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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
)	Misc. No. 08-442 (TFH)
IN RE:)	
GUANTANAMO BAY)	Civil Action No.
DETAINEE LITIGATION)	04-CV-1254 (HHK)
)	
)	
)	

AMENDED FACTUAL RETURN

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Respondents hereby submit, as explained herein, an amended factual return pertaining to the petitioner identified as the subject of the attached Narrative. This amended return is intended to supersede the material contained in any previously filed return, except for the fact that petitioner was previously determined by a Combatant Status Review Tribunal to be an enemy combatant.

This amended return sets forth factual bases¹ supporting petitioner's lawful, ongoing detention pursuant to the Authorization for the Use of Military Force and the President's power as Commander in Chief.

Dated: September 22, 2008

Respectfully submitted,

GREGORY G. KATSAS
Assistant Attorney General

JOHN C. O'QUINN
Deputy Assistant Attorney General

¹ Respondents reserve the right to seek leave to further supplement the record with additional factual bases supporting petitioner's detention, as necessary.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GUANTANAMO BAY

DETAINEE LITIGATION

Misc. No. 08-442 (TFH)

Civil Action No.

04-CV-1254 (HHK)

DECLARATION OF BRIGADIER GENERAL GREGORY ZANETTI


Declaration of Brigadier General Gregory J. Zanetti

Pursuant to 28 U.S.C. § 1746, I, Gregory J. Zanetti, hereby declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge, information, and belief, the following is true, accurate, and correct:

I am a Brigadier General in the United States Army, with 28 years of military service. I currently serve as Deputy Commander, Joint Task Force-Guantanamo (JTF-GTMO), at Guantanamo Bay, Cuba. I have held this position since 26 January 2008. As of the date of this declaration, I am serving as the Acting Commander, JTF-GTMO in the absence of Rear Admiral David M. Thomas, Jr., the Commander of JTF-GTMO. As such, I am directly responsible for the successful execution of the JTF-GTMO mission to conduct detention and interrogation operations in support of the Global War on Terrorism, coordinate and implement detainee screening operations, and support law enforcement and war crimes investigations.

The attached narrative and supporting materials from files of the Department of Defense or other government agencies contain information used by the Department of Defense to establish the status of the individual who is the subject of the narrative as an enemy combatant and to substantiate his detention as an enemy combatant at Guantanamo Bay, Cuba.

Dated: 28 August 2008


GREGORY J. ZANETTI
Brigadier General, U.S. Army

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ADNAN FARHAN ABD AL LATIF
ALA'DINI,

Petitioner,

v.

GEORGE WALKER BUSH, *et al.*,

Respondents.

Civil Action No. 04-CV-1254 (HHK)

NARRATIVE OF ADNAN FARHAN ABD AL LATIF ALA'DINI (ISN 156)

Introduction

1. By his own admission, Petitioner Adnan Farhan Abd al Latif Ala'dini traveled to Afghanistan to fight for the Taliban, a pursuit he accomplished when he was at the front line during the war near Kabul. He admitted that a man named Ibrahim al-'Alawi, a probable al-Qaida recruiter, convinced him to travel to Afghanistan for this reason, and that on his arrival there he received weapons training by Taliban personnel and went to the front lines.

2. Ala'dini's admissions, [REDACTED] gather support from the circumstances of Ala'dini's travel and capture. The intelligence evidence shows that Yemeni fighters joining al-Qaida and Taliban forces took a common route through Pakistan and into Afghanistan. Ala'dini took that same route. It shows that, as al-Qaida positions were falling to

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coalition forces in Tora Bora, Afghanistan, foreign fighters were led to believe they could surrender to Pakistani authorities, ask to contact their embassy in Pakistan, and return home without incident. Shortly after Tora Bora, Ala'dini, a foreign fighter from Yemen, says he surrendered² [REDACTED] and asked to contact the Yemeni embassy so he could return home. And the evidence shows that al-Qaida's "standard operating procedure" was to require Arab fighters in Afghanistan to turn over and travel without their passport. Ala'dini, a Yemeni Arab in Afghanistan, was traveling without his passport.

