

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FAHMI ABDULLAH AHMED,)
)
 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:

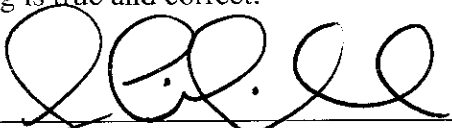
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Fahmi Abdullah Ahmed 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 names of other detainees and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 13 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0212
11 October 2004

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From: Director, Combatant Status Review Tribunal

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

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

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

A handwritten signature in cursive script, appearing to read "J. M. McGARRAH".

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
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3580

11 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

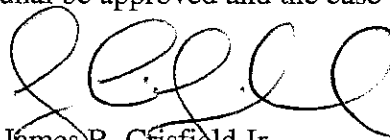
1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process, elected to participate, and made an unsworn statement during the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with the provisions of references (a) and (b).
- d. The detainee requested that four witnesses be produced to testify at the Tribunal. He claimed that the witnesses would testify that he stayed with them during various times and that "he did not fight." The Tribunal President denied the request for all four witnesses. He determined that they were not reasonably available. Although the President's decision report lacks any analysis, a reading of the detainee's witness requests shows that he was only able to provide incomplete addresses for two of the witnesses; only a city and neighborhood for one of the witnesses; and no locating information for the fourth witness other than to say that he could be located through another witness. Perhaps if the President had provided an explanation for his decisions this would not be such a close call. Paragraph G(10) of enclosure (1) of reference (b) requires the Tribunal President to document the basis for witness availability decisions; to include efforts undertaken to procure the presence of the witness and alternatives considered to live testimony. The President failed to do that in this case. Nonetheless, looking at the scant locating information available to the President, I will give him the benefit of the doubt. There is no evidence that the President abused his discretion when making these determinations.

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

The detainee made no other requests for 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 #8

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

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

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

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

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: #8

(U) ISN#:

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

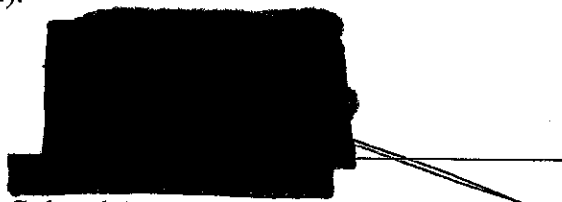
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 1 October 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 1 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #  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-Qaeda, and supported them as they engaged in hostilities against the United States and/or its coalition partners, as more fully discussed in the enclosures.

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



Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #8

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 because he was part of, or supportive of, Al-Qaeda forces engaged in hostilities against the United States and/or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee was associated with Al-Qaeda. He was present on the front lines in Bagram, Afghanistan. He was identified by a senior Al-Qaeda facilitator as having been a resident at a safehouse in Kandahar, Afghanistan in 2000 (this individual also saw the Detainee at a safehouse located in Faisalabad, Pakistan in February 2002 with a group of Yemenis who had fled Afghanistan). Finally, the Detainee was identified by another individual, a senior Al-Qaeda operational planner, as having resided at a safehouse located in Kandahar in 2001. The Detainee chose to participate in the Tribunal process. He requested four witnesses, requested no unclassified or classified documents be produced, and made a sworn verbal statement. The Tribunal President found the requested witnesses not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Detainee, in his verbal statement, denied being an Al-Qaeda member and denied ever having been in Afghanistan. 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-22.
- b. Testimony of the following persons: None
- c. Sworn statement of the Detainee

UNCLASSIFIED//FOUO

ISN # _____
Enclosure (1)
Page 1 of 3

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

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

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Hussain Bashir	Not reasonably available	No*
Iz Aldin	Not reasonably available	No*
Shakeel Murat	Not reasonably available	No*
Izzat Nasser	Not reasonably available	No*

According to the Detainee, the requested witnesses could all be located in Pakistan. The Tribunal President, however, ruled that the U.S. Government would not be compelled to produce the witnesses for the Detainee because the witnesses were not reasonably available to be produced.

The Detainee requested no additional evidence be produced

5. Discussion of Unclassified Evidence

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

a. The Recorder offered 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 unclassified evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he was not a member of Al-Qaeda and in fact had never even been to Afghanistan.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

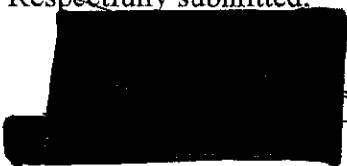
b. The Detainee understood the Tribunal proceedings. He asked some questions regarding his rights, which were answered to his satisfaction by the Tribunal President, and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant and was part of, or supportive of, Al-Qaeda forces engaged in hostilities against the United States and/or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

After the Tribunal President advised the Detainee of the hearing instructions, the Detainee asked if he would have a lawyer after this session.

The Tribunal President advised that this was not a legal proceeding, but an administrative proceeding and therefore a lawyer was not needed. The Tribunal President also advised that depending on the outcome, the Detainee may or may not need a lawyer at a later date. The Detainee understood.

The Tribunal President advised the Detainee the witnesses he requested were not reasonably available, and would not appear before this Tribunal.

Detainee: I requested witnesses, but I want witnesses from you too. I want you to prove everything that has been said about me is true. Being in this place, I cannot provide any witnesses for anything. I could reference some points...

Tribunal President: Let me interrupt. It has already been identified by the Recorder, who represents the United States that she has called no witnesses to testify against you. These allegations on the unclassified summary are the only unclassified evidence that has been presented. You have the opportunity to tell us your story.

The Detainee made the following statement:

I was in Pakistan and explained, in detail, in many other interviews before this, what I was doing in Pakistan. I never went to Afghanistan, ever. You have to prove how you came to the conclusion that I am a member of the Taliban.

The Tribunal President advised the Tribunal Members are going to take and consider all the facts and determine if the Detainee is properly classified as an enemy combatant. The Tribunal President also explained that the Tribunal Members have not viewed any evidence prior to sitting down in order to maintain an open mind.

Good. I didn't realize that I was going to have to repeat my story again, but I am ready to repeat it.

I left Yemen almost 4 years ago. I left the city of Sana'a to go to Karachi, Pakistan. I went to do business. I was planning on dealing in textiles. I saved some money and I already had some money because I was already doing business in textiles. Most of the money I took to do business with was from my mother. It was \$3,500.00.

I got my plane ticket and visa from Yemen. The people who were in the textile business told me the best place to go for good quality things is Pakistan. I don't remember the date I arrived in Pakistan, but it is in my passport. You will see that there was only one trip to Pakistan in my passport. It will say the date I left Yemen. I have asked about my

passport in interrogations here before, and they said it is not here. There is another way to find out. Check with the Yemen International Airport, and you can easily find out the date I left Yemen from the airport authorities.

I left Yemen, went to Pakistan and went to a hotel. I stayed at the hotel for a few days. I wasn't familiar with Pakistan streets and environment, but the name of the hotel is very well known. After 3 days, as I was walking the big textile market, I met a person by the name of Hussein Bashir in one of the shops. He spoke to me in Arabic, lived in Saudi Arabia for 3 years and is about 28 years old. He told me he lived in Mecca for 12 years and his original nationality is Pakistani. He told me he would help me to the right places and introduce me to the right people to buy textiles. He told me not to buy right away and to be patient.

He [Hussein Bashir] was like a friend/advisor to me. I told him I was staying at the hotel and he told me he had a modest house and I should stay with him. I got my luggage from the hotel and went to his house. I stayed at his house for 6 months. Initially, I expected to stay 2-3 weeks at the most. My plan was just to buy textiles and go back to Yemen.

