

1 MJ [CAPT ALLRED]: Okay. We can open the court. Please ask the
2 members of the public to come in.

3 **[The spectators re-entered the courtroom and took a seat in the**
4 **gallery.]**

5 TC [LCDR STONE]: And--am I good?

6 MJ [CAPT ALLRED]: You're good--well, I don't know about that.
7 You are free to continue your examination. Court has been reopened.

8 **Questions by the trial counsel continued:**

9 Q [LCDR STONE]: And you, in the course of performing your
10 evaluation with regards to rehabilitative potential, you said that you
11 had reviewed all of the FBI 302s and other documents?

12 A [DR. KERAM]: I reviewed the ones that were provided to the
13 defense, so I believe that I had those, yes.

14 Q [LCDR STONE]: That would have been every statement.

15 A [DR. KERAM]: Yeah, okay.

16 Q [LCDR STONE]: It doesn't say any of that in there either.

17 Right?

18 A [DR. KERAM]: In where?

19 Q [LCDR STONE]: In any of those statements does it refer to----

20 A [DR. KERAM]: No, it does not. No.

21 **[END OF PAGE]**

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1 Q [LCDR STONE]: So it's safe to say that the first time this
2 ever comes up is in August of 2008?

3 A [DR. KERAM]: Well, I don't know what--right. Yes. As far as
4 I know, yes.

5 Q [LCDR STONE]: You were hired as an expert for Mr. Hamdan.
6 Correct?

7 A [DR. KERAM]: Yes.

8 Q [LCDR STONE]: Okay. You--and your job is as an advocate for
9 him?

10 A [DR. KERAM]: No, that's not correct. What we teach our
11 fellows is that our job is not to advocate for one side or the other,
12 but to simply answer the referral questions that were given based on
13 the evidence that we collect throughout the evaluation. So advocacy,
14 we train our fellows, fellows in forensic psychiatry, advocacy is for
15 the attorneys. Answering the question to the best of our ability is
16 for the forensic expert.

17 Q [LCDR STONE]: Answer me one question: Which doctor/patient
18 privilege do you hold?

19 A [DR. KERAM]: There is no doctor/patient privilege between me
20 and Mr. Hamdan.

21 Q [LCDR STONE]: All right. But you are not going to tell me
22 everything that he would have otherwise said, would you?

23 A [DR. KERAM]: Actually, you know, everything that he said----

1 Q [LCDR STONE]: Once you become a witness, it becomes relevant.
2 Correct?

3 A [DR. KERAM]: I would--everything he said?

4 Q [LCDR STONE]: I mean----

5 A [DR. KERAM]: Yeah, I mean----

6 Q [LCDR STONE]: There are things that aren't--there are things
7 that he may have told you that may not be relevant and you wouldn't
8 tell them to the prosecution. Right?

9 A [DR. KERAM]: I gave you my notes, and my notes reflect, you
10 know, to the best of my ability, they write everything out
11 concurrently.

12 Q [LCDR STONE]: But it's safe to say that you are here on behalf
13 of Mr. Hamdan because the defense requested you and sought financing
14 for you and you have worked with Mr. Hamdan in close proximity with
15 the defense since 2005?

16 A [DR. KERAM]: Correct.

17 Q [LCDR STONE]: Okay. Now, you had also--in one of your first
18 meetings, you had actually asked the accused why he didn't just leave
19 bin Laden in November 2001. Right?

20 A [DR. KERAM]: Correct.

21 [END OF PAGE]

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1 Q [LCDR STONE]: And his response to you was, "I had to take the
2 key to the landlord. I wanted to settle some accounts, I wanted to
3 sell the car." He said nothing about wanting to leave bin Laden at
4 that time. Correct?

5 A [DR. KERAM]: No. That wasn't in my--his response that you
6 just read was not following a question of mine about why he did not
7 leave bin Laden. It was, "Why didn't you just leave Afghanistan with
8 your wife?" I had a lot of trouble understanding why, before I talked
9 with Mr. Hamdan, why anybody would do that.

10 Q [LCDR STONE]: Did you ever confront him with what he told
11 Special Agent [REDACTED] and [REDACTED] on May 17, 2003 when he told
12 them, "I was going back to bin Laden."?

13 A [DR. KERAM]: Yes.

14 Q [LCDR STONE]: Did you ever confront him with that?

15 A [DR. KERAM]: Yes.

16 Q [LCDR STONE]: Why is the answer not in your notes?

17 A [DR. KERAM]: He told me that it wasn't true. I could have
18 documented it. I could have not documented it.

19 Q [LCDR STONE]: You did talk with him about it?

20 A [DR. KERAM]: Yes.

21 Q [LCDR STONE]: And he then said what?

22 A [DR. KERAM]: He told me that that was not true.

1 Q [LCDR STONE]: What was not true? That he didn't tell them
2 that, or that he wasn't going back to bin Laden?

3 A [DR. KERAM]: You know what, I don't recall. If it's not in my
4 notes, and I--and you are telling me that it is not--I don't have my
5 notes with me. I don't recall. You know, he did not tell me that he
6 was going back to bin Laden.

7 Q [LCDR STONE]: No, I know he didn't tell you that.

8 A [DR. KERAM]: Uh-huh.

9 Q [LCDR STONE]: I want to know if you confronted him with all of
10 the documents-----

11 A [DR. KERAM]: Yes.

12 Q [LCDR STONE]: -----that you say you have reviewed-----

13 A [DR. KERAM]: Yes.

14 Q [LCDR STONE]: -----to clarify that inconsistency?

15 A [DR. KERAM]: Yes. Absolutely. When we have inconsistent
16 information, we do that, and I think you'll find that reflected in my
17 notes. At times where he will say--you know, I'll say, you know, say
18 this, and he'll say, no, that didn't happen.

19 Q [LCDR STONE]: But that answer is not in your notes?

20 A [DR. KERAM]: Correct. Absolutely. I'll take your word for
21 it. I don't have my notes with me.

1 Q [LCDR STONE]: And he told you, one of the bases for your
2 opinion, is that a lack of terrorist ideology is why he has
3 rehabilitative potential. Is that true?

4 A [DR. KERAM]: I'm sorry. I didn't understand your question.

5 Q [LCDR STONE]: All right. Well, that may have been as clear as
6 mud and I will try to do better. In your opinion, with regards to
7 rehabilitative potential, you have said that what was important is a
8 lack of terrorist ideology on behalf of Mr. Hamdan. Right?

9 A [DR. KERAM]: That's one of the factors that we looked--that I
10 looked at, yes.

11 Q [LCDR STONE]: Now, is it also not true that the first time
12 that Mr. Hamdan tells you about finding himself--finding speeches by
13 bin Laden boring is on July 29, 2008, 8 days after this trial began?

14 A [DR. KERAM]: That--I believe that's true.

15 Q [LCDR STONE]: And several days after the testimony of Special
16 Agent [REDACTED]?

17 A [DR. KERAM]: Yes.

18 Q [LCDR STONE]: That never came up before then?

19 A [DR. KERAM]: Correct.

20 [END OF PAGE]

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1 Q [LCDR STONE]: These two main interviews on July 29, 2008 and
2 August 3, 2008--withdraw that.

3 Let's talk about his personal history for a minute since you
4 have spent a considerable period of time on that. You testified that
5 he actually had a job in Yemen. Correct? Before he ever decided to
6 sign up and be a terrorist to fight jihad in Tajikistan, he had job,
7 didn't he?

8 A [DR. KERAM]: Before he left for Tajikistan, he had a job in
9 Yemen.

10 Q [LCDR STONE]: And that job was as a driver?

11 A [DR. KERAM]: Correct.

12 Q [LCDR STONE]: And that was a job in which he was able to pay
13 for himself. Correct?

14 A [DR. KERAM]: Yes. He was able to meet his daily expenses with
15 that job.

16 Q [LCDR STONE]: Now, you showed some pictures that--those women
17 that were farming, they had jobs, didn't they? They were farming.
18 Those pictures?

19 A [DR. KERAM]: If you want to characterize that as a job, yes.

20 Q [LCDR STONE]: My father's a farmer. I absolutely characterize
21 that as a job.

22 A [DR. KERAM]: I'm not saying it's not work, sir.

1 Q [LCDR STONE]: Field work for animals, you testified about that
2 as well?

3 A [DR. KERAM]: Yes.

4 Q [LCDR STONE]: There were merchants and stores. Correct?

5 A [DR. KERAM]: I didn't say there were stores----

6 Q [LCDR STONE]: Markets?

7 A [DR. KERAM]: But yeah. It's more--I had the impression it was
8 more sort of an open air, perhaps some were in a building.

9 Q [LCDR STONE]: You also reviewed Yemen as a poor country, and
10 you say that the unemployment rate--well, the unemployment rate in
11 Yemen is approximately 30 percent?

12 A [DR. KERAM]: No, I didn't say that, sir.

13 Q [LCDR STONE]: You didn't? Okay. Would you believe me if I
14 told you that that's what the 2006 report says? Unemployment rate
15 about 30 percent in Yemen?

16 A [DR. KERAM]: I'll take your word for it, sir.

17 Q [LCDR STONE]: It's a poor country. Pretty close. Would you
18 agree with me?

19 A [DR. KERAM]: I don't know. I didn't look it up. I'll agree
20 with you if you tell me it's true.

21 Q [LCDR STONE]: Okay. That would mean that 70 percent of this
22 population had jobs. Correct?

23 A [DR. KERAM]: Correct.

1 Q [LCDR STONE]: Is it also true 30 percent of those people that
2 don't have jobs don't support terrorists?

3 A [DR. KERAM]: I didn't look at that, sir.

4 Q [LCDR STONE]: Did you realize that in 1996, the unemployment
5 rate in Afghanistan was nearly 70 percent?

6 A [DR. KERAM]: I did not know that, sir.

7 Q [LCDR STONE]: Okay. And an \$760 annual wage, annual wage in
8 Yemen--I believe actually it was capped in 2006?

9 A [DR. KERAM]: Yes.

10 Q [LCDR STONE]: The accused made after he was married \$2400 a
11 year, \$200 a month times twelve?

12 A [DR. KERAM]: Yes.

13 Q [LCDR STONE]: Okay. It sounds to me that you were telling us
14 that after he made money, made it okay to support a terrorist. That's
15 not your position, is it?

16 A [DR. KERAM]: No.

17 Q [LCDR STONE]: In fact, it's criminal. Correct?

18 A [DR. KERAM]: That's my understanding.

19 Q [LCDR STONE]: You believe it's wrong?

20 A [DR. KERAM]: Yes.

21 [END OF PAGE]

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1 Q [LCDR STONE]: Okay. So the idea that Yemen is a poor country,
2 you would agree with me, is zero excuse to support any terrorists?

3 MJ [CAPT ALLRED]: That's the decision I think the members should
4 make.

5 **Questions by the trial counsel continued:**

6 Q [LCDR STONE]: So when you brought up the Yemen--statistics
7 about Yemen, did that or did that not figure into your decision making
8 process with regards to why the accused had rehabilitative potential?

9 A [DR. KERAM]: It did.

10 Q [LCDR STONE]: Okay.

11 A [DR. KERAM]: I can say more about that if you like?

12 Q [LCDR STONE]: Okay. Let's talk about going Tajikistan. He's
13 told you, as he's told other people, that he went to Tajikistan to
14 fight jihad. Right?

15 A [DR. KERAM]: Correct. Well, I don't know the word. You would
16 have to ask the translator for the specific word that was used in
17 translation. Does it say "fight" in my notes?

18 Q [LCDR STONE]: Was going to be--well, is that your
19 understanding, that he was going to be a participation in the
20 Tajikistan jihad?

21 A [DR. KERAM]: Yes. Yeah, and again, you know, understanding
22 what that means to him, you know, words like "fight" or "jihad," I
23 would have to look at my notes.

1 Q [LCDR STONE]: Testimony of jihad meaning--at least within this
2 context--violent, war-like actions. I mean, jihad absolutely does not
3 mean that in normal Arabic, and I don't suggest to mean that it does;
4 but in this context, amongst----

5 A [DR. KERAM]: Are you----

6 Q [LCDR STONE]: ----if you are an Afghan warrior, "jihad" means
7 violent acts?

8 A [DR. KERAM]: Are you telling me was----

9 Q [LCDR STONE]: I'm asking you was that your understanding?

10 A [DR. KERAM]: Okay. Back up and ask that question again
11 because I have gotten lost.

12 Q [LCDR STONE]: Sure. Is it your understanding that being a
13 fighter to fight jihad, in this context, the context that he told you,
14 was to participate in the warlike terrorist actions of the Tajikistan
15 front?

