

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ABDULLAH AL-NOAIMI, *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:

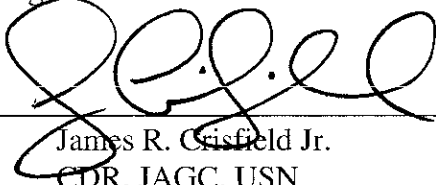
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Abdullah Al-Noaimi 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: 9 Dec 04

  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 479

08 DEC 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.

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 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 #12 of 29 September 2004  
(2) Record of Tribunal Proceedings

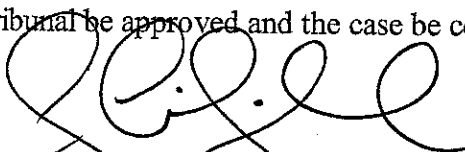
1. A legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and affirmatively declined to participate in the process. The detainee requested his Personal Representative to provide information on his behalf.
- 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-4, R-5, R-6, and R-7 was redacted. The FBI properly certified in exhibits R-2 and R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested one witness. The Tribunal found the witness to be relevant and submitted a request to the U.S. State Department to locate the witness in Bahrain. Bahraini authorities located the witness and the witness elected to provide a letter to the Tribunal on the detainee's behalf. In fact, he submitted two letters and these were considered by the Tribunal and included in the Record of Proceedings as exhibits D-b and D-c. The Bahrain Interior Ministry also provided a "Certificate of Good Conduct" for the detainee (exhibit D-d). The Personal Representative presented these documents on behalf of the detainee.
- 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 did not submit comments to the Tribunal.

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

- g. It should also be noted that the detainee stated that he was tortured when captured in Afghanistan. The Tribunal took note of this allegation and in accordance with standard operating procedures forwarded the allegation to officials at the Criminal Investigative Task Force for investigation. The Tribunal also noted that none of the information relied upon when making its decision originated from the detainee's capture in Afghanistan.
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

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

23 November 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 [REDACTED]

[REDACTED]  
LTC, USA

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:   #12  

(U) ISN#:   [REDACTED]  

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

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

1. (U) This Tribunal was convened on 21 November 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 21 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 affiliated himself with al Qaida and 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]  
Colonel, U.S. Marine Corps  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: #12  
ISN #: [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 because he affiliated himself with the Taliban and al Qaida, which are engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee, a Bahraini citizen, admitted he traveled from Bahrain to Afghanistan on 13 September 2001. His purpose was to fight for the Taliban and die in jihad. At the time he departed Bahrain, the Detainee knew he would be fighting the Northern Alliance and the United States. When he arrived in Afghanistan, the Detainee requested and received directions from a Taliban representative to an office/guesthouse in Kabul, Afghanistan. At that Taliban office, the Detainee introduced himself and told the Taliban representative that he had come to fight. After November 2001, the Detainee traveled to the Pakistan border where he was arrested by Pakistani authorities and later turned over to U.S. authorities. The Detainee chose not to participate in the Tribunal process. The Detainee requested one off-island witness, Mohammed Salman Al-Khalifa. The U.S. Department of State contacted the witness through the Bahraini government and offered him the opportunity to testify on board Guantanamo Bay, by conference call or written statement. The witness elected to testify through written statement and submitted two documents for the Tribunal's consideration. The Bahraini government also submitted a document to the Tribunal. 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 through D-d, and R-1 through R-12.

b. Testimony of the following persons: None.

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

The Detainee requested one witness. The following was introduced for the Tribunal's consideration:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Statement from Mohammed Salman Al-Khalifa	Relevant	Yes
2d Statement from Mohammed Salman Al-Khalifa	Relevant	Yes*
Certificate of "Good Conduct" from the Bahriani Interior Ministry	Relevant	Yes*

\*The Detainee requested testimony from the witness, which was produced. Apparently the witness, Mohammed Salman Al-Khalifa, took it upon himself to provide a second statement, the character reference, which was accepted by the Tribunal for consideration. The third document (also not requested but provided nonetheless) was the Good Conduct Certificate submitted on the initiative of the Bahraini Government that was also accepted and considered by the Tribunal.

**5. Discussion of Unclassified Evidence**

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

a. 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. Exhibits R-2 and R-3 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Detainee declined to make a statement or to be present for the Tribunal. However, the Personal Representative did present two affidavits on the Detainee's behalf, discussed further below:

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1. Exhibit D-b, 11 November 2004, is a statement by the Detainee's friend (and perhaps cousin), Mohammed Salman Al-Khalifa, who is also the cousin of Salman Al-Khalifa. The author claims that he was very concerned about his cousin because he did not know where he was (although he believed he may have been in Pakistan or Afghanistan). The author further claims that the Detainee was not connected to any jihad groups against the United States and that the only reason he went to Pakistan and Afghanistan was to bring back his friend, Salman Al-Khalifa. While initially persuasive, the exhibit is contradicted by the Detainee's previous statements as indicated in Exhibit R-8, discussed more fully in Enclosure (2) to the CSRT Decision Report.

2. Exhibit D-c, 11 November 2004, was a second statement apparently from the same individual, Mohammed Suleiman Al-Khalifa, and is a character reference concerning the Detainee. It is not otherwise relevant to the Detainee's enemy combatant status.

