

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SAEED AHMED MOHAMMED)
ABDULLAH SAREM JARABH, *et al.*)
Petitioners,)
v.) Civil Action No. 04-CV-1194 (HHK)
GEORGE W. BUSH,)
President of the United States, *et al.*,)
Respondents.)
_____)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

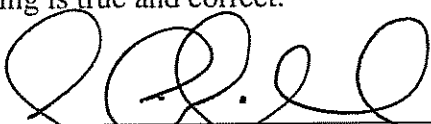
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

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 Saeed Ahmed Mohammed Abdullah Sarem Jarabh that are suitable for public release. The portions of the record that are classified or considered law enforcement

sensitive are not attached hereto. I have redacted the names and addresses of the detainee's family and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 1 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser:
30 September 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]**

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 # [REDACTED] 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:

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24 Sep 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004
(2) Record of Tribunal Proceedings

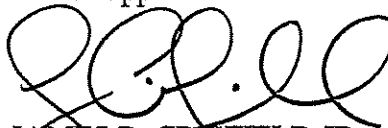
1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process, was present for the unclassified portion of the Tribunal, and made an unsworn statement.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-11 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 that one witness and two documents be produced. The witness requested by the detainee was the detainee's father. The detainee stated that his father would testify that he paid for the detainee's travel to Afghanistan. The Tribunal President determined that this testimony would be irrelevant to the sole question before the Tribunal. The documents requested by the detainee were copies of his round trip tickets from Yemen to Afghanistan on Yemeni Airlines and the record of a visa issued by the Iranian embassy in Sana'a, Yemen, that would show that he intended to return to Yemen. The Tribunal President denied these requests on the grounds of lack of relevancy. In light of the fact that none of the requested evidence would have any tendency to make it more or less probable that the detainee was part of, or supporting Taliban or al Qaeda forces, the President's relevancy determinations were correct.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]

- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit 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.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN

UNCLASSIFIED



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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], Colonel, U.S. Army; Member

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

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

22 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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 660-3088.

A handwritten signature in black ink, appearing to read "D. L. Taylor", is written above the typed name.

DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).

(U) TRIBUNAL PANEL: #8

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #8 of 13 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

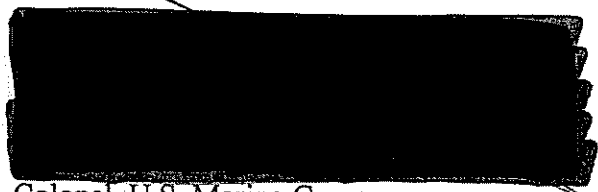
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 20 September 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 20 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly classified 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, Al-Qaeda, 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: _____ #8 _____
ISN #: _____ [REDACTED] _____

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 was part of, or supporting, Al-Qaeda. 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 unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee traveled to Afghanistan in 2001, where he received military training and fought against the United States and the Northern Alliance while at Tora Bora. He is a member of Al-Qaeda. The detainee chose to participate in the Tribunal process. He requested one witness, requested two unclassified documents be produced, and made an unsworn verbal statement. The Tribunal President found the requested witness not relevant even if made reasonably available, and that alternative means of producing the witness's testimony were also not relevant. The Tribunal President denied the Detainee's request for the documents to be produced. The detainee, in his verbal statement, denied being a member of Al-Qaeda, and also denied engaging in hostilities against the Northern Alliance and the United States. 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 (3 pages), and R-1 through R-11.
- b. Testimony of the following persons: Unsworn statement of the detainee

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

As indicated by the Detainee session notes appended to Exhibit D-a, the Detainee requested the following witness be produced for the hearing:

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ISN # [REDACTED]
Enclosure (1)
Page 1 of 4

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	Not relevant	No*

*The Detainee sought the testimony of his father to show that his father paid for the Detainee's travel to Afghanistan (although other evidence indicates that the Detainee stole the money from his father instead). The Tribunal President denied the request, reasoning that even if the Detainee's father testified as the Detainee said he would, this information sheds no light on the Detainee's activities while in Afghanistan nor as to whether the Detainee is properly classified as an enemy combatant.

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Round trip ticket from Yemeni Airlines	Not relevant	No*
Record of issued visa from Iranian embassy in Yemen	Not relevant	No*

*The Tribunal President disapproved the request because these documents were not relevant to the Detainee's enemy combatant status; even if produced, these documents would not shed light on the Detainee's activities while in Afghanistan.

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 primary unclassified evidence the Tribunal had to consider was the detainee's unsworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he was not a member of Al-Qaeda, and that he did not engage in hostilities

against the Northern Alliance or the United States, whether at Tora Bora or anywhere else. His sole reasons for going to Afghanistan were to teach the Koran to the less fortunate and to look for additional business opportunities in his father's gold and silver business.

c. The Tribunal also considered Exhibit R-3, an affidavit written on the Detainee's behalf by his brother. The Detainee, however, told a completely different story than did his brother, during the Detainee's initial testimony. Since his brother presumably would have no reason to lie, the Detainee's initial story was deemed to be not credible by the Tribunal. Upon being confronted with Exhibit R-3, the Detainee changed his story significantly during his subsequent testimony. The Tribunal determined that, even though the Detainee may have added some additional elements of truth, his overall testimony was still not credible because of the significant amount of information that was excluded from his testimony and because some of his statements were directly contradicted by other exhibits in the packet.

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

The Tribunal consulted the CSRT Assistant Legal Advisor during the course of this hearing on the following matters: After the unclassified session was concluded, and as the classified session was about to begin, the Tribunal President discovered that Exhibit R-3, an affidavit on behalf of the Detainee written by his brother, had not been shown or provided to the Detainee. The Tribunal President recessed the Tribunal, consulted with the Legal Advisor, and subsequently directed that the Personal Representative ensure that the affidavit was translated and presented to the Detainee this same day. The Personal Representative, in conjunction with the Interpreter/Translator, complied and met with the Detainee later that day. The Detainee, after being made aware of Exhibit R-3, accepted the Tribunal President's invitation to comment upon it. The Tribunal President therefore reopened the unclassified session and allowed further testimony from the Detainee.

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 the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing. He did ask questions concerning the "fairness" of the proceedings (e.g., "why are some people being released

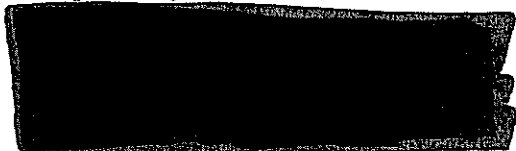
without even having had tribunals?”), which were satisfactorily answered by the Tribunal President.

c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, Al-Qaeda and was part of, or supporting, that organization.

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

When asked by the Tribunal President if he would like to present additional information to the Tribunal, the Detainee stated no, the Personal Representative can talk for him.

Detainee stated that [of] the stuff he [the Recorder] said, just one thing is true and all the rest is false. The only true thing is the statement when he [Recorder] says about the training for one week. 3(a)1 is the only thing that is true in the Unclassified Summary. The rest is false.

The Personal Representative made the following comments on behalf of the Detainee, addressing each point on the Unclassified Summary:

- *3(a) The Detainee is a member of Al Qaeda.*

Concerning the allegation that the Detainee is a member of Al Qaeda, he [Detainee] is not a member of Al Qaeda.

- *3(a)1 The Detainee attended training for approximately one week at the Abu Abaida training camp near Jalalabad, Afghanistan.*

This training was actually in Kandahar, not Jalalabad. This was not military training; it was simply shooting for proficiency with friends.

- *3(a)2 The Detainee received weapons training on the Kalashnikov rifle while at the Abu Abaida training camp.*

He [Detainee] already knew how to fire the Kalashnikov from his home, in Yemen. He [Detainee] was in Afghanistan to teach the Koran.

- *3(a)3 The Detainee admits having contact with [an individual] whom he believes to be an al Qaeda member.*

This is not true. There is no way, if there were Al Qaeda in the area, for anyone to know they were there.

- *3(b) The Detainee participated in military operations against the coalition.*

He [Detainee] was not in Tora Bora. He [Detainee] was captured under false pretenses in Pakistan by the Pakistanis. In fact, he [Detainee] had made a decision to leave Afghanistan long before the war started. People in Afghanistan lied to him [Detainee] and told him [Detainee] they would help him [Detainee] go home but [instead] turned him [Detainee] over to Americans.

He [Detainee] never went to Afghanistan to fight and never carried any weapons. Because of the false pretenses under which he [Detainee] was captured, the Detainee is concerned about what country he will be released to, if released. [He] would like to know if he will have any say about which country he is released to if he is released someday.

- *3(b)1 The Detainee was present with fighters in the Tora Bora region.*

This point was addressed along with the other point, and never specifically addressed by the Personal Representative.

Tribunal President: To answer your question about what country you would be released to, as a member of this Tribunal, I have no insight or involvement with that decision. That is at our State Department level. Additional information will be provided to you at a later date as we progress through this process and other processes you would be involved with.

Personal Representative: I would like to add, that as circumstantial proof [that] he [Detainee] is not a member of Al Qaeda, the Detainee's trip was funded by his father, not Al Qaeda.

Questions by Tribunal Members to Personal Representative

Q: Does the Detainee admit or deny attending training at Abu Abaida training camp?

A: The Detainee indicated he had already been trained in Yemen and was shooting for proficiency with friends. He [Detainee] didn't consider it training.

Q: These activities took place in Kandahar, as opposed to Jalalabad, because of the location of the camp, or was it somewhere different from the camp?

A: When I read the accusation, he [Detainee] indicated it was Kandahar, not Jalalabad.

Questions by Tribunal Members to Detainee

Q: When did you leave Afghanistan?

A: I don't remember the date, but maybe a month before the New Year. Maybe the 11th month.

Q: In 2001?

