

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: 18 Oct 04


James R. Casfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0220
17 October 2004

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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.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
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16 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 2004Encl: (1) Appointing Order for Tribunal #6 of 13 September 2004
(2) Record of Tribunal Proceedings

1. A 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 a sworn statement.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-10 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.
- d. The detainee requested that two witnesses be produced to testify at the Tribunal. According to the detainee the first witness would testify that an electronic device the detainee was alleged to have been carrying actually belonged to the witness. The second witness would testify that the detainee worked as a financial assistant to poor people. According to the detainee, this testimony would rebut an allegation in the unclassified summary.

Both witnesses requested by the detainee were denied by the Tribunal President as being irrelevant. With regard to the first requested witness, the Tribunal President determined that who owned the electronic device was irrelevant to the Tribunal's determination. Additionally, the President determined that there was no prejudice to the detainee in not producing the witness because the Tribunal believed the detainee's rendition of facts concerning the electronic device. With regard to the second witness, the President determined that the witness's expected testimony was irrelevant because the assertion in issue in the original unclassified summary had been deleted from the

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

unclassified summary. Furthermore, there could have been no prejudice to the detainee because the Tribunal presumed that the detainee's rendition of facts concerning his employment as a financial assistant was true.

In my opinion, all the President's determinations are supported by the record and were not an abuse of discretion.

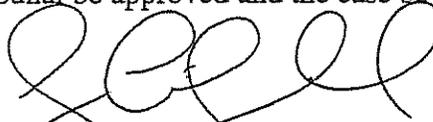
The detainee made no other requests for evidence.

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 submitted comments to the Tribunal (attached to enclosure (6) of the Record of Tribunal Proceedings). The Personal Representative states that the record is insufficient to prove that the detainee is an enemy combatant. In my opinion, reasonable Tribunal members could determine that the detainee is an enemy combatant based on the evidence presented at the Tribunal. I can find no reason to disturb their determination.

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

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

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. Army; President

[REDACTED] Commander, JAGC, U.S. Navy; Member (JAG)

[REDACTED], Lieutenant Colonel, U.S. Marine Corps;
Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



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: #6

(U) ISN#:

Ref: (a) (U) Convening Order for Tribunal #6 of 13 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) Unclassified Summary of Basis for Tribunal Decision (U/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Tribunal President's Response to Witness Request dated
25 September 2004 (U)
(6) (U) 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 9 October 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee #  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 forces, 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).



Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #6 _____

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 was part of or supporting Al Qaida forces. 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 initial session of the Tribunal hearing was held on 25 September 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, and other exhibits during the unclassified portion of the Tribunal. Exhibit R-1 indicates that the detainee is a member of Al Qaida; that he visited Abu Qatada, a known Al Qaida operative, while Abu Qatada was in hiding from the British police; that Abu Qatada was arrested in the United Kingdom as a danger to national security; that the detainee has been indicted by a Spanish National High Court Judge for membership in a terrorist organization; and that the detainee was arrested in Gambia while attempting to board an airplane with equipment that resembled a homemade electronic device. The Recorder presented several other unclassified exhibits, but called no witnesses.

The detainee participated actively in the Tribunal process and testified under oath. In sum, he denied being a member of or having any connection to Al Qaida. He admitted visiting Abu Qatada on one occasion, and stated it was simply to take Abu Qatada's family to visit him. He stated he has no knowledge of the Spanish indictment, and noted he was arrested in Great Britain, not Gambia, relating to the electronic device. He also noted that the electronic device was found in a traveling companion's luggage – not his – and that both he and his friend were released because the electronic device was simply a battery charger. The detainee also answered questions posed by the Personal Representative and Tribunal Members. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee also requested 2 witnesses, both of which were denied. Explanations for the Tribunal President's decision appear in paragraph 4, below.

During the classified session of the Tribunal, the Recorder initially presented Exhibits R-5 through R-15 and commented on the evidence. The Personal Representative had nothing additional to offer and made no comments. After reading the exhibits, the Tribunal asked for additional information and recessed to permit the Recorder the opportunity to obtain the evidence.

The Tribunal reconvened in a classified session on 28 September 2004. In response to the Tribunal's request for additional evidence, the Recorder introduced Exhibits R-16 through R-18, all of which are classified. After reading these exhibits, the Tribunal again requested that the Recorder provide additional evidence. In response, the Tribunal reconvened on 2 October 2004 to allow the Recorder to present Exhibits R-19 through R-24. Because Exhibits R-23 and R-24 are unclassified, both exhibits were shown to the detainee prior to reconvening on 2 October 2004, and the detainee was given the opportunity to be present when the exhibits were offered into evidence. At the hearing on 2 October 2004, the Personal Representative informed the Tribunal that he had discussed both Exhibit R-23 and R-24 with the detainee, and the detainee elected not to attend the open session of the hearing where both exhibits were offered into evidence. The detainee did provide the Personal Representative with comments on the exhibits to bring to the attention of the Tribunal. These comments are discussed in paragraph 5, below. The Tribunal then closed for deliberations and, after considering both the unclassified and classified exhibits, as well as the detainee's sworn testimony and comments on Exhibits R-23 and R-24, the Tribunal concluded that the detainee is properly classified as an enemy combatant.

On 9 October 2004, the Tribunal reconvened to consider additional evidence made known to the Tribunal after 2 October 2004. At this session, the Recorder introduced Exhibits R-25 through R-35, all of which are classified and all of which had been shown to the Personal Representative prior to the Tribunal session. Neither the Recorder nor the Personal Representative had any comments on the additional exhibits. After considering the additional exhibits, the Tribunal reaffirmed its decision of 2 October 2004 that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, and R-1 through R-35.
- b. Testimony of the following persons: None.
- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

The Detainee requested two witnesses:

a. [REDACTED] (ISN # [REDACTED]). The detainee indicated that ISN # [REDACTED] would testify that the electronic device referred to in paragraph 3.a.4 of the Unclassified Summary of Evidence (Exhibit R-1) belonged to ISN # [REDACTED] and not to the detainee. The Tribunal President denied the request in writing (see Enclosure (5) to the CSRT Decision Report) and explained at the Tribunal hearing on 25 September that under the allegation, it did not matter who the device belonged to, as long as it was the detainee that tried to board the plane with it. In any case, the Tribunal considered the matter moot because the Tribunal believed the detainee's account relating to the allegation; that is, the device was a harmless battery charger being transported by the detainee's traveling companion, ISN # [REDACTED]. Furthermore, the Tribunal found that the incident with the battery charger took place as the detainee testified – in London, not Gambia – and that paragraph 3.a.4 of the Unclassified Summary of Evidence is not supported by the evidence.

b. Al Haj Abo Ali. This request related to an allegation on the original Unclassified Summary of Evidence indicating, in part, that the detainee was a financial assistant to the detainee. The detainee asserted that the witness would testify that the financial assistance was for poor people in Jordan. However, the entire allegation was deleted prior to the hearing because, although it was unclassified, it had not yet received formal clearance. Accordingly, the Tribunal President found the requested witness not relevant. As a result, the Tribunal presumed that money raised by the detainee was for poor people in Jordan, as the detainee asserted in his witness request. (The Tribunal President's written response to the detainee's witness request is included as Enclosure (5) to the CSRT Decision Report.)

The Detainee requested no additional evidence be produced.