3. In the materials discussed herein related to the factual bases for the detention of Adnan Farhan Abd Al Latif Ala'dini—alias 'Abd al-Rahman 'Abdallah 'Abd-al-Jallil Al-'Udayni, alias Abu 'Abdallah,¹ [REDACTED] alias Abd Allal Ab Ajallil, alias Abd Aig Aleel, alias Abu Al Akmed Abd Al Galeel, *see* ISN 156 FD-302 (April 26, 2002), alias Adnan Farhan Abd Al-Latif,² alias Abdelrahman Abdulla Abdel Galil, *see* ISN 156 FD-302 (Oct. 4, 2002); ISN 156 FD-302 (May 29, 2002); ISN 156 SIR (May 29, 2002), alias Allal,³ alias Adnan Farhan Abd Allatif, *see* ISN 156 Interrogation (July 25, 2005), alias Abd Al Rahman Abd, alias Allal Ab Al Jallil,⁴ *see* ISN 156 SIR (March 6, 2002), alias Agnahn Purhan Abjallil, *see* CSRT Tr. at 3—and his assessment as a properly detainable enemy combatant, there are documents reflecting interviews with him and others conducted by law enforcement and intelligence personnel, as well as information derived from other sensitive intelligence sources and methods. Information

¹ It is common for those engaged in terrorist activities to use an alias, commonly known in Arabic as a *kunya*, and the names and aliases are sometimes spelled differently when transliterated to Latin characters. *See* Declaration of [REDACTED]³ "Names, Aliases, Kunyas and Variants" (Sept. 19, 2008). There are numerous transliterations of the same names and aliases in the documents cited in this narrative, and the narrative does not note every instance where the cited documents contain transliterations of the same name or alias.

² In one interview, Petitioner indicated "Latif" was his official family name. ISN 156 FD-302 (May 29, 2002).

³ Petitioner claimed about three-and-a-half years after his capture that this was someone else's name (the name of another person captured). *See* ISN 156 Interrogation (July 25, 2005).

⁴ *See also* [REDACTED] listing "Adnan Farhan Al Jalal alias Abdul Razzaq Al Baydani . . . Yemeni") (listing "Adnan Farhan Al-Jalal. Abd-Al-Razzaq Al-Baydhani").

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received from these sources is commonly reproduced in reports compiled by the collecting officer. Such information is also commonly analyzed by intelligence or law enforcement personnel and used to produce other intelligence products. These reports and intelligence products are routinely relied on by military or intelligence personnel in making decisions to act upon threats to our country's national security. Declaration of [REDACTED] 3

Declaration of Robert H. Holmes.

4. As with all detained enemy combatants at Guantanamo Bay, Cuba, Ala'dini has been assigned an Internment Serial Number or ISN. The ISN is an administrative code assigned to detainees. Ala'dini's full ISN is ISN-US9BA-00156 (DP), in which the number 156 is Ala'dini's unique identifier and the BA designation indicates the nationality that Petitioner for a time had claimed. *See* ISN 156 Knowledgeability Brief (Feb. 2002); ISN 156 SIR (May 29, 2002) (indicating petitioner lied repeatedly about his country of origin (Bangladesh) and gave a fake name in all past interviews). Petitioner Ala'dini, to be clear, has since claimed that he is a national of Yemen. *E.g.*, ISN 156 SIR (March 6, 2002). In any event, source documents attached as exhibits to this Narrative may refer to Ala'dini by name or alias, full ISN, or various short forms, such as "BA-00156" or "ISN 156." Consequently, for reasons including those described further below, Petitioner is lawfully subject to detention pursuant to, among other things, the President's powers as Commander in Chief and the Authorization for the Use of Military Force. The following narrative and attached materials set forth the factual bases supporting petitioner's lawful detention. This narrative is not intended to be a complete explication of the information in support of petitioner's detention in those documents.

General Background of the War on Terror

5. Al-Qaida ("the Base") was founded by Usama bin Laden (UBL) and others in or about 1989 for the purpose of opposing certain governments and officials with force and violence. *See* The 9/11 Commission Report 56 (2004). Usama bin Laden is recognized as the emir (prince or leader) of al-Qaida. *See id.*

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

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

8. In 1996, Usama bin Laden issued a public "Declaration of Jihad Against the Americans." This declaration called for the murder of U.S. military personnel serving on the Arabian peninsula. *See id.* at 48.

