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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10011

OPENING

REPORTER: On the record.

PRESIDENT: Remain seated and come to order. Proceed, Recorder

RECORDER: This Tribunal is being conducted at 1320, 21 March 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:
Captain (b)(6), United States Navy, President
Lieutenant Colonel (b)(6), United States Air Force, Member
Lieutenant Colonel (b)(6), United States Marine Corps, Member
Lieutenant Commander (b)(6), United States Navy, Personal Representative
Muhammad Arar, Translator
Gunnery Sergeant (b)(6), United States Marine Corps, Reporter
Lieutenant Commander (b)(6), United States Navy, Recorder
Captain (b)(6) is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All Rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Commander (b)(6) (b)(6) solemnly swear to carry out the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

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

RECORDER: Do you, Gunnery Sergeant (b)(6) swear that you will faithfully discharge your duties as assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing, so help you God?

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TRANSLATOR: I do.

PRESIDENT: We will take a brief recess now in order to bring the Detainee into the room. Recorder, note the date and time.

RECORDER: The time is 1322 on 21 March 2007. This Tribunal is now in recess.
[The Tribunal recessed at 1322, 21 March 2007. The members withdrew from the hearing room.]

CONVENING AUTHORITY

RECORDER: All Rise.
[The Tribunal reconvened and the members entered the room at 1328, on 21 March 2007.]

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: This hearing will come to order. You may be seated.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Mustafa Ahmed Al Hawsawi, this Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: This Tribunal will determine whether Mustafa Ahmed Al Hawsawi meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

TRANSLATOR: (TRANSLATION OF ABOVE).

OATH SESSION 2

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRANSLATOR: (TRANSLATION OF ABOVE)

TRIBUNAL: I do.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL
REPRESENTATIVE: I do.

PRESIDENT: You may be seated.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

EXPLANATION OF PROCEEDINGS

PRESIDENT: Mustafa Ahmed Al Hawsawi, you are hereby advised that the following applies during this hearing:

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Mustafa Ahmed Al Hawsawi, do you understand this process?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): No.

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PRESENTATION OF UNCLASSIFIED INFORMATION

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Tribunal has the Detainee Election Form marked as D-a indicating that the Detainee wishes to participate in the Tribunal and wants the assistance of the Personal Representative.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:

(through translator): Yes.

RECORDER PRESENTS UNCLASSIFIED

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

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee. [Documents presented to Tribunal]

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Recorder, please read the unclassified summary of evidence for the record. But before you proceed, let me remind you, Mustafa Ahmed Al Hawsawi, that you must not comment on the evidence at this time. You will be provided with an opportunity to provide comments shortly. Recorder, please proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

a. On the morning of 11 September 2001, four airliners traveling over the United States were hijacked. The flights hijacked were: American Airlines Flight 11, United Airlines Flight 175, American Airlines Flight 77, and United Airlines Flight 93. At approximately 8:46 a.m., American Airlines Flight 11 crashed into the North Tower of the World Trade Center, resulting in the collapse of the tower at approximately 10:25 a.m. At approximately 9:05 a.m., United Airlines Flight 175 crashed into the South Tower of the World Trade Center, resulting in the collapse of the tower at approximately 9:55 a.m. At approximately 9:37 a.m., American Airlines Flight 77 crashed into the southwest side of the Pentagon in Arlington, Virginia. At approximately 10:03 a.m., United Airlines Flight 93 crashed in Stoney Creek Township, Pennsylvania. These crashes and subsequent damage to the World Trade Center and the Pentagon resulted in the deaths of 2,972 persons in New York, Virginia, and Pennsylvania

b. According to United Arab Emirates General Postal Authority records, the Detainee opened a Post Office Box, number 19738, in Sharjah, United Arab Emirates on 24 June 2001. He opened the Post Office Box under the name Mustafa Ahmed Al-Hawsawi, date of birth 5 August 1968. His listed his home address as 103 Shaikh Sultan Bin Saqer Street, Al-Butheena, Sharjah, United Arab Emirates. He listed his mobile phone as 050-5209905.

c. Recovered Western Union receipts show that on 8 September 2001, "9/11 hijacker" Mohamed Atta sent 2,860 United States dollars from Western Union, Safeway Store, 14100 Baltimore Ave, Laurel, Maryland. The funds were received by the Detainee at the Wall Street Exchange, Dubai, United Arab Emirates on 9 September 2001.

d. Recovered Western Union receipts show that on 8 September 2001, "9/11 hijacker" Mohamed Atta sent 5,000 United States dollars from Western Union, Food Giant Store, 1009 Fairlawn St., Laurel, Maryland. The funds were received by the Detainee at the Wall Street Exchange, Sharjah, United Arab Emirates, on 10 September 2001.

e. Recovered Western Union receipts show that on 9 September 2001, "9/11 hijacker" Walced Al-Shehri sent 5,000 United States dollars from Western Union TravelEx #7201, Currency Booth Room 2250, Logan Airport, Boston, Massachusetts. The funds were received by the Detainee at the Al-Ansari Exchange, Sharjah United Arab Emirates on 11 September 2001.

