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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

Hisham Sliti,)	
)	
Petitioner,)	
)	
v.)	
)	Civil Action No. 05-cv-0429 (RJL)
George W. Bush, President of the)	
United States of America, <u>et al.</u> ,)	
)	
Respondents.)	
)	

NARRATIVE FOR PETITIONER HISHAM BIN ALI BIN OMAR SLITI (ISN 174)

INTRODUCTION

1. Petitioner Hisham bin Ali bin Omar Sliti (the detainee or the subject detainee) is a Tunisian citizen currently detained at the U.S. Naval Station, Guantanamo Bay, Cuba. The detainee is lawfully subject to detention because [REDACTED]; he was [REDACTED] to Afghanistan and traveled there [REDACTED] with the help of [REDACTED]; he was a [REDACTED] to al-Qaida that threatened the security interests of the United States; he associated with [REDACTED] while in Afghanistan; he is assessed to have [REDACTED]; he fled Afghanistan during the American-led war against the Taliban; he was captured with [REDACTED] [REDACTED]; and he was [REDACTED] [REDACTED] [REDACTED].

Consequently, for these and other reasons as set forth more fully below, petitioner is lawfully subject to detention pursuant to, among other things, the President's power as Commander in Chief and the Authorization for the Use of Military Force.

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2. The factual basis for petitioner's detention is supported by source documents cited in this Narrative and attached hereto. In the material related to the factual bases for petitioner's detention and his assessment as a properly detainable enemy combatant, there are documents reflecting interviews with him and others conducted by law enforcement and intelligence personnel as well as information derived from other sources and methods. Information received from these sources is commonly reproduced in reports created by the collecting officer. Such information is also commonly analyzed by intelligence or law enforcement personnel and used to produce other intelligence products. These reports and intelligence products are routinely relied upon by military or intelligence personnel in making decisions to act upon threats to our national security. Declaration of [REDACTED] on Intelligence 101; Declaration of [REDACTED]

3. The subject detainee, like all detainees, has been assigned an Internment Serial Number or ISN. The ISN is an administrative code assigned to military detainees. His full ISN is [REDACTED], in which the number "174" is his unique identifier and [REDACTED]

[REDACTED] Source documents attached as Exhibits to this Narrative may refer to the detainee by his name, by various alternative renderings of his name, by aliases, by MP number, by full ISN, or by various short forms of his ISN. The aliases and/or alternative renderings of his name include Ahmed bin [REDACTED] bin Omar al-Masoudi, Ahmad Muhammad, [REDACTED] [REDACTED] and Hamza.¹ ISN 174 FD-302 (May 17, 2002); ISN 174 FD-302 (July 10, 2002); [REDACTED]

¹ For a discussion of Arabic names, aliases, *kunyas*, and variants, see the Declaration of [REDACTED] on that subject.

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[REDACTED] [REDACTED]. Other military detainees may be referred to in the source documents and this Narrative by name, by MP number, or by various forms of ISN.

4. The following narrative and attached materials set forth the factual bases supporting petitioner's lawful detention. This narrative is not intended to be a complete explication of the information in support of petitioner's detention in those documents.

GENERAL BACKGROUND

5. Al-Qaida (the Base) was founded by Usama bin Laden and others in approximately 1989 for the purpose of opposing certain governments and officials with force and violence. National Comm'n on Terrorist Attacks Upon the United States, The 9/11 Commission Report 56 (2004) (9/11 Commission Report).

6. Usama bin Laden is recognized as the emir (prince or leader) of al-Qaida. Id.

7. A purpose or goal of al-Qaida, as stated by Usama bin Laden and other al-Qaida leaders is to support violent attacks against nationals and property (both military and civilian) of the United States and other countries. Id. at 59-61.

8. Between 1989 and 2001, al-Qaida established training camps, guest houses, and business operations in Afghanistan, Pakistan, and other countries for the purpose of training and supporting violent attacks against nationals and property (both military and civilian) of the United States and other countries. Id. at 64-67.

9. In 1996, Usama bin Laden issued a public "Declaration of Jihad Against the Americans," which called for the murder of United States military personnel serving on the Arabian Peninsula. Id. at 48.

