



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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)  
)  
IN RE: )  
GUANTANAMO BAY )  
DETAINEE LITIGATION )  
)  
)  
\_\_\_\_\_)

Misc. No. 08-442 (TFH)  
  
Civil Action No.  
02-CV-0828 (CKK)

AMENDED FACTUAL RETURN



[REDACTED]

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 bases<sup>1</sup> 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 8, 2008

Respectfully submitted,



GREGORY G. KATSAS  
Assistant Attorney General

JOHN C. O'QUINN  
Deputy Assistant Attorney General

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

[REDACTED]

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	)	
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**DECLARATION OF REAR ADMIRAL DAVID THOMAS**

Declaration of Rear Admiral David M. Thomas, Jr.

Pursuant to 28 U.S.C. § 1746, I, David M. Thomas, Jr., 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 Rear Admiral in the United States Navy, with 31 years of active duty service. I currently serve as Commander, Joint Task Force-Guantanamo (JTF-GTMO), at Guantanamo Bay, Cuba. I have held this position since 27 May 2008. 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 their detention as an enemy combatant at Guantanamo Bay, Cuba.

Dated:



DAVID M. THOMAS, JR.  
Rear Admiral, U.S. Navy

[REDACTED]  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FAWZI KHALID ABDULLAH  
FAHAD AL ODAH, *et al*

Petitioner,

v.

Civil Action No. 02-CV-0828 (CKK)

UNITED STATES OF AMERICA,  
*et al.*,

Respondents.

NARRATIVE FOR AL-ODAH, ISN 232

Introduction

1. Fawzi Khalid Abdullah Fahad al-Odah, a [REDACTED] Kuwaiti national, is a member of and has supported al-Qaida and the Taliban, and is thus an enemy of the United States.

[REDACTED]

[REDACTED] Al-Odah received military training at [REDACTED] training camps in Afghanistan. [REDACTED]

[REDACTED] Al-

Odah fought against the Northern Alliance and the United States in the Tora Bora Mountains, was part of the military group at Tora Bora, [REDACTED]

[REDACTED] Al-Odah was [REDACTED] with an AK-47 after crossing into Pakistan from Tora Bora.

2. In the materials discussed herein related to the factual bases for al-Odah's detention and his assessment as a legally detainable enemy combatant, there are

[REDACTED]

[REDACTED]

documents reflecting interviews with him and others conducted by law enforcement and intelligence personnel, as well as information derived from other sources and methods. Information received from these sources is commonly reproduced in reports created by the collecting officer. Such information is also commonly analyzed by intelligence or law enforcement personnel and used to produce other intelligence products. These reports and intelligence products are routinely relied upon by military or intelligence personnel in making decisions to act upon threats to our national security. See Declaration of [REDACTED] Declaration of Robert H. Holmes.

3. As with all detained enemy combatants at Guantanamo Bay, Cuba, al-Odah has been assigned an Internment Serial Number or ISN. The ISN is an administrative code assigned to military detainees. Al-Odah's full ISN is [REDACTED] 000232 [REDACTED] in which the number "232" is al-Odah's unique identifier and the [REDACTED] designation indicates that he is a national of [REDACTED]

[REDACTED] Source documents attached as exhibits to this narrative may refer to al-Odah by full name or various short forms of his name, alias ("Fawzi al-Kuwaiti") or various forms of his alias, full ISN, or various short forms of his ISN, such as [REDACTED] 000232" or "ISN 232." [REDACTED]

4. The following narrative and attached materials set forth the factual bases supporting Petitioner's lawful detention. This narrative is not intended to be a complete

[REDACTED]

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 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 (2004) at 56, <http://www.9-11commission.gov/report>.

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

7. The 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.

8. Between 1989 and 2001, al-Qaida established training camps, guest houses, and business operations in Afghanistan, Pakistan, and other countries for the purpose of training and supporting violent attacks against property and nationals (both military and civilian) of the United States and other countries. *See id.* at 64-67; see also Declaration of [REDACTED] *Guest Houses*; Declaration of [REDACTED] *Terrorist Training Camps*.

9. 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* The 9/11 Commission Report at 48.

10. In February 1998, Usama bin Laden and Ayman al Zawahiri (bin Laden's deputy) issued a fatwa (purported religious ruling) requiring all Muslims able to do so to



[REDACTED]

kill Americans - whether civilian or military - anywhere in the world. *See id.* at 47.

11. Since 1989, member 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.*

12. 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](http://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 at 65. 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. *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. *See id.* at 64-67.

13. 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

[REDACTED]

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 at 337.