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f. Recovered Western Union receipts show that on 9 September 2001, "9/11 hijacker" Marwan Al-Shehhi sent 5,000 United States dollars from Western Union Greyhound Bus Terminal #0406, 700 Atlantic Ave, Boston, Massachusetts. The funds were received by the Detainee at the Al-Ansari Exchange, Sharjah, United Arab Emirates on 11 September 2001.

g. "9/11 hijacker" Mohammed Atta (Atta) sent the Detainee a package with Fayeze Banihammad's Automated Teller Machine card and checkbook. One check was endorsed, but not filled in, and split from the checkbook. The Federal Express receipt for this package was recovered from a trash receptacle located at a hotel utilized by Atta. The receipt indicated that the package was sent to the Detainee's Post Office box in Sharjah, United Arab Emirates.

h. On 11 September 2001, the Detainee flew from Dubai, United Arab Emirates to Karachi, Pakistan via Pakistan International Airlines flight 212, according to United Arab Emirates immigration records.

i. A handwritten 19 page telephone and address book was found in a laptop computer case associated with the Detainee. The address book contained contact information of numerous al Qaida operatives. The document was discovered where a senior al Qaida operative was captured.

j. A laptop computer hard-drive associated with the Detainee contained al Qaida expense reports from February 2002 to April 2002.

k. A laptop computer hard-drive associated with the Detainee contained detailed information for the families of al Qaida operatives.

l. A laptop computer hard-drive associated with the Detainee contained detailed family information of 22 Yemeni al Qaida operatives along with the status of the operatives.

m. A laptop computer hard-drive associated with the Detainee contained al Qaida expenditure data from 1 January 2002 to 31 December 2002.

n. A laptop computer hard-drive associated with the Detainee contained a list of al Qaida members who were killed or wounded.

o. A laptop computer hard-drive associated with the Detainee contained al Qaida family allowance information from November 2002 to October 2003.

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p. A laptop computer hard-drive associated with the Detainee contained detailed al Qaida expense reports from January 2002 to December 2002.

q. A laptop computer hard-drive associated with the Detainee contained detailed al Qaida United States dollars fund serial account information from 1 January 2002 to 15 May 2002.

r. A laptop computer hard-drive associated with the Detainee contained detailed al Qaida expense information through various incoming and outgoing rupee, Euro, riyal and dirham fund transactions for the period of 1 January 2002 to 31 December 2002.

TRANSLATOR: (TRANSLATION OF UNCLASSIFIED SUMMARY).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Very well.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: Yes, sir. I am handing to the Tribunal the following unclassified exhibit marked as exhibit D-b. A copy of this exhibit has been previously provided to the Recorder. [Documents presented to Tribunal]

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: I will read the Detainee's oral statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: And he will respond after each point.

TRANSLATOR: (TRANSLATION OF ABOVE).

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PERSONAL

REPRESENTATIVE: And at the end as desired.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: Personal Representative, I will permit you to do that at the appropriate time.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: Is there any other evidence?

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: I'm going to explain now certain of my reasons regarding request made by the Detainee for the production of evidence.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: I do that for two reasons. One, that you understand my decisions.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: And two, that it may be recorded on the record.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: The Detainee initially requested the production of the laptop referenced in the unclassified summary.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: The Detainee indicated that he would be in a better position to explain the information in the unclassified summary with the laptop.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: Especially the items mentioned in paragraph, paragraphs 3j thru 3r.

TRANSLATOR: (TRANSLATION OF ABOVE)

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TRANSLATOR: What letters please?

PRESIDENT: 3j thru 3r.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: On February 22 2007.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: I determined that the laptop, specifically the information on the laptop, would be relevant

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: The government then undertook trying to locate that information.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: It was located and with minimal redaction was provided to the Detainee.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: I was advised that after the Detainee had the opportunity to review that information,

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: he did not wish to present it to the Tribunal

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: But would perhaps address the information in his statement to the Tribunal.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator). I would like for you to repeat your last point. Please.

PRESIDENT: That the information was provided to the Detainee.

