

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SABIR MAHFOUZ LAHMAR, *et al.* )  
 )  
 )  
           Petitioners, )  
 )  
           v. )  
 )  
 GEORGE W. BUSH, )  
           President of the United States, *et al.*, )  
           Respondents. )  
 \_\_\_\_\_ )

Civil Action No. 04-CV-1166 (RJL)

**DECLARATION OF JAMES R. CRISFIELD JR.**

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

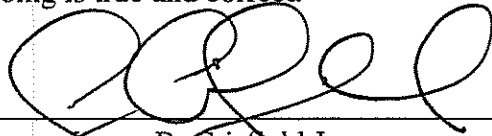
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Sabir Mahfouz Lahmar that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted information that would personally identify other detainees and their family members, as well as certain U.S. Government personnel in order to protect the personal security of those

individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 21 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0248  
20 October 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

19 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #11 of 29 September 2004  
(2) Email string concerning new evidence  
(3) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibit R-7 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. The Tribunal adjourned on 8 October 2004. Subsequent to that date, information that could potentially support a determination that the detainee is not an enemy combatant was discovered by Combatant Status Review Tribunal personnel. In order to determine if this information would affect the Tribunal's determination, I sent it via email to the two Tribunal members remaining in Guantanamo Bay, Cuba (the Tribunal President had already returned to his parent command). As indicated in enclosure (2), I requested that the two remaining Tribunal members examine the information and determine whether it would alter their prior determination that the detainee is properly classified as an enemy combatant. Following their examination of the document, both Tribunal members stated that it would not cause them to alter their decision.
- d. The detainee requested that one witness, another detainee, be produced to testify at the Tribunal. The requested witness was contacted but refused to testify at the Tribunal. Consequently, the Tribunal President correctly determined that the witness was not reasonably available.

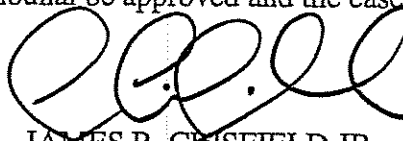
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]

The detainee also requested additional evidence in the form of a Bosnian government document that allegedly documents the fact that the detainee was found not guilty of attempting to bomb the U.S. Embassy in Sarajevo, Bosnia-Herzegovina. The information about the evidence was provided to the U.S. State Department, which attempted to obtain the requested document. The Bosnian government was unable to provide any such document however. The Tribunal President therefore determined that the document was not reasonably available.

The Tribunal's efforts to acquire the requested document were appropriate and reasonable. In my opinion, the Tribunal President's determination that the document was not reasonably available was appropriate.

The detainee requested no other witnesses or other evidence.

- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
  3. I recommend that the decision of the Tribunal be approved and the case be considered final.

  
JAMES R. CRISFIELD JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #11

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Air Force; President

[REDACTED], Lieutenant Colonel, U.S. Air Force; Member  
(JAG)

[REDACTED], Lieutenant Commander, U.S. Navy; Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

14 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

  
DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:     #11    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #11 of 29 September 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U/FOUO) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U/FOUO) Summary of Detainee/Witness Testimony (U)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U/FOUO) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 8 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with al-Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]  
[REDACTED], Colonel, USAF  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL:           #11            
ISN #: 

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of, or affiliated with, al-Qaida. The detainee chose to participate in the Tribunal process. He called one witness, requested one document be produced, and made a verbal statement. The Tribunal President found the requested witness reasonably available. The detainee, in his verbal statement, denied being a member of al-Qaida or associated with al-Qaida. The Tribunal President's evidentiary and witness rulings are explained below.


**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-b and R-1 through R-21.
- b. Sworn statement of the detainee.

**4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses**

The Detainee requested one witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	Approved	no*

UNCLASSIFIED//FOUO

\* The detainee requested one witness that is a current detainee held in GTMO and was reasonably available; however, the requested witness was contacted and refused to testify at this Tribunal.

The Detainee requested the following additional evidence be provided:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Bosnian government document finding detainee not guilty of attempting to bomb US Embassy.	not reasonably available	no*

\*The Tribunal president initially approved the request and the information was given to the U.S. State Department, which attempted to acquire the requested document. The Bosnian government was unable to provide any such document.

The Detainee requested no additional evidence be produced; no rulings were required.

### 5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 through R-6 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Exhibit R-3 is used to provide a link that the detainee is a member of or associated with a terrorist organization. Exhibit R-4 is the detainee's Petition for Writ of Habeas Corpus on behalf of the detainee. Exhibit R-5 contains a sworn affidavit from the detainee's wife that briefly discusses the detainee's work and arrest in Bosnia. Exhibit R-5 offered no new evidence. Exhibit R-6 is used to provide a link that the detainee associated with known al-Qaida members.

b. The unclassified evidence provided some background and possible links from the detainee to known terrorist organizations. Additionally the Tribunal considered the detainee's sworn testimony and transcribed written notes (Exhibit D-b). A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that the he is not a member of al-Qaida or a member of the Armed Islamic Group (GIA). In the detainee's testimony he refuted items 3a, 3a1, 3a2, 3a3, 3a4, 3a7, 3a8, 3a10 made in the unclassified summary (Exhibit R-1). The detainee admitted he was arrested for items 3a5 and 3a6 but was found not guilty by the Bosnian government. This is the evidence the detainee wanted to provide, but was unavailable from the Bosnian government. In regard to item 3a11, the detainee said he

had already served his time for and had been released and considered the matter closed. The Tribunal President agreed on that matter and said that it had no bearing on this case. Overall, the Tribunal did not find the detainee's testimony persuasive and turned to classified evidence for further clarification.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

**6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

**7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

UNCLASSIFIED / FOUO

Summarized Detainee Statement

When asked by the Tribunal President if he understood the CSRT Process, the Detainee answered, "yes".

When asked if he had any questions concerning the process, the Detainee answered as follows:

Detainee: I hope this hearing looks at the truth and represents true justice. This country has been a symbol of justice for more than two hundred years. I hope these hearings are not just one movie from many movies that have pasted by us. I also hope I will be judged by the law and not by politics. Please leave the politics on one side and put the law on the other side.

Others that have been judged were promised they would receive the results of the Tribunal within three weeks. Over a month has passed and they still have not received the results. This causes me to doubt the seriousness of this trial. In spite of that, I shall start but before I do, I would like to comment on the accusations that have been made about me.

Tribunal President to Detainee: You will have time to comment on the accusations in just a few moments. We have a time set aside for that. This Tribunal is here to review the facts and not politics. If someone understood they were to be notified in three weeks, I am not sure were they got that understanding from. We do not control the process by which notifications are returned to the Detainees. I cannot tell you how long it will take. When we are done, we forward our decision to Washington, D.C. They review what we have done. Once they approve it, they will come back and tell you at that time. I do not know how long that process will take. Do you have any questions about the process we are doing today?

Detainee: I don't have any, but if my Personal Representative wants to say anything please go ahead.

Tribunal President: The Personal Representative will present evidence on your behalf in just a moment.

Tribunal President: The Detainee has requested one witness and one document for this Tribunal. The Detainee requested his fellow Detainee [REDACTED] be brought in as a witness to talk about their relationship while in Bosnia. The witness has refused to testify at this Tribunal.

The Detainee also requested a document be presented from Bosnia concerning his court case. We have not been able to locate this document through the Bosnian government. We were not able to find that for you.

When asked if the Detainee wished to make a statement, the Detainee stated:

ISN # [REDACTED]  
Enclosure (3)  
Page 1 of 9 4902

UNCLASSIFIED / FOUO

UNCLASSIFIED / FOUO

Yes, I would like to respond to the accusations that have been presented. I might not respond to the accusations in the correct order, since I don't have the unclassified summary in front of me.

Tribunal President: That is okay, we understand.

When asked by the Tribunal President if he wanted to take an Oath, the Detainee answered:

I don't have a problem either way, but I prefer not to swear. Don't focus on me not swearing. The focus should be on what I say and the accusations. If I swear, it will not help me in any way. What will help me is the presentation of the accusations, and my answers to them. This is how the problem will be solved. In my eyes, the problem cannot be solved by swearing under oath, but by the truth.

Tribunal President: We agree.

The Detainee made the following statement:

[The Personal Representative asked the Detainee if he would like him to present his written statement. The Detainee stated he preferred to talk.]

Detainee: Words are better than a written statement. The hearing is being recorded, so I prefer to speak.

I would like to point out something important. My detention from Sarajevo to Cuba was not legal. There is no current law in the world that allows for my detention from my country to another country. If I am accused of something in a country I was in, I should have been detained in that country. That country is recognized worldwide and therefore it has laws and courts. The court from the country should have tried me.

Let's assume I was guilty of something and received punishment for it. The punishment should have been in that country. I have nothing to do with Cuba. The intimidation from the Americans is what caused my illegal detention from one country to another country.

The Combatant Status Review Tribunal states I am an enemy combatant. Those words in my view are ridiculous and have no meaning. A sane person or a small child would never say anything like. The words 'enemy combatant' means a prisoner that has been arrested on the frontlines of the battlefield holding a weapon. In my case, I was kidnapped from my home by Americans. Therefore, the words enemy combatant doesn't apply to me.

Regarding paragraph 3.a.6, [The Detainee was arrested in October 01 under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.]

UNCLASSIFIED / FOUO

The day I was detained at Sarajevo, I asked the interrogators why? They told me they didn't know anything about it, the Intelligence Department at the Embassy in Sarajevo was responsible. As far as they were concerned, there weren't any accusations against me. The pressure came from the Americans.

From my first day in Cuba, I asked the interrogators to question me regarding the bombing of the Embassy. They tried to avoid asking me questions regarding that matter. On occasion, they told me they knew I didn't attempt to blow up the Embassy; they only brought me to Cuba for information. They told me if I gave them information, they would let me go. I refused to talk to them until they addressed the accusation of the bombing of the Embassy. This lasted for eight months before they gave up on me talking. I was punished and placed in solitary confinement for three months. I was released, and again I was asked to talk. I refused to talk until they interrogated me on the matter regarding the Embassy. Approximately one and a half years passed, when an interrogator named James (who is still here) told me he wanted to be honest with me for the first time. He told me he wanted to tell me things he hadn't told me before. They didn't want to interrogate me about the night of the Embassy, because that information wasn't contained anywhere in my file. He went on to say he'd hope I would forget about the matter. After that, I started talking to them about other things.

The accusation I tried to bomb the Embassy is merely a move cooked up by intelligence people in Sarajevo. The intelligence community advertises to the terrorist media in Sarajevo. The news reported some people wanted to bomb the Embassy in Sarajevo. The people accused of the bombing were free at that time, they were in (inaudible). They should have been detained before the information was released. (I for example could have fled anywhere and they wouldn't have been able to catch me), I was arrested five days after the release of this information. If that were my intention, it wouldn't have made sense to stay in my house.

I want the judge to ask the intelligence people, were working at that time, the truth behind my detention. From my first day in Cuba until now, I have not been interrogated on this matter. How can I be accused of something I haven't been interrogated on? Is that justice?

I am not asking to be presented with evidence on this matter. I challenge you to come up with any proof that I planned to bomb this Embassy. I have a witness who can testify I am innocent. I was detained in Sarajevo, tried and acquitted. But, Americans are Americans.

Paragraph 3.a.8, [The Detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.]

I left Algeria approximately fifteen years ago, in 1992. I met an Islamic group in the city. My whole life consisted of studying, until I graduated from the University. I then went to Bosnia where I worked for a charitable organization. After which, I was detained and brought to Cuba. If someone wants to become a leader in an armed Islamic organization

ISN # [REDACTED]  
Enclosure (3)  
Page 3 of 94904

UNCLASSIFIED / FOUO

**UNCLASSIFIED / FOUO**

in Algeria, that person should have lived in Algeria, not outside of Algeria. A leader is supposed to live with his group. It doesn't make sense if a group lives on one continent and their leader lives on another continent for several years.

The Algerian Embassy in Saudi Arabia, kept records of my time spent studying at the Islamic University. I have identification from the Embassy. The Algerian Embassy in Italy has a record of when I moved to Bosnia (Bosnia doesn't have an Algerian Embassy). If I had been a leader of an armed Islamic group and this group was considered dangerous to the Algerian government, I wouldn't have registered at the Algerian Embassy, because it would have been stupid. The government would have known where I was and they would have immediately arrested me and taken me to jail.

My passport was issued by the Algerian Embassy. If I were leader, as you have said, I wouldn't have gone to the Embassy for the passport. Algeria looks for everyone with any connection to this group. More importantly, the day I applied for the passport, the Ambassador told me over the phone he wasn't able to issue me a passport until certain procedures were met. The Ambassador told me he had to get in contact with the interior ministry in Algeria to verify the Algerian government wasn't looking for me. I was told it would take approximately four months. After four months, I was contacted by the Embassy and they said they were able to verify I didn't have any problems in Algeria. If I still wanted to apply for a passport, I would have to pay a fee. I received the passport and you have it with you.

I am not asking you for truth, but I challenge you to find proof or anything that looks like proof that I had anything to do with this group.

Paragraph 3.a.7, [The Detainee advocated attacking U.S. forces and supported the Fatwa issued by Usama Bin Laden.]

First, I am not a scholar or sheik to support Usama Bin Laden. I am not considered someone with great weight or great consideration. He wouldn't make me a leader, and I'm not a leader. I am just an employee who works in the Higher Saudi Arabia Charitable Organization. I was a professor who taught children Arabic in Bosnia and Herzegovina.

If you assume I am a scholar, Bin Laden is not a scholar. He is nothing more than a military man and I wouldn't help him. It might make sense if I helped him in military operations. However, I am not a soldier, my whole life has been related to books.

I did not go with Usama Bin Laden until after the events of 11 September.

I ask you and once again challenge you to find any proof that I aided Bin Laden in any of those Fatwas.

