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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10015

OPENING

REPORTER: On the record.

RECORDER: All rise.

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

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

OATH SESSION 1

RECORDER: All Rise.

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

RECORDER: I do.

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

RECORDER: Do you, Gunnery Sergeant [REDACTED], swear that you will faithfully discharge your duties as assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

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

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TRANSLATOR: I do.

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

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

CONVENING AUTHORITY

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Recorder note the date and time.

RECORDER: The time is 0822 on 14 March 2007.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

OATH SESSION 2

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

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially, examine, inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the

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evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRANSLATOR: (TRANSLATION OF ABOVE).

TRIBUNAL: I do.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

EXPLANATION OF PROCEEDINGS

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Al Nashiri, do you understand this process?

TRANSLATOR: (TRANSLATION OF ABOVE).

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

PRESIDENT: Yes.

DETAINEE
(through translator): Yes.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): No.

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PRESENTATION OF UNCLASSIFIED INFORMATION

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Tribunal has received Exhibit D-a.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

- a. The Detainee was experienced in military and explosives training, having participated in such activities during his travels to Afghanistan, Bosnia, and Chechnya.
- b. On 7 August 1998, near simultaneous truck bombs were detonated at the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania. The explosions at the United States embassies resulted in the deaths of 224 people, including 12 Americans. More than 4,585 people were wounded.
- c. Mohammad Rashid Daoud Al-Owhali (Al-Owhali), confessed and was later convicted in the United States District Court, Southern District of New York, for his role in the al Qaida bombings of the United States embassies in East Africa, which occurred on 7 August 1998. Al-Owhali obtained a Yemeni passport in the name of Khalid Salim Saleh Bin Rashid. Al-Owhali identified the individual who facilitated Al-Owhali's obtaining a Yemeni passport as Bilal, Bilal is known to Federal Bureau of Investigation investigators as Abdul Rahim al Nashiri, the Detainee. Al-Owhali used this same Yemeni passport to travel to Nairobi, Kenya, arriving on 2 August 1998.
- d. On 12 October 2000, the *USS COLE* was attacked by a small bomb-laden boat. The small boat pulled along side the *USS COLE* and detonated. The explosion opened a 40 foot hole in the *USS COLE*, killing 17 sailors and injuring approximately 40 personnel.
- e. A Federal Bureau of Investigation source identified the Detainee as an important person in al Qaida and the source stated he heard the Detainee helped arrange the *USS COLE* bombing.
- f. Jamal Ahmed Mohammed Ali Al-Badawi (Al-Badawi) stated he met the Detainee in Aden, Yemen in the summer of 1999. Al-Badawi stated he purchased a boat for the Detainee upon a request from the Detainee.
- g. Jamal Ahmed Mohammed Ali Al-Badawi stated the Detainee bought explosives in Sadah, Yemen and transported the explosives concealed in fishing coolers.
- h. Approximately one and a half months prior to the *USS COLE* bombing the Detainee explained the details of an operation in the port of Aden, Yemen against a United States Naval ship. The Detainee discussed this operation with Jamal Ahmed Mohammed Ali Al-Badawi (Al-Badawi). The Detainee asked Al-Badawi for assistance videotaping the operation.
- i. Jamal Ahmed Mohammed Al-Badawi claimed the Detainee personally funded the *USS COLE* operation from the Detainee's own sources.
- j. Jamal Ahmed Mohammed Al-Badawi was tried and convicted in Yemen for his involvement in the *USS COLE* bombing. The Detainee was tried in absentia in Yemen,

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convicted and sentenced to death. The Detainee's conviction was later upheld following appeal.

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

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

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

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

PRESIDENT: Translate.

TRANSLATOR: (TRANSLATION OF UNCLASSIFIED SUMMARY).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Very well.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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PERSONAL

REPRESENTATIVE: And he will respond after each point.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: And at the end as desired.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Does the Recorder have any further unclassified evidence?

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: No, sir. No, sir.

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

MEMBERS: No.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

PRESIDENT: Very well.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

PRESIDENT: In taking an oath?

TRANSLATOR: Yes.

PRESIDENT: Alright.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: For clarification,

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: Would you like the Muslim oath?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

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

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

PRESIDENT: Very well.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

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

Opening Remarks

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

- In response to item e, the Detainee states that he is not a member of al Qaida and denies any involvement in the *USS COLE* bombing. Furthermore, the statement listed in the Summary of Evidence is based on hearsay from an FBI source who only heard the Detainee helped arrange the bombing and definitely does not have any firsthand knowledge of the

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actual events or participants. The Detainee also acknowledges that he knows the people involved in the *USS COLE* bombing personally because he had a business relationship with them in the fishing industry and did not know what they were planning to do. [Pause]

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

PERSONAL

REPRESENTATIVE: Sorry.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: [continuing]

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

PERSONAL

REPRESENTATIVE: Yes, sir.

TRANSLATOR: (TRANSLATION OF ABOVE)

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

PRESIDENT: So, that was your statement?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

PRESIDENT: Alright.