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10. In February 1998, Usama bin Laden and Ayman al-Zawahiri (bin Laden's deputy) issued a fatwa (purported religious ruling) requiring all Muslims able to do so to kill Americans – whether civilian or military – anywhere in the world. Id. at 47.

11. Since 1989, members and associates of al-Qaida, known and unknown, have carried out numerous terrorist attacks, including, but not limited to: the attacks against the American Embassies in Kenya and Tanzania in August 1998, which killed approximately 250 people, id. at 68-70; the attack against the USS COLE in October 2000, which killed 17 United States Navy sailors, id. at 190-93; and the attacks on the United States on September 11, 2001, which killed approximately 3,000 people. Id. passim.

12. The Taliban (students of Islamic knowledge) is an Islamic fundamentalist group that was formed in Afghanistan in 1994. The Taliban in Afghanistan, available at www.cfr.org/publication/10551. After two years of violent conflict that included the capture of Kabul, Afghanistan's capital, the Taliban took control of Afghanistan's national government in 1996. 9/11 Commission Report at 65. Although it was never formally recognized by the United States, id. at 124, the Taliban controlled Afghanistan's national government from 1996 until the United States-led military campaign ousted the Taliban from power in 2001. Id. at 337-38. During the period in which the Taliban controlled Afghanistan's national government, it provided safe harbor and support to al-Qaida and Usama bin Laden. Id. at 64-67.

13. On September 18, 2001, following the attacks on the United States, Congress enacted the Authorization for the Use of Military Force. See 115 Stat. 224 (2001). Recognizing that the attacks of September 11, 2001 “render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens at home and abroad,” Congress authorized the President “to use all necessary and appropriate force against

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those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.” Id. Within weeks, United States military forces were deployed in Afghanistan. 9/11 Commission Report at 337.

14. The United States led the initial aerial bombing campaign of Afghanistan with ground forces composed of United States forces and Afghanistan militia opposed to the Taliban, including the Northern Alliance. The Northern Alliance, an association of Afghan groups opposed to the Taliban, has assisted the United States in its military campaign in Afghanistan to defeat al-Qaida and the Taliban. Id. at 330-34, 336-38.

15. In December 2001, the United States-led military campaign removed the Taliban from control of Afghanistan’s national government. Id. at 337-38. Taliban and al-Qaida forces, however, have continued to operate in Afghanistan and attack coalition forces. Currently, two major military operations are underway in Afghanistan. First, Operation Enduring Freedom (OEF) is a multinational coalition military operation, led by the United States, initiated in October 2001 to counter terrorism and bring security to Afghanistan in collaboration with Afghan forces. See Operation Enduring Freedom, Fact Sheet (January 2006), available at www.state.gov/r/pa/prs/ps/2006/60083.htm. OEF operations led to the collapse of the Taliban government and helped bring security and stability to Afghanistan. Id. OEF involves troops from over 20 nations, including about 19,000 United States forces and about 3,000 non-United States troops. Id. Second, the International Security Assistance Force (ISAF) is a United Nations-mandated international coalition operating under the command of the North Atlantic Treaty Organization (NATO). See International Security Assistance Force, available at

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www.nato.int/isaf/index.html. ISAF was established in 2002 with the goal of creating conditions for stabilization and reconstruction in Afghanistan. ISAF is comprised of approximately 50,000 troops from 40 countries. Id.

DETAINEE'S BACKGROUND

Detainee's Life in Tunisia

16. [REDACTED]

[REDACTED] Ahmed [REDACTED] al-Masoudi, a Palestinian, [REDACTED]. ISN 174 FD-302 (May 17, 2002); [REDACTED]

[REDACTED]

[REDACTED]² [REDACTED]

[REDACTED] He has since changed his story. He now claims to be Hisham bin Ali bin Amor Sliti, who was born in 1966 in Hamam Lef, Tunisia, and who lived his entire childhood in Tunisia. ISN 174 FD-302 (May 17, 2002); ISN 174 FD-302 (June 8, 2002).

17. He was educated in Tunisia and studied mechanics for three years, obtaining a certificate in car repair.³ When he was seventeen or eighteen years old, he was arrested for theft and sentenced to five months probation. ISN 174 FD-302 (May 17, 2002).