16 A [DR. KERAM]: In my notes it reflects--because I specifically
17 asked him for his understanding of what "jihad" meant, and my notes
18 will reflect what his response was, and he said he actually didn't
19 know exactly what it meant, that he thought that he--once they got to
20 Tajikistan, they would meet with the resistance and they would be
21 given assignments. And I would have to refer to my notes for the
22 specificity of what those actions were.

1 Q [LCDR STONE]: You testified that when he left to fight in
2 Tajikistan, he was 28 years old. Right? That was on this line.

3 A [DR. KERAM]: As best as we can figure. We don't know Mr.
4 Hamdan's date of birth.

5 Q [LCDR STONE]: A 28-year-old is not a child, is it?

6 A [DR. KERAM]: No.

7 Q [LCDR STONE]: Responsible for their actions?

8 A [DR. KERAM]: Yes.

9 Q [LCDR STONE]: Have you discussed--you had mentioned--just a
10 second--with regards to his rehabilitative potential, you have talked
11 about him being a driver, that he would have a rehabilitate--future--
12 or past acts equal potential future acts and that he is at a high
13 risk, you had said--told me to be a driver--right--not to be a
14 terrorist?

15 A [DR. KERAM]: Correct.

16 Q [LCDR STONE]: Are you also aware that he has been convicted of
17 supporting a terrorist organization and joining that organization?
18 You are aware of that?

19 A [DR. KERAM]: I am not capable of fully understanding the
20 elements that he was found guilty on. For example, I don't understand
21 whether or not he was found guilty of being a member of al Qaeda.

22

1 Q [LCDR STONE]: He was found guilty of being a bodyguard and
2 supporting Usama bin Laden.

3 A [DR. KERAM]: Okay.

4 Q [LCDR STONE]: Okay? And you have also testified that one of
5 the people that provided information to you through various forms is a
6 man, terrorist that the jury has seen pictures of named Nasser al
7 Bahri, aka Abu Jandal. Right?

8 A [DR. KERAM]: This is where we get into name trouble. My
9 understanding is that Abu Jandal is Nasser al Basri.

10 Q [LCDR STONE]: Yes, it's Bahri. B-A-H-R-I.

11 A [DR. KERAM]: Sorry. Okay.

12 Q [LCDR STONE]: Now, did you do research with regards to the
13 various statements of Nasser al Bahri with regards to al Qaeda and
14 bodyguards in forming your opinion?

15 A [DR. KERAM]: In forming my opinion about----

16 Q [LCDR STONE]: With regards to rehabilitative potential and the
17 accused being--rejoining al Qaeda, rejoining the jihad? Have you done
18 research into Nasser al Bahri and his statements?

19 A [DR. KERAM]: Yes. Yes, I have.

20 [END OF PAGE]

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1 Q [LCDR STONE]: Okay. So then you are aware of the accused's
2 brother-in-law saying that bodyguards, especially those protecting
3 Sheikh Usama bin Laden, were distinguished from bodyguards protecting
4 anyone else in the world and that they were willing to die. No
5 bodyguard on the face of this planet has this quality. These guys are
6 in fact, fighters, not bodyguards. Are you aware of that statement?

7 A [DR. KERAM]: Yes, I was. And in order to fully evaluate that
8 statement, what I did was look at also what--I'll call him Abu Jandal
9 because I can pronounce that--what he has done since he left al Qaeda
10 and he, as I told you earlier, was apprehended during the COLE
11 investigation, was then actually released from the prison that Mr.
12 Hamdan had feared and was actually----

13 Q [LCDR STONE]: Well, we are talking about Mr. Hamdan right now.

14 A [DR. KERAM]: Exactly, but I'm telling you how I evaluated that
15 statement. Mr. Abu Jandal was then asked and recruited by the Yemeni
16 government to help assist and establishing a program for
17 rehabilitating people at risk for joining jihad or who had joined
18 jihad and were returning to Yemen in order to decrease the likelihood
19 that they would do so in the future. He himself has become
20 disillusioned and had separated himself from the bin Laden, and he was
21 a bodyguard.

22

1 Q [LCDR STONE]: Are you also aware of the statement--did this
2 figure into your analysis with regards to rehabilitative potential
3 from Nasser al Bahri where he says, "After the East African embassy
4 bombings, bin Laden requested al Bahri, being himself; Saqr al
5 Jaddawi, being the accused; Abu Assim Al Maghribi to be his personal
6 bodyguards. Did that figure into your analysis with regards to
7 whether or not the accused has rehabilitative potential?

8 A [DR. KERAM]: I'm trying to recall if I saw that statement or
9 not. But again, with respect to weighing how to evaluate the
10 statements of Abu Jandal, I have to look at the date at which those
11 statements were made and where he is now to understand how that
12 trajectory--whether I could rely on the statements he was making about
13 bodyguards when he, himself, as a bodyguard had really acted in a way
14 that absolutely contradicted those statements. So it decreased their
15 validity. So I would have to look at when in time those statements
16 were made, what his action were since that time, and whether or not
17 that impacted my ability to base my opinion on earlier statements.

18 [END OF PAGE]

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1 Q [LCDR STONE]: You spoke about the family and the marriage of
2 the accused; and is it not also your understanding that the accused
3 advised al Bahri that bin Laden had asked him to find--asked "him,"
4 being the accused, to find al Bahri so the two of them could marry
5 sisters and that it was bin Laden's idea for them to marry sisters?
6 Or were you aware of that?

7 A [DR. KERAM]: I had--I had heard that.

8 Q [LCDR STONE]: Did that figure into your determination with
9 regards to the accused's rehabilitative potential?

10 A [DR. KERAM]: You know, it certainly raised some concern about
11 what's this family that he's marrying into. So I tried to look at
12 that as well. And again, nobody in that family, to the best of my
13 ability to determine, has joined jihad. And as we see, you know,
14 Mr. Al Bahri, who is free in Yemen, no longer in captivity or in
15 prison, is involved in activities that work against such movements.

16 Q [LCDR STONE]: Did that figure into your determination or not?

17 A [DR. KERAM]: It certainly did. It was a protective factor.
18 It increased the likelihood of rehabilitation.

19 Q [LCDR STONE]: The fact that Usama--that he would not return to
20 Usama bin Laden because Usama bin Laden had suggested that had he
21 marry the person of Usama bin Laden's choice?

22 A [DR. KERAM]: No, the analysis----

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1 Q [LCDR STONE]: The fact that he's married?

2 A [DR. KERAM]: No. The analysis of who the family is that he
3 married into.

4 Q [LCDR STONE]: In your notes, this focused--this factored into
5 your opinion is my understanding--is that the accused said to you
6 after the bombings, the American embassies were bombed, in Dar es
7 Salaam, Tanzania, and in Kenya, in which 300 people were killed and
8 4000 wounded, he told you the first thing he thought about was, I
9 might lose my job?

10 A [DR. KERAM]: Uh-huh. That's----

11 Q [LCDR STONE]: In fact, nowhere in your notes does it reflect
12 about the accused's concerns of the deaths and woundings of these
13 people, does it?

14 A [DR. KERAM]: No, I don't think that's correct.

15 Q [LCDR STONE]: And it was on July 29, 2008, that he told you
16 that one of the reasons he didn't leave bin Laden after this horrible
17 event that he now feels regret for is because he was now hoping that
18 it would be an isolated event. Correct?

19 A [DR. KERAM]: Yes, that's correct.

20 [END OF PAGE]

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1 Q [LCDR STONE]: Okay. And this is despite the fact that he knew
2 of the declaration of war in 1996, the fatwa to kill American
3 civilians in 1998, and his admission, that you are aware of, to [REDACTED]
4 [REDACTED] and [REDACTED]--the decision that he join bin Laden in 1996--
5 he was 100 percent aware of what Usama bin Laden's purpose, goals,
6 ideals to fight jihad and expel the infidels, that would be us, and
7 the crusaders, and the Jews of the Arabian Peninsula. Correct?

8 A [DR. KERAM]: Can we break that down into different pieces, and
9 I'll speak to each piece? Why don't you break it down?

10 Q [LCDR STONE]: Oh, you want to break it down? Okay.

11 A [DR. KERAM]: Yeah. You had a long list of things.

12 Q [LCDR STONE]: Sure. We'll start from the beginning. July 29,
13 2008. He told you that he thought this might be an isolated event, a
14 one-time terrorist attack?

15 A [DR. KERAM]: Yes, I think he said that he hoped that it would
16 be or thought it would be a one-time event.

17 Q [LCDR STONE]: Okay.

18 A [DR. KERAM]: He described it as craziness, that he hoped it
19 would only happen once, that--recall that at first he did not know
20 that bin Laden was involved. When he found out, he thought that it
21 would be an isolated event.

1 Q [LCDR STONE]: You are telling us that he told you last week
2 that Usama bin Laden--he didn't know when it happened, that it was
3 Usama bin Laden?

4 A [DR. KERAM]: The embassy bombings, no, he did not. That's
5 what he told me.

6 Q [LCDR STONE]: He told you that he did not know?

7 A [DR. KERAM]: That's correct.

8 Q [LCDR STONE]: So did you confront him with the 302's that you
9 reviewed where he says, "I knew an attack was coming----

10 A [DR. KERAM]: Uh-huh.

11 Q [LCDR STONE]: ----and I evacuated Usama bin Laden, and we then
12 took him on a ten-day voyage to avoid being attacked by the United
13 States." Did you confront him on that when he told you he didn't
14 know?

15 A [DR. KERAM]: I confronted him on the discrepancies in the 302s
16 and things that he told me.

17 Q [LCDR STONE]: Yes.

18 A [DR. KERAM]: And I believe what he told me was that he was
19 unaware of what he called outside operations and that it wasn't
20 unusual for him to be told to prepare to go on a long trip.

21 [END OF PAGE]

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1 Q [LCDR STONE]: So on July 29, after the trial started, he told
2 you that he denied knowing? That's what you remember?

3 A [DR. KERAM]: That's what--I believe that's what's in my notes.
4 That's what I recall that he told me.

5 Q [LCDR STONE]: He also told you that he didn't leave at this
6 time, he stayed with Usama bin Laden?

7 A [DR. KERAM]: Correct.

8 Q [LCDR STONE]: Now you testified that bin Laden could go to him
9 to raise his spirits and that the accused enjoyed his company.

10 A [DR. KERAM]: I don't recall saying that. I think you are
11 misstating what I said. I did not say that he raised--bin Laden
12 raised his spirits. I said that being treated with respect and
13 politeness by somebody of that status raised his self-respect and
14 self-esteem because somebody with status, whom he respected, was
15 treating him not like a servant or a just a driver, and that he was
16 amazed by bin Laden's treatment of everybody he met in that fashion.
17 It's very unusual.

18 Q [LCDR STONE]: Did you confront him then with the statement
19 that was introduced into court that said "bin Laden gave him
20 uncontrolled enthusiasm, in part due to the attacks of East Africa,
21 the USS COLE, and the murdering 3000 Americans on 9/11"?

22 A [DR. KERAM]: Yes, I did ask him about that.

1 Q [LCDR STONE]: And, I mean, your notes reflect that you asked
2 him about this eight days after the trial began and that you had never
3 spoken to him specifically about that before. Right?

4 A [DR. KERAM]: You know, I don't recall if I had ever--no, I
5 believe that I had spoke with him about it back in February or perhaps
6 July, before trial started.

7 Q [LCDR STONE]: You did research on al Qaeda in terms of forming
8 your rehabilitative potential decision?

9 A [DR. KERAM]: Yes. I tried to develop a working knowledge of
10 al Qaeda, yes.

11 Q [LCDR STONE]: What is it?

12 A [DR. KERAM]: It's a complicated question. I'll try to give
13 you a short answer. As you may have heard in testimony, "al Qaeda"
14 means the base, and I think most simply put, it's the creation of two
15 men as a result of long backgrounds that they have had that led them
16 to a desire to form a base from which a war against nonbelievers could
17 be waged, and also Muslims who they considered nonbelievers could be
18 waged. And I make that distinction because that is something that I
19 have read about.

20 Q [LCDR STONE]: What kind of war do they wage?

21 A [DR. KERAM]: They engage in lots of different types of acts;
22 but they, you know----

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1 Q [LCDR STONE]: Are they terrorists?

2 A [DR. KERAM]: Absolutely, that's what I was going to say. I
3 mean, I think that the most fearful thing is the terrorist acts that
4 they engage in.

