

Habeas Submission: ISN 061

Pages Not Released due to material being Classified – Secret:

- Pages 1-75

Pages Released due to material being Unclassified:

- Pages 76-118

SETON HALL UNIVERSITY SCHOOL OF LAW
CENTER FOR SOCIAL JUSTICE
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Commander Teresa McPalmer
JAGC, U.S. Navy
Legal Advisor
Office for the Administrative Review of the
Detention of Enemy Combatants at U.S.
Naval Base, Guantanamo Bay, Cuba
2000 Navy Pentagon, Room 4D45
Washington, DC 20350-2000

Re: Supplemental Submission of Detainee Murat Kurnaz
to the Administrative Review Board

(u) We respectfully offer United States District Judge Joyce Hens Green's Memorandum Opinion, issued January 31, 2005 as a supplement to Mr. Kurnaz's submission in this Administrative Review Board ("ARB") proceeding previously forwarded to you on February 1, 2005. Pursuant to your notice on December 28, 2004, we ask that you present a copy of this letter and the attached opinion to members of the ARB reviewing Mr. Murat's detention.

(u) As you are likely aware, Judge Green ruled that the Guantanamo Bay detainees have stated valid claims under the Fifth Amendment and the Third Geneva Convention and that the procedures utilized by United States to determine whether a detainee is an "enemy combatant" deprive the detainees of due process of law. We wish specifically to draw your attention to Judge Green's decision to devote a significant portion of her opinion to a discussion of Mr. Kurnaz's case. We of course understand that Judge Green's decision and even her reasoning is in no way legally binding on the Board. Nevertheless, we think it significant that an esteemed independent judgment such as Judge Green's,¹ upon review of the unclassified and classified

(u)¹ Judge Green, before her retirement, was a highly respected member of the judiciary, proven more so by the request from the D.C. District Court that she come out of retirement to handle consolidated issues in the Guantanamo habeas cases. No stranger to sensitive and complex issues related to our nation's security, she has served as Chief Judge of the United States Foreign Intelligence Surveillance Court and has been awarded the "Intelligence Under Law" Award from the National Security Agency (NSA) and the "Agency Seal Medallion" from the Central Intelligence Agency (CIA).

Classification derived from classified exhibits R-16, R-17 + R-18 to the Combatant Status Review Tribunal Decision Report and Memorandum Opinion by Judge Green dated 31 Jan 2005 (following DoD Classification Review).

Page 1 of 3

Future declassification based on source document marked X, 1.

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bases for his detention, came to much the same conclusion that we had respectfully urged upon you in our February 1, 2005 submission: that the evidence against Mr. Kurnaz does not provide a strong basis to conclude he is an enemy combatant. Therefore, we think her judicial opinion is relevant to your consideration of whether Mr. Kurnaz should continue to be regarded as "dangerous to the United States, its interests or its allies."

(U) Focusing on Mr. Kurnaz's case, Judge Green first concludes that the unclassified evidence supporting his detention provides an extremely attenuated – and constitutionally insufficient – basis for a conclusion that Mr. Kurnaz supports or is associated with terrorism. See Memorandum Opinion at 62 ("the unclassified evidence upon which the CSRT relied upon in determining Murat Kuraz's "enemy combatant" status consisted of findings that he was "associated" with an Islamic missionary group named Jama'at-Al-Tabliq, that he was an "associate of and planned to travel to Pakistan with an individual who later engaged in a suicide bombing, and that he accepted free food, lodging and schooling in Pakistan from an organization known to support terrorist acts.") (citing Kurnaz Factual Return, Enclosure (1) at 1). Specifically, she states:

(U) Nowhere does any unclassified evidence reveal that the detainee even had knowledge of his associate's planned suicide bombing,² let alone establish that the detainee assisted in the bombing in any way.... In addition, although the detainee

(S/NF) → [REDACTED] there is no unclassified evidence to establish

(S/NF) → [REDACTED]

Memorandum Opinion at 62-63.

(S/NF) Regarding the classified basis for his detention, which she reviews in detail, Judge Green finds it similarly thin. Consistent with our February 1 submission to the ARB, Judge Green points out the numerous exculpatory statements of U.S. officials which demonstrate their belief that he has no connections to the Taliban, or Al Qaeda. See Memorandum Opinion at 50-51

[REDACTED]

² Judge Green was not aware of information we have provided to the ARB (see Exhibits 7 and 8), that Mr. Bilgin is alive, has never been under any suspicion by German authorities regarding a suicide bombing, and has been cleared by German authorities of suspicions related to terrorism.

³ As we described in detail in pages 11-16 of our letter to the ARB and accompanying expert letters, Jama'at al Tablighi is an enormous group that is both avowedly peaceful and anti-political and could not, for reasons related to structure, ideology and practice, support or be affiliated with terrorist groups in any significant way.

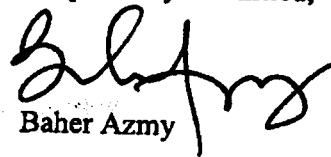
[REDACTED]

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(u) She thus discounts the conclusion in Exhibit R-19 of the return because it "fails to provide significant details to support its conclusory allegations, does not reveal the sources for its information, and is contradicted by other evidence in the record." Memorandum Opinion at 63 n. 36.

(u) Again, we understand that Judge Green's opinion has no binding effect on this Board's determinations and that it must undergo review by the Court of Appeals. Nevertheless, we think it significant that an independent and experienced jurist isolated Mr. Kurnaz's detention as one that appears particularly unjust and we will of course attempt to reinforce this appearance by focusing the Court of Appeals' attention on the same issues Judge Green raised. We thus respectfully submit that the Board give Judge Green's opinion due consideration in evaluating whether Mr. Kurnaz is still dangerous enough that he must be detained.

Respectfully submitted,


Baher Azmy

Bremen, 01/24/05

Rabiya Kurnaz

Saiterweg 11

28309 Bremen

Ladies and gentlemen,

I, the mother who certainly knows her own son best, am writing not only in my name, but in the name of all the relatives and friends, affirm that my son Murat is a person who loves all people and also animals, and cannot hurt any living thing. Through his religion, which Murat lived only for himself, he found a special inner peace. I also affirm that he was never a militant person or was prejudiced against people who did not act according to the rules of Islam. He always believed only in the good in people.

We have been in Germany since 1970 and the whole family has never done anything wrong. His father has worked at the same firm for 30 years, his sister is happily married and has 2 children, his brother is in 10th grade in gymnasium, his other brother is in the 3rd grade of primary school, and I am a perfectly normal housewife. We are all slowly becoming depressed, especially me. We all want to see and have our dear boy with us again. Please believe him and us, that Murat is certainly innocent. At least believe a mother. Please have sympathy. I appeal to all ladies and gentlemen in charge, to your humanity.

In great hope and respectfully,

R. Kurnaz

Rabija Kuraz
Seidenweg 11
28309 Bremen

Bremen, den 24.01.05

Sehr verehrte Damen,
sehr geehrte Herren,

ich, die Mutter, die ihren Sohn sicher am besten
kennt, verleihe nicht nur in meinem Namen, sondern
auch im Namen der ganzen Verwandten und Bekannten,
versichere, daß mein Sohn Murat ein Mensch ist,
der alle Menschen und auch Tiere liebt und
keinem Lebewesen etwas zu Leide tun kann. Er
hat durch seine Religion, die Murat einzig und
allein für sich ausgelebt hat eine besondere
innere Ruhe gefunden. Ich versichere auch, daß
er niemals ein militanter Mensch gewesen ist,
oder Vorurteile gegen Menschen gehabt hat,
die nicht nach den Regeln des Islams gehandelt
haben. Er hat immer nur an das Gute im
Menschen geglaubt.