A: Yes.

Q: Can you describe for us, in greater detail, your journey from Afghanistan to Pakistan?

A: I was in a village with an Afghan individual. I stayed with him for a while there, about a month. And then we left through several roads through the mountains to Pakistan. There were Pakistanis there, and after a while, the Afghan left and I stayed. I talked with the Pakistanis. Some of the people in the village spoke Arabic so I spoke to them. I told them I wished to return to my home. They put us in jail and then Cuba.

Q: Why did you make the trip from Afghanistan to Pakistan at that particular time?

A: I wished to return to Yemen.

Q: It had nothing to do with the conflict between the Taliban and the Northern Alliance?

A: I made that decision before [that time].

Q: How long were you in Afghanistan?

A: Approximately 4 months. I don't remember the exact times, but around 4 months.

Q: And your primary activities while in Afghanistan were again, what, please?

A: Teaching the Koran.

Q: To whom did you teach it?

A: Afghan people in the Mosques. But that didn't really happen. The circumstances weren't favorable, so I just left.

Q: So, you did not teach people the Koran at all, or only for a brief period of time, or what?

A: A little bit.

Q: So, if you were not able to teach for the 4 months, what did you do instead?

A: I was trying to leave.

Q: Was there anyone preventing you from leaving?

A: Just the circumstances only.

Q: You indicated that your father funded your trip to Afghanistan? Or Pakistan?

A: Everything.

Q: And he thought your intent was to teach the Koran as well?

A: Yes.

Questions by the Tribunal President to Detainee

Q: When did you arrive in Afghanistan? I wasn't clear on that.

A: Around the 8th month, August. Seven, eight, nine, eight.

Q: Did you have a place to go, a person to meet, so you could start teaching the Koran in Afghanistan?

A: Just at any of the...there were mosques there, or any of the organizations there.

Q: Could one of them have had [an] opportunity to verify your story of your real reason to be in Afghanistan?

A: No.

Q: That is unfortunate. That would have been very key [to verifying your story]. If you were there in July or August, you had quite a bit of opportunity to teach the Koran in those two months, before things drastically changed later in September. Once you heard of the events of September 11th, and prior to things deteriorating so much in Afghanistan, why did you not leave then?

A: I couldn't leave. The borders were closed and the situation was chaotic.

Q: You're saying that you have never had any contact with any Al Qaeda members, to your knowledge?

A: Yes.

Q: When you were gaining marksmanship proficiency with the Kalashnikov, what were you using as targets?

A: Stones, rocks.

- Q: You made reference to being familiar with weapons in your home country in Yemen, what other weapons are you trained in?
- A: Handgun.
- Q: In Afghanistan, other than when you were shooting stones, did you have in your possession, any [other] weapons?
- A: No.
- Q: Normally, people traveling through Afghanistan, knowing it's a dangerous place, even before September 11th, admit that they have personal weapons. You did not?
- A: No, I didn't have anything.
- Q: How many mosques did you travel to and teach the Koran in?
- A: There weren't any mosques, I just taught as I walked down the road.
- Q: I'm confused. I thought you referred to mosques as being places to travel to and start your teaching.
- A: I said that I went to Afghanistan to teach [the] Koran, but the circumstances didn't really allow it, so I taught on the go, while traveling from place to place.
- Q: While you were on the go in Afghanistan, what places did you visit, besides Kandahar?
- A: Just Kandahar, there were different houses in Kandahar that I went to.
- Q: When you arrived from your home country, you flew into Kandahar, is that correct?
- A: No, I went to Iran. Tehran and Mashhad, Herat and then Kandahar.
- Q: The first place in Afghanistan that you arrived was Kandahar?
- A: Herat and then Kandahar.
- Q: When you traveled to Iran, how long did you stay?
- A: Probably 10-14 days.

Q: Why so long?

A: It's not long.

Q: If your mission was to teach the Koran for 3 months in Afghanistan, you wasted ½ a month in Iran.

A: When I was in Iran, I was trying to decide between Azerbaijan and Afghanistan.

Q: What took you to Iraq? (NOTE: the Tribunal President thought the Detainee said "Iraq," when he had actually said "Herat," referring to a place in western Afghanistan").

A: Iraq?

Q: You went to Iran and then Kandahar, Afghanistan?

A: From Tehran, Iran to Mashhad, Iran and then from Mashhad to Herat and then from Herat to Kandahar.

Q: Herat.... I misunderstood. This was all by aircraft?

A: From Tehran to Mashhad in Iran, by bus. And to Afghanistan, it was by car.

Q: Okay, we're trying to put this all together so we can make a fact-based determination. Thank you for participating and answering our questions.

Questions by Tribunal Members to Detainee

Q: You mentioned considering traveling to Azerbaijan? What made you consider that as a possible place to go, as opposed to Afghanistan?

A: The same thing. My purpose was to teach Koran to the people who were coming to Azerbaijan.

Q: So, when you left Yemen, you had not decided which country you would finally end up in?

A: I had the choice, whatever I could get to first, I would go. My preference, my first choice was Azerbaijan.

Q: Did you have any contacts there that could help facilitate your travel to that country and help you begin your preaching there?

A: No, but I knew there were organizations there I could work with.

Q: Had you made any plans with those organizations prior to beginning your trip?

A: No.

Q: It seems that Azerbaijan would have been a safer place to teach and preach than Afghanistan, especially during those times.

A: That's true.

Q: What made you change your mind to go to Afghanistan if Azerbaijan was your first choice?

A: I was not able to obtain a visa to Azerbaijan.

Q: But you did attempt to do so?

A: Yes.

The Tribunal reconvened. The Tribunal President stated the reason for the recess was due to the fact that the Tribunal President was concerned that the Detainee may not have had an opportunity to be familiar with Exhibit R-3, which is the unclassified piece of evidence identified as the Affidavit of [REDACTED] (the Detainee's brother). By taking the recess, the Personal Representative and the translator have provided the opportunity to Detainee to become aware of the information in the exhibit. We will now allow the Detainee an opportunity to comment upon the Exhibit R-3 and make any additional statements he would like to make.

Questions by the Tribunal President to Detainee

Q: Have you had an opportunity to review the exhibit?

A: Yes.

Q: Would you like to make comments or a statement to counter the information or reinforce the information that is in the exhibit?

A: I talked to the Personal Representative and I said before that I wanted to state the true story earlier, about a year and 8 months ago. The circumstances didn't allow that. If someone needs to change their story, they were pressured. I just left it the way it was and even today, I was going to change the story and say something else, but I wasn't sure of what to do. I just thought, I'll just leave things as they are, and so I leave things as they are. Nothing is going to change. I don't want to disrupt anything.

And then, when the letter came today, I knew that now you know things more than I do. You know more things than I do. I even told the interrogators earlier that you know me better than I know myself. You already asked about me in Yemen, so...I waited for an opportunity where it would be open, people would see, people would hear, there would be lawyers...I was waiting for an opportunity like that to tell my story.

I asked the interrogators before, are these Tribunals going to be open to the public, are there going to be lawyers, are we going to be able to contact our families...

When I saw that everything was closed or silenced, so I was just saying the same story over and over again. But the real story is like I told the Personal Representative.

The first and main purpose of the trip was to teach the Koran; the small and simple things in the Koran.

The second thing was to look for things I could trade. Then I tried asking about gold because in Afghanistan, they have very primitive ways of extracting gold. It's cheaper to extract gold in Afghanistan because of the way they extract the gold. I was planning on selling it in India, through Pakistan, because in India, they have higher prices than the rest of the world for gold.

Also, another thing we used to trade back in Yemen, like my brother said, was the trade of honey. That was very weak compared to gold.

So, when we were captured, we were forced to say the things that I said earlier, either by the Pakistanis or the Americans in Kandahar. They forced us to say the things I said, even here in Cuba, also.

The story that is with the Personal Representative is summarized and that is the true story. Like I told the Personal Representative, when I went to Iran, I went into Afghanistan, I didn't know anyone so when I went to Afghanistan, I found the people who were responsible for the borders, and those are the Taliban. They spoke Arabic. They took me to Herat to a county or government building, or office. In the office, one of the people there spoke Arabic; he asked about me, and what I needed. I talked to him and he told me they were going to send me to a person in Kandahar, whose name is Abdul Malek.

So, I spoke to the owner of the vehicle who took me to Kandahar and took me to the street and the house where Abdul Malek was. I stayed with Abdul Malek in Kandahar for about 1 ½ months. I talked to him about what I was doing; teaching the Koran, charity and trading things.

We [Detainee and Abdul Malek] used to go into some of the mosques and used to just look at the people there and get an idea of how we were going to teach. Then we went to a place near Kandahar where there were poor people and we just observed them.

There was some teaching, but it wasn't consistent.

The gold is in the north of Afghanistan, so we [Detainee and Abdul Malek] went to Kabul and a house there so we could ask about the gold issue. So, we learned some things. It is present in northern areas, in a place called Takhar. The people extract it from the rivers. I knew that the price was less than the price in the rest of the world by about a quarter. About a quarter of the price.

There was a problem with the gold there. It was in a place where there was a lot of war and a lot of killing. The people there had no hope. At that time, the state of the country changed; the killing and the fighting started.

Like it says in the paper [Affidavit, Exhibit R-3], I would call them [my family] almost every week. After that, I decided to return home.

Abdul Malek had a friend called Fallulah Mahmoud (phonetic) and he called him so he would take me to Pakistan. When we went to Pakistan, we went to Jalalabad and in Jalalabad we stayed with Fallulah Mahmoud. After that, from Jalalabad we went to Pakistan. From the main road we were leaving. There is a point there, a Pakistani point. Not the first one, but the fifth one. They [the Pakistanis] stopped us and they kept us with them. I was by myself.