We, [Detainee and Hussein Bashir] traveled all over Pakistan, and he showed me all of the landmarks and sights in Pakistan. I found out later that he [Hussein Bashir] was using me for the money.

Hussein Bashir's mother passed away and he has 2 brothers and we [Detainee, Bashir and 2 brothers] used to sit outside. His father works in Saudi Arabia and I believe he is a driver. His father used to send him about 1000 Saudi Riyals a month. He [Hussein Bashir] used to drink whiskey and smoke hashish. He used to use me to buy whiskey and hashish. He was very smart about making me pay without letting me know he was pushing me to pay. I used to play the role of a generous person, so I used to give it to him.

We used to sit and stay up nights. We spent the whole 6 months going out, having fun, ladies. After that, I realized that half of my money was gone. I used to give him [Hussein Bashir] money in Rupees, Pakistan money, not dollars. He used to spend some money himself also.

I told him [Hussein Bashir] that I needed to get a job because half of my money was gone. He said great and promised me a job. My visa, my stay in Pakistan expired. One day he told me there was a job. I didn't think about it. I just needed a job, any job. I needed to make back the money I lost. He took me to a house in Karachi by the sea on Rabia Basri Avenue. It was a big villa and the owner's name was Asadeen. He [Hussein Bashir] delivered me there, said good-bye and left.

I was to work for this gentleman [Asadeen] as a guard for this house. I stayed there 1½ years. After that, a problem happened in the house. Before that, he [Asadeen] used to

give me 2,000 Rupees a month. Then a problem happened inside the house that caused me to leave.

I contacted Hussein Bashir, [and] he came and picked me up and I went back to his house. I had accumulated a sum of money in this year and a half. I stayed with him for 3 weeks, but feared we would go back to what we were doing before.

At that time I wanted to stay residence [establish residency] in Pakistan. My stay in Pakistan was not legal at that time. This time, I didn't ask Hussein Bashir about a job, I asked him about being able to stay in Pakistan. I wanted to have official residency there so I could come and go with no problem. Hussein Bashir didn't know anything about this personally, but knew someone who did.

Bashir sent me to a person named Shaquille Murat in Lahore, Pakistan. I went to him and showed him a handwritten letter from Bashir, which explained what I needed and wanted, because I couldn't speak the Pakistani language very well. I could only speak a few words. He [Murat] took the letter, read it and didn't pay me too much attention.

In front of the house was a big cemetery and next to the cemetery were 3 restaurants that people could eat at. On the same avenue was the house of Shaquille Murat. He put me in a room on the upper floor with furniture. I lived in that room for 3 months and I used to give him 500 Rupees a month.

Shaquille Murat had the same problem...he used to use hashish and drink with friends. He didn't pay any attention to the matter I had come for. Since I didn't have a job and I wanted to save my money, I used to eat in the free restaurants. These restaurants belonged to a gentleman who had passed away and was buried in the cemetery. He was a very holy, spiritual gentleman. He was financing the restaurants for the poor people.

I spent 3 months there and after that I insisted on doing something about my residency or fix my visa. Murat told me he was going to send me to Faisalabad, Pakistan. Murat said there was a big Arabic community in this area and the Pakistani government would give visas and arrange papers for these people. Murat told me that I would have to bribe to get my visa. This is well known about the Pakistani government. They take bribes for everything.

I went to the address Murat gave me in Faisalabad. The gentleman's name was Issa Nassir and I had his phone number. I called him and he came and picked me up at a bus station in Faisalabad. I stayed with him for 2 months. He had family with him in the house, and it was very small, so I wasn't very comfortable in the situation. He didn't do anything for me, but was always saying to be patient and to wait.

I was leaving and planning to call my family, and then I met [REDACTED] who is also a prisoner here. He was speaking Arabic, and this was the first time I met him. When I heard him speak in Arabic, we introduced ourselves to each other. [REDACTED]

looked at me and asked what I was doing there. I was wearing jeans and a tight t-shirt. It wasn't really appropriate. I didn't have a beard at that time; I was shaven. In the picture they took when they captured me, you'll see that my head was shaved and my beard was shaved.

When I met [REDACTED] I told him I was not comfortable staying with that family in that small house. He told me it wouldn't be a problem. They were all university students and they all lived in a big house and if I wanted to join them, it wouldn't be a problem. I was very happy and went with him.

I went to the house and found a lot of students in the same age group as me. We introduced ourselves to each other.

I stayed in this house for only 2 weeks. This friend of mine, Ahmed, told me that he would check with people that might have connections with the government and see if they could help me fix my problem with my visa. As I said, I stayed 2 weeks and the Pakistani government came and captured all of us.

The people in that house were from different nationalities, but the majority was from Yemen. A few were from other nations. There was one from Saudi Arabia, one from Libya, one from Palestine, and one from Russia. The rest were Yemenis, the same as me.

I didn't have any relationships with anyone in that house. They [the other students] were trying to inspire me and to do the religious things, like look at my religion because most of the students were studying the Koran and all things related to religious studies. They were asking if I wanted to join them in the university. They realized that we weren't really in harmony together because I used to use drugs and hashish and things like that. I used to read magazines. Most of the time, I would stay in the back yard, so I was keeping my distance from them. Not because they were bad, but our minds were going in different directions. They had their way and I had mine. They were just different. When they realized that we weren't getting along or on the same path, they left me alone and didn't bother me much anymore. That's why I wasn't deeply associated with them until the day the Pakistani government came and captured us.

When the Pakistani authorities captured us, there were 2 civilian Americans with them. In that house I had only one good friend and we used to get together all the time. His name was [REDACTED]. We shared the same vision and he has the same opinions. He used to use hashish with me.

When the Pakistani authorities captured us, they delivered us to Lahore [Pakistan]. In Lahore, some civilian Americans interrogated us. I had only 1 interrogation with them and it was the same with the other detainees. After that, we were delivered to Islamabad. The 2 people who I mentioned, the one who took me to the house and the one I was friends with, they are both detainees here. One is [REDACTED] and the one who brought me to the house is [REDACTED]. These 2 guys are present in this camp.

ISN# [REDACTED]
Enclosure (3)
Page 4 of 11

We stayed 1 week in Lahore and then they took us to Islamabad. We stayed there for 2 months and I had 2-3 interrogations and I believe it was the same for all other detainees.

After the 2 months, we were delivered to the Islamabad airport. The airplane took us to Bagram. The American government received us from the Islamabad airport. It was an American military airplane and the soldiers were Americans. We arrived at the military base in Bagram and stayed there 2 or 3 months. I was interrogated about 4 or 6 times. Then they took us to Kandahar and it was the same thing; American airplane with American soldiers. Again, we were received by Americans. We stayed in a small camp with wires, at the Kandahar airport. After 2 or 3 weeks, we walked from the camp to a plane and they took us to Cuba.

I have a letter from my mother stating that I left for business and I believe you have this letter in the prisoner's letters file. In that letter, my mother said that if she knew I went to do something other than to do textile business, she would never have let me go.

When I was captured the first time, I was only 22 years old, I think. I'm not sure about my date of birth.

Money was part of my belongings when I was captured. I think I had about \$1,900.00 and I think it's here in Cuba. This is all of my story.

The Personal Representative stated that when he met with the Detainee, they went over each item in the Unclassified Summary and the Detainee stated that each one of them is not true and they are false allegations.

