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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10019

OPENING

PRESIDENT: This hearing shall come to order.

RECORDER: This Tribunal is being conducted at 13:25 hours on 4 April 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:
Colonel [REDACTED], United States Air Force, President,
Lieutenant Colonel [REDACTED], United States Air Force, Member,
Commander [REDACTED], United States Navy, Member,
Major [REDACTED], United States Air Force, Personal Representative,
Language Analyst¹, [REDACTED],
Sergeant First Class [REDACTED], USA-- United States Army, Reporter,
Lieutenant Colonel [REDACTED], United States Army, Recorder.
Lieutenant Colonel [REDACTED] is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Colonel [REDACTED], swear or affirm that you will faithfully perform the duties as Recorder assigned to 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, Sergeant First Class [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: The Translator will 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?

LINGUIST: I do.

¹ Language Analyst, Translator, and Linguist are used interchangeably.

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PRESIDENT: We'll take a brief recess while the Detainee is brought into the room.
Recorder-- [SCI² President and Recorder both speaking]

RECORDER: The time is 13:26 hours on 4 April 2007. This Tribunal is now in recess.
[The Tribunal Members leave the room.]
[The Tribunal Members reenter the room at 13:36 hours.]

All rise.

LINGUIST: Translates above.

PRESIDENT: This hearing will come to order. Please be seated.

LINGUIST: Translates above.

PRESIDENT: Good afternoon.

LINGUIST: Translates above.

PRESIDENT: RIDUAN BIN ISOMUDDIN, I understand that you prefer to be called
Mister HAMBALI. Is that correct?

LINGUIST: Translates above.

DETAINEE: Yes, correct. [via Linguist]

PRESIDENT: Very well. I will refer to you in that manner during this hearing today.

LINGUIST: Translates above.

DETAINEE: That's okay. [via Linguist]

CONVENING AUTHORITY

PRESIDENT: This Tribunal is convened by order of the Director, Combatant Status
Review Tribunals under the provisions of his Order dated 12 February 2007.

LINGUIST: Translates above.

PRESIDENT: This Tribunal will determine whether you meet 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.

LINGUIST: Translates above.

² Simultaneous Communication Interruption

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OATH SESSION 2

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

LINGUIST: Translates above.

RECORDER: Do you swear or 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?

LINGUIST: Translates above.

MEMBERS: I do.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

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

LINGUIST: Translates above.

PERSONAL REP: I do.

LINGUIST: Translates above.

PRESIDENT: Please be seated.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

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EXPLANATION OF PROCEEDINGS

PRESIDENT: Mister HAMBALI, you are hereby advised that the following applies during this hearing.

LINGUIST: Translates above.

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.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

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

LINGUIST: Translates above.

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.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

PRESIDENT: Mister HAMBALI, do you understand this process?

LINGUIST: Translates above.

DETAINEE: Yes. [via Linguist]

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

LINGUIST: Translates above.

DETAINEE: How many times will there be sessions after this? [via Linguist]

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PRESIDENT: This will be the only open session planned at this time.

LINGUIST: Translates above and states the Detainee says yes. [SCI]

PRESENTATION OF UNCLASSIFIED INFORMATION

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

LINGUIST: Translates above.

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

LINGUIST: Translates above.

PRESIDENT: The Tribunal has received D-a, and it indicates that the Detainee wants to participate in the Tribunal and wants the assistance of a Personal Representative.

LINGUIST: Translates above.

PRESIDENT: It also contains comments from the Personal Representative regarding matters of a-- relating to a witness and a written statement.

LINGUIST: Translates above.

PRESIDENT: We will address this further at a later time.

LINGUIST: Translates above.

RECORDER PRESENTS UNCLASSIFIED

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

LINGUIST: Translates above.

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-3. Copies of these Exhibits have previously been provided to the Personal Representative.

LINGUIST: Translates above.

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PRESIDENT: Recorder, please read the unclassified Summary of Evidence for the record. Recorder, before you proceed; Mister HAMBALI, Sir, please do not comment on the evidence at this time. You will be provided an opportunity to provide comments shortly. Recorder, please proceed.

LINGUIST: Translates above.

