

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BENSAYAH BELKACEM, *et al.*,

Petitioners,

v.

GEORGE W. BUSH,

President of the United States, *et al.*,

Respondents.

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

DECLARATION OF JAMES R. CRISFIELD JR.

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

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

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Bensayah Belkacem that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted the names and addresses of the detainee's family and information that would personally

identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



**Department of Defense
Director, Combatant Status Review Tribunals**

OARDEC/Ser: 0206
11 October 2004

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From: Director, Combatant Status Review Tribunal

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

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

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

A handwritten signature in black ink, appearing to read "J. M. McGARRAH", is positioned above the printed name.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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10 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004

(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #6 of 13 September 2004

(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate in the Tribunal.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-7 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. Additionally, the Tribunal recessed and requested additional information from the Recorder. The Recorder obtained the information requested by the Tribunal and those documents were attached to the Tribunal Decision Report as exhibits R-14 through R-20.

d. The detainee made no requests for witnesses or other evidence.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.


2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

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

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.
CDR, JAGC, USN

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Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

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

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

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

MEMBERS:

[REDACTED] Colonel, U.S. Army; President

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

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

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



HEADQUARTERS, OARDEC FORWARD

GUANTANAMO BAY, CUBA

APO AE 09360

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

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

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

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

A handwritten signature in black ink, appearing to read "D. L. Taylor", is written over the typed name.

DAVID L. TAYLOR
Colonel, USAF

SECRET//NOFORN//X1

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

(U) TRIBUNAL PANEL: #6

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #6 of 13 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

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

[REDACTED]

Colonel, U.S. Army
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #6
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The initial session of this Tribunal was held on 28 September 2004. The Recorder presented Exhibits R-1 through R-6 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence (Exhibit R-1) indicates, among other things, that: the detainee is an Al Qaida member and is linked to Usama Bin Laden's operational network; he had phone conversations with Abu Zubaydah, a senior Al Qaida aide to Usama Bin Laden pertaining to procuring passports; he was identified as the primary Al Qaida facilitator in Bosnia; in late September 2001 in Bosnia-Herzegovina, he planned to join Jihadist elements in Afghanistan in anticipation of the U.S./coalition invasion, and encouraged other Algerians to do the same; he was going to assist the mid-October 2001 arrival of unidentified travelers from Afghanistan [to Bosnia-Herzegovina]; and he planned to coordinate from Tehran, Iran, the late-October 2001 travel to Bosnia-Herzegovina of an additional 30-40 travelers from Afghanistan. The Recorder called no witnesses.

The detainee chose not to attend the Tribunal as reflected in the Detainee Election Form (Exhibit D-A), and the Personal Representative presented no evidence and called no witnesses.

During the classified session of the Tribunal, the Recorder presented Exhibits R-7 through R-13. The Personal Representative presented no classified evidence, and neither the Recorder nor the Personal Representative commented on the classified exhibits. After the Tribunal read all of the classified exhibits, the Tribunal requested additional information and recessed until the Recorder could obtain it.

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ISN # [REDACTED]
Enclosure (1)
Page 1 of 4

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The Tribunal reconvened on 1 October 2004. In response to the Tribunal's request, the Recorder offered into evidence additional classified Exhibits R-14 through R-20 after giving the Personal Representative an opportunity to review the documents. Neither the Recorder nor the Personal Representative had any comments on the additional documents. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-20 and D-A.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

a. The recorder offered Exhibits R-1 through R-6 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Accordingly, the Tribunal had to look to other exhibits for support of the Unclassified Summary of Evidence.

b. Exhibit R-3 is an affidavit of [REDACTED], the detainee's wife, dated 10 August 2004. The affidavit explains how the detainee came to be detained in Guantanamo Bay, Cuba. The affidavit has been filed in the United States District Court for the District of Columbia in support of a habeas petition on behalf of the detainee.

c. Exhibit R-4, as it was originally offered, was page 10 of a 12-page article on terrorism, marked as "Original Exhibit R-4." The focus of the article on page 10 is the detainee's case. Because the Tribunal could not tell the source of the article, the Tribunal requested that the Recorder produce the entire article for the Tribunal's consideration. The full article was submitted by the Recorder and is marked "Supplemental Exhibit R-4." The article provides information on the detainee, including links the detainee has to Abu Zubaydah, a senior Usama Bin Laden aide. Although the Tribunal found the article

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ISN # [REDACTED]
Enclosure (1)
Page 2 of 4

UNCLASSIFIED//FOUO

informative, the Tribunal placed greater weight on the classified evidence than on this news article.

d. Exhibit R-5 is a request from the government of Bosnia and Herzegovina for information from Interpol. The exhibit did not provide any useful information.

e. Exhibit R-6 contains an undated news article concerning the detainee. No author or title to the document could be found by the Recorder after the Tribunal asked that the additional information be produced. The Tribunal did not rely upon this document in formulating its conclusions.

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

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT Legal Advisor.

7. Conclusions of the Tribunal

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

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-A.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

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ISN # [REDACTED]
Enclosure (1)
Page 3 of 4

UNCLASSIFIED//FOUO

8. Dissenting Tribunal Member's report


None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

Colonel, U.S. Army
Tribunal President

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ISN # 
Enclosure (1)
Page 4 of 4

End Time: 1700

EXHIBIT 19-A

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (24 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal BELKACEM, Bensayah

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is an al-Qaida member.

The detainee is an al Qaida member:

1. The detainee traveled from Yemen to Bosnia-Herzegovina during November 1995.
2. Detainee is linked to Usama Bin Laden's operational network.
3. The detainee was in possession of Abu Zubaydah cell phone number in Afghanistan.
4. The detainee had phone conversations with Abu Zubaydah, a senior al Qaida aide to Usama Bin Laden pertaining to procuring passports.
5. The detainee made 70 phone calls to Afghanistan between September 11, 2001 and the time he was arrested.
6. The detainee was being investigated under the criminal acts for international terrorism in Bosnia.
7. The detainee was identified as the primary al Qaida facilitator in Bosnia.
8. In late September 2001 the detainee in Bosnia Herzegovina planned to join jihadist elements in Afghanistan in anticipation of the United States/coalition invasion and encouraged other Algerians to do the same.

Page 1 of 2

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EXHIBIT R-1

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9. On 1 October 2001, the detainee applied for a visa in Sarajevo, Bosnia - Herzegovina for onward travel to Afghanistan.
10. The detainee, prior to planned departure to Iran/Afghanistan, was to assist the mid-October 2001 arrival of unidentified travelers from Afghanistan.
11. The detainee planned to coordinate from Tehran, Iran the late October 2001 travel to Bosnia-Herzegovina of an additional 30-40 travelers from Afghanistan.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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To : Department of Defense Date 09/16/2004
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
[REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [REDACTED]

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

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

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

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

FD-302 dated 02/20/2002

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

²See Executive Order 12958

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

If you need additional assistance, please contact Assistant

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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (RJL)

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

Respondents.

AFFIDAVIT OF [REDACTED]

I, [REDACTED], of [REDACTED], Bosnia and Herzegovina (BiH), being
duly sworn, depose and state as follows.

1. I was born on January 31, 1975, in Zenica BiH. I am a citizen of BiH. I have been married to Belkacem Bensayah since March 14, 1997. We have two daughters: [REDACTED] born in 1997, and [REDACTED] born in 1999; both are citizens of BiH.
2. My husband Belkacem Bensayah was born on September 10, 1962, in Algeria. He is a citizen of Algeria. In Algeria, he lived with his mother. My husband's father died when he was young. He graduated from secondary school, and later undertook administrative work in a municipality office in Algeria.
3. Before I married Belkacem, I lived with my parents and younger sister and brother in Zenica, where I graduated from secondary school.
4. My husband was granted BiH citizenship on January 4, 1995. I met him in October 1996. We lived from the support from our respective families.
5. On October 8, 2001 at 11:30 am, two plain-clothes policemen came to our apartment; they remained in front of our apartment, prohibiting any entrance or exit from the house. At 1:30 pm approximately 40 policemen, including the International Police Task Forces (IPTF), besieged our house and showed us a search warrant; I was not allowed to leave the house with my daughters. The warrant stated, that the search was ordered for

gathering necessary information related to commission of the criminal act of falsifying documents. The same day, my husband was arrested on suspicion of residing in BiH under false names and was held in pre-trial detention in the Municipal Prison in Zenica according to orders given by the Municipal Court in Zenica.

