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relevant and IYMAN FARIS voluntarily elected to participate by providing written testimony. Consequently, the testimony of IYMAN FARIS is reasonably available. Another witness you requested was SAIFULLAH PARACHA to address statements regarding his knowledge of you being al Qaida, as described also in the Summary of Evidence. I determined this request was also relevant. SAIFULLAH PARACHA voluntarily elected to provide a written statement; consequently, the testimony of SAIFULLAH PARACHA is reasonably available. You requested the testimony of your father, ALI KHAN to address statements attributed to him in the Summary of Evidence. I determined the request was relevant, and ALI KHAN voluntarily elected to provide testimony in the form of a written statement, and consequently, the testimony of ALI KHAN is reasonably available. The final testimony you requested is from your three brothers, MAHMOOD, MOHAMMED and AHMED KHAN, to address statements attributed to one brother in the Summary of Evidence. Initially, I determined the testimony from all three brothers to be relevant; however, because the Summary of Evidence concerns the testimony of just one brother, I determined the testimony from that specific brother to be relevant. The attorney of this brother indicated through written testimony that written testimony would be provided prior to this hearing; however, that date has passed and no testimony has been received through the attorney. Again, because this process cannot compel the testimony of non-U.S. military personnel, this witness testimony is not reasonably available. I will also make a note that the KHAN family was provided the opportunity to participate and provide their testimony by video teleconference. While video teleconference is the equivalent of in-person testimony, they elected to provide written testimony instead. So in summary, you have requested five witnesses: UZAIR PARACHA, IYMAN FARIS, SAIFULLAH PARACHA, your father ALI KHAN, and your three brothers, MAHMOOD, MOHAMMED and AHMED KHAN, who I treat as a request for just one of those brothers. Testimony from UZAIR PARACHA and one of those brothers is not reasonably available, and testimony from IYMAN FARIS, SAIFULLAH PARACHA, and your father, ALI KHAN, has been provided in writing and is available. And I do note that the Personal Representative has provided those various statements for us to consider in this matter. We'll certainly carefully review these statements and consider them as we go through the determination process of your enemy combatant status. With the witness testimony addressed at this point, we'll now receive your oral statement.

PERSONAL REP: Sir, the Detainee has requested that the witness statements be read into the record.

PRESIDENT: Oh. Very well. This is an appropriate time for you to do that. Please proceed Mister-- Personal Representative.

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PERSONAL REP: The first statement is from SAIFULLAH PARACHA taken on 6 April 2007. I, SAIFULLAH PARACHA, voluntarily make the following statement regarding MAJID KHAN for presentation at his Combatant Status Review Tribunal. I am providing this statement to the person identified to me as MAJID KHAN's Personal Representative. I make this statement of my own free will without any threats or promises extended to me.

The PR asked me to provide the following information: Your son-- your son stated he knew from you that MAJID KHAN was al Qaida.

1. Did you ever tell your son that MAJID KHAN was al Qaida? If not, why would your son say this? A person was introduced to me in Karachi, Pakistan who used to live in Baltimore, Maryland area. AMMAR AL BALUCHI introduced him with a different name, which I don't remember. That person was identified by the interrogator as MAJID KHAN. I never knew MAJID KHAN was member of al Qaida.

2. Do you think he may have been coerced, tricked or deceived into saying this? I don't know.

How did you know MAJID KHAN was al Qaida? Already answered as stated above.

Describe any conversation between you, your son, and MAJID KHAN about any money being loaned to your business. I never had any conversations with MAJID KHAN regarding any financial matters whatsoever.

MAJID KHAN wanted to give your company between \$180,000 and \$200,000 USD as a loan. Where do you think MAJID KHAN was getting the money to loan you? As stated above. I never discussed any financial matters with MAJID KHAN.

Did MAJID KHAN ever give you that loan? No, as stated above.

What was discussed regarding this loan? I never discussed above any loan as stated above.

What was the purpose of this loan? I never discussed any loan as discussed above.

How were you going to pay back-- excuse me, how were you going to pay the loan back? As stated above, there was no loan transaction with MAJID KHAN.

Did you ever feel like you had to perform tasks for MAJID KHAN on

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behalf of al Qaida? As stated above, there was no financial dealing with MAJID KHAN, and I never knew his affiliation with al Qaida and I am not aware of any tasks. I was told he had an issue with U.S. Immigration and wanted to keep his bank account in the USA active, which I asked my son to assist him with as a fellow Pakistani.

Please describe your knowledge, if any, of MAJID KHAN's association with Taliban, al Qaida, or associated forces that are engaged in hostilities against the United States or its coalition partners. I am a business man and I have a large business setup in Karachi, Pakistan. All of my business details have already been provided. I have no way of judging MAJID KHAN's activities against the USA or its coalition partners at all.

Please describe your knowledge, if any, regarding MAJID KHAN's plans to commit terrorist acts. I have no knowledge about any error-- any terrorist acts by MAJID KHAN, as also stated above.

Please provide any additional information that you think may be relevant to the determination of MAJID KHAN's enemy combatant status. I have no knowledge about MAJID KHAN's enemy combatant status.

I have been provided the opportunity to make any changes or corrections that I desire to make and have placed my initials over those changes and corrections. This statement was typed by the Personal Representative and reviewed with me. I affirm these are my words and the truth as I know it. Signed and dated.

Before continuing on with IYMAN FARIS's testimony, I'd like to point out that the questions presented to IYMAN FARIS were not presented to the Detainee prior to IYMAN FARIS's answers. Exhibit D-i includes the questions that the Detainee provided for his witnesses.

Exhibit D-f, from the Department of Defense Office for the Administrative Review of the Detention of Enemy Combatants.

To IYMAN FARIS. You are being requested as a witness by MAJID KHAN as part of his presentation to a Combatant Status Review Tribunal (CSRT) being conducted at U.S. Naval Base, Guantanamo Bay, Cuba.

The CSRT will be evaluating whether MAJID KHAN is an Enemy Combatant. That term is 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."

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MAJID KHAN has asked you to provide answers to the following questions. If you decide to answer the questions, your answers will be considered by the CSRT members as they evaluate whether or not MAJID KHAN is an enemy combatant.

Your participation in this process is entirely voluntary. Your decision to participate or not participate in this process has absolutely no effect on your pending criminal case in federal court or the appeal of your conviction. The government is not asking you to provide this information. It is MAJID KHAN who has asked you to answer these questions.

If you want to participate in this process, please write your answers in the following space. If you do not want to participate, please write your answers to the following questions in the space provided below.

Questions:

1. In mid-2001 you had dinner and spent the night at MAJID KHAN's family residence in Baltimore, Maryland. You have stated that MAJID KHAN spoke to you during this visit about the fighting and struggle in Afghanistan.

Were you coerced, tricked, or deceived into making this statement? If so, please explain.

There was no discussion other than religious duty and what he like to do in life, like work in construction and not in his father's business because his father was involved in invest dealing.

b. Please describe the discussions you had regarding the fighting and struggle in Afghanistan. There were never any discussion regarding the fight in Afghanistan--ever.

What was the purpose of this visit to the KHAN residence?

To invest in the family business of gas station.

2. You have said that during a later visit with MAJID KHAN, MAJID KHAN said he had met KHALID SHAYKH MOHAMMAD in Pakistan and MAJID KHAN called him his uncle. You have also said that MAJID KHAN spoke during this visit of his desire to martyr himself against Pakistan's President MUSHARRAF of Pakistan by detonating a vest of explosives inside a building.

That is an absolute lie.

a. Were you coerced, tricked or deceived into making this statement?

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All of the above.

He called uncle to my friend MAQSOOD, I did.

b. What was the purpose of this visit to the KHAN residence? Were you there to see MAJID KHAN?

I was there to see his father which I had a business dealing.

3. Were you coerced, tricked or deceived into making any statements about MAJID KHAN? If so, please explain.

Yes, by FBI. If I don't tell them what they wanted to hear, they were going to take me to GITMO.

4 Please provide any other information regarding MAJID KHAN's knowledge of, planning of, or participation in activities of al Qaida, the Taliban, or associated forces that may be relevant in determining his enemy combatant status.

I do not know of anything as plan that he was involved, none what-so-ever nor he ever discussed the --and then there's an illegible word--fighting or anything relating to Afghanistan or al Qaida I have no idea of his affiliation.

I, IYMAN FARIS, state that the above answers are my words and the truth as I know it. I was coerced, excuse me, I was not coerced, tricked or deceived into providing these answers. I answered voluntarily and of my own free will without any promises being made. Signed and dated.

There's an additional note that reads: He, MAJID KHAN, numerous times told me he love USA and can't wait to get the U.S. citizenship. I would also like to point out that an Interpreter, Linguist, or Translator was not made available to IYMAN FARIS when ah, when OARDEC Forward asked, excuse me, when OARDEC was questioned about IYMAN FARIS understanding. The reply was, "He spoke perfect English."

DETAINEE: You said invest dealing; I thought it was interest dealing. [Speaking to Personal Representative.]

PERSONAL REP: For the Board, question 1a; MAJID KHAN has stated that he believes it's interest dealing and not invest dealing. You'll see from the exhibit that it's hard to read.

PRESIDENT: We appreciate that. Thank you.

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PERSONAL REP: The final witness statement is from ALI KHAN. Similar to IYMAN FARIS, the Detainee was not presented the questions prior to the witness answering. Statement of ALI KHAN:

To the Tribunal. My name is ALI KHAN and I am MAJID's father. I am writing this statement on behalf of my family because the military will not let us travel to Guantanamo and participate in MAJID's hearing. I ask the Tribunal to consider my statement, which has been prepared with help from my children and from our lawyers at the Center for Constitutional Rights because I have difficulty with English.

I have not seen my son in more than four years since before he was kidnapped from his brother's home in Karachi on March 5, 2003. Now I am told by the military that my son wants to know whether I said in March 2003 that he became very religious and developed anti-American feelings and whether one of my other sons said that MAJID might be involved with al Qaida. Where and when did we make these statements that you claim we made? Who did we make these statements to, exactly? The government has refused to give us this information. Anything we may have said about MAJID KHAN was simply out of shock because we only knew that MAJID had disappeared and was pure speculation based on what FBI agents in the United States told us and pressured us to say.

You want to know whether my son is a terrorist. The answer is no. As of 1--as I have said before publicly, I cannot accept these allegations against him. If you think that he did something wrong, show me the evidence. Charge him with a crime and give him a fair trial in a real court. This Tribunal is not a real court. It is not a legitimate proceeding. It is only for show and the outcome has probably already been decided. After several years of detention, there are still no charges against MAJID. He cannot see any evidence or question any witnesses against him. And he cannot have access to his lawyers at the Center for Constitutional Rights, which he has asked for in letters sent through the Red Cross. Anything that may a-- he may have confessed to, or that other prisoners may have said about him, should also be considered with suspicion because these statements were probably tortured or coerced out of them. Under these circumstances, how could anyone believe what the government says about my son?

What I can tell you is that MAJID was kidnapped from my son MOHAMMED's house in Karachi, along with MOHAMMED, his wife, and my infant granddaughter. They were captured by Pakistani police and soldiers and taken to a detention center fifteen minutes from MOHAMMED's house. The center had walls that seemed to be eighty feet high. My sons were hooded, handcuffed, and interrogated. After eight days of interrogation by U.S. and Pakistani agents, including FBI agents, MOHAMMED was allowed to see MAJID. MAJID looked terrible and

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very, very tired. According to MOHAMMED, MAJID said that the Americans tortured him for eight hours at a time, tying him tightly in stressful positions in a small chair until his hands, feet, and mind went numb. They re-tied him in the chair every hour, tightening the bonds on his hands and feet each time so that it was more painful. He was often hooded and had difficulty breathing. They also beat him repeatedly, slapping him in the face, and deprived him of sleep. When he was not being interrogated, the Americans put MAJID in a small cell that was totally dark and too small for him to lie down in or sit in with his legs stretched out. He had to crouch. The room was also infested with mosquitoes. This torture only stopped when MAJID agreed to sign a statement that he was not even allowed to read. But then it continued again when MAJID was unable to identify certain streets and neighborhoods in Karachi that he did not know. MAJID almost cried when he told MOHAMMED how he was accused of lie--lying even when he was telling the truth.

According to MOHAMMED, MAJID was interrogated and abused at a separate detention center in a different neighborhood. He was taken there in the morning and brought back at night. Other unknown prisoners were transferred to and from there as well. The Pakistani guards were upset by this treatment and often let MAJID speak with MOHAMMED when he got back late at night. After about twenty days of these interrogations, MAJID told MOHAMMED that the Americans had threatened to send him to Guantanamo. He was exhausted from lack of sleep. A day or two later, MAJID was again allowed to see MOHAMMED and told him that he was being sent to Islamabad. MAJID said he was not sure he would ever see his brother again and asked him to pray for him.

After that, MAJID disappeared and my family had no idea whether he was alive or dead until President Bush announced on September 6, 2006, that he had been moved from a secret CIA prison to Guan--Guantanamo. According to MOHAMMED, the Pakistani guards promised that MAJID would never be turned over to the Americans and sent to Guantanamo because President MUSHARRAF had a special deal with the Americans to prevent this. But this was obviously not true.

Also accord--according to MOHAMMED, he and MAJID were denied in the same place--excuse me, he and MAJID were detained in the same place where two of KHAJID SHEIK MOHAMMED's young children, ages about six and eight, were held. The Pakistani guards told my son that the boys were kept in a separate area upstairs and were denied food and water by other guards. They were also mentally tortured by having ants or other creatures put on their legs to scare them and get them to say where their father was hiding. The Americans also once stripped and beat two Arab boys, ages fourteen and sixteen, who were turned over by the Pakistani guards at the detention center. These guards told my son MOHAMMED

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that they were very upset at this and said the boys were thrown like garbage onto a plane to Guantanamo. Women prisoners were also held there, apart from their husbands, and some were pregnant and forced to give birth in their cells. According to MOHAMMED, one woman almost died in her cell because the guards could not get her to a hospital quickly enough. This was most upsetting to the Pakistani guards.

At the time MAJID was kidnapped and these events were happening in Pakistan, our family's home in Maryland was also raided by government agents. Our whole house was searched from top to bottom and our whole life was so disrupted that we eventually had to move out of our neighborhood. I was also interrogated by the FBI agents for several days, as was each of my sons and daughters. We were threatened and when we asked about lawyers, we were told they could not help us. The FBI pressured us to talk and to speculate about MAJID. They followed us everywhere we went for a long time, requiring us to tell them in advance where we were going and what we were going to do there. They followed us so closely that we even asked them for directions sometimes when we got lost driving.

Despite all that we have endured, we have always cooperated and continue to cooperate with the government. At this point, the FBI has probably questioned us for hundreds of hours. I think they have opened our mail and they seem to have placed listening devices in our house, our phones, and probably our computers. They have also tried to recruit my sons to spy on other Muslims by bribing them with money. I am also not allowed to leave the country. But the government still refuses to show us any evidence against MAJID. This is not right. We expect much more in America. Particularly because MAJID has political asylum here and grew up and went to high school here in Maryland. He has legal status in the United States.

We are also deeply saddened that President MUSHARRAF and the government of Pakistan would allow this to happen to MAJID. We cannot understand why they participated in his abduction and rendition from Pakistani soil, or why they do not call for MAJID's release and return to Pakistan now. We can only assume that they do whatever the United States tells them to do; this is not right. It is not Islamic.

We love MAJID very much and we support him. Again, if he has done something wrong, he should be charged with a crime and given a fair trial. But this Tribunal provides no justice. It is also cruel that the military refuses to allow MAJID to see his family after several years of imprisonment. We would be allowed to visit him in jail in Pakistan. Why does the United States, which is supposed to respect the law and stand up for human rights, deny us this simple request? Is the United States afraid of what MAJID would say? Someday we'll-- we will learn the truth about

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what has happened to my son. Thank you for considering my statement.  
[As read by the Personal Representative.]

PRESIDENT: Personal Representative, does that conclude the statements that-- to be read into the hearing?

PERSONAL REP: That concluded the witness statements, Sir.

PRESIDENT: The witness statements. Very well. Mister MAJID KHAN, you may now make an oral statement to the Tribunal, and you have the assistance of your Personal Representative in doing so. I understand that you do have an oral statement that you wish the Personal Representative to read in. Is that correct?

DETAINEE: Yes, Sir.

PRESIDENT: Mister KHAN, if you make other statements today, would you like to make those statements under oath? We do not require an oath, but I do--would like-- I would like to offer that opportunity for you

DETAINEE: I am not in position to take an oath.

PRESIDENT: Very well then. Personal Representative, when you are ready, you may proceed with the Detainee's statements to be read in.