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

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

11. The Taliban (students of Islamic knowledge) is an Islamic fundamentalist group that was formed in Afghanistan in 1994. *See* The Taliban in Afghanistan, at www.cfc.org/publication/10551. After two years of violent conflict that included the capture of Kabul, Afghanistan's capital, the Taliban took control of Afghanistan's national government in 1996. *See* The 9/11 Commission Report 65 (2004). Although it was never formally recognized by the United States, *see id.* at 124, the Taliban controlled Afghanistan's national government from 1996 until the United States-led military campaign ousted the Taliban from power in 2001.

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See id. at 337-38. During the period in which the Taliban controlled Afghanistan's national government, it provided safe harbor and support to al-Qaida and Usama bin Laden. *Id.* at 64-67.

12. On September 18, 2001, following the attacks on the United States on September 11, 2001, Congress adopted the Authorization for the Use of Military Force. *See* 115 Stat. 224 (2001). Recognizing that the attacks of September 11, 2001 "render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens at home and abroad," Congress authorized the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." Within weeks, United States military forces were deployed in Afghanistan. *See* The 9/11 Commission Report 337 (2004).

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

14. In December 2001, the United States-led military campaign removed the Taliban from control of Afghanistan's national government. *See id.* at 337-38. Taliban and al-Qaida forces, however, have continued to operate in Afghanistan and attack coalition forces. Currently, two major military operations are underway in Afghanistan. First, Operation Enduring Freedom (OEF) is a multinational coalition military operation, led by the United States, initiated in October 2001 to counter terrorism and bring security to Afghanistan in collaboration with Afghan forces. *See* www.state.gov/r/pa/prs/ps/2006/60083.htm. OEF operations led to the collapse of the Taliban government and helped bring security and stability to Afghanistan. *Id.* OEF involves troops from over 20 nations, including about 19,000 United States forces and

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about 3,000 non-United States troops. *Id.* Second, the International Security Assistance Force (ISAF) is a United Nations-mandated international coalition operating under the command of the North Atlantic Treaty Organization (NATO). *See* www.nato.int/isaf/index.html. ISAF was established in 2002 with the goal of creating conditions for stabilization and reconstruction in Afghanistan. ISAF is comprised of approximately 50,000 troops from 40 countries. *Id.*

Ala'dini Captured while Fleeing Afghanistan, Admits He was Taliban Fighter.

15. Ala'dini has claimed he was born in Yemen around 1981. [REDACTED] ISN 156 FD-302 (April 26, 2002). He indicated he lived in Ebb (or "ibb"), Yemen, at the family home in al-Udayn. *E.g.*, ISN 156 SIR (March 6, 2002); ISN 156 FD-302 (May 29, 2002); ISN 156 SIR (May 29, 2002) (indicating Ala'dini is member of the al-Odaien tribe based in Ibb, Yemen). In late December 2001, however, as U.S. and coalition forces were defeating al-Qaida and Taliban fighters at the battle of Tora Bora, Afghanistan, Ala'dini was captured as he was traveling to the nearby Pakistani border. *See* ISN 156 SIR (March 6, 2002); ISN 156 Knowledgeability Brief (Feb. 2002); *see also* Declaration of [REDACTED] "Tora Bora" (Aug. 29, 2008) (describing bin Laden's military cave complex at Tora Bora and the battle there in December 2001); The 9/11 Commission Report 338 (2004) (noting December 2001 engagement between coalition and "jihadists" at Tora Bora). Thereafter Ala'dini was transferred to the custody of the United States.

16. [REDACTED]
[REDACTED] Accordingly, said Ala'dini, he began traveling to Afghanistan around the summer of 2001. *E.g.*, ISN 156 SIR (March 6, 2002). Ala'dini admittedly traveled to Afghanistan first by flying from Sana'a, Yemen, to Karachi, Pakistan; then by taking a taxi to Quetta, Pakistan; and finally by crossing into Kandahar, Afghanistan, where he went to the Grand Mosque to meet his recruiter, [REDACTED] [REDACTED] ISN 156 FD-302 (April 26, 2002); *see also* ISN 156 SIR (March 6, 2002) (describing Ala'dini travel to Afghanistan and noting he took a bus to Quetta).