Questions by Tribunal Members

- Q: You have given us a very detailed story. You have a good memory for detail.
- A: I can't remember most dates, but I've told my story, the same story 30-50 times.
- Q: Where did you learn to speak English?
- A: In this camp.
- Q: Prior to coming to the camp, did you know English?
- A: No, just letters and alphabet in school.
- Q: What is the level of your education?
- A: Middle school, but if you want my life story, I can give it to you.

Q: No thank you [laughter].

Q: The highest level of middle school is equivalent to 8 years? More than that?

A: For us, elementary school is 6 years, middle school is 3 years and high school is another 3 years. I stopped in the middle school, but I didn't finish middle of it. I wasn't fit for studying, so it wasn't the right thing for me. I studied a little bit of English in middle school, but I wasn't good at it; I couldn't absorb it. I only knew the letters and alphabet. Things like, excuse me, I'm sorry, how are you.

Q: From the time you left Yemen until the time you were captured in Pakistan, how long was that?

A: I believe it was close to 2 years or a little more.

Q: Your visa to stay in Pakistan was good for 1 year?

A: It was only for 3 months.

Q: So, all the time over 3 months you were in Pakistan without official permission, like you told us?

A: Yes, that is true.

Q: Who was in charge of the last house you stayed in with [REDACTED] and [REDACTED]?

A: His name was Issa.

Q: What do you know about Issa?

A: I do not know anything.

Q: Did he have any other responsibilities, besides managing the house?

A: He didn't stay in the house. I had heard of him but I don't know him. I saw him only once or twice, talking to the students at the house. He just comes to the door, talks to them and leaves. The guy who was in charge inside the house was a cook. He was a Pakistani man. His name was Jabran.

Q: Did you ever hear of anyone else who was in charge of the house? Anyone else to whom the house belonged?

A: No. The only thing I know is that Issa is in charge of the house and the Pakistani cook was in charge inside the house.

Q: You told us in your story that you had never been to Afghanistan?

A: I never went to Afghanistan.

Q: To your knowledge, were any of the fellow students in the house in Afghanistan?

A: I didn't hear of anything like that.

Q: No one ever spoke of going, if they had gone and come back? Anything like that?

A: No.

Q: Besides the time you worked as a guard for a year and a half that you told us about, how did you sustain yourself? How were you able to live in Pakistan?

A: My main problem, my main focus was how could I leave from the airport? It is easy for anybody to stay in Pakistan if you have the right papers.

Q: I know you mentioned that you used to eat in the free restaurants. You could not have done that all the time.

A: I was thinking if I could fix my papers, I would get an official job. I didn't think of staying in Pakistan and eating free. I am from a middle class family in Yemen and was never comfortable eating for free or have anyone hand me things. I was never comfortable with that.

Q: Besides the time you worked as a guard, did you have any other source of income when you were in Pakistan?

A: No.

Q: You just relied on the money you brought with you from Yemen?

A: Yes.

Q: It was sufficient?

A: I was never thinking of using the money I brought with. I was always thinking of getting a job, but because of my visa situation, I couldn't really get a job. When I needed to drink and eat, I had to use the money I brought with me.

Q: It was enough for the 2 years you were in Pakistan?

A: I didn't understand.

Q: Besides what you earned as a guard, the rest of your money was sufficient for being in Pakistan for 2 years?

A: I didn't come to Pakistan to stay. I only came to buy textiles and go back, but I was forced to stay when my money was gone. That's why I wanted to work and make up my money again. Then I would buy the textiles I came for and go back to Yemen. That was the plan.

In general, I really like Pakistan. It is a very nice country. I liked it very much. It is a lot better than Yemen. It had nice streets and buildings with designs. I liked it much better than Yemen.

Q: If you liked Pakistan better than Yemen, had you gotten a job in Pakistan, why would you want to go back to Yemen?

A: If I found a job with a decent salary in Pakistan, I wouldn't go back for a while. Job opportunities are limited and salaries are very limited. If I could make up my money I brought with me, that would be a very good thing. I'd then go back to my country in the official and legal way.

Q: You are familiar with the evidence that was read to you, and you told us it was false?

A: Yes.

Q: There are 2 parts here where it says that 2 senior Al Qaeda people have identified you as being in Afghanistan.

A: No, I don't know that person at all. It is possible he saw me someplace without me knowing it was an Al Qaeda place or something like that. I don't know anything about Al Qaeda members or anything Al Qaeda. If this person said he saw me in Afghanistan, it is wrong because I have never been to Afghanistan.

I have one question. Is it the same person who saw me in Pakistan that saw me in Afghanistan?

Q: We honestly don't know, at this point. It appears, from the way the summary is written, that it was different individuals.

A: Good, but I absolutely never went to Afghanistan. The person who said they saw me in Pakistan, I never met any members of Al Qaeda, so, if it happens that he saw me or I saw him, how did he know I'm an Al Qaeda member?

From what I knew, all the people in the house were students at the university. It wasn't my job or my responsibility to ask every student if they were a member of Al Qaeda. I wasn't supposed to do that.

I don't think this was translated correctly. I don't want to go and be involved in other guys' lives and be nosy about their lives. It is not my job. All I knew is that they were students at the university. I don't ask them what else they do. That's not my job or occupation.

Q: Have you ever received any military training?

A: No, ever. Not in my country or any other country. I have one question.

Q: When I am finished, you can ask it. So, you are not familiar with any kind of weapons?

A: No, but the only thing is that my dad has a personal weapon and I've mentioned that in all interviews. My father was an officer in the Army. It was normal and fine that he had his weapon with him.

Q: How long did he serve?

A: All his life. He worked with the military all his life.

Q: Did you need to clarify something that was said earlier?

A: No, I don't need to clarify anything about my country, no. As you said, you said I could defend myself, and that's what I did. I don't know the rules in America if someone is defending himself. I don't know if it's enough or not. I don't know. Are you done? Can I ask now?

Q: Yes, go ahead.

A: In regard to my country, terrorism does not start just like that. I'm supposed to start being a terrorist in my country originally. My government is supposed to have cases or a file for me already and they will have all the information about me and what I did before and all the information about my life. This is known in every country. The government knows everything about their nationals. If I had any training or if I was a terrorist, or did bad things in my life. If you talk to them, they will give it to you and you will see.

All of my life in my country I lived a delinquent life. Go ask my government, they will give you all the necessary information.

Q: Did you keep in touch with your family while you were in Pakistan?

A: Yes.

Q: They knew about your visa problems? Couldn't they help you with that?

A: I didn't explain the situation to them. My mom had big aspirations for me to be a businessman. I can't tell my mom that all the money I brought with me I spent on drinking, buying hashish and I can't tell her that.

Q: Can you tell me about how much money you brought into Pakistan with you?

A: \$3,500.00

Q: You still had a little bit to make up when you got captured? You were still trying to get that money back?

A: That is true, yes.

Questions by Tribunal President

Q: How did you injure your leg? [The Detainee has a brace on his left foot and is on crutches.]

A: I was walking and I fell down.

Q: I hope it heals quickly for you and you are back on both feet.

A: Thank you very much.

Q: Do you have anything else you'd like to add?

A: I know in this session the lawyers are not allowed, but can I look for a lawyer myself for other sessions or Tribunals?

Q: Have you been in contact with a lawyer up to this point? Do you have legal representation?

A: I don't know. I was surprised when the Personal Representative told me that I have a lawyer.

The Personal Representative stated that his notes indicated that the Detainee does not have a lawyer.

The Detainee stated that is true, he told the Personal Representative that he did not have a lawyer, but today a letter was read to him mentioning that he had a lawyer.

