iran the late October 2001 travel to Bosnia-Herzegovina of an additional 30-40 travelers from Afghanistan.
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.

UNCLASSIFIED

UNCLASSIFIED

Exhibit F(d). Exhibit R-2

UNCLASSIFIED

UNCLASSIFIED

~~FOUO~~

Memorandum



To : Department of Defense Date 09/16/2004
Office of Administrative Review
for Detained Enemy Combatants,
[REDACTED] OIC, CSRT

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
Asst. Gen. Counsel [REDACTED]

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN US9AG-10001DP

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 10001 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 02/20/2002

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

²See Executive Order 12958

UNCLASSIFIED

Page 1 of 2
~~FOUO~~
EXHIBIT R-2

UNCLASSIFIED ~~FOUO~~

Memorandum from [REDACTED]
Re: REQUEST FOR REDACTION, 09/16/2004

If you need additional assistance, please contact Assistant
General Counsel [REDACTED] or Intelligence Analyst [REDACTED]

UNCLASSIFIED ~~FOUO~~

UNCLASSIFIED

Exhibit F(e). Exhibit R-3

UNCLASSIFIED

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (RJL)

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.

AFFIDAVIT OF ANELA KOBILICA

I, ANELA KOBILICA, of Zmaja od Bosne 44/a, Zenica, Bosnia and Herzegovina (BiH), being
duly sworn, depose and state as follows.

1. I was born on January 31, 1975, in Zenica BiH. I am a citizen of BiH. I have been
married to Belkacem Bensayah since March 14, 1997. We have two daughters: Sejma,
born in 1997, and Sara, born in 1999; both are citizens of BiH.
2. My husband Belkacem Bensayah was born on September 10, 1962, in Algeria. He is a
citizen of Algeria. In Algeria, he lived with his mother. My husband's father died when
he was young. He graduated from secondary school, and later undertook administrative
work in a municipality office in Algeria.
3. Before I married Belkacem, I lived with my parents and younger sister and brother in
Zenica, where I graduated from secondary school.
4. My husband was granted BiH citizenship on January 4, 1995. I met him in October
1996. We lived from the support from our respective families.
5. On October 8, 2001 at 11:30 am, two plain-clothes policemen came to our apartment;
they remained in front of our apartment, prohibiting any entrance or exit from the house.
At 1:30 pm approximately 40 policemen, including the International Police Task Forces
(IPTF), besieged our house and showed us a search warrant; I was not allowed to leave
the house with my daughters. The warrant stated, that the search was ordered for

UNCLASSIFIED

UNCLASSIFIED

gathering necessary information related to commission of the criminal act of falsifying documents. The same day, my husband was arrested on suspicion of residing in BiH under false names and was held in pre-trial detention in the Municipal Prison in Zenica according to orders given by the Municipal Court in Zenica.

6. In October, criminal proceedings were initiated in Sarajevo against my husband in connection with suspected terrorism activity and on October 25, 2001 the Supreme Court in Sarajevo ordered my husband's detention for the period of one month to run from the day of the termination of his detention in Zenica. On January 16, 2002, the Municipal Court in Zenica ended my husband's detention. Therefore, on January 16, 2002, my husband was transferred to the central prison in Sarajevo. The next day, the Bosnian Supreme Court ordered my husband's release because there were no further reasons upon which pre-trial detention could be ordered. Disregarding this decision, the Federation Police transferred my husband to United States custody at 6:00 a.m. on January 18, 2002.
7. On November 16, 2001, my husband's BiH citizenship was revoked based only on the fact that criminal charges had been brought against him. The criminal proceedings in BiH against him are still suspended. On January 10, 2002, the Federal Ministry of Interior issued a decision to refuse entry to my husband, and ordered him to leave the territory of BiH. This decision was delivered to my husband only on January 18, 2002, so he had no opportunity to appeal the Ministry's decision ordering his expulsion.
8. After his expulsion, my husband's lawyer lodged an application on his behalf with the Human Rights Chamber for BiH ("Chamber"). In its decision of April 4, 2003, the Chamber stated that the respondent parties, BiH and the Federation of Bosnia and Herzegovina, failed to act in accordance with the law, among other things, because the respondent parties did not follow the proper procedure for expulsion and did not seek any assurances that the death penalty would not be imposed upon my husband by the United States. The Chamber ordered the respondent parties to take all necessary action to protect my husband's rights while in United States custody and to compensate him for non-pecuniary damages.
9. 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.
10. Presently, my husband is held in the custody of the United States military at Guantanamo Bay, Cuba. After his deportation, I received some letters from my husband, but now it has been more than twenty months since I have received any correspondence from him. In the last letter that I received from him, in September 2002, he wrote that the investigations have been completed, and that there is no evidence against him. I am very worried because I have not heard from him since then -- nearly two years ago. The International Committee of the Red Cross told me that my husband does not want to receive my letters and pictures of our children. I cannot believe this, because he always loved his daughters and is an affectionate and caring father who took care of them. However, if it is true, it only shows me to what extent my husband is distressed and has lost all hope.

UNCLASSIFIED

11. Both our daughters are suffering a lot due to their father's absence. Our oldest girl became very introverted after the disappearance of her father, asking again and again why her father left. Our youngest girl has problems with her heart, and a physician told me that her illness is psychosomatic. Our physician has recommended psychiatric treatment for both girls. Our older daughter will be enrolled in elementary school in September; I already informed the teacher of our situation because I don't want my daughters to hear rumors from other people or feel ashamed of their father.
12. We now live in a rented apartment in Zenica, in the vicinity of my parents' apartment. I am unemployed and we receive financial support from my parents.
13. It is my belief, based on the messages my family received, and from everything I know about my husband, that 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 Belkacem Bensayah'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.

Anela Kobilica
Anela Kobilica

Liliana Scasascia Kleiser
Witness: Liliana Scasascia Kleiser

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (RJD)

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.

AFFIDAVIT OF ANELA KOBILICA AUTHORIZING REPRESENTATION

I, Anela Kobilica, hereby depose and say:

1. I am Anela Kobilica, of Zmaja od Bosne 44/a, Zenica, Bosnia and Herzegovina.
2. I am acting as the next friend of my husband Belkacem Bensayah, 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: ---

Anela Kobilica

Date:

10 August 2004

Witnessed:

Liliana Scasascia Kleiser

Liliana Scasascia Kleiser

Date:

10 August, 2004

UNCLASSIFIED

UNCLASSIFIED

Exhibit F(f). Exhibit R-4

UNCLASSIF.

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."

Belkacem 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, Bensayah Belkacem, 41, alias Mejd, 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 Belkacem discussed procuring passports. There was more: Belkacem 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

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 Khemals, 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
- ☉ TOILED TERRORIST ATTACK
- ☉ FINANCIAL BACKING

UNITED STATES

- ☉ Of a total 1,347 arrests, fewer than 20 may be of people with information about the hijackers or the Sept. 11 attacks
- ☉ World Trade Center in 2002 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

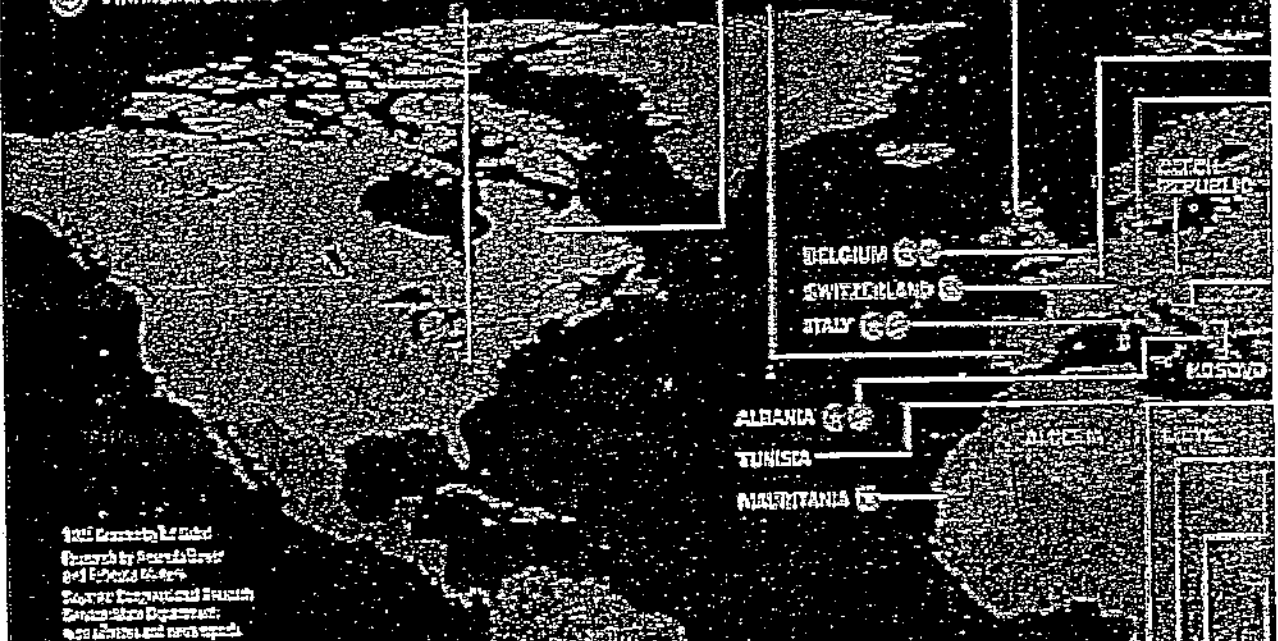
- ☉ As many as 20 people have been taken into custody in possible connection with the Sept. 11 attacks, and can faces extradition to the U.S.

BRITAIN

- ☉ London in particular is seen by many as a terrorist recruiting zone
- ☉ Key arrests include Lotfi Raissi, who allegedly helped teach the hijackers how to fly; Hamed Daoudi, a computer whiz suspected in the Paris plot; and Yasser al-Sadi, who was charged last week in connection with the assassination of Afghan rebel leader Ahmad Shah Massoud

SPAIN

- ☉ Six members of an alleged sleeper cell picked up across the country since Sept. 21



Full Country List and Search by Country and 9/11-2002-05-09
 Source: International Security Information Department, Washington Post and other reports

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
- ☉ Nineteen 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 embassy planned to bomb the U.S. and Israeli embassies in Asunción

URUGUAY

- ☉ Al-Said Hassan Mohamed, an Egyptian wanted for an alleged role in a 1997 attack on tourists in Luxor, Egypt, was arrested leaving Brazil through Uruguay in 1999. He is said to have traveled 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 threat" of attacks

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 19 hijackers are thought to have been Saudis
- ☉ Saudi security services have carried out a great number of arrests of suspected supporters of the Saudi-born bin Laden
- ☉ Five Americans were killed when a car bomb exploded outside a military building in Riyadh in 1995; 19 died in a truck-bomb attack the next year

EGYPT

- ☉ Authorities plan to put on trial 259 alleged members of three Islamist groups linked to al-Qaeda. All were arrested before Sept. 11

SUDAN

- ☉ Khartoum was bin Laden's base from 1992 to '95. The U.S. responded to the 1998 embassy bombings with a missile attack on a suspected chemical weapons plant in the capital
- ☉ The government has rounded up 30 "Islamic extremists" since Sept. 11

TIME GRAPHIC BY ED GABEL

RESEARCH BY AMANDA BOWER AND REBECCA WINTERS

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

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

FRANCE

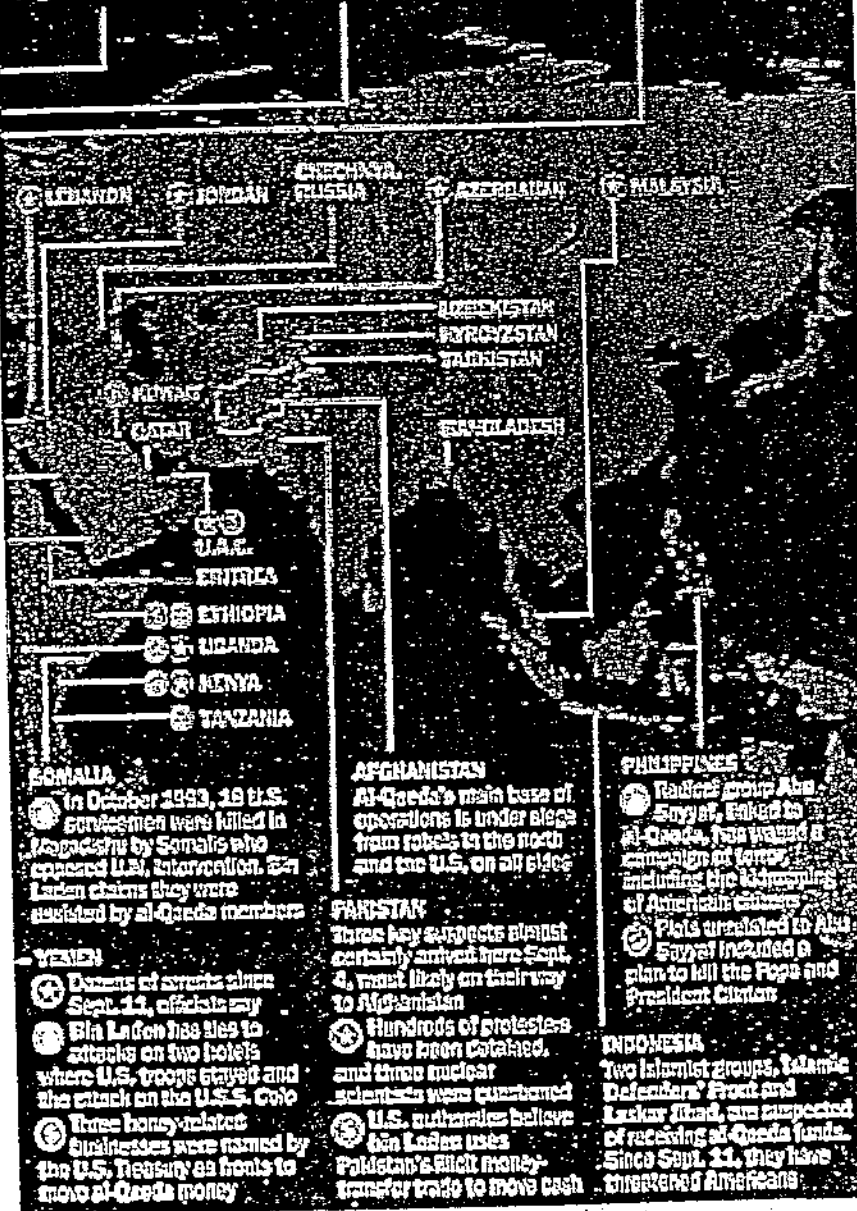
- Eight people are still in custody as part of the so-called Khatul network. Djamel Meghni, first picked up in Dubai, has said he received his orders from bin Laden lieutenant Abu Zubaydah.
- Meghni described a plan to blow up the U.S. embassy in Paris. An earlier plot, uncovered last December, targeted Strasbourg cathedral.

GERMANY

- All-geared 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. These others thought to have helped in the planning of the Sept. 11 attacks are the subject of international arrest warrants.

BOENIA

- NATO 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. paratroopers, 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-Jihad, 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.

**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**

Atef 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. Bensayah Belkacem, 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.

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

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 Hajar 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, Themara Mubarak, 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 Leicester, 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

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.

Alert U.S. Customs agents noticed that Ahmed Ressay was sweating—in winter—while waiting to cross from Canada into the U.S. In his trunk, they found explosives. Ressay 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. *Colé*, 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 attended 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."

Belkacem 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, Bensayah Belkacem, 41, alias Mejd, 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 Belkacem discussed procuring passports. There was more: Belkacem 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

UNCLASSIFIED

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 hard-liners 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

UNCLASSIFIED

UNCLASSIFIED

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

From *Time*, November 12, 2001, pp. 58-68. © 2001 by Time, Inc. Magazine Company. Reprinted by permission.

UNCLASSIFIED

UNCLASSIFIED

Exhibit F(g). Exhibit R-5

UNCLASSIFIED

UNCLASSIFIED

~~FOUO~~

Footnote

BOSNIA AND HERZEGOVINA
FEDERATION OF BOSNIA AND HERZEGOVINA
FEDERAL MINISTRY OF INTERNAL AFFAIRS
SARAJEVO
POLICE ADMINISTRATION

Number: 09-12/5-277
Date: 13-Feb-2002

BIH MINISTRY OF CIVIL AFFAIRS AND COMMUNICATION
Sector for relations with Interpol

SARAJEVO

SUBJECT: ~~REDACTED~~ additional information is being sought -

Reference: Our sus number 09-12/5-277 from 09-Sept-2001, 25-Oct-2001 and 12-Nov-2001 -

We are informing you that in front of the Federation BiH Supreme Court, there are investigations being carried out against 8 individuals and one of which is Bensayah Belkacem, due to criminal acts from article 168. Paragraph 1. Criminal Laws Federation BiH (~~REDACTED~~) in relation with article 20. Paragraph 1. Criminal Laws Federation BiH (~~REDACTED~~)

In our report numbers and reference dates, you were informed that after the individuals arrest, based on orders by the Zenica municipality court, there was a search carried out at the individuals apartment on Gorazdanska 184 in Zenica.

During the search, there was a money transfer document found that is believed to be from BENALLO NABIL, remaining information is unknown. On 24-Sept-2001, he sent money in the amount of \$747.96 from Frankfurt, Germany to Raiffeisen Bank in Sarajevo. Bensayah Belkacem picked the money up the following day. The money was sent by Western Union from Frankfurt and the transfer number is 5271863795.

We are asking you to request from the Interpol General Secretary and German Interpol the following for Benallo Nabil:

- confirmed information on the individuals identity;
- confirm if the individual is being sought after or investigated in Germany or beyond;
- confirm if the German Interpol has any information if the mentioned can be related with any criminal activities or terrorism.

We would also like to ask you, through German Interpol, to confirm, based on the mentioned information, if the transfer of money can be connected with any type of connection for financing terrorism.

With respects!

AK/FB

Temporarily carrying out duties as Director

Dragan Lukac

UNCLASSIFIED

~~FOUO~~

UNCLASSIFIED

Exhibit F(h). Exhibit R-6

UNCLASSIFIED

* The officials said that shortly after Sept. 11, American intelligence agencies, working closely with the government of neighboring Croatia, listened in as Mr. Belkacem and others discussed plans for attacks. The Bosnian police were alerted and quickly arrested Mr. Belkacem and the others.