3. Exhibit D-d is a Good Conduct certificate from the Kingdom of Bahrain's Interior Ministry, indicating that there is nothing adverse against the Detainee in Bahraini criminal records "till to date." The information given is somewhat contradictory, however. On one hand, the date of generation of the certificate is given as 09/11/2004. On the other hand, the date of issue is given as 02/06/2001 and the expiration date is 02/06/2006. However, further below, the certificate states that it is valid for three months from the date of issue, which would mean an expiration date of 05/01/2001. If the latter information is correct, however, this means that the Detainee's alleged acts postdate the expiration date of the certificate, making the certificate irrelevant. Read in the most favorable light to the Detainee, the certificate indicates that the Detainee has not broken any Bahraini laws and that the Bahraini government evidently does not consider the Detainee's alleged acts serious enough to deny him a "Good Conduct" certificate. While this exhibit is moderately persuasive, the United States government obviously has a different view, which has been formed by virtue of the exhibits discussed in Enclosure (2) to the CSRT Decision Report.

c. The Tribunal also noted an allegation of the Detainee, relayed through his Personal Representative, that he was tortured while detained in Kandahar, Afghanistan and that consequently he admitted to things that he did not do. In accordance with standard operating procedure, this allegation was forwarded to officials at the Criminal Investigation Task Force for further coordination with Joint Task Force Guantanamo, and for their investigation and disposition, as they deem appropriate. The Tribunal also notes, however, that none of the information presented to it for consideration was generated from the Detainee's detention in Kandahar.

d. The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence, including the Detainee's alleged al Qaida

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ISN # [REDACTED]  
Enclosure (1)  
Page 3 of 4

affiliation, is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

**6. Consultations with the CSRT Legal Advisor**

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

**7. Conclusions of the Tribunal**

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

a. The Detainee was mentally and physically capable of participating in the proceeding and no further medical or mental health evaluation was requested or deemed necessary.

b. The Detainee understood the Tribunal proceedings. The Detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a. After numerous interviews with his Personal Representative, and despite having given an earlier indication that he would participate in the Tribunal, the Detainee decided on the day of the Tribunal not to participate. There was no indication that he did not understand the process; rather, he related to his Personal Representative that communication he had received from his civilian attorney indicated that he was being advised not to participate and so the Detainee made his decision accordingly.

c. The Detainee is properly classified as an enemy combatant because he affiliated himself with the Taliban and Al Qaida, which are engaged in hostilities against the United States and its coalition partners.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

Colonel, U.S. Marine Corps  
Tribunal President

DETAINEE ELECTION FORM - UPDATED

Date: 21 November 2004

Start Time: 1450 hrs

End Time: 1520 hrs

ISN#: [REDACTED]

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

Translator Required? YES Language? ARABIC / ENGLISH

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:

During the initial interview on 16 Sep 04, detainee elected to participate in his tribunal. However, on the date of his Tribunal (21 Nov 04), detainee elected not to participate and requested that the Personal Representative make an oral statement on his behalf.

Personal Representative: [REDACTED]

Exhibit: D-a

FOUO

Recorder Exhibit List  
For



#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 08 SEP 04	UNCLASSIFIED
R3	FBI Request for Redaction of National Security Information 22 SEP 04	UNCLASSIFIED
R4	FBI 302 dtd 09-JUN-02	FOUO//LES
R5	FBI 302 dtd 04-SEP-02	FOUO//LES
R6	FBI 302 dtd 15-MAY-03	FOUO//LES
R7	FBI 302 dtd 10-JUN-03	FOUO//LES
R8	FM40 dtd 15-JAN-03	FOUO//LES
R9	JTF-GTMO Memorandum dtd 21-Oct-03	SECRET
R10	KB dtd 13-JUN-02	SECRET
R11	CITF Memorandum dtd 19-MAY-03	SECRET//NOFORN
R12	JTFGTMO Baseball Card	SECRET//NOFORN

FOUO

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (02 SEPTEMBER 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL NOAIMI, Abdullah.

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 Taliban fighter.
  - a. The detainee is a Taliban fighter:
    1. The detainee is a Bahrain citizen who admitted he traveled from Bahrain through Meshad, Iran to Afghanistan on September 13, 2001.
    2. Detainee traveled to Afghanistan to fight for the Taliban and die in Jihad.
    3. Detainee knew he would be fighting the Northern Alliance and the United States.
    4. Upon arriving in Afghanistan detainee requested and received directions from a Taliban representative to an office/guesthouse in Kabul, Afghanistan.
    5. At the Taliban office, the detainee introduced himself and told the Taliban representative that he had come to fight.
    6. After November 2001 the detainee, along with four other Arabs and two Afghans, were guided to the Pakistani border where he was arrested by Pakistan border guards, taken to jail, and later turned over to United States forces in Kandahar, Afghanistan.
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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1/1

Exhibit <sup>908</sup>R-1

## Memorandum



To : Department of Defense  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

Date 09/08/2004

From : FBI GTMO  
Counterterrorism Division  
[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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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 09/04/2002

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

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1/2

Exhibit R-309



UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/08/2004

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

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-2/2

UNCLASSIFIED

Memorandum



To : Department of Defense  
Office of Administrative Review  
for Detained Enemy Combatants,  
Col. David Taylor, OIC, CSRT  
Date 09/22/2004

From : FBI GTMO  
Counterterrorism Division,  
Office of General Counsel,  
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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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 06/09/2002  
FD-302 dated 05/15/2003  
FD-302 dated 06/10/2003

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

UNCLASSIFIED  
1/2

Exhibit

R-3  
911

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/22/2004

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

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-2/2

Attention: Steve

**Statement**

I have been asked by Abdullah Alnoaimi to write a statement to set forth my personal knowledge of the reason behind his journey to Pakistan and Afghanistan.

In August 2001 I spoke with Abdullah and we both were concerned about Salman Al-Khalifa. Salman Al-Khalifa is my cousin and close friend of Abdullah Alnoaimi. I did not know where Salman was at the time. I assumed in Pakistan. I asked Abdullah to help locate Salman Al-Khalifa. I had faith that Abdullah will bring Salman back from Pakistan or Afghanistan.