The Recorder stated that Exhibit R-22 is an affidavit titled Anon v. Bush #04-CV-1194-HHK. Those papers are part of the 144-page exhibit. The part that pertains to the Detainee is part of the Unclassified Summary.

Detainee: Does this mean I have a lawyer?

Tribunal Member: I will explain some of this to you. From the way we view the exhibit, it appears your family, or someone on your behalf has asked the American courts to force the United States government to justify why you are here. That is the action they have brought in the court system. You do have a lawyer representing you, as well as other detainees who are here, but his name is not given to us.

Tribunal President: That is separate from this proceeding. This refers to a legal proceeding that will take place in the U.S. Courts and the Tribunal today is an Administrative hearing, not a legal process. I will explain more about the Tribunal process as we continue.

Detainee: Can I make a phone call after these proceedings?


Tribunal President: That is up to the normal routine, what is normally allowed in Camp Delta. I cannot answer that.


Detainee: Just know that I have been here for 3 years and have [not] been in touch with my family. I don't think this is just and it's not right for the American legal system to not allow people to talk to their families. It is a very small right that is allowed to all detainees around the world. I have a mother, brothers and sisters and I am the man of the house because my father is now out of our house.

Tribunal President: I understand and what you are telling us will be noted. We are here today to determine your enemy combatant status, and that alone is what we focus our attention on today.

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Tribunal President

ISN# 
Enclosure (3)
Page 11 of 11

DETAINEE ELECTION FORM

Date: 23 SEP 04

Start Time: 1800

End Time: 1930

ISN#: [REDACTED]

Personal Representative: [REDACTED] LCDR, USN
(Name/Rank)

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Detainee has requested 4 non-detainee witnesses.

#1. Hussain Bashir who is the 1st guy he met in PK. He stayed with Hussain Bashir for 6months. He can be reached through witness:

#2. Iz Aldin who he stayed with for 1 1/2 years after staying with Hussain. Iz Aldin can be located at Street Rabia Busri, city of Khrachi, PK. After staying with Iz Aldin, he went back and stayed with Hussain Bashir for another 3 weeks then went a stayed with witness:

#3. Shakeel Murat who he stayed with for 3 months. Shakeel Murat can be located in Lahor PK, Tata Del Bar. After 3 months he went and stayed with witness:

#4. Izzat Nasser who he stayed with for 2 months and was arrested there. Izzat Nasser can be located at BiLal Street, Faisalabad, PK.

ISN [REDACTED] has said all the mentioned witnesses can testify that he did not fight.

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (20 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AHMED, Fahmi 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 the detainee is associated with al Qaida.
 - a. The detainee is associated with al Qaida:
 1. The detainee is Yemeni and was captured by Pakistani authorities in Faisalabad, Pakistan.
 2. The detainee was identified by a senior al Qaida operational planner as having been a resident at a safehouse located in Kandahar, Afghanistan in 2001.
 3. The detainee was identified by a senior al Qaida facilitator as having been a resident at a safehouse located in Kandahar, Afghanistan in 2000. This individual also saw the detainee at a safehouse located in Faisalabad, Pakistan in February 2002 with a group of Yemenis who had fled Afghanistan.
 - b. The detainee participated in military operations against the United States or its coalition partners.
 1. The detainee was present on the front lines in Bagram, 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

14. Respondent Rumsfeld is the Secretary of the United States Department of Defense. Pursuant to either the November 13, 2001 Military Order or the President's authority as Commander in Chief and under the laws and usages of war, Respondent Rumsfeld has been charged with maintaining the custody and control of Detained Petitioners.
15. Respondent Hood is the Commander of Joint Task Force-GTMO, the task force running the detention operation at Guantánamo. He has supervisory responsibility for Detained Petitioners.
16. Respondent Cannon is the Commander of Camp Delta, the United States facility where Detained Petitioners are presently held. He is the immediate custodian responsible for Detained Petitioners' detention.

STATEMENT OF FACTS

17. Detained Petitioners seek to enforce their right to a judicial determination of whether there is a factual basis for Respondent's determination that they are "enemy combatants."
18. Aside from an unsupported assertion that all detainees at Guantánamo Bay are enemy combatants, Respondents have not advanced any justification for the arrest, transportation and continued incarceration of Detained Petitioners.
19. In particular, Respondents have not produced any evidence that Detained Petitioners had any link to al Qaeda, or any other organization or persons involved in the terrorist attacks on September 11, 2001, or in any other terrorist attack on the United States or its citizens.
20. Nor have Respondents produced any evidence that Detained Petitioners were members of the Taliban armed forces or that they were involved in armed conflict by the Taliban against the United States.
21. Respondents have not produced any information concerning the circumstances of the seizure of Detained Petitioners whatsoever. The limited information available indicates that some, if not all, of Detained Petitioners were seized by Pakistani police in Pakistan in 2001 about 2002. Whether the Pakistani police provided Respondents with any

information to justify the classification of Detained Petitioners as enemy combatants is not known to counsel for Detained Petitioners, but known by Respondents, who have refused to disclose any information concerning the circumstances of Detained Petitioners' arrest, transfer, transportation or detention.

- 22. The limited information available indicates that Detained Petitioners traveled to Pakistan for reasons unrelated to any activities of al Qaeda or the Taliban, and they were not members of either organization. On the information and belief of the families of Detained Petitioners, Detained Petitioners traveled to Pakistan for educational, business or missionary reasons, and remained there for those purposes until they were arrested by Pakistani police as part of a dragnet seizure of Yemeni citizens.
- 23. On information and belief of the families of the Detained Petitioners, the Detained Petitioners are not, nor have they ever been, enemy aliens, lawful or unlawful belligerents, or combatants of any kind. Nor have they ever been "enemy combatants." They are not "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in an armed conflict against the United States there." *Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 2639 (2004).

Petitioner [REDACTED]

- 24. In 1999, Petitioner [REDACTED] departed Yemen for Pakistan to find work. See Ex. A [REDACTED] Declaration) at ¶ 2. In Pakistan he established a trading business. See Ex. A at ¶ 3.
- 25. Petitioner [REDACTED] was arrested in Pakistan by Pakistani police some time after the war in Afghanistan began. See Ex. A at ¶ 5. The Pakistani police had been arresting many Yemenis in the region and handing them over to the United States military. See Ex. A at ¶ 5.

