

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAFIZULLAH SHABAZ KHUL,)
)
)
Petitioner,)
)
v.) Civil Action No. 05-2367 (RWR)
)
GEORGE W. BUSH, *et al.*,)
)
Respondents.)
_____)

DECLARATION OF DAVID N. COOPER

Pursuant to 28 U.S.C. § 1746, I, Lieutenant Colonel David N. Cooper, Judge Advocate General's Corps, United States Air Force Reserve, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

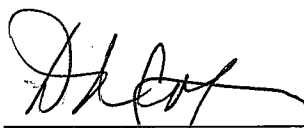
1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Hafizullah Shabaz Khul that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

10 August 2006



David N. Cooper
Lt Col, JAG Corps, USAFR



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 778

27 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 1001

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # 1001 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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OARDEC (Fwd)
CITF Ft Belvoir

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4415

24 Jan 05

MEMORANDUM

From: Assistant Legal Advisor

To: Director, Combatant Status Review Tribunal

Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1001

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal # 12 of 29 September 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the and actively participated in the Tribunal process. The detainee provided a sworn oral statement at the Tribunal hearing.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested five witnesses:
 1. Raz Mohammed Dalili, the former Paktia District Governor;
 2. Hakim Khanwal, a Tribal Elder;
 3. Haji Omar Khan, a Tribal Elder;
 4. Toti Khan, a Tribal Elder; and
 5. Haji Bara, a Tribal Elder.

The Record of Proceedings does not contain a proffer from the detainee describing the witnesses' expected testimony. The Tribunal President did not make a formal decision on

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1001

the relevance of these witnesses. However, as the witnesses were assumed relevant, the detainee was not harmed by the Tribunal President's failure to make a specific determination.

Requests for these witnesses were sent to the Department of State and forwarded to the Afghanistan Government. The Afghanistan Government did not respond. Under the circumstances, the Tribunal President declared the witnesses unavailable. In my opinion, this was not an abuse of discretion and no corrective action is required.

Exhibit D-a indicates that the witness also requested that his Personal Representative contact a sixth witness, Haji Wali Mohammed. The Personal Representative did not realize that the detainee had requested this witness until a follow-on interview when, prompted by the detainee, he consulted his notes. The detainee elected to proceed with the Tribunal hearing rather than delay it by attempting to locate this witness. In any event, since the detainee had no address for this witness, and given the non-responsiveness of the Afghanistan Government, the possibility that this witness could have been located is slim. Even if the witness had been produced, the evidence was sufficient to classify the detainee as an enemy combatant.

In his testimony, the detainee mentioned that he had requested a witness named Taj Mohammed Wardak. He explained that this individual preceded Raz Mohammed Dalili as governor. The Tribunal President did not comment on this. It is not clear whether this individual refers to one of the other witnesses requested. Since the witness had already recognized his Personal Representative's error in not contacting Haji Wali Mohammed, it is unlikely that he would not have noted another error. It is more likely that Taj Mohammed Wardak is an alias for one of the other witnesses. But even assuming that the detainee requested a seventh witness, either to his Personal Representative, or for the first time at his hearing, there was no harm to the detainee in not seeking to contact this witness. First, it is clear that any efforts to contact the witness would have been unsuccessful without the cooperation of the Afghanistan Government. Second, the evidence was sufficient to classify the detainee as an enemy combatant. In my opinion, no corrective action is required.

The detainee did not request any other witnesses or evidence.

e. The Tribunal's decision that detainee # 1001 is properly classified as an enemy combatant was unanimous. In my opinion, reasonable Tribunal members could determine that the detainee is an enemy combatant based on the evidence presented at the Tribunal. I can find no reason to disturb the determination.

f. The Personal Representative who initially interviewed the detainee is not the same Personal Representative who reviewed the Record of Proceedings. I contacted Lt Col [REDACTED] the Chief of Staff, OARDEC Forward, who confirmed that the first Personal Representative transferred off-island before he had a chance to review the Record of

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1001

Proceedings. The second Personal Representative, the Personal Representative Team Lead, was given the opportunity to review the Record of Proceedings and affirmatively declined to submit comments.

2. The proceedings and decision of the Tribunal as reflected in enclosure (2) are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Marine Corps Reserve; President

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army;
Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

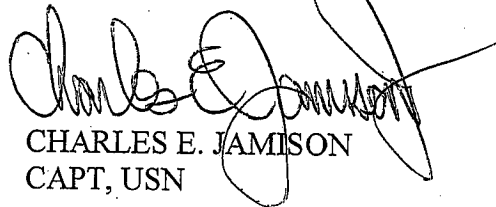
14 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1001

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #12

(U) ISN#: 1001

Ref: (a) (U) Convening Order for Tribunal #12 of 29 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

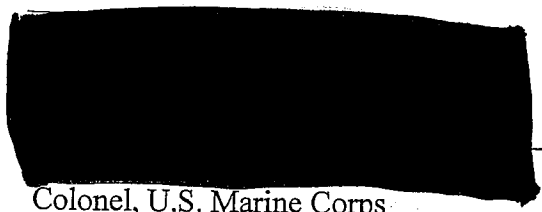
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U//~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U//~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 4 December 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 4 December 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #1001 is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this Detainee is a member of, or affiliated with, Taliban and al Qaida forces, as well as with associated forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #12
ISN #: 1001

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and the Taliban, as well as with other associated forces engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal hearing was conducted on 4 December 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), alleged that: the Detainee is a member of the Taliban and participated in military operations against the United States and its coalition partners; the Detainee served as the commander for two separate military units operating in Zormat, Afghanistan, from July 2002 to November 2002; the anti-coalition militia in Zormat District considered themselves al Qaida; between April and June 2002, while serving as the Zormat Assistant Governor, the Detainee had three known al Qaida suspects released from jail after they were captured at a checkpoint; on 31 August 02, the Detainee met with Saifullah Rahman Mansour to organize and receive funding for an attack on coalition forces; in early September 2002, the Detainee lead a 12-man unit of former al Qaida and Taliban in planning an attack on coalition forces; and the Detainee was arrested by Afghan authorities at the command of Abdullah Mujahed, head of security in Zormat, Afghanistan, then turned over the U.S. forces. The Recorder called no witnesses.

The Detainee participated actively during the hearing, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions from the Tribunal members. The Detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The Detainee requested five witnesses, however none were present at the hearing and none provided matters for submission to the Tribunal. The Detainee submitted no documentary evidence. For a detailed discussion of the witness requests, see paragraph 4, below.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-17, without comment. The Personal Representative introduced no classified documents and did not comment on the classified evidence.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, and R-1 through R-17.
- b. Testimony of the following Tribunal-approved witnesses: None.
- c. Sworn statement of the Detainee. See Enclosure (3) to the CSRT Decision Report.

4. Rulings by the Tribunal on Detainee Requests for Evidence

As reflected in Exhibit D-a, the Detainee made a request for five out of camp witnesses. The original request for witnesses was submitted on 27 October 2004. That request was properly forwarded to the U.S. State Department, which forwarded the request for assistance to the Government of Afghanistan. A follow-up request was submitted to the State Department on 9 November 2004, and a third request was sent 22 November 2004. It should be noted that the Tribunal was conducted on 4 December 2004; therefore, an additional 17 days were added to the Detainee's request. Over 30 days having passed without a response from the Government of Afghanistan, on 4 December 2004 the Tribunal President determined that the witnesses were not reasonably available and the requests were denied.

The Detainee requested no documentary evidence be produced, so no rulings were necessary.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

- a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this exhibit is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, an FBI redaction memorandum, contained no useful information. Accordingly, the Tribunal had to look to the Detainee's testimony and the classified exhibits for evidence pertaining to the allegations in the Unclassified Summary of Evidence.

b. Essentially, the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. The Detainee responded to the allegations after taking a Muslim oath. He stated that he did not serve as commander for two separate military units in Zormat, and that he did not like al Qaida. He testified that he didn't know Saifullah Rahman Mansour when Mansour was in power. He flatly denied the allegation about leading a twelve-man unit. The Detainee related an account of himself in which he reluctantly accepted a position as Mayor of Zormat, after President Karzai came to power, when village elders asked him to represent them. He indicated that when he was in office there were no problems with local crime and he also cooperated with the Americans. The Detainee was replaced after six months. He was then approached by the Governor to become a part of a fifteen-member commission to address the crime problem. During the questioning by the Tribunal, the Detainee stated that he was educated in pharmacology and was held in very high regard by the people of his village. He said he was a good man, an honest man, and had respect. That is why he was given the original position of mayor. A summarized transcript of the Detainee's sworn testimony is attached as Enclosure (3) to the CSRT Decision Report.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.
- b. The Detainee understood, and actively participated in, the Tribunal proceedings.
- c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, al Qaida and the Taliban, as well as with other associated forces engaged in hostilities against the United States and its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 and R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President stated that the Detainee wanted to participate, make an oral statement and has requested five witnesses from Afghanistan. The first witness request was sent to the Department of State on 27 October 2004, the second on 9 November 2004 and a third request was sent on 22 November 2004, all concerning a request for assistance from the Embassy of Afghanistan. As of this date, 4 December 2004, we have not received a response from the embassy on the status of these witnesses. The witnesses have been deemed not reasonably available. The Tribunal President reassured the Detainee that this would not be held against him for any reason.

Tribunal President: Hafizullah Shabaz Khail, you may now present any evidence or information that you have to this Tribunal and you have the assistance of your Personal Representative in doing so. Do you still want to present information to this Tribunal?

Detainee: I would like my Personal Representative to read the statement, and if there's anything I want to say to give more evidence, I will raise my hand.

Tribunal President: Very well. And before we do that, would you like to take an oath, so that your statements, or answers to any of our questions, are given under oath?

Detainee: I would like to.

The Reporter administered to the Detainee the Muslim oath.

The Personal Representative read the statement the Detainee had prepared to the allegations, and will added comments as needed.

Detainee: (Personal Representative reads from statement) I've never been part of the Taliban. I have not worked one day under the Taliban. When Karzai came into power, the elders of the city came to my house and asked me to be their representative. I was given the position of mayor of the city because I was trusted. Taj Mohammed Wardak was assigned as governor of Paktia province. When this happened, I sent the paperwork to Kabul. Operation Anaconda was ongoing. I was the representative in that district. While I was mayor in Zormat, there were no problems with the Americans. I met with American commanders several times; their names were Mike and Tony. We even took pictures together. I was mayor for six months there. I wasn't even on the payroll; they

weren't paying me anything. I have helped and assisted the Americans. After six months, Karzai assigned someone else as mayor of Zormat.

I gave the new mayor the position without any dispute. I then went home. When I was mayor, there weren't any problems. When the new mayor came into power, crime soared. People stole property. Wardak (the governor) was then replaced by Raz Mohammed Dalili as the new governor of Paktia Province. Then Raz Mohammed Dalili asked me to come in and talk to him and he asked for my help to get Zormat back to normal. I did not accept his request the first time. He asked me again to meet with him and bring order back to the city. He sent the elders of Zormat to my home a second time, asking for my help. Finally, I accepted and there was a fifteen-member commission formed with members of the Zormat District. I was the president of the fifteen-member group. Dalili made me the head of the commission. I represented the elders and I sent these names to the interior ministry. Yes, the ministry sent it to the government, and the government sends it to the district and then we send them back. The first decision of our group was to coordinate any police matters that would cross the districts with the representatives of that district. We worked with the security, so that we knew whether they were coming to do a search, investigation or arrest. The delegation of fifteen people in our culture, our tribal culture, didn't fight with the government or district manager of the tribe; when we did something, we would get together and find the right, peaceful way to do something. This was to prevent any misunderstandings so that they would know the difference between the police coming to do a search and robbers robbing them. This way no one would get hurt or killed by accident.

The following story explains the circumstances of why I was falsely imprisoned. There was a reason the fifteen member delegation prompted the government to appoint us to work for the security and safety. The reason was some people under the government worked for the government with a uniform; they blended in with some people under the government. There were employees in uniform, going to houses during the night. There were a lot of problems; they were killing people and robbing the houses all the time. That was a big concern of these people and we would come to find the right way to fight. We needed to separate the people, the people who are for the government, from the troublemakers, who were robbing the people, and stealing the property.

We voted in the fifteen-member delegation that was from different villages, or different areas of this district. We agreed between the government and district manager that each time a group or military people during night or day want to go search somewhere, or some house, or some area, they contact us first and we can go together with them. They didn't want to show us which house or which area. At least we needed to know which area they were coming to and to let us know so we could join them and take them there. I'm a representative of this tribe and for this village, and I would say these people are coming from the government and are not there to rob. They are people who want to search your house. That means they cannot make problems and disputes between these people. This will go smoothly and easily, the right way.

The following story explains the circumstances of why I was falsely imprisoned. A businessman was robbed of 200,000 kalgars in the city of Sherbuz (ph). Yes, some business people were going from Khost to Kandahar and from Kandahar to Iraq to buy used or new cars and that was their business to be there at that time. Three or four people were in the car and one of them had 100,000 kalgars on his leg and 100,000 kalgars on his other leg and some money in one pocket at that time. And in the middle of the way, there were people. They stopped the car and they robbed the guys and took the 200,000 kalgars away from him. The robbers ran away. We asked the district manager and our weapons security what we should do. The guys were robbed and the thieves ran away. They did not belong to our area. They belonged to another province, Ghazni, but we still can do security there too. And we asked, why did this happen? After we had a meeting with the district manager, I called the fifteen members. I ordered interrogations and went to the area where the incident happened. We went to the area. There's a small store, a bazaar, and I asked them what people were coming and going. They're telling us that people came with uniforms as a soldier or police officers and they bought from us peanuts and oranges, and then they left. We found the guys when they robbed them. We took the guys with us and asked them "Do you know these people?" They blinded my eye, and I knew the coat; not the faces, but the coat. And they drove away. And we came back from the area, back to the district manager and told the story, and there were people who came with uniforms, police officers, and they're gone. We told the whole story to the district manager. After the district manager, we went to the police station, which is close to the right, and we went to the police officer, to the manager of police officers. We found the car, and the car was out there, and the guy saw the car, and said that was the car. Because the guy went to the bazaar after the incident, he told us they bought an orange and peanuts. We found the peanuts and the orange in this car. That was our hundred percent proof and we told the police officer of this unit and said we want the money; immediately return the money back to the person. After two day's dispute, we said you have to find the money and have to bring it back. After two day's discussion, they returned 150,000 rupees and gave us the 50,000 two or three days later. At that moment, we gave the money to the previous owner. He left and then a government delegation from the internal ministry, and another delegation from the general attorney, came. There were two other delegations from the internal ministry and they just wanted to see their own workers, in our office. When they were working with the delegation from the embassy, they brought help for the three provinces around here, like Bathio, Paktia and Ghazni. We met the delegation in the district managers' office. We talked all day, and we gave an Afghan tribal gift, and they said we would start our talk tomorrow. They took out everybody else, there were police officers, the managers of the police station were there, the district manager were there, and all fifteen delegation elders were there and the representatives were there, everybody was there together. At that time we wanted to ask the governor to join our meeting, but he was not in his office. At that time, after the whole thing, there were two other Americans, they saw me, and they recognized me. The soldiers came, and when the police came they grabbed me and handcuffed me. They took me there and I don't know for how long, and they took me to America. Some people say you helped, but your reward is different. You don't get a reward, you get punished. When Karzai came to power, I tried and gave a lot of help, with them, and with the Americans. America is a superpower; they have all kinds of

