

EXHIBIT 35

The Washington Post

Guantanamo prisoners moved early than disclosed

By Adam Goldman and Matt Apuzzo
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Four of the nation's most highly valued terrorist prisoners were secretly moved to Guantanamo Bay, Cuba, in 2003, years earlier than has been disclosed, then were whisked back into overseas prisons before the Supreme Court could give them access to lawyers, the Associated Press has learned.

The transfer allowed the United States to interrogate the detainees in CIA "black sites" for two more years without allowing them to speak with lawyers or human rights observers or to challenge their detention in U.S. courts. Had they remained at the Guantanamo Bay prison for just three more months, they would have been afforded those rights.

"This was all just a shell game to hide detainees from the courts," said Jonathan Hafetz, a Seton Hall University law professor who has represented several detainees.

Removing them from Guantanamo Bay underscores how worried President George W. Bush's administration was that the Supreme Court might lift the veil of secrecy on the detention program. It also shows how insistent the Bush administration was that terrorists be held outside the U.S. court system.

The arrival and speedy departure from Guantanamo were pieced together by the AP using flight records and interviews with current and former U.S. officials and others familiar with the CIA's detention program. All spoke on condition of anonymity to discuss the program.

Top officials at the White House, Justice Department, Pentagon and CIA consulted on the prisoner transfer.

CIA spokesman George Little said: "The so-called black sites and enhanced interrogation methods, which were administered on the basis of guidance from the Department of Justice, are a thing of the past."

The detainees moved to Guantanamo in September 2003 were Abu Zubaydah, Abd al-Nashiri, Ramzi Binalshibh and Mustafa al-

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Hawsawi.

Binalshibh and al-Hawsawi helped plan the Sept. 11, 2001, terror attacks. Al-Nashiri was the mastermind of the 2000 bombing of the USS Cole in Yemen. Zubaydah was an al-Qaeda travel facilitator.

The admitted terrorists had spent months overseas enduring some of the harshest interrogation tactics in U.S. history. By late summer 2003, the CIA needed somewhere to hold them but no longer needed to conduct prolonged interrogations.

The U.S. naval facility at Guantanamo Bay seemed a good fit. Military tribunals were to be held there, and a federal appeals court ruled unanimously that detainees could not use U.S. courts to challenge their imprisonment.

But not long after the men arrived, things began unraveling. In November, over the administration's objections, the Supreme Court agreed to consider whether Guantanamo Bay detainees could sue in U.S. courts.

On March 27, 2004, just as the sun was setting on Guantanamo, a Gulfstream IV jet left Cuba. The plane landed in Rabat, Morocco, the next morning. By the time the Supreme Court ruled June 28 that detainees should have access to U.S. courts, Zubaydah

and the others were once again scattered throughout the black sites.

-- Associated Press

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