Paragraph 3.a.8, [The Detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.] [The translator

UNCLASSIFIED / FOUO

referred to this paragraph after relaying the name [REDACTED]. The response given by the Detainee could have actually been for paragraph 3.b.2, [REDACTED], alias [REDACTED] is the apparent leader of the Algerian cell and has a direct link to Usama Bin Laden.}]

I do not carry the status of others. For example, you can say this man who was this man's son is a member of this group. This is not my crime. Whoever wrote this accusation may have been drunk. I have only seen him twice in my life. I don't remember the exact time between each visit, because they were many years apart.

[Tribunal member asked Detainee to clarify with whom he was referring.]

Detainee: [REDACTED]

I asked him to come here as a witness, but he refused because he thought my Personal Representative was lying to him. He told me if I wanted him to appear as a witness, to have my Personal Representative ask him again. He would appear. I refused. I told the Personal Representative I only wanted him to testify that I didn't have a relationship with him and he didn't have one with me. I have only seen him twice. His testimony is in his file. I am sure he was asked if he knew me; and he answered the question.

Regarding the word 'apparent' in paragraph 3.a.2, [REDACTED] is the apparent leader of the Algerian cell] in matters of law, the word apparent isn't useful in any way. In law, either you did it or you didn't. I am being tried on a word that is not used in a court of law. 'Apparent' is not based on facts.

The accusation should be made against [REDACTED], not me. It would be humorous if I were accused as being a member of al Qaida just because my Personal Representative was a member. If he were a member of al Qaida, it had nothing to do with me.

Paragraph 3.a.1, [The Detainee is associated with a known al Qaida facilitator.]

I don't know anything about al Qaida or (inaudible) except after the surprising events of 11 September. In matters of law, you cannot say that I associated with a person; you have to tell me the name of this person. Who is it? Up until now, this man is imaginary. He doesn't exist. Also, assuming this person did exist, prove he is a member of al Qaida, and I am associated with this person. If you prove this person really is a member of al Qaida, it doesn't mean I am a member. I believe I have made a reasonable point.

I ask and challenge you to find one person or something that proves I had a relationship, or anything close to a relationship, with a man from al Qaida. You can look in Bosnia, the Earth, and the moon. If you find a man on the moon from al Qaida, tell me.

Paragraph 3.a.6, [The Detainee was arrested in October 01, under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.]

ISN # [REDACTED]  
Enclosure (3)  
Page 5 of 94906

UNCLASSIFIED / FOUO



**UNCLASSIFIED / FOUO**

When I was detained for attempting to bomb the American Embassy in Sarajevo, I sat in the police station for forty-eight hours being interrogated. Shortly before the end of the forty-eight hours, the interrogator told me they were waiting for replies, regarding me, from all police stations in Bosnia-Herzegovina. After an hour, they were able to verify the police didn't have any issues with me in any city. The head of the police department provided me with a piece paper that allowed me to leave. He said they no longer had a right to keep me there.

Shortly thereafter, The State Head of the police department apologized to me. He told me he was under pressure to keep me detained. He said he didn't want to go into details, but maybe I had an idea who the pressure was coming from. I was put in prison for three months before I was acquitted in court. I was then detained by the Americans and brought to Cuba. I believe it is important for the judge to get this document from the Sarajevo police department.

If I had problems in Bosnia-Herzegovina, I should have been tried there. Therefore, this accusation is not valid. There is a quote that states, "a chicken lays an egg and the rooster head hurts." The chicken's head should hurt, not the rooster's head. If all my problems were in Bosnia, then Bosnia's head should have hurt, not Americas.

I have not committed any criminal acts inside or outside of Bosnia.

Paragraph 3.a.10, [The Detainee applied for a Visa in Sarajevo for travel to Afghanistan on 27 September 2001.]

How could I apply for a Visa in Bosnia-Herzegovina for Afghanistan, when there isn't an Afghani Embassy in Bosnia? To my knowledge, I have never known of an Afghani Embassy in Bosnia.

I would also like to point out, not everyone that travels to Afghanistan is a terrorist. Everyone has there own personal reasons for traveling to Afghanistan. Some travel to study, some travel for charitable organizations.

I would like you to provide me proof that I applied for a Visa from the Afghani Embassy, if there is such an Embassy.

Paragraph 3.a.5, [The Detainee had charges filed against him by the Bosnia-Herzegovina government for International terrorism.]

I don't support or advocate any terrorist acts whether they are local or worldwide.

I would like you to show me proof that I advocated terrorism. Provide me with one witness that will say I encouraged them to perform terrorist attacks.

Paragraph 3.a.11, [The Detainee was jailed in late 1997, for robbing a U.S. Citizen.]

ISN # [REDACTED]  
Enclosure (3)  
Page 6 of 9 4907

**UNCLASSIFIED / FOUO**

## UNCLASSIFIED / FOUO

I was accused of that accusation in Bosnia-Herzegovina. After spending time in prison, I was acquitted by the court and released. Lets assume I did this, I served my time. I don't understand why it was presented again. This happened in Bosnia-Herzegovina and not in America. I have been punished for this, and I served my time. I considered the matter closed. You don't have the right to bring up this accusation, unless you want to be laughed at.

Tribunal President to Detainee: That is one thing we agree on. That point has no bearing on this case.

Detainee: God knows I have answered all the accusations. The last thing I would like to say is I hope this trial is fair. I am ready if you find anything on me then punish me as you see fit. I hope there is no political pressure on these trials. I also hope, there are no invisible hands playing (inaudible) regarding the trials of these people. I hope, that I am tried according to the law and nothing else. Regarding my Personal Representative, do you have anything? Thank you for listening to me.

### Summarized Answers in Response to Questions by the Personal Representative

Q. When you were talking about Usama Bin Laden, the translation came out that you did not know him until after 11 September. I believe he meant he did not know of him until 11 September.

A. I did not know him or anything about him.

Q. Would you like me to give the Tribunal your written words that you provided me the other day to remind the Tribunal of your testimony?

A. Yes. I hope when you review the facts, you will pay more attention to what I said then what I wrote because there were things I remembered that were not on the paper.

Tribunal member to Detainee: The reporter will provide a transcript of your statement, and we will review that.

Detainee: Excellent.

[Translator clarified she made a mistake when the Detainee talked about studying in a city in Saudi Arabia. The Detainee said Medina. Medina can be referred to as a city or a place. In this case, Medina was the city in Saudi Arabia {not a city}.]

### Summarized Answers in Response to Questions by the Tribunal Members

Q. Did you have any plans to, or ever want to travel to Afghanistan?

A. Never. I have never seen Afghanistan, and I never had any intentions of going there.

ISN # [REDACTED]  
Enclosure (3)  
Page 7 of 9 4908

UNCLASSIFIED / FOUO

UNCLASSIFIED / FOUO

Q. You stated when you left Algeria you went to work for a charitable organization?

A. When I left Algeria, I went to Medina to study. After I graduated from the university, I went to Bosnia.

Q. In Bosnia you worked for the charity organization?

A. I was a teacher at the Arab college. I taught children Arabic.

Q. What was the name of that organization?

A. The Higher Saudi Organization.

Q. Were you ever a member of the Algerian Armed Islamic Group?

A. I was never part of it. I was very young when this organization was formed. I left Algeria when I was twenty or twenty-one years old. Since I left, I have not returned to Algeria. When I wasn't studying at the Islamic University in Medina, I was in Bosnia-Herzegovina. That was from 1996 until I was detained and brought here.

Q. When you were captured in Bosnia, where were you?

A. I was leaving prison. Please repeat the question.

Q. When you were captured by the Americans, where were you?

A. I left prison and was headed for my house. It was nighttime, around 9:00 p.m., when I received my acquittal paperwork. The American forces and the United Nations, with the help of the Bosnian police, captured me.

Q. You never reached your home?

A. No.

Q. Who else was with you when you were captured?

A. There were five people. The day I was captured?

Tribunal President: Yes

A. When I was captured I was alone. They came to my house. The first to arrive was the Bosnian police (intelligence police). They came by at 8:00 p.m. and told me they wanted to search my house. I told them no problem, come in. I asked them, what was the problem? I was told there wasn't a problem they just wanted to search the house. For four hours they searched my house, from 8:00 p.m. until midnight. After they searched

**UNCLASSIFIED / FOUO**

my house, they told me to come with them to search my car. They searched my car for an hour, before I was asked to go to the police station. I was interrogated for forty-eight hours I was transferred to the higher court. The judge ruled I would be detained for three months. After serving three months, I was acquitted. I was then kidnapped, as you know the story.

Q. When the Bosnian police came to your home, was there anyone else there?

A. Two individuals from the United Nations and the Bosnian police.

Q. Who did you have at your house before the police came?

A. My wife.

Q. No one else?

A. No.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. No.

The Tribunal President asked the Detainee if he had any other evidence to present to this Tribunal. The Detainee stated, "no."


Detainee: I see the biggest problem regarding me is the bombing of the Embassy. I ask that you ask the intelligence authorities who were during that time in Sarajevo for the real reason I was detained. Then, you will know the truth.

Tribunal President: It is our objective to discover the truth. And we will do everything we can to find that truth.

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

  
Col, USAF  
Tribunal President

ISN #   
Enclosure (3)  
Page 9 of 94910

**UNCLASSIFIED / FOUO**

DETAINEE ELECTION FORM

Date: 28 September 2004

Start Time: 0845

End Time: 1130

ISN#: [REDACTED]

Personal Representative: [REDACTED] LTC, US ARMY  
(Name/Rank)

Translator Required? Y Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

Detainee will participate, provided four pages of handwritten notes for a statement, likely the PR will read this. Although, not stated, he will also participate orally. He wants a written document. He was arrested in Sarajevo, Bosnia by Bosnian authorities. He says the Bosnian Supreme Court tried him on the charges of attempting to bomb the US Embassy and found him not guilty. This occurred sometime between mid 01 and the end of the year. He also wants ISN: [REDACTED] to testify. He has been questioned on his relationship with [REDACTED] and he says he only met him in situations like running into him at a market and finding a fellow Algerian and speaking to him briefly. He wants [REDACTED] to confirm this.

Personal Representative: [REDACTED]

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal LAHMAR, Sabir Mahfouz.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of al Qaida.
  - a. The detainee is associated with al Qaida:
    1. The detainee is associated with a known al Qaida facilitator..
    2. [REDACTED] alias [REDACTED] is the apparent leader of the Algerian cell and has a direct link to Usama Bin Laden.
    3. [REDACTED] made phone calls to Abu Zubaydah, a senior aide to Usama Bin Laden, who was in charge of screening recruits for al Qaida training camps in Afghanistan.
    4. The detainee and [REDACTED] were arrested on suspicion of being linked with international terrorism.
    5. The detainee had charges filed against him by the Bosnia-Herzegovina govt for International Terrorism.
    6. The detainee was arrested in October 01 under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.
    7. The detainee advocated attacking U.S. forces and supported the Fatwa issued by Usama Bin Laden.

UNCLASSIFIED

Exhibit 14  
4912

1A2

UNCLASSIFIED

8. The detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.
  9. The Algerian Armed Islamic Group is listed as a terrorist organization in the United States Department of Homeland Security Terrorist Organization Reference Guide.
  10. The detainee applied for a visa in Sarajevo for travel to Afghanistan on 27 September 2001.
  11. The detainee was jailed in late 1997, for robbing a U.S. Citizen.
- 
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.





Unclassified

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/16/2004

If you need additional assistance, please contact

[REDACTED]  
[REDACTED] or Intelligence Analyst [REDACTED]  
[REDACTED]

Unclassified



**U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
Office of Border Patrol**

**NOTE:** This report is based upon information obtained from various open sources. No classified information was used in the preparation of this report.

Office of Border Patrol  
1624 SSG Sims Road,  
Fort Worth, TX 79908  
Address: Attn. BPSCC P.O. Box 6017  
Fort Worth, Texas 79906  
Contact: Agent D. Thew  
Phone: (817) 724-3218

## **Terrorist Organization Reference Guide**

January 2004

Exhibit 4916 3

Unclassified

182

#### 4. Armed Islamic Group (GIA)

##### Description

An Islamic extremist group, the GIA aims to overthrow the secular Algerian regime and replace it with an Islamic state. The GIA began its violent activity in 1992 after Algiers voided the victory of the Islamic Salvation Front -the largest Islamic opposition party -in the first round of legislative elections in December 1991.

##### Activities

Frequent attacks against civilians and government workers. Since 1992, the GIA has conducted a terrorist campaign of civilian massacres, sometimes wiping out entire villages in its area of operation, although the group's dwindling numbers have caused a decrease in the number of attacks. Since announcing its campaign against foreigners living in Algeria in 1993, the GIA has killed more than 100 expatriate men and women - mostly Europeans -in the country. The group uses assassinations and bombings, including car bombs, and it is known to favor kidnapping victims and slitting their throats. The GIA hijacked an Air France flight to Algiers in December 1994. In 2002, a French court sentenced two GIA members to life in prison for conducting a series of bombings in France in 1995.

##### Strength

Precise numbers unknown, probably fewer than 100.

##### Location/Area of Operation

Algeria.

##### External Aid

None known.

#### 5. 'Asbat al-Ansar

##### Description

'Asbat al-Ansar - the League of the Followers - is a Lebanon-based, Sunni extremist group, composed primarily of Palestinians and associated with Usama Bin Ladin. The group follows an extremist interpretation of Islam that justifies violence against civilian targets to achieve political ends. Some of those goals include overthrowing the Lebanese Government and thwarting perceived anti-Islamic and pro-Western influences in the country.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE,  
Detainee, Camp Delta;

[REDACTED]  
as Next Friend of  
Lakhdar Boumediene;

MOHAMMED NECHLE,  
Detainee, Camp Delta;

[REDACTED]  
as Next Friend of Mohammed Nechle;

HADJ BOUDELLA  
Detainee, Camp Delta;

[REDACTED]  
as Next Friend of Hadj Boudella;

BELKACEM BENSAYAH  
Detainee, Camp Delta

[REDACTED]  
as Next Friend of Belkacem Bensayah;

MUSTAFA AIT IDIR  
Detainee, Camp Delta;

[REDACTED]  
as Next Friend of Ait Idir Mustafa;

SABER LAHMAR  
Detainee, Camp Delta;

[REDACTED]  
as Next Friend of Saber Lahmar,

*Petitioners,*

v.

