



“The Eleven”: Saudi Guantanamo Veterans Returning to the Fight

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From 2006-2009, Evan Kohlmann has worked as a special consultant to the U.S. Department of Defense Office of Military Commissions (OMC) in adjudicating the cases of alleged Al-Qaida and Taliban detainees held in Guantanamo Bay, Cuba. Mr. Kohlmann has also testified twice as an approved expert witness on behalf of U.S. military prosecutors during special tribunals held in Guantanamo Bay—including United States v. Salim Hamdan (2008) and United States v. Ali Hamza al-Bahlul (2008).

On February 2, 2009, the Ministry of the Interior of the Kingdom of Saudi Arabia issued a new public roster of most wanted Al-Qaida terrorist suspects sought in connection with credible threats of violence inside the Arabian Peninsula. Since 2003, the Saudi government has issued at least three other similar wanted lists, known respectively as the 19 wanted (May 2003), the 26 wanted (December 2003), and the 36 wanted (June 2005). During an interview at his home in London in 2006, Saudi Islamic activist and exile Dr. Saad al-Faqih argued to me that the Saudi internal campaign against Al-Qaida has been “so effective... not because of the regime’s abilities, but because of Al-Qaida’s mistakes... They made even the worst mistake, that was attacking the security forces themselves. And every security person thought he was a target, he was the enemy of Al-Qaida. So that was an automatic mobilization of the security forces against Al-Qaida. So they fight Al-Qaida out of... a sort of self protection, they have to protect themselves. And Al-Qaida, as an organization, was fought fiercely by the regime at every level.”¹ Indeed, by the end of 2008, most of the suspects named on previous Saudi wanted lists had either been captured or killed in clashes with security forces inside Saudi Arabia, in nearby Iraq, or else in Afghanistan.



The most recent wanted list issued by Saudi Arabia (as of February 2009) includes the names of 83 Saudi nationals and 2 Yemenis, all thought to be living beyond Saudi borders and the reach of local security forces. According to an accompanying statement from the Saudi Interior Ministry:

“The[se] mischief makers—who wage a war against Allah and His Messenger—are deprived of having a footpace in this blessed country thanks to the security forces honored to confront them. This is why they had to go away to someplace [abroad] where they thought that they might take it a springboard for attacking the homeland, the citizens and the nation’s potentials... After being... driven to [the] darkness of prisons or death in conflict zones, some of them realized the faults they made and went to the embassies of the Custodian of the Two Holy Mosques abroad. The embassies arranged a safe return for them to the homeland where they re-united with their families to lead a normal life... 15 persons living abroad surrendered after the very date. Still misguided, some of them surrendered to enemies of Islam and homeland, they were waiting for those enemies to perpetrate wicked deeds against their families and homeland... They adopt the misguided

¹ Interview with Dr. Saad al-Faqih at his residence in London; U.K. February 2006.

thought thinking they can seize an opportunity to help or perpetrate a criminal act against the homeland territories.”²

Upon notifying their families of their wanted “status”, the Interior Ministry published a list of the suspects and announced it would submit formal requests to Interpol seeking their extradition.

Of the 85 names listed by the Interior Ministry, at least eleven men now wanted by Saudi authorities are known to be former detainees at the U.S. military prison in Guantanamo Bay, Cuba who were later transferred into the custody of the Kingdom of Saudi Arabia. Those eleven men are as follows: Saeed Ali Jabir al-Kathim al-Shehri (a.k.a. “Abu Sufyan”, “Abu Asma”); Yusuf Muhammad Mubarak al-Jebairy al-Shehri; Jabir Jubran Ali al-Faify (a.k.a. “Abu Ibrahim”, “Abu Jaffar al-Ansari”); Fahd Saleh Suleiman al-Jutayli (a.k.a. “Hamza Aqeedah”); Mohammed Ateeq Owaid al-Awfi al-Harbi (a.k.a. “Abul-Hareth Mohammed al-Awfi”); Murtadha Ali Saeed Magram (a.k.a. “Abul-Baraa al-Hadrami”); Meshal Mohammed Rashid Al-Shedoky (a.k.a. Mishale Ashadouki); Adnan Muhammad Ali al-Sayegh; Ibrahim Sulaiman Mohammed ar-Rubaish (a.k.a. “Abu Mohammed”); Turki Meshawi Zayid al-Assiri (a.k.a. “Al-Mutasim al-Makki”); and, Othman Bin Ahmed Bin Othman al-Ghamdi (a.k.a. Othman al-Omairah).

Part I: Profiles of Wanted Saudi Veterans of Guantanamo

- **Saeed Ali Jabir al-Kathim al-Shehri (a.k.a. “Abu Sufyan al-Azdi”, “Abu Asma”)**

Saeed al-Shehri, approximately 35 years old, is a Saudi Arabian national and former Guantanamo Bay detainee no. 372. The U.S. military has obtained information from a “foreign government service” indicating that al-Shehri first journeyed from his home in Saudi Arabia to Afghanistan in late 2000 or early 2001 for roughly two months.³ In discussions with his American interrogators, al-Shehri denied crossing into Afghan territory prior to 9/11, but did acknowledge traveling to “a refugee camp in Chaman, located on the border of Afghanistan and Pakistan, to observe the relief work... The detainee said he decided to do charity work in Pakistan after he heard a speech by Shaykh Abdullah al-Jibrin at the Al-Rajeh mosque in Saudi Arabia and saw videos of Afghan refugees.”⁴



On September 23, 2001, al-Shehri assembled US\$ 1,900 in cash and once again left Saudi Arabia, destined first for Bahrain.⁵ Though he would later claim the money was meant as a donation for the Saudi Red Crescent, according to the U.S. military, “an individual stated that he traveled to Bahrain with the detainee and two others.” That same unidentified source reported receiving 7,000 Saudi riyals (almost precisely the equivalent of US\$1,900) from al-Shehri, while in Bahrain, “for financial support to travel to

² “Ministry News > News Archive > New Wanted List.” The Ministry of Interior of the Kingdom of Saudi Arabia. <http://www.moi.gov.sa>. February 2009.

³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

Afghanistan.”⁶ Following his stay in Bahrain, al-Shehri moved on to nearby Iran, where he traveled to the city of Mashhad, near the border with Afghanistan. While in Mashhad, according to the U.S. military, al-Shehri served as an “al Qaida facilitator... for youth traveling to Afghanistan” by, among other things, giving private briefings to would-be Al-Qaida recruits “on entry procedures into Afghanistan via the Al-Tayyibat crossing.”⁷ As a result, al-Shehri’s name was summarily added to “a watch list for facilitating travel for Saudis willing to go to Afghanistan through Iran by providing fake passports to those unable to get one.”⁸ When questioned on the subject in Guantanamo, al-Shehri insisted he had only traveled once to Iran in order to “purchase carpets for his store in Riyadh” and “denied any involvement or knowledge of assistance provided to jihadists traveling from Iran to Afghanistan.”⁹

The U.S. military also assembled other pieces of intelligence information suggesting that Saeed al-Shehri was a significant military figure within the middle ranks of Al-Qaida. According to Pentagon sources, al-Shehri had “trained in urban warfare at the Libyan Camp north of Kabul, Afghanistan.”¹⁰ This appears to be a reference to the Shaheed Abu Yahya al-Liby training camp run by the Libyan Islamic Fighting Group (LIFG) under the aegis of the Taliban. The camp, located approximately 20 miles north of the capital, included volunteers of several nationalities and was run by an LIFG commander known as Abu Mohammed al-Liby.¹¹ One of Saeed al-Shehri’s combat aliases was also reportedly among 100 names marked in an archive of terrorist training camp enrollment applications found in an office used by foreign fighters in the Afghan city of Kandahar.¹² As many as two different human sources also accused al-Shehri of soliciting

⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420. See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542. See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420. See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Shari.” Administrative Review Board Round 3. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 5, 2007. Pages 316-318.

⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

¹⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

¹¹ “The Guantanamo Moroccans.” *Al-Hayat* (London). February 16, 2005.

¹² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

them to assassinate an unidentified writer based upon a fatwah issued by the Saudi cleric Shaykh Hammoud bin Uqlaa ash-Shuaibi.¹³ Likewise, “another individual was directed by Shaykh Hamud al-Uqla to go to Afghanistan. Uqla provided the individual with money, an airline ticket to Syria, and the phone number of the detainee [al-Shehri].”¹⁴

During testimony before U.S. military tribunals, al-Shehri claimed he had traveled to Pakistan in the immediate wake of 9/11 seeking to provide humanitarian aid to Afghan war refugees. While in Pakistan, al-Shehri “stated he met a Saudi diplomat from the consulate in Lahore, who advised the detainee go to the Red Crescent hospital in Quetta, Pakistan to offer his services.”¹⁵ In fact, according to the U.S. military, al-Shehri’s contact at the consulate was not a Saudi diplomat, but rather an individual known as “Abu Faisal al-Ghamdi”, the director of the Herat, Afghanistan office of Al-Wafa al-Igatha al-Islamiya.¹⁶ One of al-Shehri’s aliases and his telephone number were allegedly likewise found in the pocket litter of the manager of the Karachi, Pakistan office of Al-Wafa.¹⁷ As noted by the Pentagon, Al-Wafa al-Igatha al-Islamiya is “an Islamic extremist nongovernmental organization that claims to serve humanitarian purposes. However, Wafa has provided logistical support to Usama bin Laden’s al Qaida organization, and many of the documents found at the Herat, Afghanistan al Wafa house pertained to military and terrorist training.”¹⁸

After his meeting in Lahore, al-Shehri admitted to traveling “with an Afghan driver, another Saudi man who worked with the Red Crescent, and a member from the Saudi embassy in Pakistan, in a vehicle taking supplies to a camp in Afghanistan... about 5 kilometers from the border between Spin Buldak, Afghanistan and Quetta, Pakistan.”¹⁹ He claimed to have spent only 17 hours inside Afghan territory before being mistakenly hit and wounded during a U.S.

¹³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

¹⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

¹⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

¹⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542. See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

¹⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

¹⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

¹⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

airstrike.²⁰ According to the prisoner rights advocacy group Cageprisoners.com, al-Shehri was “seriously injured” during the strike “in his foot and his right hand.”²¹ In December 2001, the wounded Saudi was finally apprehended at a nearby Pakistani border crossing. After claiming Yemeni citizenship, al-Shehri was brought by local authorities to the Red Crescent hospital in Quetta, Pakistan.²² He was subsequently taken into custody at the hospital, and denied any involvement in militant activities—despite the fact that Red Crescent hospital staff referred to him by his alleged combat alias.²³ Al-Shehri remained at the Saudi-run hospital recovering for a month and a half. In approximately February 2002, he and four other Saudi nationals were informed that they would be discharged and returned to Saudi Arabia. However, after being moved from the hospital, the men were instead flown to Kandahar, Afghanistan, where they were taken into American custody. After ten days in Kandahar, al-Shehri was boarded on yet another flight and sent to the U.S. military prison in Guantanamo Bay.²⁴

At first, during his interrogation, al-Shehri insisted that he was an innocent humanitarian aid worker who had been unfairly caught up in massive sweeps of Arab nationals along the Afghan-Pakistani border. During his appearance before the Pentagon’s initial Administrative Review Board (ARB) panel, al-Shehri “claimed that he never heard of al Qaeda until he arrived at Camp Delta.”²⁵ He further denied “any involvement or knowledge of assistance provided to jihadist traveling from Iran to Afghanistan”, nor any “knowledge of Al Wafa or its objectives.”²⁶ Al-Shehri explained that he had “heard no mention” of Al-Qaida inside Pakistan, but “he heard it quite a bit in Afghanistan and even watched Bin Laden on TV.”²⁷ However, al-Shehri strongly disavowed having any loyalties to Bin Laden or Al-Qaida: “the detainee felt that Usama Bin Laden had no business representing Islam. The detainee believed Usama Bin Laden separated himself from Islam, therefore, Usama Bin Laden separated himself from the people... Detainee has no knowledge of my terrorist organizations or activities. The detainee denied being in combat in

²⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

²¹ <http://www.cageprisoners.com/prisoners.php?id=104>.

²² “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Shari.” Administrative Review Board Round 3. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 5, 2007. Pages 316-318.

²³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

²⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

²⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

²⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

²⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

Afghanistan.”²⁸ During his administrative hearing, al-Shehri added that, “if released, he would like to return to Riyadh, Saudi Arabia wherein he would reunite with his family... he would attempt to work at his family’s used furniture store if it’s still in business.”²⁹

Throughout both the second and third round of ARB hearings for the Guantanamo Bay detainees, Said al-Shehri continued to profess his innocence and denied any knowledge of terrorist activities. Al-Shehri insisted that “he had no criminal background, or explanation why he may be on any type of watch list.” He volunteered the rationale that perhaps “he may have had unpaid taxes and rent on his business that he had in Saudi Arabia.”³⁰ Al-Shehri repeatedly vowed that he was “just a Muslim, not a terrorist”, speculated that “he... did [not] think Usama bin Laden was alive any longer”, and blamed Israel for “commit[ing] the attacks of 11 September 2001.”³¹ However, during the latter set of hearings, al-Shehri did concede that, after witnessing Bin Laden in action in Afghanistan, he “liked Usama bin Laden’s message.”³²

While held as a prisoner in Guantanamo Bay, Said al-Shehri wrote at least one letter to his family in Saudi Arabia, specifically, to his infant daughter Asma. The undated letter was subsequently translated into English and reprinted by Cageprisoners.com:

“To my beloved, precious daughter, Asma. May Allah make you the delight of mine and your mother’s eyes, in this world and the next. I used to wish that I would be present at the time of your birth, but Allah - may He be Mighty and Majestic - in His Knowledge and Wisdom, decreed that I would be imprisoned, far away from you. But it is from the blessings of Allah upon me that He provided me with a righteous wife who realises, as I do, the value of this responsibility, which Allah has entrusted to her. I ask Allah the Most Great to assist your mother in ensuring your upbringing is a righteous one. My beloved Asma, I am longing for you and your mother, and no one but Allah knows how much I am missing you both. I ask Allah to hasten my release and that He will return us to you both, enriched and safe. May Allah preserve you both and take care of you. Your father, Said al-Shehri, Abu Asma.”³³

On November 9, 2007, Said al-Shehri was quietly transferred by the U.S. government from his cell in Guantanamo Bay to a locally-run detention facility in Saudi Arabia.³⁴ Less than a year later, al-Shehri managed to escape the grip of Saudi security forces and fled with other high-profile Saudi Al-Qaida operatives to neighboring Yemen. On January 23, 2009, the Al-Fajr Media Center published new video footage of joint sermons delivered by a group of Saudi and Yemeni

²⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

²⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Said Ali Jabir al Kathim al Shihri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. June 16, 2005. Pages 418-420.

³⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

³¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

³² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Said Ali Jabir al Kathim.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 31, 2006. Pages 539-542.

³³ <http://www.cageprisoners.com/windows/letter.php?id=63>.

³⁴ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008..

Al-Qaida leaders in a recording titled, “From Here We Will Begin and in Al-Aqsa We Shall Meet.” One of the men featured in the video was former Gitmo detainee Said al-Shehri, carrying the official title of “Secretary General of the Al-Qaida Organization in Saudi Arabia.”³⁵ During his speech, al-Shehri thanked Muslims on behalf of “me and for my brothers, the prisoners in Guantanamo—for the time when you were a blessing to us... when you stood with us and shared our pains, and prayed for us. And we felt its impact upon us in terms of patience and determination; and for the jihad and martyrdom of your sons in Saudi Arabia, Iraq, Afghanistan, Somalia, Chechnya, and other Muslim countries in order to support their religion and in order to free their prisoners.”³⁶ Al-Shehri continued:

“We say to our brothers in Saudi Arabia: regarding the ripe fruits that were sacrificed in the shape of the souls of our brothers Muslih al-Shamrani, Abdelaziz al-Muthem, Riyadh al-Hajiri, and Khalid al-Saed—and then were watered with the blood of our brothers Abu Hajer Abdelaziz al-Muqrin, Saleh al-Awfi, Fahd al-Dakhil, Abdelkarim al-Yazji, and their brothers who were killed to support their religion and their imprisoned brothers everywhere. We swear to almighty Allah, of whom there is none other, that nobody shall reap these fruits, which were watered with the blood of our brothers, except for us! We shall walk in their path until we shall establish the State of Islam and the Rightly-Guided Caliphate according to the way of the prophecy—and the establishment of Allah’s law, or else our blood shall mix with theirs... We assure our leaders and shaykhs—Shaykh Usama Bin Laden, may Allah protect him, and the Shaykh Dr. Ayman al-Zawahiri—that by Allah, we are still determined in our commitment and that we are performing jihad. By Allah, our imprisonment has only increased our persistence and adherence to our principles, for the sake of which we set out, fought for, and were imprisoned as a result. Here we are today, O’ Shaykh, after Allah has blessed us with migration to the land of support and jihad, the land of Yemen and faith. We pledge our allegiance to our brother Abu Basir Nasir al-Wahishi, may Allah protect him and guide him well, so that we will serve as a buttress for the jihad to expand from the [Arabian] Peninsula to Palestine, Somalia, Iraq, Afghanistan, and all the Muslim countries, in order to defend our lands and that which is sacred to us, so that the religion shall be for Allah alone... O’ people of the [Arabian] Peninsula and sons of Islam: answer the cause of Allah by departing for jihad on his behalf, as Allah the Exalted said... Depart to the land of support and preparation, the land of jihad and martyrdom, Yemen of wisdom and faith—and to Afghanistan, Iraq, Somalia, and other Muslim countries.”³⁷



- **Yusuf Muhammad Mubarak al-Jebairy al-Shehri**

Yusuf al-Shehri, born on September 8, 1985, is a Saudi Arabian national and former Guantanamo Bay detainee no. 114. According to the U.S. military, he is also the brother of Sa’id Muhammad Mubarak al-Shehri (a.k.a. Abu Abdelrahman al-Najdi), a “known al Qaida operative.”³⁸ During hearings before the Pentagon’s Administrative Review Board (ARB) panel, al-Shehri described attending mosque in Medina, Saudi Arabia, and meeting an individual named Mohammed al-Kousi, who discussed with him the prospect of traveling to Pakistan for missionary work on behalf of the Tablighi Jamaat movement. Though Tablighis are generally non-partisan

³⁵ <http://www.nefafoundation.org/documents-original.html#aqiy0209>.