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-4 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. Accordingly, the Tribunal had to look to other exhibits for support of the Unclassified Summary of Evidence.

b. Exhibit R-3 is an excerpt from an Internet article published by the Madrid *El Pais* indicating that the Spanish government has agreed to request the U.S. government to

extradite the detainee to Spain to stand trial for membership in a terrorist organization. The article further indicates that the detainee was indicted by Spanish National High Court judge Baltasar Garzon for the detainee's connection to the Spanish Al Qaida cell led by Imad Eddin Barakat Yarkas. When considered in conjunction with the classified evidence, the Tribunal did not find this article helpful in establishing the detainee's association with Al Qaida.

c. Exhibit R-4 is an Associated Press article dated 11 November 2002 that mentions Abu Qatada's use of the Internet to communicate with terrorist cells. The Tribunal did not rely on this news article in reaching its conclusions.

d. Exhibit R-23 is a CBS News interview with Abu Qatada dated 16 March 2004. When considered in conjunction with the classified evidence, the Tribunal found this article persuasive in establishing Abu Qatada's association with Al Qaida. At the Tribunal session held on 2 October 2004, the Personal Representative indicated the detainee's comments on the article were that the article is a nice article, but it has nothing to do with the detainee. He also called the Tribunal's attention to page 4 of 6, noting that the amount of money seized from Abu Qatada's home was exaggerated, and was in envelopes marked "to the poor," and "for needy families," and "for building a mosque." He also quoted a passage where Qatada asserts that the British government owes every poor Muslim and every Muslim in England some money because some of the money seized was to buy a place for prayer.

e. Exhibit R-24 is an excerpt from the Terrorist Organization Reference Guide dated January 2004. The excerpt describes the Armed Islamic Group (GIA) and the Salafist Group for Call and Combat. At the Tribunal session held on 2 October 2004, the Personal Representative indicated the detainee's comments on the excerpt from the Reference Guide were that the document has nothing to do with him because he does not belong to terrorist organizations. The Tribunal did not find Exhibit R-24 helpful in reaching its conclusions.

f. The Tribunal also considered the detainee's sworn testimony, given at the first session of the hearing on 25 September 2004. In sum, the detainee testified that Abu Qatada's status has nothing to do with the detainee, because the detainee is just one of hundreds of people that used to pray with Abu Qatada. He stated that if the British government had anything on him, he would have been arrested. He admitted visiting Abu Qatada once when Abu Qatada was in hiding in London, but claimed it was only to take Abu Qatada's wife and son to visit him. He said the British police raided Abu Qatada's house while the detainee was there, but allowed the detainee to take Abu Qatada's wife and son back to their home. The detainee denied knowing anything about his indictment by the Spanish court, and claimed he has never been a member of a terrorist organization. He also indicated he was not arrested in Gambia for possessing the electronic device – the arrest occurred in London and he was cleared of all wrongdoing. He stated he was arrested in Gambia for something else, but does not know what he is alleged to have done. He stated the Gambians turned him over to the United States and

now he is in Guantanamo Bay, Cuba. Finally, the detainee denies being a member of Al Qaida or having any contacts with senior Al Qaida leaders. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

The Tribunal also relied on certain classified evidence in reaching its decision, and found the classified evidence persuasive in establishing that the detainee is properly classified as an enemy combatant. 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 and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant and was part of or supporting Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

Summarized Detainee Statement

Tribunal President: Abdul, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present information to the Tribunal?

Detainee: I don't have any information.

Tribunal President: Personal Representative, do you have any questions for the Detainee?

Personal Representative: Yes, Ma'am. I do. [Speaking to the Detainee] Do you still wish to make an oral statement based on these facts? [Personal Representative hands the Detainee a translated copy of the unclassified summary of evidence.]

Detainee: Do you want me to comment about the four accusations against me?

Personal Representative: Yes.

Tribunal President: I'd like to ask you if you would like to make your statement under oath or not under oath?

Detainee: If you want, I can make it under oath.

Tribunal President: Recorder will you please present him the oath?

The Detainee was sworn using the Muslim oath. The Detainee testified to the Tribunal in substance as follows:

Detainee: My name is not Abdul Latif. Abdul Latif is my father.

Tribunal President: What is the correct name?

Detainee: Jamil.

Tribunal President: Can you spell that for me please?

Detainee: J-A-M-I-L.

Tribunal President: Is your name Abdul Jamil?

Detainee: Jamil Abdul Latif Elbanna. Elbanna is my family name.

Tribunal President: We have made the correction. Thank you. You may make your statement now.

In the following section of the summarized transcript, the Detainee addresses each point on the Unclassified Summary of Evidence in order. Because the Detainee does not indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's statement into context.

3.a. The Detainee is a member of Al Qaida.

1. Abu Qatada is a known Al Qaida operative arrested in the United Kingdom as a danger to national security.

Detainee: What is my involvement in that? The man was arrested but what does that have to do with me? I was just one of the people out of hundreds that used to go pray with them. If I were any danger, then Great Britain would have put me in prison. I would not have gotten released officially when I went to Gambia. I don't have anything with the British Government.

2. Detainee visited Abu Qatada while Qatada was in hiding from the British police.

Detainee: Abu Qatada was living in an apartment away from his family. The newscast or report was given that anyone who was known as Al Qaida or accused of being Al Qaida was hiding at that time. I did not know where he was and I did not care where he was. After seven to eight months, a word came to me that he was arrested. The person that is arrested is here now [in Guantanamo Bay, Cuba,] asked of me to take the wife and the son of Abu Qatada to Abu Qatada because he missed his family and wanted to see them. I had a vehicle, so I took them in my vehicle. I took them to the house normally. Maybe the British Government was watching me, I don't know. The house was raided and I was told to take the wife and son back to their home. I went to that house and took the wife and son back home. That was the reason I visited Abu Qatada. I was trying to do something good by taking his wife to see him. Is that clear?

Tribunal President: Yes, thank you.

3. Detainee has been indicted by a Spanish National High Court Judge for membership in a terrorist organization.

Detainee: I have never heard of this until just now. In my whole life, I have never been a member of any terrorist organization or anything else to do with that. I have only prayed, worshipped God, and that is it. I was surprised that they have the court judging me for that. Maybe someone accused me when I wasn't there and gave my name up. I am not sure, I don't know. That's it.

4. *Detainee was arrested in Gambia while attempting to board an airplane with equipment that resembled a homemade electronic device.*

Detainee: I never tried to get on the airplane with an electronic device or all this that has been said. Before I traveled to Gambia, a week before, we were arrested because of that device. Even when we were arrested, I did not know anything about this device. I had not even seen it. The British Government can tell you that the owner of the device is here. The name of this person is [REDACTED] and he is here now. I have not seen this device, never. We were arrested for three days for this device. The court said that device was sold on the market. It was sold on the market. It was a battery generating device. The court cleared us for travel to Gambia. The following Friday, I went back and traveled to Gambia again. I had business there. If you will review my file, I have told them everything about my work there. Gambia did not arrest us because of that device. We were kidnapped in Gambia, not arrested. They wanted to know about the containers and our luggage we shipped from Britain. They wanted to know what our luggage contained. If we were cleared, we were to be released. I told them okay, fine. We stayed one month there. We were sitting at home, comfortable. There was nothing going on. If I had done something wrong, I would have escaped and run away but I stayed there. Then after two weeks, we were put on an airplane to Afghanistan. In Afghanistan, they put us in a dark place underground. I don't even know what I have done. That is kidnapping, not arresting. Is this justice? Is this how things are done here? This is what my lawyer stated in the letter for me. I will repeat, if I were any danger to anyone, Britain would have put me in jail. That's it and I thank you very much.

Tribunal President: Jamil, does that conclude your statement?

Detainee: Those are the things that I have. Yes. If you have any questions, I am ready.

Tribunal President: Personal Representative, do you have any questions for the Detainee?

Personal Representative: No, Ma'am.

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

Recorder: No, Ma'am.

Tribunal President: Do any of the Tribunal Members have any questions for the Detainee?

Tribunal Member: Prior to the time that you took Abu Qatada's family to visit him, did you visit Abu Qatada any other times on your own?

Detainee: No.

