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Department of Defense
Office for the Administrative Review of the Detention of Enemy
Combatants at U.S. Naval Base Guantanamo Bay, Cuba

08 February 2007

TO: Personal Representative

FROM: OIC, CSRT (8 Feb 07)

SUBJECT: SUMMARY OF EVIDENCE FOR COMBATANT STATUS REVIEW
TRIBUNAL – GHAILANI, AHMED KHALFAN

1. Under the provisions of the Deputy Secretary of Defense Memorandum, dated 14 July 2006, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at U.S. Naval Base Guantanamo Bay, Cuba*, a Tribunal has been appointed to determine if the detainee is an enemy combatant.

2. An enemy combatant has been defined as “an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.”

3. The following facts support the determination that the detainee is an enemy combatant.

a. On 7 August 1998, an explosive device was detonated in the vicinity of the American embassy building located in Dar es Salaam, Tanzania, severely damaging the American embassy building and causing the deaths of at least 11 persons and injuries to at least 85 people.

b. On 16 December 1998, the detainee was indicted by the United States District Court for the Southern District of New York, for his role in the bombings of the American embassies in Dar es Salaam, Tanzania and Nairobi, Kenya.

c. The detainee purchased the vehicle used to bomb the United States embassy in Dar es Salaam, Tanzania. The detainee supplied trinitrotoluene (TNT) and detonators, and rode in bombing scout vehicle which when recovered tested positive for TNT.

d. Khalfan Khamis Mohammed, who was indicted for his role in the bombings of the American embassies in Dar es Salaam, Tanzania and Nairobi, Kenya, identified the detainee as being a member of the group responsible for the bombing of the American embassy in Dar es Salaam, Tanzania on 7 August 1998.

e. Khalfan Khamis Mohammed, who was indicted for his role in the bombing of the American embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya, stated the detainee

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brought trinitrotoluene (TNT), detonators, fertilizer and gas cylinders to the Ilala house. The detainee participated in the assembly of the bomb in a concealed truck at the Ilala house.

f. The detainee and a man named Sheikh Ahmed Salim Swedan purchased a 1987 Nissan Atlas truck during July 1998. That truck was later used as the bomb delivery vehicle for the bombing of the American embassy in Dar es Salaam, Tanzania.

g. The detainee obtained a mobile phone in Dar Es Salaam, Tanzania, that was used as a means of communication between terrorist cells in Kenya and Tanzania. The last call from this phone was placed to Kenya approximately one hour before the bombings in Kenya and Tanzania. It is believed this phone was destroyed inside the bomb delivery vehicle upon detonation outside the American embassy in Tanzania.

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