~~An American official said a search of Mr. Belkacem's home yielded a copy of Mr. Zupavdan's cell phone number in Sarajevo, where he was later reported to be working with Mr. Bin Laden, and several other passports.~~

~~It was also said that the phone number was transferred with Zupavdan and others. The official said the Bosnian government is in a "difficult position."~~

The transfer of Mr. Belkacem and the other prisoners to American custody prompted street protests in Sarajevo last week by hundreds of supporters of the six captives, including several family members who tried to block American military vehicles transporting the men from jail.

A senior United Nations official in Sarajevo said today that the United States and Bosnia had both acted illegally.

"The rule of law was clearly circumvented in this process," the official, Madeleine Rees, the representative in Bosnia of the United Nations high commissioner for human rights, said at a news conference. There was "no legal basis" for the Bosnian government's decision to hand over the men, she said, calling it an "extrajudicial removal from sovereign territory."

Asked whether the United States had pressured the Bosnian government to hand over the six, she said, "The simple answer is, Yes."

THE SCOTSMAN
Sat 19 Jan 2002

printer friendly email article

Search for Bin Laden's network widens

NEW details were emerging last night of a plot to bomb targets in Singapore, including the British High Commission, by extremists linked to the al-Qaeda network.

A ton of explosives dug up in the Philippines, apparently on a tip from the Singaporean authorities, underlined that the plotters were planning in earnest to blow up western embassies.

UNCLASSIFIED//FOR OFFICIAL USE ONLY

Exhibits F(i) to F(v) are withheld in full under 5 U.S.C. § 552(b)(1) and (b)(7) as they contain classified and law enforcement sensitive material.

UNCLASSIFIED

Exhibit F(w).
Supplemental Information
Requested by CSRT

UNCLASSIFIED

UNCLASSIFIED

22 Nov 04

MEMORANDUM

From: Legal Advisor
To: Director, Combatant Status Review Tribunal

Subj: ADDENDUM LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW
TRIBUNAL FOR DETAINEE ISN # 10001

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

Encl: (1) DA WASHINGTON DC 050016Z Mar 02
(2) My E-mail ltr of 15 Oct 04
(3) Col. ~~EE~~ Wilson-Burke memo of 11 Nov 04

1. During a search of the files of another government agency, Combatant Status Review Tribunal personnel discovered new information related to the detention of Detainee ISN 10001. *See enclosure (1).* This information was forwarded to the Tribunal, which was reconvened to review the information. *See enclosure (2).* The Tribunal reconvened, reviewed the information, and found it unpersuasive. Therefore, their prior finding remained unchanged. *See enclosure (3).*

2. In my opinion the supplementary proceedings of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the supplementary proceedings of the Tribunal be approved.


CDR, JAGC, USN

UNCLASSIFIED

Remainder of exhibit withheld in full
under 5 U.S.C. § 552(b)(1) as it contains
classified material.

UNCLASSIFIED

Exhibit G.
Boumediene CSRT Decision
Report:

UNCLASSIFIED

UNCLASSIFIED

Exhibit G(a).
Unclassified Summary of
Basis for Tribunal Decision,
Enclosure (1)

UNCLASSIFIED

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: #6
ISN #: 10005

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 was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or 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 initial session of this Tribunal was held on 27 September 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence (Exhibit R-1) indicates, among other things, that the detainee is a supporter of Al Qaida and has on multiple occasions provided subsistence to Bensayah Belkacem, a known Al Qaida operative. The Unclassified Summary of Evidence also indicates the detainee admitted retaining and financing legal representation for a known Al Qaida operative after that operative's arrest for terrorist activities. The Recorder called no witnesses.

The detainee chose not to attend the Tribunal as reflected in the Detainee Election Form (Exhibit D-A), and the Personal Representative presented no evidence and called no witnesses.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-14. The Personal Representative presented no classified evidence, and neither the Recorder nor the Personal Representative commented on the classified exhibits. After the Tribunal read all of the classified exhibits, the Tribunal requested additional information and recessed until the Recorder could obtain it.

The Tribunal reconvened on 1 October 2004. In response to the Tribunal's request, the Recorder offered into evidence additional classified Exhibits R-15 through R-24 after giving the Personal Representative an opportunity to review the documents. Neither the Recorder nor the Personal Representative had any comments on the additional

documents. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-24 and D-A.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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, the FBI redaction certification, provided no usable evidence. Accordingly, the Tribunal had to look to the classified exhibits for support of the Unclassified Summary of Evidence. 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 chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

UNCLASSIFIED//~~FOUO~~

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-A.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #10005
Enclosure (1)
Page 3 of 3

UNCLASSIFIED

Exhibit G(b).
Classified Summary of Basis
for Tribunal Decision,
Enclosure (2)

UNCLASSIFIED

Exhibit withheld in full under
5 U.S.C. § 552(b)(1) as it contains
classified material.

UNCLASSIFIED

Exhibit G(c). Exhibit R-1

UNCLASSIFIED

UNCLASSIFIED

Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (21 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal BOUMEDIENE, Lakhdar.

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 an al Qaida supporter.
 - a. The detainee is a supporter of al Qaida:
 1. The detainee is a native of Algeria who, since 1990, has repeatedly traveled to hotspots of regional conflict throughout the Middle East and Eastern Europe.
 2. The detainee has on multiple occasions provided subsistence to Bensayah Belkacem.
 3. Bensayah Belkacem is a known al Qaida operative.
 4. The detainee has given conflicting statements as to the nature of his association with Belkacem.
 5. The detainee admitted retaining and financing legal representation for a known al Qaida operative after that operative's arrest for terrorist activities.
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.

UNCLASSIFIED

Exhibit RI

UNCLASSIFIED

Exhibit G(d). Exhibit R-2

UNCLASSIFIED

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/17/2004
Office of Administrative Review
for Detained Enemy Combatants,
Col. [REDACTED] OIC, CSRT

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN US9AG-010005DP

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 10005 have
been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 02/18/2002
FD-302 dated 03/07/2002
FD-302 dated 05/03/2002

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

²See Executive Order 12958

pg 1 of 2

UNCLASSIFIED

UNCLASSIFIED
UNCLASSIFIED

Memorandum from [REDACTED]
Re: REQUEST FOR REDACTION, 09/17/2004

If you need additional assistance, please contact Assistant
General Counsel [REDACTED]
[REDACTED]

pg 2 of 2

UNCLASSIFIED
UNCLASSIFIED

Exhibits G(e) to G(z) are withheld in full under 5 U.S.C. § 552(b)(1) and (b)(7) as they contain classified and law enforcement sensitive material.

UNCLASSIFIED

Exhibit H.
Nechla CSRT Decision
Report:

UNCLASSIFIED

UNCLASSIFIED

Exhibit H(a).
Unclassified Summary of
Basis for Tribunal Decision,
Enclosure (1)

UNCLASSIFIED

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #13
ISN #: 10003

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 of, or affiliated with, 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 evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida. The Detainee is a suspected terrorist with ties to the Algerian Armed Islamic Group (GIA) and is suspected of having links to al Qaida. The Detainee is a former employee of the Red Crescent Society and attended meetings in Sarajevo for Algerians working for non-government organizations in Bosnia. The Detainee is an associate of a known al Qaida operative in Bosnia. The Detainee is also known as Sharfuldin or Sharuldin. The Detainee chose to participate in the Tribunal process. He called four witnesses, one of whom was found to be not reasonably available. The Detainee did not request any documents be produced, and made a sworn verbal statement. The Tribunal President found 3 of the requested witnesses reasonably available. With regard to the witness found not reasonably available, the Tribunal President also found that alternative means of producing the witness's testimony were also not reasonably available, in that the requested witness could not be located by the U.S. Department of State in time for the Tribunal. The Detainee, in his verbal statement, denied being a terrorist, associated with al Qaida and a member of GIA. The witnesses called by the Detainee testified that the Detainee was not a terrorist, but rather was an upright man who worked with orphans in Bosnia through the Red Crescent organization. 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 R-1 through R-33.

b. Testimony of the following persons:

1. Mustafa Ait Idr (ISN 10004)
2. Lakhdar Boumediene (ISN 10005)
3. Boudella al Hajj (ISN 10006)

c. Sworn statement of the Detainee.

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

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Mustafa Ait Idr	reasonably available	yes
Lakhdar Boumediene	reasonably available	yes
Boudella al Hajj	reasonably available	yes
Mohmoud Sayed Yousef	not reasonably available	no

Mohmoud Sayed Yousef was proffered by the Detainee as the Detainee's supervisor in the Red Crescent in Bosnia who would testify, if called, to the Detainee's work with the Red Crescent, the Detainee's good character and that he had no knowledge of any association by the Detainee with any terrorist organizations. While determined to be relevant, the Tribunal President found that the witness was not reasonably available in that after a period of reasonable diligence the Department of State could not locate the witness in Bosnia or in any other location based on the limited information and identifiers provided by the Detainee to locate the witness.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1, R-2 and R-3 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 contains an affidavit of the Detainee's wife, Badra Baouche, submitted in the habeas corpus proceedings pending in the United States District Court for the District of Columbia seeking the release of the Detainee and Lakhdar Boumediene (ISN 10005). Badra Baouche averred that the Detainee was an employee of the Red Crescent in Bosnia, was wrongly accused but

released by Bosnian authorities and then abducted by American agents, and is not a terrorist. Exhibit R-3 purports to be a Petition for a Writ of Habeas Corpus seeking the release of the Detainee and Lakdar Boumediene. The copy presented to the Tribunal does not bear a docket number and is unsigned, but is dated 08 July 2004. Exhibit R-3 appears to be based on the affidavit of the Detainee's wife and other sources and sets forth legal arguments supporting the issuance of the writ. The Tribunal noted the allegations contained in the Petition but did not find them persuasive to the question of the Detainee's status as an enemy combatant. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence and to provide further light on the allegations contained in the writ pleadings.

b. The Tribunal also considered the Detainee's sworn testimony and the sworn testimony provided by the three detainee witnesses. A summarized transcript of the Detainee's sworn testimony and the sworn testimony of the witnesses is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee and the witnesses testified as follows:

(1) The Detainee: The Detainee appreciated the opportunity to address the allegations and the freedom to speak to the Tribunal and defend himself. The Detainee stated the reason he is being held in Cuba is because of charges brought against him in Bosnia related to an intent to plan an attack on the US Embassy. He was in prison in Bosnia for 3 months; that he was the victim of a political game without any intention to carry out an attack on the US Embassy; that if there were any truth to these allegations he would not have been taken by the Bosnians but would have been taken directly by the Americans and that this is proof of a political game. After 3 months in prison, Bosnia TV aired the fact that he was found innocent in the Bosnian court and to live free without conditions. The Detainee claimed that the acquittal was in his pocket when he was arrested; that he was surprised to be taken by the Americans; that his hands and feet were bound and he received the worst treatment of his life being without food, water and sleep for 36 hours. Since he's been in Cuba for 3 years, no one has ever asked him about the US Embassy. The Detainee maintains that he has cooperated with interrogators and has discussed the charity organizations but now finds himself faced with the strange accusation that he is al Qaida. He states that he only knows about al Qaida through the media and that it is an organization that kills innocent people. The Detainee believes that Islam is innocent of such acts and that he has lived his life as a good person as he was brought up by his father and that his heart doesn't allow for hatred; that his business was taking care of orphans. He stated that since over 70% of al Qaida has been caught, why can't any of them identify him. He believes that GIA is a terrorist group and if he were a member of that group, the Algerian government would know it and that the Algerian government told the Bosnia government that Algeria did not have him as a terrorist in Algeria. The Detainee stated that he worked for the Red Crescent; that it is not an NGO; that he worked outside of Sarajevo; that he met many people who worked in Red Crescent who can say what he did; that Sharfuldin is his other name and it is normal to have other names. Finally, the Detainee asserted his innocence in terrorism and that he has been wrongly accused.

The Tribunal President inquired about the alleged mistreatment of the Detainee after he came into US custody. The Detainee stated that it was harsh but that he wanted to just let it go; that his treatment and the conditions have become better in the last year and that he was ill when he first arrived in Cuba and received some treatment but that his condition was untreated for some time after he arrived. The Tribunal President noted these statements for the record and caused a report of these allegations to be made through the chain of command.

(2) Mustafa Ait Idir: This witness stated that he would speak for the Detainee if the Detainee wanted him to, but that his lawyer said he should not speak to a tribunal. The Detainee asked the witness to testify for him and the witness agreed. The witness testified that he knows the Detainee like he knows his own pocket; that he knows his wife and children and that if the Detainee has anything to do with terrorists then the witness is a terrorist himself; and that if the Detainee were sentenced for terrorism then the witness would stay with him. The witness stated that he never knew the Detainee to be a member of GIA or involved in terrorism in any way; that he has know the Detainee since 1995 or 1996 and that he knows him as well as he knows his own wife and kids.

(3) Lakhdar Boumediene: This witness testified that the allegations that the Detainee is associated with al Qaida, the GIA and terrorists are all lies; that he has known the Detainee since they were in Albania and has never known him to be a terrorist; that he and the Detainee worked together in the Red Crescent in Bosnia; that he has known him since 1994.

(4) Boudella al Hajj: This witness testified that he would tell the truth about the Detainee and stated that all the accusations were false; that the Detainee is not a terrorist and is not part of GIA; that all he has ever know about the Detainee were good things since he met the Detainee in 1997; that the Detainee is concerned about his family and work and never broke the law; that if the Detainee is a terrorist then the witness is a terrorist too.

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:

UNCLASSIFIED//~~FOUO~~

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. He actively participated in the proceedings, provided his own testimony and examined the witnesses called by him.

c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #10003
Enclosure (1)
Page 5 of 5

UNCLASSIFIED

Exhibit H(b).
Classified Summary of Basis
for Tribunal Decision,
Enclosure (2)

UNCLASSIFIED

Exhibit withheld in full under
5 U.S.C. § 552(b)(1) as it contains
classified material.

UNCLASSIFIED

Exhibit H(c). Exhibit R-1

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – NECHLE, Mohammed.

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 associated with al Qaida.

The detainee is associated with al Qaida:

1. Detainee is a suspected terrorist with ties to the Algerian armed Islamic group (GIA) and is suspected of having links to al Qaida.
 2. Detainee is a former employee of the Red Crescent Society and attended meetings in Sarajevo for Algerians working for non-government organizations in Bosnia.
 3. The detainee is an associate of a known al Qaida operative in Bosnia.
 4. The detainee is also known as Sharfuldin or Sharuldin.
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.

UNCLASSIFIED

Exhibit H(d). Exhibit R-2

UNCLASSIFIED

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE,)
 Detainee, Camp Delta;)
)
ABASSIA BOUADJMI,)
 as Next Friend of)
 Lakhdar Boumediene;)
)
MOHAMMED NECHLA,)
 Detainee, Camp Delta;)
)
BADRA BAUCHE,)
 as Next Friend of Mohammed Nechla,)
)
)
 Petitioners,)

v.)

GEORGE WALKER BUSH,)
 President of the United States)
 The White House)
 1600 Pennsylvania Ave., N.W.)
 Washington, D.C. 20500)

AFFIDAVIT OF
STEPHEN H. OLESKEY

DONALD RUMSFELD,)
 Secretary, United States)
 Department of Defense)
 1000 Defense Pentagon)
 Washington, D.C. 20301-1000)

ARMY BRIG. GEN. JAY HOOD,)
 Commander, Joint Task Force - GTMO)
 Guantánamo Bay Naval Base, Cuba)
 c/o United States Army,)
 Army Pentagon)
 Washington, DC 20310-0200)

ARMY COL. NELSON J. CANNON,)
 Commander, Camp Delta,)
 Guantánamo Bay Naval Base, Cuba)
 c/o United States Army,)
 Army Pentagon)
 Washington, DC 20310-0200)

UNCLASSIFIED

AFFIDAVIT OF ABASSIA BOUADJMI

I, ABASSIA BOUADJMI, resident of 100 Logement Bloc/5, Portc/67, Mascara 29200, Algeria, being duly sworn, depose and state as follows:

1. I am the wife of Lakhdar Boumediene. He is being held in Guantanamo Bay.
2. My husband is an Algerian citizen.
3. I married my husband in October 1995, in Albania, where he was working with the Red Cross (Red Crescent) of the Emirate of Abu-Dhabi.
4. I have two children. My children and I have had to live with my parents for the past while, because my husband is not there to help take care of the family. This has been very difficult on the whole family.
5. After we spent two years in Albania, he was moved to Bosnia-Herzegovina to work there instead, with the same organization. He worked continually in that job for the next four years until his arrest and subsequent abduction.
6. My husband was arrested in Bosnia on October 20, 2001. He spent three months in prison. At that point, the Bosnian court ordered his release.
7. However, even though he had been declared innocent, and ordered freed, my husband was simply abducted -illegally- by American agents.
8. Since that time, apparently my husband has been held in Guantanamo Bay.
9. I have not been able to find out why he is being held. I know that my husband is innocent of any terrorism. My husband is opposed to violent acts of all kinds, and is a peaceful person. He never showed any kind of hatred towards the Americans.
10. I know that my husband would want me to take all steps possible to help secure his release and I therefore wish that *Justice in Exile* and the *Center for Constitutional Rights* take all legal steps possible in my interest and the interest of my husband.

Sworn to by the deponent on this ___ day of June, 2004.



 ABASSIA BOUADJMI

06-29-04P03:36 RCVD

UNCLASSIFIED

page 2 of 5

UNCLASSIFIED

Miss boumediene abassia
Cite 100 LOGEMENT
BLOC/5, PORTE/67
MASCARA 29200 ALGERIA

Guantanamo
FILE COPY
7/2/03
Stewart

SIR CLIVE STAFFORD SMITHE
24/06/2004
DEAR SIR.

MY HUSBAND,S CASE JAILED IN GUANTANAM

I WOULD LIKE TO EXPOSE MY CASE TO YOU AFTER MY HUSBAND HAD BEEN ARRESTED

HE IS NOW IN GUANTANAMO, HE IS NAMED BOUMEDIENE LAKHIDAR LET ME INFORM YOU THAT WE GOT MARRIED ON OCTOBER 1995 IN ALBANIA WHERE HE WAS DEVELLING AYEAR BEFORE . HE WAS WORKING FOR THE RED CROSS FOR THE EMIRAT OF ABU-DHABI AFTER WE HAD SPENT 2YEARS IN ALBANIA WE WENT TO BOSNIA HERZEGOVINA. HE HAD THE SAME JOB AS IN ALBANIA I MEAN HE WAS WORKING FOR THE RED CROSS FROM 1997 TELL THE DATE OF HIS ARREST BY AMERICANE AGENTS 2 0/10/2001 AFTER HE SPENT 03 MONTHS IN PRISON IN BCSNIA. THE COURT OF JUSTICE OF BOSNIA SENTENCED HIM INNOCENT. AFTER BEING ARRESTES BY THE AMERICAN AGENTS HE WAS TRANSFERED TO GUANTANAMO IN SPITE OF THE JUSTICEDECISION ROHICH DECLARED HIM INNOCENT OF THE ACCUSAL OF BELOUGING TO A TERRORIST GROUP PREPARRING ATTKAS AGAINST THE AMERICAN EMBASSY IN BOSNIA SINCE THEN, HE IS TREATED AS ALL PRISONNENS WITHANT BEING ABLE TO HAVE A LAW YER NEITHER RIGHT OF BEING JUDGED. EVEN THE MAIL STOPPED SINCE AUGUST 2003.

