

Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10018

OPENING

REPORTER: On the record.

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

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

OATH SESSION 1

RECORDER: All Rise

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

RECORDER: I do.

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

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

REPORTER: I do.

PRESIDENT: The Translator will now be sworn.

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

TRANSLATOR: I do.

ISN #10018
Enclosure (3)
Page 1 of 37

15-L-1645/DOD/30

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

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

CONVENING AUTHORITY

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

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

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

DETAINEE: Yes. That is correct.

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

DETAINEE: Sure.

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

DETAINEE: I will.

PRESIDENT: Thank you.

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

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

OATH SESSION 2

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

ISN #10018
Enclosure (3)
Page 2 of 37

15-L-1645/DOD/31

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

TRIBUNAL: I do.

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

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

PERSONAL
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

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

EXPLANATION OF PROCEEDINGS

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

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

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

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

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

ISN #10018
Enclosure (3)
Page 3 of 37

15-L-1645/DOD/32

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

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

DETAINEE: Yes, I do.

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

DETAINEE: Not so far.

PRESIDENT: Alright.

PRESENTATION OF UNCLASSIFIED INFORMATION

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

PERSONAL

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

PRESIDENT: Thank you. [Documents presented to Tribunal]

PERSONAL

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

PRESIDENT: You may.

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

RECORDER PRESENTS UNCLASSIFIED

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

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

ISN #10018
Enclosure (3)
Page 4 of 37

15-L-1645/DOD/33

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

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

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

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

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

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

ISN #10018
Enclosure (3)
Page 5 of 37

15-L-1645/DOD/34

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

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

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

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

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

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

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

ISN #10018
Enclosure (3)
Page 6 of 37

15-L-1645/DOD/35

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

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

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

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

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

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

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

PRESIDENT: Very well.

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

PERSONAL

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

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

ISN #10018
Enclosure (3)
Page 7 of 37

15-L-1645/DOD/36

PERSONAL

REPRESENTATIVE: That is correct.

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

PERSONAL

REPRESENTATIVE: Yes, sir.

PRESIDENT: Is that correct?

DETAINEE: Yes that's right.

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

DETAINEE: G.

PRESIDENT: Was it i?

DETAINEE: G.

PRESIDENT: G.

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

PRESIDENT: That is correct. Thank you.

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

PERSONAL

REPRESENTATIVE: Yes, sir.

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

ISN #10018
Enclosure (3)
Page 8 of 37

15-L-1645/DOD/37

DETAINEE: Shibah.

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

PERSONAL
REPRESENTATIVE: As far as I know sir.

PRESIDENT: Alright. And Detainee?

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

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

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

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

DETAINEE: Okay for this time

ISN #10018
Enclosure (3)
Page 9 of 37

15-L-1645/DOD/38

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

DETAINEE: ...Saudi Arabia

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

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

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

ISN #10018
Enclosure (3)
Page 10 of 37

15-L-1645/DOD/39

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

DETAINEE: It's good.

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

DETAINEE: No, exactly.

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

DETAINEE: Exactly.

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

ISN #10018
Enclosure (3)
Page 11 of 37

15-L-1645/DOD/40

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

DETAINEE: Well, if you grant them I will.

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

DETAINEE: Okay.

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

DETAINEE: Yes.

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

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

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

DETAINEE: No. No. Not at all.

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

DETAINEE: Yes.

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

DETAINEE: I have been updated by the Personal Representative.

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

DETAINEE: Exactly.

ISN #10018
Enclosure (3)
Page 12 of 37

15-L-1645/DOD/41

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

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

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

DETAINEE: Ah, Can I.

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

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

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

DETAINEE: [Converses with Translator].

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

DETAINEE: Not to accept them but

PRESIDENT: We have accepted them

DETAINEE: Oh, I see.

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

DETAINEE: Oh Okay. [Translator explains]

DETAINEE: Okay. Accepted.

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

ISN #10018
Enclosure (3)
Page 13 of 37

15-L-1645/DOD/42

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

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

DETAINEE: Yeah

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE: I accept it.

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

DETAINEE: Thank you.

PRESIDENT: Very well.

PRESIDENT: Does the Recorder have any further unclassified evidence?

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

ISN #10018
Enclosure (3)
Page 14 of 37

15-L-1645/DOD/43

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

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

MEMBERS: Yes. Yes.

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

TRANSLATOR: (TRANSLATION OF ABOVE)

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

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

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

DETAINEE: Yes. I do sir.

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

DETAINEE: That's right.

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

DETAINEE: Alright.

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

DETAINEE: No.

PRESIDENT: No oath?

DETAINEE: No

PRESIDENT: Very well. You may proceed.

ISN #10018
Enclosure (3)
Page 15 of 37

15-L-1645/DOD/44

PERSONAL

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

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

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

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

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

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

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

ISN #10018
Enclosure (3)
Page 16 of 37

15-L-1645/DOD/45

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

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

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

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

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

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

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

ISN #10018
Enclosure (3)
Page 17 of 37

15-L-1645/DOD/46

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

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

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

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

PERSONAL

REPRESENTATIVE: That's correct, sir.