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

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TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Okay.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

PRESIDENT: Were they Americans, Yemenis?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): They were Americans.

PRESIDENT: And ah. When did this occur?

TRANSLATOR: (TRANSLATION OF ABOVE).

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

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PRESIDENT: Please describe the methods that were used.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): [REDACTED]. What else do I want to say? . [REDACTED] Many things happened. There were doing so many things. What else did they did?

[REDACTED]. They do so many things. So so many things. What else did they did?

[REDACTED]. After that another method of torture began. [REDACTED] They used to ask me questions and the investigator after that used to laugh. And, I used to answer the answer that I knew. And, if I didn't reply what I heard, he used to [REDACTED]. So many things happened. I don't in summary, that's basically what happened.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

PRESIDENT: Are you under any pressure or duress today?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No. Not today.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

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

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

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

PRESIDENT: Certainly.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

PRESIDENT: Alright.

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

TRANSLATOR: Okay. (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

PRESIDENT: Go ahead.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): These are not only the seven things I, I, said. I also talked about other things during the investigation. And, they were understood as being admissions or plans. And these seven are not exactly in this way. They need explanation. I talk this way because the Recorder, because I don't want the Recorder to look at the things like that during the classified session. And, think that those are evidences against me. That's why I need to explain these things so they will become clear.

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PRESIDENT: Please, proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): From what I remember because this thing happened over five years. I don't know what exactly what I said, ah, many things, many thing happened. But in general there was a group of people Walhid and, dah, and he was with a group. I met these people, I met those people in Pakistan before they went and they were with me one to two days before they left. After the explosion happened, I heard more details. That they were, that they had boat ready in a house and two people took a boat and they hit the ship. [REDACTED]. After that I remembered and then, then I understood that the young man or people had those things. And they wanted somebody to help them. So he used to talk with somebody else. I think it was Khalad. Khalad told me, ask me, do you want to go to Yemen? And, I told Khalad, no. I nothing to do with that. I'm not involved with these people. And those things were misunderstood and they made the people believe that I had something to do with those people. That's the general stuff that I had that I recall. I had nothing to do with these people.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): For example the rockets in Saudi Arabia. In general it the truth there was a man who took rockets from Yemen to Saudi Arabia. But I know nothing about things. I only know the person only. But doing the investigation they [REDACTED] and tortured. And I said yes I know these things. I used to say yeah, yeah we did those things to hit you in the peninsula. And this person in prison right now in Saudi Arabia right now. He cannot say I help them in the planning, because I

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don't know about that thing. That is the reason why my mom, my father, my brother, and my family are in prison. The people in Saudi Arabia they want me to surrender. That's the reason why I left Saudi Arabia and went to Pakistan. That's one point. Regarding point number four, which talks about which talks about the plan to bomb the American ship in the Gulf, I had a project in Dubai regarding a ship. A business project. But I took money from Usama bin Laden to do this project. And at the end, Usama bin Laden asked me if I can use those things in military actions. But when I went to Dubai I ended the whole project. I sold the boat and I let the people go. I was able to do this project if I wanted to with the people on the boat and put the explosives on the boat and send them to Yemen and bomb anything. But I ended the project. I wasn't planning anything. I worked for about six or seven months on the project as a business project. At the end I knew that Usama bin Laden was able to use this project as the military tool. But I stopped everything and I let the people go. And what I had on my mind is to get married and live in Dubai. In regarding point number five. A relationship with people committing bombings in Saudi Arabia. They tortured me. [REDACTED]. They used to call me the "commander of the sea". They used to call me the "commander of the Gulf". He was in charge of the people there. When everything happened in Saudi Arabia or whenever explosions occurred. They use to tell me what relation do I have with those things and they used to torture me. And I have nothing to do with these things. Five years they weren't able to get anything from me. I don't know. Like now to admit what. Yes, I know those people. I know a lot of people in Saudi Arabia who do not want a military presence in Saudi Arabia. They will move against you in a natural way. I know some people in Saudi Arabia who I have helped financially. Some of them to get married and some of them to do other stuff. But I'm not responsible if they take the money and they go and fight or do something else. Number six. Usama bin Laden having a nuclear bomb. [REDACTED]. Then they used to laugh. Then they used to tell me you need to admit to those information. So I used to invent some of the stuff for them to say Usama bin Laden had a, had a nuclear bomb. And they use to laugh and they were very happy. They were extremely happy because of this news. Then after that I told them, listen. He has no bomb. After a month of playing games and doing this and that. I understood at one time I talk to Hilad. We were walking in the street. I was joking with him and I told him we had nuclear missiles or bombs and to hit the Americans. Like in the movies, like in a movies that contain talk about the nuclear weapons. [REDACTED]. So when you used to lie to them, they used to get very hard, they use to get happy. One time Mukhtar told me about a point which is, which is not listed here. General talk. Maybe we should find somebody to kill him and get rid of him. So I used to say okay. Do, do whatever you want. I was traveling during that time. [REDACTED]. I really didn't understand what they were getting at. They want you to admit that you are planning. General stuff that everybody was talking about. I use to take a ride in a taxi cab. And he use to say that it was important for the Americans to leave. And if I find an American I will hit them