Wir sind seit 1940 in Deutschland und die ganze Familie hat sich nie etwas zu schulden kommen lassen. Sein Vater arbeitet schon seit 30 Jahren bei der gleichen Firma, seine Schwester ist glücklich verheiratet und hat 2 Kinder, sein Bruder besucht die 10. Klasse des Gymnasiums der andere Bruder in die 3. Klasse der Grundschule und ich bin eine ganz normale Hausfrau. Wir bekommen alle langsam aber sicher Depressionen, besonders ich. Wir möchten alle wieder unseren lieben Jungen zwischen uns sehen und haben. Bitte glauben Sie ihm und uns, daß Murat sicher unschuldig ist. Glauben Sie wenigstens einer Mutter. Haben Sie bitte Verständnis. Ich appelliere an alle zuständigen Damen und Herren an ihre Menschlichkeit.

In voller Haftung und Nachachtungswill

R. Kurnoz

Maria Kurnoz

I hereby swear, with awareness of the punishability of false statements,

That Murat Kurnaz intended to attend a Koran school to get to know his religion better. I knew nothing of extremist-fundamentalist views. I knew Murat for years, we did a lot of things together. He got along with everyone very well. No one can say that he is a terrorist. I like him as much as all his other friends like him, whether Turks, Germans etc. That's why we want to see Murat with us again soon. We have all missed him very much. Please set Murat free!

Name, address, birthdate, date, signature

Saban Amil

Sebaldsbrücker Heerstr. 117

28309 Bremen

born 20 Dec. 1980 om Bremen

Bremen 01.23.2005

[signature]

"UNCLASSIFIED"

Hiermit versichere ich in Kenntnis der Strafbarkeit falscher Angaben an Eides statt:

Das Muat Kurmaz die Absicht hatte eine Koranschule zu besuchen um seine Religion besser kennen zu lernen. Von Extremistisch-Fundamentalistischen Absichten war mir nichts bekannt. Ich kannte Muat seit Jahren, wir haben viel miteinander unternommen. Er konnte sich mit allen sehr gut verstehen. Keiner kann sagen das Er ein Terrorist ist. Ich mag ihn genauso viel wie alle anderen seiner Freunde ihn mögen ob Türke Deutscher usw. Deswegen wünschen wir uns, Muat bald wieder unter uns zu sehen. Wir haben ihn alle sehr vermisst. Bitte lassen Sie Muat frei!

Name, Adresse, Geburtsdatum, Datum, Unterschrift

Saban Amir
Sebaldsbrücke Hebe str. 117
28309 Bremen

20. Dez. 1980 geb in Bremen

Bremen 23.01.2005



Sworn Affidavit

I, Ahmet Demirci, born on 12.20.1968 in Artvid, Turkey, declare under oath, with awareness of the punishability of false statements:

I have known the Kurnaz family for over 18 years. I ran a travel agency in Bremen. Murat Kurnaz was in my office several times. The last time was in summer 2001. He bought airline tickets for his vacation in Turkey. He told me about his upcoming wedding in Turkey and showed me pictures of his future wife. After his return I met him again. He informed me that he had applied for an entry visa for his wife. Murat made a totally relaxed, satisfied and happy impression.

I know that he had turned to Islam. We also talked about the terror attack of 9.11.2001. Murat condemned these acts by the terrorists, he agreed with me that these acts could not be justified by Islam in any way.

I have known the Kurnaz family as a peaceful and tolerant family. The father of the family, Metin Kurnaz, has worked in an automobile factory for 30 years. The four children of Metin and Rabiye grew up in a happy home. The family was open and friendly towards other people; different religions or attitudes towards life made no difference.

As Murat Kurnaz's parents told me, they are of course willing to take Murat Kurnaz into their home after his return from imprisonment. Murat Kurnaz's parents and siblings are longing for him to return home.

I have told the Bremen state prosecutor that Murat Kurnaz, in my experience, did not have fundamentalist tendencies, he condemned the terrorist attack on September 2001, and he looked forward to his wife coming to Bremen at the end of 2001.

Bremen, 1.25.2005

(Ahmet Demirci)
Osternadel 18
28309 Bremen

"UNCLASSIFIED"

Eidesstattliche Versicherung

Hiermit erkläre ich, Ahmet Demirci, geb. am 20.12.1968 in Artvin/Türkei in Kenntnis der Strafbarkeit falscher Angaben an Eides statt:

Ich kenne Familie Kurnaz schon seit über 18 Jahren. Ich habe in Bremen ein Reisebüro betrieben. Murat Kurnaz war mehrere Male in meinem Geschäft. Zuletzt im Sommer 2001. Er kaufte Flugtickets für seinen Türkeiurlaub. Er erzählte mir von der bevorstehenden Heirat in der Türkei und zeigte mir Bilder seiner zukünftigen Frau. Nach seiner Rückkehr habe ich ihn wieder getroffen. Er teilte mir mit, dass er für seine Frau ein Einreisevisum beantragt hatte. Murat machte einen total lockeren, zufriedenen und glücklichen Eindruck.

Mir ist bekannt, dass er sich dem Islam zuwandte. Wir haben auch über den Terroranschlag vom 11.09.2001 gesprochen. Murat verurteilte diese Aktion der Terroristen, er war mit mir einer Meinung, dass diese Aktion durch den Islam in keinster Weise zu rechtfertigen sei.

Ich habe die Familie Kurnaz als friedliche und tolerante Familie erlebt. Der Vater der Familie, Metin Kurnaz, arbeitet seit 30 Jahren in einer Automobilfabrik. Die vier Kinder des Metin und der Rabiye sind in einem glücklichen Zuhause aufgewachsen. Die Familie war anderen Menschen gegenüber offen und freundlich, unterschiedliche Religionen oder Lebenseinstellungen spielten keine Rolle.

Wie die Eltern von Murat Kurnaz mir mitteilten, sind sie selbstverständlich bereit, Murat Kurnaz nach seiner Rückkehr aus der Gefangenschaft in ihrem Hause wieder aufzunehmen. Die Eltern und die Geschwister von Murat Kurnaz warten sehnsüchtig auf seine Heimkehr.

Ich habe auch der Staatsanwaltschaft in Bremen mitgeteilt, dass Murat Kurnaz nach meinen Erfahrungen nicht fundamentalistisch eingestellt war, er den Terroranschlag vom September 2001 verurteilte und er sich darauf freute, dass seine Ehefrau Ende des Jahres 2001 nach Bremen kommen sollte.

Bremen, 25.01.2005


(Ahmet Demirci)

Osternadel 18
28309 Bremen

Fax: 2 pages

Ahmet Tekin
Kurt-Schumacher-Allee 46
28327 Bremen

I, Ahmet Tekin, born 07.18.1940, hereby declare under oath, in awareness of the punishability of false statements:

Statement:

I, Ahmet Tekin, and my family have known the Kurnaz family for over 30 years. During this time our families were in close contact and continued our good relations with the birth of the children and as they grew up. The children are like our own grandchildren, with whom we often spent our free time and celebrated their birthdays together. We knew the first child in the family, Murat K., the best. He was a very warmhearted, affectionate and nice boy. We very much value his special nature and his good character. As he grew up, he proved to be a respectful, polite, decent, family-oriented and domestic young man. He took great joy in life and spent most of his time at home and walking and playing with the dog.

According to our opinions and observations, Murat K. lost nothing of his good character and decent behavior in his childhood, youth and young adult years.

To this day, Murat K. is, in our eyes, a fair, helpful, social and just person on whom one can depend.

I myself in particular, and my family as well, miss him very much and hope to have him with us again soon, sound and healthy.

With these good wishes, I will end my words, which come from the depths of my soul.

Close family friend
Ahmet Tekin

Fax: 2 pages

Ahmet Tekin
Kurt-Schumacher-Allee 46
28327 Bremen

Fax: 2 seiten

Hiermit erkläre ich, Ahmet Tekin
geb. 18.07.1940 in Kenntnis der
Strafbarkeit falscher Angaben ein
Eides statt.