14. The United States led the initial aerial bombing campaign of Afghanistan, with ground forces composed of United States forces and Afghanistan militia opposed to the Taliban, including the Northern Alliance. The Northern Alliance 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.

15. 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](http://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

[REDACTED]

involves troops from over 20 nations, including about 19,000 United States forces and about 3,000 non-United States troops. *Id.* Second, the International Security Assistance Force (ISAF) is a United Nations-mandated international coalition operating under the command of the North Atlantic Treaty Organization (NATO). *See* [www.nato.int/isaf/index.html](http://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.*

**Petitioner's Background and Chronology of Events**

16. Petitioner will be referenced in this declaration as "Petitioner" or "al-Odah" or "al-Awda."

17. Al-Awda was born in Kuwait City, Kuwait in 1977, and is a Kuwaiti citizen. [REDACTED] ISN 232 FD-302 (June 9, 2003).

18. Al-Awda graduated from the University of Kuwait with a bachelor's degree in religious studies. [REDACTED] ISN 232 FD-302 (June 9, 2003). [REDACTED]

[REDACTED]

[REDACTED]

Al-Awda also taught the Koran for the Kuwaiti Ministry and worked for the Alms and Charities Agency of the Kuwaiti

[REDACTED]  
government. IIR 4 201 0030 05; ISN 232 FD-302 (June 9, 2003); [REDACTED]  
[REDACTED]

19. Al-Awda contended that in the summer of 2001, prior to September 11, he decided to resign from his position from the Alms and Charities Agency, and traveled to Afghanistan for humanitarian purposes to help the poor, and to teach the Koran. [REDACTED]

[REDACTED] ISN 232 FD-302 (June 9, 2003). [REDACTED]  
[REDACTED]  
[REDACTED]

20. [REDACTED]  
[REDACTED]

21. Al-Awda [REDACTED]  
[REDACTED]  
[REDACTED]

22. Al-Awda [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED] Al-Awda [REDACTED]  
[REDACTED]

23. [REDACTED] al-Awda [REDACTED]

[REDACTED]

FD-302 (June 9, 2003); ISN 232 FD-302 (June 21, 2003). [REDACTED]

[REDACTED] ISN 232 FD-302

(June 9, 2003); [REDACTED]

[REDACTED]

24. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ISN 232 FD-302 (June 9, 2003). Al-Awda contended that he

only spent one day at this camp, and that he taught the Koran and shot the AK-47's with

children at the camp. ISN 232 FD-302 (June 9, 2003). Al-Awda [REDACTED]

[REDACTED]

[REDACTED] ISN 232 FD-302 (June 9, 2003); [REDACTED]

[REDACTED] Summarized Detainee Statement from CSRT. [REDACTED]

[REDACTED] Al-

Awda could not remember the name of the Sheikh who ran the camp. ISN 232 FD-302

(June 9, 2003).

[REDACTED]

25.

al-Awda

[REDACTED]  
[REDACTED]  
[REDACTED] ISN 232 FD-302 (June 9, 2003); ISN 232 FD-302 (June 21, 2003).

26. Al-Awda stated that he wanted to leave Afghanistan since it was no longer

safe due to the fighting. Al-Awda left his passport, video camera, documents, and some

money with [REDACTED] ISN 232 FD-302 (June 9, 2003); ISN 232 FD-302 (June 21, 2003).

Al-Awda claimed that he left his passport with [REDACTED] because he did not want people to

know he was an Arab. ISN 232 FD-302 (June 9, 2003). Al-Awda also claimed that

[REDACTED] stated that he would send al-Awda his belongings once he reached a safe place in

Afghanistan. ISN 232 FD-302 (June 9, 2003). Petitioner did not have any documents

when he was captured. [REDACTED]

27.

al-Awda

[REDACTED] Al-Awda met three

Arabs in Jalalabad and stayed at the home of [REDACTED] ISN 232 FD-302 (June 9,

2003). Al-Awda stated that all three Arabs carried AK-47s and appeared to be fighters.

ISN 232 FD-302 (June 21, 2003).

28.

al-Awda

[REDACTED]

[REDACTED] ISN 232 FD-302 (June 21, 2003); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED] Al-Awda was in the Tora Bora Mountains for ten days. ISN

232 FD-302 (June 21, 2003).

29. Al-Awda [REDACTED]

[REDACTED] ISN 232 FD-302 (June 9, 2003). [REDACTED]

[REDACTED] Al-Awda claimed that he did not fire his weapon while in Tora Bora. Summarized Detainee Statement from CSRT.