knowledge. I hope I can ask the two gentlemen, one name is [REDACTED], how much help I gave to them. Before they arrested me, fifteen days before, I went to talk to another gentlemen, and his name was Mike too, Michael, and I offered my help. Around fifteen, thirty people went full time to greet them, and to offer our help, and he reserved a room for us at the Spinzak Hotel. We stayed there for almost ten days. I hope you don't get upset with me, I will say all the allegations are wrong if I were Taliban or al Qaida or if I was another criminal. I will be in the mountains or in a cave somewhere else, but they arrested me inside the governor's office. It's one thing just talking or writing on someone else, but proof is a different story. This name, Saifullah Rahman Mansour, he was a government official. He was the one who came and robbed my house and took everything I had and left. If someone, or anybody, proves this meeting, or this thing, if anybody proves that, I accept ten years to stay here in Guantanamo. America is great, and a great superpower. With high technology and these allegations on me, I hope that a picture or radio will help; I need my truck, my wives, I need anything. I hope to have these things. If the evidence were not on my account, even on the evidence of Afghans then I would accept that too. I asked for two witnesses who were high-ranking officials of the Karzai government; one is Raz Mohammed and the other Taj Mohammed Wardak. And there's another person named (inaudible) who campaigned with Americans together. I would like to ask him, and he's easy to find. And I named four or five people in my own district, elders; you guys are free anytime, any day to ask. And I'm sorry; I didn't think I would give you headaches from Bagram all the way to here. I need evidence, any kind of evidence, I will like to accept it. America is a great, great country, and Americans are a great people with high respect. There we were at war with Russia and our best wishes and best hopes are that someday America would come and help us and build our life in our country. Our life was destroyed by the war and that's all. I wish my wife were here, during my old age. They asked me twice for help, I do not accept anything; that was the only reason to help the people for the security, and this is my reward, I am here. I'm not a Mullah. I'm an educated person. I'm a pharmacist. Now I'm sitting here in front of you, with my hands and feet in cuffs. There's an American convoy that came and they blew up the convoy and killed fifteen people or ten people. I hope that it wasn't for that thing happening. But this thing, it's up to you, I'm sitting here to you, to listen to you. And Operation Anaconda when it started, I will guarantee you when this started from Ghazni, to Zormat, from Zormat all the way, if anybody threw a rock, forget the bullets, forget the mines, forget everything, that was because of our help. The operation was for safety and that was because of our help. After this operation, after one month and half months, I went home, and turned over everything to the district manager. I'm not accepting this allegation on me. I hope that if there's any right in notice, any proof on me, on the radio, a picture, any otherwise, I would be glad to accept these allegations.

Personal Representative: There were a couple of points that you missed. When the businessman was robbed of 200,000 kalgars in Sherbuz, when they investigated the robbery, it was determined the thief was the commander of security in the district, Taj Mohammed. When the businessman was robbed of 200,000 kalgars...

Detainee: Yes, the chief or commander returned the money.

Personal Representative: And he worked for Abdullah, the chief of security for the district of Zormat.

Detainee: Yes, the only reason the commander of the law arrested me was because of this money.

Personal Representative: Basically, because they confronted the man who stole the money from the merchant, found out this man worked for Abdullah, who was powerful, and Abdullah got him falsely arrested. And he must have come up with a lot of lies so his friend Dalili couldn't even get him released.

Detainee: Yes, when I was arrested, Dalili was in Kabul at that time. He got home during the night, came back to the city and assured me I will be released tomorrow, but for some reason, I wasn't.

Personal Representative: And one other point you forgot to make was that, when you were helping the Americans, you even caught two al Qaida cars.

Detainee: Yes, I captured two al Qaida cars and returned them to the governors. Mr. Wardak was governor at that time. And they say he may still be governor at this time.

The Personal Representative read the accusations to the Detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. The Detainee is a member of the Taliban and participated in military operations against the United States and its coalition partners.

3.a.1. The Detainee served as the commander for two separate military units operating in Zormat, Afghanistan from July 2002 to November 2002.

Detainee: This is a false allegation, if I said that before. I need paper, I need documents, I need a radio, I need a picture, anything, and I was not a commander or anything.

3.a.2. The anti-coalition militia in Zormat District considered themselves al Qaida.

Detainee: To this point: I never ever worked for any government or anybody and I don't like the al Qaida, I hate the al Qaida and I don't like their name, because they destroyed the whole country.

3.a.3. Between April and June 2002, while serving as the Zormat Assistant Governor, the Detainee had three known al Qaida suspects released from jail after they were captured at a checkpoint.

Detainee: From my childhood until now, from the King (inaudible) to the communist government to the Taliban government to the Karzai government, if anybody says if I was assistant governor for one day, yes, will I erase these people.

Personal Representative: In b., you mentioned to me that you were not the assistant Zormat Governor.

Detainee: No, never in my lifetime. Never.

Personal Representative: And you never knew these people?

Detainee: Which people?

Personal Representative: Those three people.

Detainee: How would I know if I were not assistant governor, would I know these people?

3.a.4. On 31 August 2002, the Detainee met with Saifullah Rahman Mansour to organize and receive funding for an attack on coalition forces.

Detainee: I don't know this guy even when he was in power in his own term. He came and robbed my house and took everything that I have. How do I go about talking to this guy, taking his money? That's impossible. And, also, how come he (inaudible) when I came to America?

3.a.5. In early September 2002, the Detainee led a 12-man unit of former al Qaida and Taliban in planning an attack on coalition forces.

Detainee: It's not acceptable to me, this allegation. This one never happened, and I don't like al Qaida, I don't like its name, and I don't like him (Osama Bin Laden), and it's up to you to accept it or not.

3.a.6. The Detainee was arrested by Afghan authorities at the command of Abdullah Muhajed, head of security in Zormat, Afghanistan, and then turned over to the U.S. Forces.

Detainee: Yes, that was a (inaudible) about this guy. About this whole robbery thing, and stolen money, and we got it collected from him, that was the only thing he finds? Everything else is against me, and he turned me in to the Americans. I don't know, he gets money from America too, and I don't know.

Personal Representative: Is there anything else you'd like to add?

Detainee: America again, America's great and intelligent and smart. I ask for advice. Please be sure to do the right thing and know that our country is so poor and so behind.

There are a lot of people; I know they come for no reason, but for personal disputes. There's been twenty years of war there, there's a lot of disputes, there's a lot of killing, there's a lot of robbery, lots of things happen there. But, with your knowledge and your position to do the right thing it will be good for you. I wanted to terminate the Taliban but I didn't, I just kept my pharmacy at my home. I didn't take them out, because I have problems with the Taliban. I just make this business inside a house to give some medicine to people, to support my family. I'm just a poor person, I don't know what to do, I don't know how to support, how to sell. You guys see (inaudible), everything, every letter to my son, to my family, for any reason, for anything you can do, borrow some money, go sell, don't steer wrong. And that was our way that we think throughout most of my family when we grew up without education because of Taliban. And we would like our families to be educated. Forgive me, I'm sorry, I'm giving you a headache. That's my hope and my wish, if you have any proof on me, truly proof, I will accept it from anyone. Otherwise, please help me; release me to go back home. America was our friend in the past, America is our friend now; there's the hope that there's no problem with my country or me. In the future, if there is anything I can do to help America I would do it, anything you want. I don't have any problem with them. Please help us and wisely check my case, and I'm not a criminal, please let me go home.

Tribunal President: We will certainly give everything we receive here today, including your statement, serious consideration and if we should get a late response from the Afghanistan government in relation to the witnesses, we will if necessary reconvene this Tribunal and receive this new evidence.

Detainee: Yes, I tried my best, if I were a criminal, I would not get my evidence to these people, if I was a criminal I would not help the new government, if I were a criminal I will not help Americans. If I were a criminal, I would be in a mountain somewhere, not here in this Tribunal. That's all I can say. And you know, we are doing OK here. We get clothes, we get good food everyday but we left behind people and I don't know what has happened....

Tribunal President: We understand. We may have some questions for you, but does this conclude your statement?

Detainee: Please.

Tribunal President: Thank you for your statement. Personal Representative, do you have any additional questions for the Detainee?

Personal Representative: Sir, I just want to bring one more thing up, make sure its clear, and that is that the Detainee was meeting in the governor's office at his time of arrest.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Good afternoon, thank you for coming to speak with us today. We have tried to follow your story as you told it to us. Don't worry; you didn't give us a headache. But, trying to follow all the disputes in Afghanistan is enough to give any man a headache. So I will try to make things a little more clear for us on the panel. You said originally you were a pharmacist by training?

A. Yes. It's all in my file.

Q. So, during the time of the Taliban and before that, you supported yourself by being a pharmacist?

A. Yes.

Q. How did you receive your education and training to become a pharmacist?

A. In Kabul.

Q. They have medical schools for you to learn how to do that there?

A. Yes, I was the assistant pharmacist in the Kabul pharmacy, in Kabul University.

Q. How long did you have to study and train before you became an assistant pharmacist?

A. Fourteen years. At that time I was working in Kandahar when the communist government came to power, and then I left Kandahar. There was a hospital in Kandahar, built by China, and I worked there. I don't know if you have information or knowledge about this hospital.

Q. So, if you are a pharmacist, tell us how you become mayor of Zormat the first time?

A. Maybe two or three things. Maybe I'm a good man, or a respectable man, and also I am an honest man. The whole people of the Zormat district came to me, they respect me. When (inaudible) came the first time, to act as our new governor, they introduced me to him. He was the one to appoint me to be district manager, as an elder, not with money, without pay.

Q. Is this the same person as Raz Mohammed Dalili or a different person?

A. No, there are two different Taj Mohammeds. Well, the first was a governor, but he went back to Kabul to become an interior minister and Raz Mohammed Dalili was the second government person who took over his position.

Q. Were these gentlemen affiliated with President Karzai's government?

A. They were both appointed by the Karzai government.

Q. Now you mentioned the first time you were mayor, President Karzai came and put his own man in there to replace you? Do you know why he chose to do that?

A. I submitted my resume to enter the ministry in Kabul, but the people there did not know me. Someone in the ministry knew the other person, and he had appointed him instead.

Q. This person who replaced you, who seemed not to do very well at his post, do you think he is partially responsible for why you are here?

A. No, he was not involved in my arrest, his name was Jan Malum, teacher (Malum Jan Baz). Malum Jan Baz, he went to Bagram to (inaudible) and there was another guy that came and his name was Mohammed, who was another district manager.

Q. So the main person who appears to be responsible for your arrest is the commander, Abdullah Mujahed and also Saifullah Rahman Mansour, or not him?

A. The main person is Abdullah Mujahed (ph) because the people who belong to him are his people. Those were his people, the people who robbed him (the businessman), because we got the money from him, because when the man came he put me in this trouble. But I don't know about this guy, because I don't know; I don't want to be telling you lies.

Q. Does Abdullah Mujahed consider himself to be part of the Karzai government also, or against it?

A. Maybe the Americans can ask the American representative in this district. Maybe they know that, but I'm sure this guy's not part of the internal ministry. He took his position by himself.

Q. Regarding the militia that was operating in the Zormat district, when you were the mayor there, did you know they were operating there?

A. After six months, when I was mayor of the district, there was nothing. Very peaceful and very secure.

Q. So they only came there after you left your position?

A. Yes, when the next one, teacher Jan Baz, as district manager, that's when the problems started.

Q. So, Jan Baz must've been against the American presence there, and the Karzai government?

A. No, he was not popular in the area and the government just appointed him to this position; maybe he doesn't have experience and that's very important to be accepted by the people of the area where you work.

Q. Did you fight against the Russians when they were in Afghanistan?

A. Yes, I did, I belonged to Mohammed, and he has (inaudible).

Q. And how long did you fight in that jihad?

A. The communist government took power in '57-'58 (Islamic calendar), 1976-1977, the next year, after one year, he left his job. We refused to stay in Miluksha (ph); we stayed in Kabul. Some time during the year he came to work on our yard, they gave us wheat or corn sometimes not. Sometime, they met with other brothers, other people, for women, that was the only reason to go back.

Q. So, you fought against all the communist governments, Karmal, Amin, and Najib?

A. No, sometime, just once a year we went to an area to work as a guard, and the guys they sometimes need us. Our commander, we help them, otherwise we stayed in Foxtal (ph), and it's not a fight.

Q. Were there times when you yourself saw direct combat against the Russians?

A. No.

Q. Had you ever in your life have any military training?

A. No. Even when I didn't join in Afghanistan, when everybody else went for one or two years to the military, I didn't.

Tribunal President's questions.

Q. What is the largest city near your district, or in your district?

A. Our district is the biggest district because all the cities belong to four provinces, Ghanzi, Paktia, Lugar, and Practil (ph).

Q. Is that near Khost or Kabul?

A. No, I don't get it.

Q. I'm trying to find on the map where you were serving as district manager, near what big city, like near Khost, or Kabul?

A. Close to Ghazni. There are twenty-four kilometers between Zormat and Gardez, which is thirteen or fourteen miles.

Q. Were there any military camps around Ghazni, training camps for military?

A. Are you asking for Afghans or Americans or who?

Q. Afghans, were there ever any?

A. Yes, there were two. One was called Baloyza (ph) upper house, and one was close to north of Ghazni. Yes, Baloyza upper house is the center of Ghazi, and the other place is to the north of Ghazni.

Q. And that was Taliban operated or al Qaida operated?

A. Only I talk about the time I was in Afghanistan, or when president Mohammed (inaudible) after this time, I never went there, and I have never been there during the communist time or Taliban time or anybody else; I didn't know what was going on there.

Tribunal President: I don't have any other questions, thank you. Do you have any other information, or is there anything else that you feel that is important that you want to tell us as we begin to make our determination of your enemy combatant status.

Detainee: Again, I ask you, I ask your forgiveness, and I ask you for knowledge that you will really truly judge from your heart, like you swear, to check my case, if there's anything you think I'm guilty of, I will accept, but, I need help. Please help me.

Tribunal President: Thank you for your testimony.

Detainee: Thank you, thank you very much.

The Tribunal President confirms that the Detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the Detainee. The Detainee has one question/comment:

Detainee: How long will this process take?

Tribunal President: We hope within thirty to sixty days, but certainly as soon as possible.

Detainee: Like I told you, I show you, my evidence to the governor, or one minister and also two Americans, if I were guilty, or did anything wrong, I would not name these people to you.

Tribunal President: Thank you again for your participation.

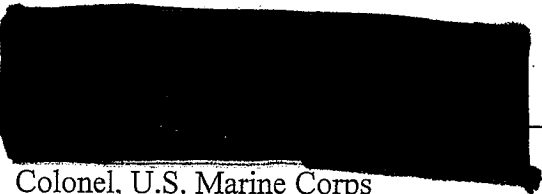
Detainee: I hope you don't get upset with me and I thank you, and I ask your forgiveness and I give you more time.