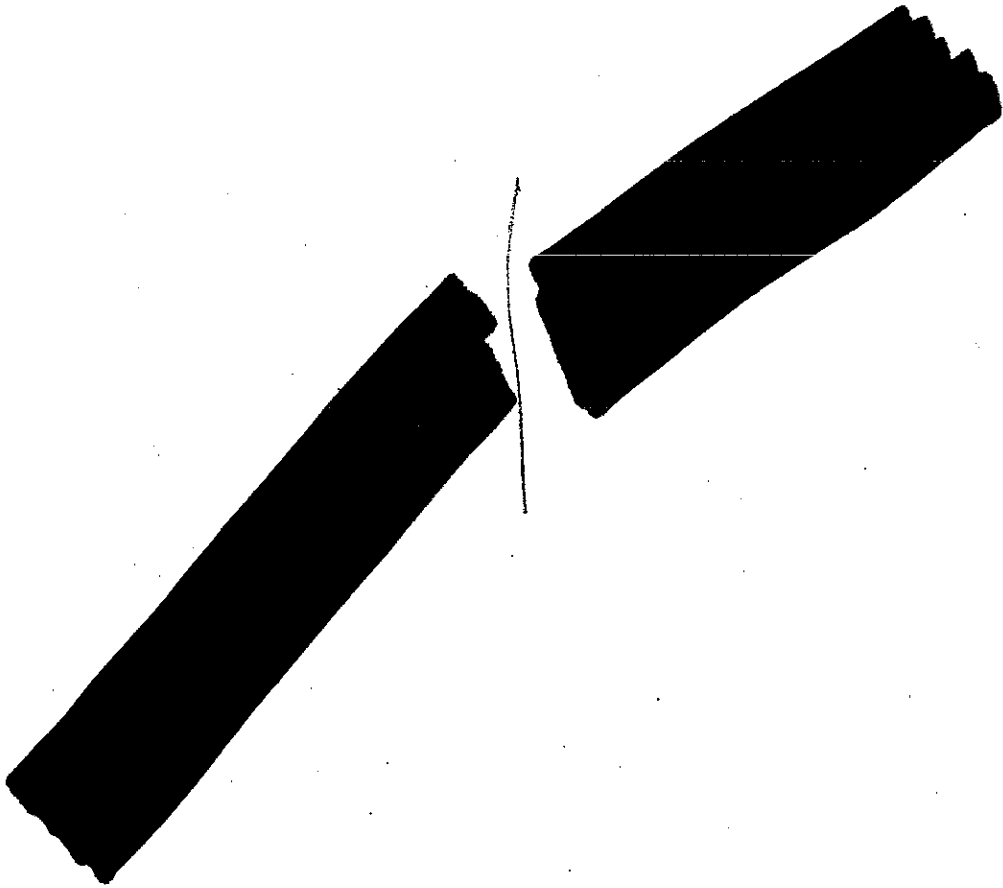
April 2002 via the ICRC. See Ex. S at ¶¶ 6-7. They learned that he was a prisoner in Guantànamo. Petitioner [REDACTED] reported that he was safe and well, and he asked his family to pray for him. See Ex. S at ¶¶ 7-8. His family is very concerned about Petitioner [REDACTED] well being, and his mother's health has worsened. See Ex. S at ¶¶ 10-12.

59. On information and belief, Petitioner [REDACTED] is not and was never a member of al Qaeda or the Taliban armed forces. See Ex. S at ¶ 13. To the best of Petitioner [REDACTED] knowledge, no charges have been brought against Petitioner [REDACTED] and he has not been brought before any court or tribunal while in detention. See Ex. S at ¶ 15.

Petitioners [REDACTED]
Fahmi Abdullah Ahmed, [REDACTED]

60. To date, neither the United States government, nor the government of Yemen have provided any information regarding the circumstances surrounding the arrest and detention of Petitioner [REDACTED], Petitioner [REDACTED], Petitioner Fahmi Abdullah Ahmed, Petitioner [REDACTED], or Petitioner [REDACTED].

61. These Detained Petitioners are incarcerated and held in Respondents' unlawful custody at Guantànamo. See Ex. U (Authorization of [REDACTED]), Ex. V (Authorization of [REDACTED]), Ex. W (Authorization of [REDACTED]), Ex. X (Authorization of [REDACTED]), and Ex. X (Authorization of [REDACTED]).



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Personal Representative Review of the Record of Proceedings

I acknowledge that on 08 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]
[REDACTED] LCDR, USN

0405 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser 949.

25 FEB 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 691

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 #691 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 B. Wiegmann)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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1 Feb 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #691

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

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

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

a. The detainee was properly notified of the Tribunal process and elected to participate. *See* exhibit D-a. The detainee also provided a sworn oral statement in question and answer format. *See* enclosure (3). The Tribunal considered the detainee's statement 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). Note that some information in exhibits R-3 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 requested 14 witnesses:

i. The Tribunal President determined that the proffered testimony of the witnesses was not relevant due to its redundant nature.

ii. The Tribunal President did allow the detainee three witnesses of his choice. The detainee's Personal Representative was directed to assist the detainee by interviewing the potential three witnesses. Two of the three requested witnesses testified to the Tribunal. *See* enclosure (3). The Tribunal considered the witnesses' testimony in its deliberations.

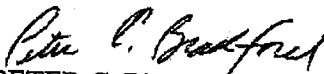
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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 691

iii. In my opinion, the Tribunal President should have determined that all 14 witnesses' testimony was relevant, and allowed the detainee the opportunity to ask their assistance in his Tribunal by testifying. However, it also my opinion that the Tribunal acted properly in determining that the detainee is properly classified as an enemy combatant absent the testimony of the 11 witnesses the detainee requested.

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.


PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

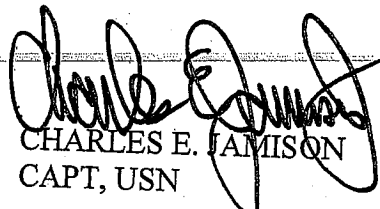
MEMORANDUM FOR DIRECTOR, CSRT

28 January 2005

FROM: OARDEC FORWARD Commander ICO ISN 691

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #12

(U) ISN#: 691

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

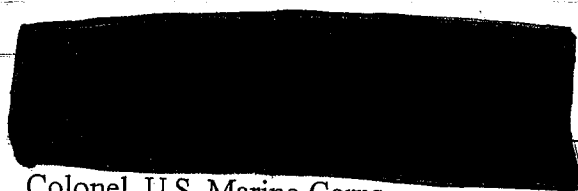
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review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

1. (U) This Tribunal was convened on 10 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 10 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #691 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 forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

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



Colonel, U.S. Marine Corps
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #12
ISN #: 691

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 is a member of, or affiliated with, al Qaida forces that 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 is associated with the Taliban and al Qaida and is a member of Jama'at al-Tabligh. The Detainee's travels were facilitated by Jama'at al-Tabligh. The Detainee engaged in hostilities against the United States or its coalition partners in that he fought on the front lines with the Taliban in the Karbogh area and in Kabul. The Detainee chose to participate in the Tribunal process. He called two witnesses, requested no documents be produced, and made a sworn verbal statement. The Detainee, in his verbal statement, denied being associated with the Taliban and al Qaida and claimed he traveled only to learn about religion. He indicated that the Jama'at al-Tabligh never helped him, except to obtain a visa. 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-17.
- b. Testimony of the following persons: Ahmed Abdul Qader and Mohammed Hassan. Their Internment Serial Numbers are included at Enclosure (2) to the CSRT Decision Report.
- c. Sworn statement of the Detainee.

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ISN #691
Enclosure (1)
Page 1 of 3

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

The Detainee initially requested fourteen (14) witnesses who were all captured together in a Pakistani house. Due to the redundant testimony that would have been provided by each witness, the Tribunal President allowed the Detainee to call no more than three witnesses. The Personal Representative assisted the Detainee in choosing the three of the original fourteen to testify. Of the three chosen, one did not wish to participate; therefore the remaining two were produced for the hearing and are listed below:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Ahmed Abdul Qader	Reasonably Available	Yes
Mohammed Hassan	Reasonably Available	Yes

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and the sworn testimony of the two witnesses. A summarized transcript of the Detainee's sworn testimony and the sworn testimony of the witnesses is attached as Enclosure (3) to the CSRT Decision Report. In sum, the Detainee testified that all the accusations that were said before are not true. He only left to learn about Jama'at al-Tabligh, he was not a member and only wanted to learn about their religion. They never helped him except to help him get a visa. The witnesses corroborated the Detainee's involvement as a missionary with the Jama'at al-Tabligh, stayed at this same house with him, and were arrested together. The Tribunal found the Detainee's testimony in large part unconvincing after reviewing all of the evidence and noting that the Detainee's denials of the points on the Unclassified Summary of Evidence were in fact refuted by other exhibits.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

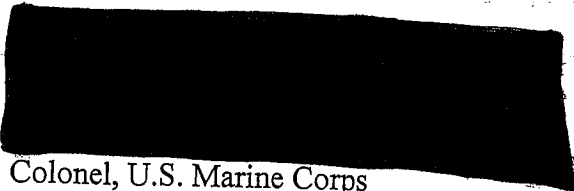
b. The Detainee actively participated in the hearing and asked how it was decided that he was an enemy combatant when all of the evidence is not true? The Tribunal President answered his question by further explaining the CSRT process and stating that only after hearing all the testimony and reviewing all the information about him would the Tribunal determine his enemy combatant status. After this additional explanation it was clear that the Detainee understood the Tribunal process.

c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, al Qaida forces that 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,



Colonel, U.S. Marine Corps
Tribunal President

Unsworn Detainee Statement – ISN 691

Detainee: All of the things said about me earlier are not true. What should I present if they were not true?