18. The detainee began his service in the Tunisian National Guard at the age of eighteen. Subsequently, in 1988 (when he was approximately twenty-two), he worked briefly at

² [REDACTED]

³ [REDACTED]

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a printing company. ISN 174 FD-302 (May 17, 2002). From 1988 until 1995, he may have lived in France and Tunisia. ISN 174 FD-302 (May 17, 2002); ISN 174 FM40 (April 22, 2005).⁴

Detainee Moved to Italy Where He Had [REDACTED]

19. In April 1995 the detainee moved to Italy,⁵ where he began abusing drugs and selling them. ISN 174 FD-302 (May 17, 2002); ISN 174 FD-302A (July 10, 2002).⁶ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. In 1997 the detainee, who was using a false name, was arrested on drug-related charges.⁷ He was sentenced to three years and eight months incarceration, but he served only eleven months in prison. When he was remanded to spend one month at another institution, he escaped. ISN 174 FD-302 (May 17, 2002).

Detainee Moved to Belgium with His [REDACTED] Cousin

21. [REDACTED]

[REDACTED]

⁴ [REDACTED]

⁵ [REDACTED]

AMEMBASSY TUNIS (June 13, 2002).

⁶ Two FBI interviews are dated July 10, 2002, even though the interviews actually occurred on July 8 and July 9. Because both interviews are labeled 7/10/02, we will refer to the interview that occurred on July 8 as FD-302A and the interview that occurred on July 9 as FD-302B.

⁷ He was using the name [REDACTED] when he was arrested. ISN 174 FD-302 (May 17, 2002).

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[REDACTED]

22. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] who recruited fighters for the holy war in Afghanistan and was subsequently convicted in Italy as “one of the most dangerous Islamic terrorists to have set foot in Italy.” Open Source Center, Milan: Tunisian al-Qa’ida Suspects Convicted, Sentenced to Four, Five Years (February 23, 2002); Open Source Center, EU Court Prevents Italy from Expelling Convicted Tunisian ‘Fundamentalist’ (June 2, 2007).⁸

23. [REDACTED]

[REDACTED] he now admits he first lived with his cousin [REDACTED] in a garage which his cousin owned. ISN 174 FD-302 (May 17, 2002); [REDACTED] He later lived with his cousin [REDACTED]. ISN 174 FD-302B (July 10, 2002); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. [REDACTED]

[REDACTED]

⁸ Italian wire taps recorded Sami Essid apparently planning attacks involving “gas bombs” and canisters of “liquid that suffocates people.” Open Source Center, Milan: Tunisian al-Qa’ida Suspects Convicted, Sentenced to Four, Five Years (February 23, 2002); Open Source Center, EU Court Prevents Italy from Expelling Convicted Tunisian ‘Fundamentalist’ (June 2, 2007).

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~~SECRET//NOFORN~~**DETAINEE MOVED TO AFGHANISTAN WITH THE HELP** [REDACTED]
[REDACTED]

25. [REDACTED]

[REDACTED], he admits now that it was his cousin [REDACTED], who provided the motivation. ISN 174 FD-302 (June 8, 2002); [REDACTED] [REDACTED]. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Declaration of [REDACTED] on Counter-interrogation Doctrine and Practice. The detainee, who claims he was a heroin addict, maintains that his primary motivation for moving to Afghanistan – the land of the poppy that is the source of heroin – was to end his drug habit. ISN 174 FD-302 (June 8, 2002); [REDACTED].⁹

26. Cousin [REDACTED] introduced the detainee to a Moroccan named [REDACTED]. ISN 174 FD-302 (May 17, 2002).¹⁰ [REDACTED]

[REDACTED]

[REDACTED]¹¹ [REDACTED]

⁹ He has also asserted in an FBI interview that he went to Afghanistan to study the Islamic faith. When asked why he chose Afghanistan, he answered, “[b]ecause the government of Saudi Arabia is made up of dogs.” ISN 174 LHM (September 17, 2008). Although the date of the LHM is September 17, 2008, the actual FBI interview occurred on April 3, 2007. *Id.*