After that, they took me to a prison where there were plenty of Arabs. Before the prison with the Arabs, I was in a Pakistani prison for about a month. After that, they took me to the prison with the Arabs and they took all of the Arabs and turned us over to the Americans. That's the story.

Questions by Tribunal Members to Detainee

Q: You understand that nobody here in the Tribunal is forcing you to either say things or to not say things? Is that clear to you?

A: My emotional state right now, I'm nervous. I didn't want to say anything...the story before. Even just the mental state, being in a prison, you can't say everything you want to say.

I'm telling you, I'm talking to you right now and I'm scared that you might take me to Romeo Block or any of the other blocks you take people to.

Q: That is not our purpose here. Our purpose here is to get to the truth.

A: That is the truth.

Q: None of the members of the Tribunal had any access to any information concerning you until the Tribunal began here this morning. Therefore, the only information we have concerning you, to your benefit, comes from you, your Personal Representative, or, in this case, your brother. Naturally then, we are unsure as to whether to believe what you told us this morning, or to believe what you are telling us now.

A: No. This is the truth.

Q: Why should we be convinced?

A: I don't know because this is the truth.

Q: Why did you not volunteer this information this morning?

A: I thought of saying it while I was here this morning, but the reason, what I'm scared of still applies now.

Q: Do you still deny assisting the Taliban or Al Qaeda in any way?

A: I never [did].

Q: You were never at Tora Bora?

A: No.

Q: Is there anything else you wish to modify from your story this morning?

A: This is the story. There is nothing else.

Questions by the Tribunal President to Detainee

Q: Earlier this morning, you indicated that you had a concern about what country you would be repatriated to, had you had the opportunity for release. As I stated, when I was explaining the process for the Tribunal and possibly the Administrative Review Board, if released, you would be sent back to your home country of Yemen. Is there concern that you would prefer not to be sent back to Yemen?

A: No, nothing.

Q: If it were determined that you are not an enemy combatant, you would want to go home to your home country?

A: Yes.

Q: Is your brother older or younger than you?

A: Older.

Q: How many brothers do you have?

A: I have 16 brothers and sisters.

Q: Have any of your brothers traveled to Afghanistan to teach the Koran or to sell honey?

A: No.

Q: Why you? Why did you choose to go to Afghanistan?

A: It is my fate.

Q: Do your brothers not have the same faith? (NOTE: the Tribunal President mistakenly thought the Detainee had said "faith" instead of "fate").

A: It wasn't their fate. If it were their fate, they would have been [there].

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

UNCLASSIFIED//FOUO
Detainee Session Notes

Initial Session: The information is based on the first session a Personal Representative (PR) has with an assigned detainee. The PR will be sure to have the required documents IAW the CSRT PR Training Guide Para. B. 5).

PR:	44
3 or 4 digit ISN:	[REDACTED]
Date:	16Sep2004
Start Time:	10:00
End Time:	11:20

Initial Session

The following actions must be completed and the information accrued forwarded to the OIC, CSRT through the Chief of Staff.

Detainee's participation election (as reflected on the Detainee Election Form you will also provide to the OIC, CSRT through the Chief of Staff):

Will attend Tribunal and make statements under oath.

Detainee's demeanor/attitude while explaining the CSRT process (ex. Eager to listen, distrustful, non-responsive, etc.):

Polite and calm. Asked many questions. There is a recurring theme where detainees are wondering why people are being released without going through a tribunal.

Explain detainee's witness and/or documentary evidence requests:

Detainee claims to have gone to AF for 3 months to teach the Koran. As evidence he says his father will testify that he gave him \$300 in US currency to make the trip. His father is a gold dealer/jewelry shop owner and deals in US currency. Location data for Father:

Home, [REDACTED] phone [REDACTED]

Also Yemeni Airlines sold him a round trip ticket. This ticket was lost in AF, but the airline can provide a copy. The Iranian embassy in Sanaa Yemen also issued him a Visa that shows he was planning on returning to Yemen.

UNCLASSIFIED//FOUO
Detainee Session Notes

Notes from Follow-up to Session 1 (if required)

PR:	
Date:	
Start Time:	
End Time:	

Annotate any changes to detainee's original election. If No Change, indicate No Change:

Briefly annotate purpose for Follow-up Session 1 and what occurred:

Notes from Final Session

PR:	44
Date:	19-Sep-04
Start Time:	0900
End Time:	0927

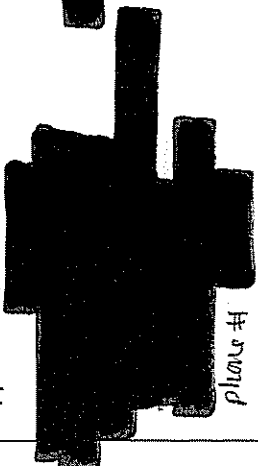
Annotate any changes to detainee's original election. If No Change, indicate No Change:

None

Annotate the purpose for the Final Session and what occurred:

Advised that witness and documentary evidence was deemed not relevant. Reveiwed statements for Tribunal. Detainee is very interested in what country he may be repatriated and whether he has a say in this.

Home Address



PHONE #

BUSINESS ADDRESS



PHONE #

our E-mail - skip

IRANIAN EMBASSY
HUDDA STREET
Sanaa YAMEN

His ticket purchased from YAMEN AIRLINES
under either of the following names

He left YAMEN in the 7th month
of the Mohammadian calendar
شهر رجب (JAMAD THANI)

His route was as follows

Sanaa \rightarrow Dubai \rightarrow TEHRAN
He used IRANIAN AIRLINE

From TEHRAN \rightarrow MASH HED
He used THE BUS

Interpreter Notes



Iranian airline ticket may be either of the two below

OR

Left in the 6th month or June

Samsat -> Dubai -> Tehran

IRANIAN AIRLINE

Tehran -> Mashhad

Bus

FRANÇON Emb - Sanaa

✓ → عتي - + ليه

Sanaa

Hadda St.

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (3 September 2004)

Subject: (U) Summary of Evidence for Combatant Status Review Tribunal - JARABH, Saeed Ahmed Mohammed Abdullah Sarem

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 was a member of al Qaida and engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is a member of al Qaida:
 1. The detainee attended training for approximately one week at the Abu Abaida training camp near Jalalabad, Afghanistan.
 2. The detainee received weapons training on the Kalishnikov rifle while at the Abu Abaida training camp.
 3. The detainee admits having contact with whom he believes to be an al Qaida member.
 - b. The detainee participated in military operations against the coalition.
 1. The detainee was present with fighters in the Tora Bora region.
4. (U) 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.

مذكرتي

١ : المجلس الشخصي

من : OIC, CSRT

الموضوع : خلاصة الادلة المقدمه هيئه مراجع وضع
المعتقل السيد احمد محمد عبد الله صاهم جالاه

① تحت شروط المذكوره من وزير لقوات البحرية من
٢٩ تموز عام ٢٠٠٤ ضد ادرات هيئه
مراجع وضع المعتقل للاجساد المتعلقه بعقائمه
في القاعده البحرية في جوارنا نحو باي في كونا فقد
شكلت لجنة المراجع بتصنيف المعتقل كعدو حقائل

② العدو حقائل يعرف كخوف لان عضواً ساعد او
عاند لقوات الهلبان والقاعده اذ انه قوات
تنظيم وحويه طاه في قتالهم ضد لولايات المتحده
الاخرين وخلفائهم ويصعب هذا التعريف اي
شخص ارتكب عملاً حربياً وقام بدعم مباشر
لقوات حوات صالحه عقائمه .

③ قد قررت حكومه لولايات المتحده سابقاً ان
المعتقل عدو حقائل هذا التقرير مبني على
معلومات مقتناه لدى لولايات المتحده وهي
توسيع الى ان المعتقل كان عضواً في قوه
(او وجهه) عقائمه للولايات المتحده وهو حقائل
عدو ضد لولايات المتحده وخلفائهم .

PR14

[redacted]
16 SEP 84
Start: 1000
Stop: 1120

Said Ahmed Mohammed
Abdullah Sarim

Comments on evidence

3a. D Kowalek not Faldah had Ak-A7 training
Teaching Koran in AF. Already knew Ak from
Yemen. Wanted to shoot for proficiency,
3 days of training.

2 ↑ Planned on staying 2-3 months.
Dadoun + god should have seen US @ for
trip.

[redacted]

phone

[redacted]

phone

[redacted] 3 Father.

Can track Kowalek in street or mosque.
No records because he was using
SA for teaching.

Yemeni Airlines may have record.
Left in 2401. Route of flight

Sana'a to Doha to Tehran then driving
Yemeni Airlines American Airlines

Visa from American Embassy in Sana'a Yemen.
on Hadda Street. UNCLASSIFIED

③ Not true. Does not know Al Qaeda people from others.

b.

④ Not in Tora Bora. Captured by PK after they told him he could go home through PK. Facing the war. Wanted to leave before started.

Wants to participate
will take oath

Final
Start 0900
Stop 0927

Never went to fight & did not
carry weapons.

Can he choose another country
if he is released!

R3 translation
and reading

24 SEP 04
Start: 1530
Stop: 1554

The first story he was
forced to tell.

In Kandahar PK he was forced to
tell this story to interrogators.
I was to Harat by force of gunning camp
wife is not true! Abdul Malek got
him in Kandahar. Then travelled to Kabul.
Does not know address. Left with friend
of Abdul Maliki, Fudullah Mahmoud, to
Kabul. Would have told truth only
in public forum. Does not feel safe here
to speak.