I Mohammad Salman Al-Khalifa state that Abdullah Alnoaimi did not have any intentions or connection with any jihad groups against the United States of America. The only reason he went to Pakistan and Afghanistan was to bring back his friend (Salman Al-khalifa).

Mohammad Salman Al-Khalifa



11-11-2004

6

عبدالله بن ماجد النعيمي معرفتي فيتم معرفة آخ وهديتي منذ حضر  
 وكنا جميعاً اخوة متحابين في الله اهدوه فبصحة اخوانه  
 عبد الرحمن بن ماجد وناصر بن ماجد وموسى بن ماجد معرفة قامة  
 والشهادة في الله . وعبدالله بن ماجد شخصاً مستقيماً واهلاً  
 عاليه جداً منذ ان عرفته منذ حضر وكانه تخطاً جتهداً في  
 المداينة وعندة هوايات في الشعر والركوب الخيل وهاية  
 القنص وكانه شخصاً يتمتع بالفلاحة عاليه جداً مع كبره  
 وكانه يقضي اوقاتاً في المسجد والمجلس والدة ماجد بن صباح  
 مع اخوانه والرملاء في المداينة . ولا كانه عنده اي تقليس  
 سياسي ولا فوايا خارجية والشهادة لله سبحانه .  
 هذا ما عندي من أقوال والله اعلم ما أقولته شهيد

محمد بن سلمان الخليلي

11/11/2004

ISN # [REDACTED]

ABDALLAH BIN MAJID AL NAIMI.

I know him like a Brother and a Friend. Since we were young and we were all Brothers ——— him and the rest of his Brothers:

[REDACTED] And [REDACTED] and I knew them very well and God is my witness, And ABDALLAH Ben Majid is a straight decent person has very high manners. I knew him since child hood. He was a smart person in school and had lot's of Hobbies in Poetry, and Horse Riding, and shooting, and he was a person with Integrity and That with everybody and He used to spend Time in the Mosque and the Board, Mother of Majid Ben SAYAH with His Brothers and His friends from school, and He had no political Thoughts (IDEAS) or outside (Exterior) INTENTIONS) and God is my witness praise God ALLAH

Mohamad Suleiman  
ALKALEIFA

That is all I HAVE  
to say

11/11/2004

(ALLAH)  
And God is my witness 015 hrs

**KINGDOM OF BAHRAIN**  
**MINISTRY OF THE INTERIOR**  
**PUBLIC SECURITY**

**GENERAL DIRECTORATE OF CID.**  
**GOOD CONDUCT CERTIFICATE OFFICE**

P. O. BOX - 36698

Tel : 718888

Fax : 00973 - 717217

8888 ALAMIN EN

Cable : DAKHELIAH

Serial No. 3879 رقم لتتضمن

مملكة البحرين  
وزارة الداخلية

الامن العام

الإدارة العامة للتحقيقات والمباحث الجنائية

مكتب إصدار شهادات حسن السيرة والسلوك

ص. ب : 36698

تليفون : 718888

فاكس : 00973 - 717217

تلكس : الامن بي - ان 8333

برقياً : داخلية

No. MOI/PS/CID/69/167573

Date : 09/11/2004

الرقم : ود/ع/ت م ج ٨٩/٤

التاريخ :

شهادة حسن سلوك  
**GOOD CONDUCT CERTIFICATE**

Full Name	<b>ABDULLA MAJID SAYAH HASSAN AL NAIMI</b>	الاسم الكامل
Date of Birth	<b>1982</b>	تاريخ الولادة
Place of Birth	<b>MANAMA - BAHRAIN</b>	مكان الولادة
Nationality	<b>BAHRAINI</b>	الجنسية
Passport No.	<b>1126002</b>	رقم جواز السفر
Place of Issue	<b>BAHRAIN</b>	مكان الإصدار
Date of Issue	<b>02/06/2001</b>	تاريخ الإصدار
Expiry Date	<b>02/06/2006</b>	تاريخ الانتهاء
CPR No.	<b>020308196</b>	الرقم الشخصي
Purpose of issuance		الغرض من الإصدار
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.

**Notes:**

Any alterations or corrections will render this certificate invalid.

تشهد الإدارة العامة للتحقيقات والمباحث الجنائية في مملكة البحرين بعدم وجود سجلات 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 طعنة تلقائياً.

Kingdom of Bahrain  
Ministry of the Interior



مملكة البحرين  
وزارة الداخلية

الإدارة العامة للتحقيقات والمباحث الجنائية  
مكتب إصدار شهادات حسن السيرة والسلوك

Exhibit D-d

916

P. 1 of 1

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]

[REDACTED] I have no comments.

     My comments are attached.

[REDACTED], Major, USAF  
\_\_\_\_\_  
Name

21 NOV 04  
\_\_\_\_\_  
Date

[REDACTED]  
\_\_\_\_\_  
Signature

ISN [REDACTED]  
Enclosure (5)



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALI HUSAYN ABDULLAH AL TAYS )  
    *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:

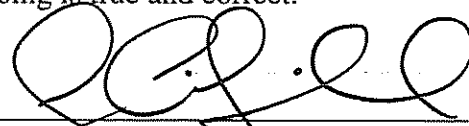
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Ali Husayn Abdullah Al Tays 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 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

**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.

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**

29 Sep 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

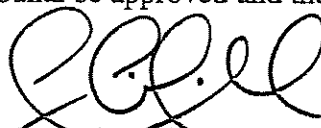
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004  
(2) Record of 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 portions of the Tribunal proceedings, 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 exhibits R-3, 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 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

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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