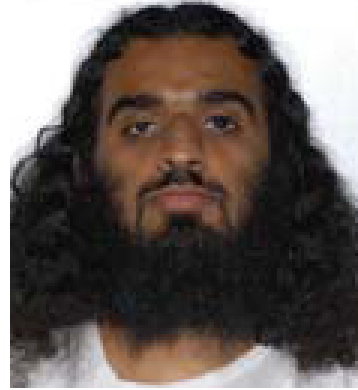
³⁶ <http://www.nefafoundation.org/documents-original.html#aqiy0209>.

³⁷ <http://www.nefafoundation.org/documents-original.html#aqiy0209>.

³⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

and non-violent, the Pentagon nonetheless noted in al-Shehri's file at Guantanamo that the missionary organization has been occasionally "used as a cover for action by Islamic extremists."³⁹ Al-Shehri explained that, after talking with Kousi in Saudi Arabia, he "decided to go to Pakistan."⁴⁰

In April or May of 2001, Yusuf al-Shehri left his home in Medina and boarded a bus bound for Damascus, Syria. Once in Damascus, he then took a Syrian Airlines flight on to Tehran, Iran. From Tehran, al-Shehri rode a train to the Iranian city of Mashhad, near the border with Pakistan. Upon reaching Mashhad, he hailed a taxi for the final leg of the trip across the border into Pakistan.⁴¹ Al-Shehri claimed that he had initially set off to travel to Pakistan by himself, but encountered another Saudi national, "Abdul Aziz", on the Pakistani border and the two continued their journey together, settling in the city of Karachi—where they spent almost two and a half months.⁴² While in Karachi, both al-Shehri and his companion "Abdul Aziz" became "involved" with Tablighi Jamaat activities at the local Makki mosque, run by Shaykh Mustafa Mansur.⁴³ These activities included attending prayer services at the Makki mosque and "traveling to different Mosques and preaching the Koran."⁴⁴



Before the ARB panel, Yusuf al-Shehri acknowledged being aware of the Taliban movement in neighboring Afghanistan and suggested that he "thought that participating in jihad with the Taliban was the right thing to do because the detainee believed that the Taliban were good Muslims."⁴⁵ He also admitted that, in the late spring of 2001, he "and several friends

³⁹ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M." Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

⁴⁰ "Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁴¹ "Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁴² "Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M." Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188. See also: "Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁴³ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M." Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188. See also: "Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁴⁴ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M." Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

⁴⁵ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M." Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative

decided to travel to Afghanistan and fight Jihad on behalf of the Taliban.”⁴⁶ According to al-Shehri, both he and “Abdul Aziz” were able to cross into Afghanistan by motorcycle and find a taxi to take them to the Afghan capital Kabul. In Kabul, they were given shelter by their Taliban hosts and rested at a Taliban guesthouse for several days.⁴⁷ According to intelligence gleaned by the U.S. military, al-Shehri quickly “met with the Taliban and indicated that he was an Arab and he wanted to fight.”⁴⁸ Though he has denied it, the U.S. military has also accused al-Shehri of attending instructional courses at Al-Qaida’s Al-Farouq terrorist training camp near the city of Kandahar.⁴⁹ At least seven Saudi nationals who later served as suicide hijackers in the September 11, 2001 terrorist attacks received their “basic training” at Al-Farouq. According to the Congressional 9/11 Commission final report, “[t]his particular camp appears to have been the preferred location for vetting and training the potential muscle hijackers because of its proximity to Bin Ladin and senior al Qaeda leadership.”⁵⁰ The U.S. Department of Defense has alleged that “all trainees” at Al-Farouq “received indoctrination on the importance of joining with Afghanistan to fight the jihad. On several occasions, Usama Bin Laden visited the camp and spoke to the trainees.”⁵¹

After recovering their strength in Kabul, Yusuf al-Shehri and three other would-be Arab mujahideen—along with approximately 30 Afghans—were taken by military aircraft to the stronghold of Kunduz, near the frontline with the opposition Northern Alliance.⁵² For at least five months, al-Shehri served as member of the Taliban rear guard, or “backup lines.”⁵³ Though he had received at least a day’s training with grenades and an AK-47, al-Shehri was relegated mostly to unglamorous support duties, such as “bury[ing] the bodies of Arab and Taliban fighters.”⁵⁴ Al-

Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

⁴⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁴⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁴⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

⁴⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁵⁰ The 9/11 Commission Report. Final Report of the National Commission on Terrorist Attacks Upon the United States. July 22, 2004. Page 234.

⁵¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. September 9, 2005. Pages 212-215.

⁵² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁵³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

⁵⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base

Shehri acknowledged that he was still fighting with the Taliban in Kunduz “just prior to the U.S. attacks” in October 2001 and noted that, following the events of 9/11, “the fighting on the front became intense.”⁵⁵ Soon thereafter, as Taliban and Al-Qaida frontlines crumbled across Afghanistan, al-Shehri was captured by hostile forces and eventually sent for detention in Guantanamo Bay.

During Yusuf al-Shehri’s hearings before the ARB panel, several major factors weighed heavily against his release from Guantanamo. According to the Pentagon, a “foreign government service” not only classified him as a “high priority target” among those held in Guantanamo, but in fact, had pegged him at the fourth-top slot on their list.⁵⁶ Throughout his questioning and interrogation by U.S. law enforcement and intelligence agencies, “when the detainee has been confronted with his inconsistencies and lies, he has flatly refused to cooperate or has told more lies. The detainee advised that the FBI, the United States, and the interrogators are the enemy.”⁵⁷ According to al-Shehri’s case file maintained by the Pentagon:

“The detainee stated he considers all Americans his enemy. The detainee decided that he hates all Americans because they attack his religion, Islam. Since Americans are the detainee’s enemy, he will continue to fight them until he dies. The detainee pointed to the sky and told the interviewing agents that he will have a meeting with them in the next life... The detainee cannot understand why the detainees are held in Guantanamo Bay, Cuba with no trial. The detainee has come to believe the reason is that America wants to destroy Islam.”⁵⁸

Yet, despite these disturbing charges in his case file, Yusuf al-Shehri was nonetheless released by the U.S. military from detention in Guantanamo Bay on November 9, 2007, and delivered into the custody of local security forces in Saudi Arabia.⁵⁹ It is not known when, how, or why al-Shehri was able to escape his Saudi captors.

- **Jabir Bin Ali Bin Jubran al-Faify (a.k.a. “Abu Ibrahim”, “Abu Jaffar al-Ansari”)**

Jabir al-Faify, born on January 1, 1975, is a Saudi Arabian national and former Guantanamo Bay detainee no. 188. Originally hailing from the Saudi city of Taif, al-Faify claims to have been “influenced to join jihad” after studying various verses in the Quran dealing with jihad.

Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148. . See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

⁵⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yusef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁵⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yusef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁵⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yusef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148.

⁵⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

⁵⁹ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008..

Al-Faify admitted to living a previous lifestyle that was “not faithful to Islam due to his drug use, smoking, and lack of prayer. [He] saw jihad as an opportunity to make things right between himself and Allah.”⁶⁰ Al-Faify also spoke of hearing reports about crimes committed against Muslim women in Indian-occupied Kashmir, and having the resulting inner sense that “he should do something about it.”⁶¹ While praying at a local mosque in Saudi Arabia, al-Faify finally approached “a man... one of the mujahidin” during mid-2000 and “took an address for Jihad in Kashmir.”⁶²



After he reached Pakistan and linked up with fellow mujahideen, al-Faify was given at least two weeks of basic weapons training with an AK-47.⁶³ Following the completion of his training, he “joined a unit of approximately nine others and participated in three raids. One raid during the day was supposed to be an ambush but the Indians did not come to their exact location.”⁶⁴ In all, al-Faify’s tour of duty fighting in Kashmir lasted for approximately four months.⁶⁵ Though he never publicly specified which Pakistani mujahideen organization that he had joined, the U.S. military has reported that al-Faify “spent time in a Jaesh e Mohammed (JEM) building in Karachi, Pakistan.”⁶⁶ On October 12, 2001, JEM was named by the U.S. State Department as a Designated Foreign Terrorist Organization (FTO) under Executive Order 13224. According to the annual State Department publication Patterns of Global Terrorism 2001:

“The Jaish-e-Mohammed (JEM) is an Islamic extremist group based in Pakistan that was formed by Masood Azhar upon his release from prison in India in early 2000. The group’s aim is to unite Kashmir with Pakistan... The group was banned and its assets were frozen by the Pakistani

⁶⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁶¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁶² Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13. See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 10, 2005. Pages 1186-1187.

⁶³ Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13. See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁶⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁶⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁶⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 10, 2005. Pages 1186-1187.

Government in January 2002... Supporters are mostly Pakistanis and Kashmiris and also include Afghans and Arab veterans of the Afghan war. [JEM] [u]ses light and heavy machineguns, assault rifles, mortars, improvised explosive devices, and rocket grenades... The JEM maintained training camps in Afghanistan until the fall of 2001. Most of the JEM's cadre and material resources have been drawn from the militant groups Harakat ul-Jihad al-Islami (HUJI) and the Harakat ul-Mujahedin (HUM). The JEM had close ties to Afghan Arabs and the Taliban. Usama Bin Ladin is suspected of giving funding to the JEM."⁶⁷

In the final weeks of 2000, Jabir al-Faify acknowledged developing an interest in evaluating firsthand the religious qualifications of the Taliban, and possibly fighting on their behalf in Afghanistan. Through a statement delivered by his personal representative during Guantanamo tribunal proceedings, he explained, "As for the Taliban, I went to see them according to the Fatwa, which says if they applied the conditions in the Fatwa, I will go for Jihad with them. I went to see if they applied these conditions and this is all in my file. The Fatwa is photocopied from a Pakistani newspaper in Arabic. It has been declared in a Pakistani Newspaper and the associated Scholar's name is also then. He is a Saudi."⁶⁸ Al-Faify appears to be referring to a fatwah issued by the senior Saudi cleric Shaykh Hammoud bin Uqlaa Ash-Shuaibi in November 2000 addressing "the Shariah Implementation of the Taliban Government in Afghanistan."⁶⁹ In an edict that was widely republished in newspapers and websites throughout the Muslim world, ash-Shuaibi prophetically warned his followers, "military strikes are about to be carried out on Afghanistan just like America attacked it with Cruise Missiles in 1998. At the same time, these same disbelieving countries continue to support the Opposition Northern Alliance (of Ahmad Shah Masood) with funds, weapons and advisors."⁷⁰

Given these conditions, ash-Shuaibi issued an urgent "appeal to our Muslim brothers and sisters around the World to assist [the Taliban regime] with financial and material means and to support it with their media capabilities because the enemies of Islam and their agents have deceived and misguided most of the people until they have become confused as to whether this is a Muslim Government or not... At this time, the Taliban Regime remains in a state of warfare against its opposition, the Northern Alliance, so Jihad with it is ordained by the Shariah because Jihad with the Taliban is against the Northern Alliance which is being funded by the forces of Disbelief like America, Britain and Russia and others who are calling for a broad-based government in Afghanistan established upon a Western legislative system... Indeed, it is obligatory to assist the Taliban Regime and to make Jihad with it in order to bring victory to Islam and in order to cooperate upon all acts of piety and fear of Allah."⁷¹

Armed with Shaykh Hammoud's stirring fatwah "calling for Muslims to go to jihad in Afghanistan", Jabir al-Faify now "believed that Allah [had] presented him with another opportunity."⁷² In early 2001, he "traveled by taxi and bus from Kashmir, Pakistan to Kabul, Afghanistan and then onto Baghram."⁷³ At Bagram, al-Faify was assigned by Taliban authorities

⁶⁷ "Appendix B: Background Information on Designated Foreign Terrorist Organizations." Patterns of Global Terrorism: 2001. U.S. State Department; Office of the Coordinator for Counterterrorism May 21, 2002. <http://www.state.gov/s/ct/rls/pgtrpt/2001/html/10252.htm#jem>.

⁶⁸ Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13.

⁶⁹ "Fatwa of Sheikh Hammoud Al-Uqlaa: 2 Ramadan 1421/ 29 November 2000." <http://www.azzam.com/html/talibanfatwahammoud.htm>. February 2001.

⁷⁰ "Fatwa of Sheikh Hammoud Al-Uqlaa: 2 Ramadan 1421/ 29 November 2000." <http://www.azzam.com/html/talibanfatwahammoud.htm>. February 2001.

⁷¹ "Fatwa of Sheikh Hammoud Al-Uqlaa: 2 Ramadan 1421/ 29 November 2000." <http://www.azzam.com/html/talibanfatwahammoud.htm>. February 2001.

⁷² "Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran." Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁷³ "Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran." Administrative Review Board Round 2. U.S. Department of Defense; Office for the

to a temporary barracks known as the “Arab Center”, where Taliban fighters stayed “while waiting to go to the line to fight.”⁷⁴ Al-Faify was one of among 20-25 other men who paced the halls for months at the “Arab Center” waiting for someone “to come back from the front lines with weapons they could use.”⁷⁵ Eventually, he was handed a weapon by another returning fighter and was dispatched to the rear ranks of the Taliban frontline, where he spent almost four months (September through December 2001).⁷⁶ The U.S. military has also alleged that al-Faify attended instructional courses at Al-Qaida’s Al-Farouq terrorist training camp near Kandahar.⁷⁷ For his part, during his custody in Guantanamo Bay, al-Faify vigorously contested the charge that he had received any specialized training at a camp, insisting that “he learned how to use weapons such as the Kalashnikov and PK machine gun through other members of the jihad.”⁷⁸

Through his personal representative, Jabir al-Faify offered that he had traveled to Afghanistan “with the intentions of helping his Muslim brothers who were at war against the Northern Alliance... [He] felt it was his obligation as a Muslim to assist in the defense of Afghanistan.”⁷⁹ Al-Faify vowed he had no interest or knowledge of Al-Qaida and suggested that, had he not been captured on the Afghan-Pakistani border, “he would have stayed on the front lines for a while longer and [then] return to Saudi Arabia.”⁸⁰ When confronted with the accusation that he had “participated in military operations against the coalition”, al-Faify conceded, “it is true I was on the front line but I did not fight because I went to see whether they applied the Fatwa conditions only.”⁸¹ He continued, “I was only observing if the Fatwa applied and not fighting. I was even transferred to the back lines. I was not even able to share the fighting. Actually there was no fighting during my time there.”⁸² From details provided by al-

Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁷⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 10, 2005. Pages 1186-1187.

⁷⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁷⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁷⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 10, 2005. Pages 1186-1187.

⁷⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁷⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁸⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁸¹ Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13.

⁸² Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13.