Recorder Exhibit List
For
ISN [REDACTED]

#	Title	Supports	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Redaction Certification	Exhibit 11	UNCLASSIFIED
R3	Affidavit of [REDACTED]	Habeas	UNCLASSIFIED
R4	Knowledgeability Brief, 20 Feb 02	3.a.1. 3.a.2. 3.a.3.	SECRET
R5	IIR 6 034 1172 03	3.a.4.	SECRET//NOFORN
R6	Enemy Combatant Review Checklist	3.a.1. 3.a.2.	SECRET//NOFORN
R7	JTF GTMO Regional Team Assessment	Summary	SECRET//NOFORN
R8	CITF Memorandum 9 April 2004	Summary	SECRET//NOFORN
R9	DOD JIF MFR 24 April 2002	Common Equipment	SECRET//NOFORN
R10	JTF GTMO Baseball Card	FYI	SECRET//NOFORN
R11	FBI 302 5/27/03	ISN Comment	FOUO//LES

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (3 September 2004)

Subject: (U) Summary of Evidence for Combatant Status Review Tribunal - JARABH, Saeed Ahmed Mohammed Abdullah Sarem

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.
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 - b. The detainee participated in military operations against the coalition.
 1. The detainee was present with fighters in the Tora Bora region.
4. (U) 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.

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/20/2004

If you need additional assistance please contact
Assistant General Counsel [REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

Affidavit of [REDACTED]

Comes now, [REDACTED] under oath, and makes the following declaration in Sana'a, Yemen:

I am the brother of Saeed Ahmed Al-Sarim who is being held in Guantanamo Bay.

My father is [REDACTED]. He sells the famous honey from Yemen, and also runs a store. My mother is a housewife. There are five boys and four girls. Saeed is the fourth boy. I am his older brother, two years older than him.

I am a teacher of Islamic education in a government school. My older brothers both work in the store.

Saeed is 29 years old. Growing up, he loved football, and is a particular fan of Alnasr, which is a team in Saudi Arabia. He is a very good footballer.

He was also very keen on studying in school. His favorite subject was math.

He was always afraid as a child. When someone would come to beat him up he would always come to me to have me defend him.

Saeed always wanted to be a businessman. He would buy and sell honey and other things.

We were both married on the same day, in a joint wedding. Saeed's wife is [REDACTED] and they have two daughters, [REDACTED] (who is seven years old) and [REDACTED] (who is four).

My brother was normal when it came to religion – he was not strict. He would shave.

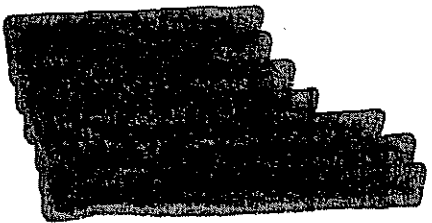


EXHIBIT R2

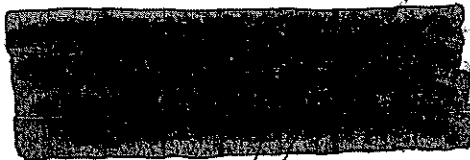
He went to Pakistan to see what kinds of honey they had there sometime in late 2001. He did not take his wife and children because he expected to be home soon. He used to call home to the family from there once or twice a week. He said that he had seen some honey, and that he would be coming home soon.

To my knowledge, he was never in Afghanistan, and our understanding is that he was arrested in Pakistan, in a Mosque while he was praying.

We learned on the internet that he was in Guantanamo, because his name showed up there. Later, we received letters from him. In his letters he insisted that he was innocent of any crime, and did not do anything wrong. He said, do not be afraid, because he has not done anything.

This has been very difficult on his wife and children. The children are always saying is my father coming tomorrow? The youngest child waits every day by the door, saying her father is coming right now, but he never does come. It has been three years since they have used the word "father" to anyone, which hurts them a great deal. Every day her grandfather gives the youngest money and she goes to buy something for her father, but in the end she has to eat it as he is not there.


Signed this 10th day of April, 2004, in Sana'a, Yemen.



Witnessed: _____

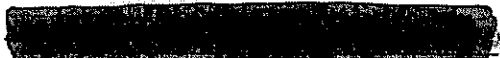

A handwritten signature in black ink, written over a horizontal line.

Personal Representative Review of the Record of Proceedings


I acknowledge that on 21 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 

I have no comments.

My comments are attached.


Name

Signature

21 SEP 04
Date

ISN # 
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KHALED QASIM, *et al.*)
)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1194 (HHK)
)
 GEORGE W. BUSH,)
)
 President of the United States, *et al.*,)
 Respondents.)
)
)
 _____)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

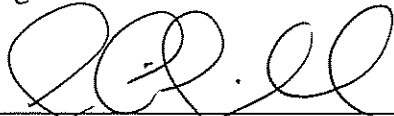
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

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 Khaled Qasim that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted any information that would personally identify certain U.S. Government personnel in

order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 6 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

3 October 2004

FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]

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 # [REDACTED] 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.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

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

2 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 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 voluntarily elected not to participate in the Tribunal proceedings. At the Tribunal, the detainee's Personal Representative made an unsworn statement on the detainee's behalf and at his request.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, R-5, and R-6 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.

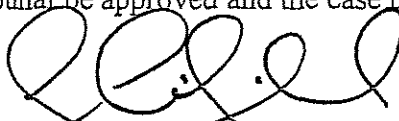
d. The detainee made no requests for witnesses or other evidence.

e. The Tribunal's decision that detainee # [REDACTED] is 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 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.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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. Air Force; President

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

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

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

30 September 2004


MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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 660-3088.


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #5

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 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)
(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 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 27 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] 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, al-Qaida and associated with the Taliban, 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).

[REDACTED]
[REDACTED] Colonel, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #5 _____

ISN #: _____ 

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 associated 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 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 unclassified summary of evidence presented to the Tribunal by the Recorder indicated that:


- a. The Detainee is a Yemeni citizen who traveled to Afghanistan in late 1999.
- b. The Detainee twice trained at the Al Farouq training Camp.
- c. At Al Farouq, the Detainee received training on the Kalishnakov rifle, M-16, PK machine gun, Rocket Propelled Grenades, hand grenades, explosives and advanced tactical training.
- d. Before 11 Sep 01, the Detainee traveled to the frontlines of Afghanistan to fight against the Northern Alliance.
- e. The Detainee approached a Taliban representative and requested to join the Taliban.
- f. The Detainee's brother was apprehended by Yemeni authorities in connection with the bombing of the USS COLE (DDG 67).
- g. The Detainee was present in Tora Bora, with other al-Qaida fighters during Ramadan, 2001.
- h. While in Tora Bora, the Detainee and his associates were addressed by Usama bin Laden
- i. The Detainee was captured by a local Pashtun tribe in the Tora Bora region.

The detainee chose not to participate in the Tribunal process but he asked his Personal Representative to present information on his behalf.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

UNCLASSIFIED//FOUO

ISN 
Enclosure (1)
Page 1 of 3

- a. Exhibits: D-a and R-1 through R-9.
- b. Unsworn statement of the detainee as relayed by his Personal Representative.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence to 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 unsworn testimony as relayed by his Personal Representative and the Personal Representative's statements concerning his interviews with the detainee. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure 3. In his unsworn statement, the Detainee told the Personal Representative that he was tortured and mistreated after capture by Afghanistan forces and was shown a picture of Al Farouq and was told to tell the Americans the story he told earlier during interrogations or he would be returned to them in Afghanistan and be tortured. He stated that he was tortured when he got here to Guantanamo Bay, Cuba by American interrogators so he continued to tell the same story. However, he believed that his Personal Representative was a neutral person so he decided to tell him the truth. In reference to the information in the unclassified summary of evidence listed in paragraph 2 above, he stated that "a" was true. He said that "b" and "c" were not true and that he did not receive any training. He said "d" was not true because he stayed in a guesthouse and never went to the frontlines. He said "e" was not true because he didn't speak the same language as the Taliban so how could he speak to them. In reference to item "f" he said that he had no business with his brother and asked how could this be used as evidence against him. In regards to item "g" above, the Detainee relayed that he was in Tora Bora but he didn't know the people around him were al-Qaida. He also said that item "h" was true but only to the extent that Usama bin Laden was walking by and said

"hi" to him. He said that item "i" was not true and that Afghanistan Police had captured him and he was taken to Kabul where he was mistreated.

The Personal Representative said that he talked to the Detainee in regards to the allegations of torture by Afghanistan and US Forces. The Detainee changed his story during this part of their discussion to say that he had never been tortured by anyone. He had been "mistreated" by the Afghanistan forces but did not clarify. He had never been tortured by American Forces either in Afghanistan or here at Guantanamo Bay Cuba. He had heard people "crying in the night" and he had assumed that they had been tortured.

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. Because of the details provided in the classified evidence and the contradictions in the Detainee's relayed statement in regards to torture, the Tribunal found the Detainee's relayed statement to be unpersuasive and relied primarily on the classified evidence in making our decision.

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 necessary.
- b. The Tribunal questioned the Personal Representative about the Detainee's responses during their interview. It was clear that the Detainee understood the process but he chose not to participate in the Tribunal process, as indicated in Exhibit D-a.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with al-Qaida, and was part of or supporting the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.


Colonel, USAF
Tribunal President

Summarized Detainee Statement

[The detainee was not present during the Tribunal]

Tribunal President: Personal Representative did the detainee desire for you to present information to this Tribunal on his behalf?

Personal Representative: Yes sir.

Tribunal President: Please do so.

Personal Representative: The detainee told me he has been tortured and mistreated. Was mistreated in Afghanistan. In Afghanistan they told untrue stories and told them that if they didn't tell the story that they wanted them to that they would have to come back to them. They told them that they were going to turn them over to the Americans and if they didn't tell the story that they told them to tell the Americans that they would come back and they would torture them. They were also told to tell them that; If you are Al-Qaida or Taliban that the Americans would let you go home a lot sooner. They showed them pictures of a camp and told them to tell this is where they were trained. When he arrived here, he talked in the beginning but he stopped for a year because he was being tortured. In the last two months he decided to talk again to the interrogators. I read the unclassified summary to him. He said yes he is from Yemen and he was waiting for this moment to tell his story to me. In the summary of the evidence:

3.a.1. is true. (Detainee is a Yemen citizen who traveled to Afghanistan in late 1999.)