¹⁰ [REDACTED]

¹¹ [REDACTED]

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[REDACTED]

[REDACTED]¹² [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

27. [REDACTED]

[REDACTED]

28. [REDACTED]

[REDACTED] he now claims he left Belgium to go there in May 2000. ISN 174 FD-302 (May 17, 2002). [REDACTED] drove the detainee to Paris so that he could board the Eurostar train to London. ISN 174 FD-302 (May 17, 2002); ISN 174 FD-302 (June 8, 2002); ISN 174 FD-302B (July 10, 2002).¹³ [REDACTED]

[REDACTED],¹⁴ [REDACTED]. ISN 174 FD-302 (June 8, 2002); [REDACTED]

[REDACTED].

29. On May 5, 2000, the detainee traveled to London on the Eurostar train.¹⁵ ISN 174 FD-302 (June 6, 2002); ISN 174 FD-302B (July 10, 2002); [REDACTED]. When the detainee arrived in London, he went to his [REDACTED] house, where his [REDACTED]

¹² In a subsequent interview, the detainee denied knowing anyone called [REDACTED] that had assisted him obtaining a passport and airline tickets. ISN 174 FM40 (February 24, 2004).

¹³ The detainee traveled by car to France, rather than take a flight from Belgium, to avoid scrutiny of his forged Belgian passport by Belgian authorities. ISN 174 FD-302B (July 10, 2002).

¹⁴ [REDACTED] In Arabic, a *kunya* is traditionally an honorific title such as Abu Ibrahim, which means father of Ibrahim. Declaration of [REDACTED] on Names, Aliases, Kunyas, and Variants. However, insurgents, radicals, and terrorists commonly use *kunyas*, without regard to its honorific meaning, as assumed names or pseudonyms to conceal their identity. *Id.*

¹⁵ [REDACTED]

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[REDACTED]. ISN 174 FD-302 (June 8, 2002); [REDACTED] [REDACTED]

[REDACTED] Sheik Qatada is a radical Islamic preacher, recently released on bail in the United Kingdom, who has been described by one judge in England as a “truly dangerous individual at the centre of al Qaeda’s activities in the UK.” Open Source Center, UK: Radical Islamist Preacher Abu Qatada Released From Prison (June 17, 2008)..

30. [REDACTED]

[REDACTED]¹⁶ [REDACTED]

[REDACTED]¹⁷ [REDACTED]

[REDACTED]

31. [REDACTED]

[REDACTED]

[REDACTED]¹⁸ [REDACTED]

[REDACTED]¹⁹ [REDACTED]

[REDACTED]

DETAINEE ASSOCIATED WITH [REDACTED] AT THE TUNISIAN GUESTHOUSE

32. [REDACTED]

[REDACTED]

¹⁶ [REDACTED]
[REDACTED]

¹⁷ In another interview, the detainee said that [REDACTED] gave him 590 pounds sterling (\$800) and suggested he go to Afghanistan to get away from drugs. ISN 174 FD-302 (May 17, 2002).

¹⁸ In another interview, the detainee claimed [REDACTED] met him in Peshawar. ISN 174 FD-302 (June 8, 2002).

¹⁹ [REDACTED]

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[REDACTED]

33. [REDACTED] Jalalabad was located just a few miles from the Derunta terrorist training camp. Declaration of [REDACTED] The detainee lived – rent free – at the Tunisian guesthouse, [REDACTED]

[REDACTED]. ISN 174 FD-302 (June 8, 2002); [REDACTED]

[REDACTED]

[REDACTED]

34. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The detainee's cousin [REDACTED] bring money [REDACTED]

[REDACTED]. ISN 174 FD-302A (July 10, 2002); [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

35. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]²⁰

36. [REDACTED]

[REDACTED] ISN 174 FM40

(February 24, 2004); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

37. [REDACTED]

[REDACTED]

married cousin [REDACTED] thirteen year-old daughter. ISN 174 FM40 (February 24, 2004); [REDACTED]

[REDACTED]; Brussels Le Soir, Belgian Court Hears Testimony of Suspected Terrorist Sliti's

Spouse (February 28-29, 2004). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

38. [REDACTED],²¹ [REDACTED]

[REDACTED]

[REDACTED]

²⁰ The detainee said he lived at the guesthouse with [REDACTED]
[REDACTED] ISN 174 FD-302 (June 8, 2002).