30. [REDACTED] al-Awda [REDACTED]

31. [REDACTED] al-Awda's [REDACTED]

[REDACTED] ISN 232 FD-302 (June 9, 2003); ISN 232 FD-302 (June 21, 2003). Al-Awda surrendered his AK-47 and asked to be taken to the Kuwaiti embassy. ISN 232 FD-302 (June 9, 2003); [REDACTED] Initial Screening (October 3, 2002). Al-Awda was taken to a Pakistani prison for about three weeks and then was transferred to American custody in Kandahar, Afghanistan. ISN 232 FD-302 (June 9, 2003).

32. In an article in USA Today, Petitioner's father stated his belief that Petitioner was captured by bounty hunters while doing relief work, and then sold to the U.S. military. USA Today Article (April 19, 2004).

33. [REDACTED]

[REDACTED]

Polygraph Report of Examination.

34. [REDACTED]

[REDACTED]

[REDACTED] Polygraph Report of Examination.

**Petitioner is a Member of Al-Qaida Who Swore Allegiance to Usama Bin Laden and Who Had a Close Relationship with Bin Laden.**

35. [REDACTED]

[REDACTED]

36. Most of the inner core of al-Qaida's members swore bayat to bin Laden, which meant that they committed themselves to do anything bin Laden ordered. The 9/11 Commission Report at 67, 175.

37. [REDACTED]

[REDACTED]

<sup>1</sup> Petitioner stated that he had traveled to the United States on two separate occasions. [REDACTED]

[REDACTED]



[REDACTED]

38. [REDACTED]

[REDACTED]

39. [REDACTED]

[REDACTED]

40. In more recent interviews, [REDACTED] claimed that he did not recognize the Petitioner [REDACTED] ISN [REDACTED] FM40 (August 30, 2007); ISN [REDACTED] FM40 (September 4, 2007). [REDACTED]

[REDACTED] ISN [REDACTED] FM40 (August 30, 2007). [REDACTED] refused to provide further information [REDACTED] in the interview on [REDACTED] ISN [REDACTED] FM40 (September 4, 2007). The interrogator noted that the fact that [REDACTED] had been recently advised that he was going to be transferred to his home country may have affected his responses [REDACTED] ISN [REDACTED] FM40 (August 30, 2007); ISN [REDACTED] FM40 (September 4, 2007).

41. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

42. Petitioner claimed that he is not a member of the Taliban or al-Qaida. ISN 232 FD-302 (June 9, 2003). Petitioner also claimed that he never met Usama bin Laden.

[REDACTED]

43. The Petitioner's name and family phone number appeared in a document printed from the Alneda internet site, the official al-Qaida website, which contained information regarding the capture of Taliban and al-Qaida fighters who crossed the border from Afghanistan into Pakistan. [REDACTED]

[REDACTED] Open Source Center (OSC), *Jihadists Websites* (GMP20080123078003) (noting that Alneda is al-Qaida's official internet publication). [REDACTED]

[REDACTED]

44. [REDACTED]

[REDACTED]

45. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

46.

[REDACTED]

47.

[REDACTED]

48. Petitioner's name, alias, and phone number appeared on a list discovered on the person of [REDACTED] (previously detained as an enemy combatant) when [REDACTED] was processed in Kandahar, Afghanistan. [REDACTED]

[REDACTED]

[REDACTED]

49.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] see Declaration of [REDACTED] *Guest Houses*; Declaration of [REDACTED] *Terrorist Training Camps*.

50. [REDACTED]

[REDACTED]

51. Al-Masri was convicted in the United Kingdom on 11 charges of soliciting murder and racial hatred by using his sermons to encourage followers to kill non-Muslims. British Jury Finds Muslim Cleric Guilty of Inciting Murder, New York Times, February 7, 2006. Al-Masri possessed a ten-volume "Encyclopedia of the Afghani Jihad" which included instructions on how to make explosives and identified the Statue of Liberty as a potential terrorist target. British Jury Finds Muslim Cleric Guilty of Inciting Murder, New York Times, February 7, 2006.

52. [REDACTED]

[REDACTED]

[REDACTED] al-Awda [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

53.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

54.

[REDACTED]

[REDACTED]

**Petitioner is Associated with Senior al-Qaida Members.**

55.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner Received Military Training at [REDACTED] Training Camps.

56.

[REDACTED]

[REDACTED]

[REDACTED] Declaration of

[REDACTED] *Terrorist Training Camps*. Petitioner denied attending any training camps. ISN [REDACTED] FM40 (July 6, 2004); Summarized Detainee Statement from CSRT.

57.

[REDACTED]

[REDACTED]

[REDACTED] ISN [REDACTED] FM40 (January 5, 2005); ISN [REDACTED] FM40 (March 30, 2005).<sup>2</sup>

58.