3.a.2. is not true. (Detainee twice trained at the Al-Farouq training camp.) He did not train at that camp or no other camp.

3.a.3. is not true. (At Al-Farouq, Detainee received training on the Kalashnikov rifle; M-16; PK machine gun; RPGs; hand grenades; explosives and advanced tactical training.) He never trained on any weapon.

3.a.4. is not true. (Before September 11, 2001, Detainee traveled to the front lines of Afghanistan to fight against the Northern Alliance.) At all times he was in a guesthouse; he never went to the front lines.

3.a.5. is not true. (Detainee approached a Taliban representative and requested to join the Taliban.) He does not speak the language how could he talk to a Taliban official.

3.a.6. (Detainee's brother was apprehended by Yemeni authorities in connection with the bombing of the USS COLE (DDG 67). He has no business with his brother so what does this have to do with him?)

3.b. is not true. (The detainee participated in military operations against the coalition.)

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3.b.1. (Detainee was present in Tora Bora with Al-Qaida fighters during Ramadan, 2001. (Ramadan began on November 15, 2001.)) Yes he was in Tora Bora but he didn't know the people were Al-Qaida.

3.b.2. (While in Tora Bora, Detainee and his associates were addressed by Usama Bin Laden.) Yes, but he was passing by and just said "hi" and went on his way.

3.b.3. (Detainee was captured by a local Pashtun tribe in the Tora Bora region.) No. He was captured by Afghan police while a guy took them to Jalalabad. They were suppose to be taking them to the Americans instead they took them to Kabul to a person who treated them bad. They were mistreated. They came out of the mountains because one of the people they were with was injured and they were coming down for medical help. They heard the Americans would provide medical help.

Personal Representative: I asked him why he stayed in Afghanistan for so long and what did he do for work? He said he did not do any work everything was provided, food and water. He decided to go to Afghanistan because the Indians were mistreating and killing people. He went with three guys. He only knew one. They traveled to Pakistan but when they got there they were told it was a political thing and they shouldn't go there. They changed their minds and went to Afghanistan. They went to Afghanistan because they didn't want to make the people who paid for them to go off and fight to be mad and return home. They decided to go to Afghanistan; since they hadn't been gone that long and the people who paid for them would not be happy. They stayed at the Arab house, in the guesthouse. There was no war and everything was normal. No fighting, they were told the fighting was a long way from them. He was getting ready to go home but the USS COLE was attacked. At that time anyone who was coming back from Afghanistan was arrested. He got that information from a phone call home. Since he knew his brother was arrested he knew it was not safe for him to go home. He was waiting until his brother was released, then he would go home. He finally got bored and they were going to attempt to go home but then they heard about the attacks in New York and they knew it was not safe to go home. Then the bombing started and they were told to move from the Afghan house because that would be a target. They stayed in another house until things started to fall apart then they went from there to Kabul, from there to Jalalabad, and as they were passing the people told them that Jalalabad was not a safe place to go. They went to Tora Bora and stayed in the caves for weeks. The bombing started up there and a person was injured so they went back down the mountain and that's how they were captured. That's what he asked me to report to you.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal on behalf of the Detainee.

Personal Representative: No, sir.

ISN [REDACTED]
Enclosure (3)
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[The Tribunal was reconvened]

Tribunal President: The Tribunal is reconvened in the unclassified session. The reason for the reconvening is that the Personal Representative remembered he had some additional information to provide us from the statements provide by the Detainee.

Personal Representative: Although the Detainee mentioned that people were tortured, he himself was never personally tortured.

Tribunal Member: He told you that he himself wasn't tortured or is that your assessment?

Personal Representative: He said he was not tortured. All he said is that he heard people crying at night, but he was not tortured.

Tribunal President: While here in Guantanamo Bay Cuba?

Personal Representative: He said he was not tortured here in Guantanamo Bay.

Tribunal President: Did he say he was not tortured in Afghanistan or did he say he was not tortured here in Guantanamo Bay?

Personal Representative: He said he was not tortured here in Guantanamo Bay.

Tribunal President: Did he say he was tortured in Afghanistan?

Personal Representative: He said he was treated bad and mistreated.

Tribunal President: But he did not say he was tortured?

Personal Representative: He did not say he was tortured.

[The Tribunal was reconvened]

Tribunal President: The unclassified session is now reconvened. We are having some additional discussion concerning whether or not there were some conflicts in the testimony provided to the Personal Representative from the Detainee and we asked for clarification. We are going to talk about that again. In the detainee's statement he stated that when he got here to Guantanamo Bay, he was tortured as well. It also stated that he quit speaking to the interrogators for one year because he was tortured by the interrogators. I want to clarify based upon his statements to you, was he ever tortured here at Guantanamo Bay?

ISN [REDACTED]
Enclosure (3)
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Personal Representative: Based on his statements to me. When he made his first initial statement he said that he was tortured here. But when I went back to clarify when he was tortured, he said he was never personally tortured.

Tribunal Member: So, he made conflicting statements?

Personal Representative: He made conflicting statements. He said he heard people crying at night, but he was not tortured.

AUTHENTICATION

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


Col, USAF
Tribunal President

FOUO

Recorder Exhibit List
For
ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 14 SEP 04	UNCLASSIFIED
R3	FBI 302 dtd 13 May 02	FOUO//LES
R4	FBI 302 dtd 21 May 02	FOUO//LES
R5	FBI 302 dtd 25 Aug 02 (1)	FOUO//LES
R6	FBI 302 dtd 25 Aug 02 (2)	FOUO//LES
R7	IIR 6 034 0159 03	SECRET
R8	CITF Memo dtd 29 Mar 04	SECRET//NOFORN
R9	JFTGTMO Baseball Card	SECRET//NOFORN

FOUO

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (14 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal - QASIM, Khaled

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 al Qaida and associated with the Taliban and engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is a member of al Qaida and is associated with the Taliban:
 1. Detainee is a Yemeni citizen who traveled to Afghanistan in late 1999.
 2. Detainee twice trained at the Al Farouq training camp.
 3. At Al Farouq, Detainee received training on the Kalishnikov rifle; M-16; PK machine gun; RPGs; hand grenades; explosives and advanced tactical training.
 4. Before September 11, 2001, Detainee traveled to the front lines of Afghanistan to fight against the Northern Alliance.
 5. Detainee approached a Taliban representative and requested to join the Taliban.
 6. Detainee's brother was apprehended by Yemeni authorities in connection with the bombing of the USS COLE (DDG 67).
 - b. The detainee participated in military operations against the coalition.
 1. Detainee was present in Tora Bora, with other al Qaida fighters during Ramadan, 2001. (Ramadan began on November 15, 2001).
 2. While in Tora Bora, Detainee and his associates were addressed by Usama Bin Laden.

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Exhibit R-1

UNCLASSIFIED

3. Detainee was captured by a local Pashtun tribe in the Tora Bora region.
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 09/14/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[REDACTED] 9/14/04

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [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 [REDACTED] have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 05/13/2002
FD-302 dated 05/21/2002
Two(2) FD-302s dated 08/25/2002

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

²See Executive Order 12958

Exhibit R-2

pg 1 of 2

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/14/2004

If you need additional assistance, please contact On
Scene Commander [REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

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DETAINEE ELECTION FORM

Date: 26 Sept 2004

Start Time: 1325

End Time: 1525

ISN#: [REDACTED]

Personal Representative: [REDACTED] LT COL
(Name/Rank)

Translator Required? YES Language? ARABIC

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 will not participate in the Tribunal. Detainee requests I make his statement. There were
no witnesses requested.

Personal Representative: [REDACTED]

Personal Representative Review of the Record of Proceedings

I acknowledge that on 28 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]

Name

28. Sep 2004
Date

[REDACTED]

Signature

ISN # [REDACTED]
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH ALI AL UTAYBI,)
)
)
Petitioner,)
)
)
v.) Civil Action No. 05-0520 (RMU)
)
)
GEORGE W. BUSH,)
)
President of the United States,)
et al.,)
)
)
Respondents.)
_____)

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, 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 of 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 Abdullah Ali al Utaybi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted. An OARDEC staff member redacted information that would personally identify U.S. Government personnel or other individuals in order to protect the personal security of those individuals. This staff member also redacted internment serial numbers because certain combinations of internment serial numbers with other information relates to sensitive internal and

intelligence operations that is not suitable for public release.

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

Dated: 19 May 2005

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0332

08 DEC 2004

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]

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 # [REDACTED] 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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26 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #7 of 13 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 Tribunal process and affirmatively declined to participate in the Tribunal.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-4 and R-5 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.

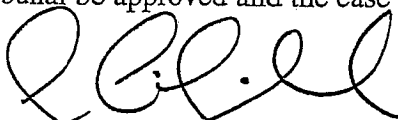
d. The detainee did not request that any witnesses or evidence be produced.

e. The Tribunal's decision that detainee # [REDACTED] is 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 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.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #7

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, JAGC, U.S. Navy; Member (JAG)

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

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

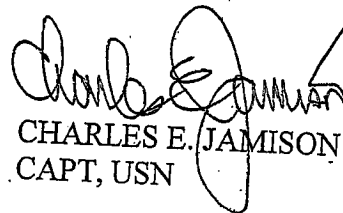
27 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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 660-3088.


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 (3).

(U) TRIBUNAL PANEL: #7

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #7 of 13 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) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened 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 16 October 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] 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 or Al Qaida forces, or 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).