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with my car. Everybody was angry at the Americans. Why are they coming? So what meant by that is they take some little simple point and they take it as evidence. Usama bin Laden having a nuclear bomb. That's just a story. I told them one time that I was in office with Usama bin Laden and I went to bathroom of Usama bin Laden. Then after that Usama bin Laden came and he was with Abu Hafs. And they were talking about the subject and I heard them. So I told them. So I told you this stuff to make you happy. They really happy because I told them this story. After that I told them it was just basically a story. And regarding point seven a plan to hijack a plane to crash it into a ship. [REDACTED]. Because one time I went and I rented a plane for leisure. So I was forced to tell them listen I took that plane or I leased that plane to explode it into ship. They didn't even know that I was lying. They were very happy. Things like that.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do you have any direct knowledge of that?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Okay.

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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REPRESENTATIVE: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: Yes, sir. Yes, sir.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): In Yemen there was a person called Rub'i. And another person named Salman. Those people died. A natural incident took place. And they wanted to have a project in Yemen. They wanted to buy two or three boats to use them for fishing. So after they died I took the boat that was there and I took it to some brothers. One is called Hassan and one is called Nibras. After that I left and traveled. And those are the two people who exploded the *COLE* ship. At the end.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

MEMBER: Why was the Yemeni government looking for you?

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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to Dubai. I dissolved the project. I took the money from the people. If any of the people whom I knew they needed money. I gave them money. So I helped a lot of people. If anybody want to get married I give them twenty something. And things like that until the money finished. Possibly a half million dollars I gave away. That's what happened.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

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

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

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

MEMBER: Do you.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

TRANSLATOR: Repeat the name? Please.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I mean. I don't know. The term enemy combatant is wide. It's a big thing. If you think that anybody who wants the Americans to get out of the Gulf as your

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enemy, then you will catch about 10 million peoples in Saudi Arabia, that have same opinion. That will mean, that I am one of those people. Why do you interfere in the Gulf with all your weapons? That's my opinion and the opinion of everybody else in the Gulf. The people are asking by force for the people to leave their land. I mean if you think that anybody who has this opinion is an enemy combatant, then I don't what to say. But anything other than that. I'm not the enemy of anybody. Why I am I not fighting the Chinese? I don't think of those people as my enemy. Even you, the Americans, I don't consider you as my enemy. You are people like other people; the French, the Chinese. They are all people. All people are equal. All people have the right to live. Nobody has the right to send military to other countries. So when you ask me if I'm an enemy combatant, I don't think of myself as an enemy to anybody. That's a legal right for anybody to express his opinion. And I believe the Americans should leave the area. Leave people, let people live their lives and let them live their future. We do not, we do not have a Saddam. Somebody like Saddam in the Gulf. We need to get rid of people who are like Saddam in the Gulf. And let the people live their lives. Your policy is wrong. You come and support these governments. So the people are very angry at you. I have no idea how you classify us as enemy combatants. I don't understand that. I do not think of myself as an enemy to anybody. I see all people to be equal. Anybody who comes to my land, I will ask them to leave. Why are you coming here with your Army? There are businesses there between countries. And they deal with each other. That's what I mean. So I don't know how you classify people as enemy combatants. How do you classify people as your enemy? And people not your enemy. What do you base that? Do you call anybody who ask you to leave from the Gulf as an enemy combatant? Your enemy. Everybody in the world is telling you to leave. Everybody in the world is asking you to leave. Not only the people in the Gulf. And, I think that is a legal right that the people have. That's what I mean by that.

MEMBER: No more questions.

PRESIDENT: Thank you. Member?

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

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: Ah, Mohammad Rashid Daoud Al-Owhali.

DETAINEE

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

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MEMBER: Yes.

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

MEMBER: Did your travels ever take you to Chechnya?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

MEMBER: That's all I have, sir.

PRESIDENT: Alright.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Had the war begun at that time?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): What war is that?

PRESIDENT: When the United States entered into Afghanistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

PRESIDENT: Would he give you US currency?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. Dollars.

PRESIDENT: Dollars.

PRESIDENT: Alright.

PRESIDENT: Thank you for your statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

CALLING OF WITNESSES

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Does the Recorder have any witnesses to present?

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If the Tribunal determines it needs additional information.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do you have anything further to say?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Thank you.

DETAINEE QUESTION & ANSWER

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

PERSONAL

REPRESENTATIVE: No, Sir.

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

RECORDER: No, Sir.

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

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MEMBERS: No, sir. Nothing further, sir.

PRESIDENT: Alright.

CLOSING UNCLASSIFIED SESSION

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

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TRANSLATOR: (TRANSLATION OF ABOVE).

ADJOURN OPEN SESSION

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

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: The time is 1024 on 14 March 2007.

RECORDER: All Rise.

REPORTER: Off the Record.

[The Tribunal withdrew from the hearing room]

AUTHENTICATION

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

[REDACTED], CAPT JAGC USN
Tribunal President

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