RECORDER: The following facts support the determination that the Detainee is an enemy combatant: Paragraph a. On 24 December 2000, 18 people were killed in church bombings in Indonesia. Paragraph b. A Federal Bureau of Investigation source stated sometime around mid-2000, the Detainee called a meeting to discuss an operation targeting churches in Indonesia and the Singapore operation against the United States embassy. The Detainee argued that the church was not being used only for prayer, and was responsible for the unrest in Ambon, Indonesia. The source stated the Detainee wanted the churches attacked on Christmas Eve 2000. Paragraph c. A Federal Bureau of Investigation source stated the Detainee was hiding in Pakistan and Afghanistan since February of 2001 because he was involved in the December 2000 attacks on the churches in Indonesia. Paragraph d. The Detainee supervised the plan to bomb the United States, Australian, and British embassies in Singapore. Paragraph e. A Federal Bureau of Investigation source discussed the Singapore Plot. According to the source, in 1999 the Detainee gave the source a map and videotape of the Yishan mass rapid transit station in Singapore, and asked the source to write a proposal on how they would make an attack. In May 1999, when the source finished the proposal, he showed it to the Detainee in Kuala Lumpur, Malaysia. The Detainee liked the proposal and told the source to take the tape to Afghanistan. The Detainee put the source in contact with a high ranking al Qaida operative so the source could contact the al Qaida operative upon his arrival in Pakistan. Paragraph f. The Detainee orchestrated and funded the Christmas Eve 2000 simultaneous bombings in Indonesia. Paragraph g. On 12 October 2002, at least 187 people were killed and over 300 injured when an explosion destroyed a nightclub packed with hundreds of foreign tourists on the Indonesian resort island of Bali. Paragraph h. A Federal Bureau of Investigation source stated the last contact he had with the Detainee was in mid-January 2002, in Thailand. The source stated the Detainee discussed carrying out attacks. The Detainee's plan was to conduct small bombings in bars, cafes, or night clubs frequented by westerners in Thailand, Malaysia, Singapore, the Philippines, and Indonesia. The source also stated the Detainee claimed he had one ton of explosives in Indonesia. Paragraph i. The Detainee was the leader of the Malaysia Mujahedin group whose agenda was to topple the Malaysian government. Paragraph j. The Detainee is linked to the recruitment of a foreign student organization in Pakistan called al Ghuraba, which was initiated to help develop the Jemaah Islamiyah organization in Pakistan.

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Paragraph k. The Detainee was the operations chief of the Jemaah Islamiyah-- I'll rephrase. The Detainee was the operations chief of the Jemaah Islamiyah and its main contact and point man for al Qaida in Southeast Asia. Paragraph l. A document seized during the Detainee's arrest provided instructions for manufacture of vest bombs used by suicide bombers. Sir, this concludes the summary of unclassified evidence.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

PERSONAL REP: Yes, Sir. I am handing to the Tribunal the following unclassified exhibit marked as Exhibit D-b. Copies of these Exhibits have been previously provided to the Recorder.

LINGUIST: Translates above.

PRESIDENT: Does the Recorder have any further unclassified evidence?

LINGUIST: Translates above.

RECORDER: Mister 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.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

RECORDER: The Detainee's exhibit is rather large; we'll take a recess to review this document in detail.

LINGUIST: Translates above.

RECORDER: The time is 13:53 hours on 4 April 2007. This Tribunal is now in recess. All rise.

LINGUIST: Translates above.

[Members departed the room at 13:54 hours.]

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[Members reentered the room at 14:36 hours.]

RECORDER: All rise.

LINGUIST: Translates above.

PRESIDENT: This hearing will come back to order. Please be seated.

LINGUIST: Translates above.

RECORDER: The time is 14:36 hours on 4 April 2007.

LINGUIST: Translates above. [Asked the Recorder to repeat the minutes.]

RECORDER: Thirty-six.

PRESIDENT: The Tribunal recessed for a bit of time to completely review the unclassified-- excuse me, the written statement that you provided.

LINGUIST: Translates above.

PRESIDENT: And we noted that you covered all of the points of the unclassified Summary of Evidence.

LINGUIST: Translates above.

PRESIDENT: And we appreciate the time and effort that you took in providing that complete discussion.

LINGUIST: Translates above.

DETAINEE: You're welcome. [via Linguist]

PRESIDENT: We will probably have questions a little later in the transcript-- excuse me, a little later in the proceedings regarding your statement.

LINGUIST: Translates above.

DETAINEE: Yes, okay. [via Linguist]

BEGIN DETAINEE ORAL STATEMENT

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

LINGUIST: Translates above.

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DETAINEE: No, I don't. It's sufficient what I provided you in the written form. [via Linguist]

PRESIDENT: Very well.

LINGUIST: Translates above.