Tribunal President: I hope you have a good day.

The Tribunal President adjourns the Tribunal.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 22 Oct 2004

Start Time: 1000 hrs

End Time: 1150 hrs

ISN#: 1001

Personal Representative: MAJOR [REDACTED]
(Name/Rank)

Translator Required? YES Language? Pashtu

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

Personal Representative Comments:

Wants to participate and make an oral statement.

Witnesses Requested : 5

As of 22 Nov, witnesses were either unable to be contacted or chose not to provide statements.

(1) Raz Mohammed Dalili -Former Paktia District Governor

(2) Hakim Khanwal, Zumath Afghanistan – Tribal elder

(3) Haji Omar Khan, Solan Khayl, Zumath Afghanistan – Tribal Elder

(4) Toti Khan, Naik Num, Zurmath Afghanistan – Tribal Elder

(5) Haji Barat, Sak Haydari Qala, Zurmath Afghanistan – Tribal Elder

(note: at follow-on interview 24 Nov 04, detainee indicated that he had asked for a 6th witness, named Haji Wali Mohammed. After checking my notes, he mentioned the man but did not have an address only that he worked in Urgn District, Paktia province, detainee wanted to proceed with the tribunal anyway instead of trying to contact the 6th witness.)

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (06 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - KHAIL, Hafizullah Shabaz

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of the Taliban and participated in military operations against the United States and its coalition partners.

The detainee is a member of the Taliban and participated in military operations against the United States and its coalition partners:

1. The detainee served as the commander for two separate military units operating in Zormat, Afghanistan from July 2002 to November 2002.
2. The anti-coalition militia in Zormat District considered themselves al Qaida.
3. Between April and June 2002, while serving as the Zormat Assistant Governor, the detainee had three known al Qaida suspects released from jail after they were captured at a checkpoint.
4. On 31 August 02, the detainee met with Saifullah Rahman Mansour to organize and receive funding for an attack on coalition forces.
5. In early September 2002, the detainee lead a 12-man unit of former al Qaida and Taliban in planning an attack on coalition forces.
6. The detainee was arrested by Afghan authorities at the command of Abdullah Mujahed, head of security in Zormat, Afghanistan, then turned over the U.S. forces.

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Exhibit 4438 RI

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4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/08/2004


If you need additional assistance, please contact
Asst. Gen. Counsel [REDACTED]
[REDACTED] or Intelligence Analyst (IA)

IA


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Personal Representative Review of the Record of Proceedings



I acknowledge that on 11 January 2005 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1001.

 I have no comments.

My comments are attached.

 LT COL, USAF
Name PERSONAL REP TEAM LEAD

11 Jan 05
Date


For MAJ  PR # 96

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL MATEEN,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 06-1679 (RMU)

DECLARATION OF DAVID N. COOPER

Pursuant to 28 U.S.C. § 1746, I, Lieutenant Colonel David N. Cooper, Judge Advocate, Judge Advocate General's Corps Reserve, United States Air Force, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

1. I am a Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Abdul Mateen that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

15 February 2007

David N. Cooper, USAFR

DAVID N. COOPER, Lt Col, USAFR
Staff Judge Advocate
DOD, HQ OARDEC
Washington, DC



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 845

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #1002**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #1002 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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20 Jan 05

MEMORANDUM

From: Assistant Legal Advisor
To: Director, Combatant Status Review Tribunal
Via: Legal Advisor *JLL*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #1002

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #27 of 29 Dec 2004
(2) Record of Tribunal Proceedings

1. A legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and elected to participate in the CSRT by attending the CSRT, providing an unsworn statement to the Tribunal, and by responding to questions posed by the CSRT and his personal representative. See Encl. (2) at Enclosure (3).
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee did not request that any documentary evidence be produced. The detainee did request that three witnesses be produced by the CSRT to speak on the detainee's behalf. See Exhibit D-a. The detainee proffered that the witnesses requested to speak on his behalf were co-workers at the school where he taught in Pakistan, and could refute the allegations contained in the evidence against him and corroborate his whereabouts during the timeframe that the events described in the allegations occurred. See Exhibit D-a. The CSRT determined that testimony from all three witnesses would be duplicative, and that only one of the witnesses' testimony was relevant. See Enclosure (3) to Encl. (2), p. 2. The CSRT accordingly, approved the request for the head-teacher of the school, Hazrat Mohamad. *JLL*

On 26 Nov 04, the Tribunal forwarded the request to the U.S. Department of State, who attempted to contact the witness. On 10 and 12 Dec 04, the Tribunal made two follow-up attempts through the State Department to contact the witness. However, the foreign embassy failed to respond. Consequently, the CSRT determined that the witness was not

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1002

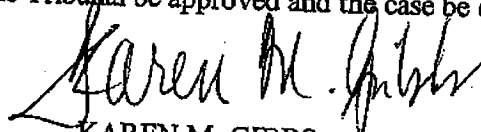
reasonably available, nor was there a reasonably available substitute for his testimony. This determination was proper. However, there is no indication in the record that any attempts were made to contact either of the remaining two witnesses when the first witness could not be located.

Notwithstanding, references (a) and (b) clearly provide that the Tribunal has the discretion to determine what evidence it deems relevant, that it is "not bound by the rules of evidence such as would apply in a court of law," and that it "may consider any information it deems relevant and helpful to a resolution of the issues before it." As a corollary, the converse must be true that the Tribunal may refuse to consider any evidence it does not deem "relevant and helpful" to their determination.

Here, a review of the record reveals that the Tribunal considered the proffered evidence, and accepted as true the detainee's submission that he taught school for seven years, but was off for three or four months each summer when he returned to Afghanistan, as well as being off an additional year when he lived in Mazr-El-Sharif. See Enclosures (2) and (3) at Encl. (2). Thus, the Tribunal's decision not to further delay the proceeding to contact the Department of State to locate one of the other two witnesses was not improper.

Notably, it appears from a clear review of the record that, even if either of the additional witnesses had been called, the CSRT would have reached the same determination that the detainee was an enemy combatant because the preponderance of the evidence supports the determination reached by the CSRT. Therefore, the Tribunal's ruling, as it related to the witness requests did not appear to prejudice the detainee.

- e. The Tribunal's decision that detainee #1002 properly classified as an enemy combatant was unanimous.
 - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
 3. I recommend that the decision of the Tribunal be approved and the case be considered final.


KAREN M. GIBBS
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #27

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED], Lieutenant Colonel, U.S. Air Force; Member

[REDACTED], Lieutenant Colonel, U.S. Air Force;
Member (JAG)

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

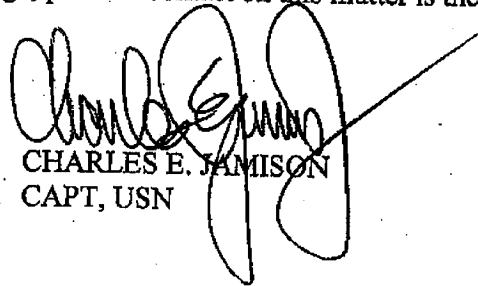
MEMORANDUM FOR DIRECTOR, CSRT

7 January 2005

FROM: OARDEC FORWARD *Commander* ICO ISN 1002

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #27

(U) ISN#: 1002

Ref: (a) Convening Order for Tribunal #27 of 9 December 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) Unclassified Summary of Basis for Tribunal Decision (U//FOUO)
(2) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) Summary of Detainee/Witness Testimony (U//FOUO)
(4) Copies of Documentary Evidence Presented (S//NF)
(5) Personal Representative's Record Review (U)

(U) This Tribunal was convened on 20 December 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

(U) The Tribunal has determined that Detainee #1002 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, the Taliban as more fully discussed in the enclosures.

(U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #27
ISN #: 1002

1. Introduction

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of the Taliban and associated with al Qaida. The Detainee returned to Afghanistan from Pakistan in late 2001. The Detainee was in possession of the infamous Casio watch of the type used by al Qaida members for bomb detonators. The Detainee failed to demonstrate knowledge of current events for locations where he claimed to have resided. The Detainee was employed by the Taliban's Chief of Intelligence in Mazar-E-Sharif. The Detainee passed messages to high-ranking Taliban and al Qaida officials. This individual is a former Taliban commander. The Detainee claims to have spent over 7 years as a science teacher, but failed to demonstrate knowledge of the subject. The Detainee is associated with a terrorist attack in Afghanistan in 1995.

The Detainee chose to participate in the Tribunal process. He called three witnesses, requested the Personal Representative to provide the Tribunal with six documents, and made an oral, sworn statement. The Tribunal President found that two of the requested witnesses not relevant, and one witness not reasonably available and that alternative means of producing the witness's testimony were also not reasonably available. The Detainee, in his oral sworn statement, denied being a Taliban member. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a thru D-h, R-1 through R-17.

b. Testimony of the following persons: none.

c. Sworn statement of the detainee

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Hazrat Mohamad	not reasonably available	no*
Abdul Qudous	not relevant	no**
Akhtar Mohamad	not relevant	no**

* This witness is the head teacher at the school where the Detainee taught. As such, it was proffered that this witness could testify to the length of time that the Detainee was working there and that he could provide information about the Detainee's personal and professional life for the last 20 years. Additionally, this witness could testify that the Detainee was working at the school during the alleged terrorist attack in Afghanistan in 1995. A request to obtain this witness testimony was sent to the U.S. Department of State on 26 November 2004 with follow-ups on 10 December 04 and 17 December 04. To date, the Department of State has indicated they have had no response back from the Foreign Embassy. As such, the Tribunal President determined that based on the attempt to locate and the lack of response, this witness was not reasonably available.

**The request for these witnesses was denied due to the duplicative nature of their testimony. The Detainee stated that they would have testified to the same information at the head teacher, therefore the requests for these witnesses were denied.

The Tribunal President made no rulings on evidence for the Detainee. The Personal Representative provided the Tribunal with Exhibits D-b thru D-g in the unclassified session. Exhibit D-h provided by the Personal Representative during the classified session was an unredacted copy of the letter that was submitted as D-c.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that all of the allegations on the Unclassified Summary with the exception of having a Casio watch were untrue. The Detainee stated that he was not a member of the Taliban. He primarily relies on 4 key points to show he is not Taliban. *First*, the Taliban was against education; *second*, the Taliban imprisoned him for six months in 1997; *third*, there is no evidence he was Taliban and the Taliban kept documents on their employees, even a doorman; and *fourth*, Syed Kamal is an Uzbek who mistreated the Detainee and turned him over to U.S. forces when he refused to pay a bribe. The Detainee stated that his family left Afghanistan when he was 16. They went to Pakistan. His father was old and didn't work but the family had a great deal of accumulated wealth from Afghanistan. The family owned a lot of land and 45 stores which they returned to Afghanistan periodically to inspect and renew leases. The Detainee went on one of these trips for the first time in 1997. He had become a teacher and would have 3 to 4 months off. On one of his trips, he was arrested by the Minister of Intelligence for a total of six months before he was released. When the Taliban government fell, Karzai welcomed Afghans to return to Afghanistan, especially teachers. The Detainee left his house of 20 years in the Pakistan and with his family, returned to Afghanistan. While attending a wedding in the Mazar-e-Sharif area, the Detainee went to a market to exchange some money. While at the market, an explosion injured the Detainee in the leg. He took a taxi to a friend's house and asked for medical assistance. The friend was supposed to take the Detainee to Kabul the next day, but instead drove him to the Chief of Intelligence's office. His friend and the Chief were both members of the Uzbek tribe. He was then asked for money in exchange for freedom and medical care. When he refused, they left him to suffer in jail. He was in jail for 10 months over which time they continued to ask him for money, finally settling on an amount of \$30,000 which he still refused to pay. As a result, he was turned over to the U.S. forces. He challenged the U.S. to find any Taliban link and they failed. He was released but soon after, he was again turned over to the United States under a different name of Mullah Shabizat (ph), a name contrived by Syed Kamal. The Detainee said that no one asked him for his real name.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

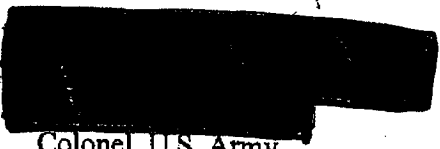
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- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

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ISN #1002
Enclosure (1)
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DETAINEE ELECTION FORM

Date: 20 Nov 04

Start Time: 1100

End Time: 1300

ISN#: 1002

Personal Representative: MAJOR 

Translator Required? YES

Language? PASHTU

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

Personal Representative Comments:

Requests PR read each piece of evidence one at a time so detainee can respond to each.
 Refutes most of the allegations against him.
 Detainee will read from the translated copy of the Summary of Evidence.

Detainee requested 3 out-of-camp witnesses. Out-of-camp witnesses are co-workers at the school he taught at—can collaborate his whereabouts during timeframe and refute evidence.

Witness 1 – Hazrat Mohamad – Head Teacher – country: Pakistan

Witness 2 – Akhtar Mohamad – Teacher – Country: Pakistan

Witness 3 – Abdul Qudous – Teacher – Country: Afghanistan

Since all witnesses would attest to the same facts, only witness 1 was allowed by Tribunal President.

Personal Representative 

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (18 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MATIN, Abdul

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of the Taliban and associated with al Qaida.
 - A. The detainee is a member of the Taliban and associated with al Qaida:
 1. The detainee returned to Afghanistan from Pakistan in late 2001.
 2. The detainee was in possession of the infamous Casio watch of the type used by al Qaida members for bomb detonators.
 3. The detainee failed to demonstrate knowledge of current events for locations where he claimed to have resided.
 4. The detainee was employed by the Taliban's Chief of Intelligence in Mazar-E-Sharif.
 5. The detainee passed messages to high-ranking Taliban and al Qaida officials.
 6. This individual is a former Taliban commander.
 7. The detainee claims to have spent over 7 years as a science teacher, but failed to demonstrate knowledge of the subject.
 8. The detainee is associated with a terrorist attack in Afghanistan in 1995.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit

R-1

4455

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

Personal Representative: I'm handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

Detainee: What does D-a mean?

Tribunal President: We label all of the exhibits and its simply labeled, D-a.

The Recorder presented Exhibit R-1 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President stated that the detainee wants to participate and has requested three witnesses. These witnesses are coworkers from the school that the detainee taught at. Since all three would attest to the same facts, the Tribunal will allow one witness. The first witness request was sent to the Department of State on 26 November 2004, the second on 10 December 2004 and a third request was sent on 17 December 2004. As of this date, 20 December 2004, we have not received a response from the Department of State concerning any contact with the foreign embassy on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does become available, this tribunal may reopen this case.

The Recorder administers the Muslim oath to the Detainee.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

Tribunal President: Your Personal Representative can read the allegations and you can respond.

Detainee: I would like to read and answer them myself.

Tribunal President: That's fine too.

3.a. The detainee is a member of the Taliban and associated with al Qaida.