Faify, the U.S. military pieced together a rough account of how his unit had survived initial U.S. airstrikes and what role it had played in the battle between the Taliban and the opposition Northern Alliance:

“The detainee’s position was on the left, behind the forward line. During the United States bombardment, the detainee’s position was struck eleven times over three days. Due to these well-prepared trenches, no casualties were sustained. When the Northern Alliance finally made a breakthrough on the left side of the line, the Taliban Commanders feared being encircled and called for a general withdrawal... While the majority of Afghan Taliban and approximately five hundred Arab volunteer jihad extremists withdrew, the detainee and a small number of others were directed to remain on the Baghran Front to provide covering fire against the advancing infantry. They held their position until they were forced to run when confronted by three advancing Northern Alliance tanks. They withdrew to the mountains for a day and heard of the fall of Kabul.”⁸³

With the Taliban army crumbling around them, Jabir al-Faify and hundreds of other foreign fighters streamed toward the last mujahideen stronghold in the harsh terrain of Tora Bora, along the Afghan-Pakistani border. According to the Pentagon, in November and December 2001, al-Faify “met with al Qaida members while in Tora Bora” and “was instructed to flee Afghanistan and go to Pakistan via the mountains.”⁸⁴ Through his personal representative at Guantanamo, al-Faify admitted to “pass[ing] through Tora Bora”—but “just to go to Pakistan. I truly met some people who were Arabs but I truly did not know whether they were Taliban or Al Qaida. I thought they were with me because we were all retreating... Al Qaida [does] not have a special uniform for me to recognize and avoid them.”⁸⁵ Soon afterwards, al-Faify was intercepted and taken into custody by Pakistani security forces, eventually being handed over to the U.S. government.

By mid-2002, Jabir al-Faify’s identity as a would-be mujahid was no longer a public secret. The Arabic-language Internet website Al-Neda was one of Al-Qaida’s first official forays into the online world in the aftermath of 9/11. Created by Saudi Al-Qaida commander Shaykh Yousef al-Ayyiri, Al-Neda featured, among other things, messages from Usama Bin Laden and claims of responsibility for terrorist attacks (including the October 2002 suicide bombing of the French supertanker Limburg). In January 2002, the Al-Neda website issued an urgent news update to its readers:

“During the months of the crusader attacks on Afghanistan, the treacherous Pakistani government was able to capture approximately 160 prisoners from the Ansar fighters, those who came to Afghanistan to defend the Muslims. These captives were seized in groups inside Pakistani territory spread all along the border with Afghanistan. Most of these groups... exited Afghanistan on 9/29/1422 [December 14, 2001]... These brothers are mostly young men who came to Afghanistan before the crusader invasion of Afghanistan—and because they were unable to finish their training, they decided to leave, as they did not understand the reality of the imminent conflict. So they left and traveled through the tribal regions for a period of four days. One of the tribal leaders hosting them instead offered to sell them to the Pakistani intelligence service. When the intelligence service agreed to the deal in order to sacrifice them as an offering to the international crusaders, these tribal leaders went back to the mujahideen, who they had been kind to, and asked them to hand over their weapons so that they would not be discovered while leaving or entering the village—and the brothers agreed. In the dark of night, the traitors awoke the brothers and

⁸³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁸⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. March 10, 2005. Pages 1186-1187.

⁸⁵ Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13.

informed them that the village had been surrounded by Pakistani security forces who knew of their presence. They were told that they had to immediately be moved to another location far away. With nothing but goodwill, the brothers agreed and followed the lead of the traitors, gathering the brothers together in one of the mosques. At that point, Pakistani military forces surrounded the place and ordered everyone to be silent. They began loading the brothers into big trucks in order to transfer them to Peshawar. Before one of the trucks arrived in the Sada region, one of the brothers—Omar al-Farooq from the Arabian Peninsula—grabbed a weapon from one of the guards after struggling with him. Everyone in the trucks joined in the uprising against the guards, and seized their weapons. As a result, ten brothers were killed (and we ask Allah to accept them), as were six Pakistani soldiers. The truck crashed to a halt, and many managed to escape from this vehicle and others that were forced to stop during the incident. Eventually, the Pakistanis retook control of the others and led them to prison. Then, they were temporarily transferred to Islamabad to make it easier to send them on to Afghanistan—as the Americans will be taking them into custody... And we are posting the names of the brothers and the phone numbers of their families they themselves gave to us when available. Some of the brothers we were not able to identify, so we cited their pseudonyms.”⁸⁶

The number 35 name on the list of Arab mujahideen captives in Pakistan distributed by Al-Neda reads: “Jabir Bin Ali Bin Jubran al-Faify (Abu Jaffar al-Ansari).”⁸⁷

In the case file against al-Faify, the Pentagon listed a host of other factors weighing against his release, including a report from a “foreign government service” that al-Faify “was a member of al Qaida”; an allegation that al-Faify’s name had been found on a list of “al Qaida Mujahidin” recovered during a raid on a known Al-Qaida safehouse; and, the charge that al-Faify’s name had been found “on a handwritten letter that was recovered along with other materials linked to al Qaida... contain[ing] a list of Arabs incarcerated in Pakistan and encourag[ing] its correspondent to incite the people against the Pakistan Government.”⁸⁸ Nonetheless, al-Faify waved off these accusations, claiming, “I do not know al Qaida, of course. I have no relations with al Qaida.”⁸⁹ Through his personal representative, he maintained that he “had not heard about al Qaida until an interrogator asked him about it” and that “he did not realize that by fighting with the Taliban that he was indirectly assisting with the protection of al Qaida.”⁹⁰

In order to buttress his claims of innocence, Jabir al-Faify seemed to even offer remorse for his actions in front of the ARB panel at Guantanamo: “The detainee stated that he now thinks what he did was a mistake. The detainee was not aware that the United States was involved with the Northern Alliance and also related that he will no longer follow a fatwa unless it directly involves Saudi Arabia.”⁹¹ Al-Faify cited his concern for his family and his overriding interest in peacefully returning home in order to “take care of his parents.”⁹² On several occasions, al-Faify

⁸⁶ “The Names of and the Story Behind Our Prisoners in Pakistan.” Al-Neda. <http://www.cambuur.net/cocI/>. January 2002.

⁸⁷ “The Names of and the Story Behind Our Prisoners in Pakistan.” Al-Neda. <http://www.cambuur.net/cocI/>. January 2002.

⁸⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁸⁹ Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13.

⁹⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

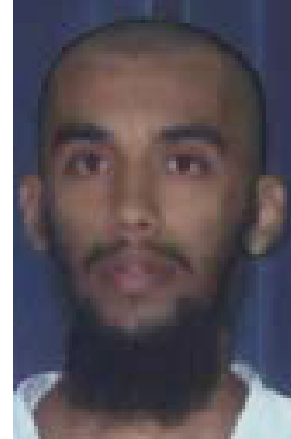
⁹¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁹² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the

spoke of his former employment as a taxi driver prior to his departure for Afghanistan, and his desire to “resume that job because he made good money... for support of his family.”⁹³ On December 13, 2006, al-Faify was released from U.S. military detention in Guantanamo Bay and transferred into the custody of local security forces in Saudi Arabia.⁹⁴ It is not known when, how, or why al-Faify was able to escape his Saudi captors.

- **Fahd Saleh Suleiman al-Jutayli (a.k.a. “Hamza Aqeedah”)**

Fahd al-Jutayli, born on May 1, 1983, is a Saudi Arabian national and former Guantanamo Bay detainee no. 177. While enrolled as a student of Islam at the Imam Mohammed bin Saud University in his home town of Buraydah, al-Jutayli is alleged to have “received a fatwa from Sheik Ha[mmoud] Al-Uqla at the Imam Muhammad Bin Saud College in Burayda, Saudi Arabia to participate in ongoing conflicts in either Kashmir, Pakistan, or Chechnya. The detainee’s travel was also facilitated by Al-Uqla.”⁹⁵ This is the same Shaykh Hammoud al-Uqlaa Ash-Shuaibi who issued a widely-read fatwah in November 2000 endorsing the Islamic legitimacy of the Taliban and exhorting faithful Muslims to come to their defense against the Western world. Various Pentagon documents in the casefile of al-Jutayli refer to Shaykh Hammoud Ash-Shuaibi, alternatively, as an Al-Qaida “financier” and a “Jihadist recruiter.”⁹⁶ When confronted with these allegations during his subsequent appearances before U.S. military Administrative Review Board (ARB) panels, al-Jutayli insisted that he “was not recruited... I never met that Sheik Uqla that was mentioned... [I] went alone and made the decision to go alone.”⁹⁷



During ARB-related testimony, al-Jutayli was asked by panel members, “You said you decided on your own to go to Afghanistan. Can you tell us why that was?”⁹⁸ He explained, “For training... Just light training. I didn’t know what kind of training it was.”⁹⁹ The panel continued to press him, “Why did you need to go all the way to Afghanistan to get light training? Could you not have received it in your home country?”¹⁰⁰ “I didn’t know there were problems in

Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁹³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Fayfi, Jabir Jubran.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. February 18, 2006. Pages 179-281.

⁹⁴ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

⁹⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201. See also: Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

⁹⁶ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

⁹⁷ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

⁹⁸ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

⁹⁹ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹⁰⁰ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

Afghanistan,” he responded. “It was just a vacation I had.”¹⁰¹ He dismissed his inexplicable interest in receiving “light training” as “just normal” and suggested that he had planned to spend perhaps two months in Afghanistan, before returning home for the first day of classes.¹⁰² When asked how he had known “how to get” to Afghanistan, al-Jutayli again scoffed that all this was quite “normal”: “travel from country to country doesn’t require knowledge.”¹⁰³ Al-Jutayli claimed that he had funded his trip with money he had saved from odd jobs and a school stipend.¹⁰⁴ This raised the eyebrows of one ARB panel member, who questioned al-Jutayli, “You took enough money to sustain yourself for your entire time in Afghanistan?”¹⁰⁵ “That’s what I thought,” he replied.¹⁰⁶

Fahd al-Jutayli’s complete three-month long travel route began in the small town of Buraydah, and took him on an eventual journey through Mecca and Jeddah, Doha (Qatar), Karachi, Quetta, Kandahar, Kabul, and finally, to Jalalabad.¹⁰⁷ The U.S. military alleged that, after initially crossing the Pakistani border into Afghanistan, al-Jutayli joined with Al-Qaida and Taliban fighters and attended instructional courses at Al-Qaida’s Al-Farouq training camp near Kandahar in September 2001. Reportedly, while at Al-Farouq, al-Jutayli was “trained on the Kalashnikov rifle, PK machine gun, and a Russian pistol... The detainee was trained by Al-Muhajir, believed to be a member of al Qaida. Al-Muhajir has been identified as the most experienced person within al Qaida on the use of explosives.”¹⁰⁸ Al-Jutayli was also identified as a former resident of Al-Qaida’s Nibrass guesthouse in Afghanistan, named in honor of Yemeni national Ibrahim al-Thawar (a.k.a. “Nibrass”)—one of two Al-Qaida suicide bombers responsible for the October 2000 terrorist attack on the U.S.S. Cole off the coast of Yemen.¹⁰⁹ As cited by the Pentagon, the “Nibrass” guesthouse was often “used by fighters heading to the al Farouq training camp and by Usama Bin Laden.”¹¹⁰

However, when questioned by the ARB panel in Guantanamo, al-Jutayli stubbornly maintained that he “was at a camp, but doesn’t know if it was called Al Farouq or not... [I] was

¹⁰¹ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹⁰² Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹⁰³ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹⁰⁴ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹⁰⁵ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹⁰⁶ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹⁰⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201.

¹⁰⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201.

¹⁰⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201. See also: Indictment. United States v. Jamal al-Badawi and Fahd al-Quso. S12 98 Cr. 1023 (KDT). United States District Court, Southern District of New York. May 15, 2003.

¹¹⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201.

only trained on the handgun.”¹¹¹ On this point, a panel member asked al-Jutayli, “The light training, I assume it is military training?”¹¹² The Saudi responded, “Just physical training, body, that [hand]gun. That’s it... I never trained on the machine guns... I didn’t know it was the Al Farouq training camp. I didn’t know anything about Al Qaeda.”¹¹³ He denied making any prior arrangements to attend the camp before entering Afghanistan, and instead credited a nameless Afghan driver for pointing him in the right direction: “The Afghan took me straight there.”¹¹⁴ He added, “The 2 months I was in Afghanistan... It wasn’t enough [time] for training or fighting or anything like that.”¹¹⁵ He repeated this again when asked about the allegation that he had “participated in military operations against the coalition”: “This is not true. [I] was only in Afghanistan 2 months and that was only enough time to train... I never fought with the Taliban or Al-Qaida. I never fought against the coalition.”¹¹⁶

In late 2001, Fahd al-Jutayli suddenly decided to leave Afghanistan for Pakistan. He fled from the Afghan capital Kabul to the eastern city of Jalalabad, and then on to the mountains of Tora Bora, adding, “I didn’t stay there. It was just to get out.”¹¹⁷ After acknowledging that he was no longer in possession of his wallet or a passport, al-Jutayli was asked by ARB panel members in Guantanamo why he had failed to recover his travel documents “before starting your trek to Pakistan?”¹¹⁸ “Time would not allow,” he explained. “I just wanted to leave. I didn’t have time to look for it.”¹¹⁹ Al-Jutayli claimed he had given the documents and wallet to “a person I do not remember... so that he could take care of it for me and it would not get lost... He suggested it to me... It’s a normal thing. I didn’t know anything was wrong.”¹²⁰ Along the way from Kabul to Tora Bora, al-Jutayli traveled in the company of 10 other individuals also fleeing towards the Pakistani border. He denied knowing their identities and insisted, “They were just traveling normal. I didn’t know where they were going.”¹²¹

Both al-Jutayli and the U.S. military agree on the fact that the young Saudi student was in the Tora Bora region during the final weeks of 2001. During his own presentations to the ARB panel, al-Jutayli insisted that he “was never near any fighting with the Taliban in Tora Bora” and that he “just wanted to get out [of Afghanistan]. I was only in Tora Bora because it was the way to get out. I was told if I wanted to get out I had to go through Tora Bora.”¹²² Yet, a “foreign government service” had named al-Jutayli as a “high priority Saudi”—and, more importantly, he was allegedly identified by a “senior al Qaida operative” as “a fighter belonging to the Khallad Bin

¹¹¹ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹² Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹³ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹⁴ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹⁵ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹⁶ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹⁷ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹⁸ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹¹⁹ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹²⁰ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹²¹ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹²² Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

Attash group at Tora Bora in late 2001. He was described as a new mujahidin.¹²³ Yemeni national Tawfiq Bin Attash (a.k.a. “Khallad”, “Silver”) was a senior Al-Qaida operational manager, training camp instructor, and military commander, who was named by the U.S. Justice Department as an unindicted co-conspirator in the October 2000 bombing of the U.S.S. Cole.¹²⁴ The final report of the Congressional 9/11 Commission final also links “Khallad” to the 1998 East Africa embassy bombings and the September 11 suicide hijackings.¹²⁵

Though he had no personal knowledge of the Tora Bora region, al-Jutayli claimed he was able to navigate through the mountains and into Pakistan with only the help of a single “Afghan guide.”¹²⁶ He explained, “I got out [of Afghanistan] and was captured by the Pakistani authorities... a little while after the border... As soon as the Pakistani police saw me they captured me. I didn’t see him [the Afghan man] after that. I don’t know if they caught him or if he left before... I didn’t pay him. I met someone before him who wanted to help me get out. He introduced me to this Afghani and said he would help me get out... Maybe the person I met before is the one that paid him. I don’t know.”¹²⁷ Al-Jutayli also suggested that he had been tricked by the Pakistani police into surrendering to them: “They captured me on the basis that they would take me to the [Saudi] embassy. Suddenly I found myself in prison... Not long... after that, they took me to the American authorities.”¹²⁸ In January 2002, al-Jutayli’s name was listed as number 33 on the roster published by the Al-Qaida website *Al-Neda* of Arab mujahideen who had been doublecrossed by tribal leaders and taken prisoner in Pakistan. The entry reads, “Fahd Bin Saleh Bin Sulaiman al-Jutayli (Hamza Aqeedah) from Al-Qassim, the Arabian Peninsula. His family can be contacted via his brother Sulaiman on their house telephone.”¹²⁹

During hearings before the ARB panel, Fahd al-Jutayli was indignant that he was an innocent man and had no idea why his name would be “associated with Al-Qaeda”: “I don’t know about this. This is something the interrogator talked to me about. I told him I didn’t know anything about it.”¹³⁰ “The words that you said are not me. The accusations you presented are not true,” he argued. “The first time I learned of the existence of Al Qaeda was here at Guantanamo Bay.”¹³¹ Al-Jutayli was equally insistent that he had never met Usama Bin Laden, had no knowledge of any terrorist attacks targeting the U.S., and “would not participate in another Jihad if he were released.”¹³² At least one unidentified “foreign government service” attempted to persuade the U.S. government that al-Jutayli was indeed “of low intelligence or law

¹²³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201.

¹²⁴ Indictment. *United States v. Jamal al-Badawi and Fahd al-Quso*. S12 98 Cr. 1023 (KDT). United States District Court, Southern District of New York. May 15, 2003.

¹²⁵ *The 9/11 Commission Report*. Final Report of the National Commission on Terrorist Attacks Upon the United States. July 22, 2004. Page 432.

¹²⁶ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹²⁷ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹²⁸ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹²⁹ “The Names of and the Story Behind Our Prisoners in Pakistan.” *Al-Neda*. <http://www.cambuur.net/cocI/>. January 2002.