5 Q [LCDR STONE]: Who is the leader of Al Qaeda?

6 A [DR. KERAM]: Who is the leader of Al Qaeda?

7 Q [LCDR STONE]: Uh-huh.

8 A [DR. KERAM]: Most people would say bin Laden.

9 Q [LCDR STONE]: Is that what you say?

10 A [DR. KERAM]: Yes, I would say bin Laden. Some people might
11 say it's al-Zawahiri or both.

12 Q [LCDR STONE]: When did he become the leader of Al Qaeda?

13 A [DR. KERAM]: Well, let's see. I'm not very good at years, and
14 I apologize for that.

15 Q [LCDR STONE]: I mean, it doesn't have to----

16 A [DR. KERAM]: Yeah.

17 Q [LCDR STONE]: Would you say maybe 1988?

18 A [DR. KERAM]: No. It was after the Soviet occupation when----

19 Q [LCDR STONE]: That ended in '87?

20 A [DR. KERAM]: No, I believe that ended in '89. Am I wrong?
21 Okay. All right. Sorry about that. Oh, that's right, of course,
22 because mujahideen would be after that. Yeah.

1 Q [LCDR STONE]: And so he admitted to you that he was protecting
2 Usama bin Laden during the merger of the two most deadly terrorist
3 organizations in the world? He admitted that to you?

4 A [DR. KERAM]: You know, I'm sorry. I don't recall; and if you
5 it's not--if you can find it in my notes, I don't recall.

6 Q [LCDR STONE]: I didn't see it there.

7 A [DR. KERAM]: Yeah.

8 Q [LCDR STONE]: That's why I was asking.

9 A [DR. KERAM]: I mean, I know that we talked about, you know,
10 driving--him being told where to go. He would always be told right
11 beforehand, being driven where to go, that--what he told me about the
12 events where bin Laden would preach or make speeches was that he often
13 was bored or didn't go inside or would fall asleep and that when--he
14 was very--let me just back up. He was very shocked by the--by bin
15 Laden's **[inaudible]** was something that he mentioned--he told me about
16 when we were talking about the video tape. He had never seen bin
17 Laden in a rant like that before, either in person or on tape. Bin
18 Laden would use words like "idol," I-D-O-L or idolatrous, and he, you
19 know, was not an expert in religious theology. He didn't know that
20 bin Laden was talking about a specific target, you know. So until he
21 actually saw bin Laden speaking directly against Americans, he was not
22 aware of the content of those speeches.

23

1 Q [LCDR STONE]: All right.

2 A [DR. KERAM]: That's what he told me.

3 Q [LCDR STONE]: Okay. But I--let me put up, I think it's
4 Government Exhibit 121?

5 MJ [CAPT ALLRED]: Let me ask you, Commander, how much longer do
6 you expect your examination to go because this might be a good time to
7 break for the evening, unless you are going to finish up.

8 TC [LCDR STONE]: Just little bit more, sir.

9 MJ [CAPT ALLRED]: I'm sorry, a little?

10 TC [LCDR STONE]: Between 20 minutes and 45 minutes.

11 MJ [CAPT ALLRED]: Okay. Then I think we better break for the
12 evening. You can have your computer plugged in in the morning.

13 TC [LCDR STONE]: Yes, sir.

14 MJ [CAPT ALLRED]: Okay.

15 TC [LCDR STONE]: Yes, sir.

16 MJ [CAPT ALLRED]: And that way we can let all of the support
17 people start doing their end-of-day business. Okay. Captain, I
18 appreciate your patience and your attention. We will start again
19 tomorrow morning at 0830, and we will recess then and----

20 BAILIFF: All rise.

21 **[The members withdrew from the courtroom.]**

22 **[The military commission recessed, and the R.M.C. 803 session**
23 **commenced at 1711, 6 August 2008.]**

1 MJ [CAPT ALLRED]: Okay. Please be seated.

2 **[All persons did as directed].**

3 MJ [CAPT ALLRED]: The members have withdrawn from the courtroom.

4 Thank you, Dr. Keram, you can step down.

5 WIT [DR. KERAM]: Okay **[stepping down from witness stand and took**
6 **a seat in the back of the courtroom].**

7 MJ [CAPT ALLRED]: Is there anything that we need to talk about
8 before we close the record for the evening?

9 CTC [MR. MURPHY]: May I, Your Honor?

10 MJ [CAPT ALLRED]: Uh-huh.

11 CTC [MR. MURPHY]: Your Honor, on direct examination of the
12 hearing by the defense, they put very much at issue the attack on 9/11
13 in New York City. They put on the perceptions of the accused as a
14 matter in mitigation at this sentencing hearing and went into some
15 detail on that, including: the accused's discussion about people
16 screaming and crying, the second plane hitting and not being able to
17 get the images out of his head, why a father didn't runaway, what his
18 reaction was to the attack in New York City, what his reaction was to
19 the planes hitting. He is putting that on as a matter in mitigation.
20 The government has a witness, as well, who is a victim and has
21 perceived this, and we believe it should be admitted under R.M.C.
22 1001(c)(2), which says specifically, "the trial counsel may present
23 evidence as to any aggravating circumstances directly relating to

1 or..."--and I stress the next two words--"...resulting from the
2 offenses of which the accused has been found guilty."
3 We believe that our FBI agent is relevant, that the defense has now
4 opened the door, not just a little bit, but they elicited considerable
5 detailed testimony on the very issue that the government thinks should
6 be presented, in a balanced fashion, on the aggravating aspects.

7 I can assure the court that we are not here to
8 sensationalize this. We have practiced this testimony with the
9 witness. It's factual. It is not overly dramatic, but it is fair--
10 rebuttal to the issue that the defense has plainly opened on their
11 direct examination of this witness.

12 MJ [CAPT ALLRED]: Well----

13 CDC [MR. SWIFT]: Can I speak to that, Your Honor?

14 MJ [CAPT ALLRED]: No. No. The word that we are hung up on here
15 is "directly"; and I don't find it. "Directly relating to or
16 resulting from" means directly; and as I said, I think the evidence
17 that you propose to offer is too attenuated from the offenses of which
18 the accused has been found guilty, to permit you to offer that in
19 aggravation.

20 Now, what the defense has offered is that Mr. Hamdan was
21 saddened and surprised and amazed and touched and those kinds of
22 things when he saw the video. You are welcome to rebut that if you

1 can in rebuttal. But I'm not going to let you call Special Agent
2 [REDACTED], is it?

3 CTC [MR. MURPHY]: It's Agent [REDACTED].

4 MJ [CAPT ALLRED]: [REDACTED], I beg your pardon--to testify about
5 things that were not directly relating to or resulting from the
6 offenses of which he has been found not guilty.

7 CTC [MR. MURPHY]: Your Honor, if I may just have one more moment
8 just to cite the very last line of the specifications for which he has
9 been found guilty of: "By providing said service of transportation,
10 he was directly facilitating communication and planning used for an
11 act of terrorism." That's five. Six: "By providing said service or
12 transportation, he was directly facilitating communication and
13 planning used for acts of terrorism"; and the same for seven and
14 eight.

15 So it's clearly related to a factual finding made by these
16 members on these specifications; and the government would assert that
17 it's clearly resulting from this testimony--this testimony is
18 resulting from those specific findings and specifications.

19 MJ [CAPT ALLRED]: I don't think so. I will think about it
20 overnight, but I don't think so.

21 CTC [MR. MURPHY]: All right.

1 MJ [CAPT ALLRED]: I will mull that over. The problem is the
2 word in the specification says "facilitating," and it uses a generic
3 acts of terrorism.

4 The Rule requires that the evidence you want to offer in
5 aggravation must directly result from the acts----

6 CTC [MR. MURPHY]: Directly relating or, or, and I think this
7 "or" phrase is important, resulting from.

8 MJ [CAPT ALLRED]: Uh-huh.

9 CTC [MR. MURPHY]: And these acts clearly resulted from his
10 support.

11 MJ [CAPT ALLRED]: Well----

12 CTC [MR. MURPHY]: And the charge----

13 MJ [CAPT ALLRED]: ----but not directly. That is my problem.
14 The word "directly" means kind of foreseeable; and I just don't think
15 this is sufficiently connected with anything he knew about, planned,
16 participated in, was involved with, or foresaw that I can let you
17 consider that aggravating evidence. So----

18 CTC [MR. MURPHY]: Your Honor, the government would just
19 respectfully request that you think about it and maybe return to it in
20 the morning if you can.

21 MJ [CAPT ALLRED]: Okay. I mean, I know this is powerful
22 evidence, and I know you feel like many, many people want some
23 "vindication" maybe is the right word for these attacks; but if you

1 want to offer this evidence, you've got to show that there was a
2 direct and causal, foreseeable relationship between what the accused
3 has been convicted of and the attacks and----

4 CTC [MR. MURPHY]: And we would argue, Your Honor, the
5 transportation and the facilitating communication is directly related
6 to planning used for an act of terrorism. I'm reading directly from
7 the specification for which he was convicted.

8 MJ [CAPT ALLRED]: I know that that is the language that he was
9 found guilty of. I just don't think it's direct enough. So I will
10 overrule your direction again for now, and maybe the spirit will move
11 me overnight.

12 CTC [MR. MURPHY]: All right.

13 MJ [CAPT ALLRED]: And you can raise that again.

14 CTC [MR. MURPHY]: You won't be troubled if I raise it again in
15 the morning?

16 MJ [CAPT ALLRED]: It--I'm never troubled, but sometimes it's
17 just things come clearer overnight. Right now I'm telling you I don't
18 think it's direct. I think it's----

19 CTC [MR. MURPHY]: All right.

20 MJ [CAPT ALLRED]: ----way out in the remote reaches of what he
21 was doing, knew about, participated in, and planned for.

22 Okay?

23 Why don't we recess until----

1 BAILIFF: All rise.

2 MJ [CAPT ALLRED]: ----0830.

3 [The R.M.C. 803 session recessed at 1718, 6 August 2008.]

4 [END OF PAGE]

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1 [The R.M.C. 803 session was called to order at 0834, 7 August 2008.]

2 MJ [CAPT ALLRED]: The court's called to order outside the
3 presence of the members.

4 Mr. Murphy, over the evening, I did some research. In the
5 opinions of the Court of Appeals for the Armed Forces and the Court of
6 Military Appeals about the required relationship between 1004--
7 1001(b)(4) evidence and the crime of which the accused has been
8 convicted, *United States versus Hardison* at 64 MJ 279, summarizes the
9 law and concludes with this language, "This court has consistently
10 held that the link between the 1001(b)(4) evidence", that's the
11 military rule, "and the crime for which the accused has been convicted
12 must be direct and closely related in time, type, and outcome to the
13 convicted crime." A review of six other cases, in which aggravation
14 evidence was admitted, showed directly preparatory for the crime--part
15 of the same course of conduct, interwoven with the offense, continuous
16 course of conduct, or an integral part of the defendant's criminal
17 conduct.

18 After reading these cases, I'll adhere to my original ruling
19 that the ten--that the September 11th attacks are too far removed from
20 the conduct for which the accused has been convicted to let that
21 evidence be admitted.

22 CTC [MR. MURPHY]: I understand, Your Honor.

1 MJ [CAPT ALLRED]: And if you want to step outside and let your
2 agent go pack for the flight----

3 CTC [MR. MURPHY]: Right. If I may be excused just to tell him
4 briefly.

5 MJ [CAPT ALLRED]: You may. Thank you.

6 **[Mr. Murphy stepped out of the courtroom.]**

7 MJ [CAPT ALLRED]: Okay, we're ready to call the members in then,
8 and continue the cross-examination of Dr. Keram.

9 Commander Stone?

10 TC [LCDR STONE]: Yes, sir?

11 MJ [CAPT ALLRED]: Did you get your computer technology worked
12 out there, that you were struggling with yesterday?

13 TC [LCDR STONE]: I'm not so sure that we're going to need it,
14 but, yes, we have it.

15 MJ [CAPT ALLRED]: Well, that works too. All right.

16 We'll--we'll invite the members back into the courtroom
17 then.

18 **[The R.M.C. 803 session terminated, and the military commission**
19 **commenced at 0836, 7 August 2008.]**

20 BAILIFF: All rise **[All persons did as directed and the members**
21 **entered into the courtroom].**

1 MJ [CAPT ALLRED]: Good morning, please be seated [**all persons**
2 **did as directed**]. The members have returned to the courtroom. All
3 parties present.

4 Major Ashmawy?

5 Please continue your cross-examination.

6 [**Lieutenant Commander Stone stepped out to the podium.**]

7 TC [LCDR STONE]: Thank you, sir.

8 **EMILY KERAM, civilian, was called as a witness for the defense, was**
9 **previously sworn, and testified as follows:**

10 **CROSS-EXAMINATION**

11 **Questions by the trial counsel:**

12 Q [LCDR STONE]: Dr. Keram, one factor that you used to determine
13 the accused's rehabilitative potential was that you stated that he
14 lacked the ideology of Usama bin Laden, because he was bored with
15 UBL's speeches, right?