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: _____ #7
ISN #: _____**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 was part of or supporting Taliban or Al Qaida forces, 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 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 held this hearing on 16 October 2004. The Recorder presented Exhibits R-1 through R-3 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that the detainee: is associated with Al Qaida and the Taliban; traveled to Afghanistan in January 2001; was in charge of the Al Wafa office in Herat, Afghanistan, and that this office of Al Wafa was a key location in Al Qaida's support network; was the linchpin in Al Wafa and Al Qaida efforts to recruit, train, and infiltrate fighters into Afghanistan; and closed the Herat Al Wafa office and transferred to run the Kandahar Al Wafa office after September 2001. Exhibit R-1 also states that Al Wafa is believed to be a terrorist organization and may have had connections to Usama bin Ladin and Afghan Mujahedin. Finally, R-1 asserts that one of the detainee's known aliases was on a list of captured Al Qaida members that was discovered on a computer hard drive associated with a senior Al Qaida member; that the detainee used the aliases Bendar Al-Ataybi and Abu Faisal; and that the detainee may have trained at the Al Qaida [REDACTED] camp. The Recorder called no witnesses.

The detainee did not attend the Tribunal. He initially met with his original Personal Representative and stated he did not want to participate. Because his original Personal Representative had to transfer before the Tribunal hearing was conducted, the current Personal Representative was assigned to assist the detainee. The detainee refused to acknowledge the current Personal Representative during their meeting prior to the Tribunal as indicated on the Detainee Election Form (Exhibit D-a). The detainee's failure to respond to the Personal Representative's invitation to participate in the Tribunal process was treated as a declination (which was also consistent with the detainee's

statement to his original Personal Representative) and the Tribunal proceeded without the detainee.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-17. The Personal Representative presented no classified evidence. The Recorder and the Personal Representative did not have any comments on the classified evidence.

After the Tribunal read all of the classified exhibits, the Tribunal requested additional information. In response to the Tribunal's request, the Recorder offered into evidence classified Exhibits R-18 through R-23, after giving the Personal Representative an opportunity to review the documents. Neither the Recorder nor the Personal Representative had any comments on the additional documents. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-23 and D-a.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The recorder offered Exhibits R-1 through R-3 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, the FBI redaction certification, provided no usable evidence. Exhibit R-3, Executive Order 13224, blocks property and prohibits transactions with persons who commit, threaten to commit, or support terrorism, and identifies the Wafa Humanitarian Organization as a entity that supports or otherwise associates with foreign terrorists. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits for additional support for the assertions on the Unclassified Summary of Evidence and the Tribunal's

conclusions. 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 chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.


b. As indicated in Exhibit D-a, the detainee made a conscious decision not to acknowledge the Personal Representative's invitation to participate in the Tribunal process. Because the Personal Representative fully explained the Tribunal process to the detainee, the Tribunal finds the detainee made a knowing, intelligent and voluntary decision not to participate in the Tribunal process.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban or Al Qaida forces, 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

DETAINEE ELECTION FORM

Date: 15 Oct 04

Start Time: 1205

End Time: 1225

ISN#: [REDACTED]

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

Translator Required? YES

Language? ARABIC

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 was unresponsive and did not say a word during the entire interview.

Personal Representative: [REDACTED]

UNCLASSIFIED//~~FOUO~~

Exhibit D-a 1696

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (28 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL UTAYBI, Abdullah Ali.

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 indicating that the detainee is associated with al Qaida and the Taliban.
 - a. The detainee is associated with al Qaida and the Taliban:
 1. Originally from Mecca, Saudi Arabia, the detainee left in January 2001 for Afghanistan.
 2. Detainee was the head of the al Wafa office in Herat, Afghanistan.
 3. The Herat Office of al Wafa was a key location in al Qaida's support network and the detainee was the linchpin in al Wafa and al Qaida efforts to recruit, train, and infiltrate fighters into Afghanistan.
 4. Detainee closed the Herat al Wafa office and transferred to run the Kandahar al Wafa office after September 2001.
 5. The nongovernmental organization 'al Wafa' reportedly is believed to possibly be a terrorist organization and may have had connections to Usama bin Ladin and Afghan Mujahedin.
 6. The al Wafa organization has been identified as a terrorist organization.
 7. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.
 8. Detainee used the aliases Bendar al-Ataybi and Abu Faisal.

Page 1 of 2

9. Detainee may have trained at the al Qaida [REDACTED] Camp.

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.

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/24/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, 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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 02/15/2002
FD-302 dated 05/03/2002

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

²See Executive Order 12958

UNCLASSIFIED

Unclassified

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/24/2004

If you need additional assistance, please contact
Assistant General Counsel [REDACTED]
[REDACTED] or Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]
[REDACTED]

Unclassified



Fact Sheet
Office of the Coordinator for Counterterrorism
Washington, DC
December 20, 2002

Executive Order 13224

(NOTE: For current, regularly up-dated list of terrorists and groups designated under Executive Order 13224, please scroll down)

3.a.6

President Bush signed Executive Order 13224 on September 23, 2001. Executive Order 13224 gives the U.S. government a powerful tool to impede terrorist funding and is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. President Bush issued Executive Order 13224 pursuant to the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code. In issuing Executive Order 13224, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York and Pennsylvania, and on the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on U.S. nationals or the United States.

3.a.4

In general terms, the Order provides a means by which to disrupt the financial support network for terrorists and terrorist organizations by authorizing the U.S. government to designate and block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism. In addition, because of the pervasiveness and expansiveness of the financial foundations of foreign terrorists, the Order authorizes the U.S. government to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, terrorists and terrorist organizations designated under the Order, as well as their subsidiaries, front organizations, agents, and associates.

Designation Criteria

3.a.6

In addition to the 29 individuals and entities designated by the President and listed in the Annex to the Executive Order, as amended by Executive Order 13268 of July 2, 2002, the Order provides authority for the designation (and blocking of assets) of additional individuals or entities (defined to mean partnerships, associations, corporations, or other organizations, groups, or subgroups):

- The Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, may designate foreign individuals or entities that he determines have committed, or pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the U.S.;
- The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, may designate individuals or entities that are determined:
- To be owned or controlled by, or act for or on behalf of an individual or entity listed in the Annex to the Order or by or for persons determined to be subject to subsection 1(b), 1(c), or

See
10/27
10/28
10/29
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10/31
Page 6

1(d)(i) of this Order;

- To assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, acts of terrorism or individuals or entities designated in or under the Order; or
- To be otherwise associated with certain individuals or entities designated in or under the Order.

For the purpose of the Order, "terrorism" is defined to be an activity that (1) involves a violent act or an act dangerous to human life, property, or infrastructure; and (2) appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Designation Process

The Executive Order authorizes both the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, or the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to designate individuals and entities pursuant to the specified criteria described above.

Once the Secretary of State or the Secretary of the Treasury designates an individual or entity, the Office of Foreign Assets Control (OFAC) of the Department of the Treasury takes appropriate action to block the assets of the individual or entity in the United States or in the possession or control of U.S. persons, including notification of the blocking order to U.S. financial institutions, directing them to block the assets of the designated individual or entity. Notice of the designation is also published in the *Federal Register*. OFAC also adds the individual or entity to its list of Specially Designated Nationals, by identifying such individuals or entities as Specially Designated Global Terrorists (SDGTs), and posts a notice of this addition on the OFAC website. Designations remain in effect until the designation is revoked or the Executive Order lapses or is terminated in accordance with U.S. law.

Effects of Designation

Legal Consequences

1. With limited exceptions set forth in the Order, or as authorized by OFAC, all property and interests in property of designated individuals or entities that are in the United States or that come within the United States, or that come within the possession or control of U.S. persons are blocked.
2. With limited exceptions set forth in the Order, or as authorized by OFAC, any transaction or dealing by U.S. persons or within the United States in property or interests in property blocked pursuant to the Order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of individuals or entities designated under the Order.
3. Any transaction by any U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions in the Order is prohibited. Any conspiracy formed to violate any of the prohibitions is also prohibited.
4. Civil and criminal penalties may be assessed for violations.

Other Effects

1. Deters donations or contributions to designated individuals or entities.

2. Heightens public awareness and knowledge of individuals or entities linked to terrorism.
3. Alerts other governments to U.S. concerns about individuals or entities aiding terrorism, and promotes due diligence by such governments and private sector entities operating within their territories to avoid associations with terrorists.
4. Disrupts terrorist networks, thereby cutting off access to financial and other resources from sympathizers.
5. Encourages designated entities to get out of the terrorism business.

Current List of Terrorists and Groups Identified Under E.O. 13224

For a current list, updated regularly, of terrorists and groups identified under E.O. 13224, see www.ustreas.gov/offices/enforcement/ofac/sanctions/terrorism.html.

Executive Order 13224

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "terrorism" means an activity that --

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended --

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH
THE WHITE HOUSE,
September 23, 2001.

ANNEX

- Al Qaida/Islamic Army
- Abu Sayyaf Group
- Armed Islamic Group (GIA)
- Harakat ul-Mujahidin (HUM)
- Al-Jihad (Egyptian Islamic Jihad)
- Islamic Movement of Uzbekistan (IMU)
- Asbat al-Ansar
- Salafist Group for Call and Combat (GSPC)
- Libyan Islamic Fighting Group
- Al-Itihaad al-Islamiya (AIAI)
- Islamic Army of Aden
- Usama bin Laden
- Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)
- Sayf al-Adl
- Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)
- Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)
- Ibn Al-Shaykh al-Libi
- Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)
- Abd al-Hadi al-Iraqi (aka, Abu Abdallah)
- Ayman al-Zawahiri
- Thirwat Salah Shihata
- Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)
- Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)
- Makhtab Al-Khidamat/Al Kitah
- Wafa Humanitarian Organization
- Al Rashid Trust
- Mamoun Darkazanli Import-Export Company

3. a. 6.

[End]

Personal Representative Review of the Record of Proceedings

I acknowledge that on 22 October 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]
Name

22 OCT 2004
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (4)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALMAN IBRAHIM AL KHALIFA, *et al.*)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1227 (RBW)
)
 GEORGE WALKER BUSH,)
 President of the United States, *et al.*,)
 Respondents.)
 _____)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, 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 Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

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 Salman Ibrahim al-Khalifa that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted information considered law enforcement sensitive as well as information that would personally identify family members of the detainee and certain U.S. Government personnel, in order to protect the personal security of those individuals. I have also redacted internee serial numbers

because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 10 Dec 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0508
09 DEC 2004

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]

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 # [REDACTED] 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.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

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

1710

8 Dec 04

MEMORANDUM

From: Legal Advisor
To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]

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 #20 of 8 November 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 not to participate.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee requested that two witnesses be produced to testify at his tribunal. The Tribunal President determined that both witnesses were relevant to the proceedings. The first witness, the detainee's father, did not respond to requests to testify and was therefore found not reasonably available. The second witness was successfully located and elected to provide a written statement on the detainee's behalf for the tribunal's consideration. Although the Tribunal's documentation on the processing of the request for the detainee's father is poor, it is clear that some efforts were made to locate him and solicit his testimony and such efforts were unsuccessful. In my opinion, the Tribunal President did not abuse her discretion in finding the detainee's father not reasonably available.

The detainee also requested that a document be produced as evidence at the tribunal. He requested a letter allegedly sent from the Bahraini Minister of Internal Affairs to the detainee. The tribunal searched for the letter but could not locate it within the detainee's files.¹ The Tribunal President therefore found the letter not reasonably available. In my opinion, the Tribunal President did not abuse her discretion in finding the letter not reasonably available.²

¹ Although the tribunal decision report does not specify exactly what files were searched, I assume these were the detainee's personal property files at Guantanamo Bay, Cuba.

² This letter is further discussed in paragraph 3 of enclosure (2) of the Tribunal Decision Report.

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]

- e. The Tribunal's decision that detainee # [REDACTED] is 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 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.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

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:

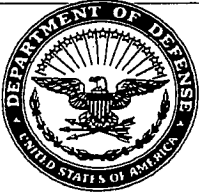
MEMBERS:

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

[REDACTED], Commander, JAGC, U.S. Navy; Member
(JAG)

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

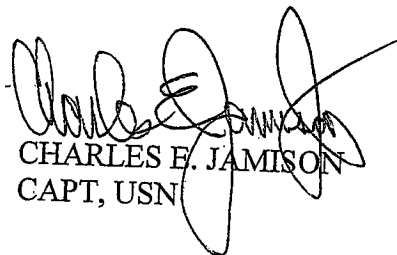
03 December 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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 660-3088.


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 (3).

(U) TRIBUNAL PANEL: #20

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #20 of 8 November 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) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U/FOUO)
(5) (U) Memorandum for the Record Dated 24 September 2004 (U/FOUO)
(6) (U) Memorandum for the Record Dated 28 September 2004 (U/FOUO)

1. (U) This Tribunal was convened 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 18 November 2004, the Tribunal determined by a preponderance of the evidence that Detainee # [REDACTED] 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 more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision.

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: _____ #20

ISN #: _____

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 was a part of or supporting Taliban and al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the 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 commenced this hearing on 18 November 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. That exhibit, the Unclassified Summary of Evidence, indicates, among other things, that: the detainee is associated with the Taliban and al Qaida; the Detainee is a citizen of Bahrain who admitted he traveled through Malaysia, Egypt, Pakistan, and then to Afghanistan in 2001 to study with a mentor who is a known operative and member of the explosives team of al Qaida; the Detainee arrived in Kabul in June 2001, he then decided to stay indefinitely with his mentor in a house used by foreign fighters; the Detainee's mentor was seen escorting soldiers to the front and promoting morale; the Detainee admits that in 2001 he gave \$5000 (USD) to a man in the Taliban Embassy in Pakistan; and the Detainee was captured by Pakistan armed forces in the village of Cheman (next to the Pakistan Afghanistan border) while on his way to Quetta Pakistan.

The Detainee did not attend the Tribunal and affirmatively declined to participate in the Tribunal process. His decision is reflected on the Detainee Election Form (Exhibit D-a). The Personal Representative presented exhibits D-b through D-e on the Detainee's behalf. The Personal Representative called no witnesses on behalf of the Detainee.

During the classified session of the Tribunal, the Recorder presented Exhibits R-2 through R-18. The Personal Representative presented no classified evidence. Neither the Recorder nor the Personal Representative commented on the classified exhibits.

After considering all of the classified and unclassified evidence, the Tribunal determined that the Detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:


- a. Exhibits: R-1 through R-18 and D-a through D-e.

b. Testimony of the following persons: None. But, the Detainee did submit a statement from his mother, Exhibit D-b.

c. Statement of the Detainee: None. But the Detainee did submit a written response to the allegations contained in Exhibit R-1, the Unclassified Summary of Evidence, which was accepted as Exhibit D-e.

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

The Detainee requested the following witnesses:

 - The requested witness is the Detainee's father. The Tribunal President found the request relevant, but the witness did not respond to the request to testify. As such, the Tribunal President found the witness not reasonably available.

Bahraini Minister of Internal Affairs - The Detainee requested a letter allegedly sent to the Detainee by the Bahraini Minister of Internal Affairs. A search of all files and property relating to the Detainee returned negative for the requested letter. The Tribunal President found the requested document not reasonably available and not relevant based on additional information learned from the CSRT Intelligence Officer. See Enclosure (2) for further discussion of this issue.

President of the Council of the Bahraini Royal Family - The Tribunal President found the request relevant, the witness was located, and elected to submit a written statement on behalf of the Detainee. The statement is attached as Exhibit D-c.

In addition to the statements mentioned above, the Detainee's mother submitted a statement (Exhibit D-b) and the Bahraini Ministry of the Interior submitted a "Good Conduct Certificate" (Exhibit D-d).

The documents received from the Government of Bahrain and the Detainee's mother were accepted into evidence as Exhibits D-b, D-c and D-d.

5. Discussion of Unclassified Evidence

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. Accordingly, the Tribunal had to look to other evidence to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

Exhibits D-b through D-d provided helpful information on the character of the Detainee, but did not address the specific allegations against the Detainee. Enclosure D-e challenges the accuracy of the allegations in Exhibit R-1, the Unclassified Summary of Evidence, but by itself is not persuasive.

A discussion of the classified evidence is found in the CSRT Decision Report Enclosure (2).

6. Consultations with the CSRT Legal Advisor

None.

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 chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the Detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-a.

c. The Detainee is properly classified as an enemy combatant because he was part of or supporting Taliban or al Qaida forces, 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

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions.

The Tribunal President is informed that the detainee did not wish to appear and has asked his Personal Representative to deliver a letter on his behalf to the tribunal. The detainee also wished to have letters presented to the tribunal that testified to his good nature by persons in good community standing know to him.

The Recorder presented Exhibits 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.

The Detainee did not take the Muslim oath.

Personal Representative: (Reading the detainee's statement to the tribunal.) (Reference to 3.a.) I am not part of the Taliban or al Qaida. I am just a student looking to study and I have no involvement with fighting or combatant, or al Qaida, or Taliban. (Reference to 3.1.) First of all, travel to these countries is allowed in my country we can travel to these countries. Abu Had Qualid (ph.) is a popular name. How do you know that this is my mentor? It could be someone else. It is possible that there is a mistake on the name. I never saw him do any explosives or be with al Qaida. I just went to Afghanistan because I was following the news and had the urge to visit just like any other country. My intention was to stay one month but when I met my mentor I decided to stay longer to study religion. (Reference to 3.2.) No. It was a student house for students of all types. My intention was to stay there for five month and then leave. (Reference to 3.3.) Abu Had Oualid (ph.) is a popular name so it may be a case of mistaken identity. I have not seen him do any of these things personally. Besides, what does that have to do with me? (Reference to 3.4.) Yes, I gave it to a gentleman for him to bring it to a charity for orphans and mainly the poor just to take the money there. It was not for him. I heard on the news the bad conditions and needs. That's why I want to help and give them money. (Reference 3.5.) This is true. I had my legal papers. Every thing was in order and I had my passport with me. My presence in Pakistan was legal. I was captured for no reason. I was just walking in the street when they captured me. That concluded his statement.

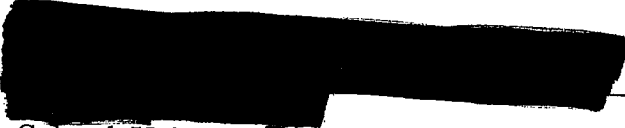
The Personal Representative and the Recorder had no further questions.

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

UNCLASSIFIED//FOUO

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

DETAINEE ELECTION FORM

Date: 18 Nov 2004

Start Time: 1300 hrs

End Time: 1350 hrs

ISN#: [REDACTED]

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? Arabic

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

Detainee Election:

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

Personal Representative Comments:

Changed his mind about participation. Wants personal representative to present a written statement to the tribunal.