¹³⁰ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹³¹ Testimony of Detainee ISN #177 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 2811-2819.

¹³² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201.

enforcement value to the United States” and “unlikely to pose a terrorist threat to the United States or its interests.”¹³³

On July 26, 2005, following the respective ARB panel hearings, the Pentagon issued a ruling on whether Fahd al-Jutayli could be transferred from Guantanamo Bay into the custody of his home government in Saudi Arabia. Though his final parole verdict remains almost entirely classified, in a brief section that escaped the censors, the ARB panel confirmed their assessment that al-Jutayli “continues to be a threat to the United States and its allies.”¹³⁴ According to notations contained in al-Jutayli’s case file, the panel’s mysterious verdict was also the result of a unanimous decision. Among the factors cited by the panel against al-Jutayli’s credibility were the fact that his name “was found on a computer used by suspected al Qaida members listing associates incarcerated in Pakistan”; that his name “was found on a list recovered from safehouse raids associated with suspected al Qaida in Karachi, Pakistan”; that his name “was found on a hard drive associated with a senior al Qaida operative seized during raids on 1 March 2003 in Pakistan”; and, that his name “was on a list for al Qaida Mujahidin who were scheduled to fight in Afghanistan, but who were arrested by Pakistani Authorities.”¹³⁵

Despite the public judgment of the ARB panel that Fahd al-Jutayli “continued to be a threat to the United States”, on May 18, 2006—less than one year later—he was nonetheless transferred from Guantanamo Bay along with 14 other men into the hands of local security forces in Saudi Arabia.¹³⁶ According to the prisoner rights group Cageprisoners.com, “It was said that each case would be investigated and if necessary the men would be tried and sentenced if appropriate. They will remain in detention in Saudi Arabia in the meanwhile.”¹³⁷ It is not known when, how, or why al-Jutayli was able to escape the custody of the Saudi government. In February 2009, during the course of a telephone interview, I asked his mother in Buraydah what her reaction was to her son being added to the Saudi “most wanted” list. She replied, “We praise Allah, praise be to Allah... Inshallah, he is innocent... We need news about him to know that he’s okay.” The mother repeated her concern for the safety of her son, adding, “Of course, how could a mother not? I’m his mother.” She indicated that she had last seen her son two weeks previous—only days before his name and photo were publicized by the Saudi government.

- **Mohammed Ateeq Owaid al-Awfi al-Harbi (a.k.a. “Abul-Hareth Mohammed al-Awfi”)**

Mohammed al-Harbi, born on July 13, 1973, is a Saudi Arabian national and former Guantanamo Bay detainee no. 333. A resident of the Saudi capital Riyadh, al-Harbi claimed to be a small business owner selling fruits and vegetables.¹³⁸ Later, before an ARB panel in Guantanamo Bay, al-Harbi bristled when he sensed that a panel member was teasing him about

¹³³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201.

¹³⁴ “Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 177 (Saudi Arabia).” Administrative Review Board Round 1 Decision Memorandums. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). July 26, 2005. Page 147.

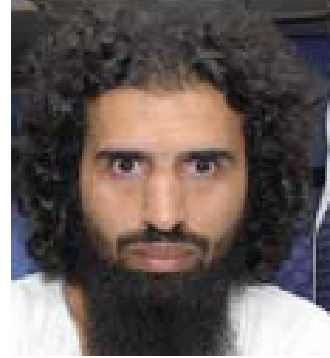
¹³⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Jutayli, Fahd Salih Sulayman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 5, 2005. Pages 199-201.

¹³⁶ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

¹³⁷ <http://www.cageprisoners.com/prisoners.php?id=84>.

¹³⁸ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

the scale of his business dealings. “Don’t think I’m a merchant,” he shot back. “Don’t think the Mercedes I bought [in Kuwait] was a \$40,000 model. The Mercedes I bought was an ‘87 model and very old. Don’t look at me like I’m a big merchant or something.”¹³⁹ When confronted with a charge sheet in his hearing that suggested al-Harbi had “traveled extensively with little or no means of support throughout the Middle East and former Soviet Union during the period between 1999-2000”, he replied:



“I have traveled, but not extensively. This is shown in my passport and other documents. I went to Turkey on vacation once and I took a short trip to Georgia, in the former Soviet Republic, and I made a trip to Kuwait to buy a Mercedes Benz. I do not understand how that constitutes extensive travel throughout the Middle East... The dates mentioned 1999-2000, were long before the United States was involved with Afghanistan, militarily... Concerning my means of support, I have three businesses in Saudi Arabia, which provide plenty of money for a vacation of several months to Turkey and the former Soviet Union.”¹⁴⁰

However, contrary to his account before the ARB panel, the U.S. military learned from its own sources that al-Harbi had allegedly been “in Chechnya for approximately nine months in 1999... A source reported that the detainee underwent basic training and physical training in Chechnya.”¹⁴¹ At that time in 1999, would-be mujahideen fighters—including many from Saudi Arabia and the Persian Gulf region—were gathering in the Caucasus under the lead of two notorious Saudi Arab-Afghans known as “Ibn-ul-Khattab” (a.k.a. Samir al-Suwailem) and “Abu Omar al-Saif” (a.k.a. Mohammed bin Abdullah bin Saif al-Jaber). In August 1999, the two Saudi commanders and their followers launched a raid into the adjacent Russian province of Dagestan, prompting a massive intervention by the Russian army in Chechnya. The mostly Christian country of Georgia—cited by al-Harbi as part of his travel itinerary—was one of the major entry points for Islamic extremists seeking to participate on the Chechen battlefield. Aside from his purported tour of duty with the mujahideen in Chechnya, according to the U.S. military, al-Harbi was also recognized by a “senior al Qaida lieutenant” as “possibly being at his site, a guest house in Kabul, in 1998 or 1999.”¹⁴²

In the late fall of 2001, Mohammed al-Harbi traveled on a religious pilgrimage to the Saudi city of Mecca for the holy month of Ramadan. It was “at this time he decided to travel to Pakistan and provide assistance to the Afghani refugees that were residing at camps on Pakistani soil.”¹⁴³ Al-Harbi explained to the ARB panel:

“Many Afghan refugees were fleeing Afghanistan after the 9/11 war started. There were charity centers to help the refugees and the charities were funded by the Red Crescent, which is like your Red Cross. The charity centers were funded by allies of the United States, such as Saudi Arabia and the United Arab Emirates. Mullahs requested people who were capable to give aid or travel to help

¹³⁹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁴⁰ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁴¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

¹⁴² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

¹⁴³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. July 5, 2005. Pages 392-393.

these refugees. A group of people, the Tabligh in Saudi Arabia, suggested an organization in Pakistan that I could contact to help. I was advised I could help by going to Karachi, Pakistan... The term in Islam is called Sadaqa and it talks about giving to the poor and doing what you can to help those less fortunate than you... I was very busy because my wife was pregnant and on the verge of giving birth. I just wanted to go carry out this duty for 3 or 4 days and come back. It was not written for me to come back and see my newborn.”¹⁴⁴

Al-Harbi gathered together at least 14,000 Saudi Riyals and US\$8,000 (a total of approximately \$12,000) and on the eighth day of Ramadan (November 24, 2001), traveled from Jeddah, Saudi Arabia to Karachi, Pakistan.¹⁴⁵ Later, in Guantanamo, al-Harbi was asked by ARB panel members why he had not just simply donated the money to the Red Crescent in Saudi Arabia.¹⁴⁶ He replied, “How can I donate in Saudi Arabia? Who would I donate to in Saudi Arabia? We’re talking about refugees who were hungry and in need. You’re saying why didn’t I donate in Saudi Arabia? In Saudi Arabia there are merchants who donate. This war happened in Afghanistan and those refugees were more in need than the people in Saudi Arabia. At least they have houses to live in and they have people who bring them food in Saudi Arabia. The needy in Saudi Arabia are taken care of by merchants.”¹⁴⁷

During his ARB hearing in Guantanamo, Mohammed al-Harbi was repeatedly pressed by panel members over the money seized from his possession and his need to deliver it personally, rather than channel it through a legitimate charity. One member commented to al-Harbi, “we would be concerned traveling with \$8,000 in Pakistan.”¹⁴⁸ Al-Harbi agreed, “I know that Pakistan is a poor country” and admitted that when a Pakistani soldier, in fact, later discovered “the dollars” in his possession, “his eyes popped out.”¹⁴⁹ The exchange between al-Harbi and the panel continued:

Q: “I just think, as a prudent businessman who keeps close tabs on his money.. .to carry all that money in Pakistan with no protection ... that doesn't sound quite right... It sounds like a lot.”¹⁵⁰

A: “It’s not a huge amount, don’t make it big. In the small bags that go around your neck, if you put the money in it, the money comes to that thick [gesturing approximately 1 inch thickness]. What’s strange about it?”¹⁵¹

Q: “To pick up on the question before about the Red Crescent, would it have been possible for you to donate the money to the Saudi Chapter of the Red Crescent for use by Pakistanis?”¹⁵²

Q: “I just wanted to do the work myself, I thought I would stay in Pakistan for 3 days at the most, but when I saw the matter was very big and the problems at the borders. I decided to give the

¹⁴⁴ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁴⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. July 5, 2005. Pages 392-393. See also: Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁴⁶ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁴⁷ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁴⁸ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁴⁹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁵⁰ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁵¹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁵² Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

money to the Saudi Arabia Red Crescent so they would take care of it because it was the main office and it was official and could go to the border.”¹⁵³

The ARB panel had its reasons for questioning al-Harbi thoroughly on the subject of the large amount of cash in his possession. According to intelligence obtained by the U.S. military, Mohammed al-Harbi was a “member” of Al-Wafa al-Ighatha al-Islamiya, a thinly-veiled fraudulent charitable front for Al-Qaida terror financing.¹⁵⁴ As cited previously, Al-Wafa “claimed to be a charitable organization, but it was common knowledge that al Wafa delivered weapons and supplies to Afghanistan fighters in Tora Bora... Al Wafa provided money of all currencies, including United States Dollars, to those fighters who needed it.”¹⁵⁵ The Pentagon further alleged that al-Harbi had been identified as “one of approximately 400 Arabs who claimed to be members of a subset of al Wafa... [who] were actually Mujahedin fighters in Afghanistan.”¹⁵⁶

Upon arriving in Karachi in late November 2001, al-Harbi claimed that he had first met with local leaders of Tablighi Jamaat: “They delayed me because they were teaching me what to do, how to get things to certain places, where to go. I was talking with them until we got to about 6 or 7 days in Karachi, and then we headed towards Quetta.”¹⁵⁷ The trip overland from Karachi to Quetta took “approximately 18 hours.”¹⁵⁸ Al-Harbi repeatedly insisted that his aims were totally innocent, and he had spent a total of only eight days in Pakistan before being captured.¹⁵⁹ He appealed to the ARB panel:

“This is in my travel documents, which show I was entering the country for a short [time], eight days... There is evidence I was going to help; I had money with me. Please look for... what was taken from me when I was captured as proof that I had money to help people. I was on my way to Quetta, Pakistan to help people, the refugees, who had come across the border there. These refugees were being helped by allies of the United States, like Saudi Arabia and the United Arab Emirates. These people were not Al Qaida or Taliban, or anything of that sort.”¹⁶⁰

When asked to explain why it was so “clear” that his trip had no connection with the ongoing battle inside nearby Afghanistan, al-Harbi explained, “I was in Quetta and going to the Saudi Arabian Red Crescent. The Pakistani named Abdallahad was taking me to where I needed to go. He is the one who told me there were problems at the borders in Pakistan. He advised me not to

¹⁵³ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁵⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

¹⁵⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

¹⁵⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

¹⁵⁷ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁵⁸ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁵⁹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶⁰ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

go because problems would arise. That's what prompted me to go to the Saudi Arabian Red Crescent to help and then I was arrested."¹⁶¹

Al-Harbi also narrated the circumstances of his subsequent capture by the Pakistani army: "When I was en route to Quetta, there were many checkpoints the Pakistanis had set up, and for some reason I was stopped and detained at one of the checkpoints. It was at that police station that the Americans started talking to me... The Pakistani police sold me for money to the Americans. This was a round up of all foreigners and Arabs in that area."¹⁶² He continued:

"In Pakistan, the American FBI met with me... That was the first meeting I had with Americans in Pakistan. The second time the Americans came to me, they were from the CIA or the FBI. They came to me in prison in Pakistan... I was in a court in Pakistan for 5 weeks, trying to show I was innocent so they could send me to the Saudi Embassy in Islamabad. The Saudi Arabia Embassy and the Red Crescent from Saudi Arabia came to me. I had lawyers in the court in Pakistan, but the Pakistani intelligence hid my passport. They said that I didn't have any identification that proved I was Saudi Arabian. Then, the Americans came to the prison and brought the passport to me on a Monday and I had a hearing the following Wednesday and I'd be able to prove I had a visa and passport. It was clear that the Pakistani intelligence [service] sold me to the Americans. I then went to Bagram to the American camp there... I also went to Kandahar and the American Army showed me the passport as well. We discussed the stamps, trips and travel. I then came to Cuba and the interrogators told me they found my passport and he was asking me about dates."¹⁶³

Before being rendered into the custody of the U.S. military, Mohammed al-Harbi reported that he had met with both the judge of the court in Pakistan and a representative from the Saudi embassy in Islamabad. He recalled speaking with the Saudi diplomat in the courtroom: "we read the newspaper and my name was there and I was from Saudi Arabia, so the Saudi Arabia Embassy looked at that and came to the court in Quetta."¹⁶⁴ Al-Harbi indicated that, after speaking with the Pakistani judge, he was left with the impression that his case "was being handed over to the Saudi Arabia Embassy in Islamabad."¹⁶⁵ However, two days before his final hearing, al-Harbi was removed from jail and transferred to the U.S. airbase in Bagram, in neighboring Afghanistan.¹⁶⁶ ARB panel members asked al-Harbi why he thought the Saudi diplomat observing his legal case in Pakistan "didn't make more of an effort to help you if he knew you were a Saudi citizen with no documents."¹⁶⁷ Al-Harbi responded dismissively, "The whole story and the whole case is cooked up. The Pakistan intelligence is involved in it. Saudi Arabia sent lawyers and they were sure I would get out and said if I got out, I had to pass by them in Islamabad, but the Intelligence individuals were already cooking up the selling of Mohammed Al Harbi... The Pakistani soldiers and even the Pakistani Intelligence would come to me in prison. They said your case is with us, with intelligence, not with the Pakistani Army."¹⁶⁸

During al-Harbi's later hearing before the ARB panel in Guantanamo, one of the most high-profile (and controversial) allegations to emerge was the fact that al-Harbi's name had been found "on a document that was recovered by United States coalition forces from the former

¹⁶¹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶² Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶³ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶⁴ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶⁵ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶⁶ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶⁷ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁶⁸ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

residence of Usama Bin Laden in Kandahar, Afghanistan on or about 12 December 2001.”¹⁶⁹ Al-Harbi adamantly challenged this charge, pointing out that “there are several tribes in Saudi Arabia and one of these tribes is Al-Harbi. This is part of my name and there are literally millions that share Al Harbi as part of their name... Just knowing someone has the name Al Harbi tells you where they came from in Saudi Arabia... The fact that this name is recovered on a document is literally meaningless.”¹⁷⁰ One clearly skeptical panel member questioned al-Harbi, “Usama Bin Laden is also from Saudi Arabia, and for him to be as successful... he must keep track of his people so he knows who is with him and who is not. Wouldn't you think he would know which Mohammed Al Harbi he was talking about?”¹⁷¹ “Of course he knows,” al-Harbi replied.¹⁷² The panel again pressed him, “It's not you?”¹⁷³ “No, not me.”¹⁷⁴

Al-Harbi was also quick to deny the charges that he had “received hand grenade, machine gun, pistol, map reading and explosives training” at Al-Qaida’s Al-Farouq terrorist training camp¹⁷⁵; that he had served as a “fighter in Kandahar, Afghanistan”¹⁷⁶; and, that he had participated in the battle of Tora Bora in late November 2001, and had been seen fighting there.¹⁷⁷ Once again, al-Harbi continued to stubbornly maintain his innocence:

“I understand you cannot tell me who said this, but I ask that you look at this individual very closely because his story is false. If you ask this person the right questions, you will see that very quickly. I am trusting you to do this for me. If you have any questions you would like to direct at me, I'll answer them... I was there for 8 days and could not have been expected to go to Afghanistan and engage in hostilities against anyone... The most important point, the individual who said he saw me in Kandahar and talk with him. Ask if he's seen me or not. Show him my picture and ask if he knows me or not. Question him so you can know the truth. That's the most important thing... I did not enter Afghanistan.”¹⁷⁸

Despite his emphatic denials, Mohammed al-Harbi kept a surprisingly friendly attitude and easygoing composure with the members of the Guantanamo ARB panel. At one point, a panel member suggested that he was confused by parts of al-Harbi’s testimony and asked for clarification on “the dates of your airline tickets going in and out of Pakistan.”¹⁷⁹ Wryly, al-Harbi

¹⁶⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. July 5, 2005. Pages 392-393.