Detainee: With the last three years, or two and a half years, day and night, that's plenty of time. Maybe they prove my case, in my file, if anybody can prove that I was Taliban, or member of al Qaida or help anyone. If anybody can prove for one day, that if I even contacted a member of the Taliban, for one day or for one hour. You know that, because

Taliban was against education and schools, especially Science and Technology. The reason I was a Science teacher, they never wanted that kind of person if he was teaching Science. As you know, everybody knows this, they close all the schools around Afghanistan, and they start as Madrasa (ph), not schools. I will deny and reject this allegation. I never was a member of Taliban nor I never will be Taliban. Taliban resistance was almost seven years from the beginning to the end. I was for seven years, teaching in the school. Only for one year, but I will tell about that one year later on. The reason was I was absent for the one year of teaching. The school has a vacation or a season for three months, during summer time, and I came to Afghanistan to see a farm or business, at Mazar-E-Sharif. The Taliban arrested me there and they put me in jail for six months. If I were Taliban, or a member of Taliban, or contacted Taliban, why would they put me in jail for six months? I think that is enough for this allegation.

3.a.1. The detainee returned to Afghanistan from Pakistan in late 2001.

Detainee: This is not right and also I reject this allegation. Hamid Karzai came into power late in 2001 at the end of the year. When I came to Afghanistan that was the second month of 2002. When Hamid Karzai took power, he traveled around the world. I saw him when he came to Pakistan, and I saw his speech there. I saw everything and I got comfortable with that. After that I went to Afghanistan, not before. He mentioned to all the Afghani and Pakistan refugee camps, he reassured them. He told them there's a time, everybody should go back home, prepare our country and their homes. After any personal power, intelligence, that was the one other thing, that they assured us and they told us no more war, that the war has ended, and that this is the time to come back. To return home, together we rebuild our land. Especially, he mentioned, three or four, a special time, only for teachers, they asked virtually all teachers. Many returned here to Afghanistan. Our education system in Afghanistan was destroyed in the war for the last twenty, twenty-five years. It's time, especially for the teachers, it's very important to come back home and start teaching, educating our kids. The Ministry of Education repeatedly asked around to all the people all the time, they asked every single person, men and women both, to come back to Afghanistan. To come to the ministry and write their names on the list and we will give them a special course to start teaching our kids. That was another thing, because of Hamid Karzai on the war, and education the speech in Paxton (ph) and also the Ministry of Education asked us all the time. The whole war gives your help and opens all embassies around the world. All the countries come back to Afghanistan. He says that was my (inaudible) and the Taliban is no longer in power, the Taliban is gone, and the warlords are gone. He's coming to Afghanistan and I try to go and help. That was another assurance for me; I was comfortable with his speech and the people. The people around the world came to help and I thought there's the time. I said to him, that's the time to go and help because there is a shortage of education for teacher in Afghanistan. The allegation is wrong, for this reason, its wrong, I did not come to Afghanistan in 2001, I came in 2002 for this purpose, this reason. I think this will be enough for this allegation.

3.a.2. The detainee was in possession of the infamous Casio watch of the type used by al Qaida members for bomb detonators.

Detainee: Probably, I will not need my explanation on this thing. You guys very well know, but I can tell you something. I have the Casio watch. It is a black, plastic watch and I think still it's in my belongings with the government or military. It's just a regular watch. If this watch is used for this bomb, this thing, or someone you have is al Qaida or in the block, I think every single soldier, every MP in here has the same watch, and are they terrorists? Also, this watch is made in Taiwan, Japan, (inaudible) or (inaudible), in Pakistan, really, this is the terrorist, is this country to make this watch. You should take care of this first, then let the people have this watch. When the interviewer or Personal Representative told me the first time of this allegation, I asked him who wrote this allegation. They told me that they really didn't know who wrote this one. I told him, at the time that he wrote this allegation, did he laugh or not? He said, he doesn't know. If you give me the time or let me have the time, I can bring you right now from the block. That everywhere the soldiers, maybe more the ten, twenty different kinds, same kind, same model, from the same factory watch, everybody has the same watch. For this reason, this watch is not from al Qaida, it's not used for a bomb, and this is just a regular watch. All older, younger men and women use this watch everywhere.

3.a.3. The detainee failed to demonstrate knowledge of current events for locations where he claimed to have resided.

Detainee: This is totally wrong. The reason is because Red Cross went to my home many times. The Red Cross people and I sent my letter to the military personnel and they get it to my home. I held onto almost fifteen or twenty letters that came from the same address. My kids' pictures came from the same address. If I didn't give my correct address or whatever, how do I get my letters, where would I send them? Why would they get my letters? Also, the people of the Red Cross are the witnesses. They went to my personal home, and they took a picture of my kids and read the letter from my home. I think that will be enough, because when I sent my letter, I received a letter, this is my home. When Red Cross went there they brought my kids' pictures. This is my address, what address are they talking about? Also, I give from the letters I have received, I give three copies of my letters to the Personal Representative, the copy of the letter is to prove that this is my address, and these are my letters from the address. For the reason this is not correct. This allegation is not correct.

3.a.4. The detainee was employed by the Taliban's Chief of Intelligence in Mazar-E-Sharif.

Detainee: First of all, I would like to know, or understand that if I were employed by Intelligence Chief in Mazar-E-Sharif, what was my position? I would like to know. What was my position was when they hired, or employed me. Because, they are not making it clear to me what my position was, how was I employed. The reason I'm telling you this, is I'm not employed by this person. I was arrested and jailed by this person. This person detained me for four months in one place, two months in another place and

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he was the one who sent me to Kabul. I think he employed me as a prisoner, not as an employee to work. In Kabul, I spoke to the interrogator, the one person who he was employed in the place; he was my class friend for eight years. We went to the same school; we were in the same class for eight years. His name was Abdul Satar. I talked to the interrogator about this person. I didn't work, he worked, I went one time to visit him, because he was my classmate for eight years. He was working in this place, not me. If they talk about me that I was employed there, that was totally wrong. I just tell them, I had visited my friend. His name is Abdul Satar and he was working for them as an employee to write and read for them. That was his only position for them. If you are talking about me, no, I was imprisoned and detained by this person, not employed. Mazar is still there, and there's the government, the central government. You all out there, meaning the American personnel, American military personnel there, if anybody was hired in any position, anywhere, even as a doorman, they write your name, your father's name, where you were born, how old are you, the whole information is there. If I was employed there, or someone gave me a job, that information would be there. Or ring one person there, and they can tell you that I worked one day over there because Mazar-E-Sharif is, you can ask anybody, anytime, anywhere in Mazar-E-Sharif. For this reason, I never was an employee by this place or any Taliban member. I never worked for one second or one day, I never had anything to do with this thing. For this reason this is also wrong. Still in Mazar-E-Sharif, if one person says if I work one day, one hour or any connection with this office or anything with any member, I will accept this. But please provide me any proof. Only one person and that person, whose name is Akhammed (ph) Reim (ph), he returned me to the Americans. That's the only one person. He was my personal enemy. Otherwise, no one will tell you any other thing, like I told you. The other factor was that I was in prison, detained, in the same intelligence office in Mazar-E-Sharif for ten months before I came here. If I was employed there, or I worked there, even for one day, there are so many people. Why didn't one person say why he was working here, he was employed here, he was here, why didn't anyone say this? There are hundreds of people working there. The reason is the Syiad Kaml is asking me for money. To give him the money to release me, and I denied the money. He returned me to the American personnel, or military personnel, and they asked me a lot of questions. I give all the necessary information, my name, my father's name, where I live, where I'm from, everything. We take one, two, or three pictures of me and he did release me, the American. But, this guy, he took me back because he asked me for the money. That was my only three days that I was there, in Mazar-E-Sharif. Only three days, and for that reason, he asked me for the money. The American asked me this allegation over there too. Did you work here, or were you in the Intelligence office working? I told them, I was in Mazar-E-Sharif, you are in Mazar-E-Sharif, there's the office, go check, and bring any evidence, or bring any person. If there was one in all the documents inside the office, check the whole document from the beginning to now. If you found my name in any document or even my signature, even in pencil I will accept this one. They assured me that I was not there and that I didn't work there. After they looked at the information, looked at everything there, they can't find any evidence on me. That was the reason when the American released me; they had nothing to do with me. This guy, again, imprisoned and detained me, for ten months, and asking me to pay the money. I don't give the money, and then after ten months, he took me to Shiveron (ph) from Shiveron

(ph), he gave me over under someone else's name, not my true name. He gave me to the Americans, under that other name. Please, if you check my file, I think they put me as someone else's name. Malah Shalazah (ph). That was the one mistake by American personnel in Shiveron. When this guy returned me to the Americans, no one asked me my name or who I am, or my identification to prove who I am. Without any questions, without any talk, they just take me to Kabul, and from there... In Kabul, they told me I was Malah Shalazah (ph) and I told them, I 'm not Malah Shalazah (ph) my name is something else. I told them in Bagram, to the interrogator, my real name, who I really am, and give my old address. I live in the same address for the last twenty years in Pakistan. I give that address, and the address of the school where I am teaching. I tell them to go get the information, to go make sure everything is there. When I went to each class, we call them (inaudible), a paper, it was a teacher aid, when the teacher comes to class, and we sign it. Also, in our list, if you come to the school in the beginning of the morning, like a time card, you sign in. I asked the American people to go check, for the last seven years, to check my time card. I'm there for the last seven years. Check each class, I went to each class, my signature is all there, for you to find out. The reason I live in one place for the last twenty years, I never changed my address. I live in the same place and I teach for the same place for the last seven years. Not only do the men, women, and every single child in the village, in the area, they know me by the name of teacher Abdul Matin. Every single person in the area they know me, teacher Matin. I am upset because they didn't get proper information about me. They just brought me here, without any knowledge or any complete information and I'm still here. I think all allegations write my personal someone, personal dispute, and someone got the wrong information, wrong name. They repeatedly asked me for the money, and he told me, a friend of his office, in a jeep or land cruiser, he told me if you give me the money, I will put you in this car, in the front seat and I will take you directly home, otherwise you will go to America. They asked me for the money because they know me, and my father. My Father has a lot of wealth in this area and in Shiveron (ph). He has a lot of farms and a lot of stores and he is a very rich man. I think richer than anybody else around there. That was the only reason, because they know my father and they know me, I'm a son of this person. They ask me for \$30,000.00, so many times. The only reason they say I was an employee at the intelligence office is for the money, and if I were to give up the money, I will never be Taliban, or member of Taliban, or help al Qaida or employee of Intelligence office. I have one proof, for your information. When I was detained in this office, I give three times, I give a report to Red Cross to someone, by someone else, to let them know I am a prisoner, that I'm detained here. Please, they ask me for the money, for \$30,000.00, please help me. I told you, Hamid Karzai came into power, the peace is here, and the people here, the people are coming back home, they are all happy. There's no more Taliban, that's the reason why I came here. The next three years, I'm in prison. They ask me for the money, and I asked for help from the Red Cross. I reported to the Red Cross for them to help me with my injury, and for being detained. I will give you the information, or tell the story about why I am injured, if you have time.

Tribunal President: Certainly.

Detainee: I was surprised, and happy when I saw Hamid Karzai take over. The fight is over, warlords aren't around anymore, and Taliban isn't around anymore. At this time I came to Kabul. After three days, I went to Mazar-E-Sharif to go check, to see my business, my father's business, to see the farms; we have a lot of farms. The reason I went there was because I received a card, an invitation to a relative's wedding. The wedding party was out there. I went to Mazar-E-Sharif, after half an hour, we went to the bazaar, the exchange market. I was visiting Kabul when I went to Marzar, and I didn't have any Afghani money on me, I only have Pakistani money on me. And that was the reason after I arrive in Marzar-E-Sharif I went to the market to exchange the money from Kaldar to Afghani. I went from one store to another store to get a little penny, or a different price in another store. I went from one or two, or two or three stores, and I then heard a really loud explosion. This explosion, almost from 150 to 160 people died or was injured. I think everyone knows about this explosion. I don't want to put the word, famous, but everybody knows. After this explosion, I was injured. After, I think, what should I do? I called a taxi. I know one person close to the market. It was my former friend's. I went to his house for help. When I went to his home, I asked for help. I told the story, I was injured and my whole bone is broken around here. I ask him to take me to the hospital or clinic. He told me there's no hospital and there's no clinic, even though they are here, they are destroyed. There isn't any equipment and there's no doctor during this Taliban time. I think he said there's no doctor around there, everybody left. Even if there was a hospital or clinic, they did not have proper doctors, or equipment, or medicine. A lot of sick people, a lot of injured people, it is too crowded. He brought some old man, and put some wood on my leg and gave me some medicine. I was in great pain. I asked him to take me, or send me to Kabul. He told me that tomorrow is Friday; I will take you in my own car to Kabul. We waited one more day, and one more night. The next morning we went to his car, I sat in his car and he drove the car. He took me directly to the side common, where he was a resident of the intelligent of the Marzar. There are boats from Ozbek tribe side common is also Ozbek when I went to his house for help this is also Ozbek. The first time I thought I asked him, when we went to this office, they take me to a room, and I ask them to take me to Kabul. I thought that maybe he needed something, or some directions or talk before he took me to Kabul. When he took me there, I asked why I am here? He said wait. He took me to the room, we went to the room, and that's when they asked me for the money. Give us the money and we take you to Kabul. If you don't us the money we don't take you to Kabul. I asked him, I'm in great pain I need medical attention, please take me to Kabul. I asked him repeatedly, please help me. I'm injured, I'm in pain, and I need doctor's attention, he said no. First of all, you give us the money, if you don't give us the money, then you aren't getting to Kabul. The only reason, the number one reason is the money, if I would give them the money I would be free, I would never be Taliban, I never be al Qaida or otherwise, the only thing, is the money for this person. That is enough information.

3.a.5. The detainee passed messages to high-ranking Taliban and al Qaida officials.

Detainee: I think when I talk in the past numbers 1, 2, 3,5 and 6 I think they maybe answered from before when I spoke earlier. The reason a person, not involved with the

group or government, for one day, for one minute, or one hour, it's not work for them, and you are not involved with them, and no connection with them, no related to them, how can I take message from one to another, what was the reason? The only reason, because without this allegation, American will not take me, not arrest me, not detain me, that's the only thing he wrote, about the one thing, was about the money, but upset about American, I wish, and also he gave me a different name. American before they bring me here, they should at least talk to me before and get information before. They did not get information about the whole thing. The reason, if you don't know the person, if you don't work with the person, if you have any knowledge of the people what kind of connection, what kind message do you take from who to who, if you don't know the person, what kind of message you take, and to who?

3.a.6. This individual is a former Taliban commander.