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

DETAINEE: Exactly.

PRESIDENT: Were those your words?

DETAINEE: Yes, sir.

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

DETAINEE: No.

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

DETAINEE: Exactly.

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

PERSONAL

REPRESENTATIVE: No, sir.

ISN #10018
Enclosure (3)
Page 18 of 37

15-L-1645/DOD/47

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

RECORDER: No, sir.

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

MEMBERS: Yes, sir. Yes, sir.

PRESIDENT: Alright. Please proceed.

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

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

MEMBER: Do you ever meet Mohammed Atta?

DETAINEE: No.

MEMBER: Have any correspondence with him?

DETAINEE: No.

MEMBER: Communications with him ever?

DETAINEE: No. I never heard of him.

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

DETAINEE: Yes.

MEMBER: What was the purpose of that money?

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

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

DETAINEE: From him.

MEMBER: Was it.

DETAINEE: Marwan.

MEMBER: His account.

ISN #10018
Enclosure (3)
Page 19 of 37

15-L-1645/DOD/48

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

MEMBER: Just so I'm clear..

DETAINEE: Yes

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

DETAINEE: Exactly. Exactly

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

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

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

DETAINEE: No

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

DETAINEE: No. No.

MEMBER: Not at all?

DETAINEE: That was his own money.

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

DETAINEE: He was introduced through Khalid Sheikh Mohammed.

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

DETAINEE: Exactly

MEMBER: Okay.

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

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

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

ISN #10018
Enclosure (3)
Page 20 of 37

15-L-1645/DOD/49

DETAINEE: Yes.

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

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

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

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

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

DETAINEE: No.

MEMBER: Commands.

DETAINEE: No. No, he never mentioned.

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

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

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

DETAINEE: No.

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

DETAINEE: Exactly.

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

DETAINEE: I was in Pakistan.

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

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

ISN #10018
Enclosure (3)
Page 21 of 37

15-L-1645/DOD/50

MEMBER: Where were you living? In Pakistan?

DETAINEE: I was in Karachi.

MEMBER: In Karachi. Who were you living with?

DETAINEE: My family.

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

DETAINEE: Well, he used to visit us.

MEMBER: How often?

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

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

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

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

DETAINEE: How soon?

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

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

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

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

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

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

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

DETAINEE: No.

ISN #10018
Enclosure (3)
Page 22 of 37

15-L-1645/DOD/51

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

DETAINEE: No.

MEMBER: Do you know Majid Khan at all?

DETAINEE: Yes, I do.

MEMBER: How do you know Majid Khan?

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

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

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

MEMBER: Did you ever personally travel to Afghanistan?

DETAINEE: No.

MEMBER: Never been there?

DETAINEE: No.

MEMBER: Ever meet Usama bin Laden?

DETAINEE: No.

MEMBER: Dr. al Zawahiri?

DETAINEE: No.

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

DETAINEE: No.

MEMBER: How do you know Ramzi bin al Shibah?

DETAINEE: I met him in Dubai.

MEMBER: Dubai.

DETAINEE: Yes.

ISN #10018
Enclosure (3)
Page 23 of 37

15-L-1645/DOD/52

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

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

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

DETAINEE: No.

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

DETAINEE: No.

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

DETAINEE: No.

MEMBER: You never met them?

DETAINEE: No.

MEMBER: Never any correspondence with them?

DETAINEE: No.

MEMBER: No further questions.

PRESIDENT: Thank you. Member?

MEMBER: What was the business of MEC?

DETAINEE: MEC.

MEMBER: Yes.

DETAINEE: It's a computer company.

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

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

MEMBER: What period of time? What years?

ISN #10018
Enclosure (3)
Page 24 of 37

15-L-1645/DOD/53

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

MEMBER: How did?

DETAINEE: Until they closed.

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

DETAINEE: Support.

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

DETAINEE: Exactly.

MEMBER: Is that right?

DETAINEE: That's why free business.

MEMBER: On the side you were doing that?

DETAINEE: Exactly.

MEMBER: Um, not on MEC company time?

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

MEMBER: Would MEC been aware of that?

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

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

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

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

ISN #10018
 Enclosure (3)
 Page 25 of 37

15-L-1645/DOD/54

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

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

DETAINEE: No. That's not exactly.

MEMBER: Okay.

MEMBER: KSM is documented as your uncle.

DETAINEE: Exactly.

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

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

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

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

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

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

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

DETAINEE: Exactly.

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

ISN #10018
Enclosure (3)
Page 26 of 37

15-L-1645/DOD/55

DETAINEE: Yes.

MEMBER: Why would you have that on your person?

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

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

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

MEMBER: In reference to Isam Mansour.

DETAINEE: Yes.

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

DETAINEE: No.

MEMBER: Do you know of him?

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

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

DETAINEE: Yes.

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

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

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

DETAINEE: That's every person would know.

ISN #10018
Enclosure (3)
Page 27 of 37

15-L-1645/DOD/56

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

DETAINEE: Exactly. He never mention to me.

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

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

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

DETAINEE: Exactly, no.