ISN # [REDACTED]
Enclosure (3)
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UNCLASSIFIED//FOUO

Tribunal Member: How did you know where he was?

Detainee: [REDACTED] told me. He gave me the address. He knew that address, but I did not know that address.

Tribunal Member: Who was [REDACTED] again?

Detainee: He was the one who was arrested with me and he is here. His number is [REDACTED]

Tribunal Member: [REDACTED] was arrested in Gambia?

Detainee: Yes.

Tribunal Member: [REDACTED] was your associate in London?

Detainee: He was a friend.

Tribunal Member: How did [REDACTED] know Abu Qatada's address?

Detainee: I swear to God, I do not know. He said he knew the apartment. You can ask [REDACTED] and he will answer you.

Tribunal Member: Did [REDACTED] go with you when you took Abu Qatada's family to visit him?

Detainee: Yes. He showed me the way.

Tribunal Member: Was [REDACTED] in the car with you?

Detainee: No, he was on a motorcycle. It was a long distance and I did not know the roads very well.

Tribunal Member: So you drove in a car and followed [REDACTED] on the motorcycle?

Detainee: Yes.

Tribunal Member: Prior to that time, once Abu Qatada disappeared for a while, you never had any contact with him at all?

Detainee: No, I was praying there in a mosque with him.

Tribunal Member: Did Abu Qatada stop going to the mosque?

UNCLASSIFIED//FOUO

Detainee: Before he went into hiding, I did not see him for ten months. He did not pray in that mosque. I started praying in another mosque.

Tribunal Member: Did you talk to Abu Qatada on the telephone or send any emails to him? Did you communicate with him in any other way?

Detainee: Before I was arrested, or after I was arrested?

Tribunal Member: In those ten months when Abu Qatada disappeared.

Detainee: No. Never.

Tribunal Member: The electronic device, did you ever carry it yourself when you were trying to board the airplane?

Detainee: I have never seen it. I do not know what it looks like.

Tribunal Member: So it was not in your luggage? You never touched it or saw it or had anything to do with it?

Detainee: No. It was in [REDACTED]'s luggage. [REDACTED] will say it was with him and he brought it with him. He would not lie, he would tell you that the device was his.

Tribunal Member: The device was not in your luggage at all?

Detainee: Yes, it was not mine. The British police know this.

Tribunal Member: When were you arrested?

Detainee: In Gambia.

Tribunal Member: When?

Detainee: 7 – 11 two years ago.

Tribunal Member: So July 11th, two years ago?

Detainee: The eleventh month, November.

Tribunal Member: So November 2002?

Detainee: Maybe, I don't know exactly the date. This kind of situation I am in, I have even forgotten my phone number.

Tribunal Member: [REDACTED] was arrested with you at the same time?

ISN # [REDACTED]
Enclosure (3)
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UNCLASSIFIED//FOUO

Detainee: Yes.

Tribunal Member: Did you have any weapons when you were arrested?

Detainee: No. Never.

Tribunal Member: Are you a member of Al Qaida?

Detainee: Never. No.

Tribunal Member: Do you know Usama Bin Laden?

Detainee: No.

Tribunal Member: Have you had any contacts with senior Al Qaida leaders?

Detainee: No. Never.

Tribunal Member: Do you have any idea what terrorist organization the Spanish High Court would charge you of being a member of?

Detainee: I don't know.

Tribunal Member: Have you ever supported or directed actions of those who support terrorist organizations?

Detainee: No.

Tribunal Member: You said you were kidnapped in Gambia. Who kidnapped you?

Detainee: The Americans.

Tribunal Member: Were they American soldiers or American civilians?

Detainee: Civilians from the embassy. That is what I was told.

Tribunal Member: Did they identify themselves to any further degree?

Detainee: They said they were from the embassy.

Tribunal Member: From the embassy?

Detainee: When they came and arrested and handcuffed me, they were wearing all black. They even covered their heads black.

ISN # 
Enclosure (3)
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UNCLASSIFIED//FOUO

Tribunal Member: This was in your home?

Detainee: It was the last day. One day before they took us to Afghanistan.

Tribunal Member: Did these folks come into your home or were you already in Gambia?

Detainee: The embassy put us in a separate house by ourselves.

Tribunal Member: The American Embassy?

Detainee: Yes.

Tribunal Member: Thank you.

Detainee: You are welcome.

Tribunal President: What was your business in Gambia? What did you do in Gambia?

Detainee: There is a Sudanian company that belongs to [REDACTED]. It was an oil company. Not petroleum oil, but cooking oil.

Tribunal President: What did you do for that company?

Detainee: I was new to that company. We were shipping the equipment from India. Generators and vehicles from Great Britain. It was two containers shipped from Britain to the company that contained vehicles and equipment for the company.

Tribunal President: What exactly was your job or position in the company?

Detainee: I was a manager over the employees there so they would perform well. That is what I was told by the owner to do. The owner is [REDACTED]'s brother. The company has closed down. The embassy has taken the vehicles, the equipment, everything.

Tribunal President: Why has the business closed down?

Detainee: Because when we went to Gambia to open this new business, they took us and they closed us down. We went there during the season when it was time for the oil beans to be harvested.

Tribunal President: Who closed the business down?

Detainee: The embassy. The embassy took everything.

Tribunal President: Which embassy?

ISN # [REDACTED]
Enclosure (3)
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Detainee: The American Embassy. Everything was taken.

Tribunal President: Do you know if the company was affiliated or associated with terrorist organizations?

Detainee: No. Never. There are documents proving where the company money comes from; where it goes. The money came from the bank officially. We took the money as a mortgage. There are official documents for everything. We are being accused that the money is for Al Qaida.

Tribunal President: When you say "they," are you referring to the American Embassy?

Detainee: Yes, and the investigators here. They have added a lot of accusations against me. I am going to get capital punishment.

Tribunal President: Explain again, how did you know Abu Qatada?

Detainee: I knew him from Pakistan. I was in Pakistan before, in 1992.

Tribunal President: How did you know Qatada?

Detainee: He used to teach at the university and he was a neighbor in the same neighborhood also.

Tribunal President: Did you attend the university?

Detainee: No.

Tribunal President: So you knew Qatada from the neighborhood?

Detainee: Yes, he was our neighbor.

Tribunal President: Is that the reason why you were chosen instead of [REDACTED] to take his family to visit him?

Detainee: [REDACTED] did not have a vehicle to take them. That is why they chose me, because I had a vehicle. Before I was arrested, there were communications between us.

Tribunal President: Before you were arrested?

Detainee: Before all these problems. Years before this. There were the holidays; when my wife had a child; when his wife had a child. Qatada trusted me, maybe that is why they asked me to take his wife there. Maybe because he is Jordanian and I am Jordanian.

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Tribunal President: You are Jordanian?

Detainee: Yes.

Tribunal President: But you live in Great Britain?

Detainee: Yes.

Tribunal President: What did you do in Great Britain before you started working for the company?

Detainee: My work in Britain?

Tribunal President: Yes.

Detainee: I used to take aid from the Government.

Tribunal President: You were not working?

Detainee: No. I worked, but under table without the Government's knowledge. The aid that the Government gave me was not enough. I have children and I needed to feed them.

Tribunal President: What type of work did you do under the table?

Detainee: I would fix and sell vehicles for car auctions. I was also a healer. I would pray over sick people and take away the bad spirits. They would give me money for that. Something like a witch doctor. I am telling you the truth.

Tribunal President: The one month you stayed in Gambia, why did you stay there for a whole month?

Detainee: They were checking the containers for explosives, weapons and so on for the security of that country. I told them fine, go ahead and check everything.

Tribunal President: Were these the containers for the business or your luggage?

Detainee: For the company. The luggage was checked on the spot when we arrived.