WITH MY TWO DAUGHTERS WE HAVE BEEN AT MY PARENTS HOME WITHANT ANY RESOURCES TO SATISFY THE NEED OF MY CHILDREN.

I WOULD BE GREATLY GRATEFUL TO YOU IF YOU COULD PROWDE ME WITH AHE EPEING HAND. TO FREE MY HUSBAND WHO NEVER COMMITED A TERROREST ACT AND WHO HATES THAT A PERSON KILLED ANOTHER PERSON FOR ANY REASON. MY HUSBAND IS APLACEFUL PERESON WHO NEVER SHOWED ANY KIND OF HATE OR DISISE AGAINST THE AMEFICAN.

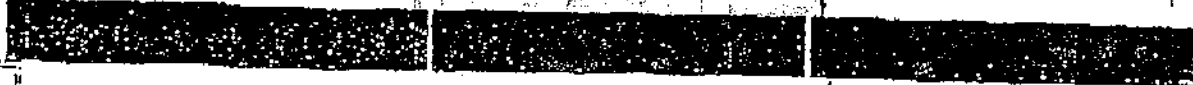
I AMVERY CONDIENT AND I TRUST YOU COULD BE ABLE TO FIND SOLUTION TO MY SITUATIOPN.

AWAITING FOR AN ANSWER FROM YOU RECEIVE MY BEST REGARDS.

ABASSIA BOUMEDIENE

UNCLASSIFIED
UNCLASSIFIED

UNCLASSIFIED



AFFIDAVIT OF RADRA BAUCHE

I, RADRA BAUCHE, being duly sworn, depose and state as follows:

1. I am the wife of Mohammed Nedja. He is being held in Guantanamo Bay.
2. My husband was born on the 2nd of April, 1968. He is an Algerian citizen.
3. My husband is a tall man with black hair, and black eyes. He has blond marks on his cheeks.
4. My husband is originally from Lighouat, Algeria.
5. My husband worked for the Red Crescent (the equivalent of the Red Cross) of the United Arab Emirates. He worked for three years in Albania, and five years in Bosnia. His job was to help orphans.
6. We lived in Bihartch, which is about 600 km from Sarajevo, for five years. He would only go to Sarajevo when asked to do so professionally by his boss, and he would stay about three months there when he would go.
7. We were in Bihartch on October 19, 2001, at approximately 6 p.m. The police came and took my husband. They did not tell us what they were looking for. They held him, interrogating him, for 24 hours.
8. There was an inquiry that lasted three months, they were judged innocent of any wrongdoing by the High Court in Bosnia Herzegovina. My husband was ordered released.
9. However, at the time he was to be freed, my husband was simply abducted all entirely illegally all by American agents. This happened when I, along with others, was waiting for him to be freed, along with others who had apparently been falsely accused.
10. Since that time, apparently my husband has been held in Guantanamo Bay. Despite our efforts, we have not been able to find out why he is being held. I know that my husband is innocent of any terrorism.
11. I know that my husband would want me to take all steps possible to help secure his release.

UNCLASSIFIED
UNCLASSIFIED

UNCLASSIFIED Guantanamo FILE COPY
OKSS

06-24-04A09:38 RQVD

Dear Sir,

Husband's name is : NECHLA Mohammed
Date of birth : April, 2nd, 1968
Place of birth : Laghouat, Algeria

He worked for: The Red Crescent of the United Arab Emirates (U.A.E).
He worked for five years in Bosnia and three years in Albania.
He was a responsible of the orphans.

We lived in a city named Bihartch which is 600 km far from Sarajevo:
My husband went to Sarajevo only when his boss asked him and just for professional purposes. Each time he stayed three months there. We lived in Bihartch for five years till October 19th 2001 at 6: PM. The police came home to look for I don not know what my husband had been taken into another room alone he was asked many questions I don't know about what. The investigations lasted til. 24 h. My husband had been taken by the police that night without knowing the real reasons for his arrest, two others Algerians were accused of committing acts against the U.S.A. embassy and Great Britain Embassy in Bosnia.

They were judged by the High Court of Bosnia Herzegovina. After an inquiry they were debarred innocent and were released after three months of jail.
After they had been released from prison they were kidnapped by Americans agents thought the court of justice had declared them innocent. The kidnapping happened next to the prison where we were waiting welcome my husband and other prisoners.

My husband is a tall man with black hair and black eyes. He has blond points (marks) on his cheek and a full stop.
He is now imprisoned in Guant Anamo.
We don't know why. My husband is innocent of committing terrorist acts against any country of the world
We got married on May 20th in Laghouat, Algeria.

BAUCHE BADRA
AB

UNCLASSIFIED

Exhibit H(e). Exhibit R-3

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE,
Detainee, Camp Delta;

ABASSIA BOUADJMI,
as Next Friend of
Lakhdar Boumediene;

MOHAMMED NECHLA,
Detainee, Camp Delta;

BADRA BAUCHE,
as Next Friend of Mohammed Nechla,

Petitioners,

v.

GEORGE WALKER BUSH,
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

DONALD RUMSFELD,
Secretary, United States
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

ARMY BRIG. GEN. JAY HOOD,
Commander, Joint Task Force - GTMO
Guantánamo Bay Naval Base, Cuba
c/o United States Army,
Army Pentagon
Washington, DC 20310-0200

ARMY COL. NELSON J. CANNON,
Commander, Camp Delta,
Guantánamo Bay Naval Base, Cuba,
c/o United States Army,
Army Pentagon
Washington, DC 20310-0200

PETITION FOR A WRIT
OF HABEAS CORPUS

No. _____

(continued on next page)

Respondents,)
)
All sued in their official)
and individual capacities.)

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioners Lakhdar Boumediene and Mohammed Nechla seek the Writ of Habeas Corpus. Mr. Boumediene acts on his own behalf and through his Next Friend, Ms. Abassia Bouadjmi, his wife. Mr. Nechla acts on his own behalf and through his Next Friend, Ms. Badra Baouche, his wife. Petitioners Boumediene and Nechla (the "Detained Petitioners") are citizens of Algeria being held *incommunicado* in Respondents' unlawful custody in Delta Camp, Guantánamo Bay Naval Station, Cuba ("Guantánamo Bay").

I. JURISDICTION

2. Petitioners bring this action pursuant to 28 U.S.C. §§ 2241 and 2242. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1651, 2201, and 2202; 5 U.S.C. § 702; as well as the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, and customary international law. Insofar as they seek declaratory relief, Petitioners also rely on Fed. R. Civ. P. 57.

3. This Court has authority under 28 U.S.C. § 2241 to grant the Writ of Habeas Corpus. This Court has authority under 28 U.S.C. § 2242 to entertain the petition filed on Mr. Boumediene's behalf by Ms. Bouadjmi as his Next Friend, and on Mr. Nechla's behalf by Ms. Baouche, as his Next Friend. Pursuant to 28 U.S.C. § 2201 this Court has authority to declare the rights and other legal relations of the parties herein, and under 28 U.S.C. § 2202 to effectuate and enforce declaratory relief by all necessary and proper means, as this case involves an actual controversy within the Court's jurisdiction.

UNCLASSIFIED

II. VENUE

4. Venue is proper in the United States District Court for the District of Columbia, since at least one Respondent resides in the district, a substantial part of the events or omissions giving rise to the claim occurred in the district, at least one Respondent may be found in the district, and all Respondents are either officers or employees of the United States or any agency thereof acting in their official capacities. See 28 U.S.C. §§ 1391(b); 1391(e).

III. THE PARTIES

A. Lakhdar Boumediene

5. Petitioner Lakhdar Boumediene is an Algerian citizen incarcerated and held in Respondents' unlawful custody at Camp Delta, Guantánamo Bay. See Exhibit A, Affidavit of Abassia Bouadjmi, incorporated by reference herein, attached to Affidavit of Stephen H. Oleskey, Esq. ("Bouadjmi Aff.").
6. Petitioner Abassia Bouadjmi is the wife of Petitioner Boumediene. (Bouadjmi Aff. ¶¶ 1-2.) They were married in Albania in October, 1995. (*Id.* ¶ 3.) They have two children together. (*Id.* ¶ 4.) Since Mr. Boumediene has been detained, Ms. Bouadjmi and the children have faced many difficulties. (*Id.*) She seeks to act as his Next Friend by bringing this Petition.

B. Mohammed Nechla

7. Petitioner Mohammed Nechla is an Algerian citizen presently incarcerated and held in respondents' unlawful custody at Camp Delta, Guantánamo Bay. See Exhibit B, Affidavit of Badra Bouche and attachments thereto, incorporated by reference herein, and attached to Affidavit of Stephen H. Oleskey, Esq. ("Bouche Aff.").
8. Petitioner Badra Bouche is the wife of petitioner Mohammed Nechla. (Bouche Aff ¶ 1.) She seeks to act as his Next Friend by bringing this Petition.

C. Respondents

9. Respondent George W. Bush is the President of the United States and Commander in Chief of the Armed Forces of the United States. Mr. Boumediene and Mr. Nechla are being detained

UNCLASSIFIED

UNCLASSIFIED

pursuant to the Executive Order promulgated by him on November 13, 2001, *see Exhibit C*, Order on Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism, November 13, 2001, attached to Affidavit of Stephen H. Oleskey ("Detention Order"), or alternatively, under his authority as Commander in Chief and under the laws and usages of war. Accordingly, Respondent Bush is responsible for Petitioners' unlawful detention. He is sued in both his official and personal capacities.

10. Respondent Rumsfeld is the Secretary of the United States Department of Defense. Pursuant to either the Detention Order or the President's authority as Commander in Chief and under the laws and usages of war, Respondent Rumsfeld has been charged with maintaining the custody and control of the Detained Petitioners. He is sued in both his official and personal capacities.
11. Respondent Hood is the Commander of Joint Task Force-GTMO, which operates the detention facilities at Guantánamo Bay. He has supervisory responsibility for the Detained Petitioners and is sued in both his official and personal capacities.
12. Respondent Cannon is the Commander of Camp Delta at Guantánamo Bay. He is the custodian immediately responsible for their detention, and is sued in both his official and personal capacities.

IV. STATEMENT OF FACTS

A. Petitioners' Detention

13. The Detained Petitioners are not, nor have they ever been, enemy aliens, lawful or unlawful belligerents, or combatants in any context involving the citizens, government or armed forces of the United States.
14. The Detained Petitioners are not, nor have they ever been, "enemy combatants," who were "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in an armed conflict against the United States there," *see Hamdi et al. v. Rumsfeld, Secretary of Defense, et al.*, No. 03-6696, slip op. at 8-9 (June 28, 2004) (internal quotations omitted), or anywhere.
15. Petitioners seek a judicial determination of the adequacy of the Respondents' determination

UNCLASSIFIED

UNCLASSIFIED

that the Detained Petitioners are "enemy combatants."

16. Until shortly before Respondents unlawfully detained him, Petitioner Boumediene had worked for the Red Crescent of the Emirate of Abu-Dhabi since at least 1995. (Bouadjmi Aff. ¶ 3.) The Red Crescent is the arm of the International Federation of Red Cross and Red Crescent Societies, which operates in Islamic countries. See International Federation of Red Cross and Crescent Societies available at <http://www.ifrc.org/who/movement.asp>. In October 2001, at the time of his arrest and detention in Bosnia and Herzegovina ("Bosnia"), Mr. Boumediene had been living and working there for four years. (Bouadjmi Aff. at ¶¶ 5, 6.)
17. Following his arrest, Mr. Boumediene was held in pre-trial detention in Bosnia for three months, but was then ordered released from confinement on January 17, 2002, by the investigating judge of the Supreme Court of Bosnia and Herzegovina, who had determined there were no further reasons or circumstances upon which pre-trial detention could be ordered. See *Boudellaa, et al. v. Bosnia and Herzegovina, et al.*, Nos. CH/02/8679; CH/02/8689; CH/02/8690; CH/02/8691, H.R. Chamber for Bosnia and Herzegovina, at ¶ 53 (Oct. 11, 2002). See Exhibit D to Affidavit of Stephen Oleskey, Esq. [hereinafter "H.R. Chamber Decision"].
18. Contrary to the judge's Order, however, Mr. Boumediene was not released, and instead was immediately taken into custody by the Federation Police of Bosnia and Herzegovina under the authority of the Federal Ministry of Interior. *Id.* at ¶ 55. These forces, and forces of the Ministry of the Interior of Sarajevo Canton, then handed over Mr. Boumediene to U.S. forces at 6:00 a.m. on January 18, 2002. *Id.* United States forces then flew Mr. Boumediene out of Bosnia and delivered him to what was then called Camp X-Ray at Guantánamo Bay. *Id.* Ms. Bouadjmi has not been able to learn since that time why her husband is being held. (Bouadjmi Aff. at ¶ 9.)
19. When he originally was detained, Petitioner Nechla, like Petitioner Boumediene, worked for the United Arab Emirates' Society of the Red Crescent. (Baouche Aff. ¶ 5.) He worked as an aid worker, helping orphans. (*Id.*) Mr. Nechla and Ms. Baouche had lived in Bihartch, Bosnia, for approximately five years. (*Id.* at ¶ 6.)

UNCLASSIFIED

UNCLASSIFIED

20. On October 19, 2001, Mr. Nechla was arrested by police in Bihartch, Bosnia. (Baouche Aff. ¶ 7.) He was held and interrogated for approximately twenty-four hours. (*Id.*) Mr. Nechla was then held in pre-trial confinement for three months, but then ordered released on January 17, 2002 by the investigative judge of the Supreme Court of Bosnia and Herzegovina, also on the ground that there were no further reasons or circumstances upon which pre-trial detention could be ordered. *See* H.R. Chamber Decision at ¶ 53. Like Petitioner Boumediene and in the same fashion, Mr. Nechla was delivered on January 18, 2002 to U.S. forces in Bosnia who transported him to Guantánamo Bay. (*Id.* ¶57.)

21. In the wake of the September 11, 2001 terrorist attacks, the United States, at the direction of Respondent Bush, began a massive military campaign against the Taliban government, then in power in Afghanistan. On September 18, 2001, a Joint Resolution of Congress authorized Respondent Bush to use force against the "nations, organizations, or persons" that "planned, authorized, committed, or aided the terrorist attacks on September 11, 2001, or [that] harbored such organizations or persons." Authorization for Use of Military Force, Pub. L. 107-40, 115 Stat. 224 (Sept. 18, 2001).

22. On November 13, 2001, Respondent Bush issued an Executive Order authorizing indefinite detention without due process of law (the "Detention Order" referenced top of page 4). The Detention Order authorizes Respondent Rumsfeld to detain anyone Respondent Bush has "reason to believe":

- i. is or was a member of the organization known as al Qaeda;
- ii. has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or
- iii. has knowingly harbored one or more individuals described in subparagraphs (i) and (ii).

See Exhibit D to Oleskey Affidavit. Respondent Bush must make this determination in writing. The Detention Order was neither authorized nor directed by Congress, and is beyond the scope

UNCLASSIFIED

UNCLASSIFIED

of the Joint Resolution of September 18, 2001.

23. On information and belief, at the time of their detention, Mr. Boumediene and Mr. Nechla were (i) not members of the al Qaeda terrorist network; (ii) had not caused any harm to American personnel or property; and (iii) had no involvement in either the terrorist attacks of September 11, 2001, or any act of international terrorism attributed by the United States to al Qaeda or any terrorist group. They are not properly subject to the Detention Order issued by Respondent Bush. As they did not participate in any armed conflict involving the United States or its coalition allies, they are not properly subject to the Executive's authority as Commander in Chief and under the laws and usages of war.
24. Neither Mr. Boumediene nor Mr. Nechla was in or near Afghanistan, or any other theater of war, at the time of their unlawful detention on January 18, 2002.
25. Because of the circumstances surrounding their seizure and detention, it is not possible to state whether the Detained Petitioners promptly identified themselves by their correct names and nationality to the forces of the United States, or whether they requested that the United States provide them with access to their families and to legal counsel. On information and belief, Mr. Boumediene and Mr. Nechla were both kept blindfolded against their wills for lengthy periods while being taken involuntarily to Guantánamo Bay; have been or will be interrogated repeatedly there by agents of the United States Departments of Defense and Justice, though they have not been charged with any offense or been notified of any pending or contemplated charges; have made no appearance before either a military or civilian tribunal of any sort, or been provided counsel or the means to contact counsel; and have not been informed of their rights under the United States Constitution, the regulations of the United States Military, the Geneva Convention, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, or customary international law. Indeed, press reports indicate Respondents have publicly taken the position that Guantánamo detainees should not be told of such rights. As a result, absent action by this Court, the Detained Petitioners are completely unable either to protect, or to vindicate their rights under domestic

UNCLASSIFIED

UNCLASSIFIED

and international law.

UNCLASSIFIED

UNCLASSIFIED

B. The Detention Order

26. The Detention Order seeks to vest Respondent Bush with unfettered discretion to identify the individuals that fall within its scope. It establishes no standards governing his discretion. The Detention Order contains no provision requiring notice to a person detained of the charges he may face. On the contrary, the Detention Order purports to authorize that detainees be held without charges. It contains no provision requiring that detainees receive notice of their rights under domestic and international law, and provides neither the right to counsel, nor the right to consular access. It provides no right to appear before a neutral tribunal to review the legality of a detainee's continued detention and does not provide for appeal to an Article III court. In fact, the Detention Order seeks expressly to bar review by any court. The Detention Order purports to authorize indefinite and unreviewable detention, based on nothing more than Respondent Bush's written determination that an individual is subject to its terms.
27. The Detention Order was promulgated in this judicial district, the decision to detain Petitioners was made by Respondents in this judicial district, the decision to detain the Petitioners at Guantánamo Bay was made in this judicial district, and the decision to continue detaining the Petitioners was, and is, being made by Respondents and in this judicial district.
28. On information and belief, Respondent Bush has never certified or determined, in writing or otherwise, that the Detained Petitioners are subject to this Detention Order.
29. The Detained Petitioners are not properly subject to the Detention Order.
30. In a related case, Respondents have contended that the Petitioners in that case are being detained not pursuant to the Detention Order but rather under the authority of Respondent Bush as Commander in Chief and under the laws and usages of war. *See Rasul v. Bush*, 215 F. Supp. 2d 55 (D.D.C. 2002). However, unlike the petitioner in *Rasul*, the Detained Petitioners in this matter were not arrested or detained by the United States in the course of an armed conflict.