Detainee: I want to tell you a story. The reason for the story is because I was employed with the intelligent force, and then I was messenger, and now I'm commander, this is a person married and when married, he left home to travel to other country, when he come back home, he saw some little boy in front him, came and says who is this guy he said his name is Karmadeen. He said who is Karmadeen? That's your son. And I said, what are you talking about, I was not here, and when he was in discussion, he heard another name, Urmadeen. Who is Urmadeen? His other son is this story on me, Karmadeen and Urmadeen one time, I'm intelligence, one time I'm a messenger, one time I'm a commander. I don't know. Like I told you before, if I didn't work for one day, one minute, or I was involved one day with these people it's impossible this allegation on me, I wish, I hope my leg, or my thigh, or my feet will talk, and they will tell you, this person, Diaeb (ph) straight for five days, he physically abuse me, tortured me. If I was Taliban, or if I were a messenger, or I was a commander, how come Taliban hate me that much and put my in jail for six months and physically abuse me and torture me for six months. Who hit me, who give me the torture the person is here. He torture me, he physically abuse me he's still here, he's not truly Afghan, he's Pakistani but he was employed by Taliban in Afghanistan, but he's Taliban, he work with Taliban and he's the one to torture and abuse me, and he's still here. That will be enough of an explanation to you, if I were Taliban or member of them, or work with them, I would not be in jail, I would not be physically abused or tortured by them, because I was not with them, I was not part of them. I will prove that, because I was against the idea, against the thought, against their government. That's my one proof, or my important witness is here, actually he denied everything, but, he thinks I'm only a store worker, or store clerk, or shop keeper, but, he was the main enemy, through the Taliban. The interrogator brought me a lot of pictures I found him, this is the one, he's the one that tortured me and put me in jail. I think he's in Camp 4. One other thing, but I'm sorry to say, but I saw a lot of unjust because, they tortured and killed people, there was the minister, there was governor, all in Camp 4. We, the poor people, we do nothing, innocent people but we are in orange clothing. I like your attention about your reason to here, and this unjust because this is a tribunal. Again, I'm sorry to say, to my knowledge, this is not right. The main we come to this point, we come to the all killing for all misery, for all problem around those are the people who are the governors, they are ministers, they are killing and torturing people. That is the main

problem, we are facing those are the people, and they are living a comfortable life in Camp 4, they are relaxing. Then, there are people like me, and someone asked me for money, and I didn't give the money, and they put all wrong information and I'm not in a comfortable position. I say that, just to think about this, and to your friends, to your military personnel, and in general, not a specific thing. I will accept any proof, of any person or any allegation, or any proof, I will be glad, I will accept it. Another thing, from the beginning to today, in my old file, from the last two to two and a half years, I didn't say one word wrong or right, because I'm teacher myself, my knowledge, my mind, not let me to tell you lie, teacher does not lie. The beginning of the time I arrived here, I wrote all information, all my bibliography, from the beginning, from the day I was born, to the day I was arrested. I challenge them that time; I challenge you, if all the bibliography I wrote from two to two and a half years ago, if you found one word wrong or nonsense, or I lie, I will accept the harsh punishment that you would give to a person, or maybe I accept one or ten years more than anyone else take. That's all the allegation, I think it comes from one person Syiad Komen that's nothing, there's no proof, no evidence, no paper, no picture, no signature, in the whole thing is, just for personal. Again, I challenge you with the entire allegation by any person, by any country, by any organization. If anything is found, and I'm claiming, that I'm a teacher, if I'm claiming a teacher, and I tell you wrong thing, I will accept all harsh punishment you give me, but, this is on one information of this only, if I did work one day in the intelligence office, or if I was a messenger for one place to another place, or if I was a commander for one day only, if you guys have proof I will accept it. I don't know what to do, I can't do anything I'm detained in here, because a lot of reasons, information I give you, in my file, everything especially, the principal of the teachers, I hope you guys get the principal, ask him, he will tell you from the last seven years, every single day I was a teacher, I didn't work anywhere else, for anyone else, I was not al Qaida or Taliban, I hope you guys get that information from that person, he will tell you the true thing, which I claim. One of the reasons, there is no Taliban even the name of Taliban was in Afghanistan I was teaching at that school, when the Taliban was gone for good, forever, I was still teaching at that school. The whole teacher, the whole student, and the whole area the student and people came from the whole area, every single person know me by name, and knew me I worked there, and knew that I worked there, and they would tell you I worked there and also they know the knowledge that I was arrested by the Taliban, and that I was tortured and abused and they knew the whole story. For this reason I was never associated with the Taliban or al Qaida, or any other group. I think that will be enough for this allegation.

3.a.7. The detainee claims to have spent over 7 years as a science teacher, but failed to demonstrate knowledge of the subject.

Detainee: I don't have that much talk, but I challenge you right now, here, at this place, from the first grade, to all grade, to high school, in science. I'm proficient in Physics, Algebra, Chemistry, this is my subject, I'm really, from first class to twelfth, any book, any question. You choose the book, you choose the question, just give it to me right now. I don't have any other thing I just really right now I can solve the problem. Just one other reason, for one or two or three years I've been in prison, I think it affected my

mind a lot of things I forgot a lot of stuff, I challenge you right now, as a science teacher I will prove you any solving, any problem, right now, right here. We don't have to talk that much about this, but I will prove you right now. This is also not right, the allegation is wrong. If I was not a teacher or, I lie, whatever, why I came, I now challenge you right now, that will be enough. I have my documents from the beginning, of first class to the end of my school, I was number one, I get hundred number, in every subject. I'm number one, I have my degree, I was number one, with honors, student, if you want me, I can ask them, my home, to send a photocopy of my document. I think that will be enough, I don't want to talk too much, and I'm really running out of time, and tomorrow is another day, another day to pass the test. I ask my interrogator, if you have a question about this allegation or not sure, just please, you chose the book, just give me twenty-four hours today, tomorrow, I am reading, I challenge you, I give you the book, any problem, ask me I will solve the problem. That will show you that I'm a teacher. That will be enough. If still, if you doubt, I am ready.

3.a.8. The detainee is associated with a terrorist attack in Afghanistan in 1995.

Detainee: About the day and the year, I was always in Pakistan; I never ever come to Afghanistan my prison was not in Afghanistan never. I came to Afghanistan two years later that was 1337 Afghan calendar. I think 1997. At that time, the Taliban was never came to north Afghanistan or to Mazar because that was (inaudible) country. There was not a northern Afghanistan, there was only that was in southern Afghanistan. Also, what was that terrorist that terrorist attack what was that attack, where was that attack how was that attack, where, when, and how? I don't know what they are talking about. I hope they can make sure, what was that attack it was in. Was it an explosion in car, explosion in building, killing someone, what kind of terrorist attack was that? This whole big allegation they are wrong to my knowledge, they are not correct, only on one question, and only half the question is right, of the words you have a Casio watch, I have a Casio watch. I think the watch is still here, with my clothes, if you are allowed, you can come and see the watch. You guys know, all the MP's, more than twenty have the same watch the same name, everybody has the watch here. That was the reason the American took me, of this reason, and they took me by all the lies, a person lied and put this wrong information because Americans took me otherwise they would not take me. Also, for your information, please right write this day of 1995 terrorist attack ask my witness, or that principal of that school ask them, if I miss one day of school, one day, of that year, you will get that information, the honest information. Those teachers, or those schools, or those principals they know I were with them for the last seven years any information that you need you ask them, they will give you information, any doubt of my talk. Please, you have your representative of that area or military personnel, please call them, or let them know to go to the school check for the last seven years of documents and time cards for the time sheets for every class that I go. If I miss one day yes, I am terrorist, or I was with al Qaida, or Taliban. Otherwise, I don't have anything to do with the allegation or anything. My record at school will tell you everything.

Tribunal President: Does that conclude your statement?

Detainee: Before your judgment, please make sure that's my hope and my wish, to make sure everything you read classified, unclassified, everything. Make sure my evidence, my document, my radio, please. Otherwise, make sure my file, is everything like I hope to close one forever, please don't destroy my life, anymore, and please don't destroy my kids life anymore. If I'm not innocent, hundred percent, keep me wherever you like. You have one small evidence on all allegation, give me the harshest punishment whatever you give me but otherwise I ask you for fair judgment, fair knowledge, before any judgment, get information make sure I'm innocent. Also, nobody, as I know, hundred percent nobody, but this one person is Mr. Kaml, and he is still here maybe in Mazar-E-Sharif, he is still there, and your guys are still there if he put these all these allegations on me all these terrible things on me you guys have the power to ask this person, if you put all these allegations on me, give me one proof, a picture, a radio, a signature, a document, another person, ask them for one proof, ask this person for one proof, if you give this person to us, turn over to this person, for what reason? A witness, please, ask this person ask for witness or some document. This is the only reason, because I was in the same office of this person for ten months for my detainment, for the money thing, they ask me for money, and also I give three hundred to red cross for help and also if they know, the Red Cross knows or anybody else knows because we know you deserve because he was that one person he worked there, he was that type of person, he was Taliban, he was al Qaida, but the Red Cross didn't say, only the person who asked for the money that's the only thing. For a personal dispute I owe the money. That's all. That will be enough.

Tribunal President: At this point, we may have some questions to ask you, would you be willing to answer them?

Detainee: Yes please.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Later we may get some classified documents to read and you've given some names and I will be watching for these names, but I didn't write down the names very well; one of the names I thought you gave was your personal enemy was that Mr. Syed Kaml?

A. At that time, I was in prison; there was two intelligence offices in Mazar-E-Sharif. One belonged to Dostum (Uzbek), and one belonged to Professor Atah, he belonged to a Jamid (inaudible), which belonged to Rabbani, which is in Tarjek. He was the president of the Intelligence office Syed Kaml was from Dostum area, Dostum intelligence and also I think he is an assistant of Dostum also.

Q. Is he the same person Syed Kaml who tortured you?

A. No, that's two different things. When I came in 1997, Afghan calendar 1377, he was captured by Taliban, and physically abused and tortured by Taliban which, his name was Syed Abdul Rahman, who is in Camp 4.

Q. Your friend that drove you in a taxi, when your leg was broken, Uzbek friend?

A. Yes, he's Uzbek, the same tribe with Syed Kaml the Intelligence president. He's not a taxi person; he was the person I went to his home for help. He is the one who turned me in Syed Kaml.

Q. What was his name?

A. Gulam Cakhie

Q. What city in Pakistan is the school located in?

A. Mansura. The school is also surrounded by nine camps, refugee camps. The school was the reason for the refugee camps for the children to go the school.

Q. Does this school have a phone?

A. No. There is no electricity and no phone for all the camps.

Q. What did you do before you were a teacher?

A. I graduated on 1371, Afghan calendar, the next year, 1372, I got a job as a teacher, before I was a student.

Q. You said you lived in the same house in Pakistan for twenty years?

A. I went to Pakistan, 1360, Afghan calendar, to Mansura City in Pakistan, which is now, 1383, Afghan calendar. It looks like 23 years. For the last twenty years I lived in Mansura Pakistan. When I was a student in 1371, I graduated and my father passed away. I went to one house to another house by the same area, real close. After that, I lived in the same house until my family came to Kabul. I lived in the same house until the last day I was in Pakistan.

Q. So, I want to get this right. You're in the area for twenty years, in this house for twenty years, seven years as a teacher, and 13 years as a student?

A. No, I went to school until 8th grade in Afghanistan. At that time, I think I was sixteen years old I went to Pakistan. The reason we do nothing for a while, because there was no school for the refugees, the people there, it was hard for us to join, to go to Pakistani school, it was a different language it was Gudo, it was way hard, hardship, and way hard life, after while, so many years, we did nothing, and finally when they start school, I start beginning from 7th grade there. From 7th to 12th grade I went there, in the Pakistan school. I did nothing else, until 1371, when I graduated from school, and the next year I started as a teacher. My father has enough wealth, he was rich, he did not let his kids do something else, he was always pushing us to go to school and get educated.

Q. What was your father's occupation?

A. At that time, he was not working because he was (inaudible). When he was in Afghanistan we have a lot of wealth. We had farms and stores. In Pakistan he did not have a job position.

Q. Did he ever help Taliban or al Qaida?

A. He passed away 1371 there was no Taliban or al Qaida at that time.

Q. You said your father was wealthy, what happened to his money when he died?

A. He left it to us, because he was our father, he left his wealth to us. That's the one reason why Syad Kaml intelligence Uzbek person keep me, keep asking me for the money because that was the reason, because I have the money I have the business, my father's business and they knew I have the money, which is why they kept asking me for the money.

Q. If you had the money, why didn't you pay the ransom?

A. It was a money thing, why I didn't. For the first reason, if I didn't anything wrong why should I pay, after a long discussion, we come to the point of \$30,000.00, and it was more than that. Why I give money to one person asking me, why should I? The second reason is I thought now we are under a lawful nation, a recognized government there's no more warlord, they can't do anything to any person, there will be questions, there will be law, there will be consequences to them, that was my assurance to my heart, they will, someone someday I get help from someone he will be punished for the crime he does. Also, all American were around in every province, I was assured from you, thinking, now there's Americans here American is working by the law, why should I give to criminals money if Americans around here. I was a fool for this reason. I wish, I wasn't comfortable with Americans, because they are lawful people they are here to help, and for our central government because they will ask, they will listen to me, or who are my lies, I wouldn't give the money. The only reason I count on American, or Americans, the way they work, otherwise, it will take me five minutes to get the money and give to them, because I am forced to reconcile with all of them. I have almost forty-four, forty-five stores, and also I have four hotels. All kinds, pharmacies, other stores, there was no problems anything of them. I could give them \$30,000.00 in five minutes. I can sell two or four stores to get the money. The only thing I count on, an American, or central lawful government.

Q. You said your family left Afghanistan I'm assuming during the Russian war?

A. When the first communist government came in to power, which is Norama Turki (ph) because they know my father and my cousin, they are all rich, first they take my father and cousin to jail for six months. When he died, (Inaudible) his vice president, a (inaudible), he released my father by another president. And my two brothers, and my father and one cousin. And my one cousin passed away or was killed by the government at that time. (Inaudible) five people (inaudible) at one time, inside that prison. After that, they have 3,500 Jereeps (ph), I don't know what these are but how many farms, a lot of farms. The communist government they take our farms and give them to other people. At least twenty families they did this to. Only seventy-five Jereeps (ph) they left us the rest of them, the rest they gave to other people. I'm shocked and I'm surprised. We tortured and killed and detained by Russian and communist government in Afghanistan they are gone. Taliban came here, the same story to us again, torture, prison, and now, here I am, I don't know what to say what to expect. Each time the government changes in Afghanistan surprisingly we get punished. The history of our family life nobody ever worked for any government or had any government position. I was the only one to teach at the school, other than the time I was in Pakistan (most of this sentence is audible, poor

translation) otherwise, no one worked for the government, and that is our history of our family.

Q. Last question, the friend you visited in Afghanistan, you said he read and wrote for the Taliban, did you know that he was doing that for the Taliban when you visited him?

A. In Mazar-E-Sharif, in our hotel or business, or store that we have....Shaveron, I went there, each year we lease, we signed the paper for one year lease. Sometimes we get the money up front, or sometimes we get it at the end of the year. That was the reason I went to Mazar after one year to see my work, my people, to see the business at that time, I heard my friend, Abdul Satar is working with the Taliban. Yes, I went there and visited.