27 September 2004

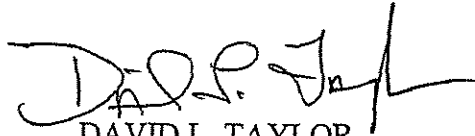
MEMORANDUM FOR DIRECTOR, CSRT

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 Aug 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 24 Sep 04 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 was also part of or supporting 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]

Col, USAF

Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:           #5            
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 is a member of or affiliated with al Qaida and was part of or supporting 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 the evidence presented to the Tribunal by the Recorder indicated that the detainee voluntarily traveled from Yemen to Afghanistan in 2001 to receive weapons training. It further indicated that as he was traveling to Afghanistan he stayed at Al Nabrass, a known al Qaida safehouse frequented by Usama bin Laden. The detainee attended the Al Farouq training camp, where he received training on the AK-47 rifle, and then fled the camp to the Tora Bora mountains before being captured by Pakistani authorities. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no additional documents be produced. He made an unsworn verbal statement. The detainee, in his verbal statement, admitted traveling from Yemen to Afghanistan for military training, admitted staying in the Al Nabrass safehouse, and admitted attending the Al Farouq training camp, but denied ever traveling to the Tora Bora area.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-12.
- c. Unsworn statement of the detainee.

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

The Detainee requested no witnesses; no rulings were necessary.



The Detainee requested no additional evidence be produced; no rulings were necessary.

## **5. Discussion of Unclassified Evidence**

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

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this 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. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he attended training in Afghanistan in for the purpose of learning how to protect himself from rival tribes in Yemen. He said that he would have returned to Yemen after his training. According to the detainee, similar weapons training in Yemen takes three years to get into, while in Afghanistan you only had to wait a few months. He said that he had only been in Al Farouq for a few days when he and his fellow trainees were told to leave in order to attend training in another place where "the training was better." He stated that he had no passport when arrested because he had turned it in at the safehouse. He claimed he was arrested by the Pakistani authorities while attempting to get to the Yemeni embassy in Pakistan. He also asserted that he had never heard of al Qaida or the Taliban before arriving at Guantanamo Bay, but later said that he knew that the Taliban ran the camp he was attending. He claimed there was no significance to the fact that the safehouse he stayed in was frequently used by Usama bin Laden. Overall, the detainee was combative, angry, and defiant during the course of his oral statement. The Tribunal panel found him to be evasive in his statements and in his answers to questions asked by Tribunal members. This detracted from his credibility as a witness on his own behalf.

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

## **6. Consultations with the CSRT Legal Advisor**

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

**7. Conclusions of the Tribunal**

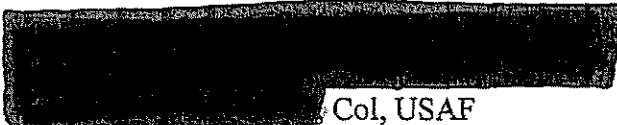
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He indicated that he understood the process and asked no questions regarding his rights. He actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and is a member of or affiliated with al Qaida and was part of or supporting the Taliban.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Col, USAF  
Tribunal President

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee said something but the Translator could not hear him. The Tribunal President told the Translator to ask the Detainee to speak up. The Detainee said he couldn't speak any louder than that. The Detainee told the Tribunal President to continue.

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee answered, "No."

When asked by the Tribunal President if the detainee wished to make a statement to the Tribunal the Detainee asked: "Where did you get the information for all the accusations that were just read?"

Tribunal President: The information was gathered from classified sources.

Detainee: What can I do if the information is classified and it's all lies.

Tribunal President: You can tell us your version of the truth.

Detainee: I can't figure out where you got the information that I escaped to Tora Bora.

[Tribunal President asked if the Detainee wanted to make a statement under oath]

Detainee: You have all the statements.

Tribunal President: Would you like to make a statement to this Tribunal under oath stating you will tell the truth?

Detainee: You have the truth.

[The Personal Representative asked and was granted permission by the Tribunal President to speak to the Detainee.]

Personal Representative: They have not seen any information prior to this. This is your opportunity to explain your side of the story, if you would like to do so.

Detainee: How is it that you are holding a meeting and you haven't looked at the statements?

Tribunal President: The purpose of this Tribunal is to give a neutral look at the evidence and to make a decision as to whether or not you have been properly classified as an enemy combatant.

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[The Translator began translating what the Tribunal President stated and was interrupted by the Detainee.]

Detainee: Read the first one.

Tribunal President: Very well, we will proceed with his statement, un-sworn.

[The Tribunal President then asked the Translator to read the unclassified summary starting with the first one.]

[The Translator read 3.a.1. "The detainee voluntarily traveled from Yemen to Afghanistan to receive weapons training for use in a tribal war in Yemen in 2001."]

Detainee: Is that the accusation?

Tribunal President: That is a statement of evidence.

Detainee: Why are the Americans asking me about this? Why is it their business?

Tribunal President: You have been classified as an enemy combatant against the United States. This is the evidence we are using to determine whether that classification is correct or not.

Detainee: Regarding number one; it is not the United States business and it shouldn't be the Yemeni government's business. Logically it does not make sense to include that into evidence.

Tribunal President: Go to number two.

Detainee: Since you asked and I answered you, why don't you answer me. Tell me what business is it of the Americans or the Yemeni government?

Tribunal President: We are here to ask questions not answer them.

Detainee: If it doesn't concern you then why classify me as an enemy combatant?

Tribunal President: I didn't say it didn't concern me.

Detainee: Being an enemy combatant, does that mean I went against the United States?

Tribunal President: You have been classified by the United States as an enemy combatant.

Detainee: We will discuss this one point at a time. In regards to number one, being classified as an enemy combatant, what kind of evidence do you have?