C. Guantánamo Bay Naval Base

31. On or about January 11, 2002, the United States military began transporting prisoners captured

UNCLASSIFIED

UNCLASSIFIED

in Afghanistan to Camp X-Ray, at Guantánamo Bay. In April 2002, all prisoners, including the Detained Petitioners, were transferred to a more permanent prison facility at Camp Delta. Guantánamo Bay is a self-sufficient and essentially permanent city with approximately 7,000 military and civilian residents under the complete jurisdiction and control of the United States. Guantánamo Bay occupies nearly thirty-one square miles of land, an area larger than Manhattan, and nearly half the size of the District of Columbia. Offenses committed by both civilians and foreign nationals living at Guantánamo Bay are brought before federal courts on the mainland, where Respondents enjoy the full panoply of Constitutional rights. In *Rasul v. Bush*, decided on June 28, 2004, the U.S. Supreme Court held that the habeas statute §§ 2241-2243, App. 19, confers a right to judicial review of the legality of an indefinite Executive detention of aliens such as these Petitioners at Guantánamo Bay, a territory over which the United States exercises plenary and exclusive jurisdiction but not "ultimate sovereignty." *Rasul v. Bush*, Nos. 03-334, 03-343, slip op. at 15-16 (June 28, 2004).

V. CAUSES OF ACTION

FIRST CLAIM FOR RELIEF (DUE PROCESS - FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION)

32. Petitioners incorporate paragraphs 1-31 by reference as if fully set forth herein.
33. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the Fifth Amendment to the United States Constitution. Respondent Bush has ordered the prolonged, indefinite, and arbitrary detention of the Detained Petitioners, without Due Process of Law. Respondents Rumsfeld, Hood, and Cannon are likewise acting in violation of the Fifth Amendment, since they act at the direction of Respondent Bush. The Detention Order violates the Fifth Amendment.

UNCLASSIFIED

UNCLASSIFIED

SECOND CLAIM FOR RELIEF
(DUE PROCESS - FIFTH AMENDMENT
TO THE UNITED STATES CONSTITUTION)

34. Petitioners incorporate paragraphs 1 - 33 by reference as if fully set forth herein.
35. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the right of the Detained Petitioners to be free from arbitrary, prolonged, and indefinite detention, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution. The Detention Order, as applied to Petitioners, violates the Fifth Amendment.

THIRD CLAIM FOR RELIEF
(DUE PROCESS - INTERNATIONAL LAW)

36. Petitioners incorporate paragraphs 1 - 35 by reference as if fully set forth herein.
37. By the actions described above, Respondents, acting under color of law, have violated and continue to violate customary international law, Arts. 9 and 14 of the International Covenant on Civil and Political Rights, and Arts. XXVIII, XXV, and XXVI of the American Declaration on the Rights and Duties of Man. Respondent Bush has ordered the prolonged, indefinite, and arbitrary detention of the Detained Petitioners, without legal process, in violation of binding obligations of the United States under international law. Respondents Rumsfeld, Hood, and Cannon are likewise acting in violation of international law, since they act at the President's direction. On its face, the Detention Order violates international law.

FOURTH CLAIM FOR RELIEF
(DUE PROCESS - INTERNATIONAL LAW)

38. Petitioners incorporate paragraphs 1 - 37 by reference as if fully set forth herein.
39. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the right of the Detained Petitioners to be free from arbitrary, prolonged, and indefinite detention, in violation of customary international law, Arts. 9 and 14 of the International Covenant on Civil and Political Rights, and Arts. XXVIII, XXV, and XXVI of the

UNCLASSIFIED

UNCLASSIFIED

American Declaration on the Rights and Duties of Man. The Detention Order, as applied to the Detained Petitioners, violates these and other binding obligations of the United States under International Law.

FIFTH CLAIM FOR RELIEF
(DUE PROCESS - FAILURE TO COMPLY
WITH U.S. MILITARY REGULATIONS AND
INTERNATIONAL HUMANITARIAN LAW)

40. Petitioners incorporate paragraphs 1 - 39 by reference as if fully set forth herein.
41. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the rights accorded to persons such as the Detained Petitioners seized by the United States Military in times of armed conflict, as established by, *inter alia*, the regulations of the United States Military, Articles 4 and 5 of Geneva Convention III, Geneva Convention IV, and customary international law.

SIXTH CLAIM FOR RELIEF
(WAR POWERS CLAUSE)

42. Petitioners incorporate paragraphs 1 - 41 by reference as if fully set forth herein.
43. By the actions described above, Respondents, acting under color of law, have exceeded the constitutional authority of the Executive and have violated and continue to violate the War Powers Clause by ordering the prolonged and indefinite detention of the Detained Petitioners without Congressional authorization.

SEVENTH CLAIM FOR RELIEF
(SUSPENSION OF THE WRIT)

44. Petitioners incorporate paragraphs 1 - 43 by reference as if fully set forth herein.
45. To the extent the Detention Order of November 13, 2001, seeks to shield determination of Respondent Bush against any challenge to the legality of the Petitioners' detention by way of habeas corpus, the Detention Order and its enforcement constitute an unlawful Suspension of the Writ, in violation of Article I of the United States Constitution.

UNCLASSIFIED

UNCLASSIFIED

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

1. Grant Petitioner Abassia Bouadjmi Next Friend status, as Next Friend of Lakhdar Boumediene;
2. Grant Petitioner Badra Bouche Next Friend status, as Next Friend of Mohammed Nechla;
3. Order the Detained Petitioners released from Respondents' unlawful custody;
4. Order Respondents to allow counsel to meet and confer with the Detained Petitioners, in private and unmonitored attorney-client conversations;
5. Order Respondents to cease all interrogations of the Detained Petitioners, direct or indirect, while this litigation is pending;
6. Order and declare the Executive Order of November 13, 2001, unlawful as a violation of the Fifth Amendment to the United States Constitution;
7. Order and declare the Executive Order of November 13, 2001, unlawful as a violation of the Administrative Procedures Act, 5 U.S.C. § 702;
8. Order and declare that the Detained Petitioners are being held in violation of the Fifth Amendment to the United States Constitution;
9. Order and declare the Executive Order of November 13, 2001, unlawful as a violation of customary international law, the International Covenant on Civil and Political Rights, and the American Declaration on the Rights and Duties of Man;
10. Order and declare that the Detained Petitioners are being held in violation of customary international law, the International Covenant on Civil and Political Rights, and the American Declaration on the Rights and Duties of Man;
11. Order and declare that the Detained Petitioners are being held in violation of the regulations of the United States Military, the Geneva Conventions, and international humanitarian law;
12. Order and declare that the Executive Order of November 13, 2001, violates the War Powers Clause;
13. Order and declare that the provision of the Executive Order that bars the Detained Petitioners from seeking relief in this Court is an unlawful Suspension of the Writ, in violation of Article I

UNCLASSIFIED

UNCLASSIFIED

of the United States Constitution;

14. To the extent Respondents contest any material factual allegations in this Petition, schedule an evidentiary hearing, at which Petitioners may adduce proof in support of their allegations; and
15. Grant such other relief as the Court may deem necessary and appropriate to protect Petitioners' rights under the United States Constitution and international law.

UNCLASSIFIED

UNCLASSIFIED

Dated: New York, New York
July 8, 2004

Respectfully submitted,

WILMER CUTLER PICKERING
HALE AND DORR LLP

By:

Christopher J. Herrling* (D.C. Bar No. 354837)
2445 M Street, N.W.
Washington, DC 20037
(202) 663-6000

Douglas F. Curtis (D.C. Bar No. 420270)
Peggy Kuo (D.C. Bar. No. 449271)
Robert W. Trenchard, *pro hac vice* to be filed
399 Park Avenue
New York, NY 10022
(212) 230-8800

Stephen H. Oleskey, *pro hac vice* to be filed
Robert C. Kirsch, *pro hac vice* to be filed
Melissa A. Hoffer, *pro hac vice* to be filed
60 State Street
Boston, MA 02109
(617) 526-6000

Lead Counsel for Petitioners

MARGULIES & RICHMAN, PLC
Joseph Margulies
2520 Park Avenue, South
Minneapolis, MN 55404
(612) 872-4900
(612) 872-4967
Counsel for Petitioners

CENTER FOR CONSTITUTIONAL RIGHTS
Michael Ratner
Barbara Olshansky
Steven Macpherson Watt
666 Broadway, 7th Floor
New York, NY 10012
(212) 243-3805
Counsel for Petitioners

GIBBONS, DEL DEO, DOLAN, GRIFFINGER
& VECCHIONE, P.C.
John J. Gibbons
Gitanjali S. Gutierrez
One Riverfront Plaza
Newark, NJ 07102
(973) 596-4500
Counsel for Petitioners
JUSTICE IN EXILE
Clive Stafford-Smith
636 Baronne Street
New Orleans, LA 70113
(504) 558-9867
Counsel for Petitioners

* Mr. Herrling appears as local counsel for all attorneys.

UNCLASSIFIED

UNCLASSIFIED

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 8th day of July, 2004.

UNCLASSIFIED

Exhibits H(f) to H(ii) are withheld in full under 5 U.S.C. § 552(b)(1) and (b)(7) as they contain classified and law enforcement sensitive material.

UNCLASSIFIED

Exhibit H(jj).
Statement by Mr. Nechla to
the Tribunal, Enclosure (3)

UNCLASSIFIED

DETAINEE ELECTION FORM

Date: 19 Oct 2004

Start Time: 1300 hrs

End Time: 1400 hrs

ISN#: 10003

Personal Representative: 
(Name/Rank)

Translator Required? YES Language? MODERN ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? READ TO HIM

Detainee Election:

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

Personal Representative Comments:

The Detainee will participate in the Tribunal and he will orally address the Tribunal. He will take the Muslim oath and he will answer questions. He will also call three detainee witnesses to testify on his behalf. All three will take the Muslim oath and answer questions, they are: 1) ISN# 10004, Mustafa Ait Idr 2) ISN# 10005, Lakhdar Boumediene 3) ISN# 10006, Boudella Al Haij.

Personal Representative 

UNCLASSIFIED//~~FOUO~~

Exhibit D-a

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. A closed session was requested at a later time to present classified evidence to the Tribunal.

The Detainee requested to take the oath before making his statement. The Recorder administered the oath.

Before I would like to address the accusations I would like to take a moment to thank the members of the Tribunal for giving me the chance to come and speak on my behalf. And this shows freedom of speech and the right to defend yourself.

In the beginning I would like to talk about the reasons for my presence in Cuba before I talk about the accusations. Maybe you saw in my file that I was accused in Bosnia of terrorist activities. Planning to attack the U.S. Embassy in Sarajevo. The accusation was the intent to plan to attack the U.S. Embassy. As if they went into a person's heart and tried to find out what they were thinking and then came up with this accusation. We were detained in a prison in Bosnia and we were interrogated there for three months. We were the victims of a political game. This political game has no proof that we had intended to carry out an attack against the U.S. Embassy. I would like to make clear that if this was a real accusation, if it were true that this was a matter regarding national security of the United States; from the first day they would have taken me from my home to America. Five percent proof, that I had anything against the United States, they would have taken me from my house to the United States, so that I could be tried in America because this is a matter regarding the American Embassy. Which is proof that this is a political game first of all. The second thing is that I stayed in a Bosnian prison for three months. And they were waiting for an American to come and interrogate us. No one came to the prison and no one interrogated us. This is proof that this is a political game between the Bosnian government and the American government. In the end, after three months, after the interrogations, and after they asked us everything, Bosnian television aired the fact that they we found innocent by the court. So we were in prison and acquitted in prison. These people are to be released immediately without any conditions and to live in Bosnia as free people. Unfortunately, when we were released (inaudible), and maybe you have a copy of it here. You must have it, because it was in my packet when I came here. So when we came out of prison we were surprised that we were handed over to the American forces that are present in Bosnia. We were bound by our hands and our feet and we were treated the worst treatment. For 36 hours without food, sleep, water or anything and we were treated the worst treatment. We came to this place so they could interrogate us. Now I have been here for three years. Unfortunately I thought the case was about an American embassy and up until now no one has directed one question towards me regarding this case. In spite of the fact they told us this case was about the

ISN# 10003
Enclosure (3)
Page 1 of 15

American Embassy, we were surprised by the fact that this is not about the American Embassy. I asked my interrogators, then why am I here. He said forget about the fact that you were here because of the American Embassy or because you're from al Qaida or because you are a terrorist. I said, "You told the world that you had proof against that we were involved in an attack against the American Embassy." He said to forget this because in Bosnia nothing happens, we know this. You came here to give us information about relief and rescue operations in Bosnia. So we were surprised and in spite of this we cooperated with the interrogators. We talked about these charity organizations and we cooperated to the fullest extent with these interrogators. In the end we were faced with strange accusations that are not backed with any proof. We were from al Qaida (referring to paragraph 3 of the Unclassified Summary). We were members of al Qaida in Bosnia. We're part of the Armed Islamic Forces (referring to paragraph 3.1). This al Qaida, I only knew it through the media, that's it. This al Qaida is a terrorist organization that kills innocent people and we are against the killing of innocent people. We were very, very upset at the events that happened in America before. I imagine that the people in these buildings (*the World Trade Center*) could be my brother or my father or my sister or my son. Islam is innocent of these actions. It is innocent of the actions that these individuals carried out without any reason. My father taught me how to do good and how to treat people right. I was brought up in my house with good principles and how not to harm anyone or do anyone any harm. In my whole life I never did harm to anyone with my tongue by talking so how could I harm anyone with my hands. This is how I was raised in my house: helping people and loving people. So my heart does not allow any evil to be in it. To say you are part of al Qaida or you're terrorist, my heart does not allow for this. My father when he used slaughter or kill chickens I used to cry. I used beg him please don't kill these chickens so how can I be a part of this terrorist activity or organization. Even my work that I do in Bosnia and Herzegovina is with orphans and taking care of orphans. I took care of these orphans, and I gave them compassion and care and I'm there in place of their father or their brother. I used to hold the orphans in my hands and give them food or nutrition until they reached a certain age. So how can my heart hear any evil or wrongdoing? So I am innocent of these of accusations that do not have any relation or anything to do with me. I asked one of the interrogators one day. "Did you say that have captured 70% of the members of al Qaida?" He said yes yes we have captured 70% of the members of al Qaida. I told him, "Good. That's excellent! Take my picture and my information and take them to these people and ask them am I from al Qaida or am I not from al Qaida. You will feel better and I will feel better." That's it, he told he would try he will ask and so on. Al Qaida kills even the Muslims themselves. In the studies it said that the buildings had 700 Muslims in them and they all died. Are they not Muslims? So al Qaida kills even Muslims. Islam is innocent of these things. People think wrongly of Islam. Islam should be presented to people on a plate of gold not a plate of fire. Islam has taught me to respect my neighbor even if he was Christian and to visit him if he were sick. If he died, I'd go to his funeral. Because he is human, the same race as me. That is what I was taught and that is what my father taught me in our house. Also, regarding this Armed Islamic Group (paragraph 3.1 of the Unclassified Summary), this is also a terrorist group. I thought that one day I would go to Algeria to visit my family. The Algerian

ISN# 10003
Enclosure (3)
Page 2 of 15

government knows about all the members and knows everything about the Armed Islamic Group. How could I be part of the Armed Islamic Group and be able to travel to Algeria? I would have gone there and been executed. I would have been afraid to go to Algeria if I was a member. So this matter is not true. The Bosnian government said to the Algerian government, these people are part of the Armed Islamic Group come take them from us. The Algerian government said no these are not terrorists and they're not part of the Algerian Armed Islamic Group. Try them if you have anything against them with you. If you don't have anything on them, release them as innocent people. Is that not proof? This is important proof that the government itself knows that we are not part of the Armed Islamic Group. You have been interrogating me now for three years. You have asked everything about me even the stones and the trees (an expression). You have asked everything of me and thank God you know that I'm not from al Qaida. You say I have classified evidence. I would say yes you do have classified evidence, but it shows that I am innocent of this accusation. I don't have any relationship with these things at all. That is what regarding this matter about terrorism. I don't have anything to do with this and I am innocent completely of these accusations.

Paragraph 3.2. Detainee is a former employee of the Red Crescent Society and attended meetings in Sarajevo for Algerians working for non-government organizations in Bosnia.

Regarding the third accusation where it says that you met with the Algerians in the Red Crescent Society. Met with Algerians working for non-government organizations. Regarding this matter, the Red Crescent is a known government organization. It does not have any relationship with non-government organizations. These non-government organizations they work together and they have coordination between them and they just work together. So we don't have anything to do with at all. If they needed anything, they could confer with our management who would not attend as a member of this government organization because that's not allowed. I used to work outside Sarajevo in a city called Dehugé. I never met with any Algerians in any non-government organization. I used to have meetings with members of the office. The manager, Macmuseth (ph) and he's an Egyptian, Imin Faghe (ph) he's an accountant. (inaudible) he is the manager of the office in Tuzla which is another city. Nocfmid (ph), he is present here and he is responsible for the office in Sarajevo. He is the only Algerian that was working with me in the Red Crescent. I did not meet with anyone besides these four. We used to meet once a month and discuss matters regarding the orphans. Everything is recorded at the office. The meeting, when it was, the members that attended the meeting, and what was said during the meeting, everything was recorded. You can get in contact with Sarajevo and talk to the manager there. Government organizations also they have their own specific meetings. Non-government organizations have their own meetings and I did not attend any of those. I never attended any of their meetings. You can ask the manager. You can ask Sarajevo. That is my answer to the third accusation.

Paragraph 3.4. The detainee is also known as Sharfuldin or Sharuldin.