**BEGIN DETAINEE ORAL STATEMENT**

PERSONAL REP: Exhibit D-d. MAJID KHAN's rebuttal statement for Combatant Status Review Tribunal taken March and April 2007 by PR3. Mister President and Members of the Combatant Status Review Tribunal, thank you for letting me make a rebuttal statement regarding the Summary of Evidence for Combatant Status Review Tribunal. KHAN, MAJID dated 8 February 2007.

During this entire statement, I am bringing up other points of view regarding the evidence. I am challenging and refuting the authen-- authenticity and reliability of the evidence presented to me and whether it even applies to the definition of Enemy Combatant supplied to me in both the Combatant Status Review Tribunal Notice to Detai-- to Detainees and the Summary of Evidence.

Mr. President, I am going to need to ask you to double check the sources for the information presented against me. I guarantee you will find flaws in this evidence.

I am not an Enemy Combatant. I am not an extremist.

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Paragraph A:

Paragraph A discusses statements made by my brother concerning my associant-- association with al Qaida and transporting people. First of all, the paragraph states that his beliefs, excuse me, that he believes certain things, but does not provide an explanation for this belief. Additionally, Exhibit D-j clearly states that my brothers were extensively interrogated and pressured into making statements about me. In Pakistani culture, the father is the head of the household and speaks for the entire family. He states that I am not a terrorist.

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It is possible that the brother making these statements is the same brother that was kidnapped with me. His car, money, jewelry and other property was seized and his two-month-old daughter and his wife were also in a criminal cell with him.

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If I don't see any statements I made while in \_\_\_\_\_ in the Summary of Evidence, then my brother MOHAMMED's statements shouldn't be there either. If it was MOHAMMED and he made the statement in March 2003,

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Paragraph B:

Paragraph B has nothing to do with me. I have met IYMAN FARIS, but I don't have any knowledge of his business dealings. Paragraph B has nothing to do with the definition of Enemy Combatant.

Paragraph C:

First, I would like to point out that to me, it doesn't appear that there was a translator made available to IYMAN FARIS when preparing his answers to the questions that I supplied.

It is true that IYMAN FARIS had dinner at my father's house. According to IYMAN FARIS' testimony, there was "never any discussion regarding fight in Afghanistan, ever." I have never been to Afghanistan. How would I be able to talk "about the fighting and struggle in Afghanistan?"

As you can see from the testimony, I have never called KSM my uncle. KSM is not my uncle. There was never any conversation between myself and IYMAN FARIS about meeting KSM.

When IYMAN FARIS was asked to provide any information regarding "knowledge of, planning of, or participation in activities of al Qaida, the Taliban or assodi-- associated forces that may be relevant in determining his enemy combatant status" he replied, "I do not know of anything as plan."

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My PR said this statement should be enough to cover the question about my desire to commit suicide bombing since the government never asked IYMAN FARIS about it. I wanted IYMAN FARIS to deny his statements about the plan without feeding him the answers.

The following is pertaining to the evidence that I told FARIS of my desire to martyr myself against President MUSHARRAF of Pakistan by detonating a vest of explosives inside a building.

Why would I leave my newlywed wife who was two months pregnant behind and become a martyr? In my Pakistani culture, if a woman becomes a widow, chances are she won't ever find another husband. Why would I want to destroy my 18-year-old wife's life by widowing her and letting her raise my daughter without a father?

IYMAN FARIS' testimony also states that he was coerced, tricked, and deceived by the FBI into making statements regarding me. He said he was told "by FBI, if I don't tell them what they wanted then they were going to take me to GITMO."

Paragraph C does not contain information related to being an Enemy Combatant.

Paragraph D:  
Paragraph D is not relevant and does not fit the definition of Enemy Combatant. I never owned a computer or hard drive while living in Pakistan or the United States. In Pakistani culture, many things are shared more freely than in the United States. Computers are household computers. Everyone in my family used the computer for office work, entertainment, and internet surfing. My cousins and everyone who came to visit us used the computer.

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It is possible when FBI seized our family computer, they intentionally put suspicious stuff in the hard drive to link with the other computers. During interrogation I gave all my personal information, including e-mail addresses and bank account numbers with passwords, etc.

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A computer hard drive seized from a residence where munitions were discovered does not fit the definition of Enemy Combatant nor does that mean that munitions were al Qaida or Taliban related. It is possible that agencies intentionally put some linkages on that drive to link it with the family's computer hard drive.

Do you have any proof that the media belonged to me at time of my arrest?

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Do you have any proof that intelligence people didn't alter the family computer's hard drive after my arrest to link me with some suspicious things?

Just because media was seized when I was captured does not mean that media belongs to me. You have to give me benefit of doubt, please.

Paragraph E

Paragraph E does not fit in the definition of Enemy Combatant. Paragraph E discusses alleged statements made by my father. It is unclear from exhibit D-j, my father's testimony, that he actually said the things in paragraph E. My father said any statements provided by him were provided under the pressure of interrogation from the FBI. My father goes on to say that I am not a terrorist.

If my father said that I've become extremely religious and influenced by my relatives, who have anti-American thoughts, it is just his only opinion because it depends on how extremist or moderate or liberal he is himself. He thinks I am a extremist and I have anti-American thoughts. I know some people who, in my opinion, are extremists, and they told me that I have pro-American thoughts.

I have a religious extremist family member in Karachi, Pakistan. Excuse me, retract that. Having a religious extremist family member in Karachi, Pakistan, does not put me in same category. If this was the case, then I think my whole family should be in Guantanamo Bay prison because they are also related to them.

If I was so anti-American, why would I help the FBI catch an illegal Pakistani immigrant named "SHAFEEQ" in mid of 2002. Certainly al Qaida lovers would rather die than do what I did.

After catching SHAFEEQ, the FBI called me to thank, to say thank you for your assistance.

If I was an extremist Muslim, why would I teach computers to Muslim and non-Muslim for free in Baltimore mosque ISB in 2001?

Paragraph F.

The United States District Court of New York has made me al Qaida. I am not al Qaida. To be al Qaida, a person needs to be trained in Afghanistan and needs to take an oath in front of USAMA BIN LADEN. I have never been to Afghanistan and I have never met UBI. I cannot possibly be a member of al Qaida. I admit I can't prove that I am not al Qaida. It is very difficult to prove that someone is not al Qaida.

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The paragraph states that I was re-entering the states to commit a terrorist act. The only reason they assumed I was going to commit a terrorist act is because they made me al Qaida in the first place. Their logic says I must be coming to commit a terrorist act. I am not al Qaida. I am not an Enemy Combatant, and there were not any terrorist acts.

Paragraph G and H:

While visiting my new wife and family in Pakistan, my travel documents for return to the United States expired. As a fellow Pakistani, the PARACHAs agreed to help. UZAIR PARACHA is innocent; he is not a criminal. One ordinary citizen helping another ordinary citizen does not make them terrorists. Getting help from a criminal does not make me a criminal or, more importantly, an Enemy Combatant.

Just because I wanted my travel document back, that doesn't mean I was going to travel back to the states. Could it be that I was going to get this travel document, not for me, but to help other refugees to travel on this document after manipulating a bit? This makes me a fraud, certainly not a terror-- terrorist or an Enemy Combatant. You have to give me the benefit of the doubt because usually things aren't what they seem-- seem.

Paragraph I:

UZAIR PARACHA stated "he knew from his father" the Detainee was al Qaida. In this statement, UZAIR admits that I never told him that I was al Qaida.

SAIFULLAH PARACHA, UZAIR's father, admitted in his testimony he never said such things. He also said that there was never a conversation being myself-- between myself, UZAIR, and his father about any money being loaned to their business. UZAIR also states in his court case that his father never told him that I am al Qaida.

Nothing in this paragraph or in this whole evidence summary, never once did his father say himself that I am al Qaida. What was his source to know that I was al Qaida?

After watching too much FOX news, I learned that to become al Qaida, a person needs to go to Afghanistan for training, and take a oath front of USAMA BIN LADEN for their cause. I've never been to Afghanistan or met UBL; to prove it, I can take a lie detector test.

UZAIR himself admitted that I "wanted" to loan 200,000 dollars to their business and to have the money liquid for short notices. Please pay attention to word "wanted." I never loaned any money, meaning no harm done. It is clear from SAIFULLAH PARACHA's testimony and UZAIR PARACHA's court case, there was never any conversations about money

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(b)(3) NatSecAct

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being loaned and no money was loaned.

The Enemy Combatant definition clearly says "who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces." Meaning everything is in past tense.

UZAIR also claims the only reason I wanted to give him money was to keep the money liquid so I could have it back at a moment's notice. If I really wanted to give him money for that particular reason, I could have sent myself money through Hawala dealers, without even trace of it. Or at least that's what I learned from FOX NEWS that you could do. If I really wanted to loan him money, I would have sent it in my family business so it would have at least benefited them, for at least some time.

UZAIR also said he "felt" it was implied that he had to perform tasks for me. Please pay attention on word "felt." It clearly shows that I never said anything to him about doing any task for me in the future regarding money. This is just his feelings. The Enemy Combatant definition does not say anything about feelings. The PARACHAs have made it clear that there were no future tasks.

I had asked for UZAIR PARACHA to be a witness for me. He has denied answering my questions. Instead of using this against me, it should go in my favor. If he was telling the truth, it would not have hurt him to confirm all of his accusations. This should tell you that there is something fishy going on.

The transcripts from UZAIR PARACHA's court case clearly states he was lying about me to the FBI. I still don't agree with everything UZAIR said about me after a quick review of the testimony he supplied at his trial. Everything is very contradicting in the transcript.

To summarize:

If you read the questions to my witnesses, they are probably the same things you want to know about me. I am also anxious to know. How can they accuse me of such things? I myself has asked, have asked them for the truth. I asked them to describe how they knew certain things. I asked them to add anything that the United States government should know about me without me feeding them any answers

About ten white lies have been proved wrong by witnesses. These facts were against me, but now you know the truth. How the DoD lied and manipulated some evidence and witnesses and present these facts, excuse me, and present these to you as facts in the Summary of Evidence.

There is clearly something wrong with the evidence The U.S District

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Court of New York has made me al Qaida. The FBI told me here in February 2007 that the United States government hasn't charged me yet. It has been four years. Can the United States government call me a terrorist and not yet, and yet not charge me? What is stopping them?

How can a home owner in Baltimore, Maryland be an Enemy Combatant? How can a pa-- person who has passed a security clearance and worked for President Roosevelt's Company, EDS, until 2002 be an Enemy Combatant? How can a person that paid \$2,400 United States dollars in tax every month to the United States be an Enemy Combatant?

Mister President and Members of the board, I am not an Enemy Combatant.

I would like to make a few quick comments regarding the questioning of my witnesses. The CSRT refused to show me exactly what type of questions they were going to ask my witnesses until they were answered by my witnesses. But overall, we talked in general about what kind of questions were going to be asked. I did see the exact questions that were presented to SAIFULLAH PARACHA prior to him seeing them.

I am not fully satisfied with this whole tribunal process, but my Personal Representative has done a fine job guiding me through the whole process. Special thanks to my Personal Representative.

(b)(1)  
(b)(3) NatSecAct

Before the end of these proceedings, I would like to present to you "my after arrest report" and I even call it "torture report." It has some facts about how the CIA, and DoD abused me.

(b)(1)  
(b)(3) NatSecAct

If you don't want to hear the entire report, then at least allow me to present you the summary of this report which is very short and to the point. This report is directly related to the Summary of Evidence due to the Summary of Evidence coming from a combination of both classified and unclassified sources. All of your classified information is from the CIA. These are the same people who tortured me. Please read it before believing the government sources. These are my words and truth as I know it.

PRESIDENT: Thank you. There are a few more statements that I believe Mister McK-- Mister KHAN would like to be read in. Is that correct?

PERSONAL REP: Yes, Sir. I just want to confer with the Detainee regarding this statement.

PRESIDENT: Please.

PERSONAL REP: MAJID, do you want the entire statement read or the summary statement?

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DETAINEE: Two things I ask you. The, if the President allows, the entire statement is about twelve pages and the summary is to the point. But the summary doesn't really explain what really happened. I would prefer, if you can allow it, to read the whole report. It is more Intel but it's not to the point, but I think it have to do with ah--it have to do the whole thing because it has to do with the CIA and FBI and everything. So, I would prefer the whole report. And it's up to the President if he allows it or not.

PRESIDENT: We are certainly going to read everything that's provided to us and I will allow to have the whole thing read in. It would save us a little time as far as all three of us hearing it at one time. And again, we will also read all this material that is provided to us carefully and consider the matters regarding your determination as an enemy combatant status. So at this point, Personal Representative, when you are ready, you may proceed with the ah--I believe the written statement regarding his treatment.

PERSONAL REP: Exhibit D-b. MAJID KHAN written Statement of Torture for Combatant Status Review Tribunal taken March 2007 by PR3 On the night of 5 March 2003, I was sleeping in the apartment where my brother and my sister in-law and two-month-old niece lived in Karachi-Karachi, Pakistan. At approximately 4:00AM we were all kidnapped by Pakistani

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(b)(3) NatSecAct

Everything in the apartment, including expensive items, was taken into custody. Very expensive clothes, expensive electronics, and money were all taken. I am not sure if my family ever got any of it back.

(b)(1)  
(b)(3) NatSecAct

The same morning we were taken to the prison. started interrogating me. It is possible that when the Pakistanis raided the apartment were also present, but I never saw them that night; however, they were interrogating me within a few hours of my kidnapping. Additionally, when they raided my house I was never given any arrest warrant nor was I told of my rights.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

There is a very popular restaurant in Karachi called "Taj-Mahal." The front of this hotel is a prison. I think that is where they kept us. Every morning they would drive me out from the prison to an unknown location. I think this location was close to "HI Defense" area. In there, there was a big bungalow where once I saw a dark blue color BMW parked in the garage.

(b)(1)  
(b)(3) NatSecAct

Every morning they would take me to this house, from prison, for interrogation and then back to the prison when they were done. At times, I would stay at the interrogation center as long as ten days. Please don't mistake the word bungalow to mean comfortable accommodations because my situation was the complete opposite. They built a small cage outside the house but within the boundary of the compound. When I would arrive in

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this house, they would always keep me in this cage unless I was being interrogated on the second floor of the house. The cage was eight feet long and four feet wide. The top of the cage had two windows--one for light and the other for air. At night, it was so dark I was unable to read the Quran. The door of the cage was made of bars to help with the cross circulation of air. In the hot air a person is popped like popcorn. Believe it or not, it was so hot that I would-- when I would give my shirts to the guards to wet in water so I can wear the wet shirt to cool my body a bit, after 20 minutes the shirt gets dry again.

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(b)(3) NatSecAct

I spent the five weeks after my arrest in I was told that my family members were released after a few weeks. My sister-in-law is a very religious woman, a religious scholar. She had just given birth, two months previous to her kidnapping. Her, the baby, and my brother MOHAMMED were kept in prison.

(b)(1)  
(b)(3) NatSecAct

I was in that house for interrogation. Just imagine how the people who can put a two-month old in a criminal cell would treat me during the interrogation. In the interrogation room, they would cuff my hands behind my back and make me sit on a small hardwood table instead of a chair. I would sit on this table for hours. They once put a hood on me, cuffed my hands behind my back, and started punching and slapping my face. I am not sure how long this went on, but I did see stars during daylight. I swear to God the punching itself was not the problem, but not knowing where the punches were coming from.

(b)(1)  
(b)(3) NatSecAct

After five weeks, I was moved to The same process was used at this prison. They would take me from prison to an unknown house and when I was done they would return me. Once they got ugly with me by making me sit on a chair for three straight days without any sleep. Believe me, they used all methods to mentally torture me, to instill fear, to make fun of me. They questioned my honor and my dignity-- dignity. They would curse and yell; they would trick me, and they would make me say things by using deception and leading questions. They would use every trick in the torture books. They even gave me the impression that they were human rights people or Red Cross to make me say things the way they wanted to hear things.

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(b)(3) NatSecAct

I was moved to a prison after six weeks in Islamabad. On or about May 2003, The Americans first broke my eyeglasses knowing that I can't see things or men's features more than eight feet from my eyes. Essentially, I am blind without my glasses. They then ripped my clothes and searched my whole naked body and put their fingers in my rectum till I would scream in pain. To this day, I bleed from my rectum occasionally. During the so called enema exam, they would put diapers on my private parts and taped it with

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duct tape. After this examination they put some clothes on me, cuffed my hands behind my back, and my feet were shackled during the flight from

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(b)(3) NatSecAct

The prison was underground. I refer to this as In there were ten to twelve medium-size cells in extremely poor condition. In March of 2004 this basement--basement was repaired, and they made about eight more cells and three more bathrooms or toilets. This is the location that Algerian citizen, KHALED EL MASRI, talks about

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(b)(3) NatSecAct

There were two sizes of cells. There was no running toilet, no built-in shower, no lights, no soap, no heater, no air conditioner. There was a small window in the middle of the door that light would enter through. That window, however, was not open all the time. At first, there was an underground window from which I could see daylight. I could not see any scenery or direct sunlight. Even with the daylight, I could hardly read anything. Since I did not have my glasses, when I would drop something, I would have to search like a blind man by bending down and touching every part of the floor with my hands. One old rug, blanket and pillow were filled with dirty feathers and the mattress was a blanket itself. Since there was no toilet seat, they gave us an open container or bucket for our number one's and number two's. I also got one bottle of water.