Stellungnahme:

Ich, Ahmet Tekin und meine Familie
kennen die Familie Kurnaz über 30 Jahre.
Während dieser Zeiten hatten wir ein sehr
engen familiären Kontakt zueinander und pflegten
unsere guten Beziehungen auch mit den Geburten der
Kinder und deren Aufwuchs fort. Die Kinder sind
für uns wie unsere eigenen Enkelkinder, mit denen
wir öfters unsere freie Zeiten verbrachten und
deren Geburtsstage zusammen feierten. Besonders gut
kannten wir das erste Kind der Familie, den Murat K.
Er war ein sehr warmherziger, liebevoller und netter Junge.
Seine besondere Art und seinen guten Charakter schätzten
wir sehr. Mit zunehmendem Alter erwies er sich als eine
respektvolle, höfliche, anständigen, familiengebundenen und
häuslichen Heranwachsenden. Er fand viel Freude am
Leben und verbrachte seine meiste Zeit zu Hause
und beim Spazieren gehen und Spielen des Hundes.

Nach unseren Auffassungen und Betrachtungen hat sich Murat K. sowohl in der Kindheit, Jugend als auch im Heranwachsendenalter von seinem gutem Charakter und anständigen Verhalten nichts aufgegeben.

Bis heute ist Murat K. in unseren Augen ein fairer, hilfsbereiter, sozialer und gerechter Mensch, auf den man sich verlassen kann.

Ich ganz besonders und auch meine Familie vermisse ihn sehr und hoffen ihn bald unverehrt und gesund wieder bei uns zu haben. Mit diesen guten Wünschen beende ich meine aus der tiefsten Seele kommenden Worte.

Enger Familienfreund
Ahmed Teliar

-2-

I hereby declare under oath, in awareness of the punishability of false statements:

That I have known Murat Kurnaz since childhood. I can only say good things about him until I heard that he was arrested and is in America. He was always a well-behaved, friendly, even somewhat shy child and young person I never heard or saw anything violent from him I also don't believe that he went anywhere to fight a war in the recent past he was a young man who wanted to know more about his religion and that is all he wanted I hope that he is released soon and is back home.

Name, address, birthdate, date, signature

Tepe Nurtekin born 12.26.67
Heimelinger Heerstr. 3
28309 Bremen

01.26.05 [signature]

Hiermit versichere ich in Kenntnis der Strafbarkeit falscher Angaben an Eides statt:


Das ich den Murat Kurmaz seit kleinem auf keine
Ich kann über ihn nur gutes sagen bis ich gehört
habe das er festgenommen ist und in Anwalt ist.

Er war immer ein braves freundliches sogar etwas
schüchternes Kind und jugendliche ich habe von ihm
noch nie etwas gewalttätiges weder gehört noch
gesehen ich glaube auch nicht das er irgendwohin
gegangen ist um Krieg zu führen in der letzten zeit war
er ein Junger Mann der über sein Religion mehr wissen
wollte und das ist alles was er wollte ich hoffe das er
bald freigelassen wird und wieder zu hause ist.

Name, Adresse, Geburtsdatum, Datum, Unterschrift

Tepe Nurtekin Geb. 26.12.67
Henetinger Heerstr. 3
28309 Bremen

26.01.05


Nurtekin Tepe

I am Ali Kurnaz, the brother of Murat Kurnaz. In this letter I would like to ask everyone in charge to set my brother free. Because I miss him and the time with him. Ever since I was born he was always there for me and did a lot together. Therefore of course I know him very well and can say I am quite certain that he could never have had anything terrorist in mind. I never even saw him kill an ant.

My little brother Alper who is in third grade also misses him a lot.

We all very much wish that we'll be able to embrace him again soon.

Yours truly

Ali Kurnaz

Attention Attorney Docke, Bernhard

Ich bin Ali Kurnaz, der Bruder von Murat Kurnaz. In diesem Brief möchte ich alle Zuständigen bitten, meinen Bruder freizulassen. Da ich ihn und die Zeit mit ihm vermisse. Schon seit meiner Geburt war er immer für mich da und haben zusammen auch vieles unternommen, daher kenne ich ihn natürlich auch sehr gut und kann mit ziemlicher Sicherheit sagen, dass er niemals etwas Terroristisches im Kopf gehabt haben könnte. Ich habe noch nicht einmal gesehen das er eine Ameise umgebracht hat. Mein kleiner Bruder Alper der in die dritte Klasse geht, vermisst ihn auch sehr. Wir alle wünschen uns sehr, ihn bald wieder in unsere Arme schließen zu können.

Mit freundlichen Grüßen

ZH. Rechtsanwalt
Döcke, Bernhard

Ali Kurnaz

Affidavit

Informed of the significance of an affidavit and the criminal nature of inaccurate information in such a declaration, I,

Selcuk Bilgin, born on 23 July 1976, married, living at 28309 Bremen, Hemelinger Heerstr. 7

declare the following under oath on the submission in the case against Murat Kurnaz, currently in Guantanamo in Cuba:

1. In autumn 2001 I was a friend of Murat Kurnaz, who also lived in Hemelingen at the time. We wanted to fly to Pakistan together on 3 October 2001 and spend several weeks there to study Islam more intensively. However, I was detained at the airport in Frankfurt because of an unpaid fine for negligent assault and had to remain in jail in Germany until my relatives paid the remaining fine for me. I did not travel later to Pakistan or Afghanistan. I have only been abroad once since October 2001, in Turkey recently for 15 days in September 2004 to visit my relatives.

I have had no personal contact with Murat Kurnaz since 3 October 2001. However, he did call me at home once, shortly after 3 October 2001, and spoke with my wife. He asked where I was.

2. I have not participated in the preparation or carrying out of Islamic suicide attacks, either before or after 3 October 2001. Nor do I have any contact to people who plan or carry out such things.

3. According to press reports in the Wall Street Journal of 21 October 2004, I have been connected by US authorities with an "Elalananutus suicide bomber"; it is even suggested that I am this "Elalananutus suicide bomber."

To this I can say only: I heard the term "Elalananutus" for the first time on 22 October 2004. It means absolutely nothing to me. Therefore I also know nothing about this unknown person.

4. I was the subject of an investigation starting on 3 October 2001 on suspicion of forming a criminal organization. The suspicion derived from the planned trip to Pakistan. The investigation was carried out by the state prosecutor in Bremen. This investigation was closed in October 2002.

Bremen, 4 November 2004

[signature]
(Selcuk Bilgin)

Number 312 my document role for 2004

The notary asked about prior involvement [??? Vorbefassung? Not sure of meaning] under section 3(1)(7), Federal Certification Law. This was answered in the negative by the subject.

I, the undersigned notary Reinhard Baucke, located in Bremen, hereby certify the signature, made before me with his own hand, of

Mr. Selcuk Bilgin, born 23 July 1976, living at 28309 Bremen, Hemelinger Heerstr. 7

-identified by presentation of his passport of the Turkish Republic, No. 151842, issued on 14 March 2000 by the Turkish General Consulate in Hanover.

Bremen, 4 November 2004

The notary:

[signature]
Baucke

[seal]

[list of costs]

Eidesstattliche Versicherung

Belehrt über die Bedeutung einer eidesstattlichen Versicherung und die Strafbarkeit unzutreffender Angaben in einer derartigen Erklärung erkläre ich

Selcuk Bilgin, geboren am 23. Juli 1976, verheiratet,
wohnhaft in 28309 Bremen, Hemelinger Heerstr. 7

nachfolgendes an Eides statt zur Vorlage im Verfahren gegen Murat Kurnaz, derzeit in Guantanamo auf Kuba:

1. Ich bin im Herbst 2001 befreundet gewesen mit Murat Kurnaz, der damals auch in Hemelingen wohnte. Wir wollten am 3. Oktober 2001 gemeinsam nach Pakistan fliegen und uns dort einige Wochen aufhalten, um intensiver den Islam zu studieren. Ich wurde jedoch am Flughafen in Frankfurt wegen einer nicht bezahlten Geldstrafe wegen fahrlässiger Körperverletzung aufgehalten und musste seinerzeit in der Bundesrepublik Deutschland in Haft bleiben, bis meine Angehörigen die restliche Geldstrafe für mich bezahlten. Ich bin dann aber nicht später nach Pakistan oder Afghanistan gereist. Im Ausland war ich seit Oktober 2001 nur einmal und zwar vor kurzem im September 2004 für 15 Tage in der Türkei, um meine Familienangehörigen dort zu besuchen.