[REDACTED]

[REDACTED]

ISN [REDACTED] FD-302 (February 8, 2002).

59.

[REDACTED]

[REDACTED] Declaration of

[REDACTED] *Terrorist Training Camps*; The 9/11 Commission Report at 57, 226; ISN

<sup>2</sup> The author of a Department of Defense Criminal Investigation Task Force (DOD/CITF) memorandum commented in describing [REDACTED] statement with respect to another detainee that his credibility was in question with interrogators. DOD/CITF Memorandum (May 14, 2004).

[REDACTED]

[REDACTED]

[REDACTED]

002 FD-302 (February 21, 2003). At least seven of the 9/11 hijackers took the basic training regime at [REDACTED] al-Farouq training camp which included training in firearms, heavy weapons, mortars, explosives, rocket-propelled grenades, anti-aircraft artillery, mines, hand grenades, suicide training, antitank weapons, ambush tactics, and topography. The 9/11 Commission Report at 234; Declaration of [REDACTED] *Terrorist Training Camps*. One of the 9/11 hijackers who acted as a pilot in the attack, Hani Hanjour, was identified for inclusion in the 9/11 attack while training at al-Farouq. Declaration of [REDACTED] *Terrorist Training Camps*; The 9/11 Commission Report at 226. Usama bin Laden gave a speech at al-Farouq prior to September 11, 2001, exhorting trainees to pray for the success of an attack involving 20 martyrs. The 9/11 Commission Report at 251. The al-Farouq training camp admitted Muslims of all nationalities and by the latter part of the 1990s emphasized a global anti-U.S. agenda. Declaration of [REDACTED] *Terrorist Training Camps*.

60. [REDACTED]

[REDACTED]

[REDACTED] ISN

[REDACTED] FD-302 (April 2, 2003). [REDACTED] explained that the basic training at al-Farouq consisted of two weeks of weapons training, two weeks of a basic commando course, two weeks of topography and two weeks of explosives training. ISN

[REDACTED] FD-302 (February 21, 2003).

[REDACTED]

[REDACTED]

61. [REDACTED]

[REDACTED]

[REDACTED] The daily sermons at al-Farouq concerned jihad and the obligation for defensive jihad against the Northern Alliance forces. ISN [REDACTED] FD-302 (April 2, 2003).

62. [REDACTED]

[REDACTED]

[REDACTED]

**Petitioner Fought on the Battlefield on the Front Lines Against U.S. and Allied Forces Including at the Battle of Tora Bora.**

63. Tora Bora is the name of a cave complex in the White Mountains of eastern Afghanistan at the border of Nangarhar, Afghanistan, and Parachinar, Afghanistan. This cave complex was built in the early 1980s to support mujahideen forces who fought against the Soviets. Usama bin Laden used the cave complex at Tora Bora as his headquarters in the 1990s. Declaration of [REDACTED]

64. In late 2001, after the fall of the Taliban regime, many Taliban and al-Qaida fighters fled to Tora Bora en route to Pakistan. Bin Laden, Ayman al-Zawahiri, other al-Qaida and Taliban leaders, and about one to two thousand fighters were in Tora Bora by early November of 2001. Declaration of [REDACTED] Around this time a small group of U.S. and Afghan forces began to infiltrate Tora Bora to trap bin Laden and his fighters. The Battle of Tora Bora ensued with significant air strikes on the cave complex. The fighting at Tora Bora lasted nearly two months. Hundreds of al-Qaida and



[REDACTED]

Taliban fighters were killed in the battle, several hundred were captured, and an unknown number, including bin Laden, escaped. Declaration of [REDACTED]

65. [REDACTED]

[REDACTED]

[REDACTED] Declaration of [REDACTED]

[REDACTED]

[REDACTED]

Declaration of [REDACTED]

66. [REDACTED]

[REDACTED]

Declaration of [REDACTED] Local Afghan guides helped Arab fighters out of Tora

Bora into Pakistan. Declaration of [REDACTED]

67. [REDACTED]

[REDACTED]

[REDACTED] Declaration of [REDACTED]

[REDACTED]

Declaration of [REDACTED] Declaration of [REDACTED] Guesthouses. [REDACTED]

[REDACTED]

[REDACTED]

68.

allowed to return home.

Declaration of

As explained above, Petitioner

was by Pakistani authorities, and he asked to be taken to the Kuwaiti embassy.

69.

70.

71. Petitioner claimed that he never fought against coalition forces.

Petitioner denied going to Afghanistan to fight the jihad since there were Muslims on both sides of the fight, and he could not kill Muslims. ISN 232 FD-302 (June 21, 2003). Petitioner also claimed that he never fought with or knew anyone belonging to al-Qaida. ISN FM40 (July 6, 2004).