(b)(1)  
(b)(3) NatSecAct

In the beginning, we were allowed to empty that container full of shit or pee once or twice a day. Until they were emptied, a person had to eat, sleep, and live with that smell in his cell. After some time, I started protesting by going on hunger strikes to put an end to the inhumane treatment

(b)(1)  
(b)(3) NatSecAct

The underground window in my cell was wide open and only covered by a plastic sheet on the cold days winter--even if it was snowing outside and we didn't have any heater. They would put a heater outside of my cell door. Eventually, the metal door would get warm and then I could warm my hands on the door. During the entire winter, I had to put two blankets on me all the time to survive. There was no hot water for ablution or showering on shi-- on snowing days. The food was as bad as it can get. We were allowed to take a shower once a week and wash our clothes by hand every other week.

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(b)(3) NatSecAct

There were two or three floors on top of mine with some torture cells. They used to beat Afghani Mujahideen. I used to hear them screaming in pain every day at 4:00 PM.

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On my second day at the Americans took me to for three straight days. When they came to take me, they did the same thing as at the enema, diaper, naked, etc. This time they cuffed my hands behind my back and shackled my legs and took me out of the building by pulling me up by my shoulders and swinging me in the air.

(b)(1)  
(b)(3) NatSecAct

I can still remember the pain. The reason I call this place the American Torture Cell is because the room and bathroom were American looking. When we arrived, they again pulled me up in the air by my shoulders and slamming me down the steps and dragging around with the front of my body on the ground or steps. This left me bloody and bruised all over my knees, forehead, nose, and arms.

(b)(1)  
(b)(3) NatSecAct

Note: my PR refuse to take any writing from me in Urdu and made me translate and write everything in English.

(b)(1)  
(b)(3) NatSecAct

Whenever CIA used to move me from one place to another, they would physically torture me little here and there, like throwing me on back on my face. Sometimes they would put their knee on top of my throat until I choked and couldn't breath right. Sometimes-- sometime my leg shackles were so tight and they would make me walk until I reach my destination. My ankles will bleed or they will wrap duct tape around my head covering my eyes and unwrapped in such of way that some of my eyebrow and head hair would be missing.

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(b)(3) NatSecAct

So let me come back to American torture cell. So when I came to this cell, they pulled my hands up and cuffed them, so I won't be able to kneel down and get rest for straight three days, meaning I was standing for three days. And then they took my clothes off and took me to bathroom and dipped me in full ice and ice water tub. And then they hanged me back again, and this time they would throw cold water on me after ever few hours and right next to me they would turn fan. So days pass like this for straight three days. The worst in all, when this whole thing was happening, American women was there watching. To me, as a Muslim, it was worse than torture itself.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

So when they brought me back to for first two days I wasn't able to stand on my feet because of swollen and pain.

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(b)(3) NatSecAct

So anyway, I would spend next five or six weeks in peacefully. All sudden on July 03 CIA came again and moved me to another location, which I call So when I arrived there first, they

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hanged me or pulled my hands up or make me-- made me stand. This cell was extremely small in size, pitched dark, but I was naked, again women interrogating me while I was naked, like in American torture room. But only difference this time is that I was hanged for seven straight days and while I was standing I used to pee in floor and I was so afraid from this environment I did diarrhea while I was standing. This cell floor was so rough that my knees scraped and were-- and were wounded whenever I try to rest on them. And when-- and with that they left specially kind of bugs in my cell. When they bite, they bite like mosquitoes, but that part will be itching for hours. But since my hands were tied and my legs were shackled, I could only scream or cry without tears. And also, there were western pop songs and Eminem, a rap pop singer; very popular in America, on extremely high volume, enough to shake the walls, and with that smell of my shit and pee in cell, etc.

After six days they took me to this torture bathroom cell for water torture again but this time, not in tub but in large plastic. And they will throw large bucket of ice water on my face in a way until this water goes through my nose in my throat in my stomach. Also with that, they would throw large piece of ice on my private parts from high above, etc. After water torture, they moved me to other small cell for few hours. In this cell my one hand was cuffed with ring which was attach with wall and that ring was only one and half foot above the ground. So this way a person could not stand-- stand straight nor lay down other than one side. So I was butt naked, lying down on cold rough floor.

Then doctor came. I asked him for his mercy and remind him of his religion. So he can give my hand, my one hand rest. But in return he told to hang me back to complete seventh day. Note: meaning this doctor was supervising the whole torture process. Then CIA told me if I need some rest write this and that in your handwriting. I don't remember what I wrote because after seven day-- straight days of no sleep, a person is practically half mentally sick and half physically dead.

So anyway after seven days they moved me to other medium size cell with only one dirty carpet full of carpet fleas and bugs, two bottle of water, one bucket for toilet, but this time after seven days I got my clothes back. But music was still on, and room was so pitched dark that I could not even see my own hand. And whenever I would get up after sleeping, I would not know where is the door and where I was. And to walk, I had to always touch the walls of the cell. Also, my hands were cuffed and legs were shackled for twenty-four seven. So anyway, I did my time like this for next two weeks, in pitch dark cell. Then after two weeks, they opened my light of the cell. Then after few days, I got Quran to read and then after few days they moved me back to

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Meaning from July 2003 to August 2003, when I was in  
During this whole time I didn't have toilet paper, toothbrush, pillow,  
blanket, and handcuffed and feet shackled for twenty-four seven. As far  
food goes, I would te-- I will let you decide yourself what kind of food they  
would have given me. But I can tell you one thing. That they used to serve  
us after every thirty-six hours and then eight hours, then thirty-six hours,  
then eight hours.

(b)(1)  
(b)(3) NatSecAct

There were people there who never even got shower in six straight months,  
but by the time I arrived, there was a new rule that person were given  
shower every ten days while guards were present in shower cell watching  
you butt naked, with that they would tie your one hand and with only one  
hand you would wash yourself with.

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When they move me back to from it felt like  
heaven. Yet before, I was thinking was hell. was berter  
from in all sense except it did not have any light in cell. So I  
would spend next approximately eight to nine months in without light  
in my cell and without watch.

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(b)(3) NatSecAct

As I written earlier, even in things were better from but we  
were still inhumanly treated. So I guess I was protesting in by  
yelling. Then they moved me again from on April 2004,  
for only week before moving me to another location.

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(b)(3) NatSecAct

So I think April of 2004, I was moved to unknown location from  
When they moved me, this time they did same thing again, what  
they did in --enema, naked, diapers, shackled, etc. for very  
long plane ride. Note: My Personal Representative gave me a copy of my  
Petition for Writ of Habeas Corpus, which my lawyers filed-- filled it out for  
me in District Court of D.C.

(b)(1)  
(b)(3) NatSecAct

And my Personal Representative promised to use my Petition of Habeas  
Corpus for evidence in front of Board Members in final hearing. That is one  
reason I have decide to work with my PR and to attend final hearing.

(b)(1)  
(b)(3) NatSecAct

Ok. So the next location, in my opinion, was somewhere in So I  
call it The first thing they-- thing they did when I arrived  
there was to take four pictures of mine, butt naked, then put me in one cold  
cell, butt naked, for twenty-four hours. The cell was large and had running  
hot and cold water with toilet seat but no shower in the cell. They used to  
give us shower once a week. First, naked in bathroom for shower, but after  
protest they start giving me shower shorts. Slowly, they start giving me  
basic amenities like watch, blanket, pillow, etc. The biggest problem was  
that for the-- for first four month they chained one leg and tied that chain  
with my floor ring. So twenty-four seven I had to drag that chain with me,

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no matter what I do in my cell. Chain was long, but not long enough to reach other corner of the cell.

First four months I survived hoping things will get better, but it did not. For example, month passed but never saw human face nor talked to anyone because guard wore black mask and they would not talk. I decided to go on hunger strike for five weeks. During the whole time of hunger strike, the same doctor who torture me used all kind of method to torture me in name of health reason, or to make me eat my own or break my hunger strike. First thing they did was to move me to

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(b)(3) NatSecAct

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(b)(3) NatSecAct

So doctor would feed me through nose and to humiliate me and to do cover-up on strike. He would put tubes in my rectum and put lot of food in it, so I would use toilet bucket right away, and then he can lie in his reports that the food just came out. is the food that just digested after nose feeding. So for four straight weeks he nose fed me once or twice in a day and then torture me and to torture me more he would stab me with needle to put fluid in me through IVs and rectum feeding on only reporting hours or days to do cover-up. To make me break my hunger strike, he used every method he could think of. For example, he used regular size hose in my rectum and turned on the water from the faucet. Or he used the sharp, the beginning of the tube and with that he used to rub hot sauce around the tube and then he would nose feed me. Because of that, my nose and throat would get injured, and I would cough for weeks.

So I was at-- I was on hunger strike for whole month of September of 2004 and first week of October. First three weeks were only nose feeding, then last ten days of Sep of 2004 doctor got ugly on me and did whatever I wrote above, but with that he took my Quran and he handcuffed my one hand with ring which was built into the wall, so I could not stand straight. I could not roll over while lying down. I was like this for two straight weeks until I broke my strike. Remember this is which was only seven feet long and five feet in width. Only one mattress and toilet bucket and one bottle of water. The whole time of strike, especially in last days, they would not let me sleep by making all kind of noises.

(b)(1)  
(b)(3) NatSecAct

After breaking my hunger strike in October of 2004, they moved me from Then slowly they started giving me my amenities back, just like when I arrived there for first time. But then-- but this time, instead of chain on one leg, they put shackle on both my feet for the next ten months twenty-four seven, seven days a week. But at least person could walk around cell.

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(b)(3) NatSecAct

So in end of November, I would go on hunger strike for only one week and then after nose feeding I broke my strike. One day guards lied that on December 17<sup>th</sup>, 04. I tried to put socks in my toilet scat to stop the toilet

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hole. For that reason they moved me to [redacted] until January [redacted] of 2005, but this time I cut my foot nerve or vein with sharp plastic on December 25<sup>th</sup>, 04. Doctor had to put stitches, and to punish me he put diaper on me and took everything out of my cell even toilet bucket itself. And taught me lesson. They turned on the air conditioner on freezing level. For next two weeks, I would be froze to death. So on December 25<sup>th</sup>, 04 I decided to go on hunger and thirst strike. After four days, I was dry as hell. Then he had to put IV's and start nose feeding to keep me alive on December 28<sup>th</sup>, 04. I asked that doctor, "why do you torture me?" He said, "because you are fucking terrorist."

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(b)(3) NatSecAct

So anyway, my worst day in [redacted] was December 31<sup>st</sup>, 04. They had to send some kind of report that day. Since I was not eating that day, they had to make sure that food go in and food come out, to do cover-up as for formality to send clean reports to Washington or to whoever. So first they put so much food in me, through rectum, that I didn't have any option but to dump it out or use toilet bucket. Meaning one problem was solved, meaning that food was digested. Now on another thing was to make sure food goes in and stay. They nose fed me, but this time I threw up by putting finger in my throat. So now that was the big problem for them. So now they decided to feed me again, but this time they put me on one chair, hands on back cuffed, and taped me and my whole body with duct taped. Even chair itself was attach with floor and then they used-- then they overdosed me forcefully by shot, injection. So I passed out until they sent reports but since I was in so much pain, I get up in pain and go back to sleep, then get up, then back to sleep. So I broke my strike next day, but they still kept me in cold, freezing cell for another week or so to teach me lesson. I think on January [redacted] 05 I came back to [redacted] and I was pretty much quiet until March. Then end of March, I cut my wrist and almost artery. So then they moved me back to [redacted] this time for whole month of April. Hence, after every month or two months I did some thing that they had to move me back to [redacted] to teach me a lesson. On or about April 23<sup>rd</sup> a dentist did something in my mouth that he wasn't supposed to. I think

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Approximately fourteen months after my arrival in [redacted] they made a new rule that a person could not be shackled in [redacted] in his cell. Slowly after that time, changes came. There were no books before, then over thousand books came in library. They build indoor rec. Then February of 2006, some big changes happened. I was given portable DVD player, Gameboy, electric sudoku book, electronic Quran-ic book, poster, little better food, movie night, etc. Not once I abuse those amenities to break or hurt myself. I think from May of 2005 to August of 2006 I never went to hunger strike more than three days nor I spent more than ten days during this whole time in [redacted]. When CIA treated me with respect, I did the same for them.

But even after-- but even then, I never had chance to feel fresh air nor saw a

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sunlight. Then on May 15<sup>th</sup>, 06 they built small outdoor gym with basketball hoops. The roof itself was covered, but they made a hole five feet long and three feet width, from which I could see sun after years. I was allowed to go three days in a week for about one hour.

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Another thing I would like to mention is that when I was in Jail and since I was innocent, didn't know anything. I refused to look at any pictures or cooperate with debriefers for more than eighteen months, but they still kept me in so-called intelligence gathering facility.

One more thing I would like to mention is that, since my arrest, I've communicated with more than ten prisoners, and five I know for sure even got released. So, please tell me why you kept me and keeping me in solitary confinement without access to outside world. If I had some kind of secret message, I probably have passed those messages through people who got released.

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For me, things got better after three years, and just six months more passed I am brought to Guantanamo Bay, Cuba. I swear to God this place in some sense worst than CIA jails. I am being mentally torture here, just like in when I had arrived there.

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Before they brought me here, they took my naked picture again in Then I think September 5<sup>th</sup>, 06 we come here after long, painful ride of plane for more than thirty straight hours. Eyes were covered, ears muffed, hands and feet were shackled, etc. When I ask them why so much long ride, they told me because of security reasons. But if they really want to secure the route, they could have put us Mach five jet and moved us anywhere in the world in few hours.

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Since I got here, I have tried to cut my artery which goes through my elbow, on January 12<sup>th</sup>, 07, and again on February 22<sup>nd</sup>, 07 I went on hunger strike for four weeks on January 2<sup>nd</sup>, 07, and lost almost thirty pounds. And I have already spent two and half month in disciplinary status without comfort, incentive items, and sometimes even without basic items. On 28 November 2006, I wrote on my walls, "Stop torturing to me-- stop torturing me; I need newspaper, my lawyer and my mail, etc." I don't cooperate with them until they would treat me as human and until they would stop mentally torturing me.

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In my opinion it was on July-- it was in July 2006, DoD took over the place of and CIA left the building. But DoD moved me again after fourteen months to to punish me for three days all together. They even took away my Quran and all basic amenities, and they shackled my legs and chained my shackles to the ring in the wall Meaning I was able to stand but could not walk at all. My crime was that I was yelling in

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My real problem with this administration where I am staying right now, that they are corrupt and some of guards, supervisors, and manager who may be DoD contractor today, but they were the same people in prison. They are doing things to me here which they couldn't do under CIA. To prove it, check their profiles where they were working for past few years. There was one person, we called him. He would not allow any guard to abuse me, but it took me awhile to get his trust. So they were afraid of him. That is why I never went to for fourteen months for any punishment. Just after he left, within a week, they moved me to twice.

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Since these guards managers hate me and no to protect me or at least to hear my side of story, that what caused me to do or they call it act out. They are gotten-- getting even with me here under DoD, and making me suffer by mentally torturing me. They know my weaknesses--what drive me crazy and what doesn't. When that gave me portable DVD player, Gameboy, electric Quran book, electric Sudoku book, my own Head and Shoulders shampoo, my own Old Spice deodorant, wall map, poster, markers, crayons, chocolate candies, five books to keep any time of a day, cool magazines, etc. I never even thought of hurting myself in straight eighteen months, meaning I never hurt myself after March of 2005, even when I had access to DVD or glass, etc. In following paragraph, I am writing some facts about DoD and how they are abusing their powers, and there is no check and balance system. Even the doctor, medic, and Naval people are in this together, meaning that they are manipulators and corrupt. There is extensive torture even for the smallest of infractions.

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In mid of September 2004, they took my main rec privilege for two weeks because I only wrote my name on outside dirty door of main rec with my fingertips.