16 A [DR. KERAM]: That was one of the ind--one of among many, many,
17 many indicators that he was--that he lacked the----

18 Q [LCDR STONE]: Right. But that did figure into it?

19 A [DR. KERAM]: Yes.

20 **[END OF PAGE]**

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22

1 Q [LCDR STONE]: Okay. Now, did you cons--that statement came
2 from an FBI 302. Did you consider the context in which that statement
3 was made?

4 A [DR. KERAM]: Actually, the source of that statement was Mr.
5 Hamdan and the 302.

6 Q [LCDR STONE]: Okay.

7 A [DR. KERAM]: Yeah.

8 Q [LCDR STONE]: Well, within the 302, did you consider that
9 statement that he said was in the context of when the accused would
10 accompany Osama bin Laden to lectures for new trainees talking about
11 martyrdom missions, and, therefore, he was there hearing the lecture
12 given multiple times, correct?

13 A [DR. KERAM]: That's not my understanding of what happened,
14 sir.

15 Q [LCDR STONE]: Okay. Would you----

16 A [DR. KERAM]: ----I understand that's what--that's what's in
17 the 302's.

18 Q [LCDR STONE]: What?

19 A [DR. KERAM]: I understand that that's what is in the 302.

20 Q [LCDR STONE]: Okay.

21 A [DR. KERAM]: Yes.

1 Q [LCDR STONE]: That is what he told the FBI agents on--that was
2 Special Agent [REDACTED] and Special Agent [REDACTED] on June 28th through
3 July 9th of 2002?

4 A [DR. KERAM]: That's what they reported. In evaluating whether
5 statement were contradictory, I would ask Mr. Hamdan what he recalled
6 about the interview, what he remembered saying.

7 I had copies of the 302's, which I don't have with me, and
8 where he indicated that he didn't say that or there was some instances
9 in which he didn't recall saying it. Sometimes he definitely
10 remembered that he absolutely didn't say it. And there were other
11 instances in which he didn't remember whether or not he'd said it. I
12 indicated them on the 302's.

13 Q [LCDR STONE]: Okay, so your testimony today is that when you
14 spoke to the accused last week, and you discussed these issues, he
15 disagreed with the characterization of Special Agent [REDACTED] and
16 Special Agent [REDACTED] with regards to the fact that he was bored about
17 hearing--in the context of hearing martyrdom operations, as told to
18 new trainees.

19 You confronted him with that, and he denied that. That's
20 your testimony?

21 A [DR. KERAM]: No, sir.

22

23

1 Q [LCDR STONE]: No?

2 A [DR. KERAM]: You know, I first met with Mr. Hamdan in March of
3 2005, and when I would come down, I would typically come down for five
4 days to a week and would spend that, you know, the period of time that
5 I was here with him for 8 to 10 hours a day. And I don't recall--you
6 know, I had the 3--my copies of the 302s, I don't recall at what
7 interview dates I asked him specific, you know, questions relating to
8 the 302's. I do know, though, that I went over that part of the
9 testimony with him again to make sure that I understood what he said.
10 I think it was----

11 Q [LCDR STONE]: So you made notes on the 302's with regards to
12 what Hamdan told you?

13 A [DR. KERAM]: You know, I would just say, didn't say or agreed.

14 TC [LCDR STONE]: I would request the immediate production of
15 those notes. They've not been provided to us.

16 WIT [DR. KERAM]: As I said in my testimony, I don't have those
17 with me. I thought--I anticipated coming to Guantánamo this time for
18 sentencing testimony, and I brought what I thought was relevant to
19 sentencing.

20 Q [LCDR STONE]: Do you remember when we talked in July and I
21 said--and I asked you, these are all of the notes that you've ever
22 took with regards to Mr. Hamdan?

23 A [DR. KERAM]: Yes, that's correct.

1 Q [LCDR STONE]: And your response was, "Yes."

2 A [DR. KERAM]: Yes, those--the notes that I gave you were all of
3 the notes that I've ever took. I didn't think that writing, "didn't
4 say; did say" on 302's--I didn't think to include those in notes.

5 Q [LCDR STONE]: And that was 110 pages of notes?

6 A [DR. KERAM]: The document that you have, yes. I also have my
7 notes from other documents that I reviewed with him.

8 Q [LCDR STONE]: And then right before you testified yesterday,
9 you gave me another 40 pages of notes, roughly--30 to 40 pages of
10 notes, about interviews you took last week?

11 A [DR. KERAM]: I don't know when you received those. I gave
12 those to the defense team after I took them.

13 Q [LCDR STONE]: But we talked yesterday?

14 A [DR. KERAM]: Yes, you and I did speak yesterday.

15 Q [LCDR STONE]: And I asked you, "Are these all of the notes?"

16 A [DR. KERAM]: Yes.

17 Q [LCDR STONE]: And we had a little bit of play-list to make
18 sure--some of the pages were out of order----

19 A [DR. KERAM]: Yes.

20 Q [LCDR STONE]: ----and we just made sure that those were all
21 the notes?

22 A [DR. KERAM]: Yes.

1 Q [LCDR STONE]: And you said, "Absolutely, those are all the
2 notes I've ever took."

3 A [DR. KERAM]: Right. Yes, sir, because I was thinking of notes
4 as notes that I took not----

5 Q [LCDR STONE]: And then when we talked yesterday on the stand,
6 we talked about a couple of 302's?

7 A [DR. KERAM]: Yes.

8 Q [LCDR STONE]: And you never mentioned it then either?

9 A [DR. KERAM]: No--I--when I got home last night, I was
10 wondering, because I recalled having the discussions with Mr. Hamdan,
11 and I was trying to remember where I would have written down his
12 responses, and I think it's on the 302's. I have other documents that
13 I've reviewed with him where I--you know, I also took--you know, just
14 wrote, "Yes, no, said, didn't say," that type of thing on the notes.
15 That's the way I did it. And I didn't characterize those in my head
16 as notes because I was thinking of my handwritten notes.

17 Q [LCDR STONE]: Ma'am?

18 A [DR. KERAM]: Yes?

19 Q [LCDR STONE]: You've testified in over a hundred trials;
20 you've testified on direct, correct?

21 A [DR. KERAM]: I haven't testified in over a hundred trials,
22 sir.

1 Q [LCDR STONE]: You've provided multiple rehabilitative
2 potential testimony or reports, subject to cross-examination whether
3 you were ever called, correct?

4 A [DR. KERAM]: Yes, certainly.

5 Q [LCDR STONE]: And the standard is to turn over all notes
6 regarding things that you have done with that individual, correct?

7 A [DR. KERAM]: Actually, in any sentencing evaluation, I have
8 never been asked to turn over anything other than a verbal report or a
9 written report, or to testify. I've never once been asked to turn
10 over notes.

11 Q [LCDR STONE]: Never?

12 A [DR. KERAM]: Never.

13 MJ [CAPT ALLRED]: I think we've had enough of this, move on.

14 Q [LCDR STONE]: But your testimony is that you've left those
15 notes?

16 A [DR. KERAM]: My----

17 MJ [CAPT ALLRED]: Move on.

18 TC [LCDR STONE]: Yes, sir.

19 Q [LCDR STONE]: You testified that he told you that he didn't
20 know the purpose of Al Qaeda and that he hoped that it was a one time
21 event, speaking of the East Africa embassy bombings?

22 A [DR. KERAM]: Correct.

1 Q [LCDR STONE]: Did you confront him with the inconsistency or
2 reconcile with him, his statement to [REDACTED] and [REDACTED] that
3 said, "Hamdan advised that bin Laden wanted to threaten America by
4 hitting it all over the world. He wanted the Americans to know he was
5 capable of striking them and killing them anywhere in the world, even
6 in America itself"?

7 Did you confront him with that?

8 A [DR. KERAM]: I believe I did, and to my recollection what Mr.
9 Hamdan told me was that he had never heard Mr. bin Laden speak that
10 way.

11 Q [LCDR STONE]: So he--here, in the last 10 days--the first time
12 that you heard him say that never happened or that he was unaware of
13 that.

14 A [DR. KERAM]: Again, I'd have to refer back to the 302's. I
15 have--as you can imagine, ream boxes full of documents and when I came
16 here for sentencing, I brought what was--what I thought would be
17 relevant to sentencing.

18 Q [LCDR STONE]: Okay. So those are--but in your--these notes
19 that you've provided to the prosecution, the first time he talks about
20 not knowing about al Qaeda and hoping that East Africa would be a one-
21 time event occurred on August 2nd, 2008 after the government closed
22 its case, right?

23 A [DR. KERAM]: If that's the date on the notes, yes.

1 Q [LCDR STONE]: Yes. Could've been the 29th?

2 A [DR. KERAM]: You know, I'm sorry, repeat the question. I want
3 to make sure I'm answering it correctly; that that's the first time
4 that appears in those--in the handwritten notes, is that your
5 question?

6 Q [LCDR STONE]: Yes.

7 A [DR. KERAM]: That may be, yes.

8 Q [LCDR STONE]: In making the same determination, did you
9 consider your client's statement that he was present during a specific
10 speech when Usama bin Laden promised that there would be future
11 operations that used terrorist attacks against America shortly after
12 the USS COLE?

13 Did you consider this when you made your decision regarding
14 rehabilitative potential?

15 A [DR. KERAM]: I--you know, I went over the 302's with Mr.
16 Hamdan and asked him about inconsistencies and weighed what his
17 statements were and the 302's and also looked at his behavior and
18 weighed all of that together.

19 Q [LCDR STONE]: Okay. So you did go over this with him and you
20 rejected the testimony of [REDACTED] in favor of the accused?

21 A [DR. KERAM]: And one other factor was looking at the--the
22 conditions under which the interrogations took place and I weighed all
23 that together.

1 Q [LCDR STONE]: So you believed the accused over the FBI agent
2 when you're reconciling these statements?

3 A [DR. KERAM]: You know, forgive me, but I think that--I'll
4 answer it, but I'm not sure if that goes to ultimate opinion or
5 ultimate issue----

6 Q [LCDR STONE]: I mean it's----

7 MJ [CAPT ALLRED]: Well, he's asking for the basis for your
8 opinion, I don't--the members have already found the accused guilty of
9 some of these offenses so----

10 WIT [DR. KERAM]: Okay.

11 Q [LCDR STONE]: I mean, it's a simple yes or no. Did you
12 believe the accused or the FBI agent?

13 A [DR. KERAM]: You know. It's actually not a simple yes or no
14 for a forensic psychiatrist who's not placed in a position of having
15 to determine which one is true. For the forensic psychiatrist, what
16 we're looking at is why is there a difference, and is there a coherent
17 theory or set of facts which would lend FBI agents to be telling the
18 truth and which would lend Mr. Hamdan to be telling the truth,
19 credible on both sides. And for me, there was credible--I work with
20 the FBI, I know many FBI agents, and I taught at the FBI Academy, so
21 there were credible reasons on both sides of these disparate stories.
22 And what I had to do was look at the entire context of the evaluation,
23 all of the information that I had, and look at where the weight of the

1 evidence went in terms of Mr. Hamdan's rehabilitative capacity or
2 potential.

3 Q [LCDR STONE]: Ma'am, these two statements were 180 degree
4 opposite----

5 A [DR. KERAM]: That's correct.

6 Q [LCDR STONE]: ----the accused told you he thought the East
7 Africa embassy bombings would be a one-time event, where he told [REDACTED]
8 [REDACTED] and [REDACTED], the national treasure, as it has been
9 brought forth in this court, that he was present during Osama bin
10 Laden's recruiting of terrorist operatives. He was present during
11 speeches in which Osama bin Laden was recruiting martyrs to kill
12 Americans. I mean, I understand how you try to find and fit the
13 pieces together, I understand that, but those are 180 degrees
14 opposite.

15 A [DR. KERAM]: That's very common in the work that I do.

16 Q [LCDR STONE]: Sure, so the simple question, those can't be
17 reconciled. So you believed the accused?

18 A [DR. KERAM]: No, I believed they can't be reconciled, but I
19 believe that there are reasons why they can't be reconciled. And that
20 the reasons are credible, having to do with lots of things different
21 things, including Mr. Hamdan's report of his frame of mind during
22 interrogations, that--that type of thing.

1 So, you know, again, I had--and this is very common in
2 forensic work and I appreciate and I--the fact that I don't have to be
3 the fact finder. I just have to try to understand to the best of my
4 ability why these two things don't go together. Then it's often left
5 on the table that they don't go together and that there may be some
6 reason why one side absolutely believes one story and another side
7 absolutely believes another. And both sides--because explanation of
8 that explains the discrepancy in the statements.

