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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10013

OPENING

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

RECORDER: This Tribunal is being conducted at 1009 local 9 March 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:

Captain [REDACTED], United States Navy, President

Lieutenant Colonel [REDACTED], United States Marine Corps, Member

Lieutenant Colonel [REDACTED], United States Air Force, Member

Major [REDACTED], United States Air Force, Personal Representative

Gunnery Sergeant [REDACTED], United States Marine Corps, Reporter

Lieutenant [REDACTED], United States Navy, Recorder

Captain [REDACTED] is the Judge Advocate member of the Tribunal.

RECORDER: All Rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant [REDACTED], solemnly swear or affirm that you will faithfully perform the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

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

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

REPORTER: I do.

PRESIDENT: Please be seated.

UNCLASSIFIED

PRESIDENT: This Tribunal is convened by order of the Director Combatant Status Review Tribunals under the provision of his order of 22 February 2007. This Tribunal will determine whether Ramzi aka Ramzi Bin Al Shib Bin 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.

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

RECORDER: Do you swear affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and 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 Personal Representative will now be sworn.

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

PERSONAL
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

PRESENTATION OF UNCLASSIFIED INFORMATION

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

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

PRESIDENT: Personal Representative, you are advising the Tribunal by Exhibit D-a that the Detainee elected not to participate in this Tribunal proceeding. Is that still the situation?

PERSONAL
REPRESENTATIVE: Yes, sir.

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PRESIDENT: Please explain the efforts that you have taken to meet with the Detainee and advise him of his rights to be present.

PERSONAL

REPRESENTATIVE: Sir, the Detainee is uncooperative and unresponsive. At the first scheduled meeting to present the CRST notification to the Detainee on 9 February 2007, the Detainee stated he would not participate in the Tribunal process and would not meet again with PR#4 and the Arabic translator.

At the second scheduled meeting to present the Unclassified Summary on 13 February 2007, the Detainee chose to not leave his cell to meet with PR#4 and the Arabic translator.

At the third scheduled meeting to present the Unclassified Summary on 16 February 2007, the Detainee chose to not leave his cell to meet with PR#4 and the Arabic translator.

Finally, at the fourth scheduled meeting to present the unclassified exhibits on 5 March 2007, the Detainee chose to not leave his cell to meet with PR#4 and the Arabic translator.

PRESIDENT: Anything else to add?

PERSONAL

REPRESENTATIVE: No, sir.

PRESIDENT: It would appear that the Detainee has voluntarily absented himself from these proceedings. We will proceed in his absence.

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. In addition, I am handing to the Tribunal the following unclassified exhibits, marked as Exhibit R-2 through R-5. Copies of these Exhibits have previously been provided to the Personal Representative.

PRESIDENT: The Tribunal has received unclassified exhibits R-1 thru R-5.

PRESIDENT: Recorder please read the unclassified summary of evidence for the record.

UNCLASSIFIED

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

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 9:03 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 2972 persons in New York, Virginia, and Pennsylvania.

According to court transcripts and evidence from *United States v. Zacarias Moussaoui*, the Detainee was closely associated with three of the hijackers responsible for the "9/11" attacks, Mohammed Atta (Atta), Marwan Al-Shehhi (Al-Shehhi) and Ziad Jarrah while they lived in Hamburg, Germany during the late 1990's and early 2000. The Detainee, Atta and Al-Shehhi are known to have lived at or frequented one particular address during the same time period, 54 Marienstrasse 21073, Hamburg, Germany.

Airline and immigration records indicate that from November 1999 through February 2000, the Detainee, Mohammed Atta, Marwan Al-Shehhi and Ziad Jarrah all traveled from Germany to Pakistan.

Sayf al-Adl is a senior al Qaida military commander with a long-term relationship with Usama bin Laden. Sayf al-Adl's role in the organization has been as a trainer, military leader, and key member of Usama bin Laden's security detail.

The diary of Sayf al-Adl was recovered during a raid in Saudi Arabia in 2004. The diary details the Detainee's involvement in the 11 September 2001 terrorist plot and subsequent attack. The Detainee is listed as a "highly professional jihadist" along with "9/11 hijackers", Mohammed Atta and Ziad Jarrah. The diary states that the three were briefed on an operation involving aircraft by Abu Hafs, a senior al Qaida planner. The Detainee, Mohammed Atta, and Ziad Jarrah subsequently met with Usama bin Laden about the plan. Following the meeting, al Qaida began arrangements for the Detainee, Mohammed Atta and Ziad Jarrah to receive pilot training. The Detainee handled administrative details for the "9/11 hijackers" while they were in the United States and the Detainee served as an al Qaida Europe based liaison.

The Detainee was identified in a video tape of potential suicide operatives.

The Detainee attempted to obtain a United States visa on four occasions from May 2000 to November 2000 for the purpose of attending flight school in the United States. Each application was rejected by United States Department of State.

UNCLASSIFIED

The Detainee attempted to enroll in the Florida Flight Training School, where 9/11 hijacker Ziad Jarrah was a student. The Detainee put down a 2,350 United States dollars deposit for flight training.

Ziad Jarrah repeatedly attempted to assist the Detainee's travel to the United States and enrollment in the Florida flight training center.

The Detainee also attempted to enroll at the Florida-based aviation language school.