In mid of September 2004, I tear some notepad papers, which suppose-- which was supposed to be trash notes. They said I broke the rule; I refused to give my notepad away to guard, as a punishment. To repeat, in mid September 2004 I tear some notepad papers which was supposed to be trash notes. They said I broke the rule; I refused to give the notepad away to the guard, as a punishment, because in my opinion I didn't break any rule. They forcefully took it for two and half month; I got it back on December 31<sup>st</sup>, 06. To punish me more, they took all my incentive items and comfort items for few days, which in my opinion, they can't do that unless camp leadership writes an official letter explaining me in writing that for what reasons they took my items for and for how long. Note: When camp leadership steps in, they put a person in either disciplinary status 2 (D2) or disciplinary status 1 (D1). In disciplinary status 2: loss of all comfort, incentive, and some basic items, loss of joint-rec, loss of communal rec, loss

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of main rec and finger food. And disciplinary status 1: loss of all comfort and incentive items, and loss of joint rec and main rec and detainee needs to wear orange color clothes.

On October 6<sup>th</sup>, 06, ICRC gave me my only daughter pictures which was born after my abduction. I left my wife pregnant but didn't know the sex of the baby until ICRC told me about her. So anyway, when I took this picture and came back to my camp building, the guard forcibly took it from me. Then I went crazy and yelled for one hour and they ignored me as if they didn't know I was yelling and waited until they can send their reports; until next day, 1:00 PM they took all my incentive items comfort items, until October 16<sup>th</sup>, 06. Again, they can't do this. They should have put--they should have put me disciplinary status since each time they put me disciplinary status they have to report to camp leadership, and they didn't wanted to do that because then they had to explain why they took my baby pictures, etc.

On October 23<sup>rd</sup>, 2006, I went on thirst strike. Each time I refused to eat, they slowly took my incentive and comfort item one by one. Until I broke my strike and the same night I got my stuff back, meaning on 25-- on October 25<sup>th</sup>, 06.

On November 2<sup>nd</sup>, 06, they gave me new wrong prescription eyeglasses to wear. Also wrong frame which don't fit my nose. I took it and when I try to wear it, they made my eyes hurt and head spin. The prescription was way off. They knew I am practically blind without my glasses and knew exactly how to hurt me. Anyway, so I didn't wear it. I kept-- I kept wearing old one, the one I am wearing right now. After four days, they forcibly took my old glasses and made me wear new one, but I protested and then I got it back next day.

On November 13<sup>th</sup>, 06, I tore a disposable cup and playing card cover to throw them away as a trash, but guards again took my incentive and comfort item without explanation. Then I decided to protest on November 15<sup>th</sup>, 06. I refused to return breakfast tray and they ignored me until 1:00 PM and they didn't even give me my lunch that day. After 1:00 PM, the guard came forcibly inside my cell, never gave me a chance to be shackled down on my own. I never refused to be shackled; they just came in with eight guards and took me to main rec and forcibly shaved my beard to humiliate me and offend my religion. While they were shaving my beard, the female Navy head of Psychiatrist was watching the whole thing.

Then they put me for first time in orange clothes and three days of disciplinary two and another three days for disciplinary status one. Next day early in the morning, they moved me from cell B13 to cell A16. This cell is attach to main rec door's wall. Somehow it is easy to do cover-up on

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A16 because if I do anything unusual they make main rec occupied as if A16 is occupied. Since A16 and main rec both linked to same wall, it is somehow easy from them to manipulate A16 to main rec activities. The second reason they moved me to A16 is because to drive me crazy. Whenever they close main rec door or whenever they play games with main rec door, it just make big out loud noise in my cell. They have since moved me to A14 on 6 April 2007.

On November 28<sup>th</sup>, 06, I wrote on my walls stop, "torturing me. I need my mails, newspaper and my lawyer." Then they put me on D1 status for only two days, but took my writing pen for two weeks. They cleaned my walls the same day, but some marks are still there. This happened in cell A16.

On January 2<sup>nd</sup>, 07, I was on hunger strike way before than this date, but they officially put me on strike on January 2nd. But next day, to make me eat my own, they left me with only basic item and no sunlight and fresh air until I break my strike. I didn't break any rule; I was just simply practicing my rights by going on hunger strike. Anyway, days passed like this, but eventually I got frustrated and chewed my artery which goes through my elbow on January 11<sup>th</sup>, 07. But I never broke my hunger strike until January 29<sup>th</sup>, 07, after they tricked me or lied to me. On January 11<sup>th</sup>, 07, I also refused to get medical assistance, by giving them vital signs, because I was told by doctor that I had right to refuse to get medical assistance. But they never told me I have no right of refuse when I am on hunger strike, but by then it was too late. But anyhow, I wanted to be disciplinary status cause I had a feeling that this administration is doing cover-up on my strike. I was hoping when camp leadership steps in, they will know that I am on hunger strike and maybe they will come to talk to me what my problems were and why I was on hunger strike. The reasons I was on hunger strike is that I wanted to go back to Pakistan or charged. Until then, treat me with respect like CIA did in last ten months before my arrival. Later I found out it was camp leadership doing the cover-up. I was told by the head psychiatrist that the maximum a person can get in D status was six days. So knowing all the consequences, I decided to refuse to be shackled and refused to give my vital signs the next day. But in return, they put one IV in me and forcibly shaved my beard again, but again they still didn't put me in D status. Then again, next day, I refused to be shackled and refused to give my vital signs. But this time I finally got in D status, but three weeks in D2 status and another three weeks in D1 status. Instead of six days, I got six weeks in D status. If I had known that, if they didn't lied to me, I would not have refused to be shackled.

Note: They clearly lied to me. They could have always taken me vital signs from door's window without coming in my cell. But they wanted to make this disciplinary issue so they can put me in D2 status. Meaning I was on disciplinary status not because I refused to get medical assistance but

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because I refused to be shackled in my cell and the only reason I refused to be shackled in my cell because I wasn't cooperating with medic because I was on hunger strike.

Now if you check the database and the last report of disciplinary status, it doesn't say anything about me refusing medic because if it did then they had to explain why and everything about my strike. All I am saying is that they did the cover-up on my strike by making it as if I was only dieting or since they tricked me to go to D2 status for long time because they were suppose to give us finger food which is very low in calories and carbohydrates, etc. And because of finger food I lost more than twenty-five pounds. But in reality I was on hunger strike. When I was on hunger strike, they forcibly put IVs with potassium, glucose, sodium, etc. This left three big bruises for about two weeks.

On January 29<sup>th</sup>, 07, I broke my strike because they tricked me by saying that a team from Washington is coming to meet you specially and gave me an impression as if they are coming to talk to me about my issues and strike or even my lawyers, but actually they were FBI to whom I refuse to talk to very next day.

Before I write farther, let me tell you why they do these things to me. It's not entirely their fault; it just that I don't cooperate, volunteer, ask for things nor give my things my own.

Since I don't do anything-- to repeat, [Personal Representative starts sentence over.] since I don't do any above things I just mentioned, they have to do cover-up or make it as if I'm cooperating. Now if I am not cooperating, they got to at least make sure I don't act out or I don't do some unpleasant or unusual things. If, for example, I do unusual act, then they need to see me cooperating with medic, voluntarily giving or taking things my own. If that doesn't work, then they take my amenities, one way or other, to do cover-up on that unusual act. If that doesn't work, they would put me in disciplinary status and take my personal belongings, shave beard or take my blood test or see me in pain or give things from inside my body, like body weight, etc. Another option is to make that unusual act of mine, like yelling, not eating, my complaints, a normal act. To do that, they will make sure someone else will do the same act. For example, if I yell, they will make sure some other Detainee will also yell. The very last option they have is to take me out of the building for administrative purposes or for medical purpose, especially in reporting hours. Not only that, to make this act itself a normal act, they will take couple more Detainees with me to other building, as if it was a routine process, just like they did on January 2<sup>nd</sup>, February 14<sup>th</sup>, 07, etc.

They don't do this every day. They only do this on special reporting, hours,

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days, weeks, and even month. Anyway, they have a thousand ways to make sure as if Detainee is volunteering and everything is good to go up here.

February 1, 07, the dentist did some filling in my tooth, but she didn't do it right so I will be in pain and so I will get painkillers from medic. So it will seem like I am cooperating and working with medic. But when my pain got worst, instead asking for painkillers, I yelled and finally she did refilling on February 18<sup>th</sup>, 2007.

February 22, 07, I chewed my artery again. Medic cleaned my wound.

February 2-- February 23<sup>rd</sup>, 2007, I got my stuff back after six weeks.

February 26<sup>th</sup>, 07, they took some of incentive and comfort items, telling me that they are afraid as if I am going to hurt myself and they returned them on March 3<sup>rd</sup>, 2007. But never put me in disciplinary status.

Some Facts How They Are Mentally Torturing Us:

They them self use the best kind of stuff but they give us cheap branded, unscented deodorant soap to wash ourselves with. Also, same goes for shampoo, toothpaste, and deodorant. etc.

This camp gives us only twelve to fourteen pages of newsletter only once week. Most of the stuff is crap; only few pages are worth of reading it.

In main rec no weight lifting machine, no toilet, no sink, no hoops, and even balls them self have little air in them; they hardly bounce.

In end of January 2007, they brought a big fan which makes noise, which makes more noise than produce air in main hall. It drives us crazy. They have since turned the fan off and I have been moved to A19 on 6 April 2007. The fan itself is still there.

They know how we feel about family members. They intentionally make our ICRC mails delay- very,very delay in so call censorship issues.

We only get one hour of communal rec and only one hour of main rec per day, 2 books per week, and that's it. No mind stimulations, no solitary games, no DVD players, no entertainment, and you know how small and cozy our cells are in size. It has been seven months like this, no improvement.

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In the end, any classified information you have is through \_\_\_\_\_ or American agencies who physically and mentally tortured me. So please, before making any decision on me, please read this report of torture and

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then think yourself if these people can go that far and how hard it is for them to make something up, especially after using modern technology and making fake stamp, passports, documents, and by having computer hackers linking me and my personal information to terrorist organizations, etc. I affirm these are my words and the truth as I know it.

PRESIDENT: Personal Representative, thank you.

PERSONAL REP: There is one additional statement, Sir.

PRESIDENT: Okay. Before we continue, I have a question. The title of this document says it was taken on March 2007. There's no specific date. And then at the end, it was certified as dated the 15<sup>th</sup> of April, which I would assume, correct me if I am wrong, that's the date it was finally agreed by yourself, Mister KHAN, that this was accurately what you had evidently provided in written form some time in March. Is that correct?

DETAINEE: Step by step. Eventually I added a lot of things. Mostly recently I add the last part, even the summaries itself, a few days ago. All together, yes. I just signed today.

PRESIDENT: Understand. There are some references to specific days that you were making the statement and it was unclear to me what date that was in--March or-- or April, so, I understand now, thank you very much. Personal Representative, there's another document?

PERSONAL REP: That is correct. Exhibit D-8, excuse me, Exhibit D-h, the photo of MAJID KHAN's daughter. The back of the photo reads, my daughter--

PRESIDENT: Excuse me just a moment. I have that in front of me now, thank you.

PERSONAL REP: To repeat, the back of the photo reads, my daughter MANAAI., she is three years and three months old in this picture. She is my only daughter, but I never even talk to her. Your decision today may not only affect my life, but also others too. So please be careful.

PRESIDENT: Is there anything else?

DETAINEE: I would like to have that summary as well, to read it if possible.

PRESIDENT: Does it contain the same information that was just provided?

DETAINEE: I think there's something, just a few lines may not be. It's just a couple of pages. [Detainee is searching for document.]

PRESIDENT: Is this a three-page document, Exhibit D-c?

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DETAINEE: Yes, Sir. D-c. It's really, it's-- it's ah-- it's right to the point and it actually, the whole report doesn't tell you for how long, for how long I was in that. I will certainly appreciate your allowance: it's only really short and it's only a couple of pages. If possible, if not--

PRESIDENT: I'm willing to hear it, but I'd like to ask the other Tribunal Members if they need a break at this time.

MEMBERS: [Indicated no.]

PRESIDENT: Okay. We'll take the time to have it read in, please. Personal Representative, if you will.

PERSONAL REP: Just to reiterate, there are points in the oral summary that are not contained in the written summary. So the written report that was just read, there are additional points in the in the oral statement. ~~{SCI}~~

PRESIDENT: Yes. I am looking forward to hearing those, yes.

PERSONAL REP: Exhibit D-c. MAJID KHAN Oral Statement of Torture for Combatant Status Review Tribunal taken March/April 2007 by PR3. Mister President and Members of the Combatant Status Review Tribunal, thank you for letting me make a statement regarding the torture I received after my kidnapping on the night of 5 March 2003.

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On 5 March 2003 my brother MOHAMMED, sister-in-law, two-month-old niece, and I were kidnapped from my brother's apartment by Pakistanis without any arrest warrant.

In March 2003, I was hooded and the guards punched and slapped on my face while I was hooded. Additionally, I was poorly treated and humiliated.

In April of 2003, I was poorly treated again, mentally tortured. They cursed, made fun of me, questioned my dignity, and they made me sit on one chair without sleep for three straight days.

In May 2003, I was dipped in a tub of ice water and made to stand for three straight days, butt naked, and then every few hours they would throw ice water on me and turn on a fan blowing directly on me. Even women were watching the whole thing.

In July 2003, I was forced to stand for seven straight days in a pitch dark room. I was forced to urinate and defecate while standing. During this time

<sup>1</sup> Simultaneous Communication Interruption

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I was water tortured again, again butt naked. Additionally, women interrogated me and I was constantly being bitten by mosquitoes and bugs.

All together I was locked in a pitched dark room for approximately four weeks without toilet paper, without blanket and pillow, and my hands and feet were shackled the whole time.

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for eight to nine months, in one cell without light, without watch, without toilet seat, without shower in cell, without heater or air conditioning, and without soap, etc.

In three years I never saw sunlight except for a few hours all together.

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For seven days a week for fourteen months, my legs were either chained or shackled in the prison.

After three and a half years, I finally got my own shower in my cell, here in Cuba.

I am practically blind without my glasses. I finally got glasses after two and half years.

For the past four years, I have been in solitary confinement.

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They took pictures of me naked.

In the prison, I spent one month in a cell all together where one of my hands was cuffed to a ring embedded in the wall. I wasn't able to stand straight, walk, nor could change sides while sleeping.

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In they handcuffed me to the back of the chair and wrapped duct tape around my body and chair and they overdosed me for more than eighteen hours straight.

They forcfully shaved my beard. This even happened at Guantanamo Bay, Cuba.

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In the doctor put a regular size hose in my rectum and turned on the water. This was done to make me break my hunger strike

For weeks, I was frozen to death in an extremely cold cell.

After my arrest, Allah blessed me with only one beautiful daughter, but I have still been unable to talk to her.

Since my arrival at Guantanamo Bay I have been without communal

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recreation for eleven weeks all together.

I have had my beard forcibly shaven twice.

On two occasions I choed-- chewed my artery and three times they have made me wear the protective suicide prevention smock for days.

For three weeks, I was without basic, incentive, or comfort items.

For nine weeks, I was without incentive or comfort items.

Four weeks without sunlight and fresh air.

Four weeks straight I went on hunger strike and lost twenty-five pounds. They put nine bags of IVs of sodium, potassium, and glucose mix forcibly in my arm. It left big bruises on my arms for weeks. I was threatened by the medic with nose feeding where they would strap me in a special chair that allows nose-- no movement at all-- at all for more than ten straight hours each feeding.

There are many more abuses. Please read tort-- the report of torture that my Personal Representative has provided to the Board. My statements are 100% true. I can take a lie detector test and I tried to prove in my reports from the fact that these statements are 100% true. I affirm these are my words and the truth as I know it.

DETAINEE: Mister President, the questions that I wrote to my witnesses, at some point if you allow that, I want that to be read because these other questions are different from what you guys asked.

PRESIDENT: In that case I will be reading them ah-- we will be reading them in written form. The matters regarding your witnesses have been previously addressed by myself. Making sure that they are contacted and known of your request, it's all been matters I have addressed previously. Certainly we'll consider those questions as well as the responses that we have received today. Anything else, Personal Representative?

PERSONAL REP: No, Sir.

PRESIDENT: Very well. At this point I would like to take a recess. We've been provided considerable amount of written material to review. We are going to be in this building for a little bit of time, I'm going to ask that the Detention Authorities give you a comfort break as well, Mister KHAN.

DETAINEE: Okay. [Spoken in a very low voice.]

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PRESIDENT: We will reconvene after we've completed this and depending on other matters regarding lunch, we will let you know as soon as possible. I hope that we can reconvene shortly. Recorder, please note the date and time of when we will go into recess.

RECORDER: The time is 10:49. The date is 15 April 2007. This Tribunal is now in recess. [All personnel depart the room.]

RECORDER: All rise. [All personnel return into the room at 13:38.]

PRESIDENT: This hearing will come to order. Please be seated. Mister MAJID KHAN, good afternoon.

DETAINEE: Good afternoon, Sir.

PRESIDENT: Excuse me. [clears throat.] We recessed to review all, excuse me, to read all the unclassified documents and evidence that was provided to us earlier. Thank you for allowing us time to read that carefully. We now are going to resume our hearing process by addressing some questions and answers to you, and then we'll be able to complete this session. Okay, Personal Representative, do you have any questions for Mister KHAN?

