

# UNCLASSIFIED

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

8 February 2007

TO: Personal Representative

FROM: OIC, CSRT (8 Feb 07)

SUBJECT: SUMMARY OF EVIDENCE FOR COMBATANT STATUS REVIEW  
TRIBUNAL – AL NASHIRI, ABD AL RAHIM HUSSEIN MOHAMMED

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. 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.

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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, 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.

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.