Tribunal President: Was this the same time your luggage was accused of having the electronic device.

Detainee: No, they never mentioned that.

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Tribunal President: So during that one month you were in Gambia, were you arrested or incarcerated?

Detainee: No, I was put in a house. I was given food and drinks.

Tribunal President: Was that similar to house arrest?

Detainee: No, we were just left alone in one house.

Tribunal President: So you were free to come and go?

Detainee: Yes. But after ten days of staying in that house, we were handcuffed. We weren't able to move from one place to another.

Tribunal President: Why were you handcuffed?

Detainee: I don't know. It was strange.

Tribunal President: Who handcuffed you?

Detainee: The Americans. They were in cooperation with the Gambian intelligence. They did not feed us well. They used to feed us chick peas everyday. The food that I brought with me from Britain. I was fasting for Ramadan.

Tribunal President: Can you tell me when that was? After the ten days you were handcuffed, when was that?

Detainee: Starting from 7-11, that was the first dates we were arrested there in Gambia. Twenty days we were free to walk around the house. We were able to leave and come in. We had our money with us. We were paying the Gambians to eat or they would bring us food. Then they took us to a house by ourselves and they were very tight on us there. There was interrogation, too.

Tribunal President: You were interrogated there?

Detainee: Yes.

Tribunal President: How many days were you handcuffed?

Detainee: About ten days. Not during the whole time. But when I wanted to go to the restroom or somewhere else, they would handcuff me. Or if I wanted to take a shower, they used the same shampoo that I brought with me from Great Britain; that is what I washed with.

Tribunal President: What happened to you after the ten days?

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Detainee: They took me, covered me, put me in a vehicle and sent me somewhere. I don't know where. It was at night. Then from there to the airport right away.

Tribunal President: An airport in Gambia?

Detainee: Yes. We were in a room like this with about eight men. All with covered up faces.

Tribunal President: Were you by yourself at that time?

Detainee: Yes. They cut off my clothes. They were pulling on my hands and my legs.

Tribunal President: When you went to the airport, did you board a plane at that time?

Detainee: They put me in an airplane and they made me wear the handcuffs that go around your body so I would not do anything on the airplane.

Tribunal President: Okay.

Detainee: They searched me. They checked my blood. They checked my sugar level. They put me on an airplane - handcuffed me.

Tribunal President: Is this the time you said you were kidnapped?

Detainee: This is all kidnapping. Yes. They took me underground in the dark. I did not see light for two weeks.

Tribunal President: Is that after you traveled to Afghanistan or Pakistan?

Detainee: After I got off of the airplane.

Tribunal President: In where?

Detainee: Bagram, Afghanistan. Right there in the dark. They put me in the dark. I was surprised. I did not know what I did wrong or what I did. They starved me; they handcuffed me, there was no food.

Tribunal President: And they are who?

Detainee: Americans. I was under their control. They are the ones who took me and they put me there. They know what they have done. I was surprised that the Americans would do such a thing. It shocked me.

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Detainee: The British Government said they stopped us because of that battery generating device.

Tribunal President: Do you know what that device did?

Detainee: The police asked me, "Does it generate batteries?" I told them I did not know, does it? Then they asked me which one was my luggage, my bag. I told them which one was mine. They told me they found the device in other luggage. That luggage belonged to [REDACTED]. They found it was just a battery generating device.

Tribunal President: Do any of the other Tribunal Members have any other questions?

Tribunal Members: No, Ma'am.

Tribunal President: Jamil, do you have any other evidence to present to the Tribunal?

Detainee: No, thank you.

Tribunal President: Personal Representative, do you have any other evidence, or does the Detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No, Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

The open session of the Tribunal was re-opened on 25 September 2004 at 1617 hours. The Detainee was notified by the Tribunal of the reasons his request for witnesses was denied by the Tribunal President.

Tribunal President: Jamil, it is our responsibility to explain to you why your request for a witness was denied. I'd like to do that now. Your request for Detainee # [REDACTED] to testify that the electronic device was his - we found that not to be relevant in determining whether you were an enemy combatant or not.

Detainee: What?

Tribunal President: Your request for the witness to testify that the money that you were receiving or giving was for money to the poor. That accusation was taken away, or that item on the unclassified document was taken away off the document. Do you understand?

Detainee: Yes. They erased that one. The whole accusation?

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Detainee: Yes. They erased that one. The whole accusation?

Tribunal President: The one in reference to financial.....

Detainee: Okay, and the battery charger?

Tribunal President: No, that remains on there. That accusation, or that item, is still on the unclassified summary. However, we did not determine it to help us make a decision on whether you are an enemy combatant. We did not use that information. We did not think it to be relevant.

Detainee: Okay, so what are my accusations? An enemy combatant? That would mean I fought or had a weapon.

Tribunal President: That was not considered. We did not know if it was a weapon or not. It was told to us that it was an electronic device. That is why we asked you questions about it. It was not important whom it belonged to in determining if you are an enemy combatant or not. Do you understand?

Detainee: No, I do not. I swear to God. I am sorry but that is the truth.

Tribunal Member: Okay, maybe I can ask for the assistance of my Tribunal Members.

Detainee: Can you clarify this for me. This sounds very strange.

Tribunal Member: When the request was presented to us, you indicated that your associate would be able to testify that the device was his.

Detainee: Yes.

Tribunal Member: The allegation read that you were attempting to board an airplane with an electronic device. So if you were boarding with the device, it did not matter who it belonged to. But now we have your testimony, where you have said that the device was not in your luggage but in someone else's. So we will consider that. Does that answer your question?

Detainee: Yes. Now I understand. Thank you very much.

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Tribunal President: Now that all unclassified evidence has been provided to the Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 24 Sept 2004

Start Time: 1800

End Time: 1910

ISN#: [REDACTED]

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? ARABIAC

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 in the Tribunal. Detainee request to witness:

1. [REDACTED] will testify that the electronic devise was his.
2. Al Haj Abo Ali He will testify that the financial assistance was for poor people in Jordan

Al Haj Abo

Country: Jordan

City: Oman

Neighborhood: Raas Al Aien

Restaurant: Al Tofeq

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal: ELBANNA, Abdul Latif.

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 a member of al Qaida:
 1. Abu Qutada is a known al Qaida operative arrested in the United Kingdom as a danger to national security.
 2. Detainee visited Abu Qatada while Qatada was in hiding from the British police.
 3. Detainee has been indicted by a Spanish National High Court Judge for membership in a terrorist organization.
 4. Detainee was arrested in Gambia, while attempting to board an airplane with equipment that resembled a homemade electronic device.
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.

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Exhibit 4075

Memorandum



To : Department of Defense Date 09/24/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 03/07/2003

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

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Exhibit 4076
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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/24/2004

If you need additional assistance, please contact
Assistant General Counsel [REDACTED]
[REDACTED] or Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]
[REDACTED]

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Document ID: EUP20040213000313

Version Number: 01

Region: West Europe, The Americas

Sub-Region: West Europe, North America, Caribbean

Country: Spain, United States, Cuba, United Kingdom

Topic: INTERNATIONAL POLITICAL, TERRORISM, CRIME

Source-Date: 02/13/2004

Spain approves extradition request for London Al-Qa'idah suspect

*EUP20040213000313 Madrid El Pais (Internet Version-WWW) in Spanish 1442
GMT 13 Feb 04*

[FBIS Translated Excerpt]

Spain approves extradition request for London Al-Qa'idah suspect

Excerpt from report in "Latest news" section of Spanish newspaper El Pais web site on 13 February

Madrid: The government, in the meeting of the Council of Ministers, has agreed to request of the US authorities the extradition of the three people held in Guantanamo who were indicted by National High Court judge Baltasar Garzon along with Spanish national Hamed Abderraman, who will arrive in Madrid tonight under Spanish police guard.