Regarding the accusation that says your name is Sharfuldin. Not Sharuldin, it's a mistake. But, it's the first one Sharfuldin. In the Arab countries it's not a problem, it's not abnormal and it's very common for people to be called by names other than their names like Abdul something, which is the father of something. Or, to be called by another a name that you're known by. For example, my brother's name is Aganamni (ph). I call him Imin Adir (ph). My friends call him Imin Adir (ph). (inaudible). My name is Mohammed but they used to call me Sharfuldin. This is something very normal. It's not something that I hide and I'm not hiding anything regarding this matter. Even in Bosnia, when dealing with anyone, I always used my real name Mohammed Nechle and my cards say Mohammed Nechle. My papers and dealings with government are in my real name. Only when I went to Dehugue, when I was with the orphans in Dehugue. Dehugue is very far from Sarajevo and they have their own accent or dialect. It's close to Croatia. So that's why their accent or dialect is close to Croatian so when I went there I told them that my name Mohammed Nechle and some of the orphans laughed at this. I asked them why are you laughing? The word Nechle, what we know of the Nechle is that it means congestion, like when you have a cold and you're stuffed up. That's what it means. So they were laughing. I told them okay you call me Mohammed, Mohammed Sharfuldin so you can stop laughing. Call me that. Only the orphans used to call me that. No one else used to call that. Ask one of the orphans there at Sum Dehugue you can make sure of that fact. I don't have any aim or anything regarding an alias. I'm not hiding anything. That's what I have to say to about these accusations. I am innocent of these accusations. I don't have anything to do with terrorism or anything like that.

Believe me, I came to this place as a mistake and I think that I was wronged. It was unfair to me. I always used to wonder why am I here. Especially when the interrogator used to tell me that we want information from you about these organizations and you are innocent. And you present me with these accusations that have anything to do with anything. I have a clear conscience that I am not a part of these terrorist organizations. I am not afraid of anything because I am not a terrorist. If you interrogated me for 20 years you would find that I am Mohammed Nechle. God as my witness, as God as my witness, as God as my witness. I thank you.

The Tribunal President confirmed that the Detainee's statement had concluded. The Personal Representative had no questions. The Recorder had questions for the Detainee. The Tribunal members had the following questions:

Tribunal Members' questions

Q. Would you please tell me something about your education.

A. You mean when did I finish my education?

ISN# 10003
Enclosure (3)
Page 4 of 15

- Q. Yes and far along did you go?
- A. I got to high school. The last thing before college. Then I stopped with my studies. I freed myself for trade.
- Q. What kind of trade did you work in Algeria?
- A. Vegetables and fruits. When my father was sick I used to help him. That was my job.
- Q. Did you have any military service while in Algeria?
- A. No. I had an excuse from that duty.
- Q. Did you receive military training in any other country?
- A. No.
- Q. When did you join the Red Crescent?
- A. In Albania I worked with the Red Crescent. Until I was captured until Bosnia.
- Q. So at what time did leave Algeria to go to Albania what year?
- A. 1995.
- Q. When did you into Bosnia from Albania?
- A. I lived in Albania and then when the civil war occurred in Albania I asked to transfer from the Albanian office to the office in Bosnia, through the main office in Abu Dabi (ph), in the United Arab Emirates. The security situation was not very good in Albania. So they transferred us directly from Albania to Bosnia. That's it.
- Q. When you joined the Red Crescent, did you join it just for Albania or did you join it in the International Red Crescent?
- A. The United Arab Emirates Red Crescent. Before that it was called the Abu Dabi (ph) organization and then it became the Red Crescent. Just the Emirates. It's main office is in Abu Dabi.
- Q. Do you know where the main office is for the Red Crescent is? Not just in Abu Dabi?

- A. In the capital in Abu Dabi. The exact location I don't know. You can call and ask about it.
- Q. The point I'm trying to get to is, are they all under one main organization?
- A. The Red Crescent?
- Q. Yes, in Albania, in Bosnia...
- A. The main office is in Abu Dabi. Sheik Zaiat Ima Hil, is the president of that countries office. It has branches in the world. In Albania, in Bosnia, Khezikikistan (inaudible), Kosovo. Many countries
- Q. Throughout the Muslim world?
- A. Just about. Poorer countries like Albania.
- Q. When you told us that you worked with orphans, children without homes. What was your official title or duty with the Red Crescent?
- A. I was there for the aid of the orphans. I would give help. I visited orphans in their houses or distributing food to them. Teaching them computers in the English language. Complete help in all aspects. Social help mostly.
- Q. Did you receive a regular salary?
- A. Yes, about \$1, 000 a month. The cost of living in Bosnia is high so it really wasn't that much. I used to rent a house for \$200. I would end up saving about \$100 or \$50 a month. My work was more than that because I wanted to help people. It was more of a voluntary nature. If money was important to me I could have been making \$10, 000 but this was enough for me to live with my wife and my kids.
- Q. So your wife and family were with you in Bosnia and lived with you?
- A. Yes.
- Q. From 1995 to the present?
- A. Yes they were with me in Albania and then moved with me to Bosnia.
- Q. Did anyone else live in the house with you other than your family?
- A. No just my wife and my children.

- Q. The \$1,000 a month salary. You were saying \$200 for rent and you saved about a \$150. Not to be exact but where did the rest of the money go?
- A. \$200 for the rent for the house. Gas, electricity, and telephone about \$150. Gas for the car about \$100, it's expensive. And the rest was for the house like food and drinks and stuff like that. Like I said, it was a simple amount.

Tribunal President's questions

- Q. I just have one question. You talked about what happened to you in Bosnia when you were turned over to the Americans. And you talked a little bit abuse there. I understood you to say that it was at the hands of the Americans.
- A. The Americans were in kind of a war against terrorism. So anyone in that situation would have been treated badly. I excuse them for that treatment. I just told you that we were not treated in a humane manner. We were not caught in Afghanistan or any place like that, we were caught in Bosnia. We were taken from our houses. Now I have many illnesses that I never had before. It was difficult. We were treated in a harsh manner, but we were supposed to be treated better than that because we had been acquitted. We don't any relationship with terrorism or anything like that. So what I was saying is that I wish we would have been treated better on the way here and given food and water. Even the bathroom was forbidden from using it on the way here. The way was about three days and during the three days they just gave us some apples, that's all we ate. When I got here I was sick for about a month or a month and a half from exhaustion. I used to think that America had respect for human rights when it comes to prison. That's all I have.
- Q. Was there any physical abuse while you were in transit?
- A. It's not a problem. Just leave it. We weren't beaten for no reason, but our hands were bound like that (looking down at his handcuffed wrists). Even that used to stop you. You couldn't feel your hands. This part (referring to his wrists) is numb right now I can't feel anything. But it's not a problem it's passed.
- Q. I appreciate your excusing it, however it is a concern of ours.
- A. I excuse them because of the war that they were in and because of the events that happened in America. Anyone would have probably done the same thing if they were in their place. We were just victims to this.
- Q. How have you been treated since you have been here in Cuba?
- A. It's changed in the last year. It's better than before. There is improvement in the treatment.

Q. When you arrived here sick, did you receive treatment for your illnesses?

A. In the beginning they didn't treat me. I asked them to treat me and they left me for a long time without treatment. I had a hemorrhage, that's what I had and I talked to them about that. I used to tell them there was blood; I was bleeding. I used to tell them about it time after time and just left it. I had problem with it and they told me that they didn't have any doctors here. They said they to call America and have bring over specialists. So this comes here and now they have all these doctors. A person comes here...A person comes here healthy and then he leaves with all these illnesses. Besides the fact that your future, the way that came here; your image is tainted in the world because of the way that you brought here and the media how they depict it. I was a respectable person living in Bosnia. People used to respect me and had good relations with people. I had great respect. In the end the way that this happened, the way I was brought here and the accusations that brought against me, I feel that my future has been destroyed. A person does not even know what to say to their kids now. Your father, why is he in Cuba, because he has accused of terrorism. That's a really big thing. I just hope that you are fair in my case and that you take everything into consideration. I swear to that I am innocent. I have been wronged and I don't have anything to do with terrorism or anything like that. Thank you.

The Tribunal President thanked the Detainee for participating in the Tribunal and confirmed that he had presented all the evidence that he intended to present. The procedure for the witnesses the Detainee requested to have make statements on his behalf were explained. The first witness was then brought into the Tribunal.

The first witness was brought into the Tribunal. He confirmed his name for the record and was then administered the oath.

Detainee's questions to witness Mustafa Ait Idr (ISN 10004)

Detainee: When I got to Bosnia from the year 1997 until now did I ever any relationship or anything to do with terrorism or al Qaida or the Armed Islamic Forces? Or am I a terrorist or not? Please explain to the Tribunal.

Witness: I would like to tell them something first. I got a letter from an American lawyer last week and it said do not participate in this Tribunal and anything you say in this Tribunal will be used against you. Don't even speak with the Personal Representative. So I'm asking you. If you want me to talk I will talk. If you don't want me to talk I won't talk.

Detainee: I got the same message from the lawyer but I have chosen to participate in order to clarify these points and defend myself. So you can say your testimony.

ISN# 10003
Enclosure (3)
Page 8 of 15

Witness: From the day I knew Mohammed, I know him as well as I know my pocket. As well as know my wife and my kids. If Mohammed has anything to do with terrorism, so I must also have something to do with terrorism. If Mohammed is a terrorist then I am for sure a terrorist. If you were to sentence him to prison for terrorism then I would wish to stay with him. I've known Mohammed in my life to have any relationship with terrorism rather it's terrorism or rather it's this Armed Islamic Group, there is completely no relationship. Terrorism is on this side and Mohammed is on this side.

The Detainee had no further questions for the witness. The Personal Representative had no questions. The Recorder had no questions for the witness.

Tribunal Members' questions to the witness Mustafa Ait Idr (10004)

Q. How long have you known the Detainee?

A. Approximately '95 or '96 end of '95.

Q. Do you know him both personally and professionally or just through work?

A. I don't understand the question.

Q. Do you know him socially as well as through work?

A. We don't work together. When we met, he worked at the Red Crescent and I worked at another place.

Q. Where did you work? In 1995 to 1996?

A. You asking me?

Q. Yes I am.

A. Then I won't answer. This is Mohammed's Tribunal not Mustafa's Tribunal. When it's my Tribunal, I will answer.

Q. I seek to understand how well you know Mohammed Nechle.

A. I told you I know him as well as I know my wife and kids. I don't have an answer better than that.

Q. How many kids does Mohammed Nechle have?

A. Two.

Q. What hobbies does Mohammed Nechle have?

A. These are very strange questions.

Q. I am trying to establish how well you know Mohammed Nechle.

A. What I know about Mohammed. I know that he likes soccer, cars, bikes, things like that.

The Tribunal members had no further questions for the witness. The Tribunal President thanked the witness and concluded the question and answer session. The next witness was brought in before the Tribunal. The Tribunal President asked the witness to state his name. The witness replied:

You know my name. You have my name.

Tribunal President: We need to verify for the record

10005 (in English)

The Tribunal President confirmed that the witness was there to testify on behalf of the Detainee. The oath was then administered to the witness. The Tribunal President explained the procedures for his testimony.

Detainee's questions to the witness Lakhdar Boumediene (ISN 10005)

Detainee: I need your testimony because they have accused me of being a terrorist and of being a member of the Armed Islamic Group.

Witness: They are lying.

Detainee: From the time I was in Albania until now, was I ever related to terrorism or the Armed Islamic Group or anything like that?

Witness: Never. Never.

Detainee: They accuse me of meeting with Algerians in non-governmental organizations when I was working for the Red Crescent. Do I have any meetings with anybody besides the people in my office or anyone who was working for a non-government organization?

Witness: Never.

Detainee: That's it.

The Tribunal President confirmed that the Detainee has concluded his questions for the witness. The Personal Representative had the following question:

Personal Representative question to witness Lakhdar Boumediene (ISN 10005)

Personal Representative: Yes.

Witness: It that your Personal Representative (said to Detainee)? They are lying. Another person came to me and told me he was your Personal Representative.

Detainee: No. They changed Personal Representatives.

Personal Representative: Please explain your working relationship with Mohammed while you were in Sarajevo. You worked together. Please explain.

Witness: He worked with me I worked with him. He worked in the city. I worked in the Capital. He did not work in Sarajevo. He worked outside of Sarajevo. We did the same work with orphans. He worked with orphans in the place he was in and I worked with orphans in the place I was in. Do you have anything else to ask me (said to the Personal Representative)?

Personal Representative: No.

Witness: Next who (said to the room in general)?

The Tribunal President asked if the Recorder had any questions for the witness.

Recorder: No.

Witness: I am here to testify. Ask me (said to the Recorder). It's for my brother that's all.

The Tribunal members had the following questions for the witness:

Tribunal members' questions to the witness Lakhdar Boumediene (ISN 10005)

Q. In what year did you first meet Mohammed Nechle?

A. '94 in Albania.

Q. Was he working for the Red Crescent then?

A. Yes.

Q. Were you his supervisor or co-worker?

ISN# 10003
Enclosure (3)
Page 11 of 15

A. We had the same job.

Q. How many children does Mohammed Nechle have?

A. That is the question? This something regarding him? He has a boy and girl.

The Tribunal President thanked the witness and concluding the question and answer session. The next witness was brought in before the Tribunal.

The Tribunal President confirmed that the witness was there to testify on behalf of the Detainee. The oath was then administered to the witness. The Tribunal President explained the procedures for his testimony.

Detainee's questions to the witness Boudella al Haji (ISN 10006)

Detainee: They accused me of something. I would like you to testify. They accused me of being a member of al Qaida in Bosnia and that you were part of the Algerian Armed Force Group and that you were a terrorist. So I would like you to testify and tell the truth about what you know about me. I thank you.

Witness: Truthfully, all I know is good. Since I've known him in 1997 until the day we were imprisoned here, I don't know anything about him but good. He is a man who was very involved and concerned with his children and his family and in his work. The whole time I knew him, I never knew of him to break any law in the country that we were living in. I never knew of a terrorist act to be related to him. Rather it was in the country we were living in or any other country. I never knew that he had wronged anyone or had been unfair to anyone in any one of these days. We were all very surprised at the accusations that they place against when they handed us over to the Americans. Therefore, he is not related in any way to any of these things. I know him as well as I know myself. If he is a terrorist then I am a terrorist as well because I know him as well as I know myself. That's what I have.

The Tribunal President confirmed that the Detainee had no further questions for the witness. The Personal Representative had the following question:

Personal Representative question to the witness Boudella al Haji (ISN 10006)

Personal Representative: How did you come to meet Mohammed in Bosnia?

Witness: I knew him in '97. He was an Algerian like me so I met him and I got to know him. He was working with the Red Crescent. He's Algerian and I'm Algerian so we got to know each other and relationship continued. From that day until the day we were imprisoned we've known each other.

ISN# 10003
Enclosure (3)
Page 12 of 15

The Tribunal President confirmed that the Recorder had no questions for the witness

The Tribunal members had the following questions for the witness (ISN 10006):

Tribunal members' questions to the witness Boudella al Hajj (ISN 10006)

Q. Do you come from the same part of Algeria as Mohammed?

A. Yes.

Q. Did you know his family or his relations where you came from?

A. No I don't know his family but his family is known in the city as well as my family name is known around the city.

Q. Was there a large Algerian community in Bosnia?

A. What do you mean?

Q. How many other Algerians were there in Bosnia that you knew of and associated with?

A. I think there is but I'm not sure exactly how many but I'm sure that there is.

Q. Did Mohammed associate with the other Algerians in Bosnia?

A. From what I know of the people that he knew are the same people that I know and they are here; Mustafa and Lahkdar. It was very limited knowledge of other people.

Q. Mohammed has told us that he worked with the orphans under the Red Crescent and tried to help the orphans. Do you know what Mohammed did with his free time with his spare time?

A. He lives far away from Sarajevo. I live in the capital of Sarajevo and he lives in a city far away from Sarajevo, so I don't know exactly what he does. When he would come to Sarajevo every month maybe one or two days we would meet up. Say hi how are you, how are you doing. We would go to a café and drink coffee or go to a restaurant and eat. Things like that.

Tribunal President questions to the witness Boudella al Hajj (ISN 10006)

Q. You said that you were imprisoned in Bosnia with Mohammed.

A. Yes.

ISN# 10003
Enclosure (3)
Page 13 of 15

Q. What do you think led to your imprisonment? Why did they suspect you?

A. The matter is very simple. The events that happened in American on September 11th were very important and great events (great as in big). And any person who has a heart would have upset at this matter. Any person who helped or supported these events is a terrorist. Any person who has a humane heart would be upset at these events that led the death of many people, children, women, men, young people. So many countries wanted to help the United States in anyway that they could. Bosnia wanted to give help but it gave help in the wrong way. Bosnia didn't have anything to turn over so they found this group of Algerians. They said okay this is a group of Algerians living there and there is terrorism in Algeria so here we go. All these words that the government said is wrong or irrelevant because the High Court said that we were innocent and they acquitted us. That's the reason.

The Tribunal President thanked the witness for participating in the Tribunal.

Also I thank you for listening to me as well as my brother Mohammed.

This concluded the witness phase of the Tribunal.

The Tribunal President asked if the Detainee had anything further to add before the Tribunal was concluded.

I have a question and I have a suggestion at the same time. I asked a lot of people who have gone through Tribunals, a lot of them are in Camp 4, so I got the chance to ask to them and everyone who has gone a Tribunal, most have been Enemy Combatants. Even the others in Camp 1 and Camp 2 and they've all be Enemy Combatants. I haven't seen anyone who's been innocent in any of this. So just want to ask, have you found anyone innocent yet and if you haven't there's no need for these Tribunals just say that everyone is an Enemy Combatant. If it's possible to answer you can answer but if it's not it's no problem.

Tribunal President's response:

I would say that each case is judged on its own merits. I can't speak to the other Tribunals but we will look at your case as fairly as we can.

The Detainee thanked the Tribunal President and posed the following suggestion:

Maybe in the Tribunals there could be a clock on the wall. So that the Detainee can look at it and see how long he's been speaking, how long the Tribunal went on. Just a suggestion.

ISN# 10003
Enclosure (3)
Page 14 of 15

UNCLASSIFIED//~~FOUO~~

Tribunal President: I can tell you that we probably don't look at a clock just because we are here to listen to what you have to say and however long it takes is fine.

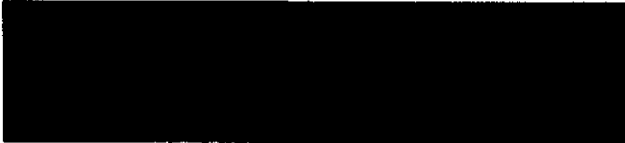
Detainee: It's not a problem. Just that I know how long I talk, like 15 minutes, half and hour just to know. But it's not a problem if the Tribunal is two, three hours it's no problem.