The Detainee, while in Germany, wired 9/11 hijacker Marwan Al-Shehhi, who was in the United States 2708.33 United States dollars on 13 June 2000 via moneygram.

The Detainee, while in Germany, wired 9/11 hijacker Marwan Al-Shehhi, who was in the United States 1803.19 United States dollars on 21 June 2000 via moneygram.

The Detainee, while in Germany, wired 9/11 hijacker Marwan Al-Shehhi, who was in the United States) 1760.61 United States dollars on 26 July 2000 via Western Union.

The Detainee, while in Germany, wired 9/11 hijacker Marwan Al-Shehhi who was in the United States) 4,118.13 United States dollars on 25 September 2000 via Western Union.

In June 2002, the Detainee was personally interviewed by Yosri Fouda, an investigative journalist for Al-Jazeera television. The interview took place over the course of 48 hours in Karachi, Pakistan. Also present at the meeting was Khalid Sheikh Mohammed, a senior al Qaida planner. Fouda conducted the interview in person with both the Detainee and KSM. The Detainee and KSM detailed how the 9/11 attacks were planned and executed during the course of the interview. KSM identified the Detainee as the coordinator of the 9/11 attacks. The Detainee displayed items he claimed were "souvenirs" of the 9/11 attacks. The items included: an air navigation map of the American eastern seaboard, flight simulator CD-Roms and Boeing manuals and a flight instruction book the Detainee claimed had 9/11 hijacker Mohamed Atta's handwritten notes. The Detainee stated Mohamed Atta left them in the Hamburg, Germany, apartment he shared with the Detainee. The Detainee stated that he later met with Atta in July, 2001 in Madrid, Spain, to finalize the operational details of the 9/11 plot. The Detainee stated he received a phone call on 29 August 2001 from Atta that gave the date for the 9/11 attacks. After learning this, the Detainee ordered active al Qaida cells in Europe and elsewhere to evacuate and then he fled to Pakistan.

An unsigned letter found at the Detainee's point of capture, and addressed to the Detainee, asks follow on questions related to the Detainee's Al-Jazeera interview detailing the 9/11 attacks.

An article from the London Sunday Times published on 8 September 2002 listed excerpts from a 112 page document entitled "The Reality of the New Crusaders' War." The Detainee passed the document to Al-Jazeera reporter Yosri Fouda with a request for the document to be translated into English and entered into the Library of Congress. According to the London Sunday Times the document is al Qaida's written attempt to justify the 9/11 attacks through Islamic teaching.

UNCLASSIFIED

The London Sunday Times article published on 8 September 2002 listed excerpts from "The Reality of the New Crusaders' War" which contained statements from Taliban leader Mullah Mohamed Omar and Usama bin Laden which encourages jihad in service of the ousted Taliban regime.

The Detainee was captured in a safe house. Items also recovered at the safe house at the time of the Detainee's capture were high explosives, sheet explosives, a large quantity of improvised detonation devices, passports for Usama bin Laden's family members, a handwritten note to a senior al Qaida operative, identification cards for a senior al Qaida operative, identification cards for Ahmad Ibrahim Al-Haznawi, a 9/11 hijacker, and contact information for several known al Qaida operatives.

Documents captured in a raid of a separate al Qaida safe house were identical to documents captured along with the Detainee. The documents included training manuals, security information and combat related subjects.

Letters and personal effects of a senior al Qaida operative were discovered in the safe house where the Detainee was arrested.

Letters found at the Detainee's point of capture detailed a plan to egress Pakistan with forged identification. This plan was in conjunction with a senior al Qaida operative.

A letter captured on an al Qaida courier detailed a senior al Qaida operative's instructions to the Detainee to identify operatives to send to the United States or United Kingdom.

The Detainee wired approximately 15,000 United States dollars to Zacharias Moussaoui while Moussaoui was enrolled in pilot training.

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

PRESIDENT: Thank you.

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

PERSONAL

REPRESENTATIVE: No, sir.

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.

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

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PRESIDENT: We will now pause briefly to permit the Tribunal members time to read the unclassified evidence. [The Tribunal President and Members reviewed exhibits R-1 thru R-5].

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

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, sir.

PRESIDENT: On the Detainee election form provided to the Tribunal earlier, I note the Detainee has not request any witnesses to be present.

PRESIDENT: Any member of the Tribunal have any questions for the Personal Representative or the Recorder at this time?

MEMBERS: No, sir.

CLOSING UNCLASSIFIED SESSION

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

PRESIDENT: Ramzi Bin Al-Shib, shall be notified of the Tribunal decision upon completion of the review of these proceedings by the Combatant Status Review Tribunal Convening Authority in Washington, D.C.

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

PRESIDENT: If the Tribunal determines his classification as an enemy combatant he 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 the Detainee poses a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaida and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

PRESIDENT: The Detainee will have the opportunity to be heard and to present relevant information to the Administrative Review Board. The Detainee can present information from his family and friends that might help him at the Board.

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

ADJOURN OPEN SESSION

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

RECORDER: The time is 1042 local. The date is March 9, 2007.

RECORDER: All Rise.

[The Tribunal President and Members withdrew from the hearing room]

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the Combatant Status Review Tribunal of ISN 10013.

[REDACTED]
CAPT JAGC USN
Tribunal President