ISN # [REDACTED]  
Enclosure (3)  
Page 2 of 8

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UNCLASSIFIED / FOUO

Tribunal President: This is the unclassified summary of evidence we have read to him.

Detainee: Number one is the most important part because it determines if I am staying here or leaving. I still don't understand why you are concerned with that. If this does or doesn't concern you, why treat me as an enemy combatant?

Tribunal President: Our reasons are not an issue here, what is an issue is the facts.

Detainee: You either misunderstood or you are accusing me of something I never did. Why are the Americans concerned about them? This is the most important question to me.

Tribunal President [referring to 3.a.1.]: Is it true or not?

Detainee: It's true, but is that reason enough to classify me as an enemy combatant?

Tribunal President: Individually it is not but in compilation with the rest it may be.

Detainee: We will look at all the items here and see what you people come up. So, the first of the seven points is what helped classify me as an enemy combatant?

Tribunal President: "Yes."

Detainee: Explain to me each of these seven points and if you don't have an answer, just say you don't have an answer.

[One of the Tribunal Members asked the Tribunal President if he could try and explain the process to the Detainee.]

Tribunal Member: Let me try to explain what we are doing here. Your interrogators and others that work for the United States have decided that you are an enemy combatant. We are an independent group that is supposed to look at all the evidence. We look at the evidence that your accusers give us and we listen to what you say. Then we decide whether your accusers are right and you should be classified as an enemy combatant or if they are wrong we should send you home. So, we might look at number one and say, "you're right that doesn't have anything to do with you being an enemy combatant," and ignore it. But before today we haven't looked at any of this evidence or heard anything you had to say. We don't know anything about this case until right now when we look at it all.

Detainee: How do you classify me as an enemy combatant if you don't know what the interrogator said? You haven't looked at the file yet.

ISN # [REDACTED]  
Enclosure (3)  
Page 3 of 8

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Tribunal Member: The government has classified you as an enemy combatant. We are going to look at the files to see if we believe it or not. If we don't believe it, we will say they are wrong and that you shouldn't be an enemy combatant.

Detainee: That means at this point and time, you have no response to question number one.

Tribunal Member: Correct, we are not here to answer questions. We are here to look at all the evidence.

Detainee: Fine.

[The Translator read 3.a.2.: "While awaiting transportation from Kandahar to Al-Farouq, the detainee stayed at Al-Nabrass, an Al-Qaida safe house."]

Detainee: That's true.

[The Translator read 3.a.3.: "The Al-Nabrass safe house was frequented by Usama Bin Laden."]

Detainee: What difference does it make?

Tribunal President: We don't know at this time.

Detainee: What difference does it make, if it was Usama Bin Laden or somebody else?

Tribunal President: It shows a connection to the Al-Qaida organization.

Detainee: What difference does it make if Usama Bin Laden visited our place?

Tribunal President: It's understood, go to number four.

[The Translator read 3.a.4.: "The Detainee attended the Al-Farouq training camp in 2001."]

Detainee: That's true.

[The Translator read 3.a.5.: "At the Al-Farouq training camp, the detainee received training on the AK-47 rifle."]

Detainee: That's true.

[The Translator read 3.a.6.: "The Detainee fled the Al-Farouq training camp to the Tora Bora Mountains in September 2001."]

Detainee: That's false.

[The Translator read 3.a.7.: "Pakistani Authorities held the detainee at the Pakistan/Afghan border when attempting to flee the Tora Bora region in October 2001."]

Detainee: That's false.

[Tribunal President asked if the Detainee had any other evidence to present to the Tribunal]

Detainee: I would like for you to answer me when I ask you a question.

Tribunal President: I will answer any questions you have about the process, but I will not answer any of the questions you have asked so far.

Detainee: That's the most important thing, if you were going to answer me. My leaving Yemen and going to Afghanistan has nothing to do with Al-Qaida or fighting.

**Summarized Answers in Response to Questions by the Recorder**

Q. At what time and under what circumstances did you leave Al-Farouq?

A. They took us from there and I didn't know where we were going. They took me to another place to finish my training.

**Summarized Answers in Response to Questions by the Tribunal Members**

Q. Why were you in Afghanistan, just for training?

A. That concerns the first part of the evidence.

Q. Why didn't you receive training in Yemen?

A. You mean from the Yemeni government?

Q. No, just in the country of Yemen?

A. I am confused.

Q. Why did you have to go to Afghanistan?

A. That concerns part one of the unclassified evidence.

Q. Having said that, you went there to receive weapons training, correct?

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- A. Yes. In Yemen it is hard to get training and it takes so long, about three years. In Afghanistan it takes only two months.
- Q. Do you know who Al-Qaida or the Taliban are?
- A. No.
- Q. When you left the mountains from Afghanistan and went into Pakistan were you carrying weapons?
- A. I had heard of the Taliban but never Al-Qaida until I came to Cuba.
- Q. Did you know that the Taliban were in control of Afghanistan when you went there?
- A. I also knew that Al-Masood was in control of certain areas.
- Q. Did you know that Al-Masood's forces were fighting against the Taliban?
- A. I didn't know until I got to Afghanistan.
- Q. Did you know that some of the people trained at Al-Farouq were fighting against Al-Masood?
- A. No.
- Q. In Al-Farouq did you learn how to use weapons?
- A. The AK-47.
- Q. Explain how you were captured or arrested.
- A. The money was mine, I turned myself over.
- Q. To whom?
- A. Pakistani Police.
- Q. Where?
- A. I don't recall.
- Q. Was it in Al-Farouq, or the mountains, was it?
- A. Inside Pakistan. I didn't have a passport and was looking for the Yemeni



UNCLASSIFIED / FOUO

embassy.

Q. Did you have any weapons with you?

A. No.

Q. Why do you think you were handed over to the Americans?

A. I turned myself over so they would send me to the proper embassy; instead they turned me over to the American forces.

Q. Can you tell me how you got to Afghanistan, the mode of travel and who paid for it?

A. I paid for the trip. I took the plane from Yemen to Pakistan.

Q. Then from Pakistan to Afghanistan?

A. I took the bus.

Q. Where in Pakistan did you stay?

A. In a hotel.

Q. How long were you in the hotel?

A. A few days.

Q. Did you have any trouble getting across the border? Did you go straight to Al-Farouq?

A. No.

Q. Explain how you got there.

A. From the safe house to the camp, I took a bus. There were no problems taking the bus. Because of this I was classified as an enemy combatant.

Q. What happened to your passport?

A. It's in Kandahar at the guesthouse. If I had it with me I wouldn't have turned myself in and I wouldn't be here.

Q. Did you give your passport to some one in Kandahar? How did you lose it?

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A. I didn't lose it or give it to no one. When you arrive you are suppose to hand it over to some one.

Q. Someone in the government?

A. No, in the house where I was staying.

Q. So, you gave your passport to some one in the house where you were staying in Kandahar?

A. Yes.

Q. Why did you want to get training?

A. If you read the evidence, the information is in there. There were so many problems in Yemen, tribal problems, to protect myself.

Q. So, after your training you planned on returning to Yemen to protect yourself?

A. Yes.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: What kind of evidence are you looking for?

Tribunal President: Are there any other statements you would like to make to explain your actions?

Detainee: No.


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

ISN #   
Enclosure (3)  
Page 8 of 8

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (15 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal- AL TAYS, Ali Husayn Abdullah

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 al Qaida fighter.
  - a. The detainee is a member of al Qaida:
    1. The detainee voluntarily traveled from Yemen to Afghanistan to receive weapons training for use in a tribal war in Yemen in 2001.
    2. While awaiting transportation from Kandahar to Al Farouq, the detainee stayed at Al Nabrass, an al Qaida safehouse.
    3. The Al Nabrass safehouse was frequented by Usama Bin Laden.
    4. The detainee attended the Al Farouq training camp in 2001.
    5. At the Al Farouq training camp, the detainee received training on the AK-47 rifle.
    6. The detainee fled the Al Farouq training camp to the Tora Bora Mountains in September 2001.
    7. Pakistan Authorities held the detainee at the Pakistan/Afghan border, when attempting to flee the Tora Bora region in October 2001.
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

UNCLASSIFIED

936  
Exhibit RI

UNCLASSIFIED

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

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/15/2004  
Office of Administrative Review  
for Detained Enemy Combatants,  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division,  
Office of General Counsel,  
Asst. Gen. Counsel [REDACTED]

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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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 05/16/2002  
FD-302 dated 05/24/2003

---

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/15/2004

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

UNCLASSIFIED

## Memorandum



To : Department of Defense Date 09/23/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
OSC [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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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<sup>4</sup> [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/29/2002

---

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/23/2004


If you need additional assistance, please contact  
Assistant General Counsel (011-5399-3415),  
[REDACTED] or Intelligence Analyst [REDACTED]  
Intelligence Analyst [REDACTED]

UNCLASSIFIED



Detainee Election Form

Date/Time: 22 Sep 04  
Start/End Time: 1415 / 1500

ISN#: 

Personal Representative:  Major, USAF  
[Name/Rank]

Translator Required? YES

Language? Arabic

CSRT Procedures Read to Detainee or Written Copy Read by Detainee? NO

---

Detainee Election:

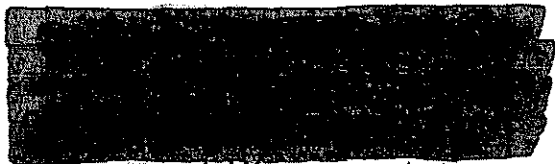
Wants to Participate in Tribunal

Affirmatively Declines to Participate in Tribunal

Uncooperative or Unresponsive

Personal Representative Comments:

Detainee wants to participate and make an oral statement.  
Detainee did not request any witnesses.



Personal Representative

Personal Representative Review of the Record of Proceedings

I acknowledge that on 25 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

25 SEP 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)





Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 715<sup>4</sup>

16 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 163

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 #163 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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Department of Defense  
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

A handwritten signature in cursive script, reading "J. M. McGARRAH", is positioned above the typed name.

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

23 November 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 163

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

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

  
CHARLES E. JAMISON  
CAPT, USN

13 Jan 05

## MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 163

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 #15 of 12 October 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 voluntarily elected not to participate. The detainee affirmatively declined to attend, but he did prepare an oral statement for his Personal Representative to present to the Tribunal. The Tribunal considered the oral statement delivered by the detainee's Personal Representative in its deliberations.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee had requested his medical record as stated in exhibit D-a. The medical record was produced and was presented to the detainee by his Personal Representative. Subsequently, the detainee affirmatively withdrew his request that the medical record be presented as evidence. The initial request and subsequent withdrawal are both documented in exhibit D-a. Based upon the detainee's affirmative withdrawal of the request for introduction of his medical record as evidence, the Tribunal did not consider the record in its deliberations.
- e. The Tribunal's decision that detainee #163 is properly classified as an enemy combatant was unanimous.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 163

3. I recommend that the decision of the Tribunal be approved and the case be considered final.

*Peter C. Bradford*  
PETER C. BRADFORD  
LT, JAGC, USNR



(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:     #15    

(U) ISN#:     163    

Ref: (a) (U) Convening Order for Tribunal #15 of 12 October 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U//~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U//~~FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U//~~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 13 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #163 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 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).

  
\_\_\_\_\_, Colonel, USAF  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:       #15        
ISN #:       163      

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with al Qaida and the Taliban. 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 the evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of, or affiliated with al Qaida and the Taliban. The detainee had his Personal Representative (PR) make an unsworn verbal statement. He had requested his medical record be presented as evidence to show he was physically incapable of being a combatant. Prior to the hearing, the detainee withdrew his request when his PR informed him the doctor's review of his medical record showed no condition that would preclude him from being a combatant as explained in exhibit D-a. Also, the detainee originally chose to participate in the Tribunal process but chose not to participate before the hearing started. The Personal Representative made a statement to the Tribunal at the detainee's request. 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 and R-1 through R-10.
- b. Unsworn statement of the detainee.

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

The Detainee requested no witnesses; no rulings were required.

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Medical record	allowed	no*

\* The detainee requested his medical record stating that any doctor would be able to see that he was unable to be a fighter based on his medical condition. The Tribunal President allowed the medical record as evidence and requested that a Joint Task Force physician evaluate the detainee's ability to be a combatant. A doctor determined there was no medical condition that would preclude the detainee from being a fighter. The PR presented the results of the medical record review to the detainee who then decided not to have the medical record presented to the Tribunal as evidence. Additionally the Tribunal President told the PR the detainee could specify what specific medical condition or bodily injury the doctor should focus on for review. The detainee declined to provide more specific information. Based on the detainee's request to withdraw the medical record as evidence it was not presented to the Tribunal.

## 5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibit R-1 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 the unclassified evidence. Accordingly, the Tribunal had to look to classified exhibits (as well as the detainee's statement) for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsworn statement presented by the PR. A summarized transcript of the detainee's unsworn statement is attached as CSRT Decision Report Enclosure (3). The detainee admitted to traveling to Afghanistan but that it was for a two-month vacation and to receive treatment for his medical condition. The detainee stated he did stay in a Taliban guesthouse but had nothing to do with the Taliban. The detainee stated he did leave Kabul for Jalalabad but he was not a fighter nor was he with any armed personnel. The detainee did flee Jalalabad as the Northern Alliance approached and traveled through the mountains where he eventually turned himself in to Pakistani forces. The detainee denied being a Mujahidin fighter.

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

#### **6. Consultations with the CSRT Legal Advisor**

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

#### **7. Conclusions of the Tribunal**

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee 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 the Taliban. Additional support for this conclusion can be found in Enclosure (2).

#### **8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
\_\_\_\_\_  
Colonel, USAF  
Tribunal President

Summarized Detainee Statement

[The Personal Representative made the following statement on behalf of the Detainee who was not present at the Tribunal.]

**[The Detainee is a Yemeni citizen who traveled to Afghanistan via Yemen; Karachi, Pakistan; Qandahar, Afghanistan and finally Kabul, Afghanistan in July 2001.]**

This is correct.

**[The Detainee traveled to Afghanistan to fight the Jihad.]**

This is not true. I went to Afghanistan as a tourist for a two-month vacation. I went alone for medical reasons because I had joint problems. I went to Yemen before Pakistan.

**[The Detainee stayed in a Taliban guesthouse in Quetta, Pakistan and an Arab guesthouse in Kabul, Afghanistan.]**

Yes, but they had nothing to do with the Taliban.

**[The Detainee left Kabul, Afghanistan and fled to Jalalabad, Afghanistan with several Arabs as the fighting intensified and the Northern Alliance approached Kabul.]**

Correct, but I was not a fighter and I wasn't with any armed people.

**[The Detainee traveled to the mountains as the Northern Alliance approached Jalalabad, Afghanistan.]**

Correct, it was the only way to Pakistan. I never saw any fighting; I was simply fleeing the war as a refugee.

**[The Detainee and his leaders retreated to the Pakistani border, where they surrendered to Pakistani troops.]**

I was alone when I turned myself in at the Pakistani border.

**[The Detainee was identified as a Mujahidin fighter who came to Tora Bora, Afghanistan.]**

This is not true. I was with wounded people but I didn't see them get wounded. I followed Arabs to the border and never carried a weapon.

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AUTHENTICATION

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



, Colonel, USAF

Tribunal President

UNCLASSIFIED / ~~FOUO~~

DETAINEE ELECTION FORM

Date: 23 Oct 04

Start Time: 1035

End Time: 1120

ISN#: 163

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

Translator Required? YES Language? ARABIC

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

**Detainee Election:**

<sup>m</sup> Wants to Participate in Tribunal

Affirmatively Declines to Participate in Tribunal <sup>m</sup>

*changed mind 4 NOV 04*

Uncooperative or Unresponsive

**Personal Representative Comments:**

No witnesses. One medical document. Polite and calm.

4 NOV 04 Follow Up Interview

Informed detainee that a doctor viewed his medical records and stated that he could have been a combatant. The detainee withdrew his request to have his medical records or the statement of the doctor presented in to evidence. He also declined to participate in the Tribunal.

Personal Representative [REDACTED]

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**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (06 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL QADASI, Khalid Abd Jal Jabbar Muhammad Juthman

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with the Taliban and is a member of al Qaida.
  - a. The detainee is associated with the Taliban and al Qaida.
    1. The detainee is a Yemeni citizen who traveled to Afghanistan via Yemen; Karachi, Pakistan; Qandahar, Afghanistan and finally to Kabul, Afghanistan in July 2001.
    2. The detainee traveled to Afghanistan to fight in the Jihad.
    3. The detainee stayed in a Taliban guesthouse in Quetta, Pakistan and an Arab guesthouse in Kabul, Afghanistan.
    4. The detainee left Kabul, Afghanistan and fled to Jalalabad, Afghanistan with several Arabs as the fighting intensified and the Northern Alliance approached Kabul.
    5. The detainee traveled to the mountains as the Northern Alliance approached Jalalabad, Afghanistan.
    6. The detainee and his leaders retreated to the Pakistan border, where they surrendered to Pakistani troops.
    7. The detainee was identified as a Mujadeen fighter who came to Tora Bora, Afghanistan.
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

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Page 1 of 2  
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Exhibit RI



UNCLASSIFIED

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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Page 2 of 2

### Personal Representative Review of the Record of Proceedings


I acknowledge that on 16 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #163.

I have no comments.

My comments are attached.

 Lieutenant Colonel, USAF  
Name

Date 16 NOV 04

  
Signature



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: 30 Sep 04



James R. Crisfield Jr.  
CDR, JAGC, USN



**Department of Defense  
Director, Combatant Status Review Tribunals**

OARDEC/Ser:  
29 September 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.

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**

28 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 2004

Encl: (1) Appointing Order for Tribunal #6 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 voluntarily elected not to participate in the Tribunal.

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-5, R-6, R-7 and R-8 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

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

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 Colonel, U.S. Marine Corps;  
Member

---

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", with a long horizontal stroke extending to the right.

DAVID L. TAYLOR  
Colonel, USAF



**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

(U) This Document is UNCLASSIFIED Upon Removal of Enclosure (2).

(U) TRIBUNAL PANEL:   #6  

(U) ISN#:   [REDACTED]  

Ref: (a) (U) Convening Order for Tribunal #6 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) Copies of Documentary Evidence Presented (S/NF)  
(3) (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 17 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, Taliban forces, 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 enclosure (1).

[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: \_\_\_\_\_ #6 \_\_\_\_\_

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 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.

**2. Synopsis of Proceedings**

The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. It indicates, among other things, that the detainee was a Taliban fighter, that he attended a Taliban training camp north of Kabul, and that he fought on the front lines against the Northern Alliance until he withdrew from his fighting positions three days before Ramadan in 2001 (November – December 2001). The detainee escaped through the Tora Bora region of Afghanistan to Pakistan, where he surrendered his weapon and was arrested by the Pakistani police in December 2001. The Recorder called no witnesses, but did introduce classified evidence (Exhibits R-3 through R-17) during a closed session of the Tribunal. The detainee chose not to participate in the Tribunal process as reflected in the Detainee Election Form (Exhibit D-A). Although there was no substantive evidence presented during the unclassified portion of the Tribunal, the classified exhibits supported the assertions on the Unclassified Summary of Evidence.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-17 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 Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. As noted above, it indicates, among other things, that the detainee was a Taliban fighter and that he fought on the front lines against the Northern Alliance until he withdrew from his fighting positions three days before Ramadan in 2001 (November – December 2001). The detainee then escaped through the Tora Bora region of Afghanistan to Pakistan, where he surrendered his weapon and was arrested by the Pakistani police in December 2001. The classified exhibits, particularly Exhibits R-6 through R-8, support all of the assertions on the Unclassified Summary of Evidence. The Tribunal noted Exhibit R-11 is identical to Exhibit R-6, and Exhibit R-12 corresponds to Exhibit R-7, although Exhibit R-12 is missing a page. Because the Tribunal had Exhibit R-7, which was complete, the Tribunal did not request the missing page of Exhibit R-12. After considering all of the evidence, the Tribunal found that the detainee is properly classified as an enemy combatant.

**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 forces.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Army  
Tribunal President



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Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (03 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal AL BUSAYSS, Adil Said Al Haj Obeid.

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 Qaeda 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 Taliban fighter.
  - a. The detainee is a Taliban fighter:
    1. The detainee, a Yemen citizen, admitted he traveled from Sanaa, Yemen through Karachi, Pakistan to Kabul, Afghanistan to attend a Taliban training camp during the beginning of Ramadan, 2000.
    2. The detainee attended the training camp north of Kabul, Afghanistan, for one month, during which he received training on hand grenades, Rocket-Propelled Grenades, Kalishnikov rifles, machine guns, and physical training.
    3. The detainee was issued a Kalishnikov rifle and ammunition, two hand grenades, and a machine gun.
    4. The detainee stated that on the front line, there was no differentiation between the Taliban and al Qaeda fighters; they fought along side each other.
  - b. The detainee participated in military operations against the coalition.
    1. The detainee fought with the Taliban on the front line for 2 - 3 months.
    2. The detainee's unit withdrew from their fighting positions three days prior to Ramadan 2001 (November - December 2001).
    3. When detainee's leader advised the fighters could stay, or escape, the detainee left Tora Bora with others to Pakistan.

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EXHIBIT R-1  
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4. The detainee then traveled to Pakistan where he surrendered his weapon and was arrested by Pakistani police in December 2001.

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 09/08/2004  
 Office of Administrative Review  
 for Detained Enemy Combatants  
 Col. David Taylor, OIC, CSRT

From : FBI GTMO  
 Counterterrorism Division  
 [REDACTED] 9/8/04

Subject: REQUEST FOR REDACTION OF  
 NATIONAL SECURITY INFORMATION  
 ADIL SAID AL-HAJ (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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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 03/25/2002  
 FD-302 dated 03/26/2002

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/08/2004

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

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Memorandum



To : Department of Defense Date 09/16/2004  
Office of Administrative Review  
for Detained Enemy Combatants,  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division,  
Office of General Counsel,  
Asst. Gen. Counsel [REDACTED]

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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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 05/20/2002  
FD-302 dated 06/03/2002

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/16/2004

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

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**Personal Representative Review of the Record of Proceedings**

I acknowledge that on 17 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

17 Sept 2004  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (3)