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

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

MEMBER: No more questions.

PRESIDENT: Thank you, gentlemen.

CALLING OF WITNESSES

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

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, sir.

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

DETAINEE: Yes.

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

DETAINEE: Thank you.

ISN #10018
Enclosure (3)
Page 28 of 37

15-L-1645/DOD/57

PRESIDENT: Do you have any further questions about that?

DETAINEE: About the statements?

PRESIDENT: Right

DETAINEE: Not so far. But ah.

PRESIDENT: Okay. And, ...

DETAINEE: I'm sorry.

PRESIDENT: Yes, please.

DETAINEE: Would you read the statements that provide where other...

PRESIDENT: We were just getting to that.

DETAINEE: Oh.

PRESIDENT: I understand that the Personal Representative desires to read into the record for the Detainee the statement of these witnesses. Is that correct?

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

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

DETAINEE: That's right.

PRESIDENT: You may proceed PR.

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

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

The PR asked me to answer the following questions:

ISN #10018
Enclosure (3)
Page 29 of 37

15-L-1645/DOD/58

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

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

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

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

PERSONAL

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

ISN #10018
Enclosure (3)
Page 30 of 37

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

PERSONAL

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

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

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

Signed Ammar al Beluchi, 20 March 2007

PERSONAL

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

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

Greetings

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

ISN #10018
Enclosure (3)
Page 31 of 37

15-L-1645/DOD/60

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

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

PERSONAL

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

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

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

Question: Please describe your dealings with Ammar?

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

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

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

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

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

PERSONAL

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

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

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

ISN #10018
Enclosure (3)
Page 32 of 37

15-L-1645/DOD/61

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

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

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

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

PRESIDENT: Thank you, Personal Representative.

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

DETAINEE: Yes, sir.

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

DETAINEE: I prefer that.

PRESIDENT: Very well. You may proceed.

PERSONAL

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

ISN #10018
Enclosure (3)
Page 33 of 37

15-L-1645/DOD/62

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

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

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

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

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

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

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

ISN #10018
Enclosure (3)
Page 34 of 37

15-L-1645/DOD/63

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

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

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

DETAINEE: Exactly.

CLOSING UNCLASSIFIED SESSION

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

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

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

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

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

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

ISN #10018
Enclosure (3)
Page 35 of 37

15-L-1645/DOD/64

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

ADJOURN OPEN SESSION

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

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

RECORDER: All Rise.

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

ISN #10018
Enclosure (3)
Page 36 of 37

15-L-1645/DOD/65

AUTHENTICATION

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

(b)(6)

(b)(6) CAPT JAGC USN
Tribunal President

ISN #10018
Enclosure (3)
Page 37 of 37

15-L-1645/DOD/66

Bates 67 is duplicate of Bates 66.

AUTHENTICATION

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

(b)(6)

(b)(6)

, CAPT JAGC USN
Tribunal President

ISN #10018
Enclosure (3)
Page 37 of 37

15-L-1645/DOD/67

Exhibit D-b

#19

Written Statement to CSRT

Meeting #4 with PR#4

Tuesday, 20 Feb 07

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

Titled: Answer to the Evidence

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

#19

20 Feb 07, Updated 8 Mar 07

1

15-L-1645/DOD/68

Exhibit D-b

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

II. Points d, h, I I have never heard of these 3 things whatsoever.

a. Point d

- i. Usually if someone is the supervisor of something, he understands the method of work from a to z in whatever matter he is the supervisor of. If you ask me about where the embassy was, what its address was, color of the building, the shape of the building, how tall the walls were, how many exits and entrances there were, what time they started work, what time the office closed, how many kilometers distant were the three embassies from each other, how many security guards there were and so on. I cannot answer all of these questions let alone to be able to go into greater detail. Why don't I know? Because I was never the supervisor of the above planning.

b. Point h

- i. In order to carry out the planning as written in point h, I would need to have a lot of skills and manpower would be needed and even more to carry this out in several different countries that have different levels of security. It would really be a difficult endeavor and we would need many different things to support these activities. Meanwhile, in 2000, I had already resigned from the JI and I no longer participated in the activities of the JI and no longer knew anything about the development of the JI except from the mass media. After 9/11 many people were captured and imprisoned. So how would it be possible for me to discuss this large undertaking with them that I myself was not capable of doing or carrying out because I did not have the friends and the skills and the other things that were needed.
- ii. I never possessed explosives in any form whatsoever and I do not know where to buy or how to buy explosives because that was not my work.

c. Point I

- i. Regarding the charge in this point, this is also something new to me. I don't know anything about a document like that when I was captured and I am not an expert bomb maker. I remember one charge that was almost the same when I was interrogated in the CIA prison. There was one interrogator who showed me a document that contained some kind of a rudimentary plan for

Exhibit D-b

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

III. Point e

Exhibit D-b

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

IV. Point g

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

V. Point k

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

Exhibit D-b

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

VI. Witnesses

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

Exhibit D-b

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

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

15-L-1645/DOD/73

Exhibit D-b

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

15-L-1645/DOD/74