Tribunal President: You will have an opportunity to make a statement, and, with the assistance of your Personal Representative, you can tell us your story.

Detainee: If you bring me true accusations, I will talk about them, but those are all false. How can I reply to something that's false?

Tribunal President: That will be your decision. You will have an opportunity to reply and we may ask you questions.

Detainee: All the points said before were all not true. What else should I say? I'm telling you they are all untrue.

Tribunal President: After you have made your statement and we ask you some questions, we'll give you an opportunity to call your two witnesses. They will have the opportunity to testify on your behalf, and you will be given the first option to question the witnesses. The Tribunal panel will then question the witnesses, and then we will continue with the process. Before we conclude the open session, I will explain the processes following this tribunal.

Before we continue, would you like to make your statements under oath?

Detainee: Yes, that's no problem.

The Detainee began to cough due to his fasting and requested a cup to spit in. The Personal Representative retrieved a cup and napkins for the Detainee.

The Detainee had a question and the Tribunal President asked him to wait until the Personal Representative returned to ask his question.

Personal Representative: The Detainee had that cough during our interview sessions as well.

Tribunal President: Whenever you're [Detainee] ready, you may ask your question.

Detainee: How did they decide I'm an enemy combatant when all of the evidence is not true?

Tribunal President: We'll be happy to discuss that after you take the oath.

The Detainee was sworn.

Sworn Detainee Statement

Tribunal President: To address your question, the Tribunal has been assigned to determine whether you have been properly classified as an enemy combatant or not. We have come in here with an open mind; we have not seen your file and we did not see this evidence until this morning.

The United States government has previously determined you to be an enemy combatant because of the items listed on the Unclassified Summary of Evidence. Today, you are given an opportunity to be made aware of that, to make a statement on your behalf in reference to these allegations and you've been given an opportunity to call witnesses. You've decided to do that and we've allowed two witnesses to appear today, who will also be given the opportunity to testify on your behalf.

After we have heard your statements and reviewed the evidence, we will close the open session. If there is classified evidence against you, we will review that as well. After we have reviewed all information about you, we will make a decision about your classification as an enemy combatant. Later in these proceedings I will explain what will happen after the Convening Authority notifies you of our decision.

If you are ready, you may begin your statement.

Detainee: All the accusations that were said before are not true. There were two points mentioned about me being a member of Jama'at al Tabligh. That is not true; I am not a member of Jama'at al Tabligh.

I only left to learn about Jama'at al Tabligh; I was not a member. I learned about [their] religion only. The second point was that Jama'at al Tabligh helped me. That's not true. They never helped me. I only took one paper from them, which proves I was there to learn. That paper was to help me get a visa. They never helped me with anything.

The rest of the points are not true. I'm not them in any way and I cannot talk about it.

Personal Representative: The Detainee and I met on 25 October [2004] for about an hour. Like today, he denied the majority of the evidence. He did clarify that the Jama'at al Tabligh only helped him put paperwork together to get a visa. He stated he was not a member of Jama'at al Tabligh, nor a member of the Taliban or al Qaida.

For the record, on the Unclassified Summary of Evidence, 3(a)5 through 3(a)8 are outright not true.

The Detainee also told me that he did not go to Afghanistan at any time, so point 3(a)4, that he met a senior al Qaida Lieutenant at a guesthouse in Kabul, is not true either.

The Detainee stated he was arrested in Pakistan, but points 3(b)1 and 3(b)2 are not true. He then talked about the 14 people in the house that were all arrested, and that he would like some of those witnesses help identify that he was there and what he was doing and that he was not there to be a fighter.

Correct me if I'm wrong [Detainee], you went to learn about Islam as a student. - Is there anything you'd like to add?

Detainee: What do you mean when I went to study Islam?

Personal Representative: You were in Pakistan to learn about Islam?

Detainee: I was in Pakistan with Jama'at al Tabligh to learn.

Personal Representative: Would you like to add anything else? Sir, [Tribunal President] that was the essence of our meeting.

Detainee: I don't have anything else.

Personal Representative's Questions to Detainee

Q: You stated you never went to Afghanistan?

A: I never went to Afghanistan.

Q: When did you go to Pakistan?

A: I went to Pakistan in the end of February.

Q: Of what year?

A: I don't remember. I've been here three years. It's in my file. After ten months the Americans arrested us in the house, through the Pakistan government.

Q: How long were you in the house? Ten months?

A: I was in that house a month and a half.

Q: You and thirteen others were arrested at the same time?

A: Yes, but they were not with me. Correction... the date was August, not February. There were people in the house when I went there and when I was there people were coming in that I did not know.

Q: What was the purpose of what was going on in that house? What were people doing?

A: People were students; some were sick. People I don't exactly know.

Q: You were a student?

A: They were studying religious philosophy. They were students.

Q: Why do you think you were arrested?

A: It was pointed out to the Pakistan government that we were religious students. I do not know why they arrested us.

Tribunal Members' Questions to Detainee

Q: What country do you come from?

A: Yemen.

Q: What was it that made you decide to go to Pakistan?

A: I replied to all of those questions. When you review my file, you will find all of my answers.

Q: As explained earlier, we have not had access to your file. I'm trying to understand the rest of your story.

A: Because I've been here three years, I've forgotten most of the details. I remember the things that stood out.

Q: I thought I'd start with a pretty easy question, which was why did you decide to go to Pakistan?

A: I went to learn about Jama'at al Tabligh.

Q: Did you have an occupation in Yemen before you left for Pakistan?

A: I was a farmer.

Q: Do you have a strong interest in religious matters?

A: The only important thing to me was agriculture.

Q: Was it an expensive trip from Yemen all the way to Pakistan?

A: In my situation, I would say yes, it was expensive for me.

Q: Did anyone help you fund your travel or did you have to do it yourself?

A: No one.

Q: How long were you originally planning to stay in Pakistan?

A: I didn't have a time. I was going to finish my learning and leave.

Q: Did you have a farm at home and someone was taking care of it for you?

A: I had a farm; I had people watching it. The time I took off was vacation time. I wanted to be back for planting season to start planting.

Q: What time of year is planting season in that part of the world?

A: Planting time differs by which kind of plant.

Q: When you were in Pakistan, were you only in one place or did you move around to different places?

A: I would go with Jama'at al Tabligh from one mosque to another.

Q: Roughly, your total time in Pakistan before you were arrested was about three months, or was it longer than that?

A: With Jama'at al Tabligh, four months, and when I was sick in that house, and there is proof that I was ill because I was taking medication, it was about a month and a half.