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17.



**Ala'dini's Recruiter was a Probable Al-Qaida
Member Who Led Several Fighters to Afghanistan.**

18. Ala'dini's recruiter, 'Ibrahim al-'Alawi, was a probable al-Qaida recruiter responsible for arranging travel for several extremist fighters from Yemen to the "jihad" in Afghanistan. *See* IIR 6 044 5077 03 (providing biographic report on "Ibrahim Alawi"); *see also* IIR 6 034 0791 02 (indicating "Abu Khloud," alias "Ibraheim Ba 'Alawi," arranged for Yemeni's travel to Afghanistan to fight for Taliban, and that 'Alawi may have provided the same services or facilitated travel for others); IIR 6 034 0861 02 (indicating "Abu Khalud" (alias 'Alawi) paid for Yemeni fighter's travel to Afghanistan for training and fighting); ISN [REDACTED] FD-302 (May 28, 2002) (indicating [REDACTED] had "influenced" and paid expenses for Yemeni fighter to travel, train and fight for Taliban in Afghanistan); IIR 6 034 0365 02 (indicating "Ibrahim B?Alawi" [sic], alias Abu Khalud, recruited and made travel arrangements for young Yemeni and suspected Taliban fighter); IIR 6 034 0071 05 (describing Khalud as known al-Qaida recruiter and bin Laden loyalist who facilitated travel from Yemen to Afghanistan for those wanting to receive military-type training); IIR 2 340 6308 02 (same).

19. Alawi, alias Abu Khalud, also may have operated an extremist guesthouse in Afghanistan. *See* ISN 1457 SIR (Oct. 20, 2004); IIR 6 034 0861 02; *see also* Declaration of ³ [REDACTED] "Guesthouses" (Aug. 29, 2008) (describing function of guesthouses as used by al-Qaida and Taliban in Afghanistan and Pakistan). Indeed, one source reports seeing Alawi at a

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terrorist training camp (the "Khaldan" camp) in Afghanistan in 1996 and again at Alawi's house in Taiz, Yemen, in 1998. IIR 6 044 5077 03; *see also* Declaration of [REDACTED]³ "Terrorist Training Camps" (Aug. 29, 2008) (describing the Khaldan training camp). (At the time, Alawi was helping this source evade Saudi authorities searching for terrorists, IIR 6 044 5077 03.) The source saw Alawi again in 1999, in Kabul, Afghanistan, when Alawi came for more training and to stay with this source until he (Alawi) ultimately bought a new home near an al-Qaida guesthouse. IIR 6 044 5077 03.

[REDACTED]

20. Beyond his Taliban admissions and admitted ties to this al-Qaida recruiter, still other information links Petitioner Ala'dini to the al-Qaida network. [REDACTED]

[REDACTED] ISN 156 Assessment (June 16, 2004) (same). [REDACTED]

21. [REDACTED]

[REDACTED] *see also* IIR 6 034 0844 03 (describing how extremist fighters staying at guesthouse had to turn over their passport and other belongings and list them using their "'kunias' (alias)").

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22. Ala'dini has denied using one of these listed aliases, "al Baydani," *see* ISN 156 FD-302 (May 18, 2003), but he has identified other aliases that are the same or similar to those [REDACTED].
[REDACTED] *See, e.g.*, ISN 156 SIR (March 6, 2002) (identifying Ala'dini alias as "Al Jallil"); ISN 156 FD-302 (April 26, 2002) (identifying alias as "Al Galeel"); ISN 156 FD-302 (Oct. 4, 2002) (identifying alias as "Galil"); ISN 156 FD-302 (May 29, 2002) (same); CSRT Tr. (identifying alias as "Abjallil").