The Tribunal President confirmed that the members of the Tribunal had no further questions.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

ISN# 10003
Enclosure (3)
Page 15 of 15

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED

Exhibit I.
Red Crescent Society of the
United Arab Emirates –
background information

UNCLASSIFIED



Red Crescent Society of the United Arab Emirates

Founded: 1983
 Members/volunteers: 300 volunteers
 Staff: 105
 Expenditure: CHF 98 million (2000)

1. National context

Capital: Abu Dhabi
 Population: 2.44 million (2000)
 GNP per capita: US\$ 17,870 (1998)
 Life expectancy: 75.4 years (1998)
 Infant mortality rate: 9 per 1,000 live births (1998)
 Adult literacy rate: 74.6 per cent (1998)

2. Foundation

Mission

The main activities of the Red Crescent Society of the United Arab Emirates (UAERCS) are providing sponsorship for orphans, medical and educational assistance, and responding to internal and external aid appeals.

Legal base

The UAERCS was established in 1983.

Constituency

The society has six departments at its headquarters office in Abu Dhabi, countywide branches and ten international offices.

3. Capacity

Human resources

The UAERCS has 105 employees and 300 registered, active volunteers.

Financial resources

The society's budget for 2000 was CHF 98 million. This figure includes CHF 11 million for national costs and programmes, CHF 11 million for orphan sponsorships and CHF 70.7 million for international relief and development programmes.

The society's main source of domestic income are private organizations and donors.

Partnerships

The society has contributed to over 30 international humanitarian operations, including those carried out in countries as diverse as Bolivia, Chechnya, Greece, Kosovo, Pakistan, Somalia and Zambia.

In addition, in 2000, UAERCS reported contributions in kind and in cash totalling CHF 33 million. Contributions included relief materials, medicine and food items, among others.

4. Performance

Activities

The society's main services include first aid and rescue; health-care education; dissemination of Red Cross Red Crescent Fundamental Principles and humanitarian values; Ramadan and Eid campaigns; an Emirates Airline passenger donation campaign; assistance for orphans, the elderly, prisoners and other vulnerable people both within and outside the country; sewing centres for handicapped girls; development programmes; and building programmes for mosques, schools and clinics. ■

Middle East and North Africa

Francia -
Español -



International Federation
of Red Cross and Red Crescent Societies

Search :

Directory

Introduction

Directory ●

The Red Cross and Red Crescent Movement on the Internet

Red Crescent Society of the United Arab Emirates

- Home
- Introduction
- Directory
- News
- Publications
- Press
- Media
- Members
- Partners
- Projects
- Activities
- Events
- Publications
- Press
- Media
- Members
- Partners
- Projects
- Activities
- Events

Address P.O. Box 3324
Abu Dhabi

Contact Information Tel: (9) (712) 641 90 00
Fax: (9) (712) 642 01 01
Telex: 23582 RCS EM
Telegram: HILAL AHMAR ABU DHABI
E-Mail: HILALRC@EMIRATES.NET.AE

Language of correspondence Arabic

People **President:** H.H. Sheikh Hamdan bin Zayed AL NAHYAN
Deputy Chairman: Sheikh Khalifa bin Saif AL NAHYAN
Chairman of the Board of Directors: Mr Khalifa Nasser AL SUWAIDI
Deputy Chairman of the Board of Directors: Mr Obeld Salem AL ZA'ABI
Secretary General: Mrs Sana Darwish AL KUTUBI
Assistant Secretary General: Mr Salih Mohammed AL MULLA

Last Updated 15.10.2001

UNCLASSIFIED

Exhibit J.
Statement from the Red
Crescent Society
(February 1, 2005)

UNCLASSIFIED



February 28, 2005

Stephen H. Oleskey

UNCLASSIFIED

Subject: Mssrs Boumediene and Nechla

Dear Sir:

I would like to thank you for your nice letter, good and noble feelings for our employees and your enormous efforts to help them. I wish you a successful life and brilliant future.

According to your letter on January 18, 2005., and your request for some information which could be useful in legal representation for your clients, I wrote to our people in the head office, and they asked me to write this letter to you.

1. Date on which they began to work

Mr. Nechla began to work in Bosnia in 01.04.1997, as a visor for orphans. He worked in the town of Bihac and donated a lot for the orphans and people in need who lived in very exceptional circumstances.

Mr. Boumediene began to work in Bosnia in 16.04.1997. also as a visor of orphans. He worked in the town of Sarajevo, and offered a lot to people in need for his help.

2. Their biographies

Since they had began to work, they were an example for the other workers; they executed their duties with all honesty and integrity. They had a very good relationship with many people who work in the Bosnian government in the social care area, and who are directly involved in humanitarian work.

All these people are witnesses that they were very moral and well behavior in their lives, and that they have never made any mistake during the time they were in our organization. Also their coworkers can witness for them.

I have to say that the orphans' families who are under our care from our organization miss them and always ask about them, when they will come, to complete what they began and to fill the emptiness they left.

G. Director
Said Mahmoud

Mahmoud y. Said

UNCLASSIFIED

UNCLASSIFIED

Exhibit K.
Curriculum Vitae of Dr.
Daryl P. Matthews,
Forensic Psychiatrist

UNCLASSIFIED

Curriculum Vitae

DARYL BRUCE MATTHEWS, M.D., Ph.D.

Office Address: 345 Queen Street, Suite 900
 Honolulu, Hawaii 96813
 Phone: 808-735-8920
 Fax: 808-356-0739
 email: dmatthews@jhu.edu

Date of Birth: September 26, 1947 (Cleveland, Ohio, U.S.A.)

Citizenship: United States of America

FORMAL EDUCATION

1971-1977 The Johns Hopkins University
Doctor of Philosophy (Sociology)

1969-1973 The Johns Hopkins University
Doctor of Medicine

1967-1969 The Johns Hopkins University
Bachelor of Arts (Human Biology)

1965-1967 Dartmouth College

POSTGRADUATE MEDICAL EDUCATION

1981-1982 Fellow in Forensic Psychiatry
 Institute of Law, Psychiatry, and Public Policy
 Schools of Law and Medicine
 The University of Virginia

1973-1976 Resident in Psychiatry
 The Johns Hopkins Hospital

1973-1976 Fellow in Psychiatry and Behavioral Sciences
 The Johns Hopkins Hospital

MEDICAL QUALIFICATIONS

Licensure: Active: Hawaii, Arkansas, Tennessee
 Inactive: Maryland, Massachusetts, Virginia

Certification: American Board of Psychiatry and Neurology
 Psychiatry, 1984
 Subspecialty of Forensic Psychiatry, 1994

UNCLASSIFIED

Daryl Bruce Matthews

Page 2

American Board of Forensic Psychiatry, 1986

CURRENT APPOINTMENTS

- 2002- Professor of Psychiatry and Director,
Forensic Psychiatry Program
John A. Burns School of Medicine
University of Hawaii
Honolulu, Hawaii
- 1995- Consultant, U.S. Army Medical Command, and
Co-Director of Training in Forensic Psychiatry
Tripler Army Medical Center
Honolulu, Hawaii

PRIOR POSITIONS

- 1995-2001 Clinical Professor of Psychiatry
John A. Burns School of Medicine
University of Hawaii
Honolulu, Hawaii
- 1990-1995 Professor and Director of Education
Department of Psychiatry
University of Arkansas for Medical Sciences
Little Rock, Arkansas
- 1994-1995 Adjunct Faculty
School of Law
University of Arkansas at Little Rock
Little Rock, Arkansas
- 1987-1990 Associate Professor of Psychiatry
John A. Burns School of Medicine
University of Hawaii
- 1982-1987 Associate Clinical Professor of Psychiatry
John A. Burns School of Medicine
University of Hawaii
- 1982-1984 Chief, Kauai Community Mental Health Center
Lihue, Hawaii
- 1981-1982 Associate Professor of Behavioral Medicine
and Psychiatry
University of Virginia School of Medicine

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 3

- 1976-1981 Assistant Professor of Psychiatry and of
Socio-Medical Sciences and Community Medicine
Boston University School of Public Health
- 1973-1976 Lecturer in Behavioral Sciences
The Johns Hopkins University
School of Public Health

OTHER PROFESSIONAL ACTIVITIES

- 2004- Forensic Psychiatry Consultant
Office of the Prosecutor
International Criminal Tribunal for the Former Yugoslavia, The Hague
- 2004- Forensic Psychiatry Consultant
Office of Military Commissions (Defense Counsel)
United States Department of Defense, Arlington, Virginia
- 2004- Faculty Senate, John A. Burns School of Medicine
University of Hawaii
- 2002- Director, Forensic Psychiatry Evaluation Service
Department of Psychiatry, John A. Burns School of Medicine
University of Hawaii
- 2001-2003 Training Director
Forensic Examiner Certification Program
State of Hawaii, Department of Health
- 2001- Forensic Psychiatry Consultant
State of Hawaii, Department of Health
- 2001- Forensic Psychiatry Certification/Recertification Committee
American Board of Psychiatry and Neurology
- 1999 Visiting Professor of Psychiatry
University of Madrid, Spain
- 1998-2002 Admissions Interviewer
John A Burns School of Medicine
University of Hawaii
- 1998-2000 Education Co-Chair
Scientific Program Committee
World Psychiatric Association

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 4

Conference on Forensic Psychiatry
Madrid, Spain

1996- Specialist Site Visitor in Forensic Psychiatry
Residency Review Committee for Psychiatry
Accreditation Council for Graduate Medical Education

1995-1998 Hawaii State Task Force on Individuals with Mental
Illness in the Criminal Justice System

1995- Private Practice of Forensic Psychiatry

1993-1995 Arkansas Attorney General's Committee
on Anti-Stalking Legislation

1993 Visiting Professor
Department of Psychiatry
John A. Burns School of Medicine
University of Hawaii

1992-1995 Medical Ethics Faculty
Division of Medical Humanities
University of Arkansas for Medical Sciences

1992- Editorial Board
Psychiatry Resident in Training Examination
American College of Psychiatrists

1992- Article Referee
Bulletin of the American Academy of
Psychiatry and the Law; Journal of the American
Academy of Psychiatry and the Law

1991 Visiting Professor
Tripler Army Medical Center
Honolulu, Hawaii

1990-1995 Medical Expert
Department of Health and Human Services
Social Security Administration

1989 Article Referee
Journal of Forensic Sciences

1988-1990 Chairman
Kauai Service Area Board for

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 5

Mental Health and Substance Abuse

- 1988-1990 Steering Committee
Certification Program in Forensic Mental Health
Department of Health, State of Hawaii
- 1988- Examiner in Psychiatry
American Board of Psychiatry and Neurology
- 1987- Psychiatric Consultant
Threat Assessment Group, Inc.
Newport Beach, California
- 1985-1990 Medical Advisory Committee
Department of Commerce and Consumer Affairs
State of Hawaii
(psychiatric consultant in matters affecting
professional and vocational licensure)
- 1983-1985 Board of Editors
Law, Medicine & Health Care
- 1982-1990 Private practice of general
and forensic psychiatry
- 1981-1983 Associate Editor
Law, Medicine & Health Care
- 1981-1982 Member
Commissioner's Committee on Forensic Services
Virginia Department of Mental Health
- 1981-1982 Certified Forensic Examiner
State of Virginia
- 1980-1981 Member of the Council (Medicine)
American Society of Law and Medicine
- 1980 Chair, Institutional Review Board
Bridgewater State Hospital
Bridgewater, Massachusetts
- 1979-1981 Associate Editor
Medicolegal News
- 1979-1980 Chair, Admissions Committee

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 6

Boston University School of Public Health

1979-1980 Consulting Psychiatrist, Complaint Committee
Massachusetts Board of Registration in Medicine

1976-1981 Associate Director of Undergraduate Education
Division of Psychiatry
Boston University School of Medicine

HOSPITAL STAFF APPOINTMENTS

2001- Academic Medical Staff
Hawaii State Hospital
Honolulu, Hawaii

1995-2001 Courtesy Medical Staff
Hawaii State Hospital
Honolulu, Hawaii

1990-1995 Medical Staff
University Hospital
Little Rock, Arkansas

1990-1992 Consulting Staff
North Little Rock Veterans
Administration Hospital
North Little Rock, Arkansas

1983-1990 Courtesy Medical Staff
G.N. Wilcox Memorial Hospital
Lihue, Hawaii

1989-1990;
1982-1986 Active Medical Staff
Samuel Mahelona Memorial Hospital
Kapaa, Hawaii

1981-1982 Visiting Physician
University of Virginia Medical Center
Charlottesville, Virginia

1981-1982 Psychiatric Consultant
Forensic Evaluation Unit
Western State Hospital
Staunton, Virginia

1976-1981 Assistant Visiting Physician

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 7

University Hospital, Boston, Massachusetts

HONORS, AWARDS, & LISTINGS

Outstanding Teacher 2002-2003, University of Hawaii, Department of Psychiatry

Distinguished Fellow, American Psychiatric Association, 2003

Fellow, American Psychiatric Association, 1999

Emile Eckart Award for Excellence in Resident Education, University of Arkansas for Medical Sciences, 1995

Arkansas Institute of Continuing Legal Education: Best of CLE 1992

Who's Who of Emerging Leaders in America

West's Who's Who in Health & Medical Services

Who's Who Among Human Services Professionals

Who's Who in Medicine and Healthcare

Who's Who in Science and Engineering

Who's Who in the South and Southwest

Who's Who in the West

Sol. W. Ginsburg Fellow, Group for the Advancement of Psychiatry

Commonwealth Fund International Fellow in Medical Care

Haas Memorial Fund Scholar

PROFESSIONAL ORGANIZATIONS

American Academy of Forensic Sciences

American Academy of Psychiatry and the Law

Councilor, 1996-1999

Education Committee, 1991-1997; 1999-

Chair, 1994-1997

Ethics Committee, 1995-1999

Chair, 1995-1999

Nominating Committee 1997-1999

Learning Resource Committee, 1994-1996

Program Committee, 1994-1997

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 8

Awards Committee, 1994-1997
 Task Force on Practice Guidelines
 for Forensic Evaluations, 1995-1999
 Liaison to Spanish Society for Legal Psychiatry, 1999-
 Committee on Computers and Forensic Psychiatry, 2003-

American Association of Directors of Residency Training in Psychiatry

American Association for Social Psychiatry

American College of Psychiatrists
 Psychiatry Resident in Training Exam, Editorial Board, 1999-2005

American Psychiatric Association
 Committee on Confidentiality, 1999-2000
 Fellow, 2000-2003
 Committee on Judicial Action 2002-2005
 Distinguished Fellow 2003-

Arkansas Psychiatric Society 1990-1995
 President, 1993-1994
 President-elect, 1992-1993
 Secretary, 1991-1992
 Local Arrangements Chairman, 1991-1992
 Program Committee, 1990-1992

Association of Directors of Forensic Psychiatry Fellowships

Hawaii Psychiatric Medical Association 1982-1990; 1995-
 Legislative Committee 1999-
 Task Force on Involuntary Medication 1999-2000
 Chair, Forensic Committee 2001-

International Academy of Forensic Mental Health Services

International Academy of Law and Mental Health

Sociedad Española de Psiquiatría Legal

SELECTED (1990-) PRESENTATIONS AND ABSTRACTS

1990

"Psychotropic Medications and Malpractice," Defense Research Institute, San Francisco, California, March.

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 9

"Stalking Behavior," National Academy of Sciences, Institute of Medicine, Washington, DC, April.

"Cults that Kill," University of Hawaii, John A. Burns School of Medicine, Department of Psychology, grand rounds, Honolulu, Hawaii, April.

"Forensic Psychiatry and Mental Injury," Pulaski County Bar Association, Little Rock, Arkansas, October.

1991

"Current Liability Issues in Mental Health Care," Health Services Research Center, special conference series, Little Rock, Arkansas, February.

"Malpractice Issues for Community Mental Health Professionals," Mental Health Council of Arkansas, 19th Annual Mental Health Institute, Hot Springs, Arkansas, August.

"The Insanity Defense," Arkansas Institute for Continuing Legal Education, criminal law seminar, Little Rock, Arkansas, October.

"Mental Health Issues in Capital Sentencing," Arkansas Psychological Association, annual meeting, Little Rock, Arkansas, November.

"Patient-Therapist Sexual Relations and the Law," Arkansas Psychiatric Society, annual meeting, Little Rock, Arkansas, November.

1992

"The Tarasoff Case," Youth Home of Arkansas, Little Rock, Arkansas, January.

"The Role of Forensic Psychiatry in Civil Litigation," Arkansas Trial Lawyers' Association, midwinter conference, Little Rock, Arkansas, February.

"Current Issues in Forensic Mental Health Training in State Mental Health Systems and University Settings," American College of Forensic Psychiatry, annual meeting, San Francisco, California, April.

"The Insanity Defense," Arkansas Institute for Continuing Legal Education, Little Rock, Arkansas, June.

"The Defense of Mental Disorder," Arkansas Bar Association, annual meeting, Little Rock, Arkansas, June.

"Recent Developments in the Law of Insanity," Louisiana State University Medical Center, Shreveport, Louisiana, September.

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 10

1993

"The Insanity Defense and the Role of the Forensic Psychiatrist," UALR School of Law, Little Rock, Arkansas, February.

"Something Special for Our Residents: Propranolol?," Association for Academic Psychiatry, annual meeting, Tucson, Arizona, March.

"Duty to Protect" Arkansas Psychological Association, annual meeting, Little Rock, Arkansas, April.

"Testifying in Court," St. Vincent Infirmiry Medical Center, Little Rock, Arkansas, April.

"Malpractice Issues in Managed Care," American Psychiatric Association, annual meeting, San Francisco, California, May.

"Malpractice Liability and Managed Care," Mental Health Council of Arkansas, 21st Annual Mental Health Institute, Hot Springs, Arkansas, August.

"Murder, Madness, & Medicine," BridgeWay Hospital, North Little Rock, Arkansas, August.

"Implications of DSM-IV for Forensic Psychiatry," American Academy of Psychiatry and the Law, 24th annual meeting, San Antonio, Texas, October.

1994

"The Videotaped Good-Bye of the Perpetrator of a Mass-Murder/ Suicide," University of Arkansas for Medical Sciences, Department of Psychiatry, grand rounds, Little Rock, Arkansas, January.

"A Cluster of Multiple Personality Disorder Cases in a State Forensic Hospital," American Academy of Forensic Sciences, 46th annual meeting, San Antonio, Texas, February.

"Developments in the Law of Sanity and DSM-IV," University of Arkansas at Little Rock School of Law, Criminal Law Association, program entitled Psychiatric Issues in Criminal Trials, Little Rock, Arkansas, March.

"Workplace Violence," Arkansas Division of Mental Health Services, First Annual Forensic Conference, Arkansas Department of Mental Health Services, North Little Rock, Arkansas, April.

"Workplace Violence," Violence in Today's Society, first annual forensic conference, North Little Rock, Arkansas, April.

"Update on Malpractice Issues in Managed Care," American Psychiatric Association, annual meeting, Philadelphia, Pennsylvania, May.