3a3
The three Guantanamo detainees with whom the Spanish government is concerned are [redacted], [redacted], alias [redacted] and [London businessman] [redacted] [alias] [redacted] Judge Garzon charges them all with membership of a terrorist organization. [passage omitted] Garzon based his extradition request on the connection between those charged and the Spanish cell of Al-Qa'idah, led by Imad Eddin Barakat Yarkas, alias Abu Dahdah, which was dismantled in November 2001. [passage omitted]

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[Description of Source: Madrid El Pais (Internet Version-WWW) in Spanish -- center-left national daily]

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Unclassified

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[REDACTED]

How Al Qaeda put Internet internet service of global jihad

By ANDREW HIGGINS in London,
The Associated Press
11/11/02 9:57 AM

KARBY LEGGETT in Guangzhou, China, and ALAN CULLISON in
Washington

The Wall Street Journal

In February 2000, an Egyptian merchant here in the commercial hub of southern China asked a local Internet firm for help in setting up a Web site. After lengthy haggling over the fee, he paid \$362 to register a domain name and rent space on a server.

Chen Rongbin, a technician at Guangzhou Tianhe Siwei Information Co., and an aide went to the Egyptian's apartment. They couldn't fathom what the client, Sami Ali, was up to. His software and keyboard were all in Arabic. "It just looked like earthworms to us," Mr. Chen says.

All he could make out was the site's address: "maalemaljihad.com." Mr. Chen had no idea that meant "Milestones of Holy War." Nor that China, one of the world's most heavily policed societies, had just become a launchpad for the dot-com dreams -- and disappointments -- of Osama bin Laden's terror network.

In the months that followed, Arab militants in Afghanistan, a radical cleric living on welfare in London, a textile worker in Karachi, Pakistan, and others pitched in, laboring to marry modern technology with the theology of a seventh-century prophet. Their home page, featuring two swords merging to form a winged missile, welcomed visitors to the "special Web site" of Egyptian Islamic Jihad, a violent group at the core of al Qaeda. A few clicks led to a 45-page justification of "martyrdom operations," jihad jargon for kamikaze terrorism. It explained that killing "infidels" inevitably caused innocent casualties because "it is impossible to kill them separately."

Since the Sept. 11 attacks, radical Islam's use of technology has stirred both scrutiny and fear. The White House has warned that video footage of Mr. bin Laden could hold encrypted messages. The Federal Bureau of Investigation has called for vigilance against hacking into the computers that control vital services. Some experts have wondered if terrorism might even lurk in pornographic Web sites, with instructions embedded in X-rated photos.

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Exhibit 24

[REDACTED]
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The Milestones of Holy War-site signals much more modest cyber-skills. Al Qaeda operatives struggled with some of the same tech headaches as ordinary people: servers that crashed, outdated software and files that wouldn't open. Their Web venture followed a classic dot-com trajectory. It began with excitement, faced a cash crunch, had trouble with accountants and ultimately fizzled.

But the project also illuminates the elusive contours of al Qaeda's strengths: far-flung outposts of support, a talent for camouflage and a knack for staying in touch using tools both sophisticated and simple. Though driven from Afghanistan, al Qaeda still has many hiding places, many channels of communication and -- boasts Mr. bin Laden's senior lieutenant, Egyptian Islamic Jihad chief Ayman al-Zawahri -- many means of attack.

Al Qaeda chiefs communicate mainly by courier, say U.S. officials. But their underlings make wide use of computers: sending e-mail, joining chat rooms and surfing the Web to scout out targets and keep up with events. Since late last year, U.S. intelligence agencies have gathered about eight terabytes of data on captured computers, a volume that, if printed out, would make a pile of paper over a mile high. The rise and eventual demise of maalemaljihad.com -- pieced together from interviews, registration documents and messages stored on an al Qaeda computer The Wall Street Journal obtained in Kabul -- provides an inside glimpse of this scattered, sometimes fumbling, but highly versatile fraternity.

Using Microsoft Front Page and other software, militants in Afghanistan devised graphics and assembled content, packaging hundreds of text, audio and video files for display on the Web. Because of primitive conditions there, they handed some technical tasks to confederates in China and later Pakistan. To upload content, they turned to an ally in Britain, using messengers to deliver compact discs to a shabby rented home in west London.

The Central Intelligence Agency and other security services have tracked Egyptian Islamic Jihad closely for nearly a decade, monitoring Dr. Zawahri's activities alongside Mr. bin Laden in Sudan, Yemen and Afghanistan. Egyptian Jihad's Web site, however, began far from any well-known bastion of Islamic militancy, and beyond the reach of the CIA. Mr. Ali, the Egyptian trader who registered the site in China, lived in Jingui Garden, an upscale complex on Liberation North Road, a few miles from Guangzhou's international airport and a short boat ride from Hong Kong.

A tall, heavyset man with thin, straight hair that dangles over his eyes, Mr. Ali, who also uses the name Mohammed Ali, arrived in China in 1997. To Chinese who met him, he was just another foreign businessman scrambling to cash in on China's vibrant economy. He was a Muslim but didn't seem

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particularly observant. He paid his rent on time, stayed out of trouble and socialized mainly with fellow Arabs.

Contacted by the Journal in August, Mr. Ali denied any knowledge of Egyptian Islamic Jihad or its Web site. But the site's registration records -- it is registered in Beijing -- name him as the registrant and give the fifth-floor apartment where he lived at the time as a contact address for maalemaljihad.com.

Chinese police say they began monitoring Mr. Ali's movements and phone calls after Jingui property managers told them of inquiries by the Journal. Three days after a reporter's visit, Mr. Ali cancelled his two mobile phones and disappeared. Police say he moved in with an Arab friend in Guangzhou but won't discuss his current whereabouts.

There's no evidence Mr. Ali was directly involved in terrorism. His role in the Web venture, however, suggests a hitherto-unknown jihad support network in southern China and shows how legitimate business can serve as a cover, even unwittingly, for al Qaeda activities.

Before he moved, Mr. Ali told the Journal that he ran his own machinery trading company called ZMZM General Trading. Officials at China's Industrial and Commercial Bureau say they have no record of a company under this name.

A housing rental agreement signed by Mr. Ali in 2000 names a different Guangzhou concern, Almehdhar Trading Co., as his place of work. Mr. Chen, the technician who helped set up maalemaljihad.com, says Almehdhar arranged his first meeting with Mr. Ali, and they met several times at its office. Almehdhar trades garments out of a cramped room in a downtown Guangzhou building. The firm's owner, a Yemeni named Abubakr Almehdhar, left China late last year, staff members say. Another Yemeni, Ayman Alwan, runs the office. He says Mr. Ali sometimes visited but wasn't an employee. Mr. Alwan says he knows nothing of the Web site.

In the spring of 2000, after negotiating a price with Mr. Ali, Mr. Chen's tiny Guangzhou firm contacted a big Beijing Internet company, Sinonets Information Technology Co., to arrange server space. Sinonets provided Mr. Ali with a facility that let him set up password-controlled mailboxes inside the Web site. "None of us even knew what 'jihad' meant," says George Chen, Sinonet's U.S.-educated president. "We never had any reason to be suspicious."

Nor, say Chinese officials, did China's vast security apparatus. Shortly after the Sept. 11 attacks, Guangzhou police made a sweep through Jingui Garden, checking the documents of foreign residents. Mr. Ali's were in

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order. China, though efficient at crushing Muslim separatists in its northwestern Xinjiang region as well as other dissent, has prickly relations with foreign intelligence services. In contrast to some Asian nations, China has uncovered no suspected al Qaeda activists, despite evidence militants have slipped in and out of China for years.