PERSONAL REP: No, Sir.

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

RECORDER: No, Sir. I have a comment from the earlier proceeding. Would you like me to make that now or save it?

PRESIDENT: It would be appropriate to make that-- address that issue right now.

RECORDER: Yes, Sir. I'd just like to note for the record that during the previous proceeding a note was made regarding the earlier, an earlier version of the Unclassified Summary; references was made to it. The current version is dated 28 March 2007. The difference in the two versions is simply a wording in the definition of enemy combatant. The earlier version says an individual who is part of or supporting the Taliban or al Qaida forces and the 28 March 2007, current version says that an individual who is part of or supporting Taliban or al Qaida forces. That's all, thank you.

PRESIDENT: There's a minor wording change, the change of just deleting the word "the" in front of Taliban. Thank you for that administrative comment. [Referring to the Detainee.] I believe the Tribunal Members, with me, have questions for you.

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MEMBER: Mister KHAN, I have one question. In Mister SAIFULLAH PARACHA's statement, he said that you were introduced to him by Mister AMMAR AL BALUCHI. What did you, what was your dealing with Mister BALUCHI?

DETAINEE: I am not at-- I can't answer that in this ah-- under the circumstances. I'm not in position to tell you exactly what my association with that guy. And did you say that he call me? What was the question again? I'm sorry.

MEMBER: Mister SAIFULLAH PARACHA has stated in his, in his witness statement or his--

DETAINEE: In his testimony [~~SCI~~].

MEMBER: -documentation that you were introduced to him by AMMAR AL BALUCHI.

DETAINEE: All I can tell you that the person, whoever it is, that, that I was introduced to him, in my opinion, that he is not al Qaida, he's not Taliban, or associate forces who may be a threat to United States. And that's all I have to say about this person. Other than, I can't comment, and how do I know this person.

MEMBER: Alright.

MEMBER: Mister KHAN, I have two questions. The first is to clarify something you said in your rebuttal concerning paragraph G and H, about visiting your new wife and family in Pakistan, and your travel documents for return to the United States expired. Can you clarify the reason why you were trying to renew those documents?

DETAINEE: Ah-- which [looking through papers.] The point I was trying to make there is that, that's for sure that I was trying to get that ah-- ah--travel document back, but the point I was trying to make is ah-- the one thing is for sure, that I was not going to travel on that-- with that specific travel document. There could be other things, other options you could do, you could do with that travel document, that might be not legal or legal. I'm not sure about that, but the point I was trying to make there is that, one thing I can promise you, that I was not going to travel, travel on that specific travel document. Ah-- since I let it, myself, expire in December 25<sup>th</sup>, I was in Pakistan and know it was going to expire and I had made my mind that ah, that I was not going to go back to States. And at that, at some point in my time, some time in-- some time in-- ah-- [Detainee appears to be getting confused or experiencing anxiety.]

PRESIDENT: Take your time.

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- DETAINEE: Some time in life, I made a decision that, there were times that I wanted to be citizen of the United States and there was times that I thought that I was done with United States. And I left it; I let it expire. And then, as you said, in the bottom it says that I was there-- there couldn't be, let me think, I don't have the correct words 'cause I wrote it this morning. Could it be that I was trying to get this document for refugee or stuff like that? I think I made the statement, there are other things that you can do too, with that travel document other than just, just traveling back to United States. So the point I was trying to make there is that, one thing is for sure, I was not going to travel with that specific travel document. And I can't talk about in-depth that-- what was my other intention for that. I think that not relevant to ah-- in my opinion, to enemy combatant definition, cause I had not intention to use it for Taliban, al Qaida, or associate forces to maybe engage against United States. So I don't be able to answer that. That's one of the reasons I can't talk in-depth about it. I can prob-- all I am saying, the point that I was trying to make there is that I was not going to travel on that specific travel document. That is for 100% sure. Ah-- Yeh, that's all I have to say about it.
- MEMBER: So if I understand what you just said, you're clarifying that you wanted to renew the travel document, but you were not going to travel back using that documentation once it had been renewed.
- DETAINEE: Yes, Ma'am. And then if it couldn't be-- I was trying to give you another option. A person can use it for other reasons, maybe legal or illegal. It has nothing to do with ah-- it could be a fraud or something like that. But it has nothing to do with enemy definition. Go ahead. [Member waiting to speak.]
- MEMBER: But what your true intention was would be relevant because you're giving us a hypothetical, and I was wondering what the real intent was. So if you were not going to travel back with that documentation, can you tell us the specific purpose you intended to use it for?
- DETAINEE: The specific purpose was that, as I said there, there are a lot of refugees out there, in Pakistan who are desperate, who need help. And I could use that-- I just don't want to talk a-- I can't, I can't give you specific person for some reasons. It could be, I don't want to endanger his life or it could be either a person or individual group, that I could give it to the refugees. And I was hoping they could manipulate this document and they can travel back to States and then they could apply for asylum there. Just like, like I used, my whole family used this kind of passport or travel document to go back to State first and once we in State, we can apply for asylum and for refugee status. So, since I made up my mind that I'm not going back to, I'm not going back, I'm not gonna go back to States, then I thought I might as well use this to help some desperate people who I believed, in my opinion, were

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refugees like my mother and so forth. And, but I can't really talk about specific names that I was going to give out to 'cause it may endanger their life.

MEMBER: Okay, thank you. Mister KHAN, I have one other question to clarify something you stated in this case, concerning paragraph 3-i which starts on page four of your rebuttal.

DETAINEE: Page four, paragraph i?

MEMBER: Yes, it starts on page four paragraph i, but if you look on page five in the section where you discuss to Mister UZAIR having admitted that you wanted to loan him money but you did not loan him money, so there was no harm. The question I wanted to ask you was to clarify whether you had wanted or intended to loan him money, but the loan did not [SCI, Detainee said something inaudible.] the transaction did not take place.

DETAINEE: Actually ah-- when I say UZAIR himself admitted that, I wanted-- what actually I'm trying to-- maybe it's some bad English, I was trying-- I was-- I was trying to point out the actual word in that, in that paragraph. He said I want it, not that I said I want it. What I'm trying to prove is that the enemy combatant definition doesn't say anything about a person want to become Taliban or a person wanted to help. It just claims that a person was associated or something like that. And I'm trying to clarify that, that I had no intention whatsoever, 'cause it just that I come bringing that statement from paragraph and--and--and--and challenging that, that specific word, whether it fits the definition of enemy combatant. For myself, I never wanted to give any kind of money to UZAIR or any al Qaida organization or whatsoever. There's no, "I want it." [Quotes inserted due to emphasis on, I want it.] I just, I'm bringing his statements to make point.

MEMBER: I think you've then clarified what I found a little confusing near the top of page five. You said you had never loaned any money, meaning there was no harm. And I wanted to clarify whether you had conversations to intend to loan the money or try to loan the money. It's just that the transaction did not take place.

DETAINEE: Yes, I think, if you read UZAIR transcript, and I just myself was reading it, and he, himself said there was no, no conversation between me and him and his father about any money. And-

MEMBER: I did read that and I wanted to clarify what your version of the facts were since this paragraph does not specify what you say about whether there were any conversations or intent to loan money. Your rebuttal merely says you did not loan the money. So I wanted to clarify-

DETAINEE: whether there were intentions-

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MEMBER: -or conversations-- your statement about that versus Mister PARACHA's statement.

DETAINEE: Let me-- I didn't make myself clear there that I want to make clear now. There were no intention or conversation at all, from my side as well.

MEMBER: Thank you.

PRESIDENT: First of all, I'd like to ask if the statements that you made to your PR during the course of preparing for this Tribunal, as well as the written documents that you have provided to us, were any of those, were all of those provided voluntarily by yourself? Were there any threats regarding submitting or not submitting something for consideration here today?

DETAINEE: The only thing I say that for-- when my PR first arrived, I--I had decide not to attend the Tribunal at all. And month passed 'cause I thought that Tribunal itself is a game. I think that it was a setup 'cause the kind of questions I had, I thought it was a trap to make me say things. Even when I was going through this process, I was uncomfortable. I was like, this is just a game. But more I talk to my PR, I realize, maybe it is important in my life. Maybe it's very important. I didn't know that. The more I talk to my PR, then I realize, you know, it will affect a lot of people or myself. So then I start giving a lot things voluntarily and ah--but only thing, I as said it my statement that I wanted write in Urdu because I can express myself much better this way. Still, I know English as a second language, as you know, but my PR had me translate everything in English and had me write everything in English, so I just, I didn't feel very comfortable about it. And so, all I have to say that, when I was speaking-- actually I speak very finely, but when it comes to writing, it's pretty bad. You've probably seen it. So I wasn't very comfortable expressing things in writing. So that's-- yes, I pretty much volunteered everything I wrote. There was no threat, no coerce. There's only one thing that I have to say; it the travel document. In my opinion, I never ask for travel document. I never-- there had to be some kind of misunderstanding between me and him. And next day he came, we have asked for evidence in that travel document. And I don't say, I don't see any reason for travel document in this whole thing. So I refused it next day. And that's the only one thing I can think of that was not appropriate.

PRESIDENT: Very well. I understand on that last point that no-- none of those travel documents were submitted by yourself and certainly I believe, as we know here today, the Recorder didn't submit any of those for our consideration. So those were provided as a request that I thought came from you, but at this point, we don't have those.

DETAINEE: The only thing I was going to add, I don't want to give you the impression that I am hiding anything. 'Cause whatever we talked about, I, even good or

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bad, my PR used it. I just thought maybe you had a feeling that I had a travel document hiding or something hidden about it. There's nothing hidden, nothing to hide. So, [SC] I just wanted to make that clear.

PRESIDENT: I understand your point. And I do understand that English is your second language, and we have reviewed carefully everything you provided and I know you've had a discourse regarding every one of those documents with your Personal Representative. And we believe that they are very complete and where we do have questions, we have an opportunity get your input on that. So thank you very much. In your Exhibit D-b, regarding the treatments that you had while you were in custody, it was rather detailed and I understand that was probably difficult for you to present to us. But the question I have has to do with anything that you did say while, enduring those times, in specifically, I think, page seven, said that you didn't cooperate. In fact, I believe it said "since I was innocent and didn't know anything" you refused to look at pictures or cooperate. That's the only real reference I can find in that your document where you talked about things that you may have said during that period. What I would like to know is, were there any statements that you made during that whole period that what you said was incorrect or incomplete or not true? And you can relate any of those cases? It does appear that there is at least only one place where you said you didn't cooperate, which means you didn't provide any statements. But if you had provided statements, can you comment on the validity of the statements made during those conditions?

DETAINEE: There was always statement,

PRESIDENT: Statements that you made. (b)(1)

DETAINEE: Statement that I made, even written. (b)(3) NatSecAct

PRESIDENT: Understood.

DETAINEE: And there were statements, just like after seven day they were hanging me and they said okay, if you want some rest, write this. I remember exactly what I wrote on that day. I think it has to do with recentering the United States. "What were your intentions to us" they said. Okay, we-- what they said to me was that, after six days, they said, I would, you know, in this situation, like they said sit there, we're gonna leave you there and when we come back, this is what we want you, we want you to write; and there was a camera there. So they left me all alone. So I wrote whatever they told me ahead of time and then they started recording it. I came back-- and they came back and they picked it up. Okay, it looks good. And since then, they decided-- decided, before I was just ah-- Pakistani, give it to me as still [inaudible] after that writing they made me permanent terrorist or whatever it was. So from there's--there--there's always been

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these statements. Now I call it, even after torture and un-cooperating, I mean, we call it torture, I'm--what--what did I say there just--I am--it just made me confused when you said cooperating, not cooperating.

PRESIDENT: Well I was just using the terminology that you had in your statement where you said you-- you [SCI] did not cooperate.

DETAINEE: Actually, what happened after-- after they stop torturing after. When we went to there was mental torture rather than physical torture. There was a little torture but not to make what I used to hear people yelling or screaming and beating up, ah-- to me nothing happened in as like physical torture type of thing. What they used to could do, [inaudible] the debriefer would come and show the picture so as if I am voluntary looking at the pictures, I'm cooperating with the--I think the debriefers were FBI people or whatever the--was not CIA. They would come everyday to try to show you picture and ask for intelligence. When I say that I didn't cooperate 'cause I didn't want to give any intelligence, 'cause I didn't have any intelligence. They would show me Uzbekistan pictures, Afghan pictures, Taliban pictures, and I go, like, this is ridiculous. I don't know anything. So, I got frustrated for a couple of months and then I said if you want to torture me, torture me, but I am not going to look at any more pictures. And then after I refused to cooperate with the debriefers. That's what I mean. Now, during that statement, ah-- during that time, I don't--I don't recall I make any statement. Ah-ah-- that can be used against me. Ah--there may be--can--even at that time, you know, what I was told, you have feeling you want to keep same story. Were you married in Karachi or Islamabad or Kabul, after torture. But if it changes after three years and they're gonna say "Uhh, after two years you come in with this new stuff, then you must be hiding something else." So just put you in a bad spot. So even after that, if someone had asked me about it, I would have still keep the same story so they can't come tomorrow, well after three years you come in with this new information, then you must be hiding something else. So that's-- that's another way of looking at it. Yes-- it's very hard to explain what I've been through and I try to make the statement what I make in. But if you keep the same, you-- chances are they won't torture you. Wherever you go, you just make sure you keep the same statement.

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PRESIDENT: Well, and I'd like to ask about those statements. Were those statements true or incorrect?

DETAINEE: Definitely not true.

PRESIDENT: That's all I am looking for and- [SCI]

DETAINEE: Okay. [SCI]

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PRESIDENT: -first direct statement on that.

DETAINEE: Definitely not true. Most of the stuff, yes.

PRESIDENT: Very well. Okay, that completes the questions I had. I will make an-a statement here regarding what we've heard here today. Ah-What you have told us will be included in the record, obviously. We'll also be reported to appropriate authorities for any investigation that's necessary. As you know, we will carefully consider what you have said to us today, as we make our determination regarding your enemy combatant status. [We] consider this a very important matter. You've heard us take our oath and ah-- you know we won't ah-- consider these-- this evidence that you provided as well as we received, very carefully. [Tribunal President's post-hearing note: *The previous sentence is a direct transcript of my statement; however, it is incomplete and disjointed as I attempted to transition to receiving the Detainee's final statement. As directly stated previously, I intended to reiterate that the Tribunal would carefully consider the Detainee's statements.*] At this point in the hearing, we've received all the unclassified information [Detainee acknowledges with "ah ha."] and, ah, we're now about to complete this portion by providing you an opportunity to provide a final statement. Would you like to make a final statement at this time?

DETAINEE: I have few questions of what we talked about today.

PRESIDENT: Okay.

DETAINEE: Ah-

PRESIDENT: Ask your questions. Are they-- go ahead, please.

DETAINEE: Ah-- so you said there's one of my brother. I ask for MOHAM-, MAHMOOD, MOHAMMAD, AHMED KHAN, and ah you said that one of my brother wasn't able to make a statement. And were you talking about paragraph A or paragraph D in Summary of Evidence.

PRESIDENT: Where are you at? [Referring to Summary of Evidence.]

DETAINEE: Because we both, we don't know who made, what exactly-

PRESIDENT: It is actually referring to paragraph A.

DETAINEE: Okay. If you were referring to paragraph A, then ah-- I'd like to point that out that the question about one of my brother has ever made a statement about me being involved with al Qaida, I think my father in his statement, ALI KHAN, he made it clear that-- "because now I'm told by the military that my son wants to know whether I said in March 2003 that he became very religious and developed anti-American feelings. And whether one of

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my other son said MAJID might be involved with al Qaida." So basically he already answered the paragraph A in it. So even--even that brother didn't make it, and there's a statement attached to it, didn't make up here, so they should be-- I don't feel that we need his statement because my father took care of it. Another thing is D, ah-- I was wondering if-- if-- if you know that D is talking about, I think it doesn't fit the definition of enemy combatant itself because it's clear it doesn't fit the definition itself. But anyway, when it's talking about Detainee's residence, I mean my residence, now are they talking about Baltimore or-- or-- or-- or ah-- Pakistan, Karachi? 'Cause I lived in both place.

PRESIDENT: As you can see, this is what we know; the same thing you know at this point. So, we will have to consider that question after we receive all of the information. Again, this is a unclassified Summary of Evidence and this is all we know about this at this point.

DETAINEE: So, would it be appropriate statement to make that--that D itself, let's just say, ah I think I refuted pretty good with every single paragraph, all the witnesses. The D, I can't refute because I don't know. To me-- I just can't know. What you don't know, you can't refute. So, D itself can make me enemy combatant, if they're right; just only D itself. If I refute all successfully, let us say, and D I'm worried about because I don't know. And it's just--it's up to you. With D itself, will make me an enemy combatant?

