

**Military Commissions:  
Abd Al Rahim Hussein Muhammed Abdu Al Nashiri, ISN 10015  
24 October 2022**

*Events:*

The 24 October 2022 military commissions hearing for Abdu Al Nashiri, ISN 10015 (Nashiri) was held at Fort George G. Meade in Maryland. There were two members of non-governmental organizations in attendance, but there were no members of the press at the hearing.

The judge opened the hearing by explaining that the previous week's hearing had been canceled on short notice due to a flu-like illness that affected both the defense counsel and the defendant. The illness prevented them from meeting and prevented the defendant from attending hearing sessions. He then informed those in attendance of the dismissal of defense counsel Captain Mizer at the Captain's request and as authorized by the defendant. The judge then swore in several new counsel and memorialized the contents of meetings that reviewed the schedule of events for the week.

At approximately 10:00 a.m. Special Agent Ammar Barghouty took the witness stand to testify as to the veracity of the witness statements he had obtained. The statements were under consideration for admission as hearsay or as witness summaries since the witnesses were no longer accessible. This was a continuation of the process that began with Agents McFadden and Kellerman in the Nashiri hearings in August 2022. Agent Barghouty underwent examination and cross-examination throughout the morning. The court recessed for lunch and examination continued until approximately 4:00 p.m. Counsel for the government stated that the court had heard about half of the testimony, so the judge continued the testimony to the following day, 25 August 2022.

*Observations:*

Agent Barghouty had a general recollection of most of the interviewees about whom he testified and was able to give confident responses to broad questions. He trusted the FD-302 documents to accurately reflect details and frequently referred to those documents to help refresh his memory for detailed questions. However, the need to consult the FD-302 documents doubled the time the testimony took resulting in the judge's admonition to be better prepared after lunch.

Agent Barghouty made a significant mistake in his testimony, to which he readily admitted when it was pointed out by defense counsel. Barghouty indicated that most of the people he interviewed in Yemen showed greater familiarity with photos of Nashiri than with others. However, the photos most often recognized were of Al Khamri (a suicide bomber who died attacking the USS *Cole*) and only a minority were of Nashiri. Despite this misstep, Barghouty demonstrated confidence in his recollection that the interviewees did not exhibit any signs of fear, duress, abuse, or involuntariness when he interviewed them under the watch of the Yemeni police and security officers. He noted experiencing diplomatic problems affirming the reported identities of the interviewees but recalled seeing one of the interviewees later, at random, in the same place the interviewee reported being when witnessing part of the *Cole* attack.

The judge admitted the statements in question into evidence without comment.

*Hearsay/Summaries Testimony Entered:*

1. Iqbal Mahmoud Abdullah Al Jaffar
  1. Interviewed 17JAN2001.
  2. Interviewed at PSO headquarters in a conference room on the second floor.
    1. Room was not intimidating.
    2. Interviewee was not restrained or confined.
    3. Interviewee appeared healthy.
    4. Interview seemed to be voluntary.
  3. Interviewee worked in real estate in Aden.
    1. Suspect approached interviewee to inquire about houses available for rent.
    2. Suspect who rented the house had a Hadramawt accent, so interviewee called him "The Hadrami."
    3. Suspect wore a matwaz or futa and a white Yemeni headdress.
  4. Interviewee identified the suspect in photographs 9, 10, 13, 14, and 15 of the Aden Bomb Photobook.
2. Ahmed Mohammad Othman Al Sabahi
  1. Interviewed 1JAN2001.
  2. Interviewed at PSO headquarters in a conference room on the second floor.
    1. Room was not intimidating.
    2. Interviewee was not restrained or confined.
    3. Interviewee appeared healthy.
    4. Interview seemed to be voluntary.
  3. Interviewee worked in real estate in Aden.
    1. A group of suspects approached interviewee about properties for rent.
    2. Suspects mainly interacted with interviewee's employee while seeking property.
    3. Property was to be able to accommodate "relatives visiting from Saudi Arabia" and "a boat for fishing."
    4. Interviewee drew up a rental contract with suspect named "Abillah," who had a Yemeni ID card.
      1. Interviewee was unable to get a copy of the ID card.
      2. Employees tried several places in the community to get copies of the ID, but nothing was working.
      3. No copy of the ID card is available.
    5. Interviewee identified members of the suspect group in photographs 11, 13, 14, and 15.
3. Abd Al Bari Ali Moshen Al Jayid
  1. Interviewed 17JAN2001.
  2. Interviewed at PSO headquarters in a conference room on the second floor.
    1. Room was not intimidating.
    2. Interviewee was not restrained or confined.
    3. Interviewee appeared healthy.
    4. Interview seemed to be voluntary.
  3. Interviewee worked in real estate in Aden.
    1. Interviewee worked for his uncle, Sabahi.
    2. Suspect named "Msawa" sought a rental property.
    3. Property was to receive relatives from Saudi Arabia, was to be furnished, and needed to accommodate a boat.
    4. Suspect required that the gate to the property's internal courtyard be widened to accommodate the boat, as a part of the rental agreement.
    5. The number on the suspect's Yemeni ID was 1928583, and it was issued in NOV1997,