The Circumstances of Ala'dini's Missing Passport,

23. [REDACTED]
[REDACTED]
[REDACTED] As explained by the 9/11 Commission and other sources, extremist fighters staying at an al-Qaida guesthouse were required to turn over their passports and other belongings, and those items would then be kept and logged on a book or list. *See, e.g.*, Declaration of [REDACTED] "Guest Houses" (Aug. 29, 2008) (describing how personnel staying at al-Qaida guesthouse were "required to turn over their luggage, passports, and any money they possessed" and that "[t]hose items were recorded in a logbook and placed in a safe"); Declaration of [REDACTED] "Tora Bora" (Sept. 19, 2008) (describing "standard operating procedure for most safehouses . . . was for fighters to surrender all documents when they entered" and place the fighter's "passport and other personal belongings" in "safe-boxes"); The 9/11 Commission Report 169 (2004) (stating al-Qaida required jihadists to turn in their passports before going to the front lines in Afghanistan).

24. [REDACTED]
[REDACTED] At another point, however, Ala'dini provided a different account, claiming he gave his passport and ticket to the above-described [REDACTED] (the recruiter) so that [REDACTED] could check him into a Pakistani hospital. *See* ISN 156 FD-302 (May 18, 2003). [REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED] with ³ [REDACTED]

Declaration, "Tora Bora"; ³ [REDACTED] Declaration, "Guest Houses"; The 9/11 Commission Report 169 (2004); IIR 6 034 0844 03 (fighters logged passport and other belongings under their "kunja" or alias).

Ala'dini Took the Same Route to Afghanistan as Other Yemeni Extremists.

25. Petitioner Ala'dini has also repeatedly described taking the same or similar routes of travel from Yemen to Afghanistan. In particular, he indicated that [REDACTED] arranged for him to travel first to Sana'a, Yemen, where Ala'dini took a flight to Karachi, Pakistan; thereafter, Ala'dini took a bus to Quetta, Pakistan; and then a taxi to Kandahar, Afghanistan, where he reunited with [REDACTED]. E.g., ISN 156 FD-302 (April 26, 2002); ISN 156 SIR (March 6, 2002).

26. Other extremist fighters have reported taking a similar route from Yemen and ultimately into Afghanistan for purposes of either training at a terrorist training camp or fighting a "jihad." See IIR 6 034 0365 02 (describing Yemeni detainee (and suspected Taliban fighter's) route from Yemen to Karachi, Pakistan, by bus to Quetta, and then to Kandahar); IIR 6 034 0861 02 (describing route taken by young Yemeni fighter as having flown from Sana'a, Yemen, to Karachi, Pakistan, then to Kandahar guesthouse); ISN [REDACTED] FD-302 (Feb. 19, 2002) (describing Yemeni al-Qaida member's trip from Yemen and ultimately to Karachi, then by bus to Quetta, and then to a Kandahar safehouse for training); ISN [REDACTED] FD-302 (Aug. 20, 2003) (describing route by extremist recruit as traveling from Sana'a, Yemen, via plane to Karachi, then to Quetta, and ultimately to an al-Qaida safehouse in Kandahar); ISN [REDACTED] FD-302 (Aug. 25, 2002) (describing travel by admitted mujahideen who went from Yemen to Karachi to Quetta and ultimately to Afghanistan and Tora Bora to fight for al-Qaida); IIR 6 034 0723 02 (describing al-Qaida recruit's travel from Yemen to Karachi and Quetta before continuing on to Afghanistan).

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**Ala'dini Provides Same Explanation about Trying To
Reach Home Embassy as Tora Bora Extremist Fighters.**

27. Ala'dini also reported that, in December 2001, he ² [REDACTED] so that he could contact the Yemeni embassy and return home. *See* ISN 156 SIR (March 6, 2002). But as the battle at Tora Bora was winding to a close in December 2001, many al-Qaida and Taliban fighters there "were led to believe that if they surrendered to . . . Pakistani authorities and asked to be taken to the embassy of their home country, they would be allowed to return home without incident." *See* ³ [REDACTED] Declaration, "Tora Bora" (Sept. 19, 2008). "In most cases, these fighters" instead "were arrested and turned over to U.S. custody." *Id.* Accordingly, Ala'dini's status as an enemy combatant is further borne out by his claim that, in mid-December 2001 or so, he claimed that he too was trying to contact his Yemeni embassy in Pakistan so he could return home. *Compare* ³ [REDACTED] Declaration, "Tora Bora" (Sept. 19, 2008) (describing belief among fighters that they could surrender to Pakistani authorities, ask to go to their embassy, and return home) *with* ISN 156 SIR (March 6, 2002) (Ala'dini stating he was trying to reach Yemeni embassy in Pakistan so he could return home).