PRESIDENT: I can't answer that at this point.

DETAINEE: Okay. ~~TOP SECRET~~

PRESIDENT: We have not received all information; we have not gone into deliberation. We--I certainly understand your point very well that you provided in your written statement, your oral statement as well, regarding that matter. We will consider that as we look at that information in its content. Thank you.

DETAINEE: Last--last question is ah-- actually there was--there was some comments made in that paragraph and me and PR talk about it and it was inappropriate--un-appropriate to bring it up. In paragraph F, Exhibit D-d, page number four-

PRESIDENT: Oh, I need to look at that, excuse me just a moment. Okay, please continue.

DETAINEE: And ah-- when I talk about I've never been to Afghanistan and I never met UBI.. I cannot possibly be member of al Qaida. I admit I can't prove I am not al Qaida. It is very difficult to prove that someone is not al Qaida. Now there was few more sentence in which me and PR decided may not be very appropriate to ask, but this is a very important question I need to ask you. Let's just say someone claims that the Board Member are themselves al

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Qaida. And if you were--if you were in my shoes, I would like to know that how can you prove it, that you yourself are not al Qaida? And if you can't, then I can't either. And if you can, then please let me know 'cause I will follow the same process to prove that I am not al Qaida. That was my question.

PRESIDENT: Sorry, I may have lost the question in there.

DETAINEE: If someone believes that you're, the Board Member, of al Qaida and you are in my shoes and you ought to prove, let us say you say I can't prove it, then I can't either. And let's say that you can prove it. Then I would like to know how can you prove it to anyone, anyone in the world 'cause there's a Board Member of this CSRT are not al Qaida. So I can follow same process.

PRESIDENT: Well, you are following that process. In a sense that evidence is being provided to these three Members, myself and the two Members next to me. And we will look at all of the evidence provided, including testimony and information you wish to provide and comment on. We recognize this may have been the first time that you've had an opportunity to comment on--on such matters. That is our job. We will determine that, based upon the evidence provided to us. Just what's provided to us here. There's probably a lot of other things out there regarding yourself as a detained person, but only certain things are provided to us. The things, as you read from the unclassified Summary of Evidence R-1, that the government believes makes you fit the definition of an enemy combatant. So, if the reverse happened, a Board, an independent group of officers that have not been part of your detention or your interrogation are now have been charged to do our responsibility, our duty. We make the decision based upon the evidence provided to us, just the three officers here. The majority vote determines your enemy combatant status.

DETAINEE: Okay. I don't have any comments to make. I said whatever I wanted to say. These are the questions and the answers.

PRESIDENT: Very well. Thank you.

DETAINEE: Thank you.

PRESIDENT: So that concludes your, your final statement?

DETAINEE: Yes, Sir.

PRESIDENT: I have some additional information I'd like to share with you, to conclude this hearing.

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**CLOSING UNCLASSIFIED SESSION**

PRESIDENT: All unclassified evidence having been provided to this Tribunal, this Tribunal has concluded its open session. Mister MAJID KJIAN, you will 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. 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. If the Tribunal determines that you are classified as an enemy combatant you may be eligible for an Administrative Review Board hearing at a future date. The Administrative Review Board will make an assessment of whether there are continued reasons 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 Qaida and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention. You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at the Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you. A military officer will be assigned at a later date to assist you in the Administrative Review Board process. Thank you very much for participating with us today. I appreciate your, your understanding as this is a lengthy process, and I appreciate your continued cooperation with detention authorities while you are in detention.

**ADJOURN OPEN SESSION**

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

RECORDER: The time is 14:10; the date is 15 April 2007. All rise.

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony during the Combatant Status Review Tribunal of ISN 10020.

(b)(6)

(b)(6) Colonel, USAF  
Tribunal President

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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10024

OPENING

REPORTER: On the record

RECORDER: All rise.

PRESIDENT: Remain seated and come to order. Go ahead, Recorder.

RECORDER: This Tribunal is being conducted at 1328 March 10, 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 Colonel (b)(6), United States Air Force, Personal Representative  
Language Analysis (b)(6)  
Gunnery Sergeant (b)(6), United States Marine Corps, Reporter  
Lieutenant Colonel (b)(6), United States Army, 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 Colonel (b)(6) solemnly swear that you will faithfully perform 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 or affirm that you will faithfully discharge your duties as Reporter assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

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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?

TRANSLATOR: I do.

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

RECORDER: The time is 1:30 pm hours on 10 March 2007 This Tribunal is in now in recess. [The Tribunal recessed at 1330, 10 March 2007 The members withdrew from the hearing room.]

**CONVENING AUTHORITY**

RECORDER: All Rise.  
[The Tribunal reconvened and the members entered the room at 1334, 10 March 2007.]

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

PRESIDENT: Before we begin, Khalid Sheikh Muhammad, I understand you speak and understand English. Is that correct?

DETAINEE: [Detainee nods his head in affirmative].

PRESIDENT: Alright. Are you comfortable in continuing in English or would you like everything translated in Arabic?

DETAINEE: Everything in English but if I have a problem the linguist will help me.

PRESIDENT: We will proceed in English. If you indicate to me that you would like something translated we will go ahead and do that. Alright?

PRESIDENT: This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

PRESIDENT: This Tribunal will determine whether Khalid Sheikh Muhammad 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.

**OATH SESSION 2**

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

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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?

TRIBUNAL: I do.

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

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

PERSONAL  
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

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

#### **EXPLANATION OF PROCEEDINGS**

PRESIDENT: Khalid Sheikh Muhammad, you are hereby advised that the following applies during this hearing:

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.

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.

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

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.

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

PRESIDENT: Khalid Sheikh Muhammad, do you understand this process?

DETAINEE: Yes. If I have question can I ask you?

PRESIDENT: Yes, you may.

DETAINEE: About the testimony which I ask about the witnesses.

PRESIDENT: Yes. I'm going to address the witnesses shortly. So, if you will bear with us I will take that up in a few moments.

DETAINEE: Okay.

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

DETAINEE: Okay by me.

**PRESENTATION OF UNCLASSIFIED INFORMATION**

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

PERSONAL

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

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

**RECORDER PRESENTS UNCLASSIFIED**

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

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

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enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibits, marked as Exhibit R-2. Copies of these Exhibits have previously been provided to the Personal Representative. [Documents presented to Tribunal]

**PRESIDENT:** Recorder, please read the unclassified summary of evidence for the record. But before you proceed, Khalid Sheikh Muhammad, let me remind you that you must not comment on this evidence at this time. You will be provided with an opportunity shortly to provide any comments that you would like. Recorder, please proceed.

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

Paragraph 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.

Paragraph b. The Detainee served as the head of the al Qaida military committee and was Usama bin Laden's principal al Qaida operative who directed the 11 September 2001 attacks in the United States.

Paragraph c. In an interview with an al Jazeera reporter in June 2002, the Detainee stated he was the head of the al Qaida military committee.

Paragraph d. A computer hard drive seized during the capture of the Detainee contained information about the four airplanes hijacked on 11 September 2001 including code names, airline company, flight number, target, pilot name and background information, and names of the hijackers.

Paragraph e. A computer hard drive seized during the capture of the Detainee contained photographs of 19 individuals identified as the 11 September 2001 hijackers.

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Paragraph f. A computer hard drive seized during the capture of the Detainee contained a document that listed the pilot license fees for Mohammad Atta and biographies for some of the 11 September 2001 hijackers.

Paragraph g. A computer hard drive seized during the capture of the Detainee contained images of passports and an image of Mohammad Atta.

Paragraph h. A computer hard drive seized during the capture of the Detainee contained transcripts of chat sessions belonging to at least one of the 11 September 2001 hijackers.

Paragraph i. The Detainee directed an individual to travel to the United States to case targets for a second wave of attacks.

Paragraph j. A computer hard drive seized during the capture of the Detainee contained three letters from Usama bin Laden.

Paragraph k. A computer hard drive seized during the capture of the Detainee contained spreadsheets that describe money assistance to families of known al Qaida members.

Paragraph l. The Detainee's name was on a list in a computer seized in connection with a threat to United States airlines, United States embassies and the Pope.

Paragraph m. The Detainee wrote the *hojinka plot*, the airline bomb plot which was later found on his nephew Ramzi Yousef's computer.

Paragraph n. The *hojinka plot* is also known as the Manila air investigation.

Paragraph o. The Manila air investigation uncovered the Detainee conspired with others to plant explosive devices aboard American jetliners while those aircraft were scheduled to be airborne and loaded with passengers on their way to the United States.

Paragraph p. The Detainee was in charge of and funded an attack against United States military vessels heading to the port of Djibouti.

Paragraph q. A computer hard drive seized during the capture of the Detainee contained a letter to the United Arab Emirates threatening attack if their government continued to help the United States.

Paragraph r. During the capture of the Detainee, information used exclusively by al Qaida operational managers to communicate with operatives was found.

Paragraph s. The Detainee received funds from Kuwaiti-based Islamic extremist groups and delivered the funds to al Qaida members.

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Paragraph t. A computer hard drive seized during the capture of the Detainee contained a document that summarized operational procedures and training requirements of an al Qaida cell.

Paragraph u. A computer hard drive seized during the capture of the Detainee contained a list of killed and wounded al Qaida martyrs.

And lastly, Paragraph v. Passport photographs of al Qaida operatives were seized during the capture of the Detainee.

RECORDER: Sir, this concludes the summary of unclassified evidence

PRESIDENT: Very well.

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

PERSONAL

REPRESENTATIVE: Yes, sir. I am handing to the Tribunal the following unclassified exhibits marked as Exhibits D-b through D-d. Copies of these exhibits have been previously provided to the Recorder. [Documents presented to Tribunal]

PRESIDENT: Exhibit D-b appears to be a statement that the Detainee has provided.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And Exhibit D-c contains hand written notes that appear to be Arabic and English as well as the typed version of that. Is that correct?

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And D-d is a written statement regarding alleged abuse or treatment that the Detainee received.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. We will go into those shortly.

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PRESIDENT: Khalid Sheikh Muhammad, 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?

DETAINEE: He will start, the Personal Representative; PR will read then later I will comment.

PRESIDENT: Very well, you may proceed.

RECORDER: Sir, would you hold one moment?

PRESIDENT: Yes

RECORDER: Ah, before the Detainee makes a statement, ah, I'd like to ah.

PRESIDENT: Question of the oath?

RECORDER: Ah, no sir.

RECORDER: Concerning classified evidence.

PRESIDENT: Very well.

PRESIDENT: Do you have any further evidence to present at this time, Recorder?

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.

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

PRESIDENT: You may proceed, PR.

PERSONAL

REPRESENTATIVE: The Detainee responds to the unclassified summary of evidence with the following key points.

PERSONAL

REPRESENTATIVE: "Some paragraphs under paragraph number 3, lead sentence are not related to the context or meaning of the aforementioned lead sentence. For example, paragraph 3-a is only information from news or a historical account of events on 11 September 2001, and note with no specific linkage being made in this

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paragraph to me or the definition of Enemy Combatant. As another example, sub-paragraph 3-n makes no linkage to me or to the definition of Enemy Combatant."

DETAINEE: Are they following along?

PERSONAL

REPRESENTATIVE: Ah, they they have that in front of them for reference.

PRESIDENT: Yes.

DETAINEE: Okay.

PERSONAL

REPRESENTATIVE. Second main point: "There are two false statements in the Summary of Evidence. Sub-paragraph 3-c is false. I never stated to the Al Jazeera reporter that I was the head of the al Qaida military committee. Also, sub-paragraph 3-s is false. I did not receive any funds from Kuwait."

PERSONAL

REPRESENTATIVE: Point number 3. "There is an unfair 'stacking of evidence' in the way the Summary of Evidence is structured. In other words, there are several sub-paragraphs under parent-paragraph 3 which should be combined into one sub-paragraph to avoid creating the false perception that there are more allegations or statements against me specifically than there actually are. For example, sub-paragraphs 3-m through 3-o, which pertain to the *hajinka* plot should be combined into one paragraph, as should paragraphs 3-a through 3-h, which pertain to 9/11."

PERSONAL

REPRESENTATIVE: Lastly, my name is misspelled in the Summary of Evidence. It should be S-h-a-i-k-h or S-h-e-i-k-h, but not S-h-a-y-k-h, as it is in the subject line.

PRESIDENT: Would you like to add anything to that, Khalid Sheikh Muhammad ?

PERSONAL

REPRESENTATIVE: Final statement.

DETAINEE: No, I just want to ask about witnesses.

PRESIDENT: Okay, ah, let's finish with these then I will get to the witnesses.

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DETAINEE: Okay.

PRESIDENT: Try to keep it in order.

PRESIDENT: You want to continue, PR? Do you have have another statement?

PERSONAL

REPRESENTATIVE: That concludes this Detainee's response to the, ah, unclassified summary of evidence, sir.

PRESIDENT: Oh.

### 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 if present, the Personal Representative, the Recorder, and the Tribunal Members

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, sir.

PRESIDENT: Alright.

PRESIDENT: From the Detainee Election Form and I was informed earlier that the Detainee requested the presence of two witnesses to testify here today. Ramzi bin al-Shibh and Mustafa Hawsawi. The Detainee believes the witnesses can provide testimony related to the Detainee's actions specified in the unclassified summary of the evidence.

PRESIDENT: I have had the opportunity to review the request for witnesses and I have made some findings and I'm going to place them on the record now and when I conclude that, Khalid Sheikh Muhammad, you may respond to that if you'd like.

PRESIDENT: First the request for Ramzi bin al-Shib, the proffer of the testimony from the Detainee was that Ramzi is alleged to have been present during the al Jazeera interview in June 2002 during which it is said the Detainee claimed to be head of al Qaida Military Committee. The Detainee claims he never stated that, to be the head of the Military Committee, during the interview and states that Ramzi, if called, can confirm this.

PRESIDENT: This witness is not relevant in the President's view for the following reasons. In the totality of the circumstances and given the nature and quality of the other unclassified evidence, the Detainee's alleged statements as reported in al Jazeera

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ure of limited value and negligible relevancy to the issue of combatant status. As such, any corroboration or contradiction by the proffered witness is not relevant. The creditability determinations with regard to R-2, which is the al Jazeera article, can be made by the Tribunal without the proffered testimony. As such, the Detainee's request for the production of that witness is denied.

PRESIDENT: As to the request for Mustafa Hawsawi, ah, it is proffered that Hawsawi, if called, could testify that the computer/hard drive referenced in the unclassified summary was not this Detainee's property and that the place of the Detainee's capture was not the house of the Detainee. In the President's view this testimony is not relevant to the issues regarding the Detainee's capture or his combatant status for the following reasons.

PRESIDENT: Whether the Detainee had actual legal title or ownership of the computer/hard drive or the house where the capture took place is irrelevant to the determination of the Detainee's status as an enemy combatant. Based on the proffer, if true, Hawsawi's testimony will not provide relevant information. The issue of ownership, while of some interest, is not relevant to status. What is relevant is possession, usage, connection and presence. Hawsawi's testimony will not speak to any relevant information in regard to such points. As such, the request for the production of that witness is denied.

PRESIDENT: If you would like to respond to that, I'll hear you.

DETAINEE: Most of these facts which be written are related to this hard drive. And more than eleven of these facts are related to this computer. Other things are which is very old even nobody can bring any witnesses for that as you written here if it will be ah a value for you for the witness near by you will do it. This computer is not for me. Is for Hawsawi himself. So I'm saying I need Hawsawi because me and him we both been arrested day. Same way. So this computer is from him long time. And also the problem we are not in court and we are not judge and he is not my lawyer but the procedure has been written reported and the way has mostly as certain charged against me; tell him, [Arabic Phrase].

TRANSLATOR: [Translating] They are only accusations.

DETAINEE: No accusations. And the accusations, they are as you put for yourself ah definition for enemy combatant there are also many definitions for that accusation of fact or charges that has been written for any ah. [Arabic Phrase]

TRANSLATOR: [Translating] Person is accused.

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DETAINEE: So, if I been accused then if you want to put facts against me also the definition for these facts. If you now read number N now what is written the *bojinka* plot. Is known many lead investigation it is not related to anything facts to be against me. So when I said computer hard drive/ hard disk, same thing. All these point only one witness he can say yes or not cause he is this computer is under his possession him computer. And also specifically if he said Mohammad Atta picture been this hard drive. I don't think this should accepted. There are many 100 thousand Americans who have a lot of picture on their computer. You cannot say I find Muhammad Atta on your computer then you use this fact against you. Or you find any files in your computer to be what about it's mine, it's not my computer. If this witness, he will state that this known and here that has been ninety percent of what is written is wrong. And for Ramzi, for reporter in Jazeera, he claimed that I state this one and you know the media man. How they are fashionable. What they mean in their own way in a whole different way. They just wrote it so he say I state. But I never stated and I don't have any witnesses and witness are available here at Guantanamo. He is Detainee. He was with me. Which he been mostly in all my interview with him. Me and them, there was three person, me and Ramzi and this reporter. So if you not believe me, not believe him, believe my witness Ramzi. Then he's what he state the reporter most is false. I not denying that I'm not an enemy combatant about this war but I'm denying the report. It not being written in the proper way. Which is really facts and mostly just being gathered many information. General information that form in way of doing, to use in facts against me.