²¹ [REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

39.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

40.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DETAINEE WAS A

[REDACTED]

41.

[REDACTED]

[REDACTED]

[REDACTED]²² [REDACTED]²³ [REDACTED]²⁴ [REDACTED]

[REDACTED]²⁵

²²

[REDACTED]

²³ A State Department cable indicates that the TCG had been created in 1998. STATE 200595 (2002). [REDACTED]

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42. [REDACTED]

[REDACTED]. The TCG, as a loosely organized group, also actively supported the international Islamic extremist movement and had close links to terrorist groups linked with al-Qaida. STATE 200595 (2002); U.S. Department of Homeland Security, Terrorist Organization Reference Guide (January 2004).

43. In 2000, the leaders of the TCG met with the leaders of the Islamic Army for the Liberation of the Holy Sites and leaders of other extremist groups to declare jihad against the West and pro-western Arab regimes, to support bin Laden, to “liberate Palestine from the Zionists,” and to plan attacks in North Africa. Because the United States believed that the TCG posed a significant threat of committing acts of terrorism that would threaten the security of the United States, STATE 200595 (2002), the United States sought and obtained the group’s designation for sanctions by the United Nations under UNSCR 1333 in December 2000. STATE 200595 (2002); U.S. Department of Homeland Security Terrorist Organization Reference Guide (January 2004).

44. Also, the TCG has been named by the President as a Specially Designated Global Terrorist pursuant to the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. § 1701 et seq. See Exec. Order 13224, 66 Fed. Reg. 49079, 49082 (Sept. 23, 2001); see also 66 Fed. Reg. 54404, 54405 (Oct. 26, 2001). This Executive Order provides authority for the designation and blocking of assets of certain listed organizations and individuals (supplemented by later designations) who have committed or pose a significant risk of committing certain terrorist acts. Exec. Order 13224, 66 Fed. Reg. at 49079-80. Among other things, designation

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[REDACTED], the Tunisian Combat Group, the Jama’a Combattante Tunisien (JCT), and the Groupe Combatant Tunisien. STATE 200595 (2002).

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blocks United States assets of the organization or group and prohibits any United States person or person within the United States from dealing with the organization or conducting transactions involving blocked assets. See 50 U.S.C. § 1702. On October 10, 2002, the President designated the TCG as one of the organizations linked to terrorism, defined as an activity that “involves a violent act or an act dangerous to human life, property, or infrastructure[,] and appears to be intended to (A) intimidate or coerce a civilian population, (B) influence the policy of a government by intimidate or coercion, or (C) affect the conduct of a government by mass destruction, assassination, kidnapping or hostage-taking.” Id. § 3(d), 66 Fed. Reg. at 49080. As of October 2008, the TCG remains on this designation list. See <http://www.treasury.gov/offices/enforcement/ofac/programs/terror/terror.pdf>.

45. [REDACTED]

[REDACTED] prominent al-Qaida leaders such as Dr. Ayman al-Zawahiri [REDACTED]. 9/11 Commission Report at 438; [REDACTED]

46. [REDACTED]

47. [REDACTED], also known as [REDACTED], the son-in-law of cousin [REDACTED]

[REDACTED]. ISN 174 FM40 (February 24, 2004); [REDACTED].

48. [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

49. [REDACTED]

[REDACTED]

50. [REDACTED]

[REDACTED]

[REDACTED].

51. The TCG had cells in France, Italy, Belgium, the United Kingdom, the Netherlands, and Luxembourg. STATE 200595. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

52. [REDACTED] Maaroufi was [REDACTED]

[REDACTED] convicted of providing forged passports to [REDACTED] assassins [REDACTED]

[REDACTED] murdered the Northern Alliance commander Massoud on September 9, 2001. [REDACTED]

[REDACTED]; AMEMBASSY BRUSSELS (September 30, 2003).