DETAINEE QUESTION & ANSWER

PRESIDENT: Personal Representative, do you have any questions for Mister HAMBALI at this time?

LINGUIST: Translates above.

PERSONAL REP: No, Sir.

LINGUIST: Translates above.

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

RECORDER: No, Sir.

LINGUIST: Translates above.

RECORDER: No, Sir. [Recorder told Linguist again and Linguist told Detainee again.]

PRESIDENT: And I believe the Tribunal Members have a few questions for Mister HAMBALI.

LINGUIST: Translates above.

MEMBER: Mister HAMBALI, were you involved with the church bombings in December 2000 in Indonesia?

LINGUIST: Translates above.

DETAINEE: I have already answered in my written statement and I don't have anything else to add. [via Linguist]

MEMBER: Your written statement doesn't say affirmatively that you were involved with those church bombings. Simply that they occurred in 2000 before the War on Terrorism. So, I can presume that you were involved; it doesn't say it affirmatively.

LINGUIST: Translates above.

DETAINEE: I was not involved. [via Linguist]

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MEMBER: Mister HAMBALI, your statement says that you did not discuss the Singapore operations against the United States embassy. Did you participate in any way?

LINGUIST: Translates above.

DETAINEE: No. I had nothing-- nothing to do with it. [via Linguist]

MEMBER: You say in your statement that you resigned from JI in 2000. What were your activities from the time you resigned from JI until the time that you were captured?

LINGUIST: Translates above.

DETAINEE: No answer. [Detainee stated "no answer" in English.]

LINGUIST: No answer. [Repeated by Linguist]

MEMBER: Mister HAMBALI, did you have any association with al Qaida while you were a member of JI?

LINGUIST: Translates above.

DETAINEE: No. [via Linguist]

PRESIDENT: I have one question.

LINGUIST: Translates above.

PRESIDENT: In your statement you did mention that what was being stated in the unclassified summary was not your work, I think, regarding making explosives.

LINGUIST: Translates above.

PRESIDENT: That's-- that's what I believe your statement said. I would like to ask, what was your work?

LINGUIST: Translates above.

DETAINEE: No answer. [stated to Linguist "no answer."]

PRESIDENT: Okay, very well. Thank you.

LINGUIST: Translates above.

DETAINEE: You're welcome. [via Linguist]

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PRESIDENT: Any further questions from the Tribunal Members?

LINGUIST: Translates above.

MEMBER: One more question.

LINGUIST: Translates above.

MEMBER: Concerning paragraph 3-d. You stated [SCI with Linguist] you stated that you were never the supervisor of the planning, concerning the bombing at the United States, Australian and British embassies in Singapore. Even though not the supervisor, did you participate in any way in any plans to bomb those embassies?

LINGUIST: Translates above.

DETAINEE: I don't know anything about it whatsoever.

PRESIDENT: Very well. That concludes the questions.

LINGUIST: Translates above.

CALLING OF WITNESSES

PRESIDENT: We will now allow the calling of witnesses.

LINGUIST: Translates above.

PRESIDENT: All witnesses called before this Tribunal may be questioned by the Detainee, the Personal Representative, the Recorder, and the Tribunal Members.

LINGUIST: Translates above.

PRESIDENT: Does the Recorder have any witnesses to present?

LINGUIST: Translates above.

RECORDER: No, Sir.

LINGUIST: Translates above.

PRESIDENT: And I, from the Detainee Election Form provided to the Tribunal earlier, I note that the Detainee has requested one witness previously--IMAM SAMUDRA.

LINGUIST: Translates above.

PRESIDENT: I determined that your witness request was relevant to these hearings today.

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LINGUIST: Translates above.

PRESIDENT: And I requested that the United States Government make contact with this witness.

LINGUIST: Translates above.

PRESIDENT: Your witness was located in a foreign country.

LINGUIST: Translates above.

PRESIDENT: But there were particular circumstances that prevented that witness from attending this hearing today.

LINGUIST: Translates above.

PRESIDENT: So I directed that an alternative means of testimony be sought for this witness.

LINGUIST: Translates above.

PRESIDENT: And that would be in the form of a written testimony.

LINGUIST: Translates above.

PRESIDENT: After considerable effort by the United States Government, your witness has not yet been contacted regarding responding to those questions.

LINGUIST: Translates above.

PRESIDENT: And- [SCI by Detainee]

DETAINEE: You mean the Indonesian Government? [via Linguist]

PRESIDENT: In that-- that is correct.

LINGUIST: Translates above.