In the mid-1990s, a senior Egyptian Jihad operative made several trips to southern China posing as a businessman, according to documents seized by Russian police who arrested Dr. Zawahri and two confederates in late 1996 as they tried to enter Chechnya. Russian investigators found details of an account at the Guangzhou headquarters of the Bank of China. Still active, it belongs to an Arab friend of Mr. Ali.

Four months after its Chinese genesis, Egyptian Jihad's Web site put down roots in more-traditional Islamist terrain. In July 2000, maalemajihad1.com, a sister site, was registered in the Pakistan port city of Karachi, a hotbed of Islamic militancy.

Egyptian Jihad, a group that announced a united front with Mr. bin Laden against America in 1998 and whose operatives figured prominently in the upper echelons of al Qaeda's operational command, often faced technical troubles. It may have used two Web sites as a precaution, says Yasser al-Sirri, a London Islamist who recently revived his own site, after being cleared of helping arrange the murder of the anti-Taliban Afghan warlord Ahmed Shah Massoud days before Sept. 11.

Registration records show maalemajihad1.com was set up in July 2000 by a Karachi Web-design company called Advanced Learning Institute & Development Center. Its manager, Muhammed Ali Aliwan, says he registered the site on behalf of Ahmed Bakht, who worked in a local textile factory.

Reached by phone in Karachi, Mr. Bakht initially denied any knowledge of the jihad Web site. But later he said he had helped set it up on behalf of someone else, whom he wouldn't name. Soon after the call from a reporter, Mr. Bakht, too, vanished. His relatives say he left on a trip.

With technical foundations laid, militants in Afghanistan set about providing content for the Milestones of Holy War sites. The hard drive of the computer found in Kabul last winter contained the building blocks: statements by Mr. bin Laden and Dr. Zawahri, religious tracts, a photo album of "martyrs" and back issues of al-Mujahidoon, an often-vituperative Islamist newsletter.

The Kabul computer also contained news digests, including video recordings of bulletins from al Jazeera and other TV stations -- with the

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faces of unveiled female news readers blacked out. U.S. officials say Mr. bin Laden shut down his satellite phone following news-media reports that the CIA was listening to his calls to his mother.

While fiercely hostile to any religious or social norms tinged by modernity, Islamists "have no problems with technology," says Omar Bakri, a radical cleric from Syria who lives in Britain. "Other people use the Web for stupid reasons, to waste time. We use it for serious things." (U.S. officials say Islamists weren't always so earnest: Many computers the CIA recovered from suspected al Qaeda operatives in Afghanistan and elsewhere contained pornographic material.)

In the fall of 2000, someone using the computer the Journal obtained in Kabul drafted an e-mail to Abu Qatada, a Palestinian preacher who had lived in Britain since 1993. It said a computer disk would be sent to him and asked him to upload its contents onto maalemaljihad.com.

The unsigned message gave punctilious instructions. It notified Abu Qatada of a password and told him to create an internal mailbox under the name Aljihad. "It is extremely important to establish this mailbox," said the message. Abu Qatada -- also known as Omar Mohamed Othman -- was also asked to "please write to the brothers" via Hotmail.

Abu Qatada took pride in his computer skills, fellow Islamists say. Besides helping out with maalemaljihad.com, he ran his own Web site and frequently joined chat-room debates. He would spend hours each day tapping at his computer in the front room of his rented house on a quiet street in Acton, west London. Neighbors say he kept the curtains closed and rarely spoke to them but often received bearded visitors.

In an interview late last year, Abu Qatada denied any terrorist links, describing himself as an honest preacher with "a big mouth and a big belly." But messages on the Kabul computer to and from Abu Qatada indicate extensive contacts with operatives in Afghanistan. European investigators say Abu Qatada acted as both a spiritual guide and a liaison officer, passing messages between scattered al Qaeda cells.

Last December, shortly before Britain adopted a new antiterrorist law, Abu Qatada vanished from his Acton home, stiffing his landlord and owing \$700 on his cellphone service. He would turn up in London again later.

A few weeks after the drafting of the first e-mail message to Abu Qatada in late 2000, a militant in Kabul code-named Fat'hi wrote a follow-up note to be delivered to the cleric by courier. "The bearer of this message is a brother we trust," said Fat'hi, an alias used by Tariq Anwar al-Sayyid Ahmad, a veteran associate of Dr. Zawahri, the Egyptian Jihad leader and

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Mr. bin Laden's righthand man. "He will be the link between us and you. He has the CD we promised to send you containing our products. Please add some of the products to our site." Most important, he said, was transferring audio and video files to the site.

What these files contained wasn't specified. The Kabul computer held sermons and recruitment videos, including footage of militants taking potshots at a lifesize image of Bill Clinton. Clips from Walt Disney cartoons and wildlife films were spliced with hard-core jihad films, a technique apparently used to help conceal the content of al Qaeda videos and make it easier for traveling operatives to carry copies through customs.

Appended to Fat'hi's note was a shopping list for tools needed in Web-site construction, such as Ulead Cool 3D, for animation and three-dimensional effects, and WebPainter, for animation and graphics. "Please make sure you buy the latest," wrote Fat'hi, adding that the courier must return with them quickly to Kabul.

Relations were sometimes testy. "The Web site is OK until now, thank God, but it would have been better if you had done what I asked," said a message bearing the name of Abu Qatada in London, who complained of trouble uploading "the doctor's words," an apparent reference to statements by Dr. Zawahri.

Much of the software on the Kabul computer was pirated. This included a program that muttered Bism Allah ("in the name of God") each time the machine was booted up. Al Qaeda apparently ignored a request from the program's designers in Pittsburgh for a \$24.95 registration fee. The program had been unregistered for 81 days when Kabul fell last Nov. 13.

Also tight-fisted was Mr. Ali, the Egyptian who registered maalemaljihad.com in China. In February 2001, the Internet company hired the prior year informed Mr. Ali that his contract for server space would expire unless he paid an additional fee. Mr. Ali, says his Chinese translator, declined to pay.

His reluctance to cough up was motivated in part by dissatisfaction with the Chinese site's erratic operation, e-mail traffic stored on the Kabul computer indicates. "I want you to try to enter and use the site. If you are able to do so I will call the company and pay the renewal fees," says an unsigned message from the same Hotmail account Abu Qatada had been told to use to contact the "brothers." A few weeks later, Mr. Ali decided to renew the account after all, paying an additional \$120 to Chen Rongbin, the technician who visited his apartment earlier. Mr. Chen sent it to Sinonets in Beijing.

But now the bookkeepers messed up. Sinonets says the accounting

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department mislaid Mr. Ali's money. The renewal order was never processed. Maalemajihad.com crashed.

The site's Pakistan-registered twin staggered on for several months but then crashed in the summer of 2001 after Mr. Bakht failed to pay renewal charges. Islamists still had many communications outlets sympathetic to Mr. bin Laden and Dr. Zawahri, but not the "special Web site" supervised from al Qaeda headquarters in Afghanistan.

Fat'hi, the Egyptian Islamic Jihad veteran who helped organize the Web sites' content, died in a U.S. bombing raid in Afghanistan. Those who set up the Web sites vanished, but one figure stayed in touch. At a London gathering of Islamic radicals in July, the organizer read a statement of support he said he'd received via the Web from an absent champion of global jihad: Abu Qatada.

3a1

Late last month, British police raiding a south London public housing block seized the Palestinian cleric. He has not been charged but is being held as a terror suspect under a new British law introduced after the Sept. 11 attacks that permits the detention without trial of foreigners deemed a danger to national security.

Held in a high-security jail, he has not responded publicly to his arrest. But Islamist supporters denounced his detention, mostly via statements on the Internet such as "May Allah secure his rapid release."