04-1166 (RJL)

FIRST AMENDED PETITION FOR  
A WRIT OF HABEAS CORPUS

(continued on next page)

Exhibit 124  
4918

- November 13, 2001, *see Exhibit G*, Order on Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism, November 13, 2001, attached to Affidavit of Stephen H. Oleskey ("Detention Order"), or alternatively, consistent with his authority as Commander in Chief and under the laws and usages of war. Accordingly, Respondent Bush is responsible for the Detained Petitioners' unlawful detention. He is sued in both his official and personal capacities.
18. Respondent Rumsfeld is the Secretary of the United States Department of Defense. Pursuant to either the Detention Order or the President's authority as Commander in Chief and under the laws and usages of war, Respondent Rumsfeld has been charged with maintaining the custody and control of the Detained Petitioners. He is sued in both his official and personal capacities.
19. Respondent Hood is the Commander of Joint Task Force-GTMO, which operates the detention facilities at Guantánamo Bay. He has supervisory responsibility for the Detained Petitioners and is sued in both his official and personal capacities.
20. Respondent Cannon is the Commander of Camp Delta at Guantánamo Bay. He is the custodian immediately responsible for their detention, and is sued in both his official and personal capacities.

#### IV. STATEMENT OF FACTS

##### A. Petitioners' Detention

21. The Detained Petitioners are not, nor have they ever been, enemy aliens, lawful or unlawful belligerents, or combatants in any context involving hostilities against the citizens, government or armed forces of the United States.
22. The Detained Petitioners are not, nor have they ever been, "enemy combatants," who were "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in an armed conflict against the United States there," *see Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 2639 (2004) (internal quotations omitted), or anywhere.
23. Petitioners seek a judicial determination of the adequacy of the Respondents' determination that the Detained Petitioners are "enemy combatants."

Unclassified

24. Until shortly before Respondents unlawfully detained him, Petitioner Boumediene had worked for the Red Crescent of the Emirate of Abu-Dhabi since at least 1995. (Bouadjmi Aff. ¶ 3.) The Red Crescent is the arm of the International Federation of Red Cross and Red Crescent Societies that operates in Islamic countries. See International Federation of Red Cross and Crescent Societies, available at <http://www.ifrc.org/who/movement.asp> (last visited August 16, 2004). In October 2001, at the time of his arrest and detention in Bosnia and Herzegovina ("Bosnia"), Mr. Boumediene had been living and working there for four years. (Bouadjmi Aff. at ¶¶ 5, 6.)
25. Following his arrest, Mr. Boumediene was held in pre-trial detention in Bosnia for three months, but was then ordered released from confinement on January 17, 2002, by the investigating judge of the Supreme Court of Bosnia and Herzegovina, who had determined there were no further reasons or circumstances upon which pre-trial detention could be ordered. See *Boudellaa v. Bosnia and Herzegovina*, Nos. CH/02/8679; CH/02/8689; CH/02/8690; CH/02/8691, H.R. Chamber for Bosnia and Herzegovina, at ¶ 53 (Oct. 11, 2002), attached as Exhibit H to Affidavit of Stephen Oleskey, Esq. ("H.R. Chamber Decision").
26. Contrary to the judge's Order, however, Mr. Boumediene was not released but instead was immediately taken into custody by the Federation Police of Bosnia and Herzegovina under the authority of the Federal Ministry of Interior. (*Id.* at ¶ 55.) Those forces, and forces of the Ministry of the Interior of Sarajevo Canton, then handed over Mr. Boumediene to U.S. forces at 6:00 a.m. on January 18, 2002. (*Id.*) United States forces then flew Mr. Boumediene out of Bosnia and delivered him to what was then called Camp X-Ray at Guantánamo Bay. (*Id.*) Ms. [REDACTED] has not been able to learn since that time why her husband is being held. (Bouadjmi Aff. at ¶ 9.)
27. When he originally was detained, Petitioner Nechle, like Petitioner Boumediene, worked for the United Arab Emirates' Society of the Red Crescent. (Baouche Aff. ¶ 5.) He worked as an aid worker, helping orphans. (*Id.*) Mr. Nechle and Ms. [REDACTED] had lived in Bihartch, Bosnia, for approximately five years. (*Id.* at ¶ 6.)

Unclassified

Unclassified

28. On October 19, 2001, Mr. Nechle was arrested by police in Bihartch, Bosnia. (Baouche Aff. ¶ 7.) He was held and interrogated for approximately twenty-four hours. (*Id.*) Mr. Nechle was then held in pre-trial confinement for three months, but then ordered released on January 17, 2002 by the investigative judge of the Supreme Court of Bosnia and Herzegovina, also on the ground that there were no further reasons or circumstances upon which pre-trial detention could be ordered. *See* H.R. Chamber Decision at ¶ 53. Like Petitioner Boumediene, and in the same fashion, Mr. Nechle was delivered on January 18, 2002 to U.S. forces in Bosnia who transported him to Guantánamo Bay. (*Id.* ¶ 57.)
29. Until before Respondents unlawfully detained him, Petitioner Boudella, like Petitioners Boumendiene, and Nechle worked for a humanitarian aid organization in Bosnia and Herzegovina. (Planja Aff. ¶¶ 2, 5). He worked with war-orphaned children on behalf of a group named Human Appeal. (Planja Aff. ¶ 5).
30. On October 21, 2001, in response to a call from the local police, Mr. Boudella went to the police station in Sarajevo. (Planja Aff. ¶ 6). After the police accompanied him to his home and searched his home, they arrested him. On January 17, 2002, following three months of pre-trial detention, the Bosnian Supreme Court ordered the immediate release of Mr. Boudella. *See* H.R. Chamber Decision at ¶ 53. Contrary to the Chamber's Order, however, Mr. Boudella was not released and instead, the Federation Police delivered Petitioner Boudella to the custody of the forces of the United States at 6:00 a.m. on January 18, 2002. (Planja Aff. ¶ 6).
31. Petitioner Bensayah formerly worked in an administrative position at a local government office in Algeria. (*See* Kobilica Aff. ¶ 2). He was arrested in Zenica in Bosnia and Herzegovina on October 8, 2001 on unspecified criminal charges. (Kobilica Aff. ¶ 5). On January 16, 2002 a court in Zenica ended Petitioner Bensayah's detention (Kobilica Aff. ¶ 6). However, based on terrorism allegations lodged against him in Sarajevo while he was in custody, on January 16, 2002 Mr. Bensayah was transferred to the central prison in Sarajevo. The next day Mr. Bensayah was ordered released (Kobilica Aff. ¶ 7). However, despite that order, Federation Police transferred Mr. Bensayah to the forces of the United States on January 18, 2002. (*Id.*).

Unclassified

4/9

Unclassified

Mr. Bensayah thereafter was transferred to the United States facility at Guantánamo Bay, Cuba. (Kobilica Aff. ¶ 10).

32. Petitioner Mustafa Ait Idir moved from Algeria to Croatia in 1993. (See Ait Idir Aff. ¶ 4).

Since at least November 1994, he had been residing in Bosnia and Herzegovina and working for humanitarian aid agencies. At the time of his arrest, he was employed by the humanitarian aid agency, Taibah, as its IT system administrator. (Ait Idir Aff. ¶ 4). While employed by Taibah, he volunteered on many weekends to work with orphaned children at facilities operated by the Red Crescent in Bosnia and Herzegovina. (*Id.*)

33. Petitioner Mustafa Ait Idir was arrested at 3:15 a.m. following a two-hour police raid and search of his apartment, in front of his wife and children. (Ait Idir Aff. ¶ 5) Following three months of post pre-trial detention, the Bosnian Supreme Court ordered his immediate release on January 17, 2002 based on the grounds that there were no reasons upon which to continue pre-trial detention. As was the case with Petitioners Boumediene, Nechle and Boudella, however, rather than freeing Petitioner Mustafa Ait Idir, Federation Police instead delivered him to the custody of United States forces at 6:00 a.m. on January 18, 2002. (Delic Aff. ¶ 5) Since shortly after his transfer to the forces of the United States, Petitioner Mustafa has been held illegally at Guantánamo Bay. (*Id.* ¶ 8). The United States has informed Petitioner [REDACTED] that her husband may be held indefinitely at Guantánamo Bay. (See Dec. 31, 2002 Letter from Christopher Hoh, Chargé d'Affaires (attached to Ait Idir Aff.))

34. Petitioner Lahmar worked as a professor of Arab language at the Islamic Center of the High Saudi Commission. (Lahmar Aff. ¶ 4). The Bosnia and Herzegovina Ministry of Human Rights and Refugees terminated Lahmar's permanent residency in 2001 because of a prior criminal conviction. (Lahmar Aff. ¶ 5). He appealed the decision of the Ministry of Human Rights and Refugees, but had not received a decision on his appeal when he was taken into custody by the forces of the United States.

35. Petitioner Lahmar was arrested on October 18, 2001. Following three months of pre-trial detention, on January 17, 2002 the Bosnian Supreme Court ordered his release on the grounds

Unclassified

589



Unclassified

that there were not reasons upon which pre-trial detention could be ordered. *See* H.R. Chamber Decision at ¶ 53. As was the case with the other Petitioners, Federation Police ignored that order and instead transferred Petitioner Lahmar to the custody of the forces of the United States on January 18, 2002. (Lahmar Aff. ¶ 8). At this time Petitioner Lahmar is being held in the custody of the United States at Guantánamo Bay. (*Id.*)

36. In the wake of the September 11, 2001 terrorist attacks, the United States, at the direction of Respondent Bush, began a massive military campaign against the Taliban government, then in power in Afghanistan. On September 18, 2001, a Joint Resolution of Congress authorized Respondent Bush to use force against the “nations, organizations, or persons” that “planned, authorized, committed, or aided the terrorist attacks on September 11, 2001, or [that] harbored such organizations or persons.” Authorization for Use of Military Force, Public Law 107-40, 115 Stat. 224 (Sept. 18, 2001).

37. On November 13, 2001, Respondent Bush issued the Detention Order, which purports to authorize indefinite detention without due process of law. The Detention Order authorizes Respondent Rumsfeld to detain anyone Respondent Bush has “reason to believe”:

- i. is or was a member of the organization known as al Qaeda;
- ii. has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or
- iii. has knowingly harbored one or more individuals described in subparagraphs (i) and (ii).

*See* Exhibit D to Oleskey Aff. Respondent Bush must make this determination in writing. The Detention Order was neither authorized nor directed by Congress, and is beyond the scope of the Joint Resolution of September 18, 2001.

38. On information and belief, at the time of their detention, Mr. Boumediene, Mr. Nechle, Mr. Boudella, Mr. Bensayah, Mr. Ait Idir and Mr. Lahmar were (i) not members of the al Qaeda terrorist network; (ii) had not caused any harm to American personnel or property; and

Unclassified

6/9

unclassified

(iii) had no involvement in either the terrorist attacks of September 11, 2001, or any act of international terrorism attributed by the United States to al Qaeda or any terrorist group. They are not properly subject to the Detention Order issued by Respondent Bush. As they did not participate in any armed conflict involving the United States or its coalition allies, they are not properly subject to the Executive's authority as Commander in Chief and under the laws and usages of war.

39. None of the Detained Petitioners were in or near Afghanistan, or any other theater of war, at the time of their unlawful detention on January 18, 2002.
40. The recent involvement of each Detained Petitioner with local authorities and the fact that they were delivered to U.S. forces by those local authorities suggests U.S. forces should have had no questions about the identities of the Detained Petitioners. Because of the circumstances surrounding their seizure and detention, it is not possible to state whether the Detained Petitioners promptly requested that the United States provide them with access to their families and to legal counsel. However, the fact that four of the Detained Petitioners had pressed their cases in Bosnian courts, suggests the detainees were aware of the assistance lawyers could provide to them. On information and belief, all of the Detained Petitioners were kept blindfolded against their wills for lengthy periods while being taken involuntarily to Guantánamo Bay; have been and will be interrogated repeatedly there by agents of the United States Departments of Defense and Justice and by intelligence agencies of U.S. allies, though they have not been charged with any offense or been notified of any pending or contemplated charges; have made no appearance before either a military or civilian tribunal of any sort, or been provided counsel or the means to contact counsel; and have not been informed meaningfully of their rights under the United States Constitution, the regulations of the United States Military, the Geneva Convention, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, customary international law and the recent decisions of the United States Supreme Court. Indeed, press reports indicate Respondents have publicly taken the position that Guantánamo detainees should not be told of

unclassified

789

Unclassified

such rights. Absent action by this Court, the Detained Petitioners are completely unable either to protect, or to vindicate their rights under U.S. and international law.

#### B. The Detention Order

41. The Detention Order seeks to vest Respondent Bush with unfettered discretion to identify the individuals that fall within its scope. It establishes no standards governing his discretion. The Detention Order contains no provision requiring notice to a person detained of the charges he may face. On the contrary, the Detention Order purports to authorize that detainees be held without charges. It contains no provision requiring that detainees receive notice of their rights under domestic and international law, and provides neither the right to counsel, nor the right to consular access. It provides no right to appear before a neutral tribunal to review the legality of a detainee's continued detention and does not provide for appeal to an Article III court. In fact, the Detention Order seeks expressly to bar review by any court. The Detention Order purports to authorize indefinite and unreviewable detention, based on nothing more than Respondent Bush's written determination that an individual is subject to its terms.
42. The Detention Order was promulgated in this judicial district, the decision to detain Petitioners was made by Respondents in this judicial district, the decision to detain the Petitioners at Guantánamo Bay was made in this judicial district, and the decision to continue detaining the Petitioners was, and is, being made by Respondents and in this judicial district.
43. On information and belief, Respondent Bush has never certified or determined, in writing or otherwise, that the Detained Petitioners are subject to this Detention Order.
44. The Detained Petitioners are not properly subject to the Detention Order.
45. In a related case, Respondents have contended that the Petitioners in that case are being detained not pursuant to the Detention Order, but rather, under the authority of Respondent Bush as Commander in Chief and under the laws and usages of war. *See Rasul v. Bush*, 215 F. Supp. 2d 55 (D.D.C. 2002). However, that rationale cannot, in good faith, be applied here because—unlike the petitioner in *Rasul*—the Detained Petitioners in this matter were not arrested or detained by the United States in the course of an armed conflict.