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 11

"Impaired Drivers, HIV, and Abandonment," Arkansas Psychiatric Society and Arkansas Psychological Association (joint meeting), Little Rock, Arkansas, June.

1995

"Lecture Attendance and Performance on NBME Shelf Examination in Sophomore Behavioral Sciences Course," Association for Academic Psychiatry, annual meeting, San Antonio, Texas, March.

"Professional Ethics in Mental Health," Arkansas Psychological Association, spring conference, Little Rock, Arkansas, April.

"On-Line Database Searching in Forensic Psychiatry" in Course, "Computers in Forensic Psychiatry: An Introduction," American Academy of Psychiatry and Law, 26th Annual Meeting, Seattle, October.

1996

"Medicolegal Aspects of Inpatient Violence," Grand Rounds, Tripler Army Medical Center, Honolulu, February.

"Ethical Practice in Forensic Psychiatry: The AAPL Ethical Guidelines" American Academy of Psychiatry and Law, 27th Annual Meeting, San Juan, October.

"Medicolegal Issues in Inpatient Psychiatry," Grand Rounds, Tripler Army Medical Center, Honolulu, November.

1997

"Social Policy Issues in Severe Mental Illness," University of Hawaii School of Social Work, Honolulu, February.

"Current Issues in Psychiatry and Criminal Law," Annual Symposium, State of Hawaii, Office of the Public Defender, Honolulu, May.

"The Use and Misuse of Psychiatrists in Criminal Cases," Annual Meeting, Association of Government Attorneys in Capital Litigation, San Antonio, July.

"Physician Sexual Misconduct," Physicians Insurance Company, Defense Counsel Seminar, Seattle, October.

"Multiple Homicide," VIIth National Congress, Sociedad Española de Psiquiatría Legal, Avila, Spain, October.

"Ethics and Pre-Arrestment Psychiatric Evaluations," American Academy of Psychiatry and Law, 28th Annual Meeting, Denver, October.

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 12

"Psychiatric Issues in Sex Offenses," Kauai Community Mental Health Center, Lihue, December.

1998

"Evaluation of Mental State at the time of Alleged Offense,"
University of Hawaii, School of Social Work, Honolulu, February

"Psychiatric Illness and Occupational Stress," State of Hawaii, Department of Education,
Honolulu, July.

"Murder Followed by Suicide," G.M. Wilcox Memorial Hospital, Lihue, Hawaii, August.

"Murder Followed by Suicide," Department of Psychiatry and Psychological Medicine,
University of Madrid, Spain, September.

"The Analysis and Presentation of Forensic Data," VIIIth National Congress, Sociedad Española
de Psiquiatría Legal, San Sebastian, Spain, October.

1999

"Multiple Homicide," University of Hawaii School of Social Work, Honolulu, March.

"Malpractice Liability for Suicide," Department of Psychiatry and Psychological Medicine,
University of Madrid, Spain, July.

2000

"Stalking and Murder/Suicide," University of Hawaii School of Social Work, March.

"Competency for Execution," Psychiatric Grand Rounds, Tripler Army Medical Center, May.

"The Forensic Evaluation of the >False Memory Syndrome=" World Psychiatric Association
Conference on Forensic Psychiatry, Madrid, Spain, June.

"The Weed Becomes a Rose: The Development of Forensic Training and Practice in the United
States of America," World Psychiatric Association Conference on Forensic Psychiatry, Madrid,
Spain, June.

"Psychiatric Issues in Capital Litigation," Capital Litigation Symposium, Office of Legal
Education, Executive Office for United States Attorneys, U.S. Department of Justice, National
Advocacy Center, Columbia, South Carolina, October.

2001

UNCLASSIFIED

22496

UNCLASSIFIED

Daryl Bruce Matthews

Page 13

Psychiatric Evaluations in Workplace Homicides: The Honolulu Xerox Shooting, University of Hawaii, School of Social Work, Honolulu, February.

Forensic Issues in Psychiatric Social Work, Department of Social Work, Hawaii State Hospital, Kaneohe, May.

Assessing Competency to Stand Trial, Psychiatric Grand Rounds, Hawaii State Hospital, Kaneohe, June.

2002

Psychiatry and the Death Penalty, Department of Psychology, Reed College, Portland Oregon, April.

Assessing the Risk of Violence in Psychiatric Patients; Hawaii State Department of Health, Kauai and Maui, Hawaii, May.

Criminal and Civil Litigation Involving Selective Serotonin Reuptake Inhibitors, Sociedad Española de Psiquiatría Legal, Oviedo, October.

2003

Barriers to Culturally Competent Forensic Exams for Guantánamo Detainees, American Academy of Psychiatry and the Law, October.

Forensic Psychiatry in the Evaluation of Clergy Sexual Misconduct, Sociedad Española de Psiquiatría Legal, Almagro, November.

Ethical and Cultural Issues in the Forensic Evaluation of the Guantánamo Detainees, Sociedad Española de Psiquiatría Legal, Almagro, November.

Absence of U. S. Criminal Law Protections in the Trials of the Guantánamo Detainees: Implications for Professional Ethics, New College, Oxford University, UK, November.

Mental Defenses: Origins And Evaluation, Indiana Prosecutors Association, Indianapolis, December.

2004

Mental Health Aspects of the Guantánamo Detentions, Boston University, Health and Human Rights Symposium, Boston, April.

Toward an Evidence-Based Practice Model for Competency Restoration Programming, American Psychological Association Annual Convention, Honolulu, July.

Assessing Violence Risk in Psychiatric Patients, Sociedad Española de Psiquiatría Legal, Malaga, October.

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 14

The Case of Pavle Strugar: Alleged Incompetency to Stand Trial at the International Criminal Tribunal for the Former Yugoslavia, Sociedad Española de Psiquiatría Legal, Malaga, October.

2005

Forensic Psychiatry and International Human Rights Law, Grand Rounds, Department of Psychiatry, John A. Burns School of Medicine, Honolulu, January.

Ethical Issues in the Forensic Evaluation of Guantanamo Bay Detainees, Annual Residential Meeting, Faculty of Forensic Psychiatry, Royal College of Psychiatrists, Belfast, February.

PUBLICATIONS

Books

D. Matthews, *Disposable Patients: Situational Factors in Emergency Psychiatric Decisions*, Lexington Books, 1980.

N. Scotch, J. Swazey, and J. Sorenson, with D. Matthews and C. Kavanagh, *Reproductive Pasts, Reproductive Futures: Genetic Counseling and Its Effectiveness*, Alan R. Liss, 1981.

W. Tseng, D. Matthews and T. Elwyn, *Cultural Competency in Forensic Psychiatry*, Brunner/Routledge, 2004.

Chapters

R. Hingson, D. Matthews, and N. Scotch, "The Use and Abuse of Psychoactive Substances," in H. Freeman, S. Levine, and L. Reeder (eds.) *Handbook of Medical Sociology (Third Edition)*, Prentice-Hall, 1978.

P. Dietz, S. Platman, and D. Matthews, "The Organization and Delivery of Mental Health Services," in G. Balis et al. (eds.) *The Psychiatric Foundations of Medicine*, Butterworth, 1978.

D. Matthews and W. Tseng, "Forensic Psychiatry" in W. Tseng and J. Streltzer (eds.) *Cultural Competency in Psychiatry*, American Psychiatric Press, Inc., 2004.

Articles

D. Matthews, "The Noncompliant Patient," *Primary Care*, Vol. 2, No. 2 (June, 1975).

D. Matthews and R. Hingson, "Improving Patient Compliance: A Guide for Physicians," *Medical Clinics of North America*, Vol. 61, No. 4 (July, 1977).

D. Matthews and P. Dietz, "Labeling Theory and the Family Dynamics of Schizophrenia," *Child Psychiatry Quarterly*, Vol. 11, No. 4 (October, 1978).

D. Matthews, "Where There's Smoke There's Ire," *Medicolegal News*, Vol. 7, No. 4 (Winter, 1979).

22498

UNCLASSIFIED

UNCLASSIFIED

Daryl Bruce Matthews

Page 15

C. Kavanagh, D. Matthews, J. Sorenson, and J. Swazey, "Multi-Institutional Review of a Genetic Counseling Study," *I.R.B.: A Review of Human Subjects Research*, Vol. 1, No. 2 (April, 1979).

D. Matthews, "The Right to Refuse Psychiatric Medication," *Medicolegal News*, Vol. 8, No. 2 (April, 1980).

D. Matthews and P. Coyne, "Arbeit Macht Frei: Vocational Rehabilitation and Virginia's Criminally Insane," *University of Richmond Law Review*, Vol. XVI, No. 3 (Spring, 1982).

P. Dietz, D. Matthews, J. Warren, C. Van Duyne, T. Stewart, J. Crowder, and D. Martell, "Threatening and Other Inappropriate Letters to Hollywood Celebrities," *Journal of Forensic Sciences*, Vol. 36, No. 1 (January 1991).

P. Dietz, D. Matthews, D. Martell, T. Stewart, D. Hrouda, and J. Warren, "Threatening and Other Inappropriate Letters to Members of Congress," *Journal of Forensic Sciences*, Vol. 36, No. 5 (September 1991).

K. Rost, G. R. Smith, D. Matthews, and B. Guise, "The Deliberate Misdiagnosis of Major Depression in Primary Care," *Archives of Family Medicine*, Vol. 3 (April 1994).

S. Tisza, J. Mottl, D. Matthews, "Current trends in workers' compensation stress claims," *Current Opinion in Psychiatry*, Vol. 16, 571, 2003.

revised 02/05

UNCLASSIFIED

UNCLASSIFIED

Exhibit L.
Sample Proxy Psychiatric
Exam and Mental Status
Examination

UNCLASSIFIED

UNCLASSIFIED

Proxy Psychiatric Assessment

- 14. Difficulty in falling asleep, staying asleep* yes___ no___
- 15. Feeling hopeless about the future* yes___ no___
- 16. Feeling sad or depressed* yes___ no___
- 17. Thoughts of ending your life* yes___ no___
- If "yes" do you have a plan? yes___ no___
- 18. Making an attempt to end your life yes___ no___
- 19. Feeling of being trapped or caught* yes___ no___
- 20. Worrying too much about things* yes___ no___
- 21. Feeling no interest in things* yes___ no___
- 22. Feeling everything is an effort* yes___ no___
- 23. Feelings of worthlessness* yes___ no___
- 24. Hearing noises or voices when nothing was there yes___ no___
- 25. Seeing things when nothing was there yes___ no___

Part 3.

"Please answer 'yes' or 'no' to whether you have experienced any of the following events in the last **five years**. Please let me know if you cannot answer a question or do not understand a question."

- 26. Combat situation (such as shelling, grenade attacks or sniper fire)^
 yes___ no___
- If yes: Serious physical injury from combat (shrapnel, burn, bullet, stabbing)
 yes___ no___
- 27. Poor health without access to medical care^ yes___ no___
- 28. Lack of food or water^ yes___ no___

UNCLASSIFIED

Proxy Psychiatric Assessment

- 29. Forced to participate in the torture of others^
yes___ no___ cannot answer___
- 30. Brainwashing^ yes___ no___ cannot answer___
- 31. Beating to the body^ yes___ no___ cannot answer___
- 32. Beating to the head yes___ no___ cannot answer___
- 33. Rape^ yes___ no___ cannot answer___
- 34. Other types of sexual abuse or sexual humiliation^
yes___ no___ cannot answer___
- 35. Other kinds of torture (physical and mental)^
yes___ no___ cannot answer___
- If yes, ask if:
- a. Suffocation^ yes___ no___ cannot answer___
- b. Near drowning^ yes___ no___ cannot answer___
- c. Painful positions or suspension, yes___ no___ cannot answer___
- d. Electrical shocks or burns yes___ no___ cannot answer___
- e. Threats of attacks by animals or insects yes___ no___ cannot answer___
- f. Deprivation of light/ sleep/ food or water yes___ no___ cannot answer___
- g. Torture in the last week yes___ no___ cannot answer___
- h. Torture in the last month yes___ no___ cannot answer___
- 36. Violation of taboos (religious practices that are very important to you)
yes___ no___ cannot answer___
- 37. Enforced isolation from others^ yes___ no___ cannot answer___
- 38. Witness (see or hear) torture^ yes___ no___ cannot answer___

UNCLASSIFIED

UNCLASSIFIED

Proxy Psychiatric Assessment

39. Witness (see or hear) killing or murder[^]
 yes___ no___ cannot answer___
40. Witness (see or hear) rape or sexual abuse[^]
 yes___ no___ cannot answer___
41. Threatened with torture yes___ no___ cannot answer___
42. Threatened with execution yes___ no___ cannot answer___

Part 4

"The following are symptoms that people sometimes have after experiencing certain types of events in their lives. Please listen carefully and tell me if you have experienced the symptom by answering 'yes' or 'no'. Do you understand the directions?"

42. Recurrent thoughts or memories of the most hurtful or terrifying events[^]
 yes___ no___
43. Feeling as though an event is happening again[^] yes___ no___
44. Recurrent nightmares[^] yes___ no___
45. Feeling detached or withdrawn from people[^] yes___ no___
46. Unable to feel emotions[^] yes___ no___
47. Feeling jumpy, easily startled[^] yes___ no___
48. Difficulty concentrating[^] yes___ no___
49. Feeling irritable or having outbursts of anger[^] yes___ no___
50. Avoiding thoughts or feelings associated with the traumatic or hurtful events[^]
 yes___ no___
51. Inability to remember parts of the most hurtful or painful events[^]
 yes___ no___
52. Sudden emotional or physical reaction when reminded of the most hurtful or traumatic events[^]
 yes___ no___
53. Having pains in your head or body [^] yes___ no___
54. Troubled by other physical problems[^] yes___ no___
55. Having poor memory[^] yes___ no___

UNCLASSIFIED

UNCLASSIFIED

Proxy Psychiatric Assessment

56. Feeling ashamed of the hurtful or traumatic events that have happened to you^
yes___ no___

Items adapted from the Hopkins Symptom Checklist 25 (*) and Harvard Trauma Questionnaire (^), R. F. Mollica, 1987.

Name and background of translator:

I certify that I translated accurately the words and meanings of the questions and answers in the questionnaire.

_____ Date _____

Conditions of interview environment:

Other:

UNCLASSIFIED

UNCLASSIFIED

Detainee Name _____

Date of Administration _____

Mental Status Examination**Appearance:** Check the box that best describes your observations

Dress:	Appropriate	Inappropriate		Scars?
Grooming:	Excellent	Adequate	Poor	
Hygiene:	Excellent	Adequate	Poor	
Nutrition:	Normal	Overweight	Underweight	Malnourished
Eye Contact:	Stares	Good	Avoids	None

Obvious evidence of injuries and other observations (scars) and other descriptions of appearance::

Activity Level: Check all of the boxes that describe your observations

Attitude:	Cooperative	Guarded	Suspicious	Uncooperative
	Defiant	Hostile	Belligerent	Frightened
Demeanor:	Calm	Sleepy	Preoccupied	Distracted
	Alert	Lethargic	Vigilant	Bored
Motor:	Slow	Hyperactive	Restless	Agitated
	Combative	Sluggish	Calm	Twitches
Posture:	Normal	Hunched	Stooped	Twisted
Gait:	Normal	Unsteady	Limp	Asymmetrical

Description _____

Speech:

Volume:	Normal	Soft	Loud	
Amount:	Normal	Paucity	Excessive	
Pronunciation*:	Normal	Stuttering	Slurred	Garbled
Pace*:	Normal	Rapid	Slowed	
Spontaneity*:	Spontaneous	Inhibited	Long pauses	Abrupt stops in speech
Coherence*:	Coherent	Vague	Rambling	Derailment
Other*:	Echoes interviewer	Makes up words		

UNCLASSIFIED

UNCLASSIFIED

*Please ask translator to comment on these and any other unusual aspects of speech and language

Thought Process:

Thinking*:	Linear	Logical	Organized	Loose
	Goal Directed	Cause/effect	Flight of Ideas	

*Please ask translator to comment on these

Themes:

Torture	Bizarre	Grandiose
Violence	Paranoid	Destructive
Grief	Religious	Sexual

Any evidence based on observation of bizarre thoughts or unusual habits? Is there any evidence of responding to internal stimuli such as hallucinations (visions/ voices)?

Mood and Affect:

Mood:	Flat/ No expression	Somewhat happy	Somewhat unhappy	Euphoric
	Scared	Angry	Very Unhappy	Tearful
Irritability:	Normal	High		
Anger:	Normal	High		

Describe any unusual expression of emotion:

UNCLASSIFIED

UNCLASSIFIED

Exhibit M.
Letter from Ali Hamad to



UNCLASSIFIED

~~UNCLASSIFIED~~

Ali Hamad
 Sarajevska 36
 KPZ (Prison) Zenica
 72000 Zenica

For Mr: General [REDACTED]

Via my lawyer and General Secretary of the First Children's Embassy

Mr. Dusko Tomic

Respected Mr. Commander of SFOR [REDACTED]

I know that you do not trust to what I have publicly stated about Al Qaeda and its engagement in Federation of BiH, and to my allegations that are known to the half of the world and to the US President George Bush. I spoke about that with investigators from the FBI on several occasions and we are still in touch.

Since you think that I do not talk the truth, I decided to address you directly with this explanation to which I do not expect the response from you. This will be my last correspondence to you since it is pointless to contact people who do not believe me.

With all due respect, I would like to ask you can I be a liar if I had spoken to domestic and international investigators about the detailed data on several crimes against Serb and Croat people committed by mujahedeens in this area in period 1992 - 1995. Those detailed data were totally in accordance with results of earlier investigations by domestic investigators who proved that my allegations are correct and that there are some other witnesses who will confirm with honesty all that I had said.

How can you and on basis of what can you suspect in the honesty of my allegations that Al Qaeda was connected with many Islamic humanitarian organizations, which were engaged in Bosnia during and after the war, under the lead of the High Saudi Committee for Relief. I can personally prove that many workers and bosses of these humanitarian organizations for help in BiH were in Afghanistan, together with Osama Bin Laden, and fought during the war in Bosnia alongside with mujahedeens. I was working with High Saudi Committee for Relief in Bosnia, which is another proof for that.

You are mistaken if you think that with my letters to domestic and international authorities I am trying to gain the release from serving the rest of my prison term or to be pardoned. I am talking about very dangerous things - such is my claim that I was an officer of Al Qaeda and that I know a lot about their governing cadres. With such claims and statements I can secure myself another court proceedings, and not be released or pardoned. I believe that you are aware that American law emphasizes that it can use statements by witnesses as evidence against those same witnesses, and I am publicly, before the whole world, saying that I was an officer with Al Qaeda. That means that I can expect to be tried before any court in US.