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[REDACTED]

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THE NATIONAL

The Recruiters

Reporter: Terence McKenna
 Producer: Alex Shprintsen
 Editor: Annie Chartrand
 Camera: Maurice Chabot
 March 16, 2004



[Read the transcript of the full interview with Abu Qatada](#)

Abu Qatada

Abu Qatada is a Palestinian who lives as a political refugee in London, UK. He says he is merely a religious leader and teacher. He is accused of being a key recruiter of mujahedeen (new soldiers for Jihad, Islamic holy war) for al-Qaeda.

Qatada believes it is the duty of every Muslim to support the Islamic holy war. He also says the United States is the enemy.

Abu Qatada: *"The role of mujahedeen is dictated by what the prophet said. Whoever fights to make the word of God supreme, then it is for the sake of God. Therefore, if the jihad is to make the word of God supreme, this is what we call Islamic jihad."*

CBC's Terence McKenna: *"Do you incite hatred against the U.S.?"*

Qatada: *"No doubt, if anybody asks me, 'Is the American, or are the Americans the enemy of our peoples?' my answer would be, 'Yes, they are the enemy.'"*

CBC: *"In 1998, Osama bin Laden issued this fatwa against the U.S. Did you agree with that fatwa?"*

Qatada: *"No doubt that my previous answer about promoting or inciting hatred towards America because of what they are doing to our peoples will explain that."*

"The relationship between me and those men is just that of a mufti, a religious person who gives sermons to other Muslims. It's only the relationship between a leader and his disciples."

Authorities in Britain can't prove Qatada has had any involvement in any terrorist activities. Other countries accuse him of participating in

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terrorism, but if no crimes have been committed on British soil, there is nothing the police there can do.

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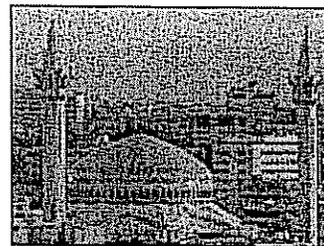
Gilles Kepel

Gilles Kepel, a leading academic expert on Islamic militants, says there are dozens of suspected terrorists like Abu Qattada living in London.

"Britain was perceived mainly as a sanctuary and no terrorist activity took place in Britain, probably for that reason," says Kepel.

"Britain was even nicknamed by the militants 'Londonistan,' meaning that people from Afghanistan, Pakistan, what you call in English 'The Stans,' had gathered in London where they found, for many of them, political asylum, and they were able to organize their networks. Probably the condition for the deal, but this was never made explicit of course, was that they would not have any activity against British interests on British soil."

The government of Jordan accuses Qatada of planning and funding terrorist activities there.



Jordan

In Amman in 1998, a bomb was discovered and disarmed at the American School and another bomb that went off in a car at the Jerusalem Hotel where many Americans stay.

Police interrogated a group of young Muslim militants who talked about a plan to blow up hundreds of American tourists at the Radisson Hotel and other tourist sites. They identified a man named Raid Hijazi as their immediate superior, who has since been found guilty of terrorism and sentenced to death.

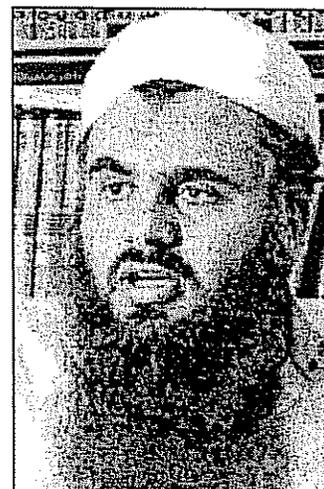
The prosecutor at the trial, Colonel Mahmoud Obeidat, says the mastermind of the plot was Abu Qatada. In Jordan, Qatada has been tried in absentia and found guilty of conspiracy to commit terrorism.

CBC: "The Jordanian government has accused you of planning and funding terrorist activities in Jordan. How do you respond?"

Qatada: "The Jordanian regime has got an art of making up and discovering things which may lead to the imagination. So I'm not really surprised of what they are saying."

CBC: "Do you approve of violent attacks against the Jordanian regime?"

Qatada: "I believe that these regimes, which exist in our countries, are



useless. They shouldn't exist."

Abu Qatada

Jordan is not the only country making allegations against Abu Qatada. Newspapers in Algeria regularly identify him as the mastermind of the GIA, the Algerian Armed Islamic group, which has committed numerous massacres in Algeria.

Qatada: *"This is an ongoing accusation. I was told that I was the spiritual father of the GIA, and now, I'm told that I'm the spiritual father of the al-Qaeda group. I have no connection between any organization or any group whatsoever."*

CBC: *"What is your opinion of Osama bin Laden?"*

Qatada: *"I believe that he's not evil. He's a human being, he's Muslim and he lives and feels the injustice, which is infringed upon our peoples. That's why he doesn't like the American regime."*



Osama bin Laden

Authorities have connected Abu Qatada with suspected terrorists in various parts of Europe. One of them, Sami Ben Khemais, was captured on a police listening device citing the instructions from his favourite religious leader, Abu Qatada.

Sami Ben Khemais: *"Abu Qatada can convert anyone because he knows all religions, sects and philosophies. Abu Qatada has ordered all Muslims to spend their money on the cause of Allah, no matter how much money they have – thousands, millions, it's not important. He says that money for God's cause should be given to the mujahedeen, and not to the mosques."*

"The relationship between me and those men is just that of a mufti, a religious person who gives fatwas, and gives sermons to other Muslims," says Qatada. "The relationship has not gone further. It's only the relationship between a leader and his disciples."



CBC's Terence McKenna

CBC: *"The police in France, Spain and Italy accuse you of planning and funding terrorist activities in those countries. How do you respond?"*

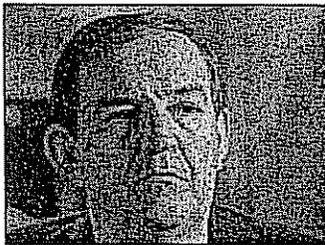
Qatada: *"I haven't heard those accusations. One of the guys planning some actions had visited me but I haven't heard these authorities directly accuse me of planning*

actions."

In February 2001, British police raided Abu Qatada's house in London and found more than \$200,000 in cash in various currencies.

CBC: "How do you explain this large amount of money that was found in your possession by the British police?"

Qatada: "Undoubtedly, the amount was exaggerated 10 times more than the actual value found in my house. You can ask the British government what they found written on the envelopes where the money was found in my house. It was written 'to the poor,' 'for the needy families,' 'for building a mosque.' These are the activities for which the money was raised. Therefore, the British government today owes every poor Muslim and every Muslim in England some money because some of this money was to buy a place for prayer."



Jean-Louis Bruguiere

In Paris, Judge Jean-Louis Bruguiere has long suspected Abu Qatada of planning and financing terrorist activities.

"We talk a lot about money laundering, but I would say that there are also reverse operations," says Bruguiere. "There is money that comes from legal sources, for example, money that is raised through mosques, but

which is going to be used for terrorist ends."

Qatada: "These are lies. Most of the money transferred was done by legal means and it is known where it goes. It goes to the families of people imprisoned, poor families and Muslims who need it."

CBC: "Did any of this money go to support jihad activities in other countries?"

Qatada: "Yes. The answer is yes – like the Chechens for example."

CBC: "Did you use money to support jihad activities in other countries as well?"

Qatada: "I don't remember. This did not happen."

After the attack on the World Trade Center in New York, police quickly established that the leader of the hijackers was an Egyptian named Mohamed Atta. When the police went to Atta's last-known apartment in Germany, they discovered 19 video cassettes of the teachings of Abu Qatada. Still, Qatada denies any responsibility for the September 11 attacks.



Mohamed Atta

Qatada: "First of all, there is no group that belongs to me. I am a Muslim who deals with all Muslims and there is no connection between me and any other group. But I think that the future will produce to the Western nations people and Muslims who are more violent than the ones existing now."