PRESIDENT: I have heard and understood your argument. In order for me to make my determinations regarding the production of witnesses I first have to believe that they are relevant for the reasons that I have stated. For the reasons I have stated, I do not believe they are relevant. Whether or not they may be available here on Guantanamo, is a second decision to be made, but only if I decide they are relevant. I have heard your arguments. I noted them. However, my ruling stands.

PRESIDENT: The Recorder has no witnesses, is that my understanding?

RECORDER: No, sir.

PRESIDENT: And there are no other approved witnesses to taken up. Ah, we will take a brief moment to review the unclassified evidence that we received so far and then we will pick back up in the proceeding.

MEMBER: If I might ask a question real quick of the PR. This is the entire translation of the hand written notes?

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PERSONAL

REPRESENTATIVE: Yeah. The hand written notes are the Detainee is on yellow.

MEMBER: Yes.

PERSONAL

REPRESENTATIVE: and, then the next set of notes, hand written notes, are the Linguist's translation and then the final hard copy printed that's, ah, that...

MEMBER: Type written.

PERSONAL

REPRESENTATIVE: Typed from Linguist's notes.

MEMBER: Type from Linguist's translations. Okay.

PRESIDENT: Khalid Sheikh Muhammad, I did not offer you an oath early because I was informed by the Personal Representative that you would be making some statement later on in these proceedings relevant to the truthfulness of your comments. So, if you would like to take an oath I would administer one to you but I did understand that you going to make a statement.

DETAINEE: In the final statement, I will explain why then.

PRESIDENT: Alright. Thank you. [Tribunal pauses to review D-a thru D-d]

MEMBER: Seen those.

TRANSLATOR: Sir.

PRESIDENT: Yes.

TRANSLATOR: He wanted me to translate a Koranic verse on the spot.

PRESIDENT: I will permit it.

TRANSLATOR: Thank you.

TRANSLATOR: Can I ask him for clarification?

PRESIDENT: Yes.

PRESIDENT: Do you need a few more moments, Translator?

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TRANSLATOR: Yes, sir, about thirty seconds.

PRESIDENT: Go ahead and take your time.

TRANSLATOR: Would you me to read the English translation after he read Arabic verse or would like him to read it.

PRESIDENT: You want to save that for later?

TRANSLATOR: [Nods head]

PRESIDENT: Alright.

PRESIDENT: Let me take up a few things that have come up as based on my review of these documents that have been provided to us so far. D-d, appears to be a written statement regarding certain treatment that you claim to have received at the hands of agents of the United States government as you indicated from the time of your capture in 2003 up until before coming here to Guantanamo in September 2006.

PRESIDENT: Is that correct?

DETAINEE: Yes.

PRESIDENT: Alright.

PRESIDENT: Now, I haven't seen any statements in the evidence we receive so far that claim to come from you other than acknowledging whether you were or not the head of the Military Committee. Were any statements that you made as the result of any of the treatment that you received during that time frame from 2003 to 2006? Did you make those statements because of the treatment you receive from these people?

DETAINEE: Statement for whom?

(b)(1)

PRESIDENT: To any of these interrogators.

(b)(3) NatSecAct

DETAINEE: CIA people. Yes. At the beginning when they transferred me to  
After they shifted me to the  
man who was torturing me he spent long time with me. He stayed with me two  
years. Later we became friends and I told him about all these procedures against  
American constitution law. This what I understand he told me: you are not  
American and you are not on American soil. So you cannot ask about the  
Constitution.

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PRESIDENT: What I'm trying to get at is any statement that you made was it because of this treatment, to use your word, you claim torture. Do you make any statements because of that?

TRANSLATOR: Sir, for clarification.

PRESIDENT: Can you translate it?

TRANSLATOR: I will translate in Arabic.

PRESIDENT: Yes.

(b)(1)

TRANSLATOR: [Translating above]

(b)(3) NatSecAct

DETAINEE: I ah cannot remember now because three years daily asking question. I be under questioning so many statement which been some of them I make up stories just location UBL. Where is he? I don't know. Then he torture me. Then I said yes, he is in this area or this is al Qaida which I don't him. I said no, they torture me. Does he know you? I say don't him but how come he know you. I told him I'm senior man. Many people they know me which I don't them. I ask him even if he knew George Bush. He said, yes I do. He don't know you that not means its false. Then finally I said yes I know him. Took me more then twelve persons. I said yes I know him. Which I don't him the some more. The procedure they were given me picture for peoples which were in I mean CIA camps with Detainee. In the beginning almost the four month hard time this time I. But later they did same thing because I transferred hard time then even I not remember the pictures. I said yes or not. This I said.

PRESIDENT: Alright, I understand.

PRESIDENT: Is there anything you would like to correct, amend, modify or explain to us from what you said back then?

DETAINEE: I want to just it is not related enemy combatant but I'm saying for you to be careful with people. That you have classified and unclassified facts. My opinion to be fair with people. Because when I say, I will not regret when I say I'm enemy combatant. I did or not I know there are other but there are many Detainees which you receive classified against them maybe, maybe not take away from me for many Detainees false witnesses. This only advice.

PRESIDENT: So you are aware that other...

DETAINEE: Yes.

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PRESIDENT: People made false statement as a result of this?

DETAINEE: I did also.

PRESIDENT: Uh huh.

DETAINEE: I told him, I know him yes. There are and they are. Not even you show me. This I don't know him I never met him at all. So, unclassified which is both classified and unclassified so this is you know him you don't know him. You have to be fair with people. There are many many people which they have never been part of the Taliban. Afghanistan there have been many people arrested for example people who have been arrested after October 2001 after make attack against Afghanistan many of them just arrive after they don't what has happen. When Russian came to Afghanistan they felt they went back but they did anything with Taliban and al Qaida then came after that. I don't know why it was younger people same thing for Afghanis people they show Afghanis people. I will give example one. His name is Sayed Habib. This I remember. Him they found his name in my notes and I told them this note is old note and have people which even before al Qaida I know. And he is not. He is one of my students and the Russian times and I don't know him. Then they show me his picture. He had been stripped and hanged and they said this man he said Habib. I told he is not al Qaida. After six months they show his picture again. They ask do you know him, did not release him. Then they told me he states he never saw you from ninety four. I said that is right. I never met him after ninety four. This one is example. Many people they show pictures which face I know but don't them because I was under pressure. Then I said yes.

PRESIDENT: Alright.

PRESIDENT: Now what.

DETAINEE: For me nothing which was recorded. For which is written here is not related

PRESIDENT: I understand.

PRESIDENT: I do note that in one of the exhibits you indicate you are not under any pressure or duress today. Is that correct?

DETAINEE: That is about I'm hearing today. Yes.

PRESIDENT: So anything.

DETAINEE: Some of this information, I not state it to them.

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PRESIDENT: The information that you are telling us today, so we are clear. You do not believe you are under any pressure or threat or duress to speak to us today, is that correct?

DETAINEE: Yes, that's correct.

PRESIDENT: Alright.

PRESIDENT: Now what you have told us about your previous treatment is on the record of these proceeding now and will be reported for any investigation that may be appropriate. Also, we will consider what you have told us in making our determination regarding your enemy combatant status.

DETAINEE: I hope you will take care of other Detainees with what I said. It's up to you.

PRESIDENT: I will do as I've said. I'll see to it that it is reported.

PRESIDENT: Alright. At this point, we are going to go into the final statement but I do want to give the opportunity to the Recorder, PR, and Tribunal member to ask questions if they would like. So, what will do is proceed then to the Detainee's final statement and then I'll have a question and answer session following that. Alright just give me a moment.

PRESIDENT: Alright.

PRESIDENT: Khalid Sheikh Muhammad, this concludes the presentation of unclassified information to the Tribunal. We are about to conclude the unclassified portion of the hearing. Do you wish to now make any final statement to the Tribunal? You have the assistance of your PR.

DETAINEE: I make a two part. Maybe he will read then I will go also.

PRESIDENT: Very well. You may continue.

PERSONAL

REPRESENTATIVE: Mr. President, the Detainee has asked me to read his final statement to the Tribunal with the understanding he may interject or add statements if he needs to, to correct what I say. According to the Detainee:

"I hereby admit and affirm without duress to the following:

1. I swore Bay'at (i.e., allegiance) to Sheikh Usama Bin Laden to conduct Jihad of self and money, and also Hijrah (i.e., expatriation to any location in the world where Jihad is required).
2. I was a member of the Al Qaida Council.

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3. I was the Media Operations Director for Al-Sahab, or 'The Clouds,' under Dr. Ayman Al-Zawahiri. Al-Sahab is the media outlet that provided Al-Qaida-sponsored information to Al Jazeera. Four."

DETAINEE: [speaking inaudibly to Personal Representative]

PRESIDENT: Please tell.

PERSONAL

REPRESENTATIVE: In other channels or other media outlets.

PRESIDENT: Thank you.

PERSONAL

REPRESENTATIVE: [continuing] "4. I was the Operational Director for Sheikh Usama Bin Laden for the organizing, planning, follow-up, and execution of the 9/11 Operation under the Military Commander, Sheikh Abu Hafis Al-Masri Subhi Abu Sittah.

5. I was the Military Operational Commander for all foreign operations around the world under the direction of Sheikh Usama Bin Laden and Dr. Ayman Al-Zawahiri.
6. I was directly in charge, after the death of Sheikh Abu Hafis Al-Masri Subhi Abu Sittah, of managing and following up on the Cell for the Production of Biological Weapons, such as anthrax and others, and following up on Dirty Bomb Operations on American soil.
7. I was Emir (i.e., commander) of Beit Al Shuhada (i.e., the Martyrs' House) in the state of Kandahar, Afghanistan, which housed the 9/11 hijackers. There I was responsible for their training and readiness for the execution of the 9/11 Operation. Also, I hereby admit and affirm without duress that I was a responsible participant, principal planner, trainer, financier (via the Military Council Treasury), executor, and/or a personal participant in the following:

1. I was responsible for the 1993 World Trade Center Operation.
2. I was responsible for the 9/11 Operation, from A to Z.
3. I decapitated with my blessed right hand the head of the American Jew, Daniel Pearl, in the city of Karachi, Pakistan. For those who would like to confirm, there are pictures of me on the Internet holding his head.
4. I was responsible for the Shoe Bomber Operation to down two American airplanes.
5. I was responsible for the Filka Island Operation in Kuwait that killed two American soldiers.
6. I was responsible for the bombing of a nightclub in Bali, Indonesia, which was frequented by British and Australian nationals.
7. I was responsible for planning, training, surveying, and financing the New (or Second) Wave attacks against the following skyscrapers after 9/11:
  - a. Library Tower, California.
  - b. Sears Tower, Chicago.
  - c. Plaza Bank, Washington state.

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- d. The Empire State Building, New York City.
8. I was responsible for planning, financing, & follow-up of Operations to destroy American military vessels and oil tankers in the Straights of Hormuz, the Straights of Gibraltar, and the Port of Singapore.
  9. I was responsible for planning, training, surveying, and financing for the Operation to bomb and destroy the Panama Canal.
  10. I was responsible for surveying and financing for the assassination of several former American Presidents, including President Carter.
  11. I was responsible for surveying, planning, and financing for the bombing of suspension bridges in New York.
  12. I was responsible for planning to destroy the Sears Tower by burning a few fuel or oil tanker trucks beneath it or around it.
  13. I was responsible for planning, surveying, and financing for the operation to destroy Heathrow Airport, the Canary Wharf Building, and Big Ben on British soil.
  14. I was responsible for planning, surveying, and financing for the destruction of many night clubs frequented by American and British citizens on Thailand soil.
  15. I was responsible for surveying and financing for the destruction of the New York Stock Exchange and other financial targets after 9/11.
  16. I was responsible for planning, financing, and surveying for the destruction of buildings in the Israeli city of Elat by using airplanes leaving from Saudi Arabia.
  17. I was responsible for planning, surveying, and financing for the destruction of American embassies in Indonesia, Australia, and Japan.
  18. I was responsible for surveying and financing for the destruction of the Israeli embassy in India, Azerbaijan, the Philippines, and Australia.
  19. I was responsible for surveying and financing for the destruction of an Israeli 'El-Al' Airlines flight on Thailand soil departing from Bangkok Airport.
  20. I was responsible for sending several Mujahadeen into Israel to conduct surveillance to hit several strategic targets deep in Israel.
  21. I was responsible for the bombing of the hotel in Mombasa that is frequented by Jewish travelers via El-Al airlines.
  22. I was responsible for launching a Russian-made SA-7 surface-to-air missile on El-Al or other Jewish airliner departing from Mombasa.
  23. I was responsible for planning and surveying to hit American targets in South Korea, such as American military bases and a few night clubs frequented by American soldiers.
  24. I was responsible for financial, excuse me, I was responsible for providing financial support to hit American, Jewish, and British targets in Turkey.
  25. I was responsible for surveillance needed to hit nuclear power plants that generate electricity in several U.S. states.
  26. I was responsible for planning, surveying, and financing to hit NATO Headquarters in Europe.

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27. I was responsible for the planning and surveying needed to execute the Bojinka Operation, which was designed to down twelve American airplanes full of passengers. I personally monitored a round-trip, Manila-to-Seoul, Pan Am flight.
28. I was responsible for the assassination attempt against President Clinton during his visit to the Philippines in 1994 or 1995.
29. I was responsible for the assassination attempt against Pope John Paul the second while he was visiting the Philippines."

DETAINEE: I was not responsible, but share.

PERSONAL

REPRESENTATIVE: I shared responsibility. I will restate number twenty nine.

29. "I shared responsibility for the assassination attempt against Pope John Paul the second while he was visiting the Philippines.
30. I was responsible for the training and financing for the assassination of Pakistan's President Musharaf.
31. I was responsible for the attempt to destroy an American oil company owned by the Jewish former Secretary of State, Henry Kissinger, on the Island of Sumatra, Indonesia."

PERSONAL

REPRESENTATIVE: Sir, that concludes the written portion of the Detainee's final statement and as he has alluded to earlier he has some additional comments he would like to make.

PRESIDENT: Alright. Before you proceed, Khalid Sheikh Muhammad, the statement that was just read by the Personal Representative, were those your words?

**BEGIN DETAINEE ORAL STATEMENT**

DETAINEE: Yes. And I want to add some of this one just for some verification. It like some operations before I join al Qaida. Before I remember al Qaida which is related to *Bojinka Operation* I went to destination involve to us in 94, 95. Some Operations which means out of al Qaida. It's like beheading Daniel Pearl. It's not related to al Qaida. It was shared in Pakistani. Other group, Mujahadeen. The story of Daniel Pearl, because he stated for the Pakistanis, group that he was working with the both. His mission was in Pakistan to track about Richard Reed trip to Israel. Richard Reed, do you have trip? You send it Israel to make set for targets in Israel. His mission in Pakistan from Israeli intelligence, Mosad, to make interview to ask about when he was there. Also, he mention to them he was both.

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He have relation with CIA people and were the Mosad. But he was not related to al Qaida at all or UBL. It is related to the Pakistan Mujahadeen group. Other operations mostly are some word I'm not accurate in saying. I'm responsible but if you read the heading history. The line there [Indicating to Personal Representative a place or Exhibit D-c].

PERSONAL

REPRESENTATIVE: [Reading] "Also, hereby admit and affirm without duress that I was a responsible participant, principle planner, trainer, financier."

DETAINEE: For this is not necessary as I responsible, responsible. But with in these things responsible participant in finances.

PRESIDENT: I understand. I want to be clear, though, is you that were the author of that document.

DETAINEE: That's right.

PRESIDENT: That it is true?

DETAINEE: That's true.

PRESIDENT: Alright. You may continue with your statement.

DETAINEE: Okay. I start in Arabic.

PRESIDENT: Please.

DETAINEE

(through translator): In the name of God the most compassionate, the most merciful, and if any fail to retaliation by way of charity and. I apologize. I will start again. And if any fail to judge by the light of Allah has revealed, they are no better than wrong doers, unbelievers, and the unjust.

DETAINEE: For this verse, I not take the oath. Take an oath is a part of your Tribunal and I'll not accept it. To be or accept the Tribunal as to be, I'll accept it. That I'm accepting American constitution, American law or whatever you are doing here. This is why religiously I cannot accept anything you do. Just to explain for this one, does not mean I'm not saying that I'm lying. When I not take oath does not mean I'm lying. You know very well peoples take oath and they will lie. You know the President he did this before he just makes his oath and he lied. So sometimes when I'm not making oath does not mean I'm lying.