TRANSLATOR: (TRANSLATION OF ABOVE)

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PRESIDENT: And that the Detainee is not going to offer that information now to us in written form.

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: But he may speak to it somehow during his statement.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

DETAINEE
(through translator): Did I say things.

PRESIDENT: You don't have to speak to them if you don't want to. But you may.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Did I say these things in the past?

PRESIDENT: No. It's my understanding that you have been given this information. And then you can talk about it if you want to.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes, I didn't refuse. I ask that the accusations or evidence was presented against him..

PRESIDENT: Am I correct that you receive the information you requested, however...

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

PRESIDENT: Do you have any further question about that information?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Only what I have written down

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PRESIDENT: Very well.

PRESIDENT: Additionally the Detainee requested the production of a phone book.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: As referenced in paragraph 3i.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: That request was made known to me last week by the Personal Representative.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Detainee stated he wanted to see this information.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: in the belief that it could not be something he owned.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Because he didn't know enough people to fill a nineteen page phone.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Determining that the phone book was relevant.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: since it was mentioned in the unclassified summary.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: and the Detainee believed that it wasn't his item.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: it was arranged to provide the Detainee with the phone book for his review.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: And I understand that, that has happened. Is that correct?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator) Yes.

PRESIDENT: And at this point the Detainee does not wish to produce that phone book to the Tribunal for its consideration.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Is that correct? Do you want us to see that phone book?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Do they want to look at it or should I look it?

PRESIDENT: I want to know if you have seen it?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator) Yes. I saw it this morning.

PRESIDENT: Do you want us to see it? The Tribunal.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): It doesn't make any difference to me.

PRESIDENT: Having provided the information to the Detainee that he requested.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: it's up to him if he'd like us to review it.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: If the Tribunal believes it need to see these materials.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: we will have them produced for us.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do you understand?

DETAINEE:
(through translator) Yes.

PRESIDENT: Very well.

PRESIDENT: Does the Recorder have any further unclassified evidence?

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal, but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Do the members need additional time to review the unclassified evidence?

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: No, sir. No, sir.

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

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Not an oral statement

PRESIDENT: Do you want your Personal Representative to read the statement that has been prepared for you?

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE
(through translator): Yes.

PRESIDENT: Alright. You are free to comment on that statement if you desire to.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Good.

PRESIDENT: If you would like to take an oath, we would provide one to you as well. I understand you do not wish to take an oath.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes. I do not wish to take an oath.

PRESIDENT: I understand. Personal Representative you may proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: Responses to the Unclassified Summary of Evidence for Combatant Status Review Tribunal for Mustafa Ahmed Al Hawsawi dated 21 March 2007. Opening Remarks. The Detainee would like the Tribunal to know the following information and take it into consideration concerning the laptop found in his possession when he was arrested. The Detainee states that he did not have any knowledge of some of the content of the documents and files contained on the laptop and wants to emphasize that he has never seen some of the information listed against him in the Unclassified Summary of Evidence. The Detainee wants the Tribunal to understand the reason for this statement is the information contained on the laptop was copied from several different personal computer hard drives located in a safe house. The Detainee and other people copied the personal computer hard drives to several laptops in order to make it easier to transport the information.

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: In response to item b, the Detainee states that he opened a post office box

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in Sharjah, United Arab Emirates but does not remember any of the numbers listed in the paragraph.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: In response to item i, the Detainee states that he has never seen the nineteen page telephone and address book.

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: In response to item j, the Detainee states that he does not recall seeing this information before because the Arabic characters used on the document are unclear and mixed up.

TRANSLATOR: (TRANSLATION OF ABOVE)

PERSONAL

REPRESENTATIVE: In response to items o, m, p, and r, the Detainee wants to emphasize that he has never seen this information before.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: In response to item l, the Detainee states that he did not write this document. Additionally, the Detainee states that the computer contained information about Yemeni families but he did not know they were from al Qaida

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: In response to item n, the Detainee states that the laptop computer contained information about all people who were killed or injured and not necessarily people from al Qaida. Furthermore, the Detainee states that the document was downloaded from the internet and anyone who had new information was responsible for updating the document.

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL

REPRESENTATIVE: That is the end of the statement Sir.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Mustafa Ahmed Al Hawsawi, is there anything you would add to that statement?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): No.

PRESIDENT: Did you understand earlier when I told you did not have to make statement here today?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

PRESIDENT: Are you under any pressure or duress today to make a statement through your Personal Representative?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): No.