Mit Murat Kurnaz hatte ich seit dem 3.10.2001 persönlich keinerlei Kontakt. Er hat allerdings kurz nach dem 3.10.2001 einmal bei mir zuhause angerufen und mit meiner Frau gesprochen. Er fragte, wo ich bliebe.

2. Ich habe mich weder vor noch nach dem 3.10.2001 an der Vorbereitung oder gar Durchführung von islamistischen Selbstmordattentaten beteiligt. Ich habe auch keinen Kontakt zu Menschen, die derartiges planen oder durchführen.

3. Nach Presseberichten im Wall Street Journal vom 21. Oktober 2004 werde ich von US-Behörden in Verbindung gebracht mit einem "Elalananutus suicid bomber"; es wird sogar vermutet, ich sei dieser "Elalananutus suicid bomber".

Hierzu kann ich nur sagen: den Begriff "Elalananutus" habe ich am 22.10.2004 zum erstenmal gehört. Er sagt mir überhaupt nichts. Ich weiß daher auch nichts über diesen Unbekannten.

4. Gegen mich lief ab 3.10.2001 ein Ermittlungsverfahren wegen Verdacht auf Bildung einer kriminellen Vereinigung. Der Verdacht wurde hergeleitet aus der geplanten Reise nach Pakistan. Die Ermittlungen führte die Staatsanwaltschaft in Bremen. Dieses Verfahren wurde im Oktober 2002 eingestellt.

^{Li 11.}
Bremen, den ~~26.10.~~ 2004


.....
(Selcuk Bilgin)

Nummer 312 meiner Urkundenrolle für 2004

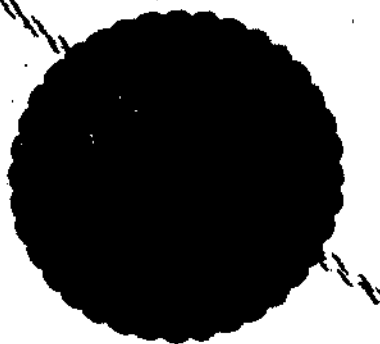
Der Notar fragte nach einer Vorbefassung im Sinne von § 3 Abs. 1 Nr. 7 BeurkG.
Sie wurde von dem Beteiligten verneint.

Ich, der unterzeichnete Notar Reinhard B a u c k e mit dem Amtssitz in Bremen,
beglaubige hiermit die vor mir eigenhändig vollzogene Namensunterschrift

des Herrn Selcuk Bilgin, geb. am 23. Juli 1976, wohnhaft in 28309 Bremen, Hemelinger
Heerstr. 7,

- ausgetreten durch Vorlage seines Reisepasses der türkischen Republik Nr. 151842,
ausgestellt am 14.03.2000 durch das türkische Generalkonsulat in Hannover.

B r e m e n , den 04. November 2004



Der Notar:

Reinhard Baucke
- Baucke -

KOSTENBERECHNUNG GEM. § 154 KostO

WERT: EUR 3.000,00

Gebühr §§ 141, 32, 45 I KostO
Mehrwertsteuer gem. § 151 a KostO 18 %

10,00 EUR
1,60 EUR
11,60 EUR

Der Notar

Reinhard Baucke

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Bremen Prosecutor
Matter No. 22- Js 48610/01

Bremen, 25 October 2004

Attorney
Gerhard Baisch
Kreuzstrasse 33-35

28203 Bremen

Investigation of Murat Kurnaz, inter alia for forming a criminal association
Re: your fax letter of 22 October 2004 regarding your client Selcuk Bilgin

Dear Attorney Baisch,

I can answer the questions in the letter you addressed to me as follows:

- There is no investigation pending here against your client Bilgin. The procedure against your client under the above matter number was suspended for lack of sufficient cause under section 170 (2) of the criminal procedure code. I learned for the first time from a press inquiry on 22 October 2004 that your client is supposed to be an "Elalananutus suicide bomber"; in spite of myself, I can make nothing of the term "Elalananutus." My telephone queries to the criminal investigation department - state security - Bremen on the term "Elalananutus" indicated that it was unknown there as well.
- I have received no questions at all (either written or by telephone) from US authorities attempting to obtain confirmation that your client was involved in a suicide attack and/or lost his life in a suicide attack. I first learned on 22 October 2004, from the same press inquiry that I mentioned previously, that US authorities had made the claim, in the US-American "procedure" against Kurnaz, that your client is a suicide bomber and that he is supposed to belong to a group with the name of "Elalananutus."

With warm greetings,

Picard
State Prosecutor

"UNCLASSIFIED"

+49 421 36196727

Staatsanwaltschaft Bremen**Geschäfts-Nr.: 220 Js 48610/01**

(Bitte bei allen Schreiben angeben)

Bremen, 25.10.2004**Tel.: 0421 - 361-96748**

**Herrn Rechtsanwalt
Gerhard Baisch
Kreuzstraße 33 - 35**

28203 Bremen

Ermittlungsverfahren gegen Murat Kurnaz u.a. wegen Bildung einer kriminellen Vereinigung

hier: Ihr Fax-Brief vom 22.10.2004 bezüglich Ihres Mandanten Selcuk Bilgin

Sehr geehrter Herr Rechtsanwalt Baisch,

die in Ihrem Schreiben an mich gerichteten Fragen kann ich wie folgt beantworten:

- Ein Ermittlungsverfahren gegen Ihren Mandanten Bilgin ist hier nicht anhängig. Das Verfahren unter der o.g. Geschäftsnummer ist gegen Ihren Mandanten mangels hinreichenden Tatverdachts gemäß § 170 Absatz 2 StPO eingestellt. Ich habe erstmals durch eine Press-Anfrage am 22.10.2004 erfahren, dass Ihr Mandant ein „Elalananutus-suicide-bomber“ sein soll, wobei ich mit dem Begriff „Elalananutus“ beim besten Willen nichts anfangen kann. Meine telefonische Anfrage bei der Kriminalpolizei - Staatsschutz - Bremen zu diesem Begriff „Elalananutus“ hat ergeben, dass dieser auch dort nicht bekannt ist.
- Mich haben keinerlei Anfragen (weder schriftlich noch telefonisch) von US-Behörden erreicht, mit denen Bestätigungen dahingehend eingeholt werden sollten, dass Ihr Mandant in einen Selbstmordanschlag verwickelt gewesen und/oder bei einem Selbstmordanschlag ums Leben gekommen sei. Ich erhielt am 22.10.2004 durch dieselbe Presse-Anfrage, die ich zuvor erwähnte, erstmals Kenntnis davon, dass US-Behörden in dem US-amerikanischen „Verfahren“ gegen Kurnaz die Behauptung aufgestellt haben sollen, dass Ihr Mandant Selbstmord-Attentäter gewesen sein und einer Gruppierung mit dem Namen „Elalananutus“ angehören soll.

Mit freundlichen Grüßen



Picard
Staatsanwalt

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Gerhard Baisch
Attorney
Specialty Criminal Law
Specialist in labor law

[...]

Bremen Prosecutor
Ostertorstr. 10

28195 Bremen

Fax:
My reference:

Bremen, 22 October 2004

RE: Selcuk Bilgin

Dear Mr. Prosecutor Picard,

Pursuant to our telephone conversation, I am attaching the press articles mentioned.

Taking account of the aroused press and their questions, I would be very grateful if you could confirm briefly to me, as the defense attorney for Selcuk Bilgin, in writing that

- there is currently no investigation of Bilgin by the Bremen prosecutor's office.

-neither (again) for the earlier matter (supporting Al Qaeda)

-or for supposed activities as the "Elalananutus suicide bomber"

-there have been no requests from the US authorities to confirm that Bilgin was or had been involved in a suicide attack or that he had even been killed in such an attack.

I would be grateful for a rapid response.

With warm greetings,

Baisch
Attorney

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Anwältinnenbüro · Postfach 107405 · 28074 Bremen

Staatsanwaltschaft Bremen
Osterforstr. 10

28195 Bremen

FAX: 0421/496 96622

mein Zeichen 1156/04BA02

Betr: Selcuk Bilgin

Sehr geehrter Herr Staatsanwalt Picard,

bezugnehmend auf unser Telefongespräch übersende ich Ihnen in der Anlage die genannten Presseartikel.