I have also told the FBI investigators about the murder of an American in Bosnia in 1995, and gave them solid arguments and evidence that can lead them to the perpetrators of that crime. I have also accepted to be a prosecution witness before the US court against the murderers. What they could not

~~UNCLASSIFIED~~

UNCLASSIFIED

reveal and prove themselves concerning this murder, I revealed and proved in only three or four hours of talking with them. The FBI did not know that I had information about this murder. I voluntarily sent a letter to the US ambassador on the day of 21 October 2002 where I offered information and testimony. If it were not for me, the FBI would never come to the perpetrators of this murder.

You are not right when you think that I only lie, that I do not speak truth and that I only try to get myself out of prison by this. You should be fair even when you think or suspect something. You have to have something on which to base your belief in something. However, you have no reason to suspect the honesty of my allegations and accusations.

I think that it is not a problem for you to find out that I fought in Afghanistan, alongside with Osama Bin Laden, as regular soldier. I was also fighting in Bosnia throughout the war, and I was an officer of the Special Unit of the El Mujahid detachment.

I was talking with the FBI during their visit here on 16 June 2003 on one of the most dangerous and most active leaders and brain of Al Qaeda – Khalid Al Saikh. Afterwards, they have arrested him and confirmed that my statements on him were right. And you are suspicious in honesty of my statements and of my intention. Excuse me, but I think that it is not fair from you.

I repeat once again so that you know now if you did not know earlier that I had suffered the injustices and terror of Al Qaeda on my own skin when I was a minor. Because of that I have decided, and that is my real goal, to fight against Al Qaeda and talk only the truth even when I was implicated only to protect the humankind, innocent mine and anyone's else children. To protect them from Al Qaeda and its evils acts.

It is not important whether I will be liquidated by Al Qaeda or be again accused for terrorism by Your side. For me it is most important that my wife and minor kids – Ajsa and Lejla – are good, that they are under high protection and that they not need anything. I will talk only the truth even if I get another 10 years prison term. Even if, because of that, I lose my life.

You Sir will find nowhere in this world anyone who will be helping you in revealing the committed crimes during the war against Serb and Croat people but Ali Hamad. I do not need to get out of the prison, I do not need to get the pardon or other privileges, I do not need to get Your response, I do not need to co-operate with anybody. All I want is that you be conscious that you will never have the meetings with an honest penitent such is Ali Hamad, who wants to be punished again (if that is fair) only for the truth to come out on the light of day.

I thank you in advance and send you kind regards. I am sorry if you will consider this letter not cordial.

With respect,

Ali Hamad

(signature)

Zenica, 26 July 2004

UNCLASSIFIED

FROM : ICG

STR 1

UNCLASSIFIED

PHONE NO: 7307 33 668 714

Mar. 25 2005 03:54PM P02

ALI HANAD
SARAJEVSKA 36
KPZ 27 ZENICA
72000 ZENICA

ZA GOSPODINA:
GENERAL [REDACTED]
PUTEM MOGA ODVJETNIKA
I GENERALNOG SEKRETARA
DJEČICE AMBASADE
GOSPODINA DUŠKA TOMIĆA.

POŠTOVANI GOSPODINE ZAPOVEDNIKA SFOR-A GENERAL

[REDACTED]

ZNAM DA VI NEVJERUJETE SVE ŠTO SAM IZJAVIO O
AL-QAIDA I NJENI DJELOVANJA U FBH. TE MOJE
TVRDNJE SA KOJIM SAM OBAVJESTIO POLA SVIDJETA
MEĐU KOJIMA I PREDSJEDNIKA SAD GEORGE BUSH.
TE SAM GOVORIO O TOME SA STRAŽITELJIMA FBI
KOJI SU ME POSJETILI VIŠE PUTA I JOŠ UVDJEK SU
U KONTAKTU. POŠTO VI MISLITE DA JA NE GOVORIM
ISTINU ODLUČIO SAM DA VAM SE OBRATIM SA SLJEDEĆIM
OBRAZLOŽENJEM NA KOJEM NE OČEKUJEM ODGOVOR; TE
DA ĆE BITI OVA MOJA ZAVJANJA VAMA POSLJEDNA JER
JE UZALUD KONTAKTIRATI SA LJUDIMA KOJI ME
NEVJERUJU. UZ DUŽNO POŠTOVANJE BI VAS PITAO DA LI
MOGU BITI LAŽOV, A UČE SAM GOVORIO SA DOMAĆIM I
STRANIM INSPEKTORIMA O DETALJNIM PODACIMA O
NEKOLIKO ZLOČINA KOJI SU POČINILI MUĐŽANEDINI NA
OVIM PROSTORIMA 1992-1995 GODINE NAD SRPSKOM I
HRVATSKOM NARODU, DETALJNI PODATCI KOJI SU SE
POTPUNO SKLAPALI SA RAZULTATIMA RANIJIH ISTRAŽIVANJA
DOMAĆI INSPEKTORA KOJI SU DOKAZALI DA SU MOJE
IZJAVE TOČNE I DA POSTOJI JOŠ SVJEDOKA KOJI ĆE
POTVRDITI ISKRENOSTI SVE ŠTO SAM IZJAVIO.
KAKO VI I NA ODNOVU ĆEBA MOŽETE SUMNjATI U

UNCLASSIFIED - QALIDA JE BILA

FROM : ICG

POVEZANA SA MNOGIM ISLAMSKIM HUMANITARNIM ORGANIZACIJAMA KOJI SU BILI U IFR. BIH. TIJEKOM I POSLEDJE RATA POD VODSTVOM (UNHCR) ZA POMOĆ BIH, A ZA LIČNO MOGU KAO ŠTO I VI POKAZATI DA SU MNOGI RADNICI I ŠEFOVA SPOMENUTI HUMANITARNI ORGANIZACIJA ZA POMOĆ BIH BILI U AFGANISTANU SA OSAMA BIN LADENOM I BCRILI SE U BOSNI SA MUĐŽAHEDINC, ŠTO POTVRĐUJE DA SAM I DA BIO RADNIK U VISOKOM SAUDISKOM KOMITETU ZA POMOĆ BIH? VI KRIZIŠITE AKO MISLITE DA SAM DA ZA MOJIM UPOČENJA PISAMA ZA DOMAĆI VLASTI I ČITAV SVIJET POKUŠAVAM DA ZAKADIM OSLOBODANJE IZ DALJNEG IZORŽAVANJA ZATVORSKE KAZNE ILI DA BUDEM POMILOVAN. DA GOVORIM O VEOMA OPASNIM STVARIMA KAO ŠTO JE MOJA TVRDNJA DA SAM BIO OFICIR U AL-QAYDA I DA SU ME POZNATE MNOGO NDEZINI RUKOVODIČI KADROVA. DA S TAKVIM IZJAVAMA I TVRDNJAMA MOGU SEBE NAĆI PORED POKRENUTIM SUDSKIM POSTUPKOM, A NE BITI OSLOBODEN IZ DALJNEG IZORŽAVANJA ZATVORSKE KAZNE ILI BITI POMILOVAN. DA VDERUDEM DA JE VAMA POENATO DA JE AMERIČNI ZAKON NAGLASIO DA MOŽE KORISTITI IZJAVE SVJEDOKA KAO DOKAZ PROTIV ISTI SVJEDOKA, A DA GOVORIM DAVNO PRED ČITAVIM SVIJETOM DA SAM BIO OFICIR U AL-QAYDA, ŠTO ZNAČI DA MOGU SEBE NAĆI PRED POKRENUTIM SUDSKIM POSTUPKOM U SUDOVIMA SAG. DA SAM TAKOĐER GOVORIO SA ISTRAŽITELJIMA FBI O OBISTVU JEDNOG AMERIKANCA U BOSNI 1995 GODINE, TO SAM IM DAO DOBRG ARGUMENTE

22512

UNCLASSIFIED

FROM : ICE
STK 3

I DOKAZI KOJI ĆE NIKAD DOVESTI DO POČINITELJA
 TAJ ZLOČIN I PRINVATIO SAM SVJEDOČENJE PROTIV
 UBICA PRED AMERIČKIM SUDOVIMA, ONO ŠTO NISU MOGLI
 SAMI OTKRITI I DOKAZATI IBO DINAMA U VEZI SA
 SPOMENUTIM UBIJSTVOM, DA SAM NJIMA OTKRIO I
 DOKAZAO ZA SAMO TRI ILI ČETIRI SATA RAZGOVARANJA
 FBI NISU ZNAO DA JA IMAM INFORMACIJE O NAVEDENOM
 UBIJSTVU NEGO DA SAM DOBROVOLJNO UPUTIO PISMO
 AMERIČKOM AMBASADORU DANA 21. OKTOBRA 2002 GODINE
 U KOJEM SAM PONUDIO INFORMACIJE I SVJEDOČENJE
 DA NISU MENE NIKAD NEBI MOGAO FBI DOĆI DO
 POČINITELJA TOG UBIJSTVA. VI NISTE U PRAVU KAD
 MISLITE DA JA SAM LAŽEM, DA NEGOVORIM ISTINU
 I DA POKUŠAVAM S TIM DA IZVUČEM SEBE IZ ZATVORA
 VI TREBATE BITI POŠTENI ČAK I KAD MISLITE.
 DRUGČIJE REČENO KAD SUMNJATE U NEŠTO, VI
 MORATE IMATI NEŠTO NA OSNOVU ČEGA SUMNJATE
 KAD ŠTO MORATE IMATI NA OSNOVU ČEGA KADA
 VJERUJETE U NEŠTO. MEĐUTIM, VI NEMATE NA
 OSNOVU ČEGA DA SUMNJATE U ISKRENOSTI MOJIM
 TVRDNJAMA I OPTUŽBE. MISLIM DA VAM NISU PROBLEM
 SAZNATI DA SAM BOJIO U IRAKSKIM JEDINICAMA DA OSAMA
 BIN LADENA KAO BOČETNI VOJNIK, DA SAM SE BOJIO
 U FBIH TIJELOE RATA I DA SAM BIO OFICIR
 SPECIJALNA JEDINICA U VODRED EL-HUDZANEHIN.
 DA SAM GOVORIO SA FBI TIJEKOM NJENE
 22513 JETE DANA 16. JUNI 2003 GODINE U JEDAN OD
 I MAJ ARTIN... MOZAK AL-OMI

UNCLASSIFIED

FROM: ICE

UNCLASSIFIED

KHALID AL-SADKAN ZATIM SU GA UHITILI TE I
 POTVRDILI DA SU SVE MOJE IZJAVE O NJEMU
 TOČNE. A VI SADA SUMNJATE U ISKRENOSTI MOJIM
 IZJAVAMA U MOJOM NAMJERU. OPROSTITI, ALI
 SMATRAM DA TO NIJE POŠTENO OD VAS.
 PONAVLJAM JOŠ JEDNOM DA ZNATE AKO DO SADA
 NISTE ZNALI, DA SAM OSJETIO NEPRAVDE I TEROR
 AL-QAIDA NA SVOJU VLASTITU KOŽU JOŠ KAD SAM
 BIO MALOLJETNA OSOBA. ZBOG TOGA ODLUČIO SAM,
 I TO JE MOJ PRAVI CILJ, DA SE BORIM PROTIV
 AL-QAIDA I DA GOVORIM SAMO ISTINU U KOJOOJ SAM
 I DA UMJEŠAN SAMO DA BIH ZAŠTITIO ČITAVO
 ČOVJEČANSTVO, NEĐUŽNE MOJE I SVAČIJE DRUGE
 DRUGE DJECE OD AL-QAIDA I NJENIH ZLI AKTOVA.
 NIJE VAŽNO ZA MENE MOĆU LI BITI LIKVIDIRAN OD
 STRANE AL-QAIDA ILI BITI PONOVO OPTUŽEN ZA
 TERORIZAM OD VAŠE STRANE. MENI JE NAJ VAŽNIJE
 DA SE MOJA SUPRUGA I MALODOBNE DJECE ADŽA
 I LEDJA DOBRO I DA NJIMA NIŠTA NE FALI I DA
 SU POD VELIKOM ZAŠTITU. DA ČU GOVORITI SAMO
 ISTINU MAKAR DOBIO JOŠ 10 GODINA KAŽNE ZATVORA,
 MAKAR IZGUBIO SVOJU SOPOTVENU GLAVU.
 VI GOSPODINE NEĆETE NIGDJE NA OVOM SVIJETU NAĆI TKO
 ĆE VAM POMAGATI O OTKRIVANJU POČINJENOG ZLOČINA
 NA OVIM PROSTORIMA TIJEKOM RATA NAJ SRPSKOM
 I HRVATSKOM NARODU OSIM ALI HAMADI DA NEMORAM
 IZĆI IZ ZATVORA, MENI NIJE POTREBNO DOBITI
 POMILOVANJE NI VAN ZAVODSKE POGODNOST, MENI NIJE

22514

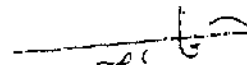
UNCLASSIFIED

POTREBNO DOBITI VAŠ ODGOVOR NITI MI JE POTREBNO
SURADIVATI SA VAMA NITI BILO S KIM. SAMO ŽELIM DA
BUDETE SVJESNI TOGA DA VI NIKAD NEĆETE IMATI
SUSRETE SA ISKRENIM POKAJNIKOM KAO ALI HAMAD
KOJI ŽELI BITI PONOVO KAŽNJEVAN (AKO TO PRAVEDNO)
SAMO DA ISTINE IZABE NA VIDILO I SVIJETLO DANA.
U NAPRED VAM SE ZAHVALJUJEM I SRDAČNO VAS
POZDRAVLJAM. OPROSTITI AKO ĆE TE SMATRATI OVO MOJE
PISMO NELJUBAZNIM.

ZENICA 26.07.2004. GOD.

S POŠTOVANJEM,

ALI HAMAD



UNCLASSIFIED

UNCLASSIFIED

Exhibit N.

*In re Guantanamo Detainee
Cases* Memorandum Opinion
Denying in Part and Granting
in Part Respondents' Motion
to Dismiss or for Judgment as
a Matter of Law (D.D.C. Jan.
31, 2005)(Classified)
(Green, J.)

UNCLASSIFIED

Exhibit withheld in full under
5 U.S.C. § 552(b)(1) as it contains
classified material.

UNCLASSIFIED

Exhibit O.
Hamdi v. Rumsfeld, 542 U.S.
___, slip op. at 13 (2004)

[This exhibit was
intentionally left blank]

UNCLASSIFIED

UNCLASSIFIED

Exhibit P.
**NATO: Possibility of
Terrorist Threat in BiH Very
Low, Fena (March 22, 2005)**

UNCLASSIFIED



UNCLASSIFIED

DESK Sarajevo

Cemaluša 1, 71000 Sarajevo

Telefon: ++387 33 445336, 663-772; e-mail: desk.sarajevo@fena.ba

22.03.2005 (14:09)

NATO: POSSIBILITY OF TERRORIST THREAT IN BiH VERY LOW

SARAJEVO, March 22 (FENA) – NATO has no information on the current terrorist threat in BiH and judging on information it has available the possibility of terrorist threat in BiH is very low.

Spokesperson for the NATO HQ in Sarajevo Derek Chappell made this statement on Tuesday commenting on recent alleged threats of attack against the OHR, as well as allegations of a possible attack on the UNDP office, the evacuation of OSCE staff and the closing of the British consulate.

Chappell said that fighting terrorism is one of the three priorities of the NATO HQ in BiH, which assists local authorities in antiterrorism activities, and stressed that NATO does not have a single piece of information indicating the possibility of a terrorist attack in BiH.

(Fena) jc

The contents of the Fena web site are for personal use only. It is not allowed to publish parts of wholes in any form whatsoever without Fena's prior written consent. For harmful consequences that could arise from non-compliance with this instruction, Fena takes no responsibility whatsoever.

UNCLASSIFIED

UNCLASSIFIED

Exhibit Q.
Declaration of the House of
Representatives of the
Parliament of Federation of
Bosnia and Herzegovina
(March 30, 2005)

UNCLASSIFIED

Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
Parliament of the Federation
House of Representatives

UNCLASSIFIED

The Office of the Chairman

Number: 01-02-224/05
Sarajevo, 30 March 2005

Council of Ministers
In hands of the Prime Minister
Ministry of Justice
In hands of Minister

On basis of article 183 of the Rules of Proceedings of the House of Representatives of Parliament of Federation of BiH, I hereby inform you that the House of Representatives on its extraordinary session held on 29 March 2005 adopted following

DECLARATION

The House of Representatives of the Parliament of Federation of Bosnia and Herzegovina requests from the Council of Ministers of BiH and from the Justice Ministry of BiH to take urgent measures for the release of the six men from the so-called Algerian group from the camp Delta at Guantanamo Bay.

Respectfully,

Chairman

Muhamed Ibrahimovic

(Signature)

Seal stamp of the House of Representatives

UNCLASSIFIED

UNCLASSIFIED

BOSNA I HERCEGOVINA
FEDERACIJA BOSNE I HERCEGOVINE



PARLAMENTI FEDERACIJI
PREDSTAVNIKI-ZASTUPNIKI DOM

Kabinet predsjedavajućeg

Broj: 01-02-224/05
Sarajevo, 30.03.2005.

VJEĆE MINISTARA
n/r premijera

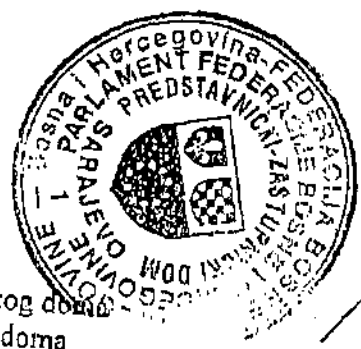
MINISTARSTVO PRAVDE BIH
n/r ministra

Na osnovu člana 183. Poslovnika Predstavničkog doma Parlamenta FBiH, obavještavam Vas da Predstavnički dom Parlamenta FBiH, na vanrednoj sjednici održanoj 29.03.2005., usvojio slijedeću

DEKLARACIJU

Predstavnički dom Parlamenta Federacije BiH zahtijeva od Vijeća ministara BiH i Ministarstva pravde BiH da preduzme hitne mjere za oslobađanje šest ljudi iz talozvane Alžirske grupe iz logora kamp Delta na Gvantanamu.

S poštovanjem,



PREDSIJEDAVAJUĆI
M. Ibrahimović
Mhamed Ibrahimović

Dostaviti:

- naslovu
- sekretaru Predstavničkog doma
- službi Predstavničkog doma
- a.a

Tel. (033) 47 30 32 Fax: (033) 20 32 32, Hamdije Kroševića 3 Sarajevo

UNCLASSIFIED