Ala'dini Changes Repeatedly His Account.

28. Ala'dini's accounts about who he is and why he was in Afghanistan (among other things) have varied. He indicated initially, for example, that he was from Bangladesh, and he repeatedly used "fake names" during interviews. *See, e.g.,* ISN 156 SIR (May 29, 2002). He has variously reported that he got into a serious car accident in Yemen at age 14, *see* ISN 156 FD-302 (May 29, 2002), or at age 16, *see* ISN 156 FD-302 (April 26, 2002); ISN 156 SIR (May 29, 2002); and that a friend in Yemen named [REDACTED] was either driving the truck that was in the accident and arranged for his (Ala'dini's) treatment in Jordan, *see* ISN 156 FD-302 (May 29, 2002); or that "Hady" was otherwise a medical person, *see* ISN 156 SIR (March 6, 2002); or instead that a man named [REDACTED]—ostensibly the same recruiter described above—arranged for Petitioner Ala'dini's treatment in Jordan, *see* ISN 156 FD-302 (May 18, 2003).

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29. As another example, Ala'dini claimed that, in 2001 or so, he decided to travel to Afghanistan so that he could help the above-mentioned Alawi (or "Aliwee") improve the "Islamic Study Center" there. *See* ISN 156 Knowledgeability Brief (Feb. 2002); ISN 156 SIR (May 29, 2002). In other interviews, however, Ala'dini indicated that he traveled there because [REDACTED] relief agency had agreed to pay for Petitioner's travel and medical treatment in either Afghanistan (in one version), ISN 156 FD-302 (May 29, 2002), or Pakistan (in other versions), ISN 156 FD-302 (April 26, 2002); *see also* ISN 156 FD-302 (May 18, 2003); ISN 156 FM40 (Jan. 9, 2004); ISN 156 Enemy Combatant Election Form, Detainee's Written Statement (March 30, 2005); ISN 156 Attorney Submission and Exhibits to Administrative Review Board (March 12, 2008). As war was breaking out in Afghanistan in the fall of 2001, Ala'dini also variously reported that [REDACTED] a "humanitarian," had taken him to a Pakistani hospital, ISN 156 FD-302 (May 18, 2003); that Alawi arranged for Petitioner Ala'dini to travel to the Afghan-Pakistani border, where they planned to meet, ISN 156 Knowledgeability Brief (Feb. 2002); and that Ala'dini instead traveled with other Arabs and [REDACTED] sought out the Yemeni embassy there so he could return home to Yemen, ISN 156 SIR (March 6, 2002). He alternatively reported that he was arrested at a hospital [REDACTED] where he was receiving treatment, *see* ISN 156 FD-302 (May 18, 2003), and that instead he surrendered to [REDACTED] authorities [REDACTED] *see* ISN 156 SIR (March 6, 2002); *see also* ISN 156 DOD Assessment (June 16, 2004) (reporting that Ala'dini was arrested while crossing the Pakistani border).

Conclusion

30. Petitioner is an admitted mujahideen who traveled to Afghanistan for "jihad" and who admittedly trained and fought for the Taliban against U.S. and allied forces. He was recruited by a probable al-Qaida operative who arranged travel for other Yemeni mujahideen to Afghanistan. Other sources having knowledge of al-Qaida, [REDACTED]

[REDACTED] The circumstances of his travel and capture, including the route

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taken to Afghanistan, his attempt to see his embassy in Pakistan, and his missing passport, support these sources and documents, as do Ala'dini's own admissions. He is properly detained as an enemy combatant under the President's power as Commander in Chief and the Authorization for the Use of Military Force.

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