72. However, Petitioner admitted that he knew one Taliban member,

who took him to the training camp and coordinated his travel through

Afghanistan. ISN FM40 (July 6, 2004).

Petitioner was in the

Tora Bora Mountains for ten days. ISN 232 FD-302 (June 21, 2003). Petitioner also

admitted that he was captured with an AK-47/Kalashnikov assault weapon after going

[REDACTED]  
through Tora Bora, and that he was in Tora Bora during the bombing from U.S.

warplanes. ISN 232 FD-302 (June 9, 2003).

73. [REDACTED]

[REDACTED] ISN [REDACTED] FM40 (March 30, 2005); [REDACTED]

74. [REDACTED]

75. [REDACTED]

[REDACTED] identified Petitioner as being part of the military group at Tora Bora. ISN [REDACTED] FM 40 (February 23, 2005); Attachment to ISN [REDACTED] FM40 (February 23, 2005) (listed as [REDACTED]).

76. [REDACTED]

77. [REDACTED]

**Petitioner is an Extremist Recruiter and Courier.**

78. [REDACTED]

[REDACTED] explained that Petitioner recruited young males in Kuwait to fight in Afghanistan for al-Qaida and the Taliban. Petitioner also helped collect money that was funneled to Afghanistan in support of al-Qaida. ISN [REDACTED] FM40

[REDACTED]

(January 5, 2005).

**Petitioner Provided Himself for Training from Designated Foreign Terrorist Organization Lashkar-e-Tayiba.**

79. [REDACTED] identified the Petitioner [REDACTED]

[REDACTED]

[REDACTED] ISN [REDACTED] FD-302 (February 22, 2002). [REDACTED]

[REDACTED]

[REDACTED] ISN [REDACTED] FD-302 (February 22, 2002).

80. [REDACTED] LeT, which is based near Lahore, Pakistan, [REDACTED]

[REDACTED]

[REDACTED] Travel Activity and Passport for Kuwaiti Passport Holder [REDACTED] DHS Terrorist Organization Reference Guide (January 2004).

81. LeT is on the current list of Designated Foreign Terrorist Organizations. Declaration of [REDACTED] U.S. Department of State, Office of the Coordinator for Counterterrorism, Foreign Terrorist Organizations, Fact Sheet (#24 on the list).

82. LeT is the armed wing of a Pakistani religious organization known as Markaz-ud-Dawa-wal-irshad ("MOI"). DHS Terrorist Organization Reference Guide (January 2004). LeT is a large and well-trained group presently fighting in Kashmir against India, which has conducted a number of operations against Indian military and

[REDACTED]

[REDACTED]

[REDACTED]

civilian targets since 1993, and has claimed responsibility for numerous attacks in 2001, including:

...an attack in January [2001] on Srinagar airport that killed five Indians along with six militants; and attack on a police station in Srinagar that killed at least eight officers and wounded several others; and an attack in April against Indian border-security forces that left at least four dead.

*Id.*

83.

[REDACTED]

[REDACTED]

[REDACTED] Declaration of [REDACTED] Senior al-Qaida leader Abu Zubaydah was captured at a LeT safe house in Faisalabad, Pakistan in March 2002. DHS Terrorist Organization Reference Guide (January 2004). This shows that LeT is facilitating the movement of senior Al-Qaida members and providing support to al-Qaida.

**Petitioner Participated in Jihadist Combat Prior to September 11, 2001.**

84.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This shows Petitioner has a history of participating in jihadist combat.

**Conclusion**

85. Petitioner is an enemy combatant. Among other things, [REDACTED]

[REDACTED]

[REDACTED] Petitioner's name was found on lists of al-

[REDACTED]

[REDACTED]

Qaida and Taliban fighters who fought in Afghanistan against the United States and/or its ally the Northern Alliance. Petitioner received military training at [REDACTED] training camps. Petitioner admitted he fired AK-47 assault weapons at targets at a camp outside Kandahar, Afghanistan, in September of 2001. [REDACTED] LeT which is a Designated Foreign Terrorist Organization and has supported al-Qaida. Petitioner fought on the front lines against the Northern Alliance and the United States, including at the Battle of Tora Bora. Petitioner admitted that he had an AK-47 assault weapon at Tora Bora. [REDACTED] Petitioner also admitted that he was in Tora Bora during the United States' bombing of the enemy during the Battle of Tora Bora. [REDACTED] [REDACTED] recruited young males to come to Afghanistan to fight for al-Qaida and the Taliban. For all these reasons, Petitioner is properly detained by the United States.