²⁶ [REDACTED] (GIA), which the United States Department of State has designated as a Foreign Terrorist Organization. U.S. Department of State, Designation of Foreign Terrorist Organizations, Fact Sheet (April 8, 2008), available at www.state.gov/s/ct/r/s/fs/08/103392. It is a criminal act for a person subject to the jurisdiction of the United States to provide material support to the GIA. 18 U.S.C. § 2339B.

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53. Sami Essid, the jihad recruiter and Islamic militant, Open Source Center, Milan: Tunisian al-Qa'ida Suspects Convicted, Sentenced to Four, Five Years (February 23, 2002); Open Source Center, EU Court Prevents Italy from Expelling Convicted Tunisian 'Fundamentalist' (June 2, 2007), [REDACTED]

54. [REDACTED]
[REDACTED]
[REDACTED]

DETAINEE [REDACTED]

Bases for Factual Assessment That [REDACTED]

55. [REDACTED],
[REDACTED]²⁷ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

56. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

²⁷ [REDACTED]
[REDACTED]

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57. [REDACTED]

58. [REDACTED] Derunta training camp was located only a few miles from Jalalabad

[REDACTED] Declaration of [REDACTED] on Training Camps; [REDACTED]

59. [REDACTED] “going to the fish market” [REDACTED]

[REDACTED] ISN 174 FD-302B (July 10, 2002); [REDACTED]

60. [REDACTED]

61. [REDACTED]

[REDACTED] Brussels

Le Soir, Belgian Court Hears Testimony of Suspected Terrorist Sliti’s Spouse (February 28-29, 2004).

62. An Algerian named [REDACTED] – who lived briefly with the detainee, worked at gun repair shop, and whom the detainee suspected of attending the camp

[REDACTED] ISN 174 FD-302B (July 10, 2002); [REDACTED]

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63. [REDACTED]

[REDACTED]. The Derunta training complex outside of Jalalabad comprised advanced terrorist training camps that offered training in various explosives, poisons, and chemical warfare agents. Abu Khabab, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Declaration of [REDACTED] on Training Camps. [REDACTED]

[REDACTED]

[REDACTED] Id.; [REDACTED]

[REDACTED]

[REDACTED] Declaration of [REDACTED]

on Training Camps; [REDACTED]

[REDACTED]

[REDACTED] Declaration of [REDACTED] on Training Camps.

DETAINEE ARRESTED WITH [REDACTED] PASSPORT AND [REDACTED]

64. In October 2000, five months after he arrived in Afghanistan, the detainee was arrested at Islamabad airport in Pakistan, [REDACTED], because his [REDACTED] passport, [REDACTED], raised suspicions. ISN 174 FD-302 (June 8, 2002); [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED] the detainee escaped (with no passport), fled back to the Tunisian guesthouse in Afghanistan, and reunited with [REDACTED]
[REDACTED]

[REDACTED] ISN 174 FD-302 (May 17, 2002); ISN 174 FD-302 (June 8, 2002); I [REDACTED]
[REDACTED]

DETAINEE LIVED IN A [REDACTED] MOSQUE IN AFGHANISTAN

65. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Abdullah Azzam mosque where the detainee began to live. ISN 174 FD-302 (June 30, 2002); [REDACTED]

66. Abdullah Azzam, for whom the mosque is named, founded al-Qaida with Usama bin Laden in approximately 1989. He was killed later that year in a car bomb. 9/11 Commission Report at 56.

67. The mosque was built and paid for by a Tunisian known as [REDACTED] and also known as [REDACTED]. ISN [REDACTED] FD-302 (January 29, 2002); ISN 174 FD-302 (June 30, 2002); ISN 174 FD-302B (July 10, 2002); [REDACTED]

[REDACTED] was a wealthy former soccer player [REDACTED] and trained at the Derunta camp. ISN [REDACTED] FD-302 (January 29, 2002); ISN 174 FD-302 (June 30, 2002); [REDACTED]

[REDACTED] He was arrested in Belgium two days after September 11, 2001 upon suspicion that he was planning to conduct an attack against the American Embassy in France.