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CBC: "We spoke earlier about your hatred for America. What was your reaction to the events of September 11? Did you think America got what was coming to them?"



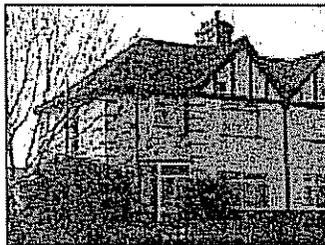
Qatada: "Until now, America did not ask itself, 'Why is this happening to us?' Do you think that by what the U.S. is doing now, it can stop what will happen to it in the future? Not only from Muslims, but there are lots of people in the world who hate the U.S. Is this going to end? Why doesn't the U.S. reconsider itself to find out the reason behind all this? The Americans never asked this question, in spite of the fact that it is a logical one, 'Why is this happening to us?'"

Abu Qatada defends the killing of civilians while conducting holy war.

"Islam prohibits the killing of women and children. But sometimes during jihad mistakes happen and non-combatants, women and children, do get killed," says Qatada. "The probability of non-fighters being killed does not prohibit jihad. This is an Islamic as well as a worldly principle."

CBC's Terence McKenna: "Are you surprised that a man like Abu Qatada has not yet been arrested?"

Bruguiere: "I can say that if he was in France he would already have been arrested in this business. This was not the case because he was in Britain, and Britain apparently permits this sort of activity."



Abu Qatada's home in London

Abu Qatada is on the American government's list of most wanted terrorists. His name also appears on terrorist lists in France and in Canada. But not in Britain.

Jordan has asked for the extradition of Qatada to face terrorism charges but because there is no extradition treaty between Jordan and the United Kingdom, he is safe.

[Go back to introduction](#)

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

Terrorist Organization Reference Guide

January 2004

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EXHIBIT B-24
4093

pg 1 of 7

U. S. BUREAU OF CUSTOMS AND BORDER PROTECTION

Purpose: The purpose of the Terrorist Organization Reference Guide is to provide the Field with a who's who in terrorism. The main players and organizations are identified so the CBP Officer and BP Agent can associate what terror groups are from what countries, in order to better screen and identify potential terrorists.

Limitations (Gaps in Data): This Guide is based upon the information available to this office at the time that the report was prepared.

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

For corrections, amendments, and suggestions, notify:

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Designated Foreign Terrorist Organizations

Designated Foreign Terrorist Organizations¹

The following descriptive list constitutes the 36 terrorist groups that currently (as of 30 January 2003) are designated by the Secretary of State as Foreign Terrorist Organizations (FTOs), pursuant to section 219 of the Immigration and Nationality Act, as amended by the Antiterrorism and Effective Death Penalty Act of 1996. The designations carry legal consequences:

- It is unlawful to provide funds or other material support to a designated FTO.
- Representatives and certain members of a designated FTO can be denied visas or excluded from the United States.
- US financial institutions must block funds of designated FTOs and their agents and must report the blockage to the US Department of the Treasury.

1. Abu Nidal organization (ANO)

a.k.a. Fatah - the Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organization of Socialist Muslims

Description

Has carried out terrorist attacks in 20 countries, killing or injuring almost 900 persons. Targets include the United States, the United Kingdom, France, Israel, moderate Palestinians, the PLO, and various Arab countries. Major attacks included the Rome and Vienna airports in December 1985, the Neve Shalom synagogue in Istanbul and the Pan Am Flight 73 hijacking in Karachi in September 1986, and the City of Poros day-excursion ship attack in Greece in July 1988. Suspected of assassinating PLO deputy chief Abu Iyad and PLO security chief Abu Hul in Tunis in January 1991. ANO assassinated a Jordanian diplomat in Lebanon in January 1994 and has been linked to the killing of the PLO representative there. Has not staged a major attack against Western targets since the late 1980s.

Strength

Few hundred plus limited overseas support structure.

Location/Area of Operation

Elements relocated to Iraq in December 1998, where the group maintains a presence. Has an operational presence in Lebanon including in several Palestinian refugee camps. Authorities shut down the ANO's operations in Libya and Egypt in 1999. Has demonstrated ability to operate over wide area, including the Middle East, Asia, and Europe. Financial problems and internal disorganization have reduced the group's activities and capabilities.

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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.

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Strength

Unknown.

Location/Area of Operation

Turkey, primarily Istanbul. Raises funds in Europe.

External Aid

Unknown.

34. The Salafist Group for Call and Combat (GSPC)

Description

The Salafist Group for Call and Combat (GSPC), an outgrowth of the GIA, appears to have eclipsed the GIA since approximately 1998, and is currently the most effective armed group inside Algeria. In contrast to the GIA, the GSPC has gained popular support through its pledge to avoid civilian attacks inside Algeria. Its adherents abroad appear to have largely co-opted the external networks of the GIA, active particularly throughout Europe, Africa, and the Middle East.

Activities

The GSPC continues to conduct operations aimed at government and military targets, primarily in rural areas, although civilians are sometimes killed. Such attacks include false roadblocks and attacks against convoys transporting military, police, or other government personnel. According to press reporting, some GSPC members in Europe maintain contacts with other North African extremists sympathetic to al-Qaeda. In late 2002, Algerian authorities announced they had killed a Yemeni al-Qaeda operative who had been meeting with the GSPC inside Algeria.

Strength

Unknown; probably several hundred fighters with an unknown number of support networks inside Algeria.

Location/Area of Operation

Algeria.

External Aid

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MEMO FOR RECORD
TO: PR # [REDACTED]
FROM: TRIBUNAL # 6

25 September 2004

SUBJECT: ISN # [REDACTED] Request For Document

The Tribunal reviewed the request from Detainee # [REDACTED] to contact Detainee # [REDACTED] and Al Haj Abo Ali. Detainee # [REDACTED] stated Detainee # [REDACTED] would testify that an electronic devise discovered at the time Detainee # [REDACTED] was boarding a plane belonged to Detainee # [REDACTED]. Detainee # [REDACTED] stated Al Haj Abo Ali would testify that the financial assistance was for poor people in Jordan.

Due to the limited scope of this Tribunal, the testimony of Detainee # [REDACTED] is deemed not relevant in determining whether or not Detainee # [REDACTED] is properly classified as an Enemy Combatant. The request for Detainee # [REDACTED] testimony is denied. The Tribunal determined the unclassified summary item # 1 presented to the Detainee during the initial interview is not relevant. The testimony of Al Haj Abo Ali is deemed not relevant in determining whether or not Detainee # [REDACTED] is properly classified as an Enemy Combatant. The detainee's request to contact Al Haj Abo is denied.

[REDACTED]

COL, USA,
Tribunal President

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Enclosure ⁴¹⁰⁰(5)

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.

[REDACTED]

Name

11 Oct 2004

Date

[REDACTED]

Signature

ISN # [REDACTED]
Enclosure (6)

After carefully reviewing the Tribunal Decision report, there is one question that remains unanswered: What did Detainee [REDACTED] do in Gambia that required the United States (rather than the United Kingdom or even Gambia) to take him in to custody?

Part of the definition of an enemy combatant states, "against the United States or its coalition partners..." Since the United Kingdom is a very strong coalition partner, not a disinterested party, it is doubtful that they are unable to prosecute actions that take place on their sovereign soil.

Abu Qatada is a dangerous person. Qatada was convicted in the United Kingdom's courts and is currently serving a prison sentence. The British government was well aware of the actions of Detainee [REDACTED] on their sovereign soil as they relate to Qatada. For this reason, this Detainee should have been subject to British (or even Gambian) authority for his actions in Gambia, rather than the authority of the USA. The record is insufficient to show Detainee [REDACTED] should be classified as an enemy combatant for his actions in Gambia.