6. In October, criminal proceedings were initiated in Sarajevo against my husband in connection with suspected terrorism activity and on October 25, 2001 the Supreme Court in Sarajevo ordered my husband's detention for the period of one month to run from the day of the termination of his detention in Zenica. On January 16, 2002, the Municipal Court in Zenica ended my husband's detention. Therefore, on January 16, 2002, my husband was transferred to the central prison in Sarajevo. The next day, the Bosnian Supreme Court ordered my husband's release because there were no further reasons upon which pre-trial detention could be ordered. Disregarding this decision, the Federation Police transferred my husband to United States custody at 6:00 a.m. on January 18, 2002.
7. On November 16, 2001, my husband's BiH citizenship was revoked based only on the fact that criminal charges had been brought against him. The criminal proceedings in BiH against him are still suspended. On January 10, 2002, the Federal Ministry of Interior issued a decision to refuse entry to my husband, and ordered him to leave the territory of BiH. This decision was delivered to my husband only on January 18, 2002, so he had no opportunity to appeal the Ministry's decision ordering his expulsion.
8. After his expulsion, my husband's lawyer lodged an application on his behalf with the Human Rights Chamber for BiH ("Chamber"). In its decision of April 4, 2003, the Chamber stated that the respondent parties, BiH and the Federation of Bosnia and Herzegovina, failed to act in accordance with the law, among other things, because the respondent parties did not follow the proper procedure for expulsion and did not seek any assurances that the death penalty would not be imposed upon my husband by the United States. The Chamber ordered the respondent parties to take all necessary action to protect my husband's rights while in United States custody and to compensate him for non-pecuniary damages.
9. Since my husband was taken into custody, I have worked very hard on his behalf. My activities for my husband's release include regular contacts with BiH government and international organizations, especially human rights organizations.
10. Presently, my husband is held in the custody of the United States military at Guantanamo Bay, Cuba. After his deportation, I received some letters from my husband, but now it has been more than twenty months since I have received any correspondence from him. In the last letter that I received from him, in September 2002, he wrote that the investigations have been completed, and that there is no evidence against him. I am very worried because I have not heard from him since then — nearly two years ago. The International Committee of the Red Cross told me that my husband does not want to receive my letters and pictures of our children. I cannot believe this, because he always loved his daughters and is an affectionate and caring father who took care of them. However, if it is true, it only shows me to what extent my husband is distressed and has lost all hope.

11. Both our daughters are suffering a lot due to their father's absence. Our oldest girl became very introverted after the disappearance of her father, asking again and again why her father left. Our youngest girl has problems with her heart, and a physician told me that her illness is psychosomatic. Our physician has recommended psychiatric treatment for both girls. Our older daughter will be enrolled in elementary school in September; I already informed the teacher of our situation because I don't want my daughters to hear rumors from other people or feel ashamed of their father.
12. We now live in a rented apartment in Zenica, in the vicinity of my parents' apartment. I am unemployed and we receive financial support from my parents.
13. It is my belief, based on the messages my family received, and from everything I know about my husband, that he is seeking my assistance and support and would want me to take appropriate legal action on his behalf as his next friend. In this capacity, I have retained and hereby request Wilmer Cutler Pickering Hale and Dorr LLP, and any person authorized by that Firm, to act on my own and Belkacem Bensayah's behalf and to take whatever legal steps they consider to be in our best interests, in connection with my husband's detention at Guantanamo.

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

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

[REDACTED]

Witness: [REDACTED]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

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04-1166 (RJL)

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

Respondents.

AFFIDAVIT OF [REDACTED] AUTHORIZING REPRESENTATION

I, [REDACTED] hereby depose and say:

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

Signed: --

[REDACTED]

Date:

10. August, 2004

Witnessed:

[REDACTED]

Date:

10. August, 2004

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

YOUNG AND RUTHLESS

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

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

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

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

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

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

The Suspects: a Bosnian Subplot

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

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

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

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

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

—By Andrew Purvis/Sarajevo

HATE CLUB

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

By MICHAEL ELLIOTT

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

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

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

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

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

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

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

WORLDWIDE WEB

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

- ★ ARRESTS/DETENTIONS
- TERRORIST ATTACK
- FAILED TERRORIST ATTACK
- ⑤ FINANCIAL BACKING

UNITED STATES

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

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

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

CANADA

- ★ As many as 30 people have been taken into custody in possible connection with the Sept. 11 attacks, and one faces extradition to the U.S.

SPAIN

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

BRITAIN

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

- ★ Key arrests include Latif Rashed, who allegedly helped teach the hijackers how to fly; Khalid al-Masoud, a computer whiz suspected in the Paris plot; and Yasser al-Siri, who was charged last week in connection with the assassination of Afghan rebel leader Ahmad Shah Massoud

TM: Graphics by Ed Hedd
Research by Amanda Green
and Patricia Madigan
Source: Congressional Research
Service; State Department;
wire offices; and news reports

ARGENTINA, BRAZIL, PARAGUAY

- ⑤ The area where all three countries meet is thought to be a terrorist financing center; banks are investigating dozens of accounts for links.

★ Nineteen people in this "contraband capital" have been arrested, mostly on false-documentation charges, and Paraguay has charged officials in 11 of its consulates with selling illegal passports and documents.

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

URUGUAY

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

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

ISRAEL

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

SAUDI ARABIA

At least half of the 19 hijackers are thought to have been Saudis. Saudi security services have carried out a small number of arrests of suspected supporters of the Saudi-born bin Laden.

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

EGYPT

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

SUDAN

Khartoum was bin Laden's base from 1992 to '96. The U.S. responded to the 1998 embassy bombings with a missile assault on a suspected chemical-weapons plant in the capital.

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