¹⁷⁰ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁷¹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁷² Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁷³ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁷⁴ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁷⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

¹⁷⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. July 5, 2005. Pages 392-393.

¹⁷⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. July 5, 2005. Pages 392-393.

¹⁷⁸ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁷⁹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

responded, “First, I’d like to ask everyone a question. A week ago, last Saturday, what did you eat at lunchtime?”¹⁸⁰ Clearly amused, the panel president played along: “I know what I ate. Do you want me to answer that? [laughter] I had a hamburger and onion rings.”¹⁸¹ Undaunted, al-Harbi continued, “Maybe you remember and others don’t remember. I’ve been here for 3 years and you’re asking me for the dates.”¹⁸² Furthermore, al-Harbi evinced no hard feelings whatsoever for his “wrongful detention” in Guantanamo Bay. According to at least two notations in al-Harbi’s Guantanamo casefile, “The detainee says he loves Americans and stated he was against the killing of any innocent people. In fact, the detainee would be willing to work for American authorities once he was back in Saudi Arabia.”¹⁸³ On November 9, 2007, al-Harbi was released from U.S. military detention in Guantanamo Bay and transferred to the custody of local security forces in Saudi Arabia.¹⁸⁴

Less than six months after returning to Saudi Arabia, Mohammed al-Harbi fled with a group of other Saudi Al-Qaida members to sanctuary in neighboring Yemen. It is not known when, how, or why al-Harbi was able to escape the custody of the Saudi government. On January 23, 2009, the Al-Fajr Media Center published new video footage of joint sermons delivered by a group of Saudi and Yemeni Al-Qaida leaders in a recording titled, “From Here We Will Begin and in Al-Aqsa We Shall Meet.” One of the men featured in the video was former Gitmo detainee Mohammed al-Harbi, carrying the official title of “Field Commander of the Al-Qaida Organization in the Arabian Peninsula.”¹⁸⁵ During his speech, al-Harbi threatened:

“I say to America’s collaborators... the Saudis... the grenade of our brother Ali al-Mabadi, may Allah have mercy upon him, is in our hands, and by Allah, we shall fulfill his oath or die trying—unless you seek forgiveness from Allah for the war that you are waging against Islam and the Muslims. And we warn our imprisoned brothers to avoid the ‘attention and advice program’ which is administered by the ignorant oppressor Mohammed Bin Nayef and his criminal helpers like Dai Turki al-Atayan—who headed the delegation of psychological investigators sent to Cuba, and helped the Americans to conduct psychological examinations and to extract confessions from us using psychiatric methods employed in the prisons of Saudi Arabia against the mujahideen. [These methods are used] in order to persuade us to stray from Islam and our path using every tool and method through the plan of advice... Finally, we say to the Christian countries which are preparing for war in Saudi Arabia and which are supporting the Christian war against the Muslims: by Allah, we are surely coming for you! By Allah, we are surely coming for you! We are walking the path of our former brothers, like Shaykh Yousef al-Ayyiri, Shaykh Esa al-Awshin, Khaled al-Haj, Turki al-Dandani, Ali al-Mabadi, and other lions of Allah who have been slain in Saudi Arabia. And we say to the police and [internal] investigations [system] of the Saudis, and to those who guard the Jews and the Christians: repent



¹⁸⁰ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁸¹ Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁸² Testimony of Detainee ISN #333 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1422-1434.

¹⁸³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

¹⁸⁴ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008..

¹⁸⁵ <http://www.nefafoundation.org/documents-original.html#aqiy0209>.

to Allah for the deception and treachery that you are culpable for when you guard the entrances to their embassies, their secret temples, their population centers, and their military and intelligence bases. The one who gives fair warning cannot [afterwards] be blameworthy, O' servants of the Dirham and the Dinar."¹⁸⁶

- **Murtadha Ali Saeed Magram (a.k.a. "Abul-Baraa al-Hadrami")**

Murtadha Magram, born on March 27, 1976, is a Saudi Arabian national and former Guantanamo Bay detainee no. 187. A former resident of the Saudi capital Riyadh, Magram "left his family when he felt the call to participate in the jihad against the Northern Alliance in Afghanistan. The detainee was opposed to the oppression of women and Muslims in Afghanistan, therefore, he saw fit to participate in combat training with the Taliban against the Northern Alliance."¹⁸⁷ In 2000, Magram fell under the influence of a neighbor in Riyadh who was championing a fatwah issued by a "local sheikh" concerning Afghanistan. Following discussions about the fatwah, the neighbor convinced Magram of his duty to travel to Afghanistan in order to support the Taliban.¹⁸⁸ In the final weeks of 2000, Magram purchased a ticket for a flight to Karachi, Pakistan, via Sanaa, Yemen.¹⁸⁹ He left Riyadh carrying nearly 8,000 Saudi riyals and sought "to fight in the Jihad"¹⁹⁰



From Karachi, Magram traveled on to the frontier town of Quetta, "and he then crossed the border into Afghanistan by illegally bypassing the official checkpoints. [He] then traveled to Kandahar, Afghanistan."¹⁹¹ Once in Kandahar, he was billeted in various Taliban guesthouses for three weeks, before being moved on to yet another guesthouse in the Afghan capital Kabul.¹⁹² Finally, in Kabul, Magram received his orders and was dispatched to Jabal Saber, "where he spent

¹⁸⁶ <http://www.nefafoundation.org/documents-original.html#aqiy0209>.

¹⁸⁷ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁸⁸ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁸⁹ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁹⁰ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.. See also: "Unclassified Summary of Evidence for Administrative Review Board in the Case of Maqram, Murtada Ali Said." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. Pages 999-1000.

¹⁹¹ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁹² "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

seven months on a secondary line, which was approximately 30 kilometers from the front line.”¹⁹³ At Jabal Saber, Magram received training sessions on an AK-47 and was assigned to serve as a sentry.¹⁹⁴ After seven months at Jabal Saber, in the summer of 2001, he traveled to Bagram—approximately 13 km from the Taliban frontline—“where he spent two months on the secondary line of Bagram Hill.”¹⁹⁵ Magram was assigned to the “Salman position”, led by the commander of a Taliban unit.¹⁹⁶ Later, during ARB panels held in Guantanamo Bay, Magram pointed out that “from his location, secondary to the front line, he never engaged in any ground combat”, and complained that “even though he made it to the front line, the Taliban would not let him participate in the actual combat.”¹⁹⁷

In October 2001, with the support of U.S. air power, the Northern Alliance began a renewed ground offensive against the Taliban, including at the frontline in Bagram. According to the U.S. military, “when the Northern Alliance attacked the front line, [Magram] went to the front line on the Bagram side of the mountain” and “participated in military operations against the coalition.”¹⁹⁸ However, as Taliban ranks quickly collapsed around Kabul and other major Afghan cities, Magram was thrown into the mass exodus of Arab fighters towards their final redoubt along the Afghan-Pakistani border. On or about November 26, 2001, Magram “traveled to the Tora Bora mountains in Afghanistan” and was later “identified as having fought at Tora Bora.”¹⁹⁹ The Pentagon has also alleged that when Magram arrived at Tora Bora, his unit “came under the authority of an al Qaida commander.”²⁰⁰ According to the former mujahideen press agency Azzam Publications, “The Tora Bora mountain range comprises of low foothills and lofty mountains. It was expected for the Americans to land at the lower foothills first. Therefore, the Commander of the Mujahideen gave the order for new and relatively inexperienced brothers to go to the higher mountains, leaving the experienced fighters at the bottom.”²⁰¹ The strategy

¹⁹³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁹⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁹⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁹⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁹⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

¹⁹⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Maqram, Murtada Ali Said.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 999-1000.

¹⁹⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²⁰⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²⁰¹ Azzam Publications. “Suraqah al-Andalusi: Profile of Azzam.Com Correspondent Martyred in Afghanistan: A Story for Dead Hearts.” <http://www.azzam.com>. December 2001.

proved ineffective as a result of smothering U.S. tactical airstrikes: “there was no difference between the night and the day: the sky was raining fire and the Earth was erupting volcanoes.” Abortive attempts at regrouping and retreating caused the deaths of possibly hundreds of fleeing Al-Qaida fighters caught underneath a hail of cluster bombs.

Left with no other choice, Magram fled Tora Bora across the mountains into Pakistan “where he was captured.”²⁰² He claimed that he had abandoned his weapon after escaping Tora Bora “because he didn’t want to fight anyone anymore.”²⁰³ In January 2002, Magram’s name was listed as number 36 on the roster published by the Al-Qaida website Al-Neda of Arab mujahideen who had been doublecrossed by tribal leaders and taken prisoner in Pakistan. The entry reads, “Murtadha Bin Ali Bin Said Magram (Abul-Baraa al-Hadrami). His family can be contacted by calling either Rashid or Riyadh at this telephone number... in Riyadh.”²⁰⁴ While in Guantanamo Bay, Magram denied ever meeting Usama Bin Laden, and feigned ignorance as to the existence or location of training camps in Afghanistan.²⁰⁵ He denied having any foreknowledge of the 9/11 attacks or the October 2000 bombing of the U.S.S. Cole, further volunteering that “the 11 September attacks were completely bad because many of those killed were non-combatants and the suicides were against the teaching of the Koran.”²⁰⁶ Magram stated that he was never aware “that the Northern Alliance was being supported by the United States” and vowed that, “if released, he would never again think of participating in any military conflict.”²⁰⁷

Yet, “based upon a review of recommendations from US Government agencies and classified and unclassified documents”, the ARB panel in Guantanamo nonetheless concluded that Murtadha Magram “is regarded as a threat to United States and its Allies.”²⁰⁸ Information provided to the U.S. by a “foreign government service” designated Magram “as being a member of al Qaida” and reported that, on a list of 215 applicants seeking to attend “an unspecified terrorist training camp”, Magram’s name “shows up on this list as number 184.”²⁰⁹ Moreover, during multiple raids carried out on suspected Al-Qaida safehouses in the Pakistani cities of Karachi and Rawalpindi in 2002 and 2003, lists and charts of mujahideen fighters were recovered

²⁰² “Unclassified Summary of Evidence for Administrative Review Board in the Case of Maqram, Murtada Ali Said.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. Pages 999-1000.

²⁰³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²⁰⁴ “The Names of and the Story Behind Our Prisoners in Pakistan.” Al-Neda. <http://www.cambuur.net/cocI/>. January 2002.

²⁰⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²⁰⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²⁰⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²⁰⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Maqram, Murtada Ali Said.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 999-1000.

²⁰⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

featuring Magram's name, alias, nationality, and even telephone number.²¹⁰ While held as a detainee in Guantanamo Bay, Magram allegedly attacked his guards on multiple occasions: "in the last year, the detainee has thrown food at guards four (4) times, spit on them twice and set off the sprinkler in his cell. The most extreme conduct occurred on 12 October 2004 when he grabbed an MP through the 'beanhole' in his cell and pulled him towards the door."²¹¹ Perhaps most disturbing were the other statements and threats attributed by the Pentagon to Magram in his Guantanamo casefile:

"The detainee related it did not matter whether the Taliban won or lost the war, but that he fought for the glory of God. The detainee stated he wanted to be a martyr for the cause. The detainee reported that he went to the jihad to die and that he was captured in Pakistan while traveling to Kashmir in order to join the jihad there, and to die. The detainee advised his fate was in the hands of Allah, and not the Americans. The detainee stated he hates Americans and all non-believers."²¹²

Despite his expression of these sentiments, on November 9, 2007, Magram was released from U.S. military detention in Guantanamo Bay and transferred to the custody of local security forces in Saudi Arabia.²¹³ It is not known when, how, or why Magram was able to escape the custody of the Saudi government.

- **Meshal Mohammed Rashid Al-Shedoky (a.k.a. Mishale Ashadouki)**

Meshal al-Shedoky born on January 1, 1982, is a Saudi Arabian national and former Guantanamo Bay detainee no. 71. Originally a resident of the Saudi capital Riyadh, al-Shedoky is somewhat unlike the other ten Saudi Guantanamo veterans who have reportedly returned to Al-Qaida. While the other men were mostly released from U.S. military custody in 2006 and 2007, al-Shedoky was included among the earliest transfers of Saudi detainees held in Guantanamo back to their homeland. Al-Shedoky's transfer, along with four other Saudi nationals, came on May 14, 2003—two days after a dramatic series of Al-Qaida suicide bombings of foreign housing compounds inside Riyadh.²¹⁴ On May 16, 2003, the U.S. Department of Defense issued an official press release acknowledging "the transfer of four Saudi detainees for continued detention by the Government of Saudi Arabia, on May 14, 2003. Senior leadership of the Department of Defense, in consultation with other senior U.S. government officials, determined that these detainees either no longer posed a threat to U.S. security or no longer required detention by the United States... At the time of their detention,



²¹⁰ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²¹¹ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Maqram, Murtada Ali Said." Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 999-1000.

²¹² "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

²¹³ "Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased." U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

²¹⁴ "Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased." U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

these enemy combatants posed a threat to U.S. security.”²¹⁵ In Saudi and British media, the Saudi Interior Minister Prince Nayef announced that al-Shedoky and the other Guantanamo veterans would be tried in Saudi courts “as part of the country’s rejection of all kinds of terrorism.” Nayef indicated that the Saudi government would continue to lobby for the return of their nationals held in Guantanamo: “This is because we believe in fulfilling our duty to protect our citizens... When someone commits a crime, the [Islamic] Sharia courts guarantee a fair trial for him on the basis of justice and truth.”²¹⁶

On July 4, 2004, the New York Times published an investigative news piece alleging that the Bush administration had agreed to return al-Shedoky and the other terror suspects “to Saudi Arabia from Guantanamo Bay, Cuba, last year as part of a secret three-way deal intended to satisfy important allies in the invasion of Iraq, according to senior American and British officials”:²¹⁷

“Under the arrangement, Saudi officials later released five Britons and two others who had been convicted of terrorist attacks in Saudi Arabia, the officials said. British diplomats said they believed that the men had been tortured by Saudi security police officers into confessing falsely. Officials involved in the deliberations said the transfer of the Saudis from Guantanamo initially met with objections from officials at the Pentagon, the Central Intelligence Agency and the Justice Department. Those officials questioned whether some detainees were too dangerous to send back and whether the United States could trust Saudi promises to keep the men imprisoned. ‘To get people to take a chance on detainees who posed a threat was a new endeavor, so everyone moved cautiously,’ said one senior American official who supported the releases. ‘It was the first time we were doing this, and people did not want to do it’... Several officials involved in the negotiations defended the bargain as being in the interest of all three countries... but several current and former Defense Department officials challenged that assertion, saying no Saudis had even been under consideration for release prior to the arrangement’s being struck. ‘It didn’t seem right,’ said one military official who was involved in the process. ‘The green light had not appeared on these guys in the way that it had on others’ who were released. ‘It was clear that there was a quid pro quo to the deal that we were not aware of.’”²¹⁸

As for Meshal al-Shedoky, following his transfer from Guantanamo Bay—according to the prisoner rights advocacy group Cageprisoners.com—“he was held in Haer prison, near Riyadh, for a year before being transferred to a regional prison, so that he could be closer to his family. Family members can visit regularly but all visits are monitored.”²¹⁹ It is not known when, how, or why al-Shedoky was able to escape the custody of the Saudi government.

- **Adnan Muhammad Ali al-Sayegh**

Adnan al-Sayegh, born on January 7, 1978, is a Saudi Arabian national and former Guantanamo Bay detainee no. 105. According to the U.S. military, prior to joining Al-Qaida and the Taliban in Afghanistan, al-Sayegh had his first experience with jihad in the contested region of Kashmir, fighting with the Pakistani mujahideen organization Lashkar-e-Taiba (LET).²²⁰ In December 2001, the U.S. State Department officially named LET as a designated Foreign Terrorist Organization (FTO). In his public statement on the designation, U.S. Secretary of State Colin Powell accused Lashkar of “seek[ing] to assault democracy, undermine peace and stability in

²¹⁵ “Release/Transfer of Detainees Completed.” News Release from the U.S. Department of Defense. No. 338-03. May 16, 2003.

²¹⁶ “Saudis Released from Guantanamo.” BBC News. May 15, 2003.

²¹⁷ Van Natta, Don Jr. and Tim Golden. “The Reach of War: Detainees, Officials Detail a Detainee Deal by 3 Countries.” The New York Times. July 4, 2004.

²¹⁸ Van Natta, Don Jr. and Tim Golden. “The Reach of War: Detainees, Officials Detail a Detainee Deal by 3 Countries.” The New York Times. July 4, 2004.