Personal Representative: [REDACTED]

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (9 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal: AL KHALIFA, Salman Ibrahim

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 an individual who was part of or supporting the Taliban or al Qaeda:
 - a. The detainee is associated with the Taliban and al Qaeda:
 1. Detainee is a citizen of Bahrain who admitted he traveled thru Malaysia, Egypt, Pakistan, and then to Afghanistan in 2001 to study with a mentor who is a known operative and member of the explosives team of al Qaeda.
 2. Detainee arrived in Kabul in June 2001, he then decided to stay indefinitely with his mentor in a house used by foreign fighters.
 3. Detainee's mentor was seen escorting soldiers to the front and promoting morale.
 4. Detainee admits that in 2001 he gave \$5000 (USD) to a man in the Taliban Embassy in Pakistan.
 5. Detainee was captured by Pakistan armed forces in the village of Cheman (next to the Pakistan Afghanistan border) while on his way to Quetta Pakistan.
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.

UNCLASSIFIED

1722

Exhibit RI

3

ISN [REDACTED]

Literal translation of witness testimony from mother.

In the Name of Allah, the Beneficent, the Merciful

To whom it may concern!

There After!

This is a brief summary about Sheikh Saleiman Ebrahim Al Khalifa. Since childhood he had quiet temper, kind with others, till he grew up and went to elementary school, till he graduated from high school, and everybody witness that he had good reputation and decency and he was intelligent in his education. As to his leaving to Afghanistan, it was a volunteer job to help the poor and needy. No more than that.

This is all what I have to mention.

Signed

"Mother"

Exhibit D-b

1723

ISN [REDACTED]

Translation of witness testimony from The Administration Board of the Royal Family Council.

The Administration Board of the Royal Family Council witness that:

Al Shaike Suleiman Bin Ebrahim Bin Mohamad Bin Ali Bin Khalefah Al Kalifa and who were an individual of the gracious Royal family that he had a good reputation and manners.

The Administration has no lawful remarks nor criminal record for the name stated above.

With Best Regards.

Signed

Hamoudeen Ben Khalefa Ben Mohammad Al Khalifa

Exhibit D-c

4

Royal Family Council
Royal Court
Kingdom of Bahrain



مجلس العائلة المالكة
البحرينية
مملكة البحرين

م 2004/685/1
تاريخ 2004/11/1

إلى من يهمه الأمر

تشهد إدارة مجلس العائلة المالكة بأن الشيخ سلمان بن إبراهيم بن
محمد بن علي بن خليفة آل خليفة أحد أفراد الأسرة المالكة الكريمة وأنه
حسن السيرة والسلوك . ليس لدى الإدارة أي ملاحظة قانونية أو جنائية على
المذكور أعلاه .

وتفضلوا بقبول خالص التحيات ،،،

حمود بن خليفة بن محمد آل خليفة

نائب المدير

(2)

KINGDOM OF BAHRAIN
MINISTRY OF THE INTERIOR
PUBLIC SECURITY



GENERAL DIRECTORATE OF CID.
GOOD CONDUCT CERTIFICATE OFFICE

P. O. BOX - 26636

Tel. : 718835
Fax : 00973 - 717217
8823 ALAMIN EN
Cable : DAKHILIAH

Serial No. 3881 رقم التتبع

مملكة البحرين
وزارة الداخلية
الامن العام
الادارة العامة للتحقيقات والمباحث الجنائية
مكتب اصدار شهادات حسن السيرة والسلوك
ص. ب. 26636

تليفون : 718888
فاكس : 973 - 717217
تلكس : الامن بي. ان 8133
برقياً : داخلية

No. MOVPS/CID/69/ 241011

Date : 09/11/2004

الرقم : ود/اع/ك م ج / ٦٩ /
التاريخ :



مملكة البحرين
وزارة الداخلية
الامن العام
مكتب اصدار شهادات حسن السيرة والسلوك

شهادة حسن سلوك
GOOD CONDUCT CERTIFICATE

Full Name	<u>SHAIKH SULMAN'ERRAEHM MOHAMED ALI AL KHALIFA</u>	الاسم الكامل
Date of Birth	<u>1979</u>	تاريخ الولادة
Place of Birth	<u>MUHARRAO - BAHRAIN</u>	مكان الولادة
Nationality	<u>FAMILY ROYAL</u>	الجنسية
Passport No.	<u>0003193</u>	رقم جواز السفر
Place of Issue	<u>BAHRAIN</u>	مكان الاصدار
Date of Issue	<u>25/12/2000</u>	تاريخ الاصدار
Expiry Date	<u>25/12/2005</u>	تاريخ الانتهاء
CPR No.	<u>790709708</u>	الرقم الشخصي
Purpose of issuance		الغرض من الاصدار
Dates of Residence in Bahrain		تاريخ الإقامة في البحرين



It is Certified by the General Directorate of CID, Kingdom of Bahrain, that there is nothing adverse against the above named in our criminal records till to date.

This Certificate has been given at his request and is valid for a period of three months from the date of issue.

Note :

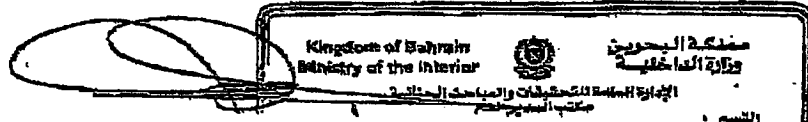
Any alterations or corrections will render this certificate invalid.

تشهد الإدارة العامة للتحقيقات والمباحث الجنائية في مملكة البحرين بعدم وجود سوابق جنائية ضد المذكور أعلاه في سجلاتها الأمنية حتى هذا التاريخ .

وبناء على طلبه اعطيت له هذه الشهادة صالحة لمدة ثلاثة شهور فقط من تاريخ صدورهما .

ملاحظة :

أي تعديل أو تغيير أو شطب يطرأ على هذه الشهادة تعتبر باطية تلقائياً .



UNCLASSIFIED

Detainee Testimony

a. The detainee is associated with the Taliban and al Qaeda:

I am not part of the Taliban or al Qaida. I am just a student looking to study and I have no involvement with fighting or combatant or al Qaida or Taliban.

1. Detainee is a citizen of Bahrain who admitted he traveled thru Malaysia, Egypt, Pakistan, and then to Afghanistan in 2001 to study with a mentor who is a known operative and member of the explosives team of al Qaeda.

First of all, travel to these countries is allowed by my country. We can travel to these countries. Abu Adwalid is a popular name. How do you know that this is my mentor, it could be someone else. It is possible that there is a mistake on the name. I never saw him do any explosive activities or be with al Qaida. I went to Afghanistan because I was following the news and had the urge to go there and visit, just like any other country. My intention originally was to stay one month but when I met my mentor, I decided to stay longer to study religion.

2. Detainee arrived in Kabul in June 2001, he then decided to stay indefinitely with his mentor in a house used by foreign fighters.

No it was a student house for students of all types. My intention was to stay there for 5 months and then leave.

3. Detainee's mentor was seen escorting soldiers to the front and promoting morale.

Abu Adwalid is a popular name, so it may be a case of mistaken identity. I haven't seen him do any of these things personally. Besides, what does that have to do with me.

4. Detainee admits that in 2001 he gave \$5000 (USD) to a man in the Taliban Embassy in Pakistan.

Yes I gave it to the gentleman for him to bring it to the charity for orphans mainly and the poor. Just to take the money there, it wasn't for him. I heard on the news the bad condition of the poor and needy, that's why I wanted to help and give them money.

5. Detainee was captured by Pakistan armed forces in the village of Cheman (next to the Pakistan Afghanistan border) while on his way to Quetta Pakistan.

This is true. I had my legal papers. Everything was in order and I had my passport with me. My presence in Pakistan was legal. I was captured for no reason. I was just walking in the street when they captured me for no reason.

Exhibit D-e

Personal Representative Review of the Record of Proceedings

I acknowledge that on 21 November 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]
Name

21 Nov 2004
Date

[REDACTED]
Signature

ISN [REDACTED]
Enclosure (4)

MEMO FOR RECORD
TO: PR #31
FROM: TRIBUNAL # 6

24 September 2004

SUBJECT: ISN # [REDACTED] Request For Witnesses/Document

The Tribunal reviewed the request from Detainee # [REDACTED] to contact an official in the Bahraini Government Ministry of Internal Affairs, an official in the Council of the Bahraini Royal Family, and Detainee # [REDACTED]'s father in [REDACTED], Bahrain. Detainee # [REDACTED] said the request would verify that he attended the university, he went to Afghanistan to study religious theology and that he was not part of any organizations.

You have been requested to schedule a follow-up interview with the detainee to request the name of the university the detainee attended and the dates he attended. Also you should request the detainee identify the full name and addresses or telephone numbers of the officials in the Bahraini Government Ministry of Internal Affairs and the Council of the Bahraini Royal Family that the detainee wishes to contact. The request to contact the officials of the Bahraini Government Ministry of Internal Affairs and the official of the Bahraini Royal Family may be relevant, but without the specific names and addresses of the officials, the officials will be deemed not reasonably available. If the requested officials are identified the State Department will contact the Bahraini Government and inform them of Detainee's # [REDACTED] request. The request to contact the detainee's father is relevant, reasonable and approved.

[REDACTED]
COL, USA,
Tribunal President

ISN # [REDACTED]
Enclosure (5)

MEMO FOR RECORD
TO: PR #31
FROM: TRIBUNAL # 6

28 September 2004

SUBJECT: ISN # [REDACTED] Request For Witnesses/Document

The Tribunal reviewed the request from Detainee # [REDACTED] to locate a letter from the Bahraini Minister of Internal Affairs. Detainee # [REDACTED] said the request would verify previous information provided in his statement.

A search of all the files relating to Detainee # [REDACTED] for the letter from the Bahraini Minister of Internal Affairs was conducted, however the letter was not found. The request for the letter is not relevant and not available. However, his original request to contact the President of the Council of the Bahraini Royal Family and his request to contact his father is still approved. The State Department was requested to contact the Bahraini Government and inform them of Detainee's # [REDACTED] request.

[REDACTED]
COL, USA,
Tribunal President

ISN # [REDACTED]
Enclosure (6)