Q: So, four months with Jama'at al Tabligh and you were sick for a month and a half?

A: Yes.

Q: Were you seriously ill, if you don't mind me asking what was wrong with you?

A: I broke out, and I had pimples on my hands, like chicken pox. I have scars from them. [The Detainee showed the pox marks on his hands and wrists.] I had medication I was taking in Pakistan. It was in the house with me. The Americans have it all.

- Q: Were you restored to health before you were arrested or were you still ill when you were arrested?
- A: I was still ill.
- Q: You did get some medical care in Pakistan?
- A: Sometimes I would get shots and take pills.
- Q: Did they help you at all?
- A: In prison, or...?
- Q: No, I assume you were taking the pills in the house.
- A: I never improved.
- Q: The people in the house with you when you were arrested, were they all from Yemen?
- A: There were people from Yemen and people from other places. I don't know exactly where. I didn't go there for those people; I just went there to get medication and to study. That's it.
- Q: The Jama'at al Tabligh people are the ones that helped you find the house to stay in?
- A: No.
- Q: How did you know how to find the house to stay in, where they would accept you?
- A: When I went to the Salafia University, the religious university, they told me where to go. I sat with a group of Arabs and also to get better so I could go back to the University to finish my studies.
- Q: So, you were enrolled as a student there?
- A: I was a visitor, visiting for an hour or two only.
- Q: You didn't take any classes there?
- A: At the time I was very sick. I just wanted to get well. Just to meet people.

Q: You didn't get sick until you were in Pakistan. Is that correct?

A: I got sick in Pakistan.

Q: Concerning the witnesses you have asked to testify for you today, what do you expect they will tell us?

A: They know I was at that house, that I was a student, and I was with Jama'at al Tabligh.

Q: Were they also people that were studying with you?

A: I was with Jama'at al Tabligh and they were studying at the university, but I do not know who they are exactly. When I see them, I can tell you who they are and I can tell you if this guy was studying or if he was Jama'at al Tabligh.

Q: So, some people at the house were at Salafia University and some people were like you, with Jama'at al Tabligh?

A: Maybe one was Jama'at al Tabligh. I don't remember exactly. I don't know if he's registered as Jama'at al Tabligh.

Q: When you traveled to Pakistan, was that the first time you left Yemen?

A: Yes.

Q: So, you were never anywhere else in the world besides Yemen?

A: No.

Q: When you were in the house, you said that people were either students or learning about religion. Were there any individuals in the house that spoke about al Qaida, the Taliban, or fighting for Islam?

A: I never mixed with other people. Most of the time I was sick in the room. At the house, I think just one of them was Jama'at al Tabligh; most of them were at Salafia University.

Q: All the money you needed in Pakistan came from your own money that you saved and brought with you?

A: Yes.

Q: When you were arrested, did you have a passport?

A: It was in the house.

Q: So, you had it?

A: It was with me in the house. When the Pakistani government took me outside, my passport was in my bag, inside the house.

Q: Have you ever seen your passport again?

A: When I spoke about it, they [unknown] told me the Pakistani government took it.

Q: Do you have any idea why someone thinks you altered dates in your Pakistani visa?

A: That's not true. At my last interrogation, they told me they don't have my passport, so how can they bring such a thing if they don't have my passport?

Q: Have you ever had, in your lifetime, any military training?

A: I've never known anything about it.

Tribunal President's Question to Detainee

Q: In Yemen, what type of crops did you grow as a farmer?

A: According to the season, we have tomato season, potato season and we have flower season. What kind of crop I would plant would depend on the season. I planted many things; not just one. I just wanted to make a living and make some profit.

Q: Was life good, or did you have trouble sustaining your family?

A: Sure, it was a little difficult.

Q: What caused you to decide, at this time in your life, to travel to Pakistan to study with the Jama'at al Tabligh?

A: Religious purposes. The most important thing is to learn about religion.

Q: Did any religious leader suggest this to you in Yemen?

A: No, it was my choice to go or not.

Q: Did any of your family or friends do this before you?

A: No, most of them were busy. They didn't pay attention to those things.

Q: How did you learn about Jama'at al Tabligh in Pakistan?

A: From the Jama'at al Tabligh in Yemen.

Q: Did they assist you in your transportation and setting up your travel to Pakistan?

A: They didn't help me. I only went with them from Yemen to learn. The origin of the missionary or the Tabligh came from India and Pakistan, so I chose to go there to learn more. There were more things to learn there.

Q: Did you have any stopovers before you got to Pakistan, or was it a straight flight from Yemen to Pakistan?

A: I stopped in one place, but I don't remember if it was Qatar or United Arab Emirates, but I think it was United Arab Emirates. We stopped for 45 minutes, more or less.

Q: Was there someone there at the Pakistan airport to meet you from the Jama'at al Tabligh?

A: Yes, I was a stranger and didn't know anything, so they came to the airport.

Q: Before you got sick, were you able to conduct any missionary work, with the assistance of the Jama'at al Tabligh?

A: I was with them for four months. After that, I got sick, but it wasn't major. I had chicken pox, but it wasn't as bad. I didn't pay attention to it in the beginning; I thought it was a rash and it would go away. Day by day my situation got worse. I used a lot of medications and most of them didn't do anything. I was at Salafia University as a visitor. They said there was a house with Arabs, so I decided to go stay there to get treated and get well. I asked some of them for help if I needed to go to the hospital or to take medication.

Q: I'm interested more about the time you were healthy; the four months you were studying with the Jama'at al Tabligh. What type of activities did you do during that time?

A: I stayed with them in Lahore for two months, and we went from mosque to mosque. Every three days, we'd go to a different mosque. We'd sit and learn. Two months after that I went to Islamabad and we did the same thing there. When those two months ended, I went to (inaudible). I took my passport and my

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personal belongings and by then if I wanted to benefit more from the Islamic teaching, I should attend Islamic schools. I went to Faisalabad to visit the university to see what kind of classes and programs they have and that's when I was notified about the Arab house, so I went to the Arab house.

I don't have a problem repeating my story twenty times. Every time interrogators and investigators ask me the same thing, so I have to repeat it over and over again. If there were a tape recorder and a tape, if you played it that much, it would have been broken by now. I've said it so many times, and hopefully this is the last time I'll say it.

The Personal Representative called Ahmed Abdul Qader, ISN 690 and Mohammed Hassan, ISN 681. The Detainee did not know the witnesses by name, but stated that we could bring them in.

The Personal Representative showed the Detainee photographs of the individuals identified as witnesses. The Detainee recognized them, but knew them by slightly different names.

The Tribunal President stated as long as the witnesses are still acceptable to the Detainee, we will call them.

Personal Representative: State your name please. [Witness, ISN 690]

Witness: My name is Ahmed Abdul Qader.

Tribunal President: You have been called here to testify on behalf of Mohammed Ali Salem Al Zarnuki. The Recorder will now administer the oath.

Witness: I choose not to take the oath.

Tribunal President: Witnesses will be required to take an oath, or they will not appear. If you choose not to take a Muslim oath, we will ask that you promise to tell the truth. The Recorder will identify the promise you will take.

Witness: Good.

Tribunal President: Are you willing to take the Muslim Oath?

Witness: Yes.

The witness, Ahmed Abdul Qader, ISN 690, was sworn.

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Detainee's Questions to Witness Ahmed Abdul Qader, ISN 690

Q: I was shown your picture, Ahmed Abdullah, and I was told I could have you as a witness because you were one of the people in the house. That's why I called you here. You were brought here to testify that I was at that house. Please tell them [the Tribunal panel] what you know about me and that I was at the house. You know everything about me living in Pakistan.