Q. On #7, you may not know the answer, since you don't have a book to study from, but do you know the equation for the area of a circle or the circumference of a circle, either one.

(At this time, the Tribunal member explains to translator by making a drawing on a piece of paper what he wants the detainee to solve.)

A. From the point, to another point is 360.

Q. Does he know what the area would be? I know that you can get 360 degrees, but does he know the distance or area, the distance around that. (Indicating to circle on paper)

A. When you make sure after this thing you will find out inside of, when you put them in different positions here, or this one, or this one, how many degrees. When you find out the area of all of this, then you find out the outside area.

Q. (To the translator) do you have a translation for the concept of pi? Do you know what pi is?

A. (From translator) No.

Q. Okay, never mind. You know what, I will withdraw that question.

Detainee: I think that there's one mark in Algebra called "Pi", maybe you are talking about this thing?

Tribunal Member: Yes.

Detainee: Maybe this one is Physics and one in Algebra.

Tribunal Member: Yes, (To translator) But, because, maybe it's a limitation on you, as the translator.

Detainee: Maybe if I get some numbers in Algebra or something....

Tribunal Member: You know what, I use to teach, so I understand how important it is to have a book to research first. You are.... I don't want to ask you any more questions.

Detainee: The reason I studied real hard from the beginning from first class to twelfth class because nobody touched me, I was number one in the whole school. From that time, I studied, otherwise, I've been in prison for three years, I don't know what I ate yesterday.

Tribunal member: Thank you.

Tribunal President's questions.

Q. I'm interested in Point #7, it states that you failed to demonstrate knowledge of the subject that you supposedly taught? I thought your point was well taken, as far as they could ask you questions about it, so, since you came here to Cuba, have they asked you Science questions?

A. Yes, one time, they brought five or six questions on a paper, and it was from Algebra and Physics and also Chemistry. I think I wrote three or four answers to the questions and they asked for the paper, they told me enough. They also asked me verbal questions too. So many times, they asked me several times. I think that should be in my file. My former, last Personal Representative asked me two questions, I think. One was the formula, he asked me another questions also.

Q. And as far as you know, you answered them correctly? There wasn't any that you couldn't come up with an answer with?

A. To my knowledge, I think I answered them correctly, but I don't know, maybe, it affected my mind, two to three and a half years I have no study, I have no nothing. From my knowledge to my opinion, I think I gave them the right answer.

Tribunal President: Do you have anything else that you would like to say at this time to the tribunal?

Detainee: Now the time I came, I'm glad to talk to someone, to listen to me, and I'm asking you, cordially, please make sure, not only by writing, make sure, to find my true case, who I am, and I'm asking you, my future, for my kids future, my families future, is very important and its in your hands. I'm very disappointed, this time, in the government in Afghanistan is our idea, our choosing idea of government, now in Afghanistan, and I'm not there to help them. Again, we are sorry, that was the time for me to help Afghan people, to help kids, because they need me over there.

The Personal Representative at this time provides the Tribunal President with unclassified exhibits D-b, D-c, D-d, D-e, and D-g.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.


Detainee: Thank you for you, and thank you for the time you gave me. I thank all of you, my Personal Representative.

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Tribunal President: You're welcome.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, United States Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

To my honorable personal representative, Peace and Allah's blessing upon you. After my greetings, the three letters that I'm handing to you proves that first of all, my family was living in Pakistan and now they moved to Afghanistan with Abdul Wahb's family. Abdul Wahb is my father-in-law and my family lives with him and now they live in Kabul Afghanistan. Second, the letter indicates that it is proof that my family lives in Kabul and it is written in this letter. When this letter was written, my family was present there. Because in Kabul Afghanistan, Teacher Mohamad Yonus is my cousin and my brother-in-law.

3. The third letter indicates that I was a teacher. And I was a teacher because any letter I receive they call me by the name of Moalem Abdul Matin and if I wasn't a teacher why would they write such a thing and I am a teacher so they call me a teacher.
4. The letter indicates that my daughter Sediqajon, that she is seven years old now and she attends school in Kabul. She is in 1st grade and now she is studying in school. I hope this letter proves to you that all the questions you have are resolved; your questions about me, about being a teacher and about my family. Peace.

I, instructor (teacher) MOHAMMED YUNNIS and my family and dear respected mother and the family along with ABDUL WAHAB JAN want to send you our abundant greetings and well wishes. At the time of this letter we are doing very well and are in good health and we seek and request your welfare from the Almighty God. We all pray on your behalf. Your kind mother is living with me and she is very happy and she's living her life with a clear conscience and peace. Presently, with God's favor, she is in good health so do not be worried about her. Whenever she has an illness [REDACTED] who has a clinic in Kartay Mahmoreen and there she gets medication, which helps her. Be assured that she's okay. Furthermore, your kind mother often [REDACTED] and ABDUL SINAN and lives there as well. SIDIQA JAN, your seven-year-old daughter is in the 1st grade and is carrying on with her studies with great enthusiasm and interest. MONIBULLAH JAN, your five-years-old son and PALVASHA JAN, your three-year-old daughter are healthy and doing well, due to the grace of God, and they are in my house a lot. We were worried a lot about your leg and when we heard news about the surgery done on your leg we became extremely happy. God is kind and He will see that all your difficulties will be solved so you can come to your country again and live in a peace and calm environment. And also you can come back and help your poor grief-stricken country that has witnessed years and years of oppression from the [REDACTED] and serve your country with sincerity and truthfulness. You can participate in the rebuilding of your war-torn country.

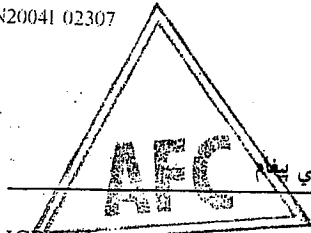
I also want to mention that your letters don't get to us fast enough so if you would please pay more attention to this matter and send your letters as fast as you can. The letter that you wrote on [REDACTED] I received on [REDACTED]. Peace.

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GUAN20041 02307



JUN 16 2004



7. RED CROSS MESSAGE

پیغام خانوادگی صلیب سرخ/دسرده صلیب کورنی پیغام

8. SENDER / فرستنده البیرونکی

6077

ICRC No. شماره صلیب سرخ

Full name دسرده صلیب نیرواله کمیٹی لمبر

Father's name نام کامل

Grand-father's name مکمل نوم

Mother's name نام پدر

Nationality دپلار نوم

Date of birth نام پدر بزرگ

Place of birth دینکی نوم

Refugee camp/Detention place نام مادر

Street دمور نوم

Village, District or City تابعیت

Province/Country هیواد

House No. جنس

Sex F M D I

Place of birth: village/قریه/کلی district/ولسوالی province/ولایت country/مملکت/هیواد

Refugee camp/Detention place: نام اردو گاه پناهندگان/محل اسارت دپناهندگانو دکمب نوم/دیند دخای نوم کوچه دکوشی نوم

Street: نام اردو گاه پناهندگان/محل اسارت دپناهندگانو دکمب نوم/دیند دخای نوم کوچه دکوشی نوم

Village, District or City: قریه، ولسوالی، ولایت کلی، ولسوالی، ولایت

Province/Country: مملکت/هیواد ولایت مملکت ولایت هیواد

House No.: نمبر خانه دکورلمبر

R.F.P.L.V. / ر.ف.پ.ل.و.

Kabu

ICRC No. شماره صلیب سرخ

Full name دسرده صلیب نیرواله کمیٹی لمبر

Father's name نام کامل

Grand-father's name مکمل نوم

Mother's name نام پدر

Nationality دپلار نوم

Date of birth نام پدر بزرگ

Place of birth دینکی نوم

Refugee camp/Detention place نام مادر

Street دمور نوم

Village, District or City تابعیت

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Sex F M D I

Place of birth: village/قریه/کلی district/ولسوالی province/ولایت country/مملکت/هیواد

Refugee camp/Detention place: نام اردو گاه پناهندگان/محل اسارت دپناهندگانو دکمب نوم/دیند دخای نوم کوچه دکوشی نوم

Street: نام اردو گاه پناهندگان/محل اسارت دپناهندگانو دکمب نوم/دیند دخای نوم کوچه دکوشی نوم

Village, District or City: قریه، ولسوالی، ولایت کلی، ولسوالی، ولایت

Province/Country: مملکت/هیواد ولایت مملکت ولایت هیواد

House No.: نمبر خانه دکورلمبر

teacher

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ
دسرده صلیب نیرواله کمیٹی
19, av. de la Paix - 1202 Geneva, Switzerland

MICR/EN-DA-PU/1001/ACR

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US FORCES



GUAN2004I 02307

11. REPLY TO THE MESSAGE

جواب/خواب

Family and/or private news only

AUG 30 2004
کودکی بیچاره چه بیواری شخصی احوال بیان کنی که محض ماهیت شخصی داشته باشد

سلام های خردی از طرف معلم محترم...
در حالیکه ما هم سلام های خردی...
کامل داریم و صحت سلامتی ما را از خداوند متعال...
در حالیکه ما هم سلام های خردی...
از زنده گی خود بگیری بی خیال...
بنا بر حق بماند و کرامت...
[Redacted]

بماند و همینان زنده بماند...
[Redacted]

میکند و صبر کند...
[Redacted]

بسیار به شوق و عاقبت...
که شادمانه...
تا به بسیار تشرف...
یاد فرستادیم...
شور در دیوار...
چندین بار...
در باره سازگی...
از دست نمی...
صط که بسیار...
[Redacted]

سلام
[Redacted]

12.

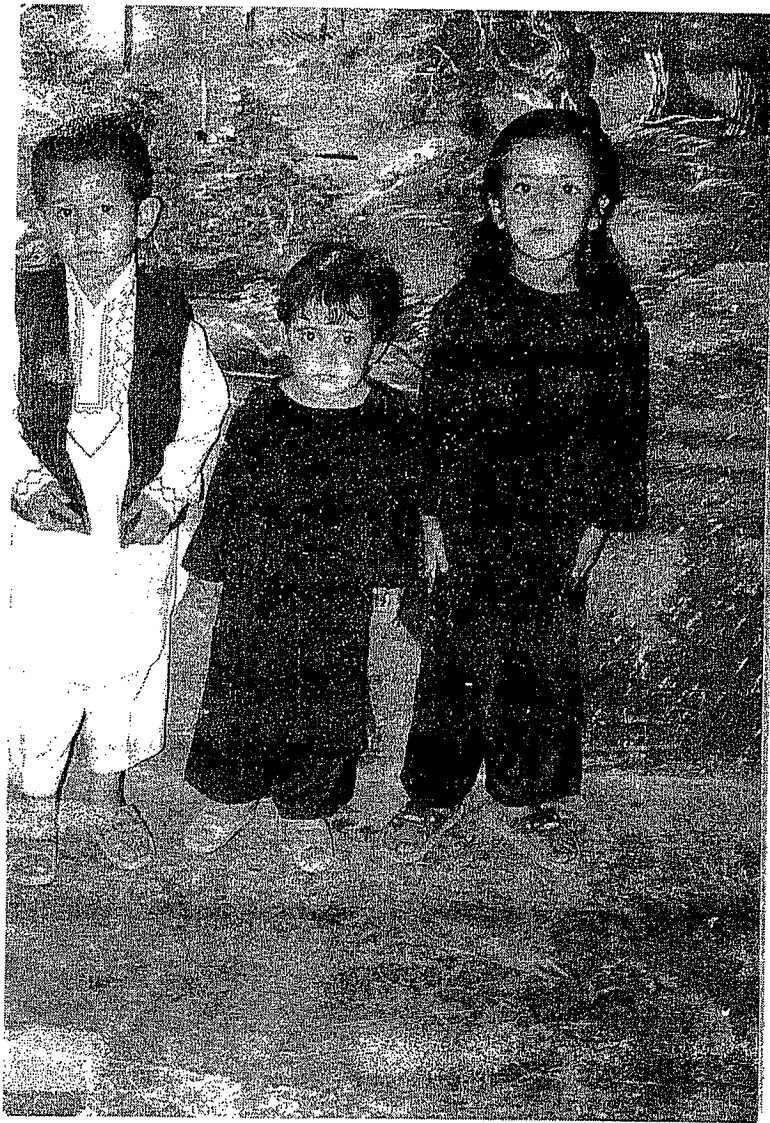
Date: 13/08/2004

Signature

امضاء
لاسلط

The addressee is my

نسبت خانوادگی یا گونده
اخیرگی به کوری ایگی



UN CWP358520 / ~~Foto~~

UN CLASSIFIED / FWD

In the Name of Allah the Compassionate the Merciful

Many greetings from here every one Muhammad Yunus, Muhammad Ismeal, Muhammad Isa, Muhammad Qasim, Muhammad Hamid, Muhibullah, mom and Muhibullah's mom, Sidiqa, Palwasha, your sisters all sending there greetings to teacher Abdul Matin. We out here, God 's willing, are so far so good, hoping for your well being not to mention that your mom and your family are just doing fine not needing any thing so you please rest assure and don't worry. 2 letters through Pakistan Red Cross mailed to you but no return yet hope you write more often so we be assured of you. Abdul Wahab's family are returned from Pakistan and living in their villa and they are alright sending you there best. how is your leg that you had problems with? write to us, your family are present in here sending there greetings and prayers to you .
You are never forgotten of our prayers.