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AMEMBASSY BRUSSELS (September 30, 2003). [REDACTED] the U.S. military personnel at the Kleine Brogel airbase in Belgium were his actual target. [REDACTED]

[REDACTED]; AMEMBASSY BRUSSELS (September 30, 2003). [REDACTED]

[REDACTED] He was sentenced to ten years in prison in Belgium for this plot against U.S. military assets and personnel. [REDACTED]; AMEMBASSY BRUSSELS (September 30, 2003); AMEMBASSY BRUSSELS (June 9, 2004).

68. The detainee admits knowing [REDACTED] as they were both members of the Abdullah Azzam mosque. ISN 174 FD-302 (June 30, 2002); [REDACTED]

OTHER TUNISIANS ASSOCIATED WITH THE DETAINEE ARE KNOWN TO HAVE

69. [REDACTED]

70. [REDACTED]

[REDACTED] United States [REDACTED] in December 2001 in the Tora Bora mountains,

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[REDACTED] Declaration of [REDACTED]
 on Tora Bora; [REDACTED]; 9/11 Commission Report at 338; [REDACTED].

71. [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]²⁹ [REDACTED]

72. As for the subject detainee, he has acknowledged that he was in Afghanistan to help support its people against the American invasion of their country.³⁰ ISN 174 FM40 (March 11, 2005).

DETAINEE CAPTURED TRYING TO FLEE AFGHANISTAN

73. In December 2001, the detainee was captured while trying to flee Afghanistan during the Coalition's war against the Taliban. ISN 174 FD-302 (May 17, 2002); [REDACTED]
 [REDACTED] 9/11
Commission Report at 338; [REDACTED]
 [REDACTED]
 [REDACTED]

28 [REDACTED]

29 [REDACTED]

30 [REDACTED]

[REDACTED] (ISN [REDACTED]), a Yemeni who admits to resupplying the Taliban frontlines during its fight with the Northern Alliance, told interviewers that that he had met a person named [REDACTED] in Afghanistan, who was a reformed European drug dealer. He did not believe that [REDACTED] was associated with al-Qaida or any charities that support terrorism. ISN [REDACTED] FD-302 (November 1, 2002); [REDACTED] Although the detainee may have used the alias Hamza and he does claim to have been a drug dealer in Europe, ISN 174 FD-302 (July 10, 2002), it is not clear whether ISN [REDACTED] was referring to the detainee.

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~~SECRET//NOFORN~~DETAINEE HAS BEEN [REDACTED]
[REDACTED]74. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

AMEMBASSY TUNIS (June 22, 2007).

75. [REDACTED] Belgium convicted the detainee in *absentia* of criminal offenses, in the absence at that time of terrorism-specific legislation, for his direct or indirect ties to one or both of the principal defendants – Nizar Trabelsi and Tarek Maaroufi – in a trial involving twenty-three defendants. Trabelsi was accused of plotting to kill U.S. military personnel at an airbase in Belgium; Maaroufi was accused of providing the fraudulent Belgian passports to the two assassins who murdered the Northern Alliance leader Massoud on September 9, 2001. Trabelsi and Maaroufi were convicted and sentenced to ten years and six years respectively.

AMEMBASSY BRUSSELS (September 30, 2003). Despite the fact that the lead Belgian investigator on the detainee's case found no evidence that the detainee had committed a terrorist act, FM40 (August 16, 2006), the detainee was convicted and a sentence of four years was

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imposed. His [REDACTED] was also convicted and a sentence of five years was imposed.

AMEMBASSY BRUSSELS (September 30, 2003).

DETAINEE'S [REDACTED]

CONTINUING THREAT TO THE UNITED STATES

76. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

77. [REDACTED]

[REDACTED]

[REDACTED] In a 2007 interview with the FBI, he called the government of the United States criminal and wished an unpleasant and untimely death upon President Bush. ISN 174 LHM (September 17, 2008).

CONCLUSION

78. The detainee is lawfully subject to detention because he was a [REDACTED]

[REDACTED] that posed a significant threat to the national security of the United States. He traveled to Afghanistan with the help of [REDACTED]. He lived in a house [REDACTED]

[REDACTED]. He associated with [REDACTED]. He [REDACTED] with [REDACTED]. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] And

[REDACTED] continuing threat to the United States.

~~SECRET//NOFORN~~