Unclassified

8-19

unclassified

### C. Guantánamo Bay Naval Base

46. On or about January 11, 2002, the United States military began transporting prisoners captured in Afghanistan to Camp X-Ray, at Guantánamo Bay. The United States military transported the Detained Petitioners to Camp X-Ray approximately one week later. In April 2002, all prisoners, including the Detained Petitioners, were transferred to a more permanent internment facility at Camp Delta. Guantánamo Bay is a self-sufficient and essentially permanent city with approximately 7,000 military and civilian residents under the sole and complete jurisdiction and control of the United States. Guantánamo Bay occupies nearly thirty-one square miles of land, an area larger than Manhattan, and nearly half the size of the District of Columbia. Offenses committed by both civilians and foreign nationals living at Guantánamo Bay are brought before federal courts on the mainland, where defendants enjoy the full panoply of Constitutional rights. In *Rasul v. Bush*, decided on June 28, 2004, the United States Supreme Court held that the habeas statute §§ 2241–2243, App. 19, confers a right to judicial review of the legality of an indefinite Executive detention of aliens such as these Petitioners at Guantánamo Bay, a territory over which the United States exercises plenary and exclusive jurisdiction but not “ultimate sovereignty.” *Rasul v. Bush*, 124 S. Ct. 2686, 2698 (2004).

### V. CAUSES OF ACTION

#### FIRST CLAIM FOR RELIEF (DUE PROCESS – FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION)

47. Petitioners incorporate paragraphs 1–46 by reference as if fully set forth herein.
48. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the Fifth Amendment to the United States Constitution. Respondent Bush has ordered the prolonged, indefinite, and arbitrary detention of the Detained Petitioners, without Due Process of Law. Respondents Rumsfeld, Hood, and Cannon are likewise acting in violation of the Fifth Amendment, since they act at the direction of Respondent Bush. The Detention Order violates the Fifth Amendment.

unclassified

269

UNCLASSIFIED

**F**

UNclassified

4927  
Exhibit RS

175

unclassified

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

*Petitioners,*

vs.

04-1166 (RJL)

GEORGE WALKER BUSH, President  
of the United States of America;  
DONALD RUMSFELD, Secretary of  
Defense; GENERAL JAY HOOD,  
Commander, Joint Task Force;  
COLONEL NELSON J. CANNON,  
Commander, Camp Delta; *in their  
individual and official capacities,*

*Respondents.*

AFFIDAVIT OF [REDACTED]

I, [REDACTED], of [REDACTED] Bosnia and Herzegovina ("BiH"), depose and state as follows:

1. I was born on September 17, 1976, in Sarajevo, BiH as [REDACTED]. I am a Bosnian citizen. I married Saber Lahmar in April 2001. We have one child, our daughter [REDACTED] born February 13, 2002. My husband has another child, his son [REDACTED], born in 1999. [REDACTED] lives with his mother in Zenica. Both children are citizens of BiH.
2. My husband was born on May 22, 1969, in Algeria, in the settlement of Constantine, as an Algerian citizen. His parents are [REDACTED] and [REDACTED]. My husband completed his Islamic Theological faculty studies in Medina in 1996. He then came to BiH in 1997 to work for the High Saudi Committee and on April 4, 1997, he was granted a permit for permanent residence in BiH.
3. I completed my training as a dentist technician in Sarajevo. I then began my theological studies at the Islamic Theological Faculty in Sarajevo. My studies were interrupted during the second year when my husband was removed from BiH and I did not resume my studies. I have never worked. When my husband was living in BiH, we lived with my parents. I continue to live with my parents, brother, and daughter in my parents' home.
4. My husband worked as a professor of Arab language and worked at the Islamic Center of the High Saudi Committee. When my husband first arrived in BiH in 1997, he lived in

unclassified

215

Unclassified

- Mostar. He moved to Sarajevo in 2000, where we first met. He paid for my education. He also provided financial support to his son in Zenica, and we often went from Sarajevo together to visit his son. My husband had regular contacts with his family in Algeria, and, in his free time, he liked to play football and read literature.
5. My husband never had Bosnian citizenship, because he never applied for it. On November 23, 2001, the Ministry of Human Rights and Refugees issued a decision terminating my husband's permanent residence permit on the ground that he had been sentenced to imprisonment in 1998 for 5 years. He had served part of his sentence, and on January 6, 2000, was released on parole. My husband appealed the decision of the Ministry for Human Rights and Refugees terminating his residency permit. However, he was taken into United States' custody before the appeal was decided. The revocation of my husband's residence permit was affirmed on May 27, 2002; but due to his absence he was not able to appeal this decision.
  6. My husband was arrested on October 18, 2001, in connection with suspected terrorist activity. On January 17, 2002, the Bosnian Supreme Court ordered my husband's immediate release on the ground that there were no reasons upon which pre-trial detention could be ordered. Disregarding that decision, the Federation Police transferred my husband to United States custody at 6:00 a.m. on January 18, 2002.
  7. On January 16, 2002, my husband lodged an application with the Human Rights Chamber for BiH ("Chamber"). According to the decision of the Chamber, the respondent parties, BiH and the Federation of Bosnia Herzegovina, violated my husband's right not to be arbitrarily expelled and his right not to be subjected to death penalty. The Chamber also ordered the respondent parties to take all necessary action to protect my husband's rights while in United States custody and to pay compensation for non-pecuniary damages.
  8. Presently, my husband is being held in custody of the United States military at Guantanamo Bay, Cuba. I was first notified of my husband's removal from BiH by a Bosnian police officer a few days after January 18, 2002. A few days later, a representative of the International Committee of the Red Cross ("ICRC") told me that my husband was in Guantanamo Bay. At the beginning, I regularly received letters from him but since September 2002 I have not received any correspondence from him. In response to my concerns, the United States Embassy in Sarajevo told me that I most likely did not receive any new letters from my husband because he did not want to write to me. I cannot accept this explanation because my husband was always very considerate and interested in family matters and would not simply stop communicating with us. In fact, a representative of the ICRC told me that he was present when my husband opened a letter from me containing a picture of our new baby and observed that my husband was overjoyed. Until approximately two months ago, I had no more news at all about my husband. Recently, I received news through released inmates of Guantanamo Bay, who told me my husband is alive. I am extremely worried, however, about the conditions under which my husband is being held.

Unclassified

375

Unclassified

9. My financial situation has been very difficult since my husband was taken to Guantanamo. I interrupted my studies, and now spend a lot of my time trying to seek assistance for my husband. My activities include regular contacts with the BiH government, international organizations and human right groups. My only income is child support provided by the BiH government. My daughter and I receive support from my family and my husband's family in Algeria. In our family, my mother is the only one who has a job; my father used to work for the United States Embassy in Sarajevo, but he lost his job on October 20, 2001, as a result of my husband's arrest a few days before. My brother lost his job for the same reason. Since my stepson's family in Zenica is also in serious economic difficulties, we try to help them as well.
10. It is my belief, based on the messages my family received, and from everything I know about my husband, that he is seeking my assistance and support and would want me to take appropriate legal action on his behalf as his next friend. In this capacity, I have retained and hereby request Wilmer Cutler Pickering Hale and Dorr LLP, and any person authorized by that Firm, to act on my own and Saber Lamar's behalf and to take whatever legal steps they consider to be in our best interests in connection with my husband's detention at Guantanamo.

I know the facts deposed herein to be true to the best of my knowledge.

Sworn to by the deponent on this 10 day of August, 2004.

[Redacted signature]

[Redacted signature]

Witness: [Redacted signature]

Unclassified

4/15



unclassified

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

*Petitioners,*

vs.

04-1166 (RJL)

GEORGE WALKER BUSH, President  
of the United States of America;  
DONALD RUMSFELD, Secretary of  
Defense; GENERAL JAY HOOD,  
Commander, Joint Task Force;  
COLONEL NELSON J. CANNON,  
Commander, Camp Delta; *in their  
individual and official capacities,*

*Respondents.*

AFFIDAVIT OF [REDACTED] AUTHORIZING REPRESENTATION

I, [REDACTED] hereby depose and say:

1. I am [REDACTED], of [REDACTED], Bosnia and Herzegovina.
2. I am acting as the next friend of my husband Saber Lahmar, who is in the custody of the United States at Guantanamo Bay Naval Base, Cuba.
3. I hereby authorize Wilmer Cutler Pickering Hale and Dorr LLP, and any person authorized by that Firm, to represent me in all proceedings relating to my husband's detention by the United States, and any and all proceedings related to my husband's status under custody of the United States.

Signed:

[REDACTED]

Date:

10.8, 2004

Witnessed:

[REDACTED]

Date:

10. August, 2004

unclassified

5/5

unclassified

# HATE CLUB

**An in-depth look at al-Qaeda, the sprawling terror network through which Osama bin Laden exploits the borderless globe with a secret army driven by a ruthless new brand of extremism**

By MICHAEL ELLIOTT

*"You know that al-Qaeda exists from Algeria to the Philippines... it's everywhere."*

—from a conversation secretly taped by the Italian police on March 22; the speaker was Essid Sami ben Khemals, a Tunisian arrested the next month for alleged terrorist offenses

It was the worst crime in American history, and it has triggered the greatest dragnet ever known. The investigation into the atrocities of Sept. 11 has involved police forces across the U.S. and around the world. From Michigan to Malaysia, from San Diego to Ciudad del Este, Paraguay, law-enforcement agencies have been trying to figure out how the terrorists carried out their attacks, who helped them—and what they might do next. Along the way, the American public has been introduced to a confusing mass of names and faces and has learned of more links between them than any but the most nimble fingered could ever untangle. After nearly two months, there is much that we know about the global terrorist network that goes by the name of al-Qaeda—but an awful lot that is still hunch. Still, an international investigation by TIME into al-Qaeda's structure reveals that it is more global in its range, and more ruthless in its ideology, than all but its most dedicated students could have ever imagined.

The essential story of Sept. 11 is straightforward. A group of 19 men spent months in the U.S. preparing for the hijackings. The cell had earlier been headquartered in Hamburg, Germany, where its alleged ringleader, an Egyptian named Mohamed Atta, 33, had lived off and on for eight years. Atta is thought to have piloted Flight 11, the first to make impact; two of the other suspected pilots,

Marwan Al-Shehhi and Ziad Samir Jarrah, were also residents of the Hamburg region. The Hamburg cell, in turn, is thought to have been an operating unit of a worldwide network of terrorists called al-Qaeda, the name of whose reclusive leader is now known all over the world: Osama bin Laden.

Al-Qaeda had its origins in the long war against the Soviet occupation of Afghanistan. After Soviet troops invaded the country in 1979, Muslims flocked to join the local *mujahedin* in fighting them. In Peshawar, Pakistan, which acted as the effective headquarters of the resistance, a group whose spiritual leader was a Palestinian academic called Abdallah Azzam established a service organization to provide logistics and religious instruction to the fighters. The operation came to be known as al-Qaeda al-Sulbah—the "solid base." Much of its financing came from bin Laden, an acolyte of Azzam's who was one of the many heirs to a huge Saudi fortune derived from a family construction business. Also in Peshawar was Ayman Al-Zawahiri, an Egyptian doctor who had been a constant figure on the bewildering mosaic of radical Islamic groups since the late 1970s. Al-Zawahiri, who acted primarily as a physician in Peshawar, led a group usually called Al Jihad; by 1998, his organization was effectively merged into al-Qaeda.

In 1989, while on his way with his two sons to Friday prayers in Peshawar, Azzam was killed by a massive explosion. His killers have never been identified; Azzam had many enemies. But by the time of his death, the group around al-Qaeda were debating what to do with the skills and resources that they had acquired. The decision was taken to keep the organization intact and use it

4932

Page 1 of 12

Exhibit R6

unclassified

# WORLDWIDE WEB

## COUNTRIES WITH KNOWN OR SUSPECTED AL-QAEDA CELLS IN LIGHT GRAY ACTIVITIES WITH POSSIBLE ISLAMIC TERRORIST LINKS:

- ARRESTS, DETENTIONS
- TERRORIST ATTACK
- FOILED TERRORIST ATTACK
- FINANCIAL BACKING

### UNITED STATES

Of a total 1,247 arrests, fewer than 10 may be of people with information about the hijackers or the Sept. 11 attacks.

World Trade Center in 1993 and 2001; Pentagon and Pennsylvania in 2001.

Plans to blow up various bridges and tunnels around New York City and L.A. airport on New Year's Eve 2000.

### CANADA

As many as 20 people have been taken into custody in possible connection with the Sept. 11 attacks, and one faces extradition to the U.S.

