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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

8 March 2007

TO: Personal Representative

FROM: OIC, CSRT (8 Mar 07)

SUBJECT: SUMMARY OF EVIDENCE FOR COMBATANT STATUS REVIEW
TRIBUNAL – MOHD FARIK BIN AMIN [ZUBAIR]

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 identified by an al Qaida operative as a member of an al Qaida suicide team that was to participate in a plan to attack a building in the United States.

b. According to the Federal Bureau of Investigation, on 5 August 2003, a large vehicle bomb detonated outside of the J.W. Marriott hotel in Jakarta, Indonesia. Twelve persons were killed and one hundred forty-four people were injured, including two United States citizens.

c. An Indonesian National Police investigation, supported by the Federal Bureau of Investigation and other law enforcement agencies, revealed the J.W. Marriott hotel bombing was planned and executed by members of the Southeast Asia terrorist group Jemaah Islamiya, a group known to have solicited and received the support and guidance of al Qaida for terrorist activities in Southeast Asia.

d. According to the Department of Homeland Security Terrorist Organization Reference Guide, Jemaah Islamiya (JI) is a Southeast Asia terrorist network with links to al Qaida. The network plotted in secrecy through the late 1990s, following the stated goal of creating an idealized Islamic state comprising Indonesia, Malaysia, Singapore, the southern Philippines, and

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southern Thailand. In addition to raising its own funds, the JI receives money and logistic assistance from Middle Eastern and South Asian contacts, non-government organizations, and other groups, including al Qaida. The JI was responsible for the Bali, Indonesia, bombings on 12 October 2002, which killed nearly 200 people and wounded 300 others.

e. According to testimony from the Indonesian indictment of Rusman Gunawan dated January 2004, the detainee played a role in funding the bombing of the J. W. Marriott hotel in Jakarta, Indonesia. The detainee personally couriered 50,000 United States dollars; a portion of this money was used to finance safe houses and procure materials for the bombing of the J. W. Marriott hotel in Jakarta, Indonesia.

f. *Hambali* (Rusman Gunawan is the brother of Jemaah Islamiya operations chief Riduan Bin Isomuddin a.k.a *Hambali*) instructed Rusman Gunawan (Gunawan) to contact Ammar al Baluchi (*al Baluchi*), one of his contacts in Karachi, Pakistan, and request he provide 50,000 United States dollars to *Hambali's* contact in Bangkok, Thailand, a person known as "*Zubair*" (*the detainee*). According to Gunawan, after he requested this funding from *al Baluchi*, he was contacted by Mohammed Nazir Bin Lap (*Lillie*). *Lillie* advised Gunawan he would travel to Bangkok, Thailand, and meet with the detainee to assist in the movement of money. *Lillie* provided Gunawan with a cellular telephone number the detainee would be using. According to Gunawan, *Lillie* told him he intended to contact the detainee by means of this cellular telephone.

g. Ammar al Baluchi 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.

h. Rusman Gunawan (Gunawan) advised Ammar al Baluchi (*al Baluchi*) that Mohammed Nazir Bin Lap (*Lillie*) would contact the detainee in Bangkok, Thailand, and Gunawan provided the telephone number of the detainee to *al Baluchi*. Gunawan later learned that the detainee and *Lillie* were known personally to each other. According to the statement of Gunawan, *Lillie* contacted him approximately a month and a half later and stated he had received the money. Subsequently, Gunawan contacted *Hambali*, who advised him the money had been received, though he did not specify by whom.

i. Majid Khan (*Khan*), an associate of Ammar al Baluchi (*al Baluchi*), traveled to Bangkok, Thailand, to pick up the money after it was sent from Pakistan. During the time he was in Bangkok, Thailand, *Khan* maintained contact with *al Baluchi*. Their communications related largely to the financial scheme initiated by Rusman Gunawan. *Al Baluchi* eventually provided *Khan* with a telephone number for the detainee so he could contact him.

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j. The money transferred by the detainee was eventually delivered to Indonesia and used to fund a safe house and to purchase materials for the J. W. Marriott attack in Jakarta, Indonesia. During the trial of Rusman Gunawan (Gunawan) for his involvement in the attack on the J.W. Marriott hotel, Gunawan specifically identified the detainee as playing a role in the financing of the attack.

k. The detainee and other Jemaah Islamiya operatives left a suitcase containing 3,100 United States dollars and instructions on how to make and detonate a car bomb with Abdul Aziz Hajicheming (Hajicheming), in Cambodia. Hajicheming was arrested in May 2003 on charges of international terrorism.

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.