6. Suspect pre-paid the entire six-month lease with U.S. dollars.
7. Suspect drove a white or beige Nissan.
4. Interviewee identified suspect in photographs 9, 13, 14, and 15.
4. Abd Al Rab Mohammed Bin Mohammed Abd Al Rab
  1. Interviewed 21DEC2000.
  2. Interviewed at PSO headquarters in a conference room on the second floor.
    1. Room was not intimidating.
    2. Interviewee was not restrained or confined.
    3. Interviewee appeared healthy.
    4. Interview seemed to be voluntary.
  3. Interviewee lived in Madinat Asha'ab near the rented house.
    1. Interviewee heard and observed heavy machinery being used at the house.
    2. Interviewee observed the suspect group moving the boat in and out of the gate "just testing to see if it fit."
    3. Suspect group traveled in a white Nissan sedan.
    4. Interviewee did not think the suspect group slept at the house.
  4. Interviewee identified members of the group in photographs 9 and 22.
5. Abd Al Jabar Youssef Heidara
  1. Interviewed 23DEC2000.
  2. Interviewed at PSO headquarters in a conference room on the second floor.
    1. Room was not intimidating.
    2. Interviewee was not restrained or confined.
    3. Interviewee appeared healthy.
    4. Interview seemed to be voluntary.
  3. Interviewee lived in the same neighborhood as the rented house.
    1. The neighborhood started experiencing brownouts after the house was rented.
    2. Neighbors blamed the heavy tool use they heard from the rented house for the brownouts.
    3. Interviewee and one or two other neighbors went to confront the occupants about the brownouts.
    4. Suspect "Hussein" invited the interviewee and company in for tea but denied fault for the brownouts.
    5. Interviewee saw several mechanics working on a boat.
    6. Interviewee thought the bulbous-prow, 2-meter wide, 8-meter-long boat was for whaling, but "Hussein" said it was just for fishing.
    7. Interviewee saw a Nissan sedan with a spare tire arriving and departing the house complex.
  4. Interviewee identified members of the group in photographs 9, 10, and 11.
6. Salem Saleh Salem Hatrum
  1. Interviewed 7DEC2001.
  2. Interviewed at PSO headquarters in a conference room on the second floor.
    1. Room was not intimidating.
    2. Interviewee was not restrained or confined.
    3. Interviewee appeared healthy.
    4. Interview seemed to be voluntary.
  3. Interviewee made his living operating a crane and a front-end loader.
    1. Interviewee recalled a time in JAN2000 when two men required his services.
    2. Interviewee recalled that the men hired him to retrieve a foundered boat from the surf for 5000 rials.

1. The boat was missing an engine and steering mechanism.
2. Attempts to place the boat on the trailer failed, due to the trailer not being stable enough.
3. Interviewee remembered the men driving a Toyota Chaz.
4. Interviewee was paid and departed, despite boat recovery remaining incomplete.
4. Interviewee identified one of the men in photograph 22.
7. Fahmi Fadel Abdoh Nasser
  1. Interviewed 7DEC2001.
  2. Interviewed at PSO headquarters in a conference room on the second floor.
    1. Room was not intimidating.
    2. Interviewee was not restrained or confined.
    3. Interviewee appeared healthy.
    4. Interview seemed to be voluntary.
  3. Interviewee was either a fisher or processed fish.
    1. Interviewee was on or near a bridge, processing fish, and saw a group of men launching a boat on the day of the *Cole* bombing.
    2. Interviewee was approached by the men, who discussed fish.
    3. Interviewee saw a tan Nissan Patrol towing the boat, which was 8-10 meters long and had a steering wheel (steering wheel was odd for a boat like that).
    4. Interviewee watched a crane lowering the boat into the water and saw it head off in the direction of the harbor.
  4. Interviewee could not identify the men as anyone in the photobook because they were too far away.
  5. Witness saw interviewee outside of the interview, at random, while he was orienting a new agent to the relevant locations. Interviewee was cutting apart a small shark near the bridge. Witness waved; interviewee waved back.