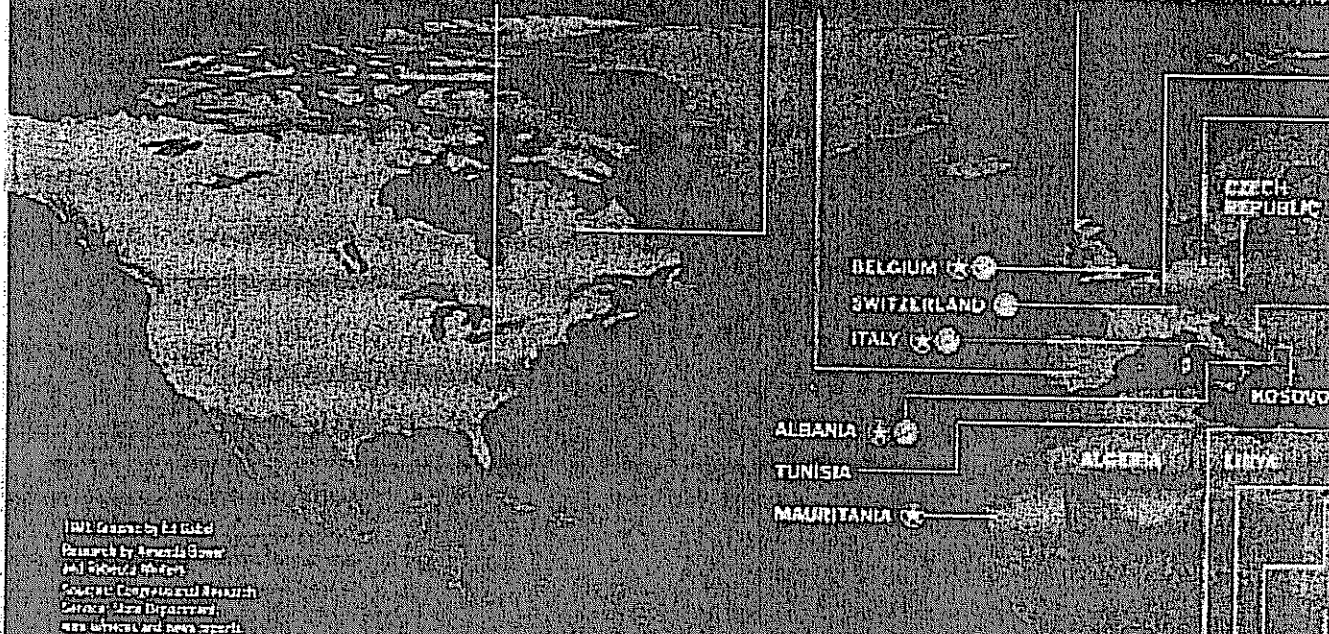
### SPAIN

Six members of an alleged sleeper cell picked up across the country since Sept. 11.

### BRITAIN

London in particular is seen by many as a terrorist recruiting zone.

Key arrests include Lutfi Raissi, who allegedly helped teach the hijackers how to fly; Khaled Daoudi, a computer whiz suspected in the Paris plot; and Yasser al-Siri, who was charged last week in connection with the assassination of Afghan rebel leader Ahmed Shah Massoud.



Map created by Ed Eide  
 Research by Francis Rowe  
 and Richard Harter  
 Source: CIA, US and Research  
 Service, State Department,  
 wire interviews and news reports.

### ARGENTINA, BRAZIL, PARAGUAY

The area where all three countries meet is thought to be a terrorist financing center; banks are investigating dozens of accounts for links.

Nineteen people in this "contraband capital" have been arrested, mostly on false documentation charges, and Paraguay has charged officials in U.S. offices with selling illegal passports and documents.

Last November a Palestinian allegedly plotted to bomb the U.S. and Israeli embassies in Asunción.

### URUGUAY

Al-Said Hassan Mokhtar, an Egyptian wanted for his alleged role in a 1997 attack on tourists in Luxor, Egypt, was arrested leaving Brazil through Uruguay in 1999. He is said to have trained in an al-Qaeda camp in Afghanistan.

Last April U.S. embassies in Uruguay, Paraguay and Ecuador shut down for three days after receiving "credible threats" of attacks.

### ISRAEL

Israel says it has arrested two groups of suspected al-Qaeda operatives in Gaza and the West Bank.

### SAUDI ARABIA

At least half of the 19 hijackers are thought to have been Saudis.

Saudi security services have carried out a small number of arrests of suspected supporters of the Saudi-born bin Laden.

Five Americans were killed when a car bomb exploded outside a military building in Riyadh in 1995; 19 died in a truck-bomb attack the next year.

### EGYPT

Authorities plan to put on trial 253 alleged members of terror Islamist groups linked to al-Qaeda. All were arrested before Sept. 11.

### SUDAN

Nizarioum was bin Laden's base from 1991 to '96. The U.S. responded to the 1998 embassy bombings with a missile assault on a suspected chemical weapons plant in the capital.

The government has rounded up 30 "foreign extremists" since Sept. 11.

# Osama bin Laden's network of influence reaches across five continents, creating a complex tangle of men, money and murder

TIME GRAPHIC BY ED GABEL

RESEARCH BY AMANDA BOWER AND REBECCA WINTERS

SOURCES: CONGRESSIONAL RESEARCH SERVICE; STATE DEPARTMENT; WIRE SERVICES AND NEWS REPORTS

### FRANCE

- Eight people are still in custody as part of the so-called Beghali network. Djamel Beghali, first picked up in Dubai, has said he received his orders from bin Laden lieutenant Abu Zubaydah.
- Beghali described a plan to blow up the U.S. embassy in Paris. An earlier plot, uncovered last December, targeted Strasbourg cathedral.

### GERMANY

- Alleged terrorist cells have been busted in Munich, Hamburg and Frankfurt. Officials are most interested in the Hamburg operation, which included hijackers Mohamed Atta and Marwan al-Shehhi. Three others thought to have helped in the planning of the Sept. 11 attacks are the subject of international arrest warrants.

### BOSNIA

- NATO says it has disrupted a terror cell. The alleged implotor is linked to al-Qaeda, investigators say.
- The arrests uncovered a comprehensive plot to attack Eagle Base, used by some 3,000 U.S. peacekeepers, as well as the U.S. and U.K. embassies in Sarajevo.

## Who's Who in the Enemy Alliance

The top brass of al-Qaeda has wide-ranging ties to the shadowy world of international terror. A look at Osama bin Laden's lieutenants, their friends and alleged associates

### AYMAN AL-ZAWAHIRI EGYPTIAN

A physician whose group, al-Jihad, has effectively merged with al-Qaeda, al-Zawahiri, 50, is said to be the transforming mentor to bin Laden as well as his No. 2 man. Charged in connection with the 1981 assassination of President Anwar Sadat, he was convicted only of weapons possession.

### ABU ZUBAYDAH SAUDI PALESTINIAN

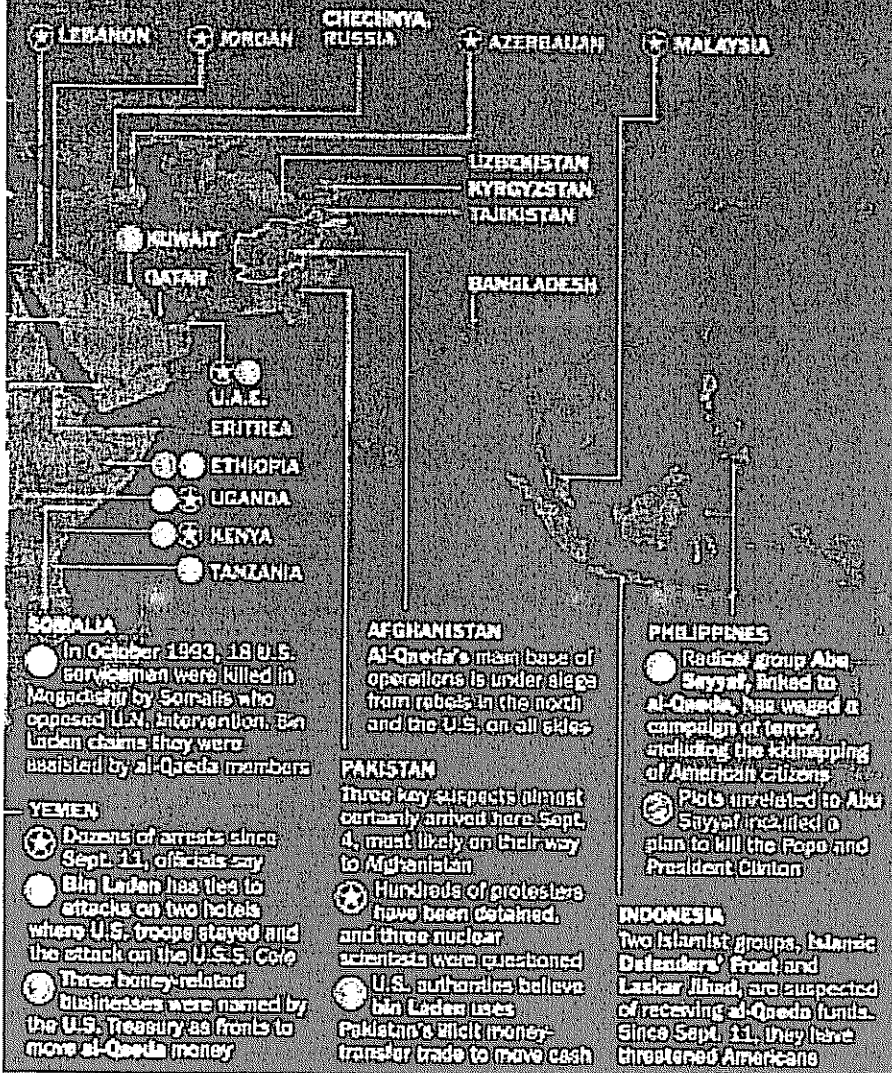
The only Palestinian in bin Laden's inner circle, the man reportedly nicknamed "the Mailman" coordinates international operations and helps select recruits for training in al-Qaeda camps

### TOHIR YULDASHEV UZBEK

Condemned to death in absentia by the government of Uzbekistan, Yuldashev helps lead the Islamic Movement of Uzbekistan. The movement's armed wing, which trains in Afghan camps, has an estimated 6,000 fighters. The I.M.U. was part of an assassination attempt on Uzbek President Islam Karimov in February 1999, which left at least 15 dead and 100 wounded

### AMIR KHATTAB SAUDI

Khattab, who commands rebels in Chechnya, trained in Afghanistan and was reportedly sent by bin Laden to support the breakthrough movement. Khattab is said to receive millions every month to finance camps that spend three months training (and, critics say, brainwashing) volunteers from all over the Muslim world





**KHADAFFY JANJALANI  
FILIPINO**

Janjalani is believed to have taken over as head of Abu Sayyaf, a radical separatist group terrorizing the southern Philippines in its quest to establish an independent Islamic state. Officials say the group was partly funded by bin Laden, and many of its members are trained in the Middle East. It is currently holding two Americans and at least 16 Filipinos hostage

**MOHAMMED ATEF  
EGYPTIAN**

Ataf is bin Laden's military chief, and helped set up al-Qaeda networks in East Africa. He was indicted by the U.S. for the 1998 embassy bombings in Tanzania and Kenya

**HASSAN HATTAB  
ALGERIAN**

Head of the Salafist Preaching and Combat Group, a three-year-old offshoot of Algeria's Armed Islamic Group. Many experts say the Salafists have been absorbed by al-Qaeda. Religious exerts believe the document found in hijacker Mohamed Atta's luggage bears signs of a Salafist tract

**DJAMEL BEGHAL  
FRENCH ALGERIAN**

Arrested in Dubai in July for traveling on a false passport, Beghal later confessed to playing a prominent role in al-Qaeda's European operations, acting on orders from Abu Zubaydah. On the basis of Beghal's information, some of which he later retracted, authorities uncovered a plot to bomb the U.S. embassy in Paris

**SAID BHAJI  
MOROCCAN GERMAN**

Germany has issued an arrest warrant for Bahaji and fellow alleged Hamburg operatives Zakariya Essabar and Ramzi Bin alshibh, who almost certainly traveled back to Afghanistan, through Pakistan, before Sept. 11. All three are suspected of playing a significant role in planning the U.S. attacks

**ZACARIAS MOUSSAOUI  
FRENCH MOROCCAN**

Moussaoui is a tantalizing suspect for U.S. authorities, but he isn't talking. Arrested in August on immigration violations, Moussaoui drew attention at a flight school because of his apparent lack of enthusiasm in learning how to take off or land. French authorities have long suspected him of involvement in terrorist activities. What does he know about Sept. 11?

to fight for a purer form of Islam. The initial target was not the U.S. but the governments of Saudi Arabia and Egypt, which al-Qaeda claimed were corrupt and too beholden to the U.S. It was only after the Gulf War, by which time bin Laden had moved his operations to Sudan (he would later be forced to shift back to Afghanistan), that he started to target Americans. To all but insiders, he first became notorious in 1998, when al-Qaeda operatives exploded truck bombs at the American embassies in Kenya and Tanzania, killing 12 Americans and hundreds of locals. Since then there has been a steady drumbeat of

attacks linked to al-Qaeda—some successful, some not—on American targets and those of U.S. allies around the world.

Al-Qaeda has its headquarters in training camps in Afghanistan. In addition to directing its own attacks, it acts as an umbrella group, financing and subcontracting operations to local networks like Algeria's Armed Islamic Group (GIA), a terrorist organization active throughout Europe. The camps in Afghanistan play a vital role. Whatever network they may originally have been aligned with, visitors to the camps meet men from other groups, forge relationships and acquire the stature of soldiers in a holy war. The high command of the group includes bin Laden, al-Zawahiri and Abu Zubaydah, a Saudi-born Palestinian who was identified in an American court case in July as the organizer of the camps and who investigators believe may be al-Qaeda's director of international operations.

Some of the best leads on al-Qaeda's directorate now seem to be coming from Djamel Beghal, a French-Algerian who is suspected of being an al-Qaeda ringleader and who was arrested in Dubai in July on his way from Pakistan to Europe. After being convinced by Islamic scholars in Dubai of the evils of terrorism, Beghal started talking. (He is now back in France and has attempted to retract his confession.) Beghal has said that while in Afghanistan in March, he received instructions from Abu Zubaydah on a bombing campaign against American interests in Europe, including the Paris embassy. "He's talking about very important figures in the al-Qaeda structure, right up to bin Laden's inner circle," a European official told TIME. "He's mentioned names, responsibilities and functions—people we weren't even aware of before. This is important stuff."

Though al-Qaeda has its roots in Afghanistan, investigators now think that the "Afghan" nature of the group is subtly changing. The war against the Soviets ended in 1991. Increasingly, al-Qaeda's captains in the field are too young ever to have fought in Afghanistan, though some may have joined Islamic brigades in Chechnya—or in Bosnia, as Abu Zubaydah did. Many of the new fighters were born and raised not in the Arab lands but in the Muslim communities of Europe, around which they travel with ease. And there is a growing sense that a number of them are "Takfiris," followers of an extremist Islamic ideology called Takfir wal Hijra (Anathema and Exile). That's bad news: by blending into host communities, Takfiris attempt to avoid suspicion. A French official says they come across as "regular, fun-loving guys—but they'd slit your throat or bomb your building in a second."

In addition to the ruthless nature of al-Qaeda's soldiers, investigators now also appreciate just how extensive are its tentacles. In mid-October, for example, NATO forces in Bosnia foiled a plot to attack U.S. and British targets there. Bensayah Belkacem, an Algerian thought to be at the center of a Bosnia-based terror group, had the number of Abu Zubaydah on a chit of paper in his apartment.

Unclassified

## When Terror Hides Online

Did you hear the one about Osama bin Laden hiding messages in porn websites? It sounds like one of those crazy Sept. 11 rumors, but it's actually a law-enforcement theory about how the al-Qaeda network disseminates instructions to operatives in the field.

It's no secret that bin Laden's terrorist army is Internet savvy. Hijacking ringleader Mohamed Atta made his reservations on Americanairlines.com. Some of his confederates seem to have communicated through Yahoo e-mail. And cell members went online to research the chemical-dispersing powers of crop dusters.

### How Secrets Are Concealed

#### DEVIL IN DETAIL

Hypothetically, a photo of a site to be attacked can be embedded in an innocuous image that is then posted on an existing website for terrorists to access for instructions

But secret Internet messages, known as steganography, may be the most insidious way bin Laden has taken his terrorist movement on line. Steganography, Greek for "hidden writing," allows messages to be slipped into innocuous picture and music files. The trick is that the insertions are so small they're impossible to detect with the naked eye, but easily retrieved through special software tools.

A terrorist mastermind could insert plans for blowing up a nuclear reactor in, say, the nose of a puppy on a pet-adoption website. Operatives in the field, told which nose to look at, could then check for their marching orders. Steganography is a fast, cheap, safe way of delivering murderous instructions. "It avoids the

operational security issues that exist anytime conspirators have a physical meeting," says Matthew Devost of the Terrorism Research Center. Terrorist watchers suspect al-Qaeda may be hiding its plans on online porn sites because there are so many of them, and they're the last place fundamentalist Muslims would be expected to go.

Even for netheads, steganography is a bit obscure. But bin Laden's followers may have learned about it when it burst on the pop-culture scene in recent movies like *Along Came a Spider*. The FBI has been close-mouthed on whether it has found any steganographic images from al-Qaeda. But a former government official in France has said that suspects who were arrested in September for an alleged plan to blow up the U.S. embassy in Paris were waiting to get their orders through an online photo.

Law enforcement is increasingly targeting terrorists' technology. After the Sept. 11 attacks, the FBI reportedly installed additional Carnivores, devices it has been using to surreptitiously read e-mail, on Internet service providers. The National Security Agency uses Echelon, a top-secret wiretapping device, to monitor e-mail, cell phones and faxes worldwide. And the antiterrorism law passed last month broadened law enforcement's powers to grab Internet communications.

Steganographic images can be detected through "steg analysis," a process of hunting for small deviations in expected patterns in a file. The hard part is knowing where to look in the vast expanse of the online world. Toughest of all to catch: so-called low-tech steganography, in which the message is conveyed overtly. A photo on a website with arms crossed could mean attack an East Coast nuclear power plant; a blue bandanna could mean West Coast bridges. "Sometimes," says Ben Venzke, a terrorism specialist at the security analyst firm IntelCenter, "the best technologies are the simplest ones."

—By Adam Cohen

On Oct. 28, Abu Sayyaf, a terrorist group in the Philippines that authorities believe has been supported in the past by al-Qaeda, bombed a food market, killing six people. And the Ugandan government announced that it had detained eight men on suspicion of belonging to al-Qaeda. How did one organization with an extremist ideology manage to acquire a reach that trembles governments from Bosnia to the Philippines to Uganda?

### THE BORDERLESS WORLD

"GLOABLIZATION MEANS INTERDEPENDENCE," SAYS EDMUND HULL, U.S. ambassador to Yemen and former State Department counterterrorism chief. "We have previously seen the benefits of this interdependence. Now we are seeing its risks." That goes to the heart of any attempt to understand al-Qaeda. For the past decade, globalization

unclassified

## Is He Osama's Best Friend?

How dangerous can an Afro comb and a plastic bottle of hot sauce be? When Officer Louis Pepe came by cell No. 6 at the Metropolitan Correctional Center in lower Manhattan on Nov. 1, 2000, he was distracted by a squirt in the face from the bottle before the sharpened comb was plunged like a bayonet through his eye and 2½ in. into his brain. The man in the cell, Mamdouh Mahmud Salim, then allegedly took the keys from the paralyzed Pepe and began to wander down the hall. Guards stopped Salim, and he didn't get away. Or did he?

Arrested and extradited from Germany in December 1998, Salim was a prize prisoner for the U.S. government, which originally planned to put him on trial with four others charged with the Aug. 7, 1998, bombing of the U.S. embassies in Africa. Salim had complained that he should not be tried with the others in the trial scheduled for February 2000 because he had not been charged with directly carrying out the bombings. The judge had refused to sever the charges, but the assault on Pepe gave the court no choice but to postpone his conspiracy trial. Salim, 43, will first be tried for the attempted murder of Pepe. Three weeks ago, on Oct. 18, all defendants in the embassy-bombing trial were found guilty and sentenced to prison for the rest of their lives.

Salim has made himself out to be small fry in the search for bin Laden associates. But could he be something bigger? The portrait painted of Salim in the embassy-bombing trial is of a powerful and malignant personality. Prosecutors described Salim (whose alias was Abu Hajar al Iraqi) not only

as one of Osama bin Laden's council of advisers, the Shura, but also as a key member of the fatwa committee, which helped formulate the theological justification for al-Qaeda's actions. Salim derived his prestige from being a religious scholar who has memorized the Koran, and he would alternate with bin Laden in delivering regular sermons to the al-Qaeda faithful. The government's star witness, a former top al-Qaeda operative, described Salim as bin Laden's "best friend." It was Salim, the prosecutors said, who provided al-Qaeda with a rationale for "collateral damage," citing an ancient fatwa calling for all-out war against pagan invaders, one that was likely to bring about the death of Muslim traders and civilians in the cross fire. If the civilian dead were indeed innocent, the argument went, they would be headed for heaven anyway.

The prosecutors provided evidence in the recent trial that Salim contributed more than theology. He was on the committee that helped al-Qaeda decide to relocate to Sudan in 1990 after the Afghan war. While Salim had told the Germans he handled finances for bin Laden's agriculture business, Themar al Mubaraka, the prosecution's witness claimed that a significant part of one large farm owned by the company was used for training courses in explosives. The witness also said that Salim, who allegedly received a monthly salary of \$1,500, helped run bin Laden's Al Hijra Construction company, which ostensibly built roads and bridges but also had a permit to import explosives for construction use. The same witness said that Salim took him on a trip to a chemical-warfare-training facility in Sudan and was a critical link in the negotiations for an attempted \$1.5 million purchase of South African uranium in 1993.

(continued on next page)

has been understood as an economic process, rooted in the trade of goods and services. But the defining characteristic of our new world is not the movement of products or money but of people. Cheap air transport, the effects of decolonization and a population explosion in the poorer parts of the world have combined to create an unprecedented movement of humanity from one nation to another. Travel and emigration have broadened the mind and brought unparalleled opportunities to countless families. But they have also helped create havens for those seduced by the romance of terrorism.

French investigators believe Kamel Daoudi is one such recruit; his tale illuminates both the nature of modern terrorist cells and their global reach. Daoudi was the kind of child that immigrant parents dream of having. The son of Algerians who had immigrated to France, he took the tough post-high school exams a year early and started to study computer sciences at a university in Paris. But he

found the courses difficult, and according to reports, a family row exploded in 1999 when Daoudi's father found evidence of his son's appointments with psychiatrists. Daoudi left for Britain, his pockets bulging with the \$11,000 his family had saved for his education.

On Sept. 21, he made the same trip; this time, running not from his family but from the law. Daoudi slipped away from his apartment on the Boulevard John F. Kennedy after police across Europe started to round up the network that Beghal had assembled for his operations. (French investigators think Daoudi was the computer-and-communications whiz kid of the group.) Daoudi knew Britain well. He and Beghal had hung out there with Jerome Courtailler, one of two French brothers who had converted to Islam. For a while, Courtailler lived in south London with Zacarias Moussaoui, another French child of disappointed immigrant parents. Moussaoui grew up in the southern French town of Narbonne

Unclassified

(continued from previous page)

Salim admitted to German interrogators that he worked for bin Laden's business enterprises in Sudan, including Themar. But according to a transcript of his interrogation, he insisted that "my relationship with [bin Laden] was as an employee with a contract and monthly pay." When recruited to run the businesses, Salim said, he told bin Laden that "I was an electrical engineer, not a finance specialist. He said that was not important because he knew me to be an honest man and that I would manage."

Allan Haber, Salim's lawyer in the conspiracy case, says the prosecution's portrayal of Salim as a key bin Laden operative all comes down to the credibility of the government witness Jamal Ahmed al-Fadl and "whether or not you can believe a man who says he is a devout Muslim but steals money from his boss and tries to sell information to the government of Israel." (Al-Fadl sought protection with U.S. investigators after he embezzled \$100,000 from bin Laden.) The government says al-Fadl's testimony is accurate and can be corroborated.

When Salim was arrested in Munich, he said he had arrived in Germany for the first time in 1995, to buy electronics to set up an Arabic-language radio station in Sudan. The U.S. says the real goal was to get radio equipment that could be used by al-Qaeda to communicate with its operatives. The following year, however, found al-Qaeda in confusion: Sudan expelled bin Laden, and the group's members were scattered until their high command returned to Afghanistan. Salim was living in Dubai and by 1998 had made four more visits to Germany, ostensibly to look for a new wife and a car. "My wife had three operations on her uterus," he told interrogators. "I talked with my wife about this, and she agreed I should look for a second wife." (German police note that Salim's airfare from Dubai cost more than the car he hoped to purchase, a used Mercedes-Benz 230 station wagon.)

More important, Salim acknowledged to his German interrogators that he had opened an account at Deutsche Bank and that he gave signature power over the account to Mamoun Darkazanli, a Syrian businessman

who had settled in Hamburg in the 1980s and who has told reporters that he knew some of the Sept. 11 hijackers. Darkazanli attended the wedding of Said Bahaji, an alleged member of the cell that included suspects Mohamed Atta and Marwan Al-Shehhi. Bahaji's wedding album includes pictures of Atta and Al-Shehhi. Darkazanli's name is now on a list of 39 terrorists and organizations whose assets have been blocked by the U.S. Treasury Department. He remains, however, free to roam about Hamburg.

If Salim had been on trial for conspiracy in the embassy bombings, the U.S. would potentially have been able to establish his intimacy with the highest levels of al-Qaeda. In that case, the Darkazanli connection might be more than a tantalizing possibility: a clear link between a "best friend" of bin Laden's and someone in contact with the Sept. 11 hijackers.

In the past five years, al-Qaeda officials have shown deep concern over the secrets held by its high-ranking members. When their finance chief was nabbed by the Saudis in 1997, there were discussions about assassinating him before he could turn information over to Riyadh and the U.S. When the head of the military committee drowned in a ferry accident in Lake Victoria in Kenya in the spring of 1996, al-Qaeda agents were sent to verify that he was indeed dead and that no secrets had filtered out. But if Salim is a big shot who knows too much, al-Qaeda doesn't have to worry about him for a while. His trial for the attempted murder of Pepe was scheduled to begin the week of Sept. 17 and has been put off until early next year because of the logistical and bureaucratic chaos in lower Manhattan, where the court system is located. His conspiracy trial has not even been scheduled. The planes that devastated lower Manhattan have made sure that whatever secrets he holds will take their time coming to light.

—By Howard Chua-Eoan.

With reporting by Charles P. Wallace/Berlin

but left for Britain in 1992 and took a degree at London's South Bank University. Earlier this year, he enrolled in an Oklahoma flight school that had been visited by two of the Sept. 11 hijackers, and German authorities say he had called the house in Hamburg used by Atta. In August, after suspicious behavior at another flight school in Minnesota, Moussaoui was arrested on immigration charges. Today he is incarcerated in the Metropolitan Correctional Center in Manhattan, refusing to speak to investigators.

Daoudi, who was picked up in the British town of Leicester, sits silent in a French jail. "He isn't giving an inch," says a French official. His lawyer denies that Daoudi has ever been involved in plotting terrorist attacks.

Children of immigrants, Muslims in Europe, highly skilled, Daoudi and Moussaoui epitomize the kind of person investigators now think provides some of al-Qaeda's key recruits. Above all, both men were true global citizens; Moussaoui, a child of the warm south, ended up in

4938

Page 7 of 12

7  
Unclassified



unclassified

## TERRORIST HITS AND MISSES A CHRONOLOGY OF MAYHEM

### ATTACK

#### DEC. 29, 1992 ADEN, YEMEN

One hundred U.S. servicemen had just left the Gold Mohur Hotel, on their way to duty in Somalia, when the bomb hit. It killed two people in the hotel and seriously wounded four tourists. Two suspects reportedly had 23 bombs, two antitank mines, dynamite and machine guns.

### ATTACK

#### FEB. 26, 1993 WORLD TRADE CENTER, NEW YORK CITY

The first attempt to bring down the Twin Towers resulted in six deaths and more than 1,000 injuries. The al-Qaeda organization was never mentioned at the trial of convicted mastermind Ramzi Yousef, but he was later convicted of other foiled plots that authorities suspect had al-Qaeda links.

### ATTACK

#### OCT. 3, 1993 MOGADISHU, SOMALIA

Bin Laden claims he supplied weapons and fighters to Somalis involved in a fierce battle that left 18 U.S. servicemen dead.

### FOILED

#### LATE 1994, EARLY 1995 MANILA, PHILIPPINES

Then-fugitive Ramzi Yousef had already slipped out of the U.S. and the Philippines when officials investigated an explosion in a Manila apartment occupied by two people linked to him. Investigators discovered plots to assassinate the Pope and President Clinton during visits to the Philippines and to explode a dozen commercial jets over the Pacific.

### FOILED

#### JUNE 26, 1995 ADDIS ABABA, ETHIOPIA

An assassination attempt on the motorcade of Egyptian President Hosni Mubarak was unsuccessful.

### ATTACK

#### NOV. 13, 1995 RIYADH, SAUDI ARABIA

A car bomb at a U.S.-run training facility for the Saudi National Guard killed five Americans and two Indians. Four Saudis confessed on national television (they were later beheaded) and said they were "inspired" by bin Laden.

### ATTACK

#### JUNE 25, 1996 DHAHRAN, SAUDI ARABIA

A massive truck bomb at the Khobar Towers apartment compound, where hundreds of U.S. Air Force personnel were stationed, killed 19 U.S. airmen and wounded hundreds more.

### ATTACK

#### AUG. 7, 1998 DAR-ES-SALAAM, TANZANIA & NAIROBI, KENYA

Truck bombs hit U.S. embassies in both cities, killing 224, including 12 Americans. Bin Laden and 20 others were later indicted; four received life sentences.

### FOILED

#### DEC. 14, 1999 PORT ANGELES, WASH.

Alert U.S. Customs agents noticed that Ahmed Ressay was sweating—in winter—while waiting to cross from Canada into the U.S. In his trunk, they found explosives. Ressay later confessed to a plot to blow up LAX airport.

### FOILED

#### DECEMBER 1999 AMMAN, JORDAN

A tip to local intelligence officials revealed a plot to kill U.S. and Israeli millennium revelers by bombing a fully booked hotel and prominent Christian sites.

### ATTACK

#### OCT. 12, 2000 ADEN, YEMEN

A boat laden with explosives rammed the U.S.S. *Cole*, killing 17 sailors and wounding more than 30. Bin Laden, at his son's wedding, wrote an ode to his supporters who carried out the attack: "The pieces of the bodies of the infidels were flying like dust particles."

### FOILED

#### DEC. 25-26, 2000 STRASBOURG, FRANCE

German investigators picked up four men across the Rhine River in Frankfurt on the eve of what they said was a planned bomb assault on Strasbourg's cathedral and market.

### ATTACK

#### SEPT. 11, 2001 NEW YORK CITY, WASHINGTON, PENNSYLVANIA

Four hijacked passenger airliners crashed into New York City's two tallest buildings, the Pentagon and a field in rural Pennsylvania. Thousands were killed.

### FOILED

#### SEPT. 13, 2001 PARIS AND BRUSSELS

Evidence of plots to bomb the U.S. embassy in Paris, and possibly also NATO headquarters in Brussels, was uncovered after the earlier confession of Djamel Beghal. The information, despite being partially retracted, led to arrests.

### FOILED

#### OCT. 8, 2001 SARAJEVO, BOSNIA

NATO officials say they disrupted an al-Qaeda cell that was planning to attack the U.S. embassy and Eagle Base airfield, used by some 3,000 U.S. peacekeepers.

—By Amanda Bower

Unclassified

the state where ice fishing is a favorite sport. As they dig deeper, law-enforcement agencies are beginning to understand just how effectively globalization has spread terrorism around the planet.

Consider two countries half a world apart and far from the Islamic heartlands: the Philippines and Britain. It was in Manila, that most Catholic of cities, that Mohammed Sadeek Odeh found his vocation. Sentenced to life imprisonment on Oct. 18 for his part in the 1998 bombings of the American embassies in Kenya and Tanzania, Odeh seemed to have lived the predictable life of an al-Qaeda operative—he was born to exiled Palestinians in Saudi Arabia and grew up in Jordan. Yet he turned to radical Islam while studying engineering in the Philippines. It was there that Odeh first saw and heard videos and taped messages from Abdallah Azzam. In 1990 Odeh moved to Pakistan, and from there to the camps in Afghanistan and a new life as a soldier in al-Qaeda.

Other Muslims who had studied in the Philippines maintained links there. It was from Manila that Ramzi Yousef, the convicted mastermind behind the first World Trade Center bombing, hatched a plan to blow up 12 American airliners as they flew over the Pacific. In the mid-1990s, Mohammed Jamal Khalifa, married to one of bin Laden's sisters, allegedly funded Islamic schools in the south of the country, where Muslim insurgents have been fighting for years. The Filipino government has long claimed that Abu Sayyaf, the most bloodthirsty of the groups—its specialty is beheadings—has been supported by al-Qaeda. Abdurajak Janjalani, the group's late founder, fought in Afghanistan, reportedly with bin Laden and Yousef. The links may be a thing of the past; these days Abu Sayyaf's style runs more to kidnapping and ransom than to jihad. Still, Philippine President Gloria Macapagal Arroyo recently said Khalifa had offered to secure the release by Abu Sayyaf of 18 hostages, including an American missionary couple.

About the only thing that Manila has in common with London is damp—that and a reputation for giving succor to terrorist supporters. Britain has always had a habit of providing safe haven to political refugees; that's why Karl Marx is buried in Highgate cemetery. But in the past 20 years, says Neil Patrick, a Middle East analyst at the Royal United Services Institute, London has become "the capital of the Arab world." As they used to say in Britain: Whoever lost the Lebanese civil war, London won it. With Beirut in ruins, banks relocated from Lebanon; they were followed by Arabs from Saudi Arabia and the gulf who summered in Kensington Gardens, journalists, members of opposition groups—and radical Islamic clerics.

One such preacher, Abu Hamza al-Masri, arrived in 1981, having left one eye and both hands in Afghanistan. He was granted British citizenship in 1985, and his mosque in Finsbury Park, tucked among Victorian row houses one tube stop from Arsenal's soccer stadium, has become famous worldwide for preaching jihad. Mous-

saoui, the Courtailler brothers and Beghal all attended prayers there. Beghal is said also to be a follower of Abu Qatada, a radical who preached jihad from a community center on Baker Street and whose bank account, allegedly with \$270,000 in it, was frozen by the Bank of England in mid-October.

London's dirty secret is that it has long been a recruiting ground for terrorists. French authorities moan with frustration at the lack of British cooperation. For years the French were unable to get London to extradite suspected members of the Algeria-based GIA, responsible for a wave of bombings in Paris in the mid-1990s. The U.S. hasn't always had better luck; Americans have been trying to get their hands on Khalid al-Fawwaz, a London-based Saudi alleged to have set up an office for bin Laden in 1994 and now wanted for trial in relation to the African embassy bombings. (Al-Fawwaz's legal maneuverings have just reached Britain's highest court.)

The gears of British justice are starting to grind more quickly. London has detained and questioned a number of Sept. 11 suspects, including Lotfi Raissi, an Algerian alleged to have helped train the suicide pilots in the attacks. And last week Yasser al-Siri, whose bookstore and website are well known in London, was charged with conspiracy to murder Ahmed Shah Massoud, the leader of the anti-Taliban Afghan Northern Alliance. Massoud died after assassins bombed his headquarters on Sept. 9.

But al-Siri's case demonstrates the oddities of the international legal system. He is in Britain on asylum from Egypt, where he was sentenced to death for the attempted murder of the Prime Minister in 1993, a charge he denies. "That was a military court," he told TIME before his arrest. "I'm a civilian." Governments across Western Europe, their feet held to the fire by strong civil-liberties groups, have been protective of the rights of refugees and asylum seekers. And while the European Union has demolished barriers to the movement of goods and people, its 15 nations have been slow to develop common institutions of criminal justice and investigation. For Atta and his cell of alleged conspirators in Hamburg, the characteristics of modern European life were a godsend. In addition to the hijackers known to have lived there, other men alleged to be part of the Hamburg cell have had arrest warrants issued for them: Said Bahaji, Zakariya Essabar and Ramzi Binalshibh. German officials believe that last spring both Essabar and Binalshibh tried to get to the U.S. to take flying lessons. The three almost certainly arrived in Pakistan from Germany on Sept. 4 and have since gone to ground—possibly in Afghanistan.

Hamburg was an ideal long-term base; 1 in 7 of the city's population is foreign, as is 1 in 5 of the students at Atta's college. (Foreign students pay no tuition in Germany.) Atta and his friends could have stayed as long as they liked—Germany invented the perpetual student—since they had legal residence, could travel freely around the E.U. or leave it for a period, without arousing suspicion. It is hard to think of a way of life that so epitomized

4940

9  
Unclassified

Page 9 of 12

unclassified

the promise of a borderless world and then perverted globalization to such an evil end.

## YOUNG AND RUTHLESS

AFTER SEVEN WEEKS OF INVESTIGATIONS THERE IS NO HARD evidence that links the Hamburg cell to any other. There are fragments of a puzzle—Atta made a 10-day trip to Spain from Miami in July that continues to bother investigators, while French sources still think that Moussaoui may be connected to the Hamburg cell—but many pieces are missing.

For example: Was Mohammed Bensakhria, an Algerian arrested in June by Spanish police, bin Laden's key European lieutenant? If so, is there an American equivalent—and has he been picked up in the dragnet after the attacks? Did al-Qaeda's reputed training-camp chief Abu Zubaydah leave Afghanistan before Sept. 11, as European officials believe, and if so, where is he and what is he doing?

On one matter, however, European investigators are clear: there is something truly ruthless about the suspected terrorists they are finding. After six Algerians were picked up in Spain in September, police found videotapes in the apartment of one of the men. One tape showed four Algerian soldiers, with their throats cut, dying in a burning jeep.

For experts in terrorism, such incidents are suggestive. In Egypt in the 1960s, the Islamic ideology Takfir wal Hijra began to win adherents among extremist groups. One of them, the Society of Muslims, was led by Shukri Mustafa, an agricultural engineer. Mustafa denounced other Muslims as unbelievers and preached a "withdrawal" into a purity of the kind practiced by the Prophet Muhammad when he withdrew from Mecca to Medina. The ideology is particularly dangerous because it provides a religious justification for slaughtering not just unbelievers but also those who think of themselves as Muslim. Intensely undemocratic—for to accept the authority of anyone but God would be a blasphemy—Takfir wal Hijra is a sort of Islamic fascism.

European analysts now believe that Takfir thinking has won converts among terrorist groups. Beghal is Takfiri, and Daoudi is thought to be. Roland Jacquard, one of the world's leading scholars on Islamic terrorism, says flatly, "Atta was Takfiri." It is not just soldiers of al-Qaeda who may be following the Takfir line. Mustafa was executed in 1978, but his ideas lived on; the beliefs of al-Zawahiri's Al Jihad were dominated by Takfiri themes. Azzam Tamimi, director of the Institute of Islamic Political Thought in London, says of Zawahiri, "He is their ideologue now... His ideas negate the existence of common ground with others."

Bin Laden and al-Qaeda may have learned, by violent experience, to preempt and harness the new fanaticism. In late 1995, bin Laden's compound in Khartoum was attacked by gunmen believed to be Takfiri. A Sudanese

## The Suspects: a Bosnian Subplot

The conversation was in code, but to trained ears it was easily understood. Picked up by U.S. listening devices on Oct. 16 in Sarajevo, it ranged in topics from the bombing in Afghanistan to "what the response should be here," a senior Bosnian official told TIME. U.S. and British targets in Bosnia were mentioned. But it was the sign-off that got listeners' attention: "Tomorrow we will start." Both countries shut down their embassies and branch offices overnight. Using mobile-phone-card registration numbers, Bosnian police tracked down and arrested both callers—Algerian nationals with Bosnian citizenship. Within 72 hours three others, also Algerian born, were in custody in a Sarajevo prison, bringing the number of terror suspects apprehended in Bosnia in the past month to at least 10. In the process, NATO uncovered a separate plot to attack Eagle Base, the airfield used by some 3,000 U.S. peacekeepers in the country. "We are confirming the presence of the al-Qaeda network in Bosnia," said a spokesman for NATO-led peacekeepers. The arrests, he added, had "disrupted" the network, but "it has not been destroyed. Investigations are continuing."

## Belkacem made 70 calls to Afghanistan between the day of the U.S. attacks and his arrest

Direct links to bin Laden focus on just one man, the apparent leader of the Algerian cell. Bensayah Belkacem, 41, alias Mejd, lived with his Bosnian wife and two children in the central town of Zenica until his arrest last month. Combing through his dingy ground-floor apartment, investigators found two sets of identity papers (Algerian and Yemeni), blank passports and on a small piece of paper the number of a senior bin Laden aide, Abu Zubaydah, himself a veteran of the Bosnian war. Investigators say he is now in charge of screening recruits for al-Qaeda training camps in Afghanistan. According to phone transcripts, Zubaydah and Belkacem discussed procuring passports. There was more. Belkacem made 70 calls to Afghanistan between Sept. 11 and his arrest. U.S. officials are particularly interested in the fact that he repeatedly sought a visa to leave Bosnia for Germany just before the terrorist attacks, according to a source close to the investigation.

The other suspects are mostly foreign-born nationals and belong to a community of about 200 ex-mujahedin who came to Bosnia to fight alongside fellow Muslims during the war and later settled in the interior, often marrying Bosnian women and working at humanitarian agencies. Saber Lahmar, the Algerian who allegedly placed the incriminating phone call on Oct. 16, served time in Bosnia for auto theft before being pardoned in 2000. He worked at the Saudi High Commission for Relief, an agency that has given \$500 million to Bosnia. Others, according to local reports, worked at the Red Crescent society, Talbah International—a Saudi group—and Human Appeal. Bosnian authorities say that they are stepping up surveillance of aid agencies and their staffs.