Mit Rücksicht auf die aufgeregte Presse und Ihre Anfragen wäre ich sehr dankbar, wenn Sie mir als Verteidiger von Selcuk Bilgin kurz schriftlich bestätigen könnten, dass

- gegenwärtig gegen Bilgin von der StA Bremen nicht ermittelt wird
- weder (erneut) wegen der früheren Sache (Unterstützung El Kaida)
- noch wegen angeblicher Aktivitäten als "Elalananutue-suicide-bomber"
- auch keine Anfragen seitens der US-Behörden erfolgt sind zur Bestätigung dass Bilgin in einen Selbstmörderanschlag verwickelt sei oder gewesen wäre, oder gar durch einen solchen Anschlag ums Leben gekommen wäre.

Für eine rasche Antwort wäre ich dankbar.

Mit freundlichen Grüßen

- Baisch -
Rechtsanwalt

Gerhard Baisch
Rechtsanwalt
Tätigkeitsschwerpunkt Strafrecht
Fachanwalt für Arbeitsrecht

in Bürogemeinschaft mit:

Stefan Hoffmann
Fachanwalt für Strafrecht
Martin Stucke
Fachanwalt für Strafrecht
Christine Vollmer
Rechtsanwältin
Harst Wesemann
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Steuern-Nr. 72-110-09343

Bremen, den 22.10.2004
10110933

Postanschrift

Postfach 107405
28074 Bremen

Adresse

Kreuzstraße 33-35 · 28203 Bremen
(Anfahrt über Osterdeich und Reederstraße)
Parkplatz: Theatergarage

Bürozeiten

Montag bis Freitag
9 - 13 und 14 - 17 Uhr
(außer Fr. nachmittag)

20087/1 S. 1/78002

86 ANWAELTINNENBUERO

25. OKT. 2004 14:26

Affidavit

Informed of the significance of an affidavit and the criminal nature of inaccurate information in such a declaration, I,

Abdullah Bilgin, born on 12/12/1959 in Ankara, Turkey,

declare the following under oath to be submitted in the case against Murat Kurnaz, currently in Guantanamo in Cuba:

1. I am the brother of Selcuk Bilgin, born 23/07/1976 in Bremen. My brother Selcuk wanted to fly to Pakistan on 03/10/ 2001 together with Murat Kurnaz. Selcuk told me and the family that he wanted to spend a few weeks there studying Islam and getting to know it better. My father and I were against this trip. We thought the trip was too dangerous at that point in time. War was in the air.
2. Selcuk wanted to go nevertheless. On 03/10/2001 I got a call from the Federal Border Police in Frankfurt. They told me that my brother Selcuk had been arrested because of an unpaid fine and that he could not fly without paying the amount. They asked me if I would pay the fine for him. After talking to my father in Turkey I called the Federal Border Police back and told them that I could not pay the fine. At the same time, I conveyed my fear that my brother could go to or wind up in a possible war in Afghanistan. This was my fear—I had no positive knowledge of this. Selcuk himself had only ever mentioned Pakistan as the destination of his trip. From Murat Kurnaz, too, I only knew of the destination of Pakistan. Therefore, I cannot testify that Selcuk and Murat wanted to go to Afghanistan and fight.

Bremen, 16 December 2004

Abdullah Bilgin

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Number 362 my document role for 2004 .

The notary asked about prior involvement [??? Vorbefassung? Not sure of meaning] under section 3(1)(7), Federal Certification Law. This was answered in the negative by the subject.

I, the undersigned notary Reinhard Baucke, located in Bremen, hereby certify the signature, made before me with his own hand, of

Mr. Abdullah Bilgin, born 12/02/1959, living at Wehrheimer Str. 14, 28307 Bremen,

-identified by presentation of his passport of the Turkish Republic, No. TR N 861754, issued on 04/07/2003 by the Turkish General Consulate in Hanover.

Bremen, 16 December 2004

The notary:

[signature]
Baucke

[seal]

[list of costs]

Eidesstattliche Versicherung

Belehrt über die Bedeutung einer eidesstattlichen Versicherung und die Strafbarkeit unzutreffender Angaben in einer derartigen Erklärung erkläre ich,

Abdullah Bilgin, geb. am 12.12.1959 in Ankara/Türkei

Nachfolgendes an Eides statt zur Vorlage im Verfahren gegen Murat Kurnaz, derzeit in Guantanamo auf Kuba:

1. Ich bin der Bruder des Selcuk Bilgin, geb. am 23.07.1976 in Bremen. Mein Bruder Selcuk wollte am 03.10.2001 gemeinsam mit Murat Kurnaz nach Pakistan fliegen. Selcuk hatte mir und der Familie gegenüber angegeben, er wolle sich dort einige Wochen aufhalten, um den Islam zu studieren und näher kennen zu lernen. Mein Vater und ich waren gegen diese Reise. Wir empfanden die Reise zum damaligen Zeitpunkt als zu gefährlich. Krieg lag in der Luft.

2. Selcuk wollte trotzdem fahren. Am 03.10.2001 wurde ich dann vom Bundesgrenzschutz in Frankfurt angerufen. Man teilte mir mit, dass mein Bruder Selcuk wegen einer nicht bezahlten Geldstrafe festgenommen wurde und er ohne Zahlung des Betrages nicht fliegen könnte. Man fragte mich, ob ich die Geldstrafe für ihn bezahlen wolle. Nach Rücksprache mit meinem Vater in der Türkei habe ich den Bundesgrenzschutz dann zurückgerufen und mitgeteilt, dass ich den Geldbetrag nicht bezahlen könne. Gleichzeitig teilte ich meine Befürchtung mit, dass mein Bruder in einen etwaigen Krieg in Afghanistan gehen oder geraten könnte. Dies war meine Befürchtung - positives Wissen hierüber hatte ich nicht. Selcuk selbst hat immer nur Pakistan als Ziel seiner Reise angegeben. Auch von Murat Kurnaz kannte ich nur das Ziel Pakistan. Ich kann also nicht bezeugen, dass Selcuk und Murat nach Afghanistan und kämpfen wollten.

Bremen, 16. Dezember 2004

A. Bilgin
.....
(Abdullah Bilgin)

Nummer 362 meiner Urkundenrolle für 2004

Der Notar fragte nach einer Vorbefassung im Sinne von § 3 Abs. 1 Nr. 7 BeurkG.
Sie wurde von dem Beteiligten verneint.

Ich, der unterzeichnete Notar Reinhard B a u c k e mit dem Amtssitz in Bremen,
beglaubige hiermit die vor mir eigenhändig vollzogene Namensunterschrift

des Herrn Abdullah Bilgin, g. b. am 12.02.1959, wohnhaft Wehrheimer Str. 14,
28307 Bremen,

- ausgewiesen durch Vorlage seines gültigen türkischen Reisepasses Nr. TR N 861754,
ausgestellt am 04.07.2003 durch das türkische Generalkonsulat Hannover-

B r e m e n , den 16. Dezember 2004

Der Notar:

Baucke

KOSTENBERECHNUNG GEM. § 154 KostO

WERT: EUR 5.000,00

Gebühr §§ 141,32, 45 I KostO

10,00 EUR

Mehrwertsteuer gem. § 151 a KostO 10 %

1,60 EUR

11,60 EUR

Der Notar:

BOSTON COLLEGE

DEPARTMENT OF THEOLOGY
CHESTNUT HILL, MA 02467

January 7, 2005

Prof. Baher Azmy
Center for Social Justice
Seton Hall University School of Law
833 McCarter Highway
Newark, New Jersey 07102

Dear Prof. Azmy:

I am writing this letter in response to our discussion on the reformed religious movement in Pakistan called the *Jama'at al-Tablighi*. The knowledge I am supplying on the *Jama'at al-Tablighi* group is the combination of scholarly research, field-work research, and personal interviews in the reformed movement. This brief information will assist you and others in understanding the organization.