²¹⁹ <http://www.cageprisoners.com/prisoners.php?id=1854>.

²²⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

South Asia, and destroy relations between India and Pakistan.”²²¹ In the immediate wake of 9/11, through their official spokesmen, LET announced that they would “not leave Afghan brethren in the lurch” and would “sacrifice their lives along with other Muslims against America and other disbelievers in case they attack Afghanistan. Lashkar-e Taiba is intended to uphold the flag of Islam by jihad in the battlefield.”²²²

During hearings held later in Guantanamo Bay, Adnan al-Sayegh admitted that, in early 2001, he had become acquainted with a new fatwah issued by the notorious Saudi cleric Shaykh Hammoud bin Uqlaa ash-Shuaibi—a fatwah that called for young Muslims “to go for the jihad in Afghanistan.”²²³ Al-Sayegh explained simply, “I went there to fight with the rest of the people.”²²⁴ In approximately March 2001, he managed to reach Afghanistan and joined the Taliban, receiving “training on the Kalashnikov rifle.”²²⁵ For four months, al-Sayegh remained near Kabul, assigned to duties at the frontline in the Karabah district.²²⁶ Subsequently, he was transferred along with the rest of his unit to the northern Konduz province of Afghanistan—and then on to the Khwajar Ghar district of Afghanistan’s Takhar province for another six months.²²⁷ When questioned about his involvement with the Taliban, al-Sayegh was markedly unremorseful. “If I am with the Taliban, why is that an accusation? That is a religious activity, are you fighting my cause?” he demanded of his captors.²²⁸ He insisted that he was merely “giving support to people that owned horses.”²²⁹



However, according to the U.S. military, Adnan al-Sayegh was far more involved with Al-Qaida and the Taliban than he would admit. Reportedly, al-Sayegh “knows Abd al Hadi al Iraqi

²²¹ U.S. Department of State, Office of the Spokesman. “Statement by Secretary of State Colin L. Powell: Designation of Foreign Terrorist Organizations.” <http://usembassy-australia.state.gov/hyper/2001/1226/epf302.htm>. December 26, 2001.

²²² From: nadqpk@yahoo.com. “Subject: Lashker-e-Tabia will sacrifice their lives with other Muslims against America.” September 26, 2001. <http://groups.yahoo.com/group/muslimworldnews>.

²²³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.. See also: Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²²⁴ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²²⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.. See also: Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²²⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²²⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²²⁸ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²²⁹ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

and al Salaam.”²³⁰ Abdel Hadi al-Iraqi, once a senior Al-Qaida operational manager, was a trusted confidant of Usama Bin Laden and responsible for overseeing 200 Arab and Taliban soldiers in Kabul.²³¹ Abdel Salaam al-Hadrami “functioned as the second in command to al Hadi. Al Salaam operations included the movement of men and horses.”²³² Within this framework, Adnan al-Sayegh was allegedly “responsible for weapons storage under the responsibility of al Salaam and was at the North line for a long time... [He] was identified as having something to do with issuing or controlling the weapons.”²³³ Al-Sayegh conceded that it was “true” he had fought for at least four months “with the Taliban”, but countered that he had only fought against the forces of Ahmad Shah Massoud and “not against the American allies.”²³⁴ In November 2001, the Saudi was captured along with hundreds of other Al-Qaida and Taliban prisoners in Qala-i-Janghi, near the northern Afghan city of Mazar-i-Sharif.²³⁵

When called before CSRT and ARB panel hearings in Guantanamo, al-Sayegh was routinely combative, uncooperative, and even threatening. During an initial CSRT session, he was asked by the president of the review panel if he would swear an oath before giving his testimony. Al-Sayegh asked, “Is this the infidel's oath or is it my oath?”²³⁶ He accused panel members of “fighting my religion” and lectured them, “I don't consider myself an enemy combatant because all the accusations have no harm or effect on America.”²³⁷ “Massoud, is he one of your allies? When did he become your ally or coalition partner?” he demanded to know. When the panel president attempted to bring the focus of the discussion back to the charges against al-Sayegh, the Saudi, unfazed, continued in his tirade: “I was wondering how “the Massoud” became one of your allies... I didn't think the Massoud was one of your allies.”²³⁸ He then informed the panel, “I am not going to answer any questions; the only thing I am going to do is defend these accusations... if its old questions I'm not going to



²³⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²³¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²³² “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²³³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²³⁴ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²³⁵ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²³⁶ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²³⁷ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²³⁸ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

answer.”²³⁹ Al-Sayegh was promptly asked by the panel if he recognized that Ahmad Shah Massoud and the Northern Alliance were “also Muslim”—a fact that al-Sayegh readily conceded to. One CSRT panel member followed up, “So why did you choose to fight against them?” Without hesitation, al-Sayegh replied, “This is none of your business.”²⁴⁰ Given a chance by the panel to reconsider his response, he repeated, “Again for the second time, that does not concern you.”²⁴¹ The president of the CSRT review board admonished him, “I might say that I find it disappointing that you are not cooperating. I thought I had explained to you to determine your enemy combatant status and to your benefit it would be good to answer to our questions. But if you choose not to, then we would not gain very much if we continued to ask questions if you’re not going to answer them.”²⁴²

In August 2005, during the first round of ARB panel reviews of detainees held in Guantanamo Bay, the U.S. Department of Defense carefully assessed Adnan al-Sayegh and his prospects for a release or transfer out of Gitmo. Though the final policy recommendation made by the Pentagon is still classified, other excerpts from the record of proceedings indicate that the review panel in al-Sayegh’s case reached a “a unanimous decision” after determining that al-Sayegh “continues to be a threat to the United States and its allies.”²⁴³ Among the factors weighing heavily against a release or transfer were that “a foreign government service has designated [him] as being a high priority target”²⁴⁴; that his name is likewise “on a foreign government service watch list for working as a recruiter outside of Saudi Arabia”²⁴⁵; that he “has been a known affiliate of organizations that espouse terrorist and violent acts against the United States and its allies”²⁴⁶; that he is “known to have affiliations with individuals who themselves plan, or are members of, organizations that plan to carry out acts of terrorism or violence against the United States and its allies”²⁴⁷; and, that he “was captured in connection with the conduct of combat or terrorist operations against the United States and its allies.”²⁴⁸ The ARB panel

²³⁹ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²⁴⁰ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²⁴¹ Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²⁴² Testimony of Detainee Adnan Muhammad Ali Al Saigh (ISN #105) before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 1126-1132.

²⁴³ “Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 105 (Saudi Arabia).” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 16, 2005.

²⁴⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²⁴⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Ali, Adnan Mohammed.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 11, 2005.

²⁴⁶ “Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 105 (Saudi Arabia).” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 16, 2005.

²⁴⁷ “Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 105 (Saudi Arabia).” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 16, 2005.

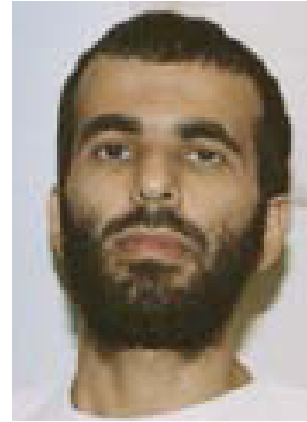
²⁴⁸ “Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 105 (Saudi Arabia).” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the

assessment also pointed to al-Sayegh's refusal to attend panel hearings in his case and his "behavior during interrogation and detention" as an "indication he is capable of posing a [word redacted] threat."²⁴⁹ As such, the ARB panel concluded that al-Sayegh represents "a continued [word redacted] threat to the United States and its allies. [He] is of medium intelligence value."²⁵⁰

Nonetheless, nine months later, on May 18, 2006, Adnan al-Sayegh was released from U.S. military detention in Guantanamo Bay and transferred along with fourteen other men to the custody of local security forces in Saudi Arabia.²⁵¹ According to the prisoner rights advocacy group Cageprisoners.com, "it was said that each case would be investigated and if necessary the men would be tried and sentenced if appropriate. They will remain in detention in Saudi Arabia in the meanwhile."²⁵² It is not known when, how, or why al-Sayegh was able to escape the custody of the Saudi government.

- **Ibrahim Sulaiman Mohammed Ar-Rabeish (a.k.a. "Abu Mohammed")**

Ibrahim ar-Rabeish, born on July 19, 1979, is a Saudi Arabian national and former Guantanamo Bay detainee no. 192. As indicated by those tasked within reviewing the case within the U.S. Department of Defense, "the bulk of the evidence pertaining to the detainee's status came from an FBI interview of the detainee dated 02/13/2002."²⁵³ Originally from the Saudi town of Buraydah, ar-Rabeish spoke to his interrogators of his conviction that "participation in jihad is a means of providing for the needy and fighting the oppressors of Islam. [He] also feels that it is the duty of all Muslims to answer the call to jihad."²⁵⁴ At home in Saudi Arabia, the young ar-Rabeish developed a strong interest in the mujahideen and, in 2000, "discussed a possible jihad to go fight in Chechnya with an individual who attended the same mosque as he did."²⁵⁵



Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 16, 2005.

²⁴⁹ "Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 105 (Saudi Arabia)." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 16, 2005.

²⁵⁰ "Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 105 (Saudi Arabia)." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 16, 2005.

²⁵¹ "Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased." U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

²⁵² <http://www.cageprisoners.com/prisoners.php?id=43>.

²⁵³ Unclassified Portions of the Record of Proceedings Before the Combatant Status Review Tribunal Related to Petitioner Ibrahim Sulayman Muhammad Arbaysh. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 22, 2005. Pages 1151-1165.

²⁵⁴ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁵⁵ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

But instead of Chechnya, in the early fall of 2001, ar-Rabeish left Saudi Arabia for Afghanistan, still in hopes of “training for jihad.”²⁵⁶ He traveled from Buraydah to the Saudi city of Jeddah—and then on to Karachi, Pakistan, and eventually, the Pakistani border town of Quetta, where he stopped at a local mujahideen guesthouse.²⁵⁷ From the guesthouse in Quetta, ar-Rabeish boarded a bus that took him and others “to the al Farouq training camp.”²⁵⁸ At Al-Farouq, he “was trained on the Kalishnikov[sic] and instructed in physical training and marksmanship while at al Farouq. [He] also learned how to field strip and perform maintenance on the Kalishnikov[sic].”²⁵⁹ While later held as a detainee in Guantanamo, ar-Rabeish admitted “that he did train at al Farouq,” but claimed that he did “not realize that it was an al Qaida training camp.”²⁶⁰ When questioned by members of a Pentagon case review panel, he freely advertised that he had traveled to the Al-Farouq camp in order “to train for the jihad for God”—so that he could be ready to battle “whoever fights Muslims.”²⁶¹ Ar-Rabeish denied giving any oaths of allegiance while at Al-Farouq, and insisted, “when I entered al Farouq training camp, I did not know al Farouq training camp belonged to al Qaida. If I entered a suspected house, and I did not know the house was suspected of something, is that a crime against me?”²⁶²

After spending a “short time” attending courses at the Al-Farouq camp, ar-Rabeish was told by camp managers “that the camp was being evacuated.”²⁶³ This order appears to have been issued either just prior to or following the 9/11 terrorist attacks in the United States. Ar-Rabeish was instructed to leave and seek shelter in a mujahideen guesthouse in the Afghan capital Kabul. From Kabul, he moved on to yet another guesthouse, this time in the eastern Afghan city of Jalalabad.²⁶⁴ Eventually, as the Taliban frontlines crumbled under a joint U.S.-

²⁵⁶ Unclassified Portions of the Record of Proceedings Before the Combatant Status Review Tribunal Related to Petitioner Ibrahim Sulayman Muhammad Arbaysh. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 22, 2005. Pages 1151-1165.

²⁵⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁵⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁵⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁶⁰ “Summarized Administrative Review Board Detainee Statement.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

²⁶¹ “Summarized Administrative Review Board Detainee Statement.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

²⁶² “Summarized Administrative Review Board Detainee Statement.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.. See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁶³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁶⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

Northern Alliance offensive in late 2001, even Jalalabad was no longer safe.²⁶⁵ Forced out from his last sanctuary, ar-Rabeish traveled into the mountains headed for Tora Bora.²⁶⁶ According to the U.S. military, he “fought the Northern Alliance at Tora Bora, and had a working knowledge of the tactical procedures and front line positions of the Taliban.”²⁶⁷ Ar-Rabeish concedes that he “was in Tora Bora during the time the fighting occurred”, but “denies he traveled to the front lines... His reason for being in Tora Bora was that he was simply passing through on his way to Pakistan.”²⁶⁸ After three months spent in Afghanistan, ar-Rabeish was captured by Pakistani security forces in late 2001 “while fleeing from Afghanistan and was eventually turned over to the United States Forces in Afghanistan.”²⁶⁹ In January 2002, ar-Rabeish’s name was listed as number 39 on the roster published by the Al-Qaida website Al-Neda of Arab mujahideen who had been doublecrossed by tribal leaders and taken prisoner in Pakistan. The entry reads, “Ibrahim Sulayman Mohammed ar-Rabeish (Abu Mohammed) from Qassim, in the Arabian Peninsula. His family can be contacted via his brother Abdelaziz... or Abdulrahman.”²⁷⁰ When asked about the entry on the Al-Neda website, ar-Rabeish was indignant in his response: “Someone should have asked before they put my name there.” “Maybe it was someone who wanted me to be accused of something, someone who wanted to get me into trouble,” he speculated to ARB panel members. “Maybe the person got my name off the internet or somewhere else, and put my name in there.”²⁷¹

As a detainee in Guantanamo, ar-Rabeish was involved in at least four noteworthy physical altercations with camp guards. His Gitmo casefile describes him as generally having a “past history of passive aggressive behavior. The detainee has failed to comply with requirements to exit the cell and mild force was required.”²⁷² Ar-Rabeish acknowledged the incidents, but termed them as the reaction to unjustified “assaults” by guards: “they assaulted me. Any person who gets assaulted would do something back. There will be a reaction... Yes, it happened.”²⁷³ Likewise, the Saudi attempted to convince CSRT and ARB panels reviewing his case that his obvious interest in jihad was not necessarily synonymous with any involvement in terrorism:

²⁶⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁶⁶ Unclassified Portions of the Record of Proceedings Before the Combatant Status Review Tribunal Related to Petitioner Ibrahim Sulayman Muhammad Arbaysh. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 22, 2005. Pages 1151-1165.

²⁶⁷ Unclassified Portions of the Record of Proceedings Before the Combatant Status Review Tribunal Related to Petitioner Ibrahim Sulayman Muhammad Arbaysh. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 22, 2005. Pages 1151-1165.

²⁶⁸ “Summarized Administrative Review Board Detainee Statement.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

²⁶⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁷⁰ “The Names of and the Story Behind Our Prisoners in Pakistan.” Al-Neda. <http://www.cambuur.net/cocI/>. January 2002.

²⁷¹ “Summarized Administrative Review Board Detainee Statement.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

²⁷² “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. December 8, 2004. Pages 1001-1002.

²⁷³ “Summarized Administrative Review Board Detainee Statement.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

"I would to ask if traveling to fight jihad is an accusation? ...Is training to fight for jihad an accusation against me? ...Based on that point I am a threat to the United States? ...Whoever trains for jihad is considered to be a threat against the United States and its allies? ...How can this board decide that I am a continuous threat if they don't have evidence that I am a continuous threat against the United States? Like I said before, if a jihad, for God is willing, is considered to be a threat to the United States, then all Muslims are a threat to the United States. The jihad for one million four hundred years is considered to be a message from Islam to all the Muslims. It is a duty to all Muslims... I think if an angel comes down from Heaven and tells that I'm not a threat to the United States or its allies, you would still think that I am a threat based on the secret information in your files. When I asked what is the classified information in the files, it could be anything. It could be a tissue that someone wiped their nose with and threw in the garbage. It could be anything. Those accusations on that piece of paper are not enough to accuse anyone. If the United States thinks that those accusations are enough to make someone a threat against them, they should arrest millions of human beings all over the world. It appears to be that whoever wrote those accusations had to make some unlawful accusations and untrue to legalize my detention. He did not find anything else but those accusations, so anything that he found or made up he wrote it down... When I read the accusations from the Assisting Officer, I went back to my brothers in the detention facility and told them about the accusations, it was a very fun evening. We laughed a lot at those accusations."²⁷⁴

Ar-Rabeish cited the fact that "the United States is a partner with Saudi Arabia", and demanded of panel members, "so how could I consider it an enemy of Islam if it's a friend of Saudi Arabia?"²⁷⁵ He rejected outright the suggestion that, if released, he would ever again "fight against the United States in jihad."²⁷⁶ Instead, ar-Rabeish indicated that "his intentions were to return to Saudi Arabia after his training because he only wanted the training to fulfill his religious obligation to be prepared for jihad."²⁷⁷ During an assessment interview in October 2004, he even suggested that "had he not been arrested... that he would have applied for a regular job" in Saudi Arabia.²⁷⁸

Nonetheless, the U.S. military had also amassed a wide assortment of information that painted a much different picture. According to a reliable "intelligence source", ar-Rabeish was identified as a suspected "member of al Qaida."²⁷⁹ His name was also found on a list of "incarcerated Arabs on a file found on a computer hard drive recovered by allied personnel in a suspected Al Qaida safe house" in the Pakistani city of Islamabad.²⁸⁰ As such, on multiple occasions, U.S. Department of Defense review panels have judged ar-Rabeish to be an "enemy

²⁷⁴ "Summarized Administrative Review Board Detainee Statement." Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

²⁷⁵ "Summarized Administrative Review Board Detainee Statement." Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

²⁷⁶ "Summarized Administrative Review Board Detainee Statement." Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 894-902.

²⁷⁷ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁷⁸ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁷⁹ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 20, 2006. Pages 288-290.

²⁸⁰ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad." Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. December 8, 2004. Pages 1001-1002.

combatant” and a “continued threat to the United States and its Allies.”²⁸¹ During his initial 2004 CSRT hearing in Guantanamo, the blunt conclusion in his assessment was that ar-Rabeish had been “properly classified as an enemy combatant because he is a member of, or affiliated with, al Qaida and the Taliban.”²⁸² In May 2006, after conducting a second round of ARB assessments of Gitmo detainees, the U.S. Department of Defense issued a renewed recommendation in the case of Ibrahim ar-Rabeish. Though the final policy recommendation made by the Pentagon is still classified, other excerpts from the record of proceedings indicate that the review panel in his case reached a “a unanimous decision” after determining that ar-Rabeish “continues to be a threat to the United States and its allies.”²⁸³ Providing weight to their recommendation, the panel pointed to the fact that ar-Rabeish was “a known affiliate of organizations that espouse terrorist and violent acts against the United States and its allies.”²⁸⁴

Despite the worrying conclusions of the CSRT and ARB panels, on December 13, 2006, Ibrahim ar-Rabeish was released from U.S. military detention in Guantanamo Bay and transferred to the custody of local security forces in Saudi Arabia.²⁸⁵ It is not known when, how, or why ar-Rabeish was able to escape the custody of the Saudi government.

- **Turki Mashawi Zayid al-Assiri (a.k.a. “Al-Mutasim al-Makki”)**

Turki al-Assiri, born on February 15, 1978, is a Saudi Arabian national and former Guantanamo Bay detainee no. 185. At home in Saudi Arabia, al-Assiri was a student of Islam at the Imam Muhammad bin Saud University in Riyadh, and worked on behalf the Al-Rajhi Foundation in an orphanage and passing out religious literature.²⁸⁶ While al-Assiri was enrolled at the Imam Muhammad bin Saud University, a professor there “had regular contact with Usama bin Laden and al Qaida.”²⁸⁷ In late 2000, al-Assiri read the influential fatwah endorsing the

²⁸¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Arbaysh, Ibrahim Sulayman Muhammad.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. December 8, 2004. Pages 1001-1002.

²⁸² Unclassified Portions of the Record of Proceedings Before the Combatant Status Review Tribunal Related to Petitioner Ibrahim Sulayman Muhammad Arbaysh. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. July 22, 2005. Pages 1151-1165.

²⁸³ “Unclassified Record of Proceedings and Basis for Administrative Review Board Decision for ISN 192.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. May 3, 2006

²⁸⁴ “Unclassified Record of Proceedings and Basis for Administrative Review Board Decision for ISN 192.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. May 3, 2006

²⁸⁵ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

²⁸⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.. See also; “Unclassified Summary of Evidence for Administrative Review Board in the Case of Al-Amri, Turki Mishawi Zaid.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense. May 9, 2006. Pages 267-271.

²⁸⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Al-Amri, Turki Mishawi Zaid.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. May 9, 2006. Pages 267-271.

Taliban issued by the Saudi cleric Shaykh Hammoud al-Uqlaa ash-Shuaibi.²⁸⁸ He decided to make a lesser pilgrimage to the holy city of Mecca, where he “met an individual who told him about... the guest house in Kandahar, Afghanistan and the al Farouq training camp, where [he] wanted to receive training.”²⁸⁹ As a result, al-Assiri “decided to go to Afghanistan to preach the Koran and to participate in the jihad.”²⁹⁰

In May 2001, after selling his car and securing an additional 3,000 Saudi riyals in financing from an unidentified “facilitator”, Turki al-Assiri departed alone for Afghanistan, traveling on Emirates Airlines from Dubai to Karachi, Pakistan.²⁹¹ When he arrived in Karachi, he encountered three other Saudi nationals who were likewise intent upon traveling to Kandahar, Afghanistan. Al-Assiri accompanied the three men from Karachi to Quetta, from Quetta to a mujahideen guesthouse in Kandahar, and finally enrolled with them in instructional courses at Al-Qaida’s Al-Farouq terrorist training camp.²⁹² One of the men who joined al-Assiri on his pilgrimage for jihad to Afghanistan was a Jordanian national known as “Abu Bakr al-Jazairi”—an alleged “fundraiser for widows and orphans of al Qaida members” and, later, the personal representative of Usama Bin Laden in the city of Jalalabad.²⁹³



In total, Turki al-Assiri spent approximately one month as a student at the Al-Farouq training camp near Kandahar.²⁹⁴ He reportedly admitted to, while at the camp, training “on the Makarov and the Kalashnikov and also ran, marched and read the Koran.” In his own defense, al-Assiri insisted that persistent problems with asthma had forced him “to leave the training early” and that he had never sworn “allegiance to Usama Bin Laden or al Qaida.”²⁹⁵ Al-Assiri also claimed to have engaged in at least three months of peaceful religious missionary work across various regions of Pakistan and Afghanistan. However, when interrogated at Guantanamo Bay, he “was unable to remember any mosques or villagers that he visited or met during this time; he

²⁸⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

²⁸⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Al-Amri, Turki Mishawi Zaid.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense. May 9, 2006. Pages 267-271.

²⁹⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

²⁹¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Al-Amri, Turki Mishawi Zaid.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense. May 9, 2006. Pages 267-271.

²⁹² “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

²⁹³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

²⁹⁴ “Summary of Evidence for Combatant Status Review Tribunal - AL ASIRI, Turki Mash Awi Zayid.” Combatant Status Review Board; U.S. Department of Defense. October 5, 2004. Pages 192-193.

²⁹⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

was able to name only two villages he recalled visiting.”²⁹⁶ On September 11, 2001, al-Assiri was staying at a Taliban guesthouse in the eastern Afghan city of Jalalabad.²⁹⁷ In mid-October, he and other mujahideen fighters withdrew from Jalalabad and headed for safety in the mountains of Tora Bora.²⁹⁸ Two months later, in mid-December, al-Assiri “fled to the Pakistan border with other Arabs and surrendered himself to Pakistani authorities.”²⁹⁹ In January 2002, al-Assiri’s name was listed as number 40 on the roster published by the Al-Qaida website *Al-Neda* of Arab mujahideen who had been doublecrossed by tribal leaders and taken prisoner in Pakistan. The entry reads, “Turki Meshawi Zayid al-Assiri (Al-Mutasim al-Makki). His family can be contacted via Abu Abdelmalik.”³⁰⁰

During subsequent interrogations in Guantanamo Bay, Turki al-Assiri remained resolute in his assertion “that he knew nothing of al Qaida plans and intentions, nor did he know who was in charge of his sector in Tora Bora.”³⁰¹ Yet, despite his claims of innocence, the U.S. military assembled a wide variety of intelligence in support of the contention that he was “associated with Al Qaida or Taliban forces.”³⁰² On September 11, 2002, a raid by security forces on a suspected Al-Qaida safehouse in the city of Karachi turned up “several floppy disks, one of which contained a file with a list of names, nationalities, safety-deposit box numbers, contents, and comments”—including al-Assiri’s “name, alias, safety-deposit box number... passport and bank card.”³⁰³ Another similar raid on a terrorist safehouse in Islamabad uncovered “a list of Arabs incarcerated in Pakistan” including al-Assiri’s name, alias, and home country of Saudi Arabia.³⁰⁴ On March 1, 2003, yet another raid by security forces in the city of Rawalpindi produced an “Arabic-language



²⁹⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Al-Amri, Turki Mishawi Zaid.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. May 9, 2006. Pages 267-271.

²⁹⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.. See also: “Summary of Evidence for Combatant Status Review Tribunal - AL ASIRI, Turki Mash Awi Zayid.” Combatant Status Review Board; U.S. Department of Defense. October 5, 2004. Pages 192-193.

²⁹⁸ “Summary of Evidence for Combatant Status Review Tribunal - AL ASIRI, Turki Mash Awi Zayid.” Combatant Status Review Board; U.S. Department of Defense. October 5, 2004. Pages 192-193.

²⁹⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Al-Amri, Turki Mishawi Zaid.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. May 9, 2006. Pages 267-271.

³⁰⁰ “The Names of and the Story Behind Our Prisoners in Pakistan.” *Al-Neda*. <http://www.cambuur.net/cocI/>. January 2002.

³⁰¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Al-Amri, Turki Mishawi Zaid.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. May 9, 2006. Pages 267-271.

³⁰² “Summary of Evidence for Combatant Status Review Tribunal - AL ASIRI, Turki Mash Awi Zayid.” Combatant Status Review Board; U.S. Department of Defense. October 5, 2004. Pages 192-193.

³⁰³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

³⁰⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

computer file” listing “contact points and telephone numbers for al Qaida mujahidin in Pakistan”, among them, al-Assiri’s “name, alias, and family contact information.”³⁰⁵ At the time of al-Assiri’s capture in Pakistan, an addressbook was confiscated from his person “containing names and phone numbers in Arabic.”³⁰⁶ Phone numbers logged in that addressbook began surfacing in multiple investigations by coalition forces in Afghanistan of suspected terrorist and insurgent activities.³⁰⁷ At least one of the telephone numbers matches known contact information for Afghan nationals Pacha Khan Zadran and Wazir Khan, who “maintained illegal checkpoints and raids on houses to raise money and supplies, recruited soldiers, and made statements on the radio saying that he did not accept the Karzai government.”³⁰⁸ Confronted with this evidence during hearings at Guantanamo Bay, al-Assiri flatly denied ownership of the addressbook, “insisting that Foreign Government Service authorities planted it on him.”³⁰⁹

Notwithstanding the evidence arrayed against him, on November 9, 2007, Turki al-Assiri was released from U.S. military detention in Guantanamo Bay and transferred to the custody of local security forces in Saudi Arabia.³¹⁰ It is not known when, how, or why al-Assiri was able to escape the custody of the Saudi government.

- **Othman Bin Ahmed Bin Othman al-Ghamdi (a.k.a. Othman al-Omairah)**

Othman al-Ghamdi, born on May 27, 1979, is a Saudi Arabian national and former Guantanamo Bay detainee no. 184. Al-Ghamdi is also a former soldier in the Saudi military, where he received “training on military tactics.”³¹¹ In the late 1990s, he developed an interest in Muslim causes and the mujahideen. Al-Ghamdi later acknowledged that he had “wanted to fight alongside the Muslims in Chechnya because he did not want to see his ‘brothers and sisters’ killed and butchered.”³¹² Seeking to commit himself more fully to the jihadi cause, al-Ghamdi filed a

³⁰⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

³⁰⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

³⁰⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

³⁰⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

³⁰⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Turki Mashawi Zayid al Asiri.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 9, 2005. Pages 212-215.

³¹⁰ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

³¹¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³¹² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense;

request for a discharge from the army—“but because he had not repaid money that he was overpaid, the military did not permit him to leave.”³¹³ With no other way out, he abandoned his fellow soldiers and went AWOL.³¹⁴

As a deserter in hiding, Othman al-Ghamdi faced the immediate problem of securing appropriate travel documents, since he was now “unable to leave Saudi Arabia with his real passport.”³¹⁵ During questioning by interrogators in Guantanamo Bay, he claimed to have met a mysterious taxi driver at home in Saudi named “Al Noufait”, who advised him of a fatwah endorsing the duty of jihad, “gave him information about the fighting in Chechnya and Taliban training in Afghanistan”, “told [him]... how he could obtain a fake passport”, and even “paid the passport expenses.”³¹⁶ Once armed with his false passport, al-Ghamdi “attempted to travel to Chechnya. Because the borders to Georgia were closed and the travel was more dangerous, [he] decided to go through Afghanistan.”³¹⁷ Sometime in early 2000, he managed to escape Saudi Arabia and reached Afghanistan.³¹⁸



Initially, al-Ghamdi allegedly traveled to Quetta, and then on to the Afghan city of Kandahar—where he lingered for roughly six months. For the first two months, “he traveled back and forth between Kandahar and Quetta facilitating the travel of various mujahadin.”³¹⁹ While staying in the Kandahar region, al-Ghamdi attended instructional courses in “light arms training

Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³¹³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³¹⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³¹⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³¹⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211. *See also*: “Summary of Evidence for Combatant Status Review Tribunal – AL OMAIRAH, Othman Ahmed Othman.” Combatant Status Review Board; U.S. Department of Defense. October 14, 2004.

³¹⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³¹⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³¹⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

for about six weeks at the al Farouq camp.³²⁰ Specifically, he “received training on the Kalashnikov, the PK machine gun, and the Makarov pistol.”³²¹ Upon completion of nearly two months of training at Al-Farouq, Othman al-Ghamdi moved on to a Taliban guesthouse in Kabul—where he “waited about six weeks at a guesthouse before being assigned to the front lines north of Kabul.”³²² He remained at the Kabul frontline for roughly 15 months, until it faltered in the face of a joint U.S.-Northern Alliance military campaign in November 2001.³²³ Along with other Arab mujahideen, al-Ghamdi retreated—first to “a number of small villages near Jalalabad”, and then finally fleeing to the Tora Bora Mountains “upon hearing of Arabs gathering there.”³²⁴ When he arrived in Tora Bora, he came across “large numbers of Arabs leaving Tora Bora for the Pakistani borders. He joined one such group.”³²⁵ Two days later, on December 23, 2001, Othman al-Ghamdi and a companion were captured at a checkpoint setup by Pakistani military forces.³²⁶ Al-Ghamdi was transferred from Pakistan into U.S. custody on December 31, 2001, and flown to the city of Kandahar.³²⁷

Before ARB panels in Guantanamo, al-Ghamdi countered that while he had been “given a weapon to carry” in Afghanistan, he had “returned it because he wanted nothing to do with it. He added that the only time he fired a weapon was during a wedding celebration and that he only fired it in the air.”³²⁸ He denied being affiliated with Usama Bin Laden or Al-Qaida, or

³²⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²⁴ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³²⁸ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

knowledge of any terrorist plots targeting the United States.³²⁹ Al-Ghamdi acknowledged having “issues back in Saudi Arabia”, but characterized them as limited to having used a “fraudulent passport” and “deserting the Saudi Army.”³³⁰ Nonetheless, according to the U.S. military, he “readily admitted his mujahadin status rather proudly.”³³¹ The various panels tasked with reviewing al-Ghamdi’s case also noted that he had “originally provided the interrogation team with a false name and false citizenship information” and that he “changed his story and appeared evasive at times.”³³² Al-Ghamdi “added that he ‘dwells in his beliefs.’ [He] stated that he never harmed any Muslims. [He] believes all fatwas state that Americans should not be in the Arabian Peninsula. [He] blames Americans for everything bad that has happened in Afghanistan and other Muslim countries. He hates America.”³³³

Despite the expressed concerns over his “evasive” behavior and his blunt feelings of anger for the U.S., on June 24, 2006, Othman al-Ghamdi was released from U.S. military detention in Guantanamo Bay and transferred to the custody of local security forces in Saudi Arabia.³³⁴ It is not known when, how, or why al-Ghamdi was able to escape the custody of the Saudi government.

Part II: Conclusions

The profiles of the above eleven Saudi nationals currently being sought by Saudi security forces—and their experiences while held as detainees at Guantanamo Bay—provide us with powerful insight into the mindset, qualifications, and modus operandi of the new generation of Saudi Al-Qaida commanders. In many ways, this generation bears the same tradition—and the same weaknesses—as previous generations. Al-Qaida’s network in Saudi Arabia has arguably suffered from one key problem above all since 2004: a lack of senior leadership figures able to engage in long-term planning and strategy. Following the death of the legendary Al-Qaida commander Shaykh Yousef al-Ayyiri in 2003, the helm of the organization was passed down to much more junior figures—Abdelaziz al-Muqrin, Saleh al-Awfi, etc.—who never were able to achieve the same level of success as al-Ayyiri. Though al-Muqrin was certainly quick to grab the attention of global media and the Saudi government by mimicking the basic tactics of al-Ayyiri and even Abu Musab al-Zarqawi, he utterly failed in creating a lasting Al-Qaida legacy and a resilient infrastructure in the Kingdom that could survive routine sweeps by Saudi security forces.

³²⁹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³³⁰ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³³¹ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³³² “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³³³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Omairah, Othman Ahmed Othman.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. September 20, 2005. Pages 209-211.

³³⁴ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

By neglecting to establish firm roots within the Kingdom, the ranks of Al-Qaida inside Saudi Arabia have been thoroughly decimated over and over again. Every few years, Al-Qaida is once more forced to start from square one.

During our discussion in London, Dr. Saad al-Faqih was remarkably emphatic on this point:

“Al-Ayyiri... was appointed by Bin Laden... probably before [9/11]. He is capable, you know. You know that this man is capable, right? [Al-Ayyiri] is a learned scholar, highly professional as a fighter, he is powerful in his articulation, has a dominating personality, he is a strategist. He knows what he is doing... I know that he is opposite to this man [Abdelaziz] al-Muqrin. Al-Muqrin is excellent in terms of his military skills. But in terms of strategy, probably hopeless... Their strategy in Saudi Arabia is in shambles... I see it as, in their own standards, very stupid strategy. I cannot understand why they planned it this way... This is not a problem of second generation, this is a problem of mentality. Bin Laden was not fortunate to have an intelligent, capable person after al-Ayyiri. All the persons who came after al-Ayyiri were good military leaders but very bad strategists, very bad tacticians.”³³⁵

In listing their various shortcomings, Dr. al-Faqih particularly noted the inexplicable failure of Saudi Al-Qaida leaders to conduct their activities in a way that might possibly have some popular appeal among ordinary Saudis. Al-Faqih scoffed, “when you confront them with the question, ‘why do you go to foreigners and leave [Prince] Nayif?’, they can’t answer. They answer very stupid answers. Sloganistic answers... This is a very naïve literal interpretation of the prophet’s teaching.”³³⁶ As a result, not only has the “cadre from before the Iraqi war been hit very hard by the regime”, but moreover, “people who had some sort of intention to join Al-Qaida inside the country changed their mind. They also lost in terms of sympathy and understanding.”³³⁷ As for the near catastrophic collapse that occurred within Al-Qaida’s branch in Saudi Arabia following the deaths of al-Muqrin and al-Awfi, according to Dr. al-Faqih, “Al-Qaida did not lose because of the technology of the Saudi government, did not lose because of the effective, the ‘effective’ media, cultural, and security campaign, it did not lose because of the support from the Americans and others. It lost because of its own mistakes.”³³⁸

Just like their predecessors (such as al-Muqrin, al-Awfi, Turki al-Dandani, Ali al-Faqasi al-Ghamdi, and so forth), most of the eleven now-wanted Saudi Guantanamo veterans were once considered, prior to 9/11, as merely low or mid-ranking figures among the mujahideen. These were a generation of headstrong young men schooled at Al-Qaida’s Al-Farouq training camp in Afghanistan in the twilight hours of that camp system—who were subsequently battle-tested in the fires of Tora Bora. Whether we speak of Jabir al-Faify, Fahd al-Jutayli, Murtadha Magram, Ibrahim ar-Rabeish, Turki al-Assiri, or Othman al-Ghamdi, their stories are remarkably familiar. According to Al-Qaida’s esteemed *Sawt al-Jihad* (“Voice of Jihad”) Magazine, it was also the 33-year old Abdelaziz al-Muqrin who, only a month after his release from a Saudi prison, left the Kingdom in 2001 in order to “participate together with the brothers in training and fighting against the Americans” in Afghanistan.³³⁹ When the Al-Qaida infrastructure in Afghanistan suddenly collapsed at Tora Bora later that December, al-Muqrin was among the lucky ones who escaped the dragnet by Pakistani security forces and the U.S. military and secretly returned home to Saudi Arabia. Such was the case with 31-year old Ali al-Faqasi, another Saudi graduate of the Al-Farouq camp near Kandahar, who fled the Tora Bora complex before the major fighting even began in December 2001 in order to help plot a renewed wave of terrorist attacks on Americans and their allies.³⁴⁰ Al-Faqasi’s wife Ayida al-Sayyad later admitted that “[i]t is true that he traveled to Afghanistan and talked to me about his battles there.”³⁴¹ Ahmed Omar Abu Ali—a Jordanian-

³³⁵ Interview with Dr. Saad al-Faqih at his residence in London; U.K. February 2006.

³³⁶ Interview with Dr. Saad al-Faqih at his residence in London; U.K. February 2006.

³³⁷ Interview with Dr. Saad al-Faqih at his residence in London; U.K. February 2006.

³³⁸ Interview with Dr. Saad al-Faqih at his residence in London; U.K. February 2006.

³³⁹ <http://www.cybcity.com/suondmag/index.htm>. October 2003.

³⁴⁰ Shannon, Elaine. “Al-Qaeda Seeks Canadian Operatives.” *Time Magazine*. July 8, 2003.

³⁴¹ Al-Mutawaa, Badr. “Al-Faqasi Not Sent to Guantanamo Bay, Wife Says.” *Al-Sharq al-Awsat* (London). August 4, 2003.

American recruited by al-Faqasi—conceded that though there was never an “explicit” agreement that he had become “a member in the Al-Qaeda organization... this matter was understood by me by the evidence. They were in Afghanistan and so forth.”³⁴²

Yet, for all the brimming confidence in their “Afghan” credentials, the detailed accounts of these men offer credible reasons to doubt their actual military capabilities. Recall the case of Yusuf al-Shehri, the brother of a feared and respected Saudi Al-Qaida commander, who was nonetheless stuck with grave-digging detail by the Taliban rather than being assigned to any kind of fighting role.³⁴³ Jabir al-Faify, too, spoke less than glowingly of his transfer “to the back lines. I was not even able to share the fighting.”³⁴⁴ Or, alternatively, consider the bitter complaints of Murtadha Magram—that “even though he made it to the front line, the Taliban would not let him participate in the actual combat.”³⁴⁵ If Magram’s account before the ARB panel in Guantanamo Bay is to be believed, then he also is responsible for abandoning his weapon in the midst of the battle for Tora Bora. These men now face somewhat of a daunting challenge to prove their military capabilities in the face of their relatively young age and their lack of sustained frontline combat experience. Even the other, relatively more senior figures among the Saudi Guantanamo veterans—men like Saeed al-Shehri and Mohammed al-Harbi—bear certain strong resemblances to their predecessors. Al-Harbi’s alleged tour of duty with the mujahideen in Chechnya was likewise a dream of Ali al-Faqasi al-Ghamdi—who was instead “diverted” to jihadi training camps in Afghanistan only after failing to find a way into Chechnya.³⁴⁶ Conversely, the preferred targets selected by these men inside the Arabian Peninsula—the petroleum industry, foreign embassies, and Western tourists and contract workers—are virtually identical.

In fact, the major distinction between men like al-Shehri and al-Harbi versus previous generations of Al-Qaida leadership in Saudi Arabia is that they have chosen to launch their operations from a lawless Bedouin-style sanctuary just beyond Saudi borders in Yemen—instead of the risky urban warfare model adopted by Abdelaziz al-Muqrin and his contemporaries. When al-Muqrin ordered suicide bombings in Riyadh and the kidnapping-execution of U.S. hostages in 2004, both the planning and execution of these operations took place inside the limits of the Saudi capital Riyadh. Though this situation allowed al-Muqrin and his colleagues to keep close tabs on the progress of their schemes, it also placed them in an extremely vulnerable security situation. Terrorist guesthouses and training camps were literally being run out of converted basements and back-rooms. Violent clashes between Saudi law enforcement and senior wanted Al-Qaida suspects took place regularly in heavily-populated central neighborhoods of Riyadh. This had the added effect of even further estranging Al-Qaida cells from the Saudi population at large, who were less than inspired by the prospect of encountering heavily-armed gunmen on the rampage outside their local supermarket. It remains to be seen whether the intriguing decision to move the central Al-Qaida leadership beyond the reach of the Saudi Interior Ministry—and away from urban areas tightly packed with Muslim civilians—will have a significant long-term

³⁴² Saudi General Directorate for Investigation interview of Ahmed Omar Abu Ali. June 11, 2003. United States v. Ahmed Omar Abu Ali. United States District Court for the Eastern District of Virginia. Case No: 1:05CR53. Government Exhibit 25S.

³⁴³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Shihri, Yussef Mohammed Mubarak.” Administrative Review Board (ARB) Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. August 30, 2005. Pages 146-148. . See also: “Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M.” Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

³⁴⁴ Testimony of Detainee ISN #188 before the Combatant Status Review Tribunal (CSRT). U.S. Department of Defense. Pages 10-13.

³⁴⁵ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

³⁴⁶ The 9/11 Commission Report. Final Report of the National Commission on Terrorist Attacks Upon the United States. July 22, 2004. Page 525.

strategic impact in terms of addressing the group's litany of setbacks. Certainly, when one looks at the continued survival of Usama Bin Laden and Dr. Ayman al-Zawahiri in similar lawless pockets of Afghanistan and Pakistan, it would seem that the decision by Al-Qaida to base itself in the hinterlands of Yemen rather than the busy capital of Saudi Arabia may have been a wise one.

Aside from understanding the current status of the Saudi Al-Qaida network, the testimonials of the eleven Saudi Guantanamo veterans also hold important lessons about the Guantanamo process itself, the dangers of insufficiently vetting Guantanamo veterans for a release back to their countries of origin, and the foolishness of allowing diplomatic courtesies and issues of political expediency to trump the assessments of professionals who have deemed these men to represent a continuing threat to the United States and its allies. It should be noted that the U.S. Department of Defense never cleared any of the eleven Saudi Guantanamo veterans who have returned to Al-Qaida from their designation as "enemy combatants" during Combatant Status Review Tribunals (CSRT) held in 2004 and 2005.³⁴⁷ In at least four of the eleven cases—Fahd al-Jutayli, Murtadha Magram, Adnan al-Sayegh, and Ibrahim ar-Rabeish—ARB panels in Guantanamo Bay specifically found that the men continued to represent "a threat to the United States and its allies" only months prior to their transfer from custody in Gitmo back home to Saudi Arabia.³⁴⁸ Furthermore, it is almost inexplicable that the U.S. government would even consider releasing, albeit, a mid-ranking Afghan-trained Al-Qaida recruit such as Yusuf al-Shehri—who has happily advertised to his interrogators that "he considers all Americans his enemy" and that "he will continue to fight them until he dies"—except under the most stringent of conditions.³⁴⁹ Or, alternatively, we have the case of Murtadha Magram—who boasted that had gone "to the jihad to die", that he "wanted to be a martyr for the cause", and that he "hates Americans and all non-believers."³⁵⁰ These hardly sound like obvious choices for early parole from Guantanamo. Indeed, at times, detainee access to an administrative transfer out of Guantanamo Bay can appear to be at least as contingent on the eagerness of their particular home government to welcome them back, as it is to the actual potential of specific detainees to cause future harm to the community. In at least one regrettable instance, if the account of the New York Times is to be believed, a terror suspect now thought to be quite dangerous (Mishal al-Shedoky) was released and sent home to Saudi Arabia from Guantanamo, primarily in order to help win Saudi political support for the botched U.S. invasion of Iraq.³⁵¹

Nor is this problem solely limited to the Kingdom of Saudi Arabia. Staunch U.S. ally Kuwait has also successfully lobbied for the release of a score of its nationals who have been held as detainees in Guantanamo—including former prisoner no. 220 Abdullah Salih al-Ajmi. Born on August 2, 1978, and originally from the Kuwaiti town of Almadi, al-Ajmi allegedly "went AWOL from the Kuwaiti military in order to travel to Afghanistan to participate in the Jihad... [He] retreated to the Tora Bora region of Af[ghanistan] and was later captured as he attempted to

³⁴⁷ "Detainees Found to No Longer Meet the Definition of 'Enemy Combatant' during Combatant Status Review Tribunals Held at Guantanamo." U.S. Department of Defense. November 19, 2007.

³⁴⁸ "Action Memo: Administrative Review Board Assessment and Recommendation ICO ISN 177 (Saudi Arabia)." Administrative Review Board Round 1 Decision Memorandums. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). July 26, 2005. Page 147. See also: "Unclassified Summary of Evidence for Administrative Review Board in the Case of Maqram, Murtada Ali Said." Administrative Review Board (ARB) Round 1. U.S. Department of Defense. Pages 999-1000.

³⁴⁹ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Modaray, Yusef M." Administrative Review Board Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. October 12, 2006. Pages 186-188.

³⁵⁰ "Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said." Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.

³⁵¹ Van Natta, Don Jr. and Tim Golden. "The Reach of War: Detainees, Officials Detail a Detainee Deal by 3 Countries." The New York Times. July 4, 2004.

escape to Pakistan.”³⁵² In 2005, during the first round of ARB hearings in Guantanamo Bay, al-Ajmi’s case was carefully evaluated by a military panel. Their assessment was blunt, and disturbing: “Al-Ajmi is committed to jihad... Al-Ajmi wanted to make sure that when the case goes before the Tribunal, they know that he now is a Jihadist, an enemy combatant, and that he will kill as many Americans as he possibly can. Upon arrival at GTMO, Al Ajmi has been constantly in trouble. Al Ajmi’s overall behavior has been aggressive and non-compliant, and he has resided in GTMO’s disciplinary blocks throughout his detention... Al Ajmi is regarded as a continued threat to the United States and its allies.”³⁵³ Much akin to the above-discussed cases involving Saudi nationals—despite grave warnings from the ARB panel—Abdullah al-Ajmi was nonetheless transferred home to Kuwait less than one year after his assessment on November 2, 2005.³⁵⁴ Within months of being freed from custody, al-Ajmi fled Kuwait for northern Iraq, where he joined up with the local Al-Qaida franchise founded by Abu Musab al-Zarqawi. Subsequently, in April 2008, al-Ajmi carried out a devastating suicide truck bombing on their behalf, targeting Iraqi security forces in the city of Mosul. In a video-recorded will later distributed by Al-Qaida in Iraq, the young Kuwaiti is shown addressing the camera and declaring, “I thank Allah... who freed me from Guantanamo Bay prison and, after we were tortured, connected me with the Islamic State of Iraq (ISI)... You may not see us again after this meeting because we are headed for Allah, and Allah-willing, we will enter the dens and the neighborhoods of those who have abandoned Islam.”³⁵⁵

There is also one other final lesson to be learned from the ARB panel reviews of the eleven Guantanamo veterans currently sought by Saudi authorities: the danger of blindly taking anyone at their word that they are not, in fact, enemy combatants. Arguably, the most dangerous of the eleven Saudi Gitmo veterans currently on the run—Saeed al-Shehri and Mohammed al-Harbi—were cooperative, non-confrontational, and even charming during their interactions with ARB panel members in Guantanamo Bay. One cannot but appreciate the irony of Mohammed al-Harbi—now thought to be in the midst of planning imminent terrorist attacks against U.S. interests in Saudi Arabia and in Yemen—making a “heartfelt” offer “to work for American authorities once he was back in Saudi Arabia.”³⁵⁶ Likewise, at least seven of the eleven men solemnly vowed before the ARB panel members that their days as mujahideen were permanently over. Even Murtadha Magram—who made his personal hatred for Americans and his desire for martyrdom well-known—still attempted to convince his captors in Guantanamo that, “if released, he would never again think of participating in any military conflict.”³⁵⁷ Though perhaps it may seem an obvious point, these men can display an unexpected degree of sophistication in their efforts to deceive interrogators and manipulate judicial proceedings. But, in order just to survive the tumultuous coming months of 2009, the “Saudi eleven” will need to demonstrate an equal, if not greater, level of sophistication in ensuring their own security and in executing future military operations in the Arabian Peninsula.

³⁵² “Summary of Evidence for Combatant Status Review Tribunal – AL AJMI, Abdallah Salih Ali.” U.S. Department of Defense. Page 237.

³⁵³ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Ajmi, Abdallah Salih Ali.” Administrative Review Board Round 1. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. Pages 951-952.

³⁵⁴ “Consolidated Chronological Listing of GTMO Detainees Released, Transferred, or Deceased.” U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC). Last Updated: October 9, 2008.

³⁵⁵ <http://www.nefafoundation.org/multimedia-prop.html#nefagitmosuicide0109>.

³⁵⁶ “Unclassified Summary of Evidence for Administrative Review Board in the Case of al Harbi, Mohamed Atiq Awayd.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. April 23, 2006. Pages 508-510.

³⁵⁷ “Unclassified Summary of Evidence for Administrative Review Board in the Case of Makram, Murtadha al Said.” Administrative Review Board (ARB) Round 2. U.S. Department of Defense; Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay, Cuba. January 25, 2006. Pages 275-278.