DETAINEE: So you mean the American Government has contacted the Indonesian Government? [via Linguist]

PRESIDENT: That is correct.

LINGUIST: Translates above.

PRESIDENT: But as of this time, we do not know if the particular witness has received your questions.

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LINGUIST: Translates above.

PRESIDENT: And I've provided this information to your Personal Representative earlier.

LINGUIST: Translates above.

PRESIDENT: And I believe you were informed of the situation, prior to this hearing.

LINGUIST: Translates above.

DETAINEE: Yes. [via Linguist]

PRESIDENT: And I also note from the Detainee Election Form submitted to us today that you've withdrawn your request for this witness. Is this correct?

LINGUIST: Translates above.

DETAINEE: Yes. [via Linguist]

PRESIDENT: So I'd just like to make it clear that you voluntarily decided to withdraw your witness request.

LINGUIST: Translates above.

DETAINEE: Yes, that's correct. [via Linguist]

PRESIDENT: Okay. Very well.

LINGUIST: Translates above.

PRESIDENT: I also noted for the record that in your written testimony, you communicated to us your certain concerns regarding written testimony from witnesses.

LINGUIST: Translates above.

DETAINEE: Yes. [via Linguist]

PRESIDENT: I respect your wishes on this matter and will continue with the hearing without any witness testimony.

LINGUIST: Translates above and states, "He shakes his head yes."

PRESIDENT: Okay.

CLOSING UNCLASSIFIED SESSION

PRESIDENT: Mister HAMBALL, this concludes the presentation of the unclassified information to the Tribunal.

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LINGUIST: Translates above. [SCI with President] I'm sorry; finishes translation to Detainee.

PRESIDENT: We are about to conclude the unclassified portion of this hearing. Do you wish to make any final statements to this Tribunal?

LINGUIST: Translates above.

DETAINEE: After this, how will I be notified if I am an enemy combatant or not? [via Linguist]

PRESIDENT: I will address that matter shortly, in the closing remarks.

LINGUIST: Translates above.

PRESIDENT: In-- in short, your Personal Representative will contact you after the decision has been made.

LINGUIST: Translates above.

DETAINEE: About how much time will this take until it's decided? [via Linguist]

PRESIDENT: I'm sorry; I can't answer that at this time. But I hope it won't be very long.

LINGUIST: Translates above.

PRESIDENT: And also I would like to point out that another Personal Representative may be assigned at a later time, but you will be notified by someone from our organization.

LINGUIST: Translates above.

DETAINEE: Not this-- not this PR? [via Linguist]

PRESIDENT: It's possible that another Member that could be assigned.

LINGUIST: Translates above.

DETAINEE: Okay. [via Linguist]

CLOSING UNCLASSIFIED SESSION

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

LINGUIST: Translates above.

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PRESIDENT: Mister HAMBALI, also known as RIDUAN BIN ISOMUDDIN, 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.

LINGUIST: Translates above. [Linguist's translation includes a reference that the proceedings will also be reviewed by the Designated Civilian Official in Washington, D.C. This additional reference was from a draft script.]

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.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

DETAINEE: How much time? [via Linguist]

PRESIDENT: Again, a future date would be any time in the future; probably months.

LINGUIST: Translates above.

DETAINEE: But not a CSR-- CSRT. [via Linguist]

PRESIDENT: No. This is the only process that you will have regarding the Combatant Status Review Tribunal.

LINGUIST: Translates above.

DETAINEE: What is the name of the other-- the other proceeding? [via Linguist]

PRESIDENT: I have additional information regarding that proceeding. [SCI]

LINGUIST: Translates above.

PRESIDENT: May I continue? Let me continue please.

LINGUIST: Translates above.

PRESIDENT: The Administrative Review Board will make an assessment of whether there is a continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist

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organizations, such as al Qaida and its affiliates and supporters, or whether there are other factors bearing on the need for continued detention.

LINGUIST: Translates above.

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 the Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

LINGUIST: Translates above.

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

LINGUIST: Translates above.

PRESIDENT: Mister HAMBALI, thank you for attending this hearing today.

LINGUIST: Translates above.

DETAINEE: Thank you very much. [via Linguist]

ADJOURN OPEN SESSION

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

LINGUIST: Translates above.

RECORDER: The time is 14:55 hours. The date is 4 April 2007.

LINGUIST: Translates above.

RECORDER: All rise.

LINGUIST: Translates above.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of the Detainee's words given during the Combatant Status Review Tribunal of ISN 10019.

[REDACTED], Colonel, USAF
Tribunal President

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