PRESIDENT: Were those your words as read by the Personal Representative?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

PRESIDENT: Personal Representative, do you have question for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

PERSONAL
REPRESENTATIVE: No, sir.

PRESIDENT: Does the Recorder have any questions for the Detainee?

TRANSLATOR: (TRANSLATION OF ABOVE).

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RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBERS: Yes, sir. Yes, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Very well. You may proceed.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: Did you receive the four Western Union wire transfers mentioned in the unclassified summary?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

MEMBER: From Mohammed Atta and Waleed Al-Shehri?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes.

MEMBER: How did you know them?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): By communicating with them. Mohammed Atta called me before I received these receipts. There was some communications between us.

MEMBER: Now, what did you do with the money after you received it from Mohammed Atta and Waleed Al-Shehri?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

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(through translator): I put it in my bank account in United Arab Emirates. Only, I did not do anything else with it.

MEMBER: Why did you fly to Pakistan on September 11, 2001?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): On September 11, I knew there was an operation. So, I was told to go and to return back to Pakistan.

MEMBER: Who told you to go back to Pakistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Ramzi bin al-Shibh. He suggested to me that I should go back to Pakistan. And, I ask Khalid Sheikh Muhammad and he told me to go back now.

MEMBER: When you were in Pakistan. Did you ever meet with Khalid Sheikh Muhammad or Ramzi bin al-Shibh?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes. I have met Ramzi.

MEMBER: Did you ever travel to Afghanistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

MEMBER: How long? And, when were you there?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I stayed in Pakistan, Afghanistan for a period of nine months

MEMBER: When you were in Afghanistan, did you ever meet with Usama bin Laden, Dr. Ayman Al-Zawahiri or Khalid Sheikh Muhammad?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator) Yes.

MEMBER: Did you ever attend any al Qaeda training camps in Afghanistan?

TRANSLATOR (TRANSLATION OF ABOVE)

DETAINEE
(through translator) Yes.

MEMBER: Did you train Al Farook?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator) Yes.

MEMBER: Did you have any contact or correspondence with September 11 hijackers before September 11, 2001?

TRANSLATOR (TRANSLATION OF ABOVE)

DETAINEE
(through translator) Yes.

MEMBER: If so, what was the nature of that contact or correspondence?

TRANSLATOR: (TRANSLATION OF ABOVE)

DETAINEE
(through translator): I have met four of them in the United Arab Emirates. And, I had a communication with Mohammed Atta.

MEMBER: Did you wire transfer money to them prior to September 11, 2001?

TRANSLATOR (TRANSLATION OF ABOVE)

DETAINEE
(through translator). No.

MEMBER: Did you know about the September 11, 2001 attacks before they occurred?

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TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I knew it on the night of September 11, 2001.

MEMBER: Did you ever use the laptop computer that's mentioned in the unclassified summary?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

MEMBER: No more questions.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Okay. Thank you.

MEMBER: Why did the three members send you those Western Union telegrams of about twenty thousand dollars?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I don't know the reason why.

MEMBER: Had you received previous Western Union telegrams of similar amounts of money or any amounts of money from those members previous to that day?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

MEMBER: Are you an al Qaida member?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

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MEMBER: If not, why do you have so many associations with al Qaida members?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): I help all the Jihadists.

MEMBER: No further questions, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Have you sworn Jihad? Are you a Jihadist?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): No. I have never taken an oath to be a Jihadist.

PRESIDENT: And, you said you are not a member of al Qaida?

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: So you have never sworn allegiance to Usama bin Laden?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): No.

PRESIDENT: Have you met him?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): Yes

PRESIDENT: How many times?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): I'm not sure. About four or five times.

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PRESIDENT: When was the first time, approximately?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:
(through translator) In the second half of the year 2000.

PRESIDENT: And, when was the last time you saw him?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:
(through translator) Approximately at the end of September 2001.

PRESIDENT: And, was that in Pakistan or Afghanistan?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:
(through translator) It was in Afghanistan.

PRESIDENT: You mention that you were in Afghanistan for some time following September 11.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:
(through translator) Yes.

PRESIDENT: Were you assisting the Jihadist at that time?

DETAINEE:
(through translator) Yes.

PRESIDENT: Did you carry and use a weapon?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:
(through translator) Yes.

PRESIDENT: And, the Jihadist were fighting against the US Forces at the time?

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE

(through translator): When I was in Afghanistan there no American forces. There were no American forces in Afghanistan.

PRESIDENT: So, who were the jihadist fighting against?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): There was no one at the time. The people were just acting as guards. They were ready and prepared to rebel and attack if it occurred.