Peace
to Kabul

1



RED CROSS FAMILY MESSAGE

AFC

پیغام خانوادگی صلیب
دسرده صلیب کورنی پیغام

4615



سره میاشت

2. **SENDER** ~~MOVED BY~~ فرستنده پیغام / دپیغام استونکی

FULL NAME:

(as expressed locally)

Father's name:

Grand Father's name: 3 4 2004

TRIRE:

نام مکمل مطابق رسم معمول
پوره نوم چي وریاندي شهرت لری
نام پدر
دیسلاز نوم
نام پدر کلان
دنیگه نوم
محمد احمدی
محمد ارشدی
کام (قوم)

PLACE OF BIRTH (CITY OR SUBGOVERNMENT AND PROVINCE):

FULL ADDRESS:

Street and number:

Locality and Postal code:

Region/Country:

Telephone No:

دزیریدلو خای (بناریا ولسوالی او ولایت)
محل تولد (شهر، ولسوالی و ولایت)
آدرس مکمل فعلی:
کوچه و نمره خانه
کوچه او دکور نمبر
محل و نمره پوستی
ناحیه او دپوستی نمبر
منطقه، ولایت، مملکت
نمره تیلیفون / د تیلیفون نمبر
کابل / ولایت
کارخانه ما مورین
دست راسته
۴۳۶۴

Address

Breetha
1st - law
in Kabul

3. **ADDRESSEE**

FULL NAME: ABDUL MATIN

(as expressed locally)

Father's name: ABDUL RAHIM

Grand Father's name:

TRIRE: AS WUL MA 7 D

مرسل الیه / دپیغام اخستونکی
ABZ-015848

نام مکمل مطابق رسم معمول
پوره نوم چي وریاندي شهرت لری
نام پدر
دیسلاز نوم
نام پدر کلان
دنیگه نوم
محمد الرحیم
محمد الرحیم
محمد ارشدی
کام (قوم)

PLACE OF BIRTH (CITY OR SUBGOVERNMENT AND PROVINCE):

FULL ADDRESS:

Street and number:

Locality and Postal code:

Region/Country:

Telephone No:

دزیریدلو خای (بناریا ولسوالی او ولایت)
محل تولد (شهر، ولسوالی و ولایت)
آدرس مکمل فعلی:
کوچه و نمره خانه
کوچه او دکور نمبر
محل و نمره پوستی
ناحیه او دپوستی نمبر
منطقه، ولایت، مملکت
نمره تیلیفون / د تیلیفون نمبر
کابل / ولایت
کابل / ولایت
۶۲۸۰

Teache

Title

4. INTERNATIONAL COMMITTEE

OF THE RED CROSS

19. AVENUE DE LA PAIX

1202 GENEVA

کمیته بین المللی صلیب سرخ
دسرده صلیب نریواله کمیته
ژنیه (سوئیس)

Greetings from Malim Mohammed Younus, your mother, sisters, nephews, and Monirullah jan, Sudiqa jan, Palwash jan and their mother and the rest of the family to dear respected Malim Sahib Abdul Matin jan. up to writing this letter we are all in good health and ask God Almighty for your good health and we pray for you we received one of your letter from Bagram through Red Cross we send the reply but we didn't get any answer back. We have been going all the time to the Red Cross office and received one of your letter that was written on 2003/06/08 that you send it to Abdul Baqi I received it on 2003/08/27 the good behavior that they are doing with you and you are very happy from them we got very happy because we were worrying about you and now we don't send us news about your leg that you were complaining about it. I am always going to the Red Cross office to ask about your letter the Red Cross employees have a very good behavior towards me and also don't worry about your mother and your family every body is in good health and they are in my house and sending their greetings and Abdul Wa Khan and Abdul Baqi Khan they came with their family from Peshawar to Kabul they are in good health and send you greetings. At the end all of us are praying for you

Sincerely yours,
Mohammed Younus Malim
2003/08/28

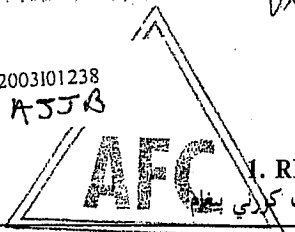
GUAN2003101238
JJ A3JB



attached a photo

28 AUG 2003

4054



1. RED CROSS MESSAGE

پیغام خانوادگی صلیب سرخ/دسرہ صلیب کوزی پیغام

فرستنده/الیرونکی / SENDER

ICRC No.

Full name **MHD YOUNUS APPROVED BY** { شماره صلیب سرخ
دسرہ صلیب نړیواله کمیٹی لیر }
 Father's name **ABDUL BAKI US FORCES** { نام کامل }
 Grand-father's name **ABDUL RASHID** { نام پدر }
 Mother's name { دینکی نوم }
 Nationality { نام مادر }
 Date of birth تاریخ تولد / دیزریدلونه { دهور نوم }
 Sex F M D I { تابعیت }
 Place of birth { هیواد }
 { village/قریه/کلی district/ولسوالی province/ولایت country/مملکت }
 { محل تولد }
 { دیزریدلونه }
GUANTANAMO BAY, CUBA
 Refugee camp/Detention place { نام اردوگاه پناهندگان/محل اسارت }
 Street { دپناهندگانو دکمپ نوم/ دبنده دغای نوم }
 { کوچه }
 { دکوخی نوم }
 Village, District or City { قریه، ولسوالی، ولایت }
 { کلی، ولسوالی، ولایت }
 Province/Country { ولایت مملکت }
 { ولایت هیواد } House No. { نمبر خانه }
 { دکورلیر }

3. ADDRESSEE / گیرنده / اخیستونکی

ICRC No. **AB2-015848** { شماره صلیب سرخ
دسرہ صلیب نړیواله کمیٹی لیر }
 Full name **ABDUL MATIN** { نام کامل }
 Father's name **ABDUL RAHIM** { نام پدر }
 Grand-father's name **ABDUL MAJID** { دپلار نوم }
 Mother's name { نام پلار بزرگ }
 Nationality { دینکی نوم }
 Date of birth تاریخ تولد / دیزریدلونه { نام مادر }
 Sex F M D I { دهور نوم }
 Place of birth { تابعیت }
 { village/قریه/کلی district/ولسوالی province/ولایت country/مملکت }
 { محل تولد }
 { دیزریدلونه }
Tonoka Jawz Jau AFG
 Refugee camp/Detention place { نام اردوگاه پناهندگان/محل اسارت }
 Street **GTMO** { دپناهندگانو دکمپ نوم/ دبنده دغای نوم }
 { کوچه }
 { دکوخی نوم }
 Village, District or City { قریه، ولسوالی، ولایت }
 { کلی، ولسوالی، ولایت }
 Province/Country { ولایت مملکت }
 { ولایت هیواد } House No. { نمبر خانه }
 { دکورلیر }

4. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ
دسرہ صلیب نړیواله کمیٹی
19, av. de la Paix - 1202 Geneva, Switzerland

MCR/EN-DA-PU/10.01/ACR

UNCLASSIFIED / FORN

UNCLASSIFIED//~~FOUO~~

Memo for Record Detainee # 1002

13 December 2004

During my initial interview on Detainee 1002 on 20 Nov 2004, the detainee satisfactorily answered several science related questions thereby showing that he has a working knowledge of science and higher mathematics. I specifically asked him several physics problems and mathematics problems and he was able to solve the problems with ease. This makes me believe that the detainee was in fact a science teacher as he has stated and the allegation that he was not a teacher is not accurate. Additionally, the detainee provided three letters from home that address him as "teacher", and the three witnesses he requested were fellow teachers at the school he taught at.

PR #96

UN CLASSIFIED / ~~FOUO~~

GUAN 2004100736

JJ AJJB

FOR

ABZ - 015848

ABDUL MATIN

in

GTMU

NOV 10 2004

NOV 10 2004

NOV 10 2004

UNCLASSIFIED//~~FOUO~~

Memorandum for Record

18 December 2004

Subjec: Detainee 1002

1. The addresses for the Detainee Exhibits D-c and D-d have been translated. The translated address for each exhibit is listed below.

2. Exhibit D-c

Street #6 at the right side House #3 opposite gas station of Baghe Bala
Kabul, Afghanistan

3. Exhibit D-d

Temari Warls Shap
Street #6 at the right side House #3 Rigen 5
Kabul, Afghanistan

4. Exhibit D-e has not been translated.

5. This verifies that his family and residence is in fact in Kabul, Afghanistan.

PR 112

UNCLASSIFIED//~~FOUO~~

Exhibit D-g

Page 1 of 1

4485


UNCLASSIFIED//~~FOUO~~

Personal Representative Review of the Record of Proceedings

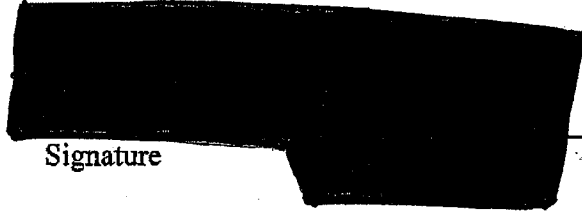
I acknowledge that on 26 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1002.

I have no comments.

My comments are attached.

 , Maj, USAF
Name

28 Dec 04
Date


Signature

ISN #1002
Enclosure (5)

UNCLASSIFIED//~~FOUO~~

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 18 October 2005

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, U.S. Navy



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 844

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #1008**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #1008 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

~~FOR OFFICIAL USE ONLY~~

20 Jan 05

MEMORANDUM

From: Assistant Legal Advisor
To: Director, Combatant Status Review Tribunal
Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #1008

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #19 of 4 Nov 2004
(2) Record of Tribunal Proceedings

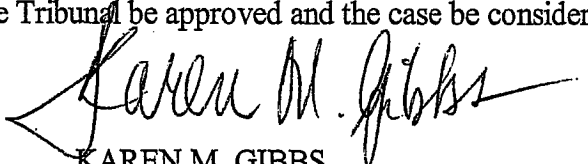
1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and elected to participate by attending the CSRT, and by providing an unsworn statement to the Tribunal through his personal representative, and by responding to questions posed by the CSRT. *See* Encl. (2) at Enclosure (3).
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. Note that some information in Exhibit R-4 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- e. The detainee did not request that any documentary evidence be produced. The detainee did request that a United States citizen, [REDACTED] who is employed at Dyna Corp in Kabul, Afghanistan, be produced as a witness to refute the allegations contained in the Summary of Evidence. The CSRT determined that the witness' testimony, as proffered by the detainee, was relevant. Accordingly, the CSRT approved the request. On 9 Nov 04, the Tribunal forwarded the request to the U.S. Department of State, who attempted to contact the witness. On 22 and 29 Nov 04, the Tribunal made two follow-up attempts through the State Department to contact the witness. However, the witness failed to respond. Consequently, the CSRT determined that the witness was not reasonably available, nor was there a reasonably available substitute for his testimony. The determination was proper.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1008

- f. The Tribunal's decision that detainee #1008 is properly classified as an enemy combatant was unanimous.
 - g. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.


KAREN M. GIBBS
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

4 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #19

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED], Commander, U.S. Navy; Member

[REDACTED] Major, JAGC, U.S. Army Reserve; Member
(JAG)

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

27 December 2004

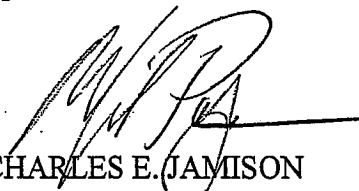
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1008

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].

FOR


CHARLES E. JAMISON
CAPT, USN

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #19
ISN #: 1008

1. Introduction

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and/or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with the Taliban or al Qaida. The Detainee worked at a U.S. military base in Kabul, Afghanistan. The Detainee assisted a member of a terrorist organization, Hezb-E-Islami Gulduddin, who had plans to plant a bomb at a U.S. military base in Afghanistan. Hezb-E-Islami Gulduddin is a known terrorist organization that has long established ties to al Qaida. The Detainee provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member Hezb-E-Islami Gulduddin. The Detainee provided photographs of a U.S. military base in Afghanistan to a member Hezb-E-Islami Gulduddin. The Detainee provided computer media containing a template of the security badge used at a U.S. military base in Afghanistan and digital images of personnel involved with security at the aforementioned base. The Detainee stole his work computer and transferred the information to computer media for the purpose of providing it to a member Hezb-E-Islami Gulduddin. The Detainee applied for a visa to the United States under a different name. The Detainee chose to participate in the Tribunal process. He called one witness, requested no documents be produced, and made an oral, sworn statement. The Tribunal President found the requested witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Detainee, in his sworn, oral statement, denied being part of the Taliban or al Qaida. The Tribunal President's evidentiary and witness rulings are explained below.


3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-15
- b. Testimony of the following persons: none.
- c. Sworn statement of the Detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested one witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	not reasonably available	no*


* The Tribunal President deemed that the Detainee's request for this witness was relevant to the Detainee's status as an enemy combatant. The Department of State was contacted on 9 November, with follow-up attempts made on 22 November and 29 November. As of 1 December 2004, the Department of State had received no response to the status of this witness request. Therefore, the Tribunal President made the determination that based on the attempt to contact and lack of response; the witness is not reasonably available.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he worked for an American company, Dyn Corporation at Site #3 in downtown Kabul, Afghanistan, not at a military base. The Detainee said that he had worked for the company for about six months, first as a translator/driver and then as a finance clerk. The Detainee had heard that  was a commander of Hezb-E-Islami Gulbuddin (HIG) and controlled the road between Kabul and Jalalabad but that he never assisted him in

any way; he just saw [REDACTED] at the office in Kabul. Taking pictures was part of the Detainee's job so that he could produce security badges for the Dyn Corp. staff. He contends that he was allowed to take his computer home for a computer course that he was enrolled in. Further, the Detainee stated that he did apply for a visa with his family but never used a different name. The Detainee claims that [REDACTED] and [REDACTED] approached him at his work with allegations that he was working for someone. The Detainee said he got scared and ran away, later contacting his father in Jalalabad. His father returned with the Detainee to his workplace and the Detainee was then placed into custody. The Detainee said that he was beaten and tortured and because of this, he told an American named [REDACTED] and Afghani that he had provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member of HIG. The Detainee was unclear when he reported this abuse but thought that it was about a year and a half ago.

As noted above, the Detainee made an allegation of physical mistreatment while he was in detention in Kabul, Afghanistan at the hands of his Afghani captors and American interrogator. The Tribunal made inquiry of the Detainee to note his statements about such alleged mistreatment. The Tribunal President has caused these allegations to be reported to the chain of command.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with al Qaida and/or associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #19

(U) ISN#: 1008

Ref: (a) Convening Order for Tribunal #19 of 4 November 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) Summary of Detainee/Witness Testimony (U//~~FOUO~~)
(4) Copies of Documentary Evidence Presented (S//NF)
(5) Personal Representative's Record Review (U)

(U) This Tribunal was convened on 1 December 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

(U) The Tribunal has determined that Detainee #1008 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida and/or associated forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

(U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

Tribunal President: I just want to verify before we get started that you feel comfortable with listening to us in English and just use your translator when you have a question. Is that the way you'd like to proceed?

Detainee: Yes.

Tribunal President: Ok.

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 and R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President stated that the detainee wants to participate and requested one witness. The witness request was deemed relevant, but, after several attempts to contact the Department of State, we have not received a response on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does come available, this tribunal may reopen this case.

Initially, the detainee wasn't sure on taking the Muslim oath, but, after clarification from the Tribunal President, and his Personal Representative, The detainee did want to take the Muslim oath.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The Personal Representative read from notes taken from a previous interview with the detainee. The allegations appear in italics, below.

3.a. The detainee is associated with the Taliban or al Qaida

3.a.1. The detainee worked at a U.S. military base in Kabul, Afghanistan.

Personal Representative: (speaking on behalf of detainee from notes taken): That is not true. He worked for an American company, not at a military camp, not at a military base. Not at a military base for Special Forces, or Army. He worked for the Dyne Corporation. He was a translator, driver for [REDACTED] and American program officer at site 3. This company was located in downtown Afghanistan, only a quarter mile from the presidential palace. Not a military base. The military base was actually in Bagram some fifty miles drive away.

Tribunal President: I'm sorry, could you please repeat the name of the town?

Personal Representative: Sure, it was Kabul.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.2. The detainee assisted a member of a terrorist organization, Hezb-E-Islami Gulduddin, who had plans to plant a bomb at a U.S. military base in Afghanistan.

Personal Representative: (speaking on behalf of detainee from notes taken): No, I did not assist any member. I mentioned that I worked for a person named [REDACTED] who worked for the Dyne Corporation. He was a commander to escort equipment from Herot to Kabul. That's what [REDACTED] did. His job was a contractor for the Dyne Corporation. He had heard of his name before as a commander of the HIG and as a famous thief between Herat and Kabul. (The detainee interrupts, to correct Personal Representative) No, between Kabul and Chava (ph). And then I saw him at the Dyne office. After I was accused at the office, I ran away to home, I told my father what happened and then two days later went back with my father to the Dyne Corporation.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.3. Hezb-E-Islami Gulduddin is a known terrorist organization that has long established ties to al Qaida.