9 Q [LCDR STONE]: So then, how much weight did you give Special
10 Agent [REDACTED]?

11 A [DR. KERAM]: You know it's impossible to put that in a
12 numerical term. I believe that he asked----

13 Q [LCDR STONE]: Did you give him any weight?

14 A [DR. KERAM]: Oh, absolutely. Absolutely. As I said----

15 Q [LCDR STONE]: More weight than the accused?

16 A [DR. KERAM]: It wasn't so much an analysis of who was more
17 likely to be right or wrong, as it was an explanation--putting weight
18 on whether or not there was a believable reason for the two of them to
19 have such disparate stories and that reason I gave great weight to.
20 It's not, again, a matter of trying to figure out who telling the
21 truth as much as it's trying to understand them.

22 And--anybody who's married has had an argument in which
23 people saw it 180 degrees and both people were right, and I understand

1 that we're talking about something on a magnitude that, you know, far
2 exceeds that. But as long as--for the forensic psychiatrist, there is
3 a reason why there is a disparity. You give weight to the reason--a
4 credible reason for the disparity.

5 Q [LCDR STONE]: Was it--well, we'll move on.

6 Is it logical to you, in your--forming your analysis, that a
7 man in search of a life would immigrate from a country in which two-
8 thirds of the people were employed and he had a job, to a country
9 where he had no job, no prospect for a job, and three-quarters of the
10 population was unemployed?

11 A [DR. KERAM]: Yes, because he did not immigrate to seek
12 employment. Let's go back to the beginning.

13 His job was as a day laborer, in a sense, when we think
14 about people who you--I don't know what it's like in other parts of
15 the country, but in California, if you need a construction worker, you
16 go down to the corner and hire, you know, somebody for the day. And
17 you pay them for the day. And those wages get them through the day.
18 That was Mr. Hamdan's existence. He wasn't saving anything at all.
19 He left his "job" to go to Tajikastan, and he planned to return to
20 Yemen when he wasn't able to get there. And was told, "Don't go back
21 there; there's no future for you here. I can get a job for you here.
22 We can get a job for you here." And that job paid untold amounts more
23 than he was earning in Yemen. And it--I think----

1 Q [LCDR STONE]: And that's when he began to be a member of al
2 Qaeda and worked for and be with Usama bin Laden?

3 A [DR. KERAM]: That is when he began to be a driver for bin
4 Laden, and again, I apologize, I don't know what your findings were,
5 with respect--I--I'm really focusing on the questions posed to me, and
6 I do not want to be disrespectful and if you found that he's a member--
7 --you found that he's a member, but my understanding is that he began
8 to drive for bin Laden at that time and--but that was his capacity
9 within bin Laden's pr--personal--people that he employed.

10 Q [LCDR STONE]: You testified that one reason that you
11 determined that he was not violent or that he did not support the al
12 Qaeda ideology was because he told you that he felt betrayed by Usama
13 bin Laden over the USS COLE attack, and that he thought that the
14 Mossad did it, right?

15 A [DR. KERAM]: Yes.

16 Q [LCDR STONE]: This statement figured into your determination
17 of rehabilitative potential, for lack of violentness, violent
18 behavior?

19 A [DR. KERAM]: In that, it was a basis for his returning to--
20 part of the reason why--hang on a second, let me think back here why
21 that was important. Yes, in that he--he didn't celebrate it in any
22 way. And he didn't have knowledge beforehand that this was something

1 that bin Laden was--and didn't anticipate afterwards that it was
2 something that bin Laden had participated in.

3 Q [LCDR STONE]: How much weight, when you made this
4 determination, did you give this statement in the 302? Hamdan stated,
5 "Yemeni government first stated the Israeli Mossad was behind the
6 attack in Aden, Yemen." Hamdan advised he believed the Yemeni
7 government's official theory because he was he was not aware of any
8 intentions that bin Laden was going to conduct operations in Yemen.
9 Hamdan stated the Yemeni government was not harassing the Mujahideen,
10 and Yemen had always been considered a safe haven. Hamdan stated, 'It
11 just appeared illogical that bin Laden could be behind the attack in
12 Yemen because Yemen had always been a safe haven for Al Qaeda
13 members.'" Isn't that the reason that the accused felt betrayed, and
14 not because there was a terrorist attack against the United States'
15 warship USS COLE on October 12th, 2000?

16 A [DR. KERAM]: No, sir. In fact, I find that statement to be
17 completely consistent with--with what Mr. Hamdan told me. I think the
18 problem relates to the word "safe haven." You--if I may be--if I may
19 suppose, and please correct me if I'm wrong, I think that when you
20 were thinking of safe haven, you are thinking of safe haven in terms
21 of safe haven to provide shelter for terrorists who will then go on to
22 plan terrorist activities on--in an ongoing fashion. Mr. Hamdan's
23 experienced was that people who had traveled to Afghanistan and

1 returned to Yemen, up until the time of the COLE were not prohibited
2 from entering the country--were not--I think the Arab Mujahideen,
3 returning to their home countries, could be a bit of a controversial
4 issue. And Yemen was not a country that prohibited people who had
5 traveled to Afghanistan, who had worked there in whatever capacity,
6 from returning to Yemen. And that, I think, is the--the assum--the
7 meaning of the term, and I don't know what word he used in Arabic,
8 "safe haven," that they allowed people who have traveled to
9 Afghanistan to return into Yemen. Other countries didn't want their
10 citizens to come back.

11 Q [LCDR STONE]: So----

12 A [DR. KERAM]: So I find that that statement is--is consistent
13 with what Mr. Hamdan told me.

14 Q [LCDR STONE]: So--okay.

15 So he then told you that the reason he was mad at bin Laden
16 was because when they attacked the COLE in Yemen, it closed his
17 ability to travel to and from Yemen, not that the United States'
18 warship was attacked and 17 Sailors were killed. It was, as it says
19 here, Yemeni government was not harassing them before the COLE, but
20 after the COLE, Yemen started to crack down on them. That's what made
21 him feel that bin Laden had betrayed the Yemenis, correct?

22 A [DR. KERAM]: No. He told me that there were civilians
23 involved and that was what was upsetting to him.

1 Q [LCDR STONE]: So then, if it turned out to you that Hamdan was
2 lying to you, and the information in the 302's were correct, that
3 would have a drastic effect on your opinion as to his rehabilitative
4 potential, correct?

5 A [DR. KERAM]: It would certainly be a factor, but again, you
6 don't look at just one factor, you look at many factors.

7 Q [LCDR STONE]: Okay.

8 A [DR. KERAM]: Yeah.

9 Q [LCDR STONE]: When you testified on direct about the 9/11
10 movie, you were not suggesting that Hamdan told you he'd never been on
11 an airplane, right?

12 A [DR. KERAM]: No, he had been on an airplane, and he knew the
13 scale of the airplanes. And that's why he was astounded to see that
14 the airplane looked like a mouse next to the skyscraper. He--he had
15 no prior--first-hand knowledge of a building of that size.

16 Q [LCDR STONE]: Now, on August 2nd, 2008, the accused told you
17 that he had actually seen the pictures of the buildings when Khalid
18 Sheikh Mohammed came, 10 to 14 days after the 9/11 attacks. He
19 brought pictures of the 9/11 attacks in which he saw pictures of the--
20 and you have listed here in the buildings, "Twin towers----"

21 A [DR. KERAM]: Yes.

22 Q [LCDR STONE]: ----and pictures of those responsible?"

23 A [DR. KERAM]: Yes.

1 Q [LCDR STONE]: So----

2 A [DR. KERAM]: You'll see in my notes, it continues, because I
3 wanted to--you know, obviously whenever somebody's says two things
4 that don't go together you want to try to understand what that is.

5 The flat pictures that he saw were from a magazine, and they
6 didn't show the scale and the impact of what it was like to see it on
7 the film. My guess, as a neuroscientist, is that part of it was also
8 because it moved in real time and there was sound as well. And when
9 you're looking at a flat image, you're looking at just a piece of it,
10 and the other sensory perceptions are--are not being stimulated in
11 watching that. So the impact of the film, where he actually saw
12 people reacting in real time, particularly the presence of a child,
13 had a much greater impact than seeing, perhaps, you know, four--a
14 picture of where four of the floors were shown----

15 Q [LCDR STONE]: But your notes are consistent with what he told
16 [REDACTED] on August 4th, 2002, that he had seen pictures--and
17 pictures and images of the 9/11 attacks and the 9/11 hijackers with
18 Osama bin Laden and with Khalid Sheikh Mohammed, when they received
19 the debrief regarding the 9/11 attacks.

20 A [DR. KERAM]: Actually--let me--let me say, in large part, I
21 absolutely agree with what your statement was. But my understanding
22 of it was that, and I might be wrong but--that it wasn't during a
23 debrief, it was during driving them; it may have been with the

1 debrief, but at any rate, that's when he realized or knew that bin
2 Laden had been behind that. He did not--he thought it was impossible
3 for bin Laden to have been behind that when it first happened.

4 Q [LCDR STONE]: Okay, so, on August 2nd, 2008, he said he never
5 knew of the--that Osama bin Laden was behind the September 11th
6 attacks even though he had told multiple FBI Agents that he was aware
7 and that he personally was told before the September 11th attacks by
8 Usama bin Laden that he was--that they--there was going to be a big
9 operation, and that he knew it was going to be a terrorist attack. I
10 mean, you've read the 302's. That's what's in them. That's what the
11 testimony was here in court. And then on August 2nd, 2008, he told
12 you that he never learned that al Qaeda was behind it until 14 days
13 after the attack, when Khalid Sheik Mohammed showed him pictures?

14 A [DR. KERAM]: Correct.

15 Q [LCDR STONE]: Okay.

16 A [DR. KERAM]: Here's what he told me. He told me, first of
17 all, that he was told to get the cars ready, that there would be an
18 operation, and--I can refer to my notes to refresh my memory, but from
19 what I recall, it wasn't at all uncommon for him to be told to do
20 that--you know, to begin to get the cars ready, that they would be
21 going on a long trip. So he didn't think anything of that.

22 When he overheard bin Laden tell his son, Uthman, that some-
23 -that there was going to be an operation, he thought to himself, you

1 Q [LCDR STONE]: And you did not then have the opportunity, since
2 you were here--I mean, if you wrote notes and questioned him about it,
3 those 302's would probably still be here since you had not gone home.

4 You never confronted him then with the idea that he told FBI
5 Agent [REDACTED], in Arabic, approximately 7 to 10 days before the
6 September 11th attacks, Usama bin Laden tells everyone at the compound
7 they are leaving because an operation is about to happen. He told
8 [REDACTED]--Special Agent [REDACTED] that?

9 A [DR. KERAM]: Yes, at----

10 Q [LCDR STONE]: And then he told you, right after the trial
11 ended, so you can get--to make your decision with regards to
12 rehabilitative potential, that he--that that didn't happen and that he
13 only found out about it 14 days after the attacks, correct?

14 A [DR. KERAM]: I'm sorry; I don't understand the question.

15 Q [LCDR STONE]: Special Agent [REDACTED] reported that seven--that
16 the accused told him----

17 A [DR. KERAM]: Right. Okay--yeah--I think----

18 Q [LCDR STONE]: ----that he was aware 7 to 10 days before the
19 September 11th attack, that UBL told everybody they were leaving
20 because an operation was going to happen, and he knew that an
21 operation meant a terrorist attack.

22 A [DR. KERAM]: Okay, I----

23

1 Q [LCDR STONE]: Okay. Let----

2 A [DR. KERAM]: I did confront----

3 Q [LCDR STONE]: ----that's the premise----

4 A [DR. KERAM]: No, no. I understand your question now.

5 Q [LCDR STONE]: Okay.

6 A [DR. KERAM]: I understand your question now, so I'll answer
7 it.

8 Q [LCDR STONE]: Okay.

9 A [DR. KERAM]: Mr. Hamdan was frequently told that people were
10 going to be moving, that they would be going on a long trip, that--I
11 don't remember if the word he used was operation, but I wanted, of
12 course, to ask him about that since there was a discrepancy in the
13 302, and I didn't have one with me to see what he has said before.

14 And again, what he told me was that it was absolutely not
15 unusual to be told that, that it was routine, and--you know, that he
16 prepared the vehicles, made sure that they were in good shape, did
17 whatever repairs were necessary, filled up the tanks, checked the
18 tires, and so forth, as he would any other time that he was told that.