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PRESIDENT: I understand.

DETAINEE: Second thing. When I wrote this thing, I mean, the PR he told me that President may stop you at anytime and he don't like big mouth nor you to talk too much. To be within subject. So, I will try to be within the enemy combatant subject

PRESIDENT: You can say whatever you'd like to say so long as it's relevant to what we are discussing here today.

DETAINEE: Okay, thanks.

DETAINEE: What I wrote here, is not I'm making myself hero, when I said I was responsible for this or that. But you are military man. You know very well there are language for any war. So, there are, we are when I admitting these things I'm not saying I'm not did it. I did it but this the language of any war. If America they want to invade Iraq they will not send for Saddam roses or kisses they send for a bombardment. This is the best way if I want. If I'm fighting for anybody admit to them I'm American enemies. For sure, I'm American enemies. Usama bin Laden, he did his best press conference in American media. Mr. John Miller he been there when he made declaration against Jihad, against America. And he said it is not no need for me now to make explanation of what he said but mostly he said about American military presence in Arabian peninsula and aiding Israel and many things. So when we made any war against America we are jackals fighting in the nights. I consider myself, for what you are doing, a religious thing as you consider us fundamentalist. So, we derive from religious leading that we consider we and George Washington doing same thing. As consider George Washington as hero. Muslims many of them are considering Usama bin Laden. He is doing same thing. He is just fighting. He needs his independence. Even we think that, or not me only. Many Muslims, that al Qaida or Taliban they are doing. They have been oppressed by America. This is the feeling of the prophet. So when we say we are enemy combatant, that right. We are. But I'm asking you again to be fair with many Detainees which are not enemy combatant. Because many of them have been unjustly arrested. Many, not one or two or three. Cause the definition you which wrote even from my view it is not fair. Because if I was in the first Jihad times Russia. So I have to be Russian enemy. But America supported me in this because I'm their alliances when I was fighting Russia. Same job I'm doing. I'm fighting. I was fighting there Russia now I'm fighting America. So, many people who been in Afghanistan never live. Afghanistan stay in but they not share Taliban or al Qaida. They been Russian time and they cannot go back to their home with their corrupted government. They stayed there and when America invaded Afghanistan parliament. They had been arrest. They never have been with Taliban or the others. So many people consider them as enemy but they are not. Because definitions are very wide definition so people

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they came after October of 2002, 2001. When America invaded Afghanistan, they just arrive in Afghanistan cause they hear there enemy. They don't know what it means al Qaida or Usama bin Laden or Taliban. They don't care about these things. They heard they were enemy in Afghanistan they just arrived. As they heard first time Russian invade Afghanistan. They arrive they fought when back than they came. They don't know what's going on and Taliban they been head of government. You consider me even Taliban even the president of whole government. Many people they join Taliban because they are the government. When Karzai they came they join Karzai when come they join whatever public they don't know what is going on. So, many Taliban fight even the be fighters because they just because public. The government is Taliban then until now CIA don't have exactly definition well who is Taliban, who is al Qaida. Your Tribunal now are discussing he is enemy or not and that is one of your jobs. So this is why you find many Afghanis people, Pakistanis people even, they don't know what going on they just hear they are fighting and they help Muslim in Afghanistan. Then what. There are some infidels which they came here and they have to help them. But then there weren't any intend to do anything against America. Taliban themselves between Taliban they said Afghanistan which they never again against 9/11 operation. The rejection between senior of Taliban of what al Qaida are doing. Many of Taliban rejected what they are doing. Even many Taliban, they not agree about why we are in Afghanistan. Some of them they have been with us. Taliban never in their life at all before America invade them the intend to do anything against America. They never been with al Qaida. Does not mean we are here as American now. They gave political asylum for many countries. They gave for Chinese oppositions or a North Korean but that does not mean they are with them same thing many of Taliban. They harbor us as al Qaida does not mean we are together. So, this is why I'm asking you to be fair with Afghanis and Pakistanis and many Arabs which been in Afghanistan. Many of them been unjustly. The funny story they been Sunni government they sent some spies to assassinate UBL. then we arrested them sent them to Afghanistan/Taliban. Taliban put them into prison. Americans they came and arrest them as enemy combatant. They brought them here. So, even if they are my enemy but not fair to be there with me. This is what I'm saying. The way of the war. you know, very well, any country waging war against their enemy the language of the war are killing. If man and woman they be together as a marriage that is up to the kids, children. But if you and me, two nations, will be together in war the others are victims. This is the way of the language. You know 40 million people were killed in World War One. Ten million kill in World War You know that two million four hundred thousand be killed in the Korean War. So this language of the war. Any people who, when Usama bin Laden say I'm waging war because such such reason, now he declared it. But when you said I'm terrorist, I think it is deceiving peoples. Terrorists, enemy combatant. All these definitions as CIA

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you can make whatever you want. Now, you told me when I ask about the witnesses, I'm not convinced that this related to the matter. It is up to you. Maybe I'm convinced but your are head and he [gesturing to Personal Representative] is not responsible, the other, because your are head of the committee. So, finally it's your war but the problem is no definitions of many words. It would be widely definite that many people be oppressed. Because war, for sure, there will be victims. When I said I'm not happy that three thousand been killed in America. I feel sorry even. I don't like to kill children and the kids. Never Islam are, give me green light to kill peoples. Killing, as in the Christianity, Jews, and Islam, are prohibited. But there are exception of rule when you are killing people in Iraq. You said we have to do it. We don't like Saddam. But this is the way to deal with Saddam. Same thing you are saying. Same language you use, I use. When you are invading two-thirds of Mexican, you call your war manifest destiny. It up to you to call it what you want. But other side are calling you oppressors. If now George Washington. If now we were living in the Revolutionary War and George Washington he being arrested through Britain. For sure he, they would consider him enemy combatant. But American they consider him as hero. This right the any Revolutionary War they will be as George Washington or Britain. So we are considered American Army bases which we have from seventies in Iraq. Also, in the Saudi Arabian, Kuwait, Qatar, and Bahrain. This is kind of invasion, but I'm not here to convince you. Is not or not but mostly speech is ask you to be fair with people. I'm don't have anything to say that I'm not enemy. This is why the language of any war in the world is killing. I mean the language of the war is victims. I don't like to kill people. I feel very sorry they been killed kids in 9/11. What I will do? This is the language. Sometime I want to make great awakening between American to stop foreign policy in our land. I know American people are torturing us from seventies. This is you see [Detainee hold out wrists] I have been tortured by CIA. Nobody will believe me. If I say here or there the hang me, strip, for three months. I know they talking about human rights. And I know it is against American Constitution, against American laws. But they said every law, they have exceptions, this is your had luck you been part of the exception of our laws. They got have something to convince me but we are doing same language. But we are saying we have Sharia law, but we have Koran. What is enemy combatant in my language?

DETAINEE

(through translator): Allah forbids you not with regards to those who fight you not for your faith nor drive you out of your homes from dealing kindly and justly with them. For Allah love those who are just. There is one more sentence. Allah only forbids you with regards to those who fight you for your faith and drive you out of your homes and

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support others in driving you out from turning to them for friendship and protection. It is such as turn to them in these circumstances that do wrong.

DETAINEE:

So we are driving from whatever deed we do we ask about Koran or Hadith. We are not making up for us laws. When we need Fatwa from the religious we have to go back to see what they said scholar. To see what they said yes or not. Killing is prohibited in all what you call the people of the book, Jews, Judaism, Christianity, and Islam. You know the Ten Commandments very well. The Ten Commandments are shared between all of us. We all are serving one God. Then now kill you know it very well. But war language also we have language for the war. You have to kill. But you have to care if unintentionally or intentionally target if I have if I'm not at the Pentagon. I consider it is okay. If I target now when we target in USA we choose them military target, economical, and political. So, war central victims mostly means economical target. So if now American they know UBL. He is in this house they don't care about his kids and his. They will just bombard it. They will kill all of them and they did it. They kill wife of Dr. Ayman Zawahiri and his two daughters and his son in one bombardment. They receive a report that is his house bc. He had not been there. They killed them. They arrested my kids intentionally. They are kids. They been arrested for four months they had been abused. So, for me I have patience. I know I'm not talk about what's come to me. The American have human right. So, enemy combatant itself, it flexible word. So I think God knows that many who been arrested, they been unjustly arrested. Otherwise, military throughout history know very well. They don't war will never stop. War start from Adam when Cain he killed Abel until now. It's never gonna stop killing of people. This is the way of the language. American start the Revolutionary War then they starts the Mexican then Spanish War then World War One, World War Two. You read the history. You know never stopping war. This is life. But if who is enemy combatant and who is not? Finally, I finish statement. I'm asking you to be fair with other people.

PRESIDENT: Does that conclude your statement, Khalid Sheikh Muhammad?

DETAINEE: Yes.

PRESIDENT: Alright.

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**DETAINEE QUESTION & ANSWER**

PRESIDENT: Does the Personal Representative have any questions for the Detainee based on his statement?

PERSONAL REPRESENTATIVE: No, Sir.

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

RECORDER: No, Sir.

PRESIDENT: Do either of the Tribunal members wish to question the Detainee?

MEMBERS: No, sir. Nothing further Sir.

PRESIDENT: Alright.

**CLOSING UNCLASSIFIED SESSION**

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

PRESIDENT: Khalid Sheikh Muhammad, you shall be notified of the Tribunal decision upon completion of the review of these proceed by the Combatant Status Review Tribunal convening authority in Washington, D.C. 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. 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.

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.

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.

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

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**ADJOURN OPEN SESSION**

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

RECORDER: The time is 2:43pm. The date is 10 March 2007.

RECORDER: All Rise.

[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 10024.

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**ISN 10024's Written Statement Regarding Alleged Abuse**

*Quotes as Taken Verbatim from Detainee by Personal Representative #1 & Linguist During Interview with Detainee on 21 February 2007*

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**NOTE: The Detainee requested that Personal Representative (PR) #1 submit the following Detainee quotes to the President of the Combatant Status Review Tribunal as a Detainee Exhibit.**

1. "At the beginning of 11 September 2002, [redacted] raided my house in Karachi. They took my computer, my papers, and everything in the house—even the curtains and the salt in the kitchen. They arrested my two kids (i.e., Hamza, who is 10 years old, and Zaid, who is eight years old). They were held for five months. They used them as bait so that I would turn myself in. I rejected to do that. Then I asked [redacted] if they would release my children and they said it was [redacted] decision to make, not theirs. After five months, the kids were released. They dropped them off at a mosque/religious school."
2. "On 1 March 2003 at 3 a.m., they raided a house in Rawalpindi, Pakistan, which was not my house. Me and two of my kids (i.e., Jalal, who is six years old, and Ibrahim, who is five years old) and Hawsawi were all arrested by [redacted]. At the first night, [redacted] man started to hit and punch me and threatened to torture my kids if I did not tell him where Usama bin Laden was. Then, he transferred me to the next room and then I started to hear my kids crying. The same man came back to tell me that I could stop what I'm hearing. They seized everything in the house, none of which was related to me because it was not my house. I arrived at this house for the first time the night before, on 28 Feb, at 9 p.m."
3. "Then, I was transferred to [redacted]. Before being transferred here, two men laid me down, took my pants off and stuck a suppository in me. After that, I felt I was sedated."
4. "After arriving at [redacted] they cut my clothes off with scissors and I believe they were CIA and military. Then, they got a doctor and checked me out. Then they shaved my head and mustache. Then, they took me to a torture room. The same question was asked: 'Where is Usama bin Laden?' Every time I said I did not know, they tortured me by dripping very cold water on my head while I was naked. Then they took me to another room and hung me from my hands and poured cold water on me while I was hanging. From time to time a Doctor came and checked my pulse. By the fourth day, I was not fed solid food—only Ensure. When I rejected to drink the Ensure, they force-fed me through the rectum; then I got diarrhea. There was no bathroom—only a bucket. And every time I had to go to the bathroom, they would take me down, let me go, and then hang me back up. All of this deprived me of sleep and every time I would fall asleep, the Guards would throw cold water on me. Two interrogators were female CIA and talked to me while I was naked, and I believe the CIA installed speakers in my cell where I was hanging and they played loud music. The only time the music stopped was when I was interrogated."
5. "Then they took me to a third country. I suspect it was [redacted]. Before departing for the third country, a Doctor gave me a pill which I swallowed, which sedated me for the

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**ISN 10024's Written Statement Regarding Alleged Abuse**

*Quotes as Taken Verbatim from Detainee by Personal Representative #1 & Linguist During Interview with Detainee on 21 February 2007*

whole trip. In this new location, they put me in a location underground. The guards were wearing black head to toe, and then three people in black came in, but I could see their faces and the guards were also in the room. The three men tortured me. They wanted to know where and when the next operation in the U.S.A. would happen. They used the same method of torture—I was naked, but they used a hose instead of a bucket. They moved me from time to time to a room where they laid me on a bed, tied me to it with belts, covered my face with a towel while naked, and they kept pouring water on the towel over my face so I couldn't breath. Then, when I got hysterical, I started trying to break free from the hand cuffs. They would turn a handle to make the bed stand vertical immediately so my feet wouldn't touch the ground. This movement made me burp a lot to purge the water I swallowed. They did this three or four times and the doctor stopped them to take my pulse. Then, they took me back to the room where I was hung and they laid me down on the floor and tied my feet and arms to the floor for about 15 minutes, then they hung me back from my arms from the ceiling. This went on for about a month. This left scars on both my wrists."

(b)(1)  
(b)(3) NatSecAct

6. "Then I started talking to them when they realized that I did not know where UBI was and that their information was wrong. Then they transferred me to another room naked. They released my hand cuffs but not my feet cuffs. My feet were not freed until about two and 1/2 years later."

(b)(1)  
(b)(3) NatSecAct

7. "Then on September 2003, they transferred me to another country—I believe in this country, they kept our clothes on, but our feet shackled. The rooms were about four feet wide by nine feet long. The walls were ceramic, there was a hook in the ceiling and two hooks on the floor, and there was a drain in the floor. From time to time, I would hear other detainees screaming. And now I believe there was no more military people handling me—only CIA. The only time I ever was handled by Military people was at [redacted] and the Military never tortured us—only CIA tortured us. I stayed at this location until October 2005. During this time, I was interrogated daily by different people from Washington under threat. The threat was: 'If we think you're lying to us, you're going back to the torture room.' Every interrogator that talked to me had three muscled men dressed in black from head to toe. All this time, I never once saw the sun or daylight. They intentionally gave us the wrong times for prayer."

(b)(1)  
(b)(3) NatSecAct

8. "On October 2005, they transferred me to a fourth country, I believe in [redacted] Living conditions improved. There were ~~two~~ hooks on the floor. There was a bigger room; food was better; it had a gym. But still we were never allowed to see the sun."

*and on the ceiling*

9. "On March 2006, they transferred me [redacted]—I believe that was the country. Here in the gym, there was an opening in the roof so this was the first time I could see the sun since March 2003. Again, here the food was better, and we got a mat on the floor to sleep on."

(b)(1)  
(b)(3) NatSecAct

10. "On 5 September 2006, I was transferred here [to GTMO, Cuba]." (b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct (b)(1)  
(b)(3) NatSecAct

Exhibit D-d  
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*TS//SCII*

(b)(1)  
(b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

~~TOP SECRET~~ / ~~NOFORN~~

**ISN 22 - Mohammed Nazir bin Lep issues in the  
evidence for Combatant Status Review Tribunal  
19 Mar 2007 by PR 3**

Mr President and members of the board. Upon review of the documents, I identify the following items.

(b)(1)  
(b)(3) NatSecAct

1. ~~(TS - NF)~~ Exhibit R-10 is used to support paragraph i of the unclassified summary. According to Exhibit R-2 Gunawan went to "military training" in June or July 2000, and June 2001 at Camp Al Faruq, Afghanistan that included "training in explosives". Exhibit R-10 states that Gunawan first met "Bashir" in June 2001 in Qandahar, Afghanistan. It also states that Gunawan lived with Bashir for the "duration of the basic explosive training course." However, Gunawan had basic explosive training in June or July 2000 not June 2001.
2. ~~(TS - NF)~~ Masran and Bashir were roommates in November 2001. According to Exhibit R-8, Masran was not identified as a leader of a suicide team until July or August 2002. There is no indication that he contacted the other identified members of the team.
3. ~~(S/NF)~~ Exhibit R-7 mentions an al Qaida suicide plan for late 2001 to attack the tallest building in California without identifying the Detainee as part of this plan

(b)(1)  
(b)(3) NatSecAct

~~TOP SECRET~~ / ~~NOFORN~~

(b)(1)  
(b)(3) NatSecAct

15-L-1645/DOD/223

Exhibit  
D c  
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