A: I know this man from a house in Faisalabad. About a month and a half before...I only know he is a missionary person. I have never seen him before that. That's what I know about him.

Personal Representative's Questions to Witness Ahmed Abdul Qader, ISN 690

Q: First, thank you for coming to testify today. The house you stayed at; how big was the house?

A: I don't know the distance, but I'd say it had about five rooms.

Detainee: There were four rooms, a kitchen and two bathrooms.

Q: How many...

Tribunal President: Excuse me. Let's clarify, for the record, that the Detainee responded, not the witness. Now, if the witness could answer that question?

A: I'm not sure, but I'd say four to five rooms.

Q: Did each person have his own bedroom?

A: No.

Q: So, you shared sleeping quarters?

A: It was a particular place. Personally, I didn't have my own place.

Q: Did you get to see people coming and going throughout the day?

A: I did not see them.

Q: Are you a student?

A: I didn't study in school.

Q: What was your purpose for being in the house?

A: I wanted to return to Yemen.

Q: How often did you see Mohammed Ali [Detainee]? Once a day? Once a week?

A: We all ate together and we would pray together during prayer time.

Q: You saw him every day then?

A: Sometimes, he was ill and couldn't eat and pray with us, but we would eat and pray together.

Q: Did you say he was ill? He was sick?

A: I'm not sure if I said if he was. I can't say I saw him everyday, but I saw him regularly or normally during prayer time and eating time.

Q: You did not see him coming or going out of this house?

A: I did not.

Q: Do you know if he had his own room?

A: I do not remember.

Q: Do you know what the other people were doing at the house?

A: We would cook and clean together. We didn't have work.

Q: Why do you believe the group was arrested?

A: Me, personally, I didn't know why I was arrested. When they came and asked for my passport and I gave it to them, I think I was arrested because my visa was expired.

Tribunal Members Questions to Witness Ahmed Abdul Qader, ISN 690

Q: Did you say you were also a student in Faisalabad?

A: I didn't study.

Q: So, what was your purpose for being in the house?

A: I wanted to return to Yemen.

Q: What brought you to Pakistan in the first place?

A: I went to Pakistan to learn computers and the Holy Koran.

Q: Were you also involved with the Jama'at al Tabligh missionary group?

A: No.

Q: So, your computer study, was that something on your own or did you go to school for that?

A: I wanted to register in school, but I didn't see a school that was teaching in Arabic.

Q: You traveled all the way from Yemen to Pakistan to study computers, but you didn't know where to enroll to do that?

A: No.

Q: Was there anyone to help you figure out how to do this?

A: No.

Q: Were you in the house longer than Mohammed Ali [Detainee], or was he there before you?

A: I was there before he was.

Q: The entire time he was in the house, you were there also?

A: Yes.

Q: The people in the house, they were all doing different things, but they were all Arabic people?

A: They were all Arab. The cook was Pakistani.

Q: The Arabic guests all had their own reasons for being there?

A: I did not know all of their reasons for being there, but I know they were all Arabs.

Q: Were any of them with you doing the same things you were doing?

A: I don't know.

Q: There were no other computer students or people to study the Koran with you?

A: I don't know.

Q: Did you travel anywhere else other than Pakistan?

A: I wanted to say my story in my own tribunal, with the help of my own Personal Representative, but I'm here to testify about the time I spent with him [Detainee].

Q: Okay. At the time of the arrest of the 14 people in the house, did you own a computer?

A: No.

The Witness, Ahmed Abdul Qader, ISN 690, was excused.

The Personal Representative left the room to call the next witness.

Detainee: I just want to remind the Tribunal that there was a Russian with us.

Witness: It's true. I remember now. There was one Russian with us.

Detainee: God be with you [Witness].

The witness, Ahmed Abdul Qader, ISN 690, was removed from the Tribunal room.

The Tribunal President advised the Personal Representative that the Detainee and the Witness stated there was also a Russian at the house with them.

Detainee: I thought I was given a chance to questions or ask my witness. I thought you were going to give me that chance. It appears to me that he forgot the number of rooms and that we had a Russian with us. If we had met before, we might have been able to ask each other what we remembered. Maybe he would have remembered more.

Tribunal President: You will be given the first opportunity to ask the questions to your witness. If there is anything...

Detainee: I don't have a problem with anything; I just wanted to be prepared to ask the questions. We've been away from each other for three years now.

Tribunal President: You'll have the opportunity to do whatever you want in the time we have here.

Detainee: When I was in Pakistan, I was ill, but I was being treated. Here, I am ill and no one is giving me any treatment.

Tribunal President: It is my understanding that you have access to medical care here.

Detainee: Not 100%. I've had the bump on my head for one year now and I've been telling them about it. This happened to me here in Cuba and it hurts a lot, especially when I pray. [The Detainee had a bump in the center of his forehead approximately the size of a quarter.] I don't know why I'm not getting the treatment.

Tribunal President: We will bring it to the attention [of the appropriate agency] that you are not getting medical care.

Detainee: If you could do that.

The Personal Representative called the witness, Mohammed Hassan, ISN 681.

Tribunal President: The witness is here to testify on behalf of this Detainee.

Personal Representative: Please state your name [Witness].

Witness: Mohammed Mohammed Hassan Al Udien.

Tribunal President: I'd like to confirm with the Detainee that this is an acceptable witness for him.

Detainee: I can talk now?

Tribunal President: No, I just want to confirm that this is one of the witnesses you requested.

Detainee: I want to say that he [Witness] came in the night we were arrested and he knows we were arrested together in Faisalabad and he will tell what happened.

Tribunal President: This is one of the witnesses you requested, yes?

Detainee: Yes, he is one of them. He will testify to what he knows.

Tribunal President: Very good. That's all I wanted at this point. Now, to the witness, you are here to testify on behalf of the Detainee. We ask that you take an oath or a promise to tell the truth. Would you like to take the Muslim oath?

Witness: Yes.

The witness, Mohammed Hassan, ISN 681, was sworn.

Detainee's Questions to Witness Mohammed Hassan, ISN 681

Q: First, I want to thank you for coming here. Second, I was shown your picture and given a chance to ask you (inaudible) and I want you to testify to tell the truth about what happened.

I've said it before, everyone at that house knows I'm a missionary and you can testify to that too. May God give you long health.

Tribunal President: Do you have any other questions for the witness?

Detainee: The problem is that I didn't have time to sit with him and ask him [questions] but he was with us the night we were arrested. I don't have anything else.

Personal Representative's Questions to Witness Mohammed Hassan, ISN 681

Q: Mohammed, thank you so much for coming out today. You were with Mohammed Ali the night you were all arrested?

A: I came to his house and saw him at that house.

Q: The night of the arrest, was that the first time you saw Mohammed Ali?

A: Yes.

Q: Did you come to the house early in the morning or late in the afternoon? When did you come to the house?

A: I ate dinner with them.

Q: You did not know Mohammed Ali before you ate at that house?

A: That was the first time I'd seen him.

Q: Did you know anybody else at that house?

A: Yes, I know Mohammed Ali is a missionary person, a Jama'at al Tabligh person.

Q: I'm sorry; he's a missionary person?

A: A group called Jama'at al Tabligh.

Q: He was a missionary for that group?

A: I don't know the details. We met more in prison.

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Q: Did you know he was a missionary that night in Pakistan?

A: Yes, at that time I knew he was a missionary.

Q: Did you see him with any type of weapