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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMED AL-ADAH, ET AL . DOCKET NUMBER: CA 05-280
Petitioner, .
vs. . Washington, D.C.
June 23, 2009
BARACK H. OBAMA, ET AL . 10:00 A.M.
Respondent, . EXTRACT OF HEARING
TESTIMONY OF PETITIONER

EXTRACT OF MERITS HEARING - DAY 2
BEFORE THE HONORABLE GLADYS KESSLER
A UNITED STATES DISTRICT JUDGE

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Computer aided transcript prepared with the aid of
SpeechCAT.

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1 P R O C E E D I N G S

2 A-F-T-R-N-O-O-N S-E-S-S-I-O-N

3 THE COURTROOM DEPUTY: This Honorable Court is
4 again in session. Judge Gladys Kessler presiding. Please
5 be seated and come to order.

6 THE COURT: Good afternoon, ladies and gentlemen.
7 This is the case of Mohammed Al-Adahi versus Barack Obama,
8 CA 05-280. All counsel are present.

9 We are going to have videotaped testimony this
10 afternoon I do believe from the petitioner, Mr. Al-Adahi.
11 He will be testifying from Guantánamo. I know that all
12 counsel have or should have a video screen so they can see
13 the testimony and so that we can all hear it.

14 Mr. Chandler, did you have anything you needed to
15 bring to my attention before we begin?

16 MR. CHANDLER: Yes, Your Honor, two or three
17 things I wanted to --

18 THE COURT: Do we need to talk slowly for the
19 interpreter at this time.

20 MR. CHANDLER: Yes. I believe that we do, Your
21 Honor.

22 THE COURT: Let's have that person please identify
23 himself for the record, and we will give him the oath as
24 well.

25 THE INTERPRETER: My name is [REDACTED], Arabic

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1 interpreter. The spelling is [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 THE COURT: Let me check with our court reporter -
6 - yes, she did get all of that down.

7 Sir, were you the same interpreter who interpreted
8 last week -- no, it was this week, excuse me. I have lost
9 track of time. Were you the same person who interpreted on
10 Monday morning?

11 THE INTERPRETER: Yes, Your Honor.

12 THE COURT: All right, good. It is good to see
13 you in person as it were.

14 Now my courtroom clerk will give you the oath,
15 please.

16 THE COURTROOM DEPUTY: Please stand and raise your
17 right hand.

18 Do you solemnly swear or affirm that you will
19 justly, truly, fairly and impartially act as an interpreter
20 in the case now before the court?

21 THE INTERPRETER: I do.

22 THE COURTROOM DEPUTY: Thank you.

23 THE COURT: You are welcome.

24 Let's all try to remember this afternoon, and I
25 will try as well and remind people, that we need to speak

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1 more slowly than usual.

2 Mr. Chandler, please.

3 MR. CHANDLER: A couple of minor items, Your
4 Honor.

5 First, in the room in Guantánamo there is no air
6 conditioning. Ms. Wilhelm said that may speed up her
7 questioning. But if you see people perspiring profusely, it
8 is because they are in the Caribbean with no air
9 conditioning.

10 THE COURT: All right.

11 MR. CHANDLER: The second point I wanted to call
12 to the court's attention is that Mr. Al-Adahi was supposed
13 to have some medications -- they will not affect his
14 testimony -- prior to his coming into this room. They did
15 not arrive.

16 When the medications come, it may be necessary to
17 interrupt the questioning for just a minute or two for him
18 to take his medicine.

19 THE COURT: Are they medications that require an
20 injection, or are they just pills that you swallow, just so
21 I know?

22 MR. CHANDLER: Ms. Wilhelm, can you answer that
23 one for us?

24 MS. WILHELM: Yes, Your Honor.

25 Your Honor, we have just been informed that the

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1 medical staff is here to provide the medicine to him. It is
2 pills, and I believe that they are going to just bring it in
3 right now, and he can take it quickly, and then we can begin
4 his testimony.

5 THE COURT: All right. That is fine. Let's do it
6 that way.

7 MR. CHANDLER: And for the record, the petitioner
8 will call Mohammed Al-Adahi to testify.

9 THE COURT: And I do want to mention to counsel
10 that there may be people coming in this afternoon, all of
11 whom have been cleared. They are mostly judges' clerks, and
12 they all have the appropriate clearance, and besides which
13 the CSO's will triple check that they have the appropriate
14 clearance I can assure you. But there may be people coming
15 in.

16 They may have thought it was scheduled for two
17 o'clock and not have realized that we were starting a little
18 bit early.

19 MR. CHANDLER: There was a third thing I meant to
20 call to the court's attention, and that is that Mr. Al-Adahi
21 is chained to the floor in Guantánamo.

22 THE COURT: I see.

23 All right. Mr. Al-Adahi is now going to testify,
24 and he does need to be sworn in. I know that he is using
25 his religious book, the Koran, and of course that is

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1 acceptable to the court.

2 Mr. Al-Adahi, would you please -- oh, he cannot
3 stand. I am sorry. Excuse me.

4 MR. CHANDLER: He can stand, he just can't move
5 around.

6 MS. WILHELM: Yes, Your Honor he can stand.

7 THE COURT: Oh, he can. All right. Would you
8 please stand up.

9 THE COURTROOM DEPUTY: Please place your left hand
10 on the Koran and raise your right hand.

11 THE INTERPRETER: He wants to put his right hand
12 to the Koran and raise his left hand if it is acceptable by
13 the court.

14 THE COURT: That is agreeable.

15 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:
16 To be judged in front of an Islamic court, if there are no
17 Islamic courts, so the rights will not get lost and be
18 violated.

19 And for my personal view of the civil courts and
20 the integrity of the American judicial system I submit in
21 front of the American judiciary system in the civilian
22 courts.

23 I am hoping to get a fair trial after reviewing
24 all of the evidence against me and the cross examining the
25 witness, and give me enough time to talk. I know there are

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1 justice in the judicial system, and there are American
2 people who are -- who want justice, and this is represented
3 -- is reflected on the lawyers.

4 THE COURT: Let me interrupt please.

5 Mr. Al-Adahi, our procedure is that first you take
6 the oath that whatever you're going to say in court is true
7 and accurate to the best of your knowledge. Then Mr.
8 Chandler will ask you a lot of questions.

9 I can assure you -- but I am going to let the
10 translator translate that much.

11 THE INTERPRETER: Thank you Your Honor.

12 THE COURT: And I do want to assure you that the
13 American justice system is a very strong one, a very fair
14 one, and I will do my absolute best to make sure that you
15 get a fair trial in the next few days.

16 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:
17 Thank you.

18 THE COURT: We are ready for the oath now.

19 THE COURTROOM DEPUTY: Do you solemnly swear or
20 affirm that the testimony you shall give the court in the
21 case now at hearing will be the truth, the whole truth and
22 nothing but the truth?

23 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:
24 Yes. The truth, and this truth I am waiting for it since 7
25 and 1/2 years ago.

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1 THE COURT: Mr. Al-Adahi, correct, you may have a
2 seat, and Mr. Chandler will now begin the questioning -- or
3 will it be Ms. Wilhelm?

4 MR. CHANDLER: Ms. Wilhelm.

5 THE COURT: Ms. Wilhelm, please, and for the
6 record, why don't you just quickly identify yourself?

7 MS. WILHELM: Yes, Your Honor. Kristin Wilhelm
8 for petitioner Mohamed Al-Adahi.

9 MOHAMED AL-ADAH, THE PETITIONER, SWORN
10 AND TESTIFIED THROUGH HIS INTERPRETER
11 DIRECT EXAMINATION

12 BY MS. WILHELM:

13 Q. Mr. Al-Adahi, would you please state your full name for
14 the record?

15 A. My name is Mohamed Ahmed Saed Al-Adahi.

16 Q. Mr. Al-Adahi, are you a citizen of any country?

17 A. I am a citizen of Yemen, city of Ta'iz.

18 Q. How long have you lived in Yemen?

19 A. All my life in Yemen. I never left Yemen. I left
20 Yemen in 2001.

21 Q. Mr. Al-Adahi, are you married?

22 A. Yes.

23 Q. What is your wife's name?

24 A. Samia, the name of my wife.

25 Q. Mr. Al-Adahi, do you have any children?

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1 A. Yes.

2 Q. What are the names of your children?

3 A. I have two kids. A boy and a girl. My daughter is

4 Marwa, and my son is name is Azzam.

5 Q. How old is your daughter?

6 A. My daughter is now around 14 years old.

7 Q. How old is your son?

8 A. My son is about 12 years old.

9 Q. Mr. Al-Adahi, did you travel to Afghanistan in July,

10 2001?

11 A. Yes. My travel because of necessity. I was

12 accompanying my sister to take her to her husband.

13 Q. What is your sister's name?

14 A. Amani.

15 Q. What is your sister's husband's name?

16 A. Riyadh Abd Al-Aziz Almujaheed.

17 Q. And if I refer to your brother-in-law as Riyadh, will

18 you understand to whom I am referring?

19 A. Yes.

20 Q. Did you know Riyadh before he married your sister?

21 A. Just very lightly and since a long time. There is no

22 friendship or relative relation.

23 Q. Was your sister's marriage to Riyadh an arranged

24 marriage?

25 A. Yes. It was a socially family general marriage.

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1 Q. And Mr. Al-Adahi, what was your role in the marriage
2 negotiations?

3 A. With regard to women in the beginning, Riyadh's family,
4 they came to my family. Riyadh's family asked my family for
5 the hands of my sister. My sister agreed. My mother
6 agreed. They asked my approval, and being the eldest
7 brother, my sister give me the power of attorney to finish
8 the marriage contract.

9 Q. Before taking your sister to Afghanistan, did you
10 obtain a passport?

11 A. Yes.

12 Q. And would you tell the court how you obtained the
13 passport?

14 A. My brother-in-law, Riyadh, wants me to contact his
15 wife. I had to go to the passport agency, to the official
16 passport agency in Ta'iz. I issued two passports. One for
17 me, and one for my sister with the help of an employee in
18 this office in July, 2001.

19 Q. Was that the first time you obtained a passport?

20 A. Yes. I never traveled before to any place.

21 Q. And did you need to obtain a visa to travel to
22 Pakistan?

23 A. I did not travel before. I did not know that visa
24 business. But my brother-in-law, Riyadh, he contacted me.
25 He told me he had a friend in Sana, and he is going to take

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1 care of all of the visa processing and the tickets.

2 Q. How did you pick up the visa and the tickets?

3 A. My brother-in-law, Riyadh, he contacted me, and he told
4 me, now you can go, you and your sister to Sana.

5 (Whereupon, the connection to Guantánamo was broken.

6 The court continued in classified session while the
7 connection was remade, such session being reported by the
8 court reporter but not transcribed herein.)

9 THE COURT: Mr. Al-Adahi is back on the screen.
10 Ms. Wilhelm is there and so is the interpreter.

11 Let me first make sure that everyone can hear me
12 speaking.

13 MS. WILHELM: Yes, Your Honor.

14 THE INTERPRETER: Yes, Your Honor.

15 THE COURT: Good.

16 Ms. Wilhelm, my reporter was so careful that she
17 gave me the last question that you asked just so you can
18 pick up the thread of things. You asked, how did you, Mr.
19 Al-Adahi, pick up the visa and the tickets? Mr. Al-Adahi
20 got out about half an answer to that question. He said, my
21 brother and all, he contacted me and he told me, now you can
22 go, you and your sister, and that is when we lost all
23 contact.

24 And so I'm going to ask the interpreter to ask Mr.
25 Al-Adahi to finish his answer to the question, how did he

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1 pick up the visa and the tickets?

2 THE INTERPRETER: Do you want me to repeat to him
3 what you said, Your Honor?

4 THE COURT: I think it might help him. Should I
5 repeat it to you?

6 THE INTERPRETER: Okay.

7 THE COURT: My brother and all, he contacted me
8 and told me, now you can go, you and your sister, and he
9 could not get beyond that.

10 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:
11 My brother-in-law told me, take your sister and go to Sana.
12 You will meet a man in front of a bank, El-Arabi, the Arab
13 Bank. He made all the process to get the visa and the
14 tickets to travel.

15 BY MS. WILHELM:

16 Q. What was the name of this individual?

17 A. He told me that his name was Ali Yayha.

18 Q. Had you ever met him before?

19 A. No.

20 Q. Do you know how he was able to recognize you when you
21 met with him?

22 A. Yes.

23 A. My brother-in-law told me -- I told -- I asked my
24 brother-in-law how would this guy recognize me? My brother-
25 in-law said, you go there and you wear a red jacket, and

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1 this man will come to you, and he will greet you by your
2 name, and he will recognize you.

3 Q. How would he be able to recognize you if you had never
4 met him before?

5 A. Because my brother-in-law contacted him, and he told
6 them that my brother-in-law will meet you at the Arab Bank,
7 and you will know him by the picture of the passport.

8 Q. Was the passport -- was your passport issued to you in
9 your official name?

10 A. Both -- the two passports, one under my name and the
11 other one under my sister's name. You can verify that from
12 the passport agency in Ta'iz city in July, 2001.

13 Q. Did you ever see Mr. Ali Yayha again?

14 A. Ali Yayha told me, here is the two passports, and here
15 is the visa, and he gave me some money. He did not give me
16 the visa. The visa is in the passport, and he give me some
17 money, and he told me, here is my number. If you have any
18 problem, call me.

19 What happened that I lost my sister's ticket, so I
20 called them in order to get us another ticket.

21 Q. How long were you in Sana, Yemen?

22 THE COURT: Excuse me, but before you translate
23 that question I want to clarify something with the
24 interpreter.

25 Just a minute ago you indicated the date of July,

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1 2001. Was the petitioner giving you the word July, 2001?
2 Or was he referring to the Arabic calendar?

3 THE INTERPRETER: He referred to July, 2001. I
4 did not transfer from Arabic calendar to the American
5 calendar.

6 Can I verify with him, Your Honor?

7 THE COURT: Let me phrase it this way.

8 Using the American calendar, is the answer to that
9 question July, 2001, or is it a different month using the
10 American calendar?

11 THE INTERPRETER: I will check with him, Your
12 Honor.

13 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:
14 Your Honor, I said you can verify from Ta'iz, Sana, from the
15 passport agency the date of July, 2001, because I issued the
16 passport in July, 2001.

17 THE COURT: Ms. Wilhelm, repeat your last
18 question, please.

19 MS. WILHELM: Thank you, Your Honor.

20 BY MS. WILHELM:

21 Q. How long did you stay in Sana, Yemen?

22 A. About one week. I traveled on Sunday, and the
23 traveling -- I left on Monday when we lost the ticket, and
24 we were supposed to wait for the following trip a week
25 later.

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- 1 Q. Where did you go from Sana, Yemen?
- 2 A. Me and my sister left Tabai, and then from Tabai we
3 left to Karachi.
- 4 Q. How long did you stay in Karachi, Pakistan?
- 5 A. I arrived in the beginning of the night. I spent the
6 night in a hotel, and in the morning I left.
- 7 Q. Where did you go from Karachi, Pakistan?
- 8 A. We took the plane to Kwatah, and from Kwatah to
9 Kandahar.
- 10 Q. Where did you stay in Kandahar?
- 11 A. My brother-in-law arranged it -- arranged a place for
12 us, for guests in the house of my sister for preparation for
13 the party. Then later on we moved to the new house of my
14 brother-in-law's house.
- 15 Q. Mr. Al-Adahi, did you attend a wedding celebration for
16 your sister?
- 17 A. Yes.
- 18 Q. And did Osama bin Laden also attend that wedding
19 ceremony?
- 20 A. A lot of people attended the wedding party. Among them
21 was Osama bin Laden.
- 22 Q. Did you meet Mr. bin Laden at the wedding party?
- 23 A. My brother-in-law introduced me to all of the guests
24 who came to congratulate for the wedding.
- 25 Q. Did you know Mr. bin Laden before you were introduced

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1 to him at your sister's wedding?

2 A. (The answer was unintelligible due to technical
3 difficulties in the transmission.)

4 Q. Did you have any other interactions when you were in
5 --

6 (The remainder of the question and the answer was
7 unintelligible due to technical difficulties in the
8 transmission.)

9 Q. Any further interactions with Osama bin Laden while you
10 were in Afghanistan?

11 THE COURT: I think we have to stop. Don't cut
12 them off, Mr. Cramer. They can keep on talking. I think we
13 have to stop it. Something is very wrong, and we are
14 missing parts of it.

15 For our record, first the screen started looking
16 very strange to say the least. I felt like I was watching a
17 horror movie. And then we began losing the audio, which
18 was, of course, very important. So I instructed Mr. Cramer,
19 our IT guru, to turn it off.

20 Of course I don't know what was happening. Maybe
21 if you just place the call again. We will try that. It is
22 worth it.

23 (Whereupon, the call was reconnected.)

24 THE COURT: Is everybody back on now?

25 MS. WILHELM: Yes, Your Honor. We can see you,

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1 and we are back on the line.

2 THE COURT: I am going to ask our court reporter
3 to go back about two questions, because we definitely missed
4 some of the answers.

5 I got the answer to your question that Mr. Al-
6 Adahi, of course, attended his sister's wedding. Osama bin
7 Laden attended it, and Mr. Al-Adahi was introduced by his
8 brother-in-law to all of the guests there, and that is about
9 as far as I got.

10 So Ms. Tyner, would you please read the rest back,
11 if you have much more.

12 (Whereupon, the court reporter read back from her
13 notes.)

14 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:
15 The last thing, introduced to all the guests. Among them
16 was Osama bin Laden.

17 THE COURT: I understood that. I was just
18 summarizing the testimony.

19 If you would start with the next question.

20 (Whereupon, the court reporter read back from her
21 notes.)

22 THE COURT: Let's start with that question. Would
23 our translator please give that question? Did you know bin
24 Laden before you were introduced to him?

25 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:

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1 I never knew him before, but I always see his picture on
2 television.

3 THE COURT: Ms. Wilhelm, you may proceed now.

4 MS. WILHELM: Thank you, Your Honor.

5 BY MS. WILHELM:

6 Q. Other than meeting Mr. bin Laden at your sister's
7 wedding, did you have any other interactions with Osama bin
8 Laden while you were in Afghanistan?

9 A. I never dealt with Osama bin Laden, but one day he
10 called us. I have nothing -- no relation between me and
11 him. But some Arabs that were, there they told us that
12 Osama bin Laden is in Kandahar.

13 Any stranger comes to Kandahar, Osama bin Laden -- I am
14 sorry, he wants to meet him, and he wants to ask him
15 questions. He met me to know me better.

16 Q. How long was your meeting with Osama bin Laden?

17 A. About five minutes or ten minutes.

18 Q. What did you discuss during this conversation?

19 A. He told me how Yemen, and asked me about Yemen and how
20 the Muslims over there. He asked me about some chiefs in
21 Yemen. He wanted to make sure that I am a Yemeni.

22 Q. Mr. Al-Adahi, How soon after you arrived in Afghanistan
23 was your sister's wedding celebration?

24 A. About five days, a week, ten days. What happened to me
25 here during the past 7 1/2 years I cannot be specific in the

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1 days.

2 Q. How soon after the wedding ceremony did you have this
3 meeting with Mr. bin Laden?

4 A. About three days.

5 Q. After that meeting with bin Laden did you ever see him
6 again?

7 A. Never.

8 Q. Mr. Al-Adahi, have you ever served as a bodyguard for
9 bin Laden?

10 A. Never.

11 Q. Do you know if your brother-in-law, Riyadh, was a
12 bodyguard for bin Laden?

13 A. Riyadh did not tell us that he is a bodyguard to bin
14 Laden. But I doubt that he is a bodyguard. I know that he
15 is from mujahidin.

16 Q. What is mujahidin?

17 A. In Islam jihad is a legitimate issue. The whole world
18 know about the fight of mujahidin against the Russian in
19 Afghanistan. Anybody who fights people in a country that
20 they want to invade other countries, that is jihad,
21 according to religion not to desire.

22 America supported the mujahidin that fought against
23 the Russians. The scholar in Saudi Arabia and Yemen, they
24 made one for jihad.

25 Q. Now prior to leaving Yemen had you ever heard of Al

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1 Qaeda?

2 A. Never.

3 Q. Prior to leaving Yemen did you intend to go to
4 Afghanistan to fight in the jihad?

5 A. My goal of going to Afghanistan is to take my sister to
6 her husband, and that is it.

7 Q. Mr. Al-Adahi, are you a mujahidin?

8 A. In Islam jihad is legitimate, but it has control.
9 Jihad in Islam is part of Islam. Yemen started jihad when
10 the people want to separate from the law. They raise the
11 flag of jihad when the Northern wants unity in 1994. The
12 world knew about that.

13 Q. Did you fight in the Civil War in 1994?

14 A. I did not fight, but I was preparing myself. I never
15 went to jihad in any country in the war.

16 Q. Have you ever fought against any country in the
17 world?

18 A. I did not leave Yemen. How would I fight?

19 Q. Let's go back to your time in Kandahar.

20 How long did you stay in Kandahar after you brought
21 your sister to her husband?

22 A. For a long time. I cannot specify whether it is a
23 month, a month and a half, two months. The hell that I seen
24 from the American when I was arrested made me forget a lot
25 of things.

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1 Q. All right. While in Kandahar did you ever go to a
2 guesthouse?

3 A. Yes.

4 Q. What was the name of that guesthouse?

5 A. The guesthouses are the gathering of the Arab and the
6 Muslim. I met some Arab, and they suggested that I go to
7 this guesthouse. You will meet people instead of being
8 alone.

9 I went to a place by the name of Nibras, and another
10 place by the name of Haji Habashi. It was a gathering for
11 the Muslims -- for the Muslim community, and Arab people
12 talking the Arabic language.

13 Q. How long did you stay at Al Nibras?

14 A. I went to Nibras and I stayed there only for one day.

15 Q. Did you give up your passport while you were at Al
16 Nibras?

17 A. I never give up my passport until the Pakistani took it
18 from us -- when the Pakistani arrested me.

19 Q. Where did you go from Al Nibras?

20 A. In Nibras some Arab spoke to me. They told me if you
21 go to a camp by the name of Al Farouq camp -- I did not
22 know what was Al Farouq camp. They told me there you will
23 have Islamic education. You can train using weapons. The
24 following day they took us to Al Farouq camp.

25 Q. Why did you go to Al Farouq?

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1 A. They told you can learn Islamic studies, and you can
2 learn using weapons.

3 Q. How long were you at Al Farouq?

4 A. I am in Al Farouq for one week. As they say, I did not
5 obey the rules. I used to oppose things with regard to the
6 camp rules. They kicked us out from the camp.

7 Q. Did they kicked other people out, or did they just kick
8 you out?

9 A. They kicked me out.

10 Q. Where did you go from Al Farouq?

11 A. To the house of my brother-in-law.

12 Q. Other than the one night that you spent in Al Nibras,
13 did you ever go back to Al Nibras?

14 A. I don't remember.

15 Q. Did you ever go to Al Nibras ahead of Osama bin Laden
16 to secure the guesthouse for a speech?

17 A. I did not go Nibras to make sure -- to secure -- to
18 make sure of the security. Neither I won't belong to the
19 security of Osama bin Laden.

20 Q. While you were at Al Farouq, did Osama bin Laden come
21 to the camp?

22 A. I heard that he went.

23 Q. Did you see Osama bin Laden at the camp?

24 A. No.

25 Q. Did you hear the term, Al Qaeda, while you were in

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1 Afghanistan?

2 A. I don't remember. The mosque thing for the people
3 there is al mujahidin.

4 Q. When you left Al Farouq, where did you go?

5 A. I went to my sister's house, to my brother-in-law's
6 house.

7 Q. At some point did you leave Kandahar?

8 A. Yes. I went to Kabul. I heard about -- what I heard
9 about Kabul is the city was built by the Russians. I had a
10 lot of time on my hands. I said, let me go and see the
11 city.

12 Q. When you left Yemen to go to Afghanistan, how long did
13 you plan to stay in Afghanistan?

14 A. I intended to stay in Afghanistan for only one month
15 or for two months, and as a proof, my visa was for one
16 month, but I took a leave of absence from my work for six
17 months.

18 I did that just as a precaution. I could cut my
19 vacation short, and I go back to my work. That is my
20 intention, that I go back to my country and I go back to my
21 work.

22 Q. Why did you plan to stay in Afghanistan for a month or
23 two?

24 A. I made a condition to my brother-in-law that I'm going
25 to bring my sister. If she settles down and if she is happy

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1 I will leave her here. If she is not settled and she is not
2 happy, I will take her back to Yemen.

3 Q. Did you travel from Kabul to another location in
4 Afghanistan?

5 A. Yes. When the war broke out and the bombing of the
6 American, I wanted to go to a place that is safe. I found
7 some families that are going to a safe place in Khost. I
8 went with them.

9 As I mentioned before, I had no friends. I have no
10 knowledge of the way of the country, and I had no intention
11 to fight.

12 Q. When you were in Khost did you travel home?

13 A. What do you mean?

14 Q. Did you go back to Yemen?

15 A. What I was in Khost the war was on. They told me you
16 cannot leave Khost and go back to Yemen. Wait until the
17 things calm down, and you will be able later on to go to
18 Yemen.

19 I waited for awhile until I got worried. I said, let
20 me risk and go to Kandahar, because I was worried about my
21 sister, to take her from Kandahar and find a way to take her
22 to Yemen.

23 Q. When you arrived in Kandahar were you able to locate
24 your sister?

25 A. When I went to Kandahar some other people told me, your

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1 brother-in-law was injured from the bombing, and people were
2 injured, and they -- they had my sister and some family,
3 they moved from Kandahar to Yemen, and they sent them to
4 Yemen.

5 There is one thing I want to mention. When people
6 start to get afraid that America will bomb Afghanistan, and
7 I have been trying to find a way to get out and go back to
8 my country.

9 That was my intention. I did not fight the American.
10 I did not fight the American alliance. I did not deal with
11 Taliban or Al Qaeda. I am a working man in my country. I
12 have never committed a crime. I am 47 years old. I have
13 never committed a crime.

14 Q. From Kandahar where did you go?

15 A. In Kandahar the bombing was still there. I told -- I
16 asked people, help me to get out of this country. They told
17 me if you leave now there is the possibility that they will
18 arrest you, and they will say that you are from the
19 mujahidin.

20 If they see any Arab person they arrest them. The
21 American was sending flyers. Every Arab person has a
22 certain price. Some people from Afghanistan -- Pakistan,
23 they sell any Arab person whether he is teaching Koran, or
24 relief, or he is an emigrant, or mujahidin.

25 Q. Mr. Al-Adahi, listen to my question.

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1 Did you leave Kandahar to go somewhere else?

2 A. Yes.

3 Q. Where did you go?

4 A. I had the motorcycle. I borrowed it from one of many
5 persons. I had some injury in my arm. I went to hospital
6 for treatment. I found a group that they want to go to
7 Pakistan. They are wounded.

8 We left from Kandahar to Khost, and from Khost later on
9 we went to Pakistani border. We left through Miram Shah.
10 We were near Bashira, the city in Pakistan. The soldiers
11 came and they said, give us your ID cards. I gave them the
12 passport and the tickets. I told them, I want to go to the
13 Yemeni Embassy. He said, let's now take you to the
14 hospital, then we turn you over to your country.

15 Q. Mr. Al-Adahi, when you were in the hospital in
16 Pakistan, did a newspaper reporter come to the hospital to
17 interview you?

18 A. When the Pakistani took us to the hospital, they took
19 us to a military hospital. There was no sign of arrest. We
20 are not tied up or handcuffed. They treated us to and they
21 treated us nicely.

22 The following day the newspaper reporter, he came to
23 take picture of all of us. We were ten Arabs and four
24 Pakistanis.

25 The official in the hospital did not allow the

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1 photographer to shoot pictures, but he allowed them to take
2 statements from us, and he asked me about my name, my
3 country.

4 The following day they brought the newspaper that this
5 reporter was working for. One guy who speaks said they said
6 10 wounded Arabs Taliban and four Pakistanis.

7 You can make -- verify this newspaper. That was at the
8 end of 2001.

9 Q. Mr. Al-Adahi, have you had an opportunity to review the
10 declassified evidence against you?

11 A. Yes, I did see it.

12 Q. Do you know an individual named [REDACTED]

13 A. This man I did not meet him except in this prison. I
14 was shocked when the lawyer talked us about his statement.
15 I met this guy, this man several times. He never mentioned
16 that he said anything about me.

17 We were neighbors many -- for long in 2003 and 2004 in
18 Delta block -- Delta block. This guy was residing
19 permanently in this block.

20 They moved us sometime -- sometimes I am near him,
21 sometimes I am far from him. We have very -- we have good
22 relation. We talk together. I was surprised when the
23 lawyer told me that he spoke about you.

24 When the lawyer told me this detainee walked with me in
25 Echo block. When I asked him about the truth of what, he

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1 said about me, he denied completely in front of all the
2 prisoners.

3 He said that is all lies from the interrogators. I
4 never seen you before, neither in Afghanistan or in any
5 other place. I did not say that you trained us or that you
6 tortured us. And I am going to give you my statement with
7 my handwriting on that.

8 He give me a statement with his handwriting. I
9 submitted to the lawyer, and thankfully -- thanks to the
10 lawyer that he submitted to the Honorable Court.

11 Q. Did you serve as a trainer at Al Farouq?

12 A. I did not work in any place as a trainer. If they had
13 kicked me out of Al Farouq, I did not stay the -- I did not
14 finish one week staying there because I don't listen to
15 instructions. How could I be a trainer? How can I be
16 Osama bin Laden's bodyguard if they kick me out from Al
17 Farouq camp?

18 This is a great mistake against the government. How
19 could I be a trainer in Al Farouq camp if they kicked me out
20 from the Al Farouq camp?

21 Q. Where were you in January and February of 2000?

22 A. I was at work in Yemen, and the lawyer wrote to Yemen
23 to find out my presence or not presence in Yemen. My work
24 confirmed that I was on the job in the year 2000. If you
25 see the documents, that is not classified evidence, which

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1 states that I trained him against in Afghanistan in the year
2 2000.

3 Read it well. Read it well. It started with a
4 McDonald meal and ended with seeing a movie. But eventually
5 he denied it, and he give -- he made the statement with his
6 handwriting. I have a lot of evidence of my good relation
7 with him.

8 Q. Mr. Al-Adahi, the court has the documents, and the
9 court will review the evidence we have provided.

10 A. Thank you.

11 Q. What the court would like to hear now is your testimony
12 in response to my questions.

13 Did you ever go to a Taliban prison while you were in
14 Afghanistan?

15 A. Never.

16 Q. Have you had an opportunity to review the allegations
17 that [REDACTED] made against you?

18 A. Yes.

19 Q. Did you ever torture [REDACTED] while you were in
20 Afghanistan?

21 A. Never. This statements which -- and this document that
22 we received about this man, he states that I tortured him in
23 2001, in the middle. And he accused us in 2005 when he said
24 that he saw us in my block.

25 When I read the document that the government gave to us

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1 for one hour, I was surprised. How this man could recognize
2 me four years after I tortured him as he claims. He lied
3 and he slandered me.

4 When we were arrested and they turn us over to the
5 Americans in Kandahar, they moved us to Cuba. Me and him
6 were in the same block. He did not recognize me after six
7 months. He recognized me after four years. I met him -- I
8 saw him in many blocks.

9 Let me talk.

10 Q. You have a Casio watch. Mr. Al-Adahi, are you aware
11 of the allegations related of your ownership of a Casio
12 watch?

13 A. The latest document they did not mention the watch, but
14 I remember it from before.

15 Q. Thank you attended your CSRT, did you see a watch that
16 the personal representative provided you?

17 A. I only attended once, and they should me two watches.
18 I told them none of them is mine. My watch was -- had
19 hands, not electronic devices. How possibly they brought
20 the watch?

21 They did not bring my passport, and also the personal
22 representative told the chief of the committee, it is a weak
23 point to tie this man with a cheap watch with a big
24 organization. All this exists in the docket. What is the
25 story of that watch? I don't know the story of the watch.

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1 Q. Mr. Al-Adahi, before you were taken into custody how
2 was your health?

3 A. If you want to find about my health, you can check all
4 the hospitals in Yemen. The Ministry of Health in Yemen. I
5 worked in a petroleum company for 20 years. I have no
6 sickness. I have no sickness.

7 And when we were arrested and brought us to Cuba, they
8 checked us completely. I had no sickness. The torture that
9 I was subjected with the severe high air-conditioners and
10 being naked without any stuff, the severe -- the violation --
11 -- the religious violation and the disrespect of the Koran,
12 the forced shots that we took.

13 I have proof and I have medical records. And I have a
14 very, very high blood pressure. Sometimes it reaches 220.
15 The heart beats, it reaches almost a week ago about 120.

16 Throwing up every month. Lost memories. Forgetful.
17 I became useless when I leave.

18 MR. BENNETT: Your Honor, I am sorry, could we do
19 90 seconds?

20 THE COURT: Let's take a break for just a moment.
21 I want to talk with counsel anyway.

22 MR. BENNETT: Your Honor, if we could talk when I
23 get back.

24 THE COURT: Fine. Mr. Cramer, do you want to keep
25 the connection open.

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1 (Whereupon, the audio was disconnected from
2 Guantánamo.)

3 THE COURT: However, the government is fully
4 represented even though Mr. Bennett stepped out for a
5 minute.

6 Let me ask Mr. Ahern, given what you have heard --
7 I gather that Mr. Bennett will do the cross, is that right,
8 or am I wrong?

9 MR. AHERN: That is correct, Your Honor.

10 THE COURT: Do you have any idea how long he will
11 be on cross?

12 MR. AHERN: That is putting me on the spot, Your
13 Honor.

14 THE COURT: I realize you may not be able to in
15 answer for him.

16 MR. AHERN: My guess would be 20 minutes at the
17 most.

18 THE COURT: Well, we are not going to be able to
19 finish today.

20 Mr. Chandler, do you have any sense how much
21 longer Ms. Wilhelm will be?

22 MR. CHANDLER: Your Honor, our client has a mind
23 of his own. As you have seen Ms. Wilhelm is trying to
24 control him and get him to answer the questions.

25 THE COURT: I noticed that.

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1 MR. CHANDLER: He talks. He talks.

2 She is headed towards the end of her questions.

3 My guess is that if she could get him to answer the
4 questions she probably has another 15 minutes.

5 THE COURT: We cannot do it this afternoon. That
6 is what I'm focusing on.

7 Let me ask you one other question, both of you.
8 Are you satisfied that we have cleared up any issue about
9 the dates that the translator is giving in terms of the
10 month of July versus some other time?

11 MR. CHANDLER: I am, Your Honor.

12 THE COURT: Mr. Ahern?

13 MR. AHERN: Your Honor, I still have a lingering
14 doubt. I think it is just because of the way that the
15 translator phrased it. He said, yes, it is July when you
16 asked if he was referring to the American calendar.

17 I think the question we would like to see asked
18 is, we understand the petitioner is referring to the
19 seventh month. Does he mean the seventh month on the
20 American calendar, or the seventh month on the Arabic
21 calendar?

22 Just that simple question I think would clear up
23 any lingering confusion that we have.

24 THE COURT: Any objection with my asking that one
25 question of the interpreter, and perhaps of Mr. Al-Adahi,

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1 and then we will break for the day?

2 And Mr. Bennett is back anyway.

3 MR. BENNETT: Yes. Thank you, Your Honor.

4 THE COURT: Do you have any sense of how long your
5 cross will be?

6 MR. BENNETT: I don't imagine particularly long.
7 I only have a couple of questions.

8 THE COURT: Besides which, everybody, we have been
9 sitting again for 2 1/2 hours. It is very hard for the
10 court reporter. It is hard for everybody.

11 I am going to ask that one question of the
12 interpreter now, and then is there any difficulty with
13 resuming at 10 o'clock tomorrow?

14 No, all right.

15 Can you put us back on audio, please?

16 **(Whereupon, the audio to Guantánamo was reestablished.)**

17 THE COURT: Everybody, I want to ask one question
18 of the interpreter, and that is, when Mr. Al-Adahi is
19 answering questions that have to do with that date we talked
20 about, is he referring -- and you can ask him this question,
21 please, is he referring to the seventh month of the American
22 calendar or the seventh month of the Arabic calendar?

23 THE INTERPRETER: Your Honor, he was referring to
24 the seventh month of the American calendar.

25 THE COURT: Did you ask him that question before?

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1 THE INTERPRETER: I will ask him again, Your
2 Honor.

3 THE COURT: Good.

4 THE INTERPRETER: Okay, Your Honor.

5 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:
6 Seven of July, 2001, Your Honor, American calendar.

7 THE COURT: I think that answers it everybody
8 pretty clearly.

9 Thank you very much.

10 THE INTERPRETER: My pleasure.

11 THE COURT: We are going to have to recess now.
12 We will complete the testimony tomorrow morning. We will
13 start at 10 o'clock.

14 Ms. Wilhelm, give me an estimate of how much
15 longer you have to go?

16 MS. WILHELM: Your Honor, I was about to wrap up.
17 So 15 minutes at most if we do not conclude we have wrapped
18 up today.

19 THE COURT: Well, after all of these years, Ms.
20 Wilhelm, I have learned that sometimes a lawyer's 15 minutes
21 stretches on. So we are going to recess now, although I was
22 still very much appreciate 15 minutes tomorrow.

23 I would like the interpreter to tell Mr. Al-Adahi
24 that tomorrow he will be questioned by a government lawyer.
25 I don't know if he knows that or not.

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1 THE DEFENDANT TESTIFIED THROUGH HIS INTERPRETER:

2 Okay.

3 THE COURT: Very well. We will close off the
4 Guantánamo call at this time.

5 (Whereupon, the communication was disconnected. The
6 proceedings proceeded in open court is a classified setting,
7 said proceedings being reported by the court reporter but
8 not transcribed herein.)

9 (Whereupon, the proceedings were adjourned.)

10 - - - - -

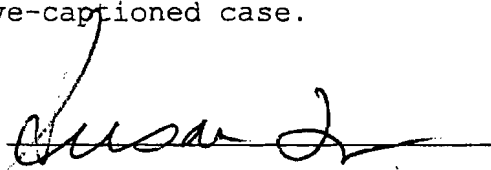
11 CERTIFICATE OF COURT REPORTER

12 I certify that the foregoing is a correct transcript of
13 the proceedings in the above-captioned case.

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