The *Jama'at al-Tablighi* ("The Party of Missionary Work") is approximately eighty years old and it originated in northern British India as a response to aggressive conversion campaigns by Hindu fundamentalist and Christian missionary groups. In midst of colonial rule by English rulers, the declining legitimacy of the religious authority, and communal violence between Hindus and Muslims, Indian Muslims were especially concerned with their survival and their ability to maintain their faith in a hostile environment. In the early 1900s throughout the Muslim world, there was an enormous development of Islamic revivalist movements: from Egypt, to Turkey, to Sudan, to South and Southeast Asia. The *Jama'at al-Tablighi* was one type of Islamic revivalist movement that stressed the importance of maintaining a religious identity, of adhering to Islamic ethical principles, and rediscovering the essence of religious self-understanding through texts, history, and rituals. Muhammad Ilyas (1885-1944) was the founder of the *Jama'at al-Tablighi*, and he asserted that the primary way for Muslims to defend themselves against Hindu and Christian conversion tactics was to ensure that the individual was firm in one's beliefs. The emergence of the *Jama'at al-Tablighi* as a movement in the early part of the 20th century is very much connected to the broader trend of Islamic revivalism or the reaffirmation of faith and Muslim cultural identity.

The northern India Muslim *Jama'at al-Tablighi* organization was primarily a response of survival from the aggressive attacks of Hindu proselytizing movements such as the Sangathan and Shuddhi ("Consolidation and Purification") groups. These Hindu conversion movements organized themselves to reconvert and reclaim the "lost Muslims" back to the original religious

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tradition of India. In 1927, Ilyas formally launched the *Jama 'at al-Tablighi* in order to protect the Muslim community by emphasizing the Islamic tradition had to be first understood and then practiced by Muslims. However, unlike other revivalist movements, the *Jama 'at al-Tablighi's* primary aim was to improve the religious knowledge of Muslims and to connect this knowledge with everyday living. It does not have any political aspirations, in fact, Ilyas and his successors, often criticize other Muslim organizations of becoming too closely connected with political institutions and losing sight of the goal of leading an ethical-religious life.

Ilyas was a scholar of the Deobandi seminary, and a follower of the mystical order Naqshbandiya, which demonstrate a hybrid form of Islamic religious identity. After realizing the dismal state of Muslim's knowledge of Islam in his village of Mewat, he established several *madrastas* or religious learning centers. Realizing that these religious schools were not touching the masses of people, he designed a system of "door to door" missionary work (*tabligh*). He organized units of people (*jama 'at*) to go to remote villages or poor urban areas and invite them to the mosque to listen to an open lecture. Muhammad Ilyas message was concise and easily understandable for the layperson: the six essential points to *Jama 'at al-Tablighi* was not difficult to follow. First, each person needed to recite the testimony of faith (*shahada*) accurately and understand the various interpretations associated with the *shahadah*. Second, members needed to be able to perfect their ritual prayers by ensuring that they were correctly reciting it in Arabic. Third, according to Ilyas, Muslims needed to have a strong understanding of the essential beliefs and practices of Islam. This entailed reading collected essays and books on past prophets and the companions of Muhammad. Members of the *Jama 'at al-Tablighi* were able to advance in the group by demonstrating their knowledge of these texts, and also living a life of a dedicated missionary. Fourth, Ilyas advocated that Muslims living the legacy of the past prophets meant that they inherited a unique tradition which meant that their outer living needed to maintain proper codes of behavior. To be an ethical practicing Muslim, according to Ilyas, meant that proper moral behavior (*adab*) was crucial in all aspects of life. One needed to treat elders respectfully, treat young ones with love, treat one's spouse as a partner and companion, and all of your neighbors needed to be viewed as one community. Fifth, life is mainly about seeking God and inculcating a God-consciousness at all times. The *Jama 'at al-Tablighi* mission is to serve in God's cause, to help all of those in need, and to not seek worldly benefits. And Sixth, the critical component of the *Jama 'at al-Tablighi* work is to commit oneself to do missionary work or *da'wa* toward other fellow Muslims. One is asked to donate time to spread the word of God to Muslims- this may range from 40 days or 10 days per year. Those who can spare 40 days may commit to 40 one-day retreats throughout the year. It is required that each member must preach up to four months in one's lifetime. According to Ilyas, the act of preaching in unfamiliar areas allows one to reflect on faith, and it was an opportunity to articulate ones understanding of religious truths to a complete stranger. The combination of enduring hardship in missionary work and connecting with people outside their normal contacts strengthened their spiritual lives.

After the partition of India in 1947, the *Jama 'at al-Tablighi* established itself in each of the South Asian nations. In Pakistan, Raiwind, a small town outside of Lahore, became the headquarters for the *Jama 'at al-Tablighi*. Following Muhammad Ilyas' death, his son, Maulana Yusuf (1917-1965) took control of the Pakistani *Jama 'at al-Tablighi* group. His primary contributions were leading missionary groups all over South Asia, Africa, Asia, and Middle East. He established religious learning centers and his efforts in organizing the *Jama 'at al-Tablighi*

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ensured continuity of the movement. Following Yusuf, Maulana Inamul Haq has led the *Jama 'at al-Tablighi* and made the movement attractive for all ages around the Muslim world. He is credited to internationalizing the *Jama 'at al-Tablighi* beyond the South Asian context. From the very beginning the *Jama 'at al-Tablighi* has deliberately distant itself from politics, political activities, and political controversies. The mystical influence on the *Jama 'at al-Tablighi* has shaped it to view politics as an ugly form of human aspirations, where, according to them, politics brings out the worst type of behavior. In order to reform society, reforming the individual was more important than reforming political and social institutions. Their nonpolitical message is integral to their missionary work because for the *Jama 'at al-Tablighi* religious truths are not confined to any political agenda or political theory.

During my field work research I was able to interview many *Jama 'at al-Tablighi* members and also observe their annual meeting in Raiwind, Pakistan. The annual meeting attracts approximately one million people from 85 different nationalities. It is the second largest gathering of Muslims after the pilgrimage or *hajj* in Mecca. With guest speakers, plenary sessions, workshops, the *Jama 'at al-Tablighi* annual meeting brings mainly men together focus on their religious practices and beliefs. The attraction of westerners, Europeans, Middle Easterners, Africans, and Southeastern Asians, to the annual meeting is tied to the fact that the *Jama 'at al-Tablighi* is viewed as a successful group that influences internal change. Everyday laypersons meet one another and they themselves become empowered with religious authority by teaching each other. There are very little hierarchical positions in the organization, and most importantly, individuals instantaneously inherit a community of committed and friendly people. The stress on moral treatment of all people and obeying the proper code of conduct cultivates a warm friendly atmosphere. I've met people from Nepal, Turkey, Bosnia, Mali, and South Africa – all who reiterated the point that it is a non-judgmental movement that “truly wants us to reorient our lives toward good.” Another dimension to the success of the *Jama 'at al-Tablighi* is attributed to the failures of other political reformist movements who concentrated too much on political power and could not produce real changes to the lives of individuals or to society. For many in the *Jama 'at al-Tablighi*, what matters is how the individual can gain further control in his/her own life and with this new empowerment, how can they construct a world of fairness and justice. To the members, the *Jama 'at al-Tablighi*'s nonpolitical activities and emphasis on the six points has proven that missionary work directed at Muslims by Muslims is the only cure for their dismal affairs, and nothing less than hard work and face-to-face interaction can improve their community.

I hope this information will help you understand the *Jama 'at al-Tablighi* and its activities. If you need any further information, do not hesitate to contact me.

Sincerely Yours,
Qamar-ul Huda
Prof. of Islamic Studies & Comparative Religion
Email: hudaq@bc.edu

Baher Azmy, Esq.
Associate Professor
Seton Hall School of Law
833 McCarter Highway
Newark, NJ 07102

Dear Professor Azmy:

At your request, I am writing to provide an expert opinion on the philosophy and activities of the Tablighi Jamaat/Jamaat al Tablighi, in connection with an administrative military proceeding your client faces as part of his detention in Guantanamo Bay, Cuba. I am currently a Professor of History and Director of the Center for South Asian Studies at the University of Michigan and have been specifically studying the Tablighi Jamaat movement for about 15 years. I have written extensively on the group and a list of my publications is attached as part of my C.V. In this letter, I will attempt to describe the general philosophy and history of the Tablighis, which should be highly relevant to understanding the circumstances of your client's travel to and within Pakistan. I will also attempt to explain why it is implausible to believe that the Tablighis support terrorism or are in any way affiliated with other terrorist or "jihadi" movements such as the Taliban or Al Qaeda.