Personal Representative: (speaking on behalf of detainee from notes taken): I did not know it was identified as a terrorist group, I only knew [REDACTED] all I knew was that [REDACTED] was part of HIG. At capture, I told them that I worked for the Dyne Corporation but no one would listen to me, when they captured me, they would not listen.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.4. The detainee provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I said this under torture. I said I worked for [REDACTED] because they were threatening me. [REDACTED] is the specific name. [REDACTED] an American civilian, told me if I don't say whom I worked for, I kept saying [REDACTED] but they would not believe me. And after sixty-eight hours, I said [REDACTED] so that I could be released. Again, [REDACTED] was an American, tortured and threatened me with a gun to my mouth, to try to make me say something. Also, regarding that same one, I did say these things under pressure, I had to lie, and they exist in the files because I lied thinking that I would be released.

3.a.5. The detainee provided photographs of a U.S. military base in Afghanistan to a member of Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I never took any pictures of any base. I was never at any military base. Again the corporation I worked for was downtown. (The detainee interrupts; making sure that the name of the company was mentioned.) It was the Dyne Corporation. It wasn't at a military base.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.6. The detainee provided computer media containing a template of the security badge used at a U.S. military base in Afghanistan and digital images of personnel involved with security at the aforementioned base.

Personal Representative: (speaking on behalf of detainee from notes taken): Part of my job was to take pictures for security badges. I did not give any template of badges to anyone. I did say this, but, under distress. They kept saying, what info did you give, to show them, we will not release you, until I tell them the info. So, I made up this lie as well. Part of my job was to take photographs but, during the pressure, he told them that he provided them to the terrorist organization. But, again, in actuality, part of his job for the Dyne Corporation was taking photographs, laminating them and making security badges for people.

Detainee: For the staff, for the members of the staff for the Dyne Corp staff.

3.a.7. The detainee stole his work computer and transferred the information to computer media for the purpose of providing it to a member Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I never said this. I never stole this. [REDACTED] allowed me to take the computer home to use it for a computer course. He allowed me to use it at home a lot.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.8. The detainee applied for a visa to the United States under a different name.

Personal Representative: (speaking on behalf of detainee from notes taken): I did, but it was with my entire family in Paris. I never tried to use a different name. He denies that he tried to use a different name.

Detainee: (speaking without translator) Because, I did it because of the lack of education in Afghanistan. When we apply, we do it with our whole families to go to a foreign countries. It wasn't, I didn't mention anything to the embassy (inaudible) office, so I didn't mention that I wanted to go to the U.S., but I mentioned, to any foreign countries.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no". The Personal Representative once again, explains to the detainee he can make a general statement if he wants to at this time, and if not, then his section will be done. The detainee declines.)

Personal Representative: Tell us, in detail, what it is that you did for the Dyne Corporation, what your responsibilities were.

Detainee: At first, when I joined the Dyne Corporation, I was translator, with driver. Then, I become a purchase and finance clerk.

Tribunal President: Recorder, do you have any questions for the detainee?

Recorder: Yes Ma'am. What type of computer course were you enrolled in?

Detainee: HTML

Recorder: Through what agency was this possible?

Detainee: The course?

Recorder: Yes.

Detainee: It was private.

Recorder: Private?

Detainee: Yes.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sir, you are a native of what country?

A. Afghanistan.

Q. Have you ever traveled outside of Afghanistan, other than this opportunity?

A. Pakistan.

Q. When was the last time you traveled to Pakistan on your own?

A. It was at the end of Taliban. 2000.

Q. And, what was the purpose in that travel?

A. Because, during the war in Afghanistan, that, we all went to Pakistan. The war when the Americans take Afghanistan, so we went to Pakistan.

Q. How old are you?

A. I'm twenty-four.

Q. And, before you worked for Dyne Corporation, first of all, when did you start working for Dyne Corporation?

A. I worked from 17 October 2002.

Q. And before that, what did you do?

A. I worked for the E(inaudible) Foundation Organization, American angels (inaudible).

Q. And what did you do for them?

A. Admin and finance assistant.

Q. What other types of job have you held?

A. I was making the reports, making the financial.

Q. Before working for them, whom did you work for?

A. I was working as a computer instructor.

Q. Have you ever been a member of any political party or group?

A. No.

Q. What's the highest grade level you've completed?

A. High school.

Q. Did you know that being a member of the HIG would be considered wrongful in the view of the United States?

A. I didn't know what that is.

Q. The Hezb-E-Islami Gulduddin, did you know that the United States viewed that group as a, for lack of better term, a bad group?

A. I don't know about that.

Q. You didn't know that the United States...

A. Yes, I know its an organization, an Islami Organization, I don't know anything about that.

Q. Okay. Did you even know what their purpose was? What they existed for.

A. No. Yes, I know during the Russian war they were fighting in front of the Russians.

Q. So, you didn't know they were fighting the United States?

A. No.

Q. You said that you were tortured, corrected? Tortured?

A. Yes.

Q. Specifically, your personal representative mentioned that somebody put a gun in your mouth?

A. Yes.

Q. Other than that, did anybody torture you?

A. After that, two Afghani's guys came; down in Kabul, in a place which where Mr. [REDACTED] was interrogator. So, they came, start the same questions for me. And they start beating, so, when I was bleeding, one of the American guy told them to stop the beating, so, he stop beating, and then they left. After that, they put me in all night, in cold weather, in a cage, in a dog cage.

Q. And this torture was being done where?

A. Kabul.

Q. At a U.S. facility?

A. Yes.

Q. And when was the first time, when you reported all this torture?

A. In Bagram.

Q. In Bagram? How long after it happened did you tell somebody?

A. Like to every interrogators.

Q. You don't remember the first time, how long it had been since you were tortured, until you told somebody?

A. One and half years ago.

Q. The man who beat you, do you think he was American?

A. Yes.

Q. This man, that, I think who was asking you questions, that started this whole thing to provide information. Did you know him before?

A. No.

Q. He just came up to you and started talking?

A. Yes.

Q. And, you said, you had informed your father, about this? Is that what I understood? Who did you inform, and when?

A. The first thing, the first stop, when I came back to home, I said to my father, I got problem? He told me, are you working for anybody? Are you working for any political people, or to any organization? I told him no. He told me then, why are you scared? Go back to office. Then on Saturday, because Friday was off, in Afghanistan, so, on Saturday, I went to office. When I went there, with my father, so, if I'm working with any of the organizations, or if I'm Taliban, or al Qaida then why, I go back to office?

Q. Did this man threaten you?

A. The [REDACTED]

Q. Yes.

A. No.

Q. How did this meeting start? Were you just walking down the street, eating somewhere, did he just approach you, how did this start?

A. Who approach me?

Q. The [REDACTED] Who is the one that asked for this information?

A. Nobody asked for information.

Q. Nobody?

A. Nobody.

Q. So, who is this particular guy that...?

A. I said lie when I was in Kabul, to get released. I was scared; I said I give information to bad guy. I said to Mr. [REDACTED] because, he said just tell us who you are working, if you don't say, we will send you to Cuba, and you will never see your family, and we will send you forever. So, just say to whom you are working. And, then I thought, say lie, and I said lie.

Q. Oh, so nobody asked you for information?

A. No, nobody.

Q. Then, why do you think they arrested you?

A. I don't know. Because, I was scared, scared from office, then I thought, that they thought that this guy, yeah, he's working for somebody. And that was the first time that I thought I got that problem, and I got scared. I go home. So, when I went back to office, they thought, oh maybe he's working for somebody.

Q. Nobody asked for information, but what did you tell your father, again?

A. I told my father, that, I have this problem at my office. They are saying that you are working for anybody, for any organization? And he asked are you? And I said no. And he said go back to office.

Q. Did somebody at your office accuse you of possibly working with somebody?

A. At first, I say yes.

Q. And that's when you told your father that somebody at work is accusing you of working with somebody?

A. Yes.

Q. What type of relation did you have with [REDACTED] was it a pretty open, pretty friendly relation?

A. Just my program officer.

Q. Do you feel that he would've been able to give us a lot more information on what you did?

A. Yes, because I worked with him six months, like I went to office from six in the morning to eleven o'clock or ten o'clock at night, like more than with my families, I work with [REDACTED] so, he knew everything about me.

Q. He worked in the same office with you saw you daily?

A. Yes.

Q. Do you think he would've told us that you were not involved with any of these groups? What do you think he would've told us?

A. He will tell you that I work with him; nobody came to our office like a politician or from government. He will tell you like that, I know him, he isn't linked to anybody.

Q. Do you think he was ever suspicious of you working with anybody else?

A. No.

Q. And he never made any comments to you, asking you?

A. No.

Q. You had made a comment that you wanted a Visa to go to any country? Is that what you were saying?

A. Yes, that was during the Taliban, because, during the Taliban, there's no education in Afghanistan, and also economic problems with all people, so, all people applied to U. S. office. United Nations for refugees (inaudible). So, we applied for that, so we applied for any foreign countries. Europe or Americas.

Tribunal President's questions.

Q. Can you tell us a little about your arrest, capture, when it occurred, and how did they come to your office, how did they take you into custody?

A. It was Saturday morning; I came to office with my father, when I came, Mr. [REDACTED] and Mr. [REDACTED] they were working on.... They told the guy, they said, to sit down, and take your hands out of pockets, so, when I took them out, they put handcuff on me, and they took me. Mr. [REDACTED]

Tribunal member: So, was that after you were accused?

A. Yes.

Q. (Tribunal President): That was when you came back to the office, when they picked you up?

A. Yes.

Q. And you know, about what time, when that was, as far as month, day, year, was it in 2000, 2002?

A. 5th April 2002

Tribunal President: I want to thank you for participating in this tribunal today.

Detainee: You're welcome.

Tribunal President: Is there anything else that you would like to say to this tribunal?

Personal Representative: Actually, can I ask another question Ma'am? I know I was given an opportunity already, but one has come up.

Tribunal President: Yes, certainly.

Personal Representative: Who, originally, you went to work one day, somebody originally accused you of something, because, that's why you ran. Who was that?

Detainee: Who accused me?

Personal Representative: Yes.

Detainee: That was [REDACTED]

Personal Representative: What did he say to you that day. You came into work, you thought everything was fine, and then [REDACTED] came up to you, what was said, that made you run home?

Detainee: When, the first, or when [REDACTED] came, or at the end or first?

Personal Representative: Yes, the very first time you were every accused of anything. Who was it and what was said?

Detainee: [REDACTED] I come outside from dining room, so when I come to office [REDACTED] and one other guy, they came and they asked me to who are you working for? I told them I 'm not working with anybody. They said, no, you are working with somebody. At first, they told me they would send you to Cuba forever, [REDACTED] told me, that was in the office. At first, I was scared, that's why I ran home.

Personal Representative: And the matter of the second question is, if I may, is when we chatted, you saw [REDACTED] in the office, and you recognized [REDACTED] and you said that [REDACTED] worked for the Dyne Corporation. Is that right?

Detainee: I didn't recognize him. I, that guy was, he came with [REDACTED] and he was working in the fuels section with Dyne Corp. That was (inaudible). So, [REDACTED] came

with him to the office, he introduced me, he was escorting the equipments from Herat to Kabul. So, in that time, he told me, he's Commander [REDACTED] he's from Southern Kabul, in western Kabul. So, in that time, I said, I say, yeah, that's, he's the [REDACTED], a famous thief in Kabul and (inaudible).

Personal Representative: Now, did you ever give him, [REDACTED] any information, about the work, did you ever provide him anything?

Detainee: No. Yes, I did provide him legal. Mr. [REDACTED] he was the project manager, he give me translate acquisition letters to him, and I translate them, make in computer, and give him two copies. I gave one copy to [REDACTED] and one copy to [REDACTED]

Personal Representative: You were kinda ordered to do that, that was part of your job? Your boss made you do that and give it to [REDACTED]

Detainee: Yes, [REDACTED] (ph) he was project manager, he told me.

Tribunal Member: Just to clarify, are we talking about [REDACTED] they are employees of Dyne Corp?

Detainee: No. We had a contract with them, Global Securities in Afghanistan, so we had a contract between Dyne Corp and Global. [REDACTED] he was working with Global. And [REDACTED] I don't know whom he worked for, I guess he came with [REDACTED] to the office.

Tribunal Member: Why do you think they were suspicious? Do you know what started this whole thing? Have they ever given you problems before?

Detainee: No.

Tribunal Member: They just all of a sudden started one day?

Detainee: Yes.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

A large black rectangular redaction box covers the signature of the Tribunal President.

Colonel, United States Army
Tribunal President

DETAINEE ELECTION FORM

Date: 05-Nov-04

Start Time: 1600

End Time: 1800

ISN#: 1008

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? PASHTU

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

Personal Representative Comments:

Detainee WANTS to participate in Tribunals. Detainee has 1 non-detainee witness:

#1: Mr. [REDACTED] the program officer for Dyn. Corporation an American Corporation with an office in Kabul AFG. The detainee worked as a translator and driver for [REDACTED] Mr. [REDACTED] an testify that:

- a. Where the detainee worked was not a military base;
- b. That the detainee did not steal his computer, because Mr. [REDACTED] allowed him to take his computer home to take a computer course on it;
- c. That it was part of his job responsibilities to take pictures of employees for their badges.

Personal Representative [REDACTED] Exhibit: D-A

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (01 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – SOHAIL, Mohammed Mustafa

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with the Taliban or al Qaida.

The detainee is associated with the Taliban or al Qaida:

1. The detainee worked at a U.S. military base in Kabul, Afghanistan.
2. The detainee assisted a member of a terrorist organization, Hezb-E-Islami Gulduddin, who had plans to plant a bomb at a U.S. military base in Afghanistan.
3. Hezb-E-Islami Gulduddin is a known terrorist organization that has long established ties to al Qaida.
4. The detainee provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member Hezb-E-Islami Gulduddin.
5. The detainee provided photographs of a U.S. military base in Afghanistan to a member Hezb-E-Islami Gulduddin.
6. The detainee provided computer media containing a template of the security badge used at a U.S. military base in Afghanistan and digital images of personnel involved with security at the aforementioned base.
7. The detainee stole his work computer and transferred the information to computer media for the purpose of providing it to a member Hezb-E-Islami Gulduddin.
8. The detainee applied for a visa to the United States under a different name.

UNCLASSIFIED

Exhibit R-1

1 of 2
4511

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4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Memorandum



To : Department of Defense Date 10/29/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 1008 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/15/03

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 10/29/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED] ([REDACTED])
[REDACTED] or Intelligence Analyst (IA)

[REDACTED]

IA

Personal Representative Review of the Record of Proceedings

I acknowledge that on 03 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1008.

I have no comments.

My comments are attached.

LCDR [REDACTED] USN
Name

03DEC04
Date

[REDACTED]
Signature