After the latest arrests, the U.S. reopened its embassy, released a statement saying that the specific threat "appears to have passed," and thanked Bosnian authorities for their swift action. But officials tell TIME that there are five more alleged terrorists whom police and peacekeepers are seeking in the rugged hills of central Bosnia. And so, as elsewhere in the world, the hunt continues.

—By Andrew Purvis/Sarajevo

4941

10

unclassified

Page 10 of 12

unclassified

friend of bin Laden's who questioned the surviving attacker said, "He was like a maniac, more or less like the students in the U.S.A. who shoot other students. They don't have very clear objectives." By the time al-Qaeda had resettled in Afghanistan, ideological training was an integral part of the curriculum, according to a former recruit who went on to bomb the U.S. embassy in Nairobi. Students were asked to learn all about demolition, artillery and light-weapon use, but they were also expected to be familiar with the fatwas of al-Qaeda, including those that called for violence against Muslim rulers who contradicted Islam—a basic Takfiri tenet. French terrorism expert Jacquard describes Takfiri indoctrination this way: "Takfir is like a sect: once you're in, you never get out. The Takfir rely on brainwashing and an extreme regime of discipline to weed out the weak links and ensure loyalty and obedience from those taken as members."

The results of the boot camps are diehard but undetectable soldiers of the movement. "The Takfir," says Jacquard, "are the hard core of the hard core: they are the ones who will be called upon to organize and execute the really big attacks." French officials think that Takfiri beliefs have bred a distinct form of terrorism. "The goal of Takfir," says one, "is to blend into corrupt societies in order to plot attacks against them better. Members live together, will drink alcohol, eat during Ramadan, become smart dressers and ladies' men to show just how integrated they are."

For law-enforcement officials, the Takfiri connection is terrible news. By assimilating into host societies—some won't even worship with other Muslims—it's easy for Takfiris to escape detection. Those stories of the Sept. 11

## What Makes Youths Volunteer?

To British lawyer Anjem Choudary, 40, a British passport means very little. For a true Muslim, he says, "a British passport is no more than a travel document." Abu Yahya, 26, a Londoner and veteran of military training camps in Kashmir and Afghanistan, agrees: "Our allegiance is solely to Allah and his messenger, not to the Queen and country. Nationality... means nothing."

Choudary and Yahya belong to the extremist Islamic group al-Muhajiroun, and though they speak for only a tiny fraction of Britain's 2 million Muslims, their views received grim publicity last week with the news that three British-born Muslims had been killed in Kabul—allegedly in a U.S. bombing raid on a Taliban compound—after volunteering for the jihad.

The deaths of the three young men shocked their families. In Crawley, an industrial town 33 miles south of London, the mother of Yasir Khan, 28, insisted her son had gone to Pakistan for humanitarian work. In Luton, 34 miles north of London, the parents of computer-engineering student Afzal Munir and taxi driver Aftab Manzoor, both 25, weren't aware the two had joined up. Both lived with their parents in modest suburban houses in this quiet town that is home to 22,000 Muslims.

Many Muslims in Britain, however, are loudly anti-American and highly critical of the bombing in Afghanistan. Al-Muhajiroun is capitalizing on this anger. The group had been saying for weeks that Britons were flocking to the bin Laden cause, much as Jewish youths went to Tel Aviv in 1967 to fight in the Arab-Israeli war. In Lahore, Pakistan, last week a spokesman—British university graduate Abu Ibrahim—put the numbers at between 600 and 700. British authorities, however, speculated that volunteers probably amounted to a few dozen. Conservative peer Norman Tebbit suggested that it would be treason for British citizens to take up arms against Anglo-American forces. Defense Secretary Geoff Hoon warned that those who did fight for the Taliban might face prosecution should they return.

The jihad volunteers are mostly from first-generation British families and feel oppressed by the stresses of biculturalism, suggests Mounir Daymi, executive director of Britain's Muslim Students Society. This alienation is felt most deeply in the poorer communities. That's where you will find "some people who want the clash of civilizations to happen," Daymi says. Adam Armstrong, 35, a Luton teacher who converted to Islam in 1989 because he felt "something was missing" in his life, endorses that view. The volunteers, however few, are "devout Muslims, often university students," he says, the sort of idealists who used to go to Chechnya and now go to Afghanistan. Asked why mostly Britons seem to have volunteered so far, he said that Muslims are better organized in Britain, often have families in Pakistan or Kashmir and enjoy greater freedom of movement. There are no national identity cards, giving authorities less knowledge of their whereabouts.

Most British Muslims reject al-Muhajiroun's militant campaigning; fellow Muslims in Luton have been giving the hardliners a rough time. Al-Muhajiroun leaflets have been banned from Luton's Central Mosque, and last week the local al-Muhajiroun leader, known simply as Shahed, was attacked in the street after he staged a noisy demonstration in support of the Taliban. Although Daymi of the Muslim Students Society rejects al-Muhajiroun's message, he does believe that now is the time for jihad—but not the kind others are pursuing. "In these days of war, our jihad is to show the peaceful face of Islam," he says. "Retaliation and revenge will just lead to more retaliation and revenge. You can defend your religion peacefully." That may be the kind of jihad worth joining.

—By Helen Gibson. With reporting by Jeff Chu/Birmingham and Ghulam Hasnain/Karachi

unclassified

unclassified

hijackers drinking in bars and carousing in Las Vegas may now have an explanation. Jarrah's cousin Salim, who lives in the German town of Greifswald, claims that they "used to go to church more than to the mosque." Jarrah, says Salim, loved discos—"We didn't need veiled woman and all that"—and sneaked shots of whiskey during a family wedding. He makes Jarrah sound like a normal guy, and normal guys aren't easy to catch.

## BOLTING THE DOOR

THOSE CHARGED WITH CATCHING TERRORISTS WON'T STOP trying. And governments are reassessing their policies on immigration, asylum and open borders. New legislation is promised in Canada, Britain and Germany; the talks this year when Mexican and American officials seriously considered not tightening, but liberalizing, their immigration policies now bear the sad echo of a lost world.

The American refugee program, which had been responsible for bringing about 80,000 people into the U.S., is barely alive; President Bush hasn't signed its annual authorization. Last week Bush announced further measures to bolt the nation's door, including the formation of a Foreign Terrorist Tracking Task Force to coordinate federal efforts to keep terrorists out and hunt them down if they slip in. Authorities will now check to see that those who enter the U.S. on student visas actually attend school. But there is an air of desperation to the proposals. "This was not an immigration failure; it was an intelligence failure," says Charles Keely, professor of international migration at Georgetown University.

In Washington, the Immigration and Naturalization Service is regarded as a mess; even its spokesman, Russ Bergeron, says it has "languished for decades." In 1996 Congress told the INS to set up a computer system to track those who come into the U.S. on student visas; but with some 600,000 such people in a country with more than 22,000 educational institutions, the system is not yet up

and running. Only one of the 19 hijackers entered on a student visa. Can screenings in foreign countries be tightened? Maybe, but all 19 were run through a computerized "watch list" of suspected terrorists when they applied for visas (at least six were interviewed personally). Nothing turned up. In any event, as Kathleen Newland, co-director of the Migration Policy Institute in Washington, says, "The facts remain the same." Globalization will continue to spin people around the world. The U.S. will continue to have two enormous land borders with peaceful neighbors; we're never going to see watch towers along the 49th parallel. Each year, says Newland, there are 489 million border crossings into the U.S., involving 127 million passenger vehicles; each year, 820,000 planes and 250,000 ships enter U.S. airspace or waters. However terrorism is beaten, it won't be by American border controls.

Will it be by war? In the immediate aftermath of Sept. 11, there was a hope that police work might be able to rid the world of al-Qaeda and its associates. But the more we know of bin Laden's group, the less that seems likely, and not just because its operatives are ruthlessly fanatic.

Perhaps the single most important truth learned in seven weeks is the existence of a creepy camaraderie, an international bond among terrorists. Those ties are forged in Afghanistan. "The one thing that absolutely everyone involved in terrorist groups has in common," says a European official, "is passage through the al-Qaeda camps. When leaders are sent from Afghanistan to start organizing people, there are no questions asked: the camp experience allows everyone to recognize the bona fides or jihad." The B-52s pounding away from 40,000 ft. may not look like sleuths and cops. But if al-Qaeda's sinister appeal and global reach are ever to be broken, the bombers too must play their part.

---

—Reported by Bruce Crumley/Paris, Helen Gibson and James L. Graff/London, Scott MacLeod/Cairo and Viveca Novak/Washington, with other bureaus

---

From *Time*, November 12, 2001, pp. 58-68. © 2001 by Time, Inc. Magazine Company. Reprinted by permission.

unclassified

These are my detailed responses to the accusations that are facing Sabir Alahmar - from the side of the concerned authorities .

As for that I say :

As for me being an enemy combatant ( EC), this is basically wrong .I have been kidnapped, a kidnapping from the prisons of Bosnia and Herscovia in Europe accordingly I have nothing to do with being an EC. As the EC is the one who had been arrested from the front line and in the fighting arena, with a gun at hand .

As for me having been associated with one of Al Qaida operatives This is all purely bull shit. This is an allegation that needs evidence, but evidences I also need to say : who is that person? Then you have to prove that he is AlQaida associate. Then get me his testimony that testifies that I have a relation with him. That you need to prove beyond doubt that this person is also a member of AlQaida .

As for the one named - [REDACTED] Who may be as the committee of revision claims is one of the leaders of some Algerian cells, that is directly connected to Usama Ben Laden (UBL). I say: if that person is as such then what is my crime? I am not responsible for other's mistakes, and they being criminals. If they were so ..Every one is responsible for what he does, he himself no one else ..This is the conventional thing in all international tribunals.

Let us suppose I am responsible for what others did. Then the revising committee is not sure that Mr. [REDACTED] is the one leading this Algerain cell that is so close to UBL , as the committee says, maybe and maybe means doubt and you can not build anything on doubt .

AS for the fact that Mr. [REDACTED] had contacted by phone ...etc. I say : This accusation is supposed to face no one but [REDACTED], not Sabir Alahmar, as I am not supposed to be punished for someone else's mistake .

- As for my being arrested on suspicion of being related to terrorism .

I say:

That this is a plot cooked by hidden guys well known to the Americans for sure. I have been arrested in Bosnia and Herscovia for three months. All interrogations were done with me. Then I was charged by the Bosnian Justice. The result -that is- the judge's decision was -I am innocent and no authority, anywhere, has the right to follow me any more. But the American plot insisted to arrest me and to bring me to Cuba . Then I say the day I was arrested the police authority in Sarajevo, the capital, has investigated me thoroughly, all through Bosnia police centers and Herscovia. Accordingly they inquired about my situation in Bosnia, the answer from their side was I have no problem with any body at all and no one is looking for me all through the cities of that country for anything. The police director himself gave me a paper that proves that. This you can request from them or from my attorney in Sarajevo.

- AS for the accusation that I tried to blow the American Embassy in Sarajevo .This is all bull shit and plain wrong for the following reasons:

Since the day I was arrested and up to this people's day No one had interrogated me on

this subject .. Yet so many times have I asked the interrogators to interrogate me for that but they were evading this each time. They even said to me about a year back, we do not want to talk to you about the Embassy subject because it is not at all in your file. Interrogator [REDACTED] said this to me, he is in this island now. We brought you here to give us information only. Accordingly I say that how can I face such an allegation that I have not been interrogated for, they even deny it .

- As for the allegation that I encourage fighting the USA and I am in favor of UBL (fatwas.) I say that this is base-less talk and is not true .This is an allegation that necessitates proof and you have not a single evidence for that. I hereby request the revision committee to give me one single proof or give me one word that I said in this line to encourage fighting the USA.

As for being in favor of any of UBL fatwas. I say that this UBL in fact I only knew him after September 11th events. Then again this man is not a scholar so that I should favor his fatwas. He is in my opinion nothing but a military man and who ever is like that can not be favored nor can he give fatwas. I request the revising committee to give me one single evidence that I support this man.

- As for my being a member of the Algerian Islamic Armed Group(AIAG), and that I tried to lead the group sometime in 2000. This is a belated mistake and a wrong allegation. My evidence against this is that you can inquire about me in the Algerian emabassy in Jeddah In Saudi Arabia where I used to live as a resident or the Algerian Embassy in Italy whence I used to live in Bosnia and Hescovia, where I was officially registered with them and hold a consulate card ..If I were a member of the AIAG I would not have gone to the Embassy of my home and registered myself with them also the same thing applies for Italy. Since in that case I will be arrested on the spot.

I say that because in around the year 2000 I renewed my passport in the Algerian Embassy in Italy. Before renewal they told me that they have to wait for response from the home affairs department in Algeria ( Ministry of interior) for the permission to renew it. Four months later the response came as OK, permitted to renew my passport as there is no search for me as I have no problem with any body at all. What is meant here is that If I were a memeber of the (AIA G) then I would have been arrested and my passport would not have been renewed And If I were a memeber of the (AIAG) I would not have registered myself in the Embassy as it makes my arrest easy and I would have uncovered myself.

- As for the allegation that I applied for a visa to enter Afghanistan in Sarajevo this is also plain lying as there is absolutely no embassy in Bosnia or Hescovia that gives Afghanistani entry visas.

As for my being imprisoned in Bosnia for stealing from some American This according to my knowledge occurred in 1996 in Bosnia and Hescovia. I spent some time in prison and went out free as there was a review of my case and I was declared innocent of that charge.

Then suppose that was true If ever it was that I stole from an American this stealing must have occurred a long time back, and I spent the prison punishment I had to and the Bosnian Justuice took course. Why is this case reopened?

These are my responses to the allegations that I am facing. I hope you will be considerate in looking at it in depth.

**Personal Representative Review of the Record of Proceedings**

I acknowledge that on 11 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

\_\_\_\_\_  
Name

[REDACTED]

Signature

LTC. [REDACTED] USA

11 OCT 04  
Date

ISN # [REDACTED]  
Enclosure (5)