I might begin by noting that this movement originated in India in the 1920s but its participants now are found throughout the world. A collection of articles, *Travellers in Faith: Studies of the Tablighi Jamaat as a Transnational Islamic Movement for Faith Renewal* ed. Muhammad Khalid Masud (2000) would give you a good sense of the extent and characteristics of participants in what they themselves sometimes simply call "a faith movement." (I am among the contributors to that volume.)

Five brief points:

* There is no "organization" as such, in the sense of paid staff or formal hierarchy. There is no membership. Any Muslim, man or woman, who seeks to be a better Muslim can participate as a way of honing one's own faith through encouraging others to participate. Thus to speak of the Jamaat as a "front for" or "allied with" another organization does not make sense.

* The modus operandi of the movement is for males to join in small groups, 10-12, who travel together, perhaps in their own city, throughout a country, or internationally, ideally staying in a mosque, paying their own way, and gathering groups of Muslims (e.g. after prayers) to encourage them to correct performance of the prayer, fast, tithing, etc. In France, for example, critics refer to Tablighis as "praying machines." Women are

expected to operate within homes or joining public meetings in mosques or halls in a women's section (I, for example, have been to gatherings of women in homes in Pakistan and a huge hall in Toronto, where a women's section was curtained off from the men and loudspeakers conveyed the preaching.) For traveling men, the presence of the group is key because it is the experience of common correct practice and exhortation, taking them out of everyday activities, that teaches them the faith. Moving from city to city in a group should be understood as standard practice, not as something suspicious.

* Ideally a group includes both more experienced participants and novices. Since many European or Turkish muslims don't know Islam well, participation might be attractive to someone very serious about learning the religion.

* Tablighis are active in Europe and North America. The volume above, for example, includes articles on France, Germany, and Belgium, and Canada.

* Participants are scrupulously a-political. Their mission is transformation of individual lives, starting with their own. More practically, they need to be seen as wholly neutral because they need the benign support of government officials so that they can conduct their travels and their meetings. Tablighis periodically gather in large meetings, annually, for example, in Dewsbury, Raiwind, Bhopal, and Dhaka, when they need permits, water trucks, special buses, etc.

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Current Position

2004- Director, Center for South Asian Studies, University of Michigan
2003- Alice Freeman Palmer Professor of History, Department of History, Univ. of MI

Previous Employment

1986-03 Professor of History, University of California, Davis
1995-98 Dean, Division of Social Sciences, College of Letters & Science, UC Davis
1991-94 Chair, Department of History, University of California, Davis
1983-86 Acquiring Editor in Asian Studies, University of California Press
1975-82 Assistant Professor of History, University of Pennsylvania
1974-75 Lecturer, South Asian Studies, University of California, Berkeley, and Field Director, Berkeley Urdu Language Program in Pakistan

Education

1974 Ph.D. Department of South/Southeast Asian Studies, University of California, Berkeley
1966 M.A. Indian Studies, University of Wisconsin, Madison
1963 B.A. History (Honors), Swarthmore College

External Awards and Fellowships

1999 Resident Fellowship, Rockefeller Study Center, Bellagio
1998 American Institute of Pakistan Studies Senior Fellowship (in Pakistan)
1991 American Academy of Arts and Sciences Grant (in Britain and Pakistan)
1990 Fulbright Islamic Civilization Fellowship (in India)
1989-90 National Endowment for the Humanities Fellowship for University Teachers
1989-90 Fellow, National Humanities Center
1985 American Institute of Pakistan Studies (in Pakistan)
1984 American Philosophical Society
1983-84 John Simon Guggenheim Memorial Fellowship
1982-83 SSRC/ACLS Post-Doctoral Award
1981-82 Fulbright-Hays Faculty Research Abroad Fellowship (in India)
1978-81 NEH Translation Grant
1969-70 American Institute of Indian Studies Junior Fellowship (in India)
1966-70 NDFL Fellowships
1963-64 Woodrow Wilson Graduate Fellowship
1963 Phi Beta Kappa

Publications

Books:

2004. Islamic Contestations: Essays on Muslims in India and Pakistan. New Delhi: OUP.
2002 Islamic Revival in British India: Deoband, 1860-1900. 2nd edition New Delhi: OUP.

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- 2002 A Concise History of India, with Thomas R. Metcalf. Cambridge: Cambridge University Press. Translated as *Historia de la India* (2003); *Storia Dell'India* (2004)
- 1996 Making Muslim Space in North America and Europe. Berkeley: University of California Press. Editor and Contributor.
- 1990 Perfecting Women: Maujana Ashraf 'Ali Thanawi's Bihishti Zewar. Translation, annotation, and introduction. Berkeley: University of California Press.
- 1984 Moral Conduct and Authority: The Place of Adab in South Asian Islam: University of California Press. Editor and Contributor.
- 1982 Islamic Revival in British India: Deoband, 1860-1900. Princeton: Princeton University Press. Pakistani edition: Karachi: Royal Book Company, 1989.

Selected Articles:

2004. "India, Islam and Everyday Jihad." Hayes Robinson Lecture Series No. 8. Egham: Royal Holloway College, University of London.
- 2004, "Introduction" to *Composite Nationalism and Islam* by Maulana Hussain Ahmad Madani (Delhi: Manohar), 23-54.
2003. "Urdu in India in the 21st Century: A Historian's Perspective." *Social Scientist* 31:5-6 (May-June 2003), 29-37. translated as "Ikiswin sadi ke hindustan main urdu: ek muwarikh ka nazariya" in Shab-khun (Allahabad) (December 2003) 69-73.
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- 2002a "Adab," "Ahl-e Hadis," "Deoband," "Khan, Reza of Bareilly," "Tablighi Jamaat." In Encyclopedia of Islam and the Muslim World. New York: Macmillan.
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- 2000 "Tablighi Jama'at and Women" In *Travellers In Faith: Studies of the Tablighi Jama'at as a Transnational Islamic Movement for Faith Renewal* ed., Muhammad Khalid Masud. Leiden: Brill, 44-58.
- 1999 (a). "Weber and Islamic Reform" in *Max Weber and Islam* ed. Toby Huff and Wolfgang Schluchter. (New Brunswick: Transaction Publishers), pp. 217- 30.
- 1999 (b) "Nationalism, Modernity and Muslim Identity before 1947" in *The Religious Morality of the Nation-State*, eds. Hartmut Lehmann and Peter van der Veer. Princeton: Princeton University Press, 149-23.
- 1998 "Women and Men in a Contemporary Pietist Movement: The Case of the

- Tablighi Jama'at," *Appropriating Gender: Women's Activism and Politicized Religion in South Asia*. Eds. Amrita Basu and Patricia Jeffery. New York: Routledge, 107-121. Reprinted in re-titled volume: *Resisting the Sacred and the Secular: Women's Activism and Politicised Religion in South Asia*. Delhi: Kali for Women, 1999.
- 1997 "Islam in Contemporary Southeast Asia: History, Community, Morality," in *Islam in an Era of Nation-States: Politics and Religious Renewal in Muslim Southeast Asia* eds. Robert W. Hefner and Patricia Horvatic. Honolulu: University of Hawaii Press, 309-320.
- 1996 "Two Fatwas on Hajj in British India." In *Islamic Legal Interpretation: Muftis and their Fatwas*. Ed. Muhammad Khalid Masud, Brinkley Messick and David S. Powers. Cambridge: Harvard University Press, 184-92.
- 1996 "Sacred Words, Sanctioned Practice, New Communities," *Making Muslim Space in North America and Europe* ed. Barbara Daly Metcalf. Berkeley: University of California Press, 1-27.
- 1996 "New Medinas: The Tablighi Jama'at in America and Europe". *Making Muslim Space in North America and Europe* ed. Barbara Daly Metcalf. Berkeley: University of California Press, 110-27.
1996. "Meandering Madrasas: Knowledge and Short term Itinerancy in the Tablighi Jama'at." *The Transmission of Knowledge in South Asia: Essays on Education, Religion, History, and Politics* ed. Nigel Crook. (Delhi: Oxford University Press), 49-61.
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- 1977 "Reflections on Iqbal's Mosque." *Journal of South Asian and Middle Eastern Studies*, 1,2: 68-74.