PRESIDENT: And you were there assisting or helping that?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

PRESIDENT: Where were you captured?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): In the city of Rawalpindi in Pakistan.

PRESIDENT: And, how did that happen?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): I was living in house by myself and about nine PM, Khalid Sheikh Muhammad came to me in the evening. And, about two AM in the morning the Pakistani came and they arrested us. Would you like more details or that's enough?

PRESIDENT: You can explain what happen.

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): He has no more details but if you have questions about other matters. He is ready to answer them.

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PRESIDENT: Would you describe your meetings with Usama bin Laden. The nature of those, what did you discuss? What was that about?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): The last time I met with we had like a limited meeting. But in the beginning I basically I saw him in the guest houses or during the holiday season. He was also present at the time.

PRESIDENT: Would you discuss al Qaida operations or military operations with him?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

PRESIDENT: You said that you went, I believe it was to Pakistan, on around the time September 11?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): Yes.

PRESIDENT: And you were aware of the attacks that night?

DETAINEE

(through translator): Yes.

PRESIDENT: But you had been contact with Ramzi bin al-Shibh and Khalid Sheikh Muhammad talking about those events before they happened? Would explain that for me?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): On the 10th of September, I met Ramzi bin al-Shibh in United Arab Emirates. He told me that next night there would be an operation and therefore I should go back to Pakistan. So, I called Khalid Sheikh Muhammad and he told me to go back. And Ramzi bin al-Shibh in the morning of the 11th, he traveled to Pakistan. And I left on September 11 to Pakistan. And on the 12th of September, we met at the airport in Pakistan. And we entered Afghanistan from there.

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PRESIDENT: Why did you have to leave UAE? Because of what Ramzi told you?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:

(through translator): Ramzi told me that the next day there would be an operation. And I told him I would be able to move to any hotel or any other city within United Arab Emirates. For about a week or two until things quieted down. And, then I can go back to my apartment. He told me you have to return. Then I spoke to Khalid Sheikh Muhammad and he told me to return.

PRESIDENT: What I don't understand, is why did you have to get out of town if you had nothing to do with the September 11th bombings?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:

(through translator): Ramzi told me to go back. I don't want to go back. I told Ramzi that I could stay at the hotel for about a week or two. Then back to my apartment. But he told me, no, you have to go back.

PRESIDENT: Okay. Any further questions in light of mine?

MEMBER: Just one more question sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: Khalid Sheikh Muhammad and Ramzi bin al-Shibh were they your bosses?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE:

(through translator): No.

MEMBER: One addition question sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: You found out on the 10th of September there would be an operation.

TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: On the 11th of September you flew back and heard of the attacks in New York City and Pentagon.

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TRANSLATOR: (TRANSLATION OF ABOVE).

MEMBER: What was your reaction when realized that you were part of that operation?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): In the beginning I was surprised by the size of the operation. It was mostly a surprise to me.

MEMBER: No more questions sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Thank you.

PRESIDENT: Mustafa Ahmed Al Hawsawi is there anything else you would like to add?

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE

(through translator): No.

CALLING OF WITNESSES

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: Does the Recorder have any witnesses to present?

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: No, sir.

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: From the Detainee Election Form provided to the Tribunal earlier, I note that the Detainee has not requested the presence of any witnesses.

TRANSLATOR: (TRANSLATION OF ABOVE).

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DETAINEE
(through translator): Yes

PRESIDENT: Mustafa Ahmed Al Hawsawi, this concludes the presentation of unclassified evidence to the Tribunal. We are about to conclude the unclassified portion of this hearing. Do you wish to now make any final statement to the Tribunal??

TRANSLATOR: (TRANSLATION OF ABOVE).

DETAINEE
(through translator): No.

CLOSING UNCLASSIFIED SESSION

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

TRANSLATOR: (TRANSLATION OF ABOVE)

PRESIDENT: Mustafa Ahmed Al Hawsawi, you shall be notified of the Tribunal decision upon completion of the review of these proceedings by the Combatant Status Review Tribunal convening authority in Washington, D.C.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaeda and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

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TRANSLATOR: (TRANSLATION OF ABOVE).

PRESIDENT: You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at that Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

TRANSLATOR: (TRANSLATION OF ABOVE).

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

TRANSLATOR: (TRANSLATION OF ABOVE).

ADJOURN OPEN SESSION

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

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: The time is 1429 on 21 March 2007.

TRANSLATOR: (TRANSLATION OF ABOVE).

RECORDER: All Rise.

REPORTER: Off the Record.

[The Tribunal withdrew from the hearing room]

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10011.

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Tribunal President

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