19 Now, you said that Mr. Hamdan knew that "operation" meant a
20 terrorist attack, and I don't believe that Mr. Hamdan told me that--
21 that they--when, you know, when we talked about what he would be told
22 was going to happen, it was not a terrorist attack. It might be
23 referred to as, you know, some type of----

1 Q [LCDR STONE]: That's the crux of my question----

2 A [DR. KERAM]: Right, well----

3 Q [LCDR STONE]: On August 2nd----

4 MJ [CAPT ALLRED]: She was answering the question.

5 A [DR. KERAM]: I don't know what word was used in Arabic. For,
6 you know, what you're referring to as "operation," and I don't recall
7 exactly what he was told, if that was the word "operation" or, you
8 know, some other type of thing.

9 Q [LCDR STONE]: Okay. But on August 2nd, 2008, you questioned
10 the accused, knowing that you would be giving testimony regarding his
11 rehabilitative potential, and he knew that you would be giving
12 testimony regarding his rehabilitative potential, and he told you,
13 based on your notes and your testimony here, that he never knew about
14 any attacks or any of those things?

15 A [DR. KERAM]: Correct.

16 Q [LCDR STONE]: Correct. Okay. And that is a hundred percent
17 inconsistent with the testimony and the previous statements of
18 multiple FBI agents, as well as your understanding based on notes,
19 prior to the August 2nd, 2008 interview?

20 A [DR. KERAM]: Okay, let's take it in both parts. I understand
21 that it's--it disagrees with the 302's, and if you can show me where
22 in my notes it disagrees, then I'll take a look at that.

1 Q [LCDR STONE]: The point is that it is not in your notes. Did
2 you never discuss it with him before August 2nd?

3 A [DR. KERAM]: I--I believe that I did. It would be on the
4 302's, but it is also, again, something I went over with him again
5 afterwards.

6 Q [LCDR STONE]: So if you did discuss it with him, any notes
7 would be on the 302's that we don't have?

8 A [DR. KERAM]: Correct. I believe that they would. Again, I
9 brought what I thought was relevant for sentencing.

10 Q [LCDR STONE]: Okay.

11 A [DR. KERAM]: I--I assumed that the jury----

12 Q [LCDR STONE]: Prior statements of the accused regarding acts
13 for which he was charged with would've been relevant.

14 A [DR. KERAM]: Well, I--I would assume that the jury had made
15 their decision by the time that I testified, and that they had made up
16 their minds, which was really what was important. You know, I will
17 say----

18 Q [LCDR STONE]: But your testimony is your testimony.

19 A [DR. KERAM]: Yes, well, I also relied on statements that
20 Colonel ██████ made after his testimony in refining my evaluation of
21 rehabilitative potential.

22

23

1 Q [LCDR STONE]: I want--I promise I won't beat you up anymore
2 about the lack of notes.

3 A [DR. KERAM]: I apologize for that.

4 Q [LCDR STONE]: I see. Switch topics for you a little bit here.
5 Now, when you did your evaluation, I know there's good reasons for it;
6 you didn't do any sort of testing on Mr. Hamdan?

7 A [DR. KERAM]: No, it would've been impossible to do testing
8 that would result in valid reports or interpretations because--here's
9 what you do in psychological testing. You give the test to the
10 individual, and then you compare his results to what we call, you
11 know, the control group or the normal group. And for him there were
12 no data of his normal group--would be, you know, Yemenis.

13 And nobody's gone into Yemen and give--given thousands of
14 MMPIs so that, you know, and then done psychological and psychiatric
15 interviews so that we can see people with this diagnosis and that
16 diagnosis had this profile on the MMPIs. So, you know, I could've
17 done that and compared him to populations that he doesn't come from,
18 but it wouldn't have given me any data.

19 Q [LCDR STONE]: So--but there are a number of tests that, in
20 your normal line of work, you would've otherwise performed,
21 inapplicable here?

22 A [DR. KERAM]: Actually, given the length of time that I had to
23 interview and evaluate Mr. Hamdan, not only, you know, the fact that I

1 spent 3 to 5 to 6 days each time I was down here with him, but also
2 the fact that I started evaluating him in March of 2005, and then
3 continued through till now.

4 In other circumstances, where those things were present, I
5 might not do psychological testing because we use that more to confirm
6 diagnostic impression or if we aren't sure what the diagnosis is, to
7 help us figure that out. But given the amount of time that I was able
8 to spend with him, over such a long period of time, if I were
9 transporting that set of experiences back to the states, I'm not sure
10 that I would've done testing, no.

11 Q [LCDR STONE]: We talked about Dr. Sageman a little bit. Dr.
12 Sageman has written *Understanding Terrorist Networks* and *Leaderless*
13 *Jihad*, right? Do you understand; you're familiar with those?

14 A [DR. KERAM]: Yes.

15 Q [LCDR STONE]: You're also familiar in *Leaderless Jihad*, he
16 makes it very clear, as a forensic psychiatrist, that there are no
17 studies done on the future dangerousness of terrorists, correct?

18 A [DR. KERAM]: Correct.

19 Q [LCDR STONE]: There are no profiles done with regards to
20 terrorists?

21 A [DR. KERAM]: Absolutely, that's correct.

22

23

1 Q [LCDR STONE]: There are no clear characteristics of what
2 constitutes a member of al Qaeda?

3 A [DR. KERAM]: That is absolutely correct.

4 Q [LCDR STONE]: Anyone, he said, could fit the appropriate broad
5 expanding profile of al Qaeda. The possible caveat he makes is that
6 you have to be a follower of Islam.

7 A [DR. KERAM]: Yes, that's correct. And that's one of the other
8 reasons why I called him, because I wanted to see if there--if he
9 knew--we--we get to see what's in print, okay, either in journals or
10 in books. But a lot of times, people are working on things that
11 haven't been submitted to publication yet. So one of the reasons why
12 I called him was to see whether or not he knew of any studies coming
13 down the pike in that area, and could help me further analyze that,
14 that issue, 'cause obviously it's something I was interested in. So
15 that's why I called him.

16 And he told me, you--you--not only can you not predict
17 future dangerousness based on any set of criteria to look for, but you
18 also can't predict it on the converse. You can't say that a person
19 will be dangerous or won't be dangerous based on empirical evidence to
20 date. So what I did was tell him what I knew about the 302's, Mr.
21 Hamdan's background, you know, an overview of the facts, and asked him
22 to analyze what he thought was the case here. And if you like I can
23 tell you what he said.

1 Q [LCDR STONE]: Well, I mean, it's actually your opinion that
2 we're concerned with and----

3 A [DR. KERAM]: Well, but my opinion is based on other experts.
4 I mean, that's very common. I have expertise in certain areas where I
5 get phone calls all the time for people asking my opinion about a case
6 that they're working on. And so, you know, I think I actually
7 mentioned on my direct that Dr. Sageman thought it unlikely that Mr.
8 Hamdan was a member of al Qaeda because he had taken vacations. You
9 know, he said terrorism was a full-time job.

10 Because of the contempt--I told him of the--of the
11 statements of Khalid Sheikh Mohammed and bin Attash, and because of
12 the level of contempt that those two people expressed towards Mr.
13 Hamdan, you know, we talked about the importance of social
14 stratification, and how ordinarily a person of a higher level would
15 talk down and put as the other, the less than, somebody who was a
16 driver, and the importance that Mr. Hamdan attached to the fact that
17 bin Laden didn't do that to him, but everybody else did.

18 The statements of Khalid Shaikh Mohammed and bin Attash
19 showed contempt for him that led Mr.--Dr. Sageman to use that as
20 further evidence that Mr. Hamdan was not a member of al Qaeda, because
21 he was outside the inner circle of the elite. He was treated, in Dr.
22 Sageman's words, as a peon.

23

1 Q [LCDR STONE]: But the jury's decision was otherwise.

2 A [DR. KERAM]: Again, I haven't talked with the attorneys about
3 the meaning of the verdict, and I'm not an attorney, and also, I
4 really am out of my familiar water in the UCMJ system completely.

5 Q [LCDR STONE]: Sure.

6 A [DR. KERAM]: Or MCA system, I should say.

7 Q [LCDR STONE]: So your clinical opinion then, primarily based
8 on statements made by the accused, 120 hours of time that you spent
9 with him, and substantially a large number of them made after the
10 government rested its case.

11 A [DR. KERAM]: No, that's not a correct characterization. I
12 relied heavily on Colonel [REDACTED]' impression of Mr. Hamdan, the 302s; I
13 think I provided you with a list of all of the things that I relied
14 on.

15 Q [LCDR STONE]: But the 302's, you discounted in favor of Mr.
16 Hamdan?

17 A [DR. KERAM]: No, no. I--because the fact that he was
18 cooperative really distinguishes him from hard-core detainees here who
19 still adhere to the ideology.

20 Q [LCDR STONE]: How many al Qaeda members, besides Mr. Hamdan,
21 have you ever spoken to?

22 A [DR. KERAM]: I haven't but--I haven't spoken to them----

23

1 Q [LCDR STONE]: Okay.

2 A [DR. KERAM]: ----but I have observed their behavior in court
3 and heard testimony about how they----

4 Q [LCDR STONE]: Which al Qaeda detainees from here have you ever
5 observed in court?

6 A [DR. KERAM]: Well, not--not directly. I read--read news
7 accounts of the high-value detainees.

8 Q [LCDR STONE]: So you haven't seen any?

9 A [DR. KERAM]: No, I have not seen any of them. If I said that,
10 that was a misstatement; I'm sorry.

11 But again, I can explain to you the behaviors that they
12 exhibited that showed that they still adhere to the ideology and the
13 lack of presence of those types of statements and behaviors on Mr.
14 Hamdan's part.

15 Q [LCDR STONE]: Okay. We'll move on to another section here.

16 A [DR. KERAM]: Also his--excuse me. His behavior in detention
17 was quite different from hard-core ideologists, and I can talk with
18 you about that as well.

19 [END OF PAGE]

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22

23

1 Q [LCDR STONE]: We'll--we'll get to that.

2 You testified that he had rehabilitative potential because
3 you believed he was not a violent person. How much weight did you
4 give to the fact that he left for violent jihad in Tajikistan?

5 A [DR. KERAM]: That's not--that's a mischaracterization of what
6 Mr. Hamdan told me for why he left Yemen to go to Tajikistan. If you
7 look at my notes, it explains the--the forms of assistance that Mr.
8 Hamadan anticipated providing to what he called the resist--resistance
9 in Tajikistan. And that type of assistance ranged broadly from, you
10 know, smaller acts. I think he also said, fighting. That it would
11 depend on what the people who were being oppressed, rape, ethnic
12 cleansing--you know, how that could be--how he could be of assistance.

13 Q [LCDR STONE]: There's one section of your notes where he talks
14 about killing Russians?

15 A [DR. KERAM]: No, that's actually in response to something that
16 I said to him because, you have to understand, you know, I started
17 from a place of not--of not knowing what he meant by jihad. And so
18 when he was explaining it to me, I said, you know, I said, "My
19 impression was that when you were leaving, you're going on a violent"-
20 -just like you where you are saying, you know, "you're going on a
21 violent jihad to go kill all the Russians," or something like that--I
22 don't remember exactly what I said, it's in my notes. And he said no.
23 He said, "It's not like that at all." He said, "First of all, you

1 can't go and kill every Russian on the planet. Some of them aren't
2 even involved in this. Some of them aren't even in the country. Most
3 of them don't have anything to do with this whatsoever. It's the
4 people who are,"--am I talking too quickly? I'm sorry.

5 It's the people who are responsible for the direct acts of
6 oppression. It's not the civilians or military people or whatever,
7 who are not involved in these direct acts. I had been painting a
8 broad brush that he would extend the need to wage jihad against every
9 conceivable member of the group that he felt was oppressing Muslims.
10 Much like I think I anticipated before I met him, you know, extending
11 that jihad to other groups as well, targets of jihad. But that's not
12 his understanding at all. It's a limited, you know, who's doing the
13 oppressing and that was in his mind when he left for Tajikistan.

14 Q [LCDR STONE]: So--you gave it no weight?

15 A [DR. KERAM]: What's the "it"?

16 Q [LCDR STONE]: That he left for violent jihad in Tajikistan.
17 You gave that no weight with regard to whether you thought he was
18 violence.

19 A [DR. KERAM]: No, that's not--that's a mischaracterization of
20 what I said on two counts. First of all, he didn't tell me he left
21 for violent jihad. And secondly, I didn't say I gave it no weight.

22

23

1 Q [LCDR STONE]: All right.

2 A [DR. KERAM]: Again, it was one piece of information among
3 probably thousands that I considered.

4 Q [LCDR STONE]: How much weight did you give the testimony of
5 the agents and the 302's, that he joined Al Qaeda with full knowledge
6 of its goals. How much weight did you give that?

7 A [DR. KERAM]: Well again, and I anticipate this is going to my
8 answer to a number of these questions, it's not uncommon for
9 statements in a--forensic work like this, to contradict each other.
10 And for me, it's not: do they contradict each other in a way that's
11 mutually exclusive, that only one has to be right. You start from the
12 point of view of why do they believe these things? They're both based
13 on Mr. Hamdan statements. Why do they believe these things--they're
14 180 degrees apart. Is there a reason that explains why there is a
15 discrepancy that's credible? And in that instance, there was a
16 reason, several reasons, that explained the discrepancy, that was
17 absolutely credible.

18 Q [LCDR STONE]: So did you give them, the testimony of the
19 agents, the testimony in court, and the 302's, that stated, "He joined
20 al Qaeda with full knowledge of its goals," any weight?

21 A [DR. KERAM]: Yes, and I also gave his statements weight and---

22 -

1 Q [LCDR STONE]: Okay. You've already testified you really
2 didn't really take into consideration the verdict, because you don't
3 really know what it was.

4 A [DR. KERAM]: No, again, you're asking me about matter of facts
5 that go to the jury, and I accept the jury's verdict.

6 Q [LCDR STONE]: Did you take--how much weight did you give the
7 fact that he returned two times to Usama bin Laden and the terrorist
8 organization after the terrorist attacks?

9 A [DR. KERAM]: Again, this is one of those areas where I wanted
10 to know Mr. Hamdan's reasoning for doing so. Remember, we start with
11 him leaving bin Laden after he knew that bin Laden was responsible for
12 the COLE. He tried to get away from bin Laden when that happened, if
13 you'll recall my direct. And he returned to Yemen, got married, and
14 tried to find work. But the work needed to be a higher pay than the
15 subsistence that he had had because he now had to support a wife. And
16 he was unable to find work that would allow him to do that, and
17 decided to return to----

18 Q [LCDR STONE]: Ma'am, I think--I think you're confused. You
19 said, that he returned after the COLE----

20 A [DR. KERAM]: I said the COLE----

21 [END OF PAGE]

22

23

1 Q [LCDR STONE]: I think you mean the East African embassy
2 bombings.

3 A [DR. KERAM]: I'm sorry. I mean the East African embassy
4 bombings. Yes, it's the East Africa embassy bombings. And so he's
5 retir--decided to return to bin Laden because he was hopeful that he
6 could--with an increased salary, because married people earned more
7 money, that--and also still have their living expenses paid for, that
8 he would be able to save more money and return to Yemen, and be able
9 to set up some type of work there for himself, hoping to buy his own
10 vehicle.

11 Now, he did then leave bin Laden again in August of 2000.
12 And during that trip, told a brother-in-law, who--the one who was
13 getting married, who he returned to see, not to go to Afghanistan,
14 okay. The brother-in-law, now, of course, needs to earn more money as
15 well, because he has a wife and he has more people to support.

16 Remember, Mr. bin Laden--Mr. Hamdan said to me, "Now, we're
17 two, soon we'll be three, four, five." So he's telling the brother-
18 in-law, "You need to get a better paying job, I understand that, but
19 don't come to Afghanistan to do that," because he has distaste for his
20 employer and anxiety about it. He then--excuse me----

21 [END OF PAGE]

22

23

1 Q [LCDR STONE]: The question is how much weigh did you give
2 this?

3 A [DR. KERAM]: I'm explaining the reasoning and--and the weight
4 that I gave it because, again, I'm looking for an understanding of
5 whether or not his reasoning makes sense within the context of his
6 life, of his world. So I'm explaining all the different pieces of it
7 that had weight.

8 He--when the--the COLE happened, he was, as I said and was
9 widely reported in the Yemeni media, it was described to the Mossad,
10 so he didn't feel any anxiety about his own potential for being
11 incarcerated, as somebody who had been in Afghanistan. He stayed in
12 Yemen. He took his in-laws on the Hajj. While he was in Saudi
13 Arabia, the--a brother-in-law was incarcerated by the security police,
14 whom he feared, and he made a decision to return to Afghanistan at
15 that point because he feared--I think what he said to me, "You know,
16 I'd be in trouble in both places, but I was in less trouble in
17 Afghanistan." And he planned to return to Yemen again, either to turn
18 himself in after the investigation of the COLE was over.

19 I forgot to mention one thing. When he returned to bin
20 Laden after he was married, it wasn't just an economic decision.
21 Remember that Abu Jandal had married the sister and had sort of
22 disappeared back into Afghanistan and the family was fran--was
23 frantic. They couldn't find them and didn't know where they were.

1 And so that was another reason why, after his marriage, after the East
2 embassy bombings, he returned to Afghanistan.

3 So again, what I'm looking at in determining the amount of
4 weight that I give a statement is is there a credible reason and that
5 type of detailed reason is indicative of truth telling.

6 I think we heard Colonel [REDACTED] speak to that as well. When
7 somebody is telling the truth, they tend to provide far more details
8 than you would ever anticipate or imagine because you don't have the
9 experience and they do, and they've lived it, as opposed to just
10 making it up, starting from the point where you are where you didn't
11 live it. If you don't live it, you don't know all the background
12 information, the things that you're weighing, who said--something sort
13 of unanticipated or unexpected, and so I found that account to be
14 credible and gave it weigh.

15 Q [LCDR STONE]: You testified--I only have a couple more
16 questions. You testified that past acts are indicative of future
17 performance. And you testified that he had a high risk of driving
18 again.

19 A [DR. KERAM]: Yes, that was Dr. Sageman's opinion as well.

20 [END OF PAGE]

21

22

23

1 Q [LCDR STONE]: Okay. Does it not also follow that he would
2 have a high risk of returning to the terrorist organization to which
3 he was convicted of being a member?

4 A [DR. KERAM]: No, I think there's abundant evidence that that's
5 highly unlikely. First of all, he has lost faith in his--his ability
6 to trust his judgment, which I don't think it's necessarily a bad
7 thing. So he's going to be much more cautious in forming
8 relationships. Secondly, he was never really--I don't know if you've
9 ever heard the expression about--like the Salvation Army, you know, "I
10 came for the soup, and I stayed for the sermon." Mr. Hamdan came for
11 soup, and he stayed for soup. He was never interested in the sermon.

12 He was not interested in the ideology. He was interested in
13 having a job that would allow him to create a family and to support
14 them. So the fact that he didn't adhere to the ideology is indicative
15 of future unlikelihood of doing so. He has no interest in it. He has
16 no interest in jihad. You know, his first thought, what I--when I
17 asked him about that was, you know, about future plans was to just go
18 into the desert and never talk to anybody again. He used the phrase,
19 "After you've been bitten by a snake, you're afraid of a rope." But
20 when I asked him for realistic plans for what he would do in the
21 future, he said to me, "I'll start over, and I'll take any work that I
22 can get." And I think that's an honest and realistic and expected
23 answer from somebody who feels that way.

1 Q [LCDR STONE]: You testified that he changed as a result of his
2 time in Guantánamo. Did GTMO rehabilitate him?

3 A [DR. KERAM]: I think to a certain extent it did. He was--
4 prior to the Supreme Court decision in his case, under the original
5 commissions, he was exposed to the other pretrial detainees who had
6 been charged, who were very hard-core. And who refused to, with the
7 exception of David Hicks, the Australian, refused to work with their
8 American attorneys, insulted their American attorneys, and
9 disrespected this process. And one of the--one of the--I don't know
10 that it could be termed helpful parts of his Guantánamo experience,
11 but certainly one of the things that broadened his experience and
12 opened his mind was being able to resist those people. He didn't like
13 them. He doesn't like ideologists on any side of any spectrum, was
14 being able to resist them and find and listen to his own inner compass
15 about what he wanted in life. He worked consistently with his defense
16 team, and I think that experience allowed him to understand Americans
17 in a way that he hadn't been exposed to. He knew that America has a
18 reputation--he said this to me, for the fairness of our justice system
19 and for human rights. And experiencing that to the extent that he did
20 here, I think was a rehabilitative experience.

21 Q [LCDR STONE]: Okay.

22 A [DR. KERAM]: I think that coming into contact with people from
23 all over the world--very inadvertently and much to my dismay, he found

1 out that I'm Jewish. I did not intend that in any way to happen. You
2 know, that meant nothing to him whatsoever. It had no--no shock
3 value--no, he--he didn't think, "Oh, they're trying to infiltrate my
4 team and undermine me," anything like that. The hunger strikers, who
5 were hardcore, he also was able in large part to resist and you know,
6 it just--it goes on and on, the ways in which I think this experience,
7 although extremely painful----

8 Q [LCDR STONE]: Let's talk about a little bit of these other
9 things. You know that he's been disciplined for spitting on the
10 guards?

11 A [DR. KERAM]: Yes.

12 Q [LCDR STONE]: Now, that's a mad and somewhat impulsive
13 behavior, would you agree with that? I mean----

14 A [DR. KERAM]: Absolutely.

15 Q [LCDR STONE]: Basically, they just get mad and just spit?

16 A [DR. KERAM]: No, you know, I've done a lot of work in prisons.
17 I've had body fluids, worse than spit, thrown at me. People who are
18 incarcerated often times will--will do things out of irritability,
19 anger, psychiatric diagnoses, there's lots of different reasons for
20 it.

21 [END OF PAGE]

22

23

1 Q [LCDR STONE]: But in 2007, as you've testified before, he
2 urinated in a cup and threw it on a guard?

3 A [DR. KERAM]: You know, I--if it's--I'm sorry. I don't
4 remember that specific incident. I've certainly had that happen to
5 me. And you know--I'm sorry. If it's in the record, and I wrote
6 notes about it then--actually, I think I did see it in the
7 disciplinary record. There was, you know--yeah----

8 Q [LCDR STONE]: You testified that he actually threw urine on a
9 guard?

10 A [DR. KERAM]: Yep.

11 Q [LCDR STONE]: This was in 2007.

12 A [DR. KERAM]: You know, again, I'm sorry, but I don't recall
13 the specific--a specific incident--the date of the specific incident.

14 Q [LCDR STONE]: He's also assaulted guards?

15 A [DR. KERAM]: No, actually he told me that he never assaulted a
16 guard.

17 Q [LCDR STONE]: Okay.

18 A [DR. KERAM]: Yeah.

19 Q [LCDR STONE]: You also admitted in the course of your dealings
20 with your client----

21 A [DR. KERAM]: ----Excuse me, he's not my client.

22 Q [LCDR STONE]: Okay. The accused, that he can be manipulative.

23 A [DR. KERAM]: Absolutely.

1 Q [LCDR STONE]: And you read Dr. Richie's other report that says
2 there are--that she found significant evidence of him being
3 manipulative?

4 A [DR. KERAM]: That's correct.

5 Q [LCDR STONE]: And you signed an affidavit on May 14, 2008,
6 where you also recognized that at times he has proven to be
7 manipulative?

8 A [DR. KERAM]: Absolutely. I think we've all seen that.

9 Q [LCDR STONE]: Sometimes he tries to take control over
10 interviews?

11 A [DR. KERAM]: Absolutely. Absolutely.

12 Q [LCDR STONE]: Sometimes he will try to dictate when and what
13 he will speak to you about.

14 A [DR. KERAM]: I don't remember if he did that with me but I
15 know he's done that with other people. Yeah.

16 Q [LCDR STONE]: Manipulative behavior?

17 A [DR. KERAM]: Well, it's--you have to understand it in the
18 context of, first of all, you know, the norm group. Most people in
19 his situation become manipulative because they can't control things.
20 They have no other way to get things that they want to get. So for
21 example, you know, he loves cheesecake, so sometimes--sometimes he
22 will be obstreperous around us not bringing him out a cheesecake. And
23 that's a form of manipulation, and that's the way I characterized it.

1 I'm trying to think of other, you know, sort of classic Salim Hamdan
2 examples, other than cheesecake. One form of manipulation that I
3 noted was once he realized that there was a connection between
4 interrogators and JTF, he--he used that to manipulate his way into a
5 better housing situation. He was in the cell that was close to where
6 the guards were and it was noisy and he had trouble sleeping, so at
7 his next interrogation, he told the FBI interrogators that unless they
8 arranged to have him moved to a specific cell, and he had one picked
9 out for him, that he wouldn't continue to talk to him. And they did
10 arrange that movement--actually, it was to the cell next to that one,
11 but that's a form of manipulation. That's what we mean when we say
12 manipulation, and that's extremely common in the incarcerated
13 population. I've spent a lot of time in jails and prisons. I know
14 very few people who don't try to use things like that to improve their
15 situation in custody, where they have no control over things like
16 that.

17 Q [LCDR STONE]: Do you believe that the accused is a man of his
18 word?

19 A [DR. KERAM]: I'm glad that you asked me that. And the answer
20 is yes.

21 Q [LCDR STONE]: Okay.

22 A [DR. KERAM]: And I'll tell you why.

23

1 Q [LCDR STONE]: Well, let me ask you a follow-up here----

2 A [DR. KERAM]: ----there were many times when----

3 Q [LCDR STONE]: Okay, if that's a yes, how much weight then do
4 you give to the fact that he pledged a solemn oath of loyalty and
5 allegiance to the world's most dangerous terrorists?

6 A [DR. KERAM]: Mr. Hamdan told me that he never pledged bayat to
7 bin Laden, and again, he had a very credible reason. Although,
8 actually, it was more my analysis of what he was saying of the
9 interrogation conditions of that interrogation were, that led me to
10 believe that there was an entirely credible reason why those two
11 statements could stand independent of each other and both be true.
12 That he didn't say that, has no memory of saying it, and that the FBI
13 agents heard it--heard him say it, and that in the middle, there's a
14 credible reason, which I can explain to you, why they would both be
15 true.

16 TC [LCDR STONE]: Thank you. No more cross-examination, Your
17 Honor.

18 MJ [CAPT ALLRED]: Thank you, Commander. Well, I----

19 CDC [MR. SWIFT]: Well, we can--I don't have a lot of questions,
20 but if we want to have a break----

21 WIT [DR. KERAM]: I need a break.

22

23

1 MJ [CAPT ALLRED]: It's probably a good time for a break.

2 What--and you have your next witness then kind of standing
3 by after we're finished?

4 CDC [MR. SWIFT]: We'll be ready to go immediately after that.

5 MJ [CAPT ALLRED]: Okay. Why don't we take a 10-minute recess or
6 something?

7 **[The military commission recessed at 0940, 7 August 2008.]**

8 **[The military commission was called to order at 0956, 7 August 2008,**
9 **the members present.]**

10 MJ [CAPT ALLRED]: The court is called to order. The defense?

11 CDC [MR. SWIFT]: We'll be extraordinarily brief.

12 **REDIRECT EXAMINATION**

13 **Question by the defense counsel:**

14 Q [MR. SWIFT]: Dr. Keram, you've testified in multiple
15 proceedings, is that not true?

16 A [DR. KERAM]: Yes.

17 Q [MR. SWIFT]: If you could make a percentage, how often do you
18 testify for the prosecution and how often for the defense in criminal
19 cases?

20 A [DR. KERAM]: 50-50; both in state and federal court.

21 **[END OF PAGE]**

22

23

1 Q [MR. SWIFT]: There's been much made that you did your
2 interviews in the last two weeks regarding rehabilitative potential.
3 Can you tell the members when do you normally do a rehabilitative
4 potential interview with an accused? Is it before their trial or
5 afterwards?

6 A [DR. KERAM]: After their trial. But I also don't want to
7 leave you with the impression that, you know, that the information
8 that I gleaned during the earlier evaluation wasn't helpful in
9 analyzing that. But, yes, it's true that I spent an additional 16
10 hours or so with him this past weekend.

11 Q [MR. SWIFT]: And normally you would have done that after there
12 had been findings, correct?

13 A [DR. KERAM]: Oh absolutely, absolutely. Normally, I would've
14 waited for a probation report, which would have, you know, collected a
15 lot of the information. I would've spent some time, you know,
16 interviewing him. I would've--I don't remember what it is in the
17 federal court system, in the state system, we may have 30 to 60 days,
18 we may send them down to San Quentin for what's called a pretrial--I'm
19 sorry--pre-sentencing report, so we'd have, you know, a lengthy period
20 of time. It's kind of--I'm interested to see how it works here in
21 your system.

22

23

1 Q [MR. SWIFT]: So, a lot of the questions that you didn't ask
2 because you hadn't been directed yet to do a pre-sentencing report?

3 A [DR. KERAM]: Correct--right, each time I came down, you know,
4 I had a sort of specific question that I was answering. It was often
5 times difficult for me to come down as well. There were times I
6 wanted to travel that I wasn't able to. And so I tried to, you know,
7 deal with whatever the question was in front of me at that time for
8 the time that I had.

9 CDC [MR. SWIFT]: No further questions, Your Honor.

10 MJ [CAPT ALLRED]: Very good. Thank you.

11 TC [LCDR STONE]: No questions, sir.

12 MJ [CAPT ALLRED]: Thank you, Dr. Keram, for your testimony. You
13 may--I'm sorry--I'm sorry--forgive me. Do the members have any
14 questions for Dr. Keram?

15 MEMBERS: **[No response]**

16 MJ [CAPT ALLRED]: None apparently. Okay.

17 Well, you can step down then and return to the audience or--
18 --

19 WIT [DR. KERAM]: Thank you.

20 MJ [CAPT ALLRED]: ----or catch the plane or whatever your plans
21 are for today.

22 **[The witness was excused and sat down in the gallery.]**

1 CDC [MR. SWIFT]: At this time, the defense would like to enter
2 pictures of the accused's family. If I could have that next defense
3 exhibit in order, I'm afraid I've forgot.

4 **[The court reporter held up a sign with the prosecution number.]**

5 CDC [MR. SWIFT]: That would be the prosecution exhibit in order.
6 Ours are alpha-alpha or whatever--the next defense exhibit in order.

7 **[The court reporter held up a sign with the next defense exhibit
8 number in order.]**

9 CDC [MR. SWIFT]: Juliet-Juliet?

10 MJ [CAPT ALLRED]: Multiple pictures all under that
11 identification?

12 CDC [MR. SWIFT]: Yes.

13 MJ [CAPT ALLRED]: Okay. You want to just----

14 CDC [MR. SWIFT]: And display to the table and to the military
15 judge and to the prosecution.

16 **[DE JJ for identification was shown to the military judge and
17 prosecution.]**

18 MJ [CAPT ALLRED]: Okay. Will you be authenticating these or are
19 you going to just offer these without----

20 CDC [MR. SWIFT]: I will--I would offer them if there is an
21 objection as to authentication, I'm prepared to call the translator--
22 the defense translator, who did the photographs, but in the interest
23 of saving time, I would like to offer them----

1 TC [LCDR STONE]: No objections.

2 MJ [CAPT ALLRED]: Without objection, these photographs----

3 CDC [MR. SWIFT]: If they could then be published to the members?

4 MJ [CAPT ALLRED]: They may. Is somebody going to explain them
5 or you just want them to see the pictures for now?

6 CDC [MR. SWIFT]: Display--displayed once through, and then we'll
7 talk about them later.

8 MJ [CAPT ALLRED]: Okay.

9 **[The members reviewed Defense Exhibit JJ.]**

10 MJ [CAPT ALLRED]: Have the members seen all of the images then?

11 **[The members nodded in response.]**

12 MJ [CAPT ALLRED]: Very good.

13 CDC [MR. SWIFT]: We would now offer a video affidavit under oath
14 of the defense's spouse. It runs about 4 minutes. It is in Arabic,
15 but it is translated. A copy of which has previously been furnished
16 to the prosecution. It pertains only to sentencing matters.

17 TC [LCDR STONE]: No objection.

18 MJ [CAPT ALLRED]: Very good. Translated with subtitles or will
19 there be a----

20 CDC [MR. SWIFT]: There are subtitles underneath it, so the--you
21 have both--you'll follow in that the translation occurs simul--or not
22 simultaneously but consecutively in it, but we've also provided
23 subtitles.

1 MJ [CAPT ALLRED]: Very good. You may play that to the members.

2 **[DE KK for identification was offered and admitted into evidence as DE**
3 **KK.]**

4 CDC [MR. SWIFT]: If we can have it up on all screens. And for
5 the Gallery, please?

6 MJ [CAPT ALLRED]: You may.

7 **[DE KK was played in the courtroom with very low volume.]**

8 MJ [CAPT ALLRED]: Can you turn up the audio?

9 CDC [MR. SWIFT]: We're going to take a technological pause.

10 MJ [CAPT ALLRED]: Why don't we just pause it until we get it
11 ready to run properly and start over again at the beginning?

12 Sergeant McDonald has entered the courtroom.

13 **[Sergeant McDonald assisted in playing DE KK before the courtroom, the**
14 **audio was turned up, and withdrew from the courtroom.]**

15 MJ [CAPT ALLRED]: There it is.

16 **[DE KK was played before the courtroom from the beginning.]**

17 CDC [MR. SWIFT]: At this time, Your Honor, Mr. Hamdan will make
18 an unsworn statement from the table.

19 MJ [CAPT ALLRED]: Very good. What's the format you'd like to
20 proceed from? Just standing there at the counsel table?

21 CDC [MR. SWIFT]: He will stand at counsels' table, sir.

22 MJ [CAPT ALLRED]: Okay.

1 **Salim Hamdan, the accused, made the following unsworn statement at the**
2 **defense table:**

3 ACC [MR. HAMDAN]: I would like to first thank the members for
4 taking my trial. I would like to thank the judge himself, and all the
5 present people. I apologize if there is any repetition in what I am
6 saying because the doctor had mentioned a number of things that I
7 might repeat.

8 First of all, as regards to my having work with bin Laden,
9 it was a work relationship only. It wasn't a normal relationship at
10 all. It was a relationship of respect, one of give and take between
11 an employee and the director or the boss of the company. I respected
12 him, and he respected me. I give him regard or I regard him, and he
13 regarded me. I was treating him the way I would keeping into account
14 my position, my profession. And he, in turn, treated me the same way.
15 So a very normal relationship had evolved. And this is a very normal
16 or natural thing among us Arabs.

17 Of course, I returned to Yemen twice. The first time was
18 after the events that took place in Africa. I gathered a little bit
19 of savings and tried to stay and establish in Yemen. It's true, there
20 are work opportunities in Yemen, but--but not at the level that I
21 needed after I got married and not to the level of ambitions that I
22 had in my future or what I was expecting from my future. Of course, I
23 tried very hard to find a job that would be useful for me in that

1 regard. I also had my in-law, Nasser, Abu Jandal. He and I had
2 intermarried our sisters.

3 And given that relationship between myself and Abu Jandal,
4 we wished together to be married from the same family. And this
5 happens among friends who would like to keep their friendship together
6 for a long time, which is a very natural, very normal thing for us to
7 do that. This is a common occurrence among us Arabs.

8 To the fact that I wasn't able to find a convenient or a
9 very good job--a super job in Yemen, and that Nasser had taken his
10 wife and returned to Afghanistan, and he had stayed for a long time
11 without making any phone calls for several months. So his father, his
12 wife, and his father and mother and family were very afraid for their
13 daughter. And they would tell me, "We need to know where our--where
14 our daughter is. Where is she? We don't have any news of her."

15 So I had to go back to Afghanistan to bin Laden to work and
16 --and also to look for Nasser, and not Nasser, himself, but his wife
17 more importantly. So, of course, I stayed there to work a second
18 time. And then I returned a second time to Yemen. And, of course, I
19 had found out that he was behind the events, bin Laden was. But I was
20 thinking to myself, "God willing, this will not occur again, a second
21 time."

22 I stayed and got money--a lot of money and returned to
23 Yemen. And I returned there to get settled permanently in Yemen.

1 When the ship in Aden--the incident with ship in Aden took place, and
2 I stayed in Yemen and nothing happened with me or to me. Then my wife
3 and her family and myself decided to go for a pilgrimage. And, of
4 course, during the time that I was in Yemen, I tried to find a job or
5 I tried to find a car or proper parts to work with it.

6 Then I went to Hajj or pilgrimage. And we were attempting
7 to come back after Hajj or pilgrimage, and, of course, we were in
8 contact between myself and my wife's brother just to make sure that
9 everyone is okay. So Mohammed, my wife's brother, informed me then
10 that the Yemeni intelligence had come looking for me to arrest me. I
11 asked him, "What do they want of me? I didn't do anything." He said
12 that they wanted to--that the intelligence wanted to arrest me. He
13 didn't know why, and then afterwards, he says because of the ship, it
14 had to do with the ship. And that they were arresting anyone that had
15 come back from Afghanistan and arrested them. So I had to make a very
16 hard or tough decision. Either go back to jail in Yemen, and I
17 couldn't, of course, stay in Saudi Arabia, so I was between--in two
18 fires, either here or there.

19 So I decided to go back one more time to my work in
20 Afghanistan with bin Laden. Of course, when I was in Yemen, this
21 issue with the ship took place. On the Yemeni television and on the
22 Yemeni newspapers, all the news there were announcing that behind this
23 ship incident was the Israeli Mossad. It was impossible in my mind