Selected Professional Activities

- 2002- Visiting Committee for the Humanities, MIT
- 1992- Advisory Board, Center for the Advanced Study of India (University of Pennsylvania)
- 1975- Advisory Committee, Berkeley Urdu Language Program in Pakistan
- 1999-02 Vice-President, Professional Division, American Historical Association. Member, Finance Committee
- 1986-97 General Editor of Series, *Comparative Studies on Muslim Societies*, UC Press
- 1998-00 Task Force, Institute of Islamic Civilizations, Aga Khan University (Karachi)
- 1993-97 President (1994-95), Vice President (1993-94) and Board of Trustees, Association for Asian Studies (AAS)
- 1992-96 Board of Trustees, Committee on the Int'l Exchange of Scholars (Fulbright); Chair, South Asia Panel
- 1985-91 Joint Committee on the Comparative Study of Muslim Societies, Social Science Research Council/American Council of Learned Societies (SSRC/ACLS); Chair 1985-88
- 1988-89 Executive Committee, American Pakistan Research Organization
- 1983-86 Editor, *Journal of Asian Studies*
- 1978-81 Board of Directors, AAS

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1984	U.S.-Pakistan Joint Sub-Commission on Education and Culture
1983	Consultant, USAID Pakistan (Women and Education)
1980-83	Book Review Editor for South Asia, Journal of Asian Studies
1977-82	Joint Committee on South Asia, SSRC/ACLS
1978-81	Executive Committee and Board of Trustees, American Institute of Pakistan Studies
1978-81	South Asia Committee, AAS

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AMHERST COLLEGE

Department of Religion

PROFESSOR JAMAL J. ELIAS

December 13, 2004

Baher Azmy, Esquire
Seton Hall School of Law
833 McCarter Highway
Newark, NJ 07102

Dear Professor Azmy:

At your request, I am writing to provide an expert opinion on the philosophy and activities of the Tablighi Jama'at movement, in connection with an administrative military proceeding your client faces as part of his detention in Guantanamo Bay, Cuba. I hold the position of Professor of Religion at Amherst College, with a specialization in Islamic thought. One of my books on Islam has been translated into five languages and I have written quite extensively on religion in contemporary Pakistan. My most recent research trip to the country was in December 2003 and was focused in large part on the Tablighi Jama'at, their emphasis on travel and their attitudes toward international and domestic Pakistani politics.

In this letter, I will attempt to describe the general philosophy and history of the Tablighis (the common term for the members of the Tablighi Jama'at movement), which should be highly relevant to understanding the circumstances of your client's travel to and within Pakistan. I will also attempt to explain why it is extremely implausible that the Tablighis support terrorism or are in any way affiliated with any terrorist or "jihadi" movements such as the Taliban or Al Qaeda, or even with extremist movements operating in Pakistan.

The formal beginnings of the organization date from the mid-1930s when the Tablighi Jama'at first emerged as a movement aimed at reforming Muslims through greater adherence to ritual, particularly to prayer. Since that time, their fundamental beliefs have consisted of Six Principles (*Chhe Usul*): (i) the Islamic credal formula (There is no god but Allah, and Muhammad is the messenger of Allah) is an individual covenant with God which has to be understood in its true meaning and with all its implications; (ii) prayer is the most important ritual obligation of a Muslim and should be performed in a congregation whenever possible; (iii) religious knowledge (*ilm*) and remembrance of God (*zikr*) are obligatory for every Muslim, and both derive from the study of the Qur'an; (iv) respect for all Muslims is imperative (kind treatment of all non-Muslims is actively encouraged but it is not an explicit principle); (v) sincerity of purpose (*ikhlas-e niyyat*) is obligatory, in the sense that all acts must have appropriate intentions since, in the absence of such intention, even good acts will not be rewarded by God; and (vi) members must donate time (*tafrigh-e waqt*) to the movement to engage in missionary activity.

The last principle refers to the obligation of members of the Tablighi Jama'at to take time from their regular lives to travel and actively engage in spreading the message of the movement in the Muslim community. The sixth principle is also referred to as

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tabligh, emphasizing its centrality as a doctrine. Depending on the interpretation, a follower of the movement is required to spend between one day and four months a year traveling to call people to the movement (other teachings state that this obligation can be met by traveling as a missionary for four months cumulatively during the course of one's lifetime). Local, regional and international travel as *tabligh* has come to fulfill the Muslim obligation to 'strive in the path of God' (*jihad fi sabil Allah*) in Tablighi understanding.

I must emphasize this last point, that the Tablighis formally and actively believe that traveling to engage in missionary activity fully discharges any religious obligation to engage in Jihad. This is fully in keeping with others of the Six Principles which take a spiritual interpretation of rituals such as prayer and emphasize an almost mystical (Sufi) understanding of the nature of religious knowledge and remembrance of God. Followers of the Tablighi Jama'at are forbidden from actively participating in politics or extremist movements, a stand that has frequently put them in conflict with religious political parties in Pakistan.

Personal reform through prayer is one of the most identifiable features of the Tablighi Jama'at movement. At the same time, travel (including international travel) has become an essential characteristic of the movement through which followers not only call others to the 'true faith' (i.e. engage in *da'wa*), but also a means for self-improvement. As such, there is absolutely nothing out of the ordinary for a young man in Germany to associate with the Tablighi Jama'at movement in a personal spiritual attempt to discover (or rediscover) his faith. If he were to do so, it would be completely expected that he would end up traveling with a group of Tablighi men as a necessary requirement of their faith. Given that Pakistan forms the practical international center of this movement, it would be logical that his early travels would take him there where he would not only meet with other members of the movement but would be expected to travel from city to city as part of the sixth formal principle of their movement. I would also posit that it would be especially important to members of the movement to take new European converts around with them when they were traveling in Pakistan because it would help with missionary activity: "prize" converts - people from exotic or more economically developed backgrounds - are used by many religious movements the world over to show off the attractiveness or dynamism of their message, its "truth" as it were. It is a major part of the public rhetoric of the Tablighi Jama'at that their movement contains people from all over the world and that their annual gatherings at Raiwind in Pakistan and Tongi in Bangladesh have a wide international attendance. There is some circumstantial evidence to suggest that extremist groups have been trying to infiltrate the Tablighi Jama'at's annual gathering at Raiwind either to make trouble or else to win converts from the million-strong crowd that congregates there. However, it is important to note that these extremist groups are not condoned by the structure, leadership or teachings of the Tablighi Jama'at, that they would be using a very large crowd as cover as opposed to infiltrating the rank and file of the movement, and that they would be there to win converts AWAY from the Tablighis, not to share with them in any ideological or political sense. Furthermore, I gather that your client is not accused of attending the annual gathering at Raiwind; it is therefore highly unlikely that he would have had contact with any extremist or "jihadi" groups through his travels with the Tablighis.

In conclusion, I would like to state that, in light of the formal emphasis the Tablighi Jama'at places on encouraging personal spiritual reform through prayer and studying the Qur'an, it would be very natural for a young Muslim in Europe to get involved with them in order to become more religious. Given the importance placed on group travel for purposes of missionary activity and self-improvement in the teachings of the movement, it would follow that he would then join with other Tablighi men and journey to Pakistan, the functional center of their movement. While there, he would be expected to go from town to town with these and other members of the movement in order to fulfill his religious obligations and increase his sense of fellowship. There is absolutely nothing in these activities to suggest that he either started out with any desire to join a political or extremist group or that he would have had contact with them in Pakistan. On the contrary, affiliation with the Tablighi Jama'at would normally mean that one had made the conscious decision to distance oneself from politics and armed conflict.

Sincerely,



Jamal J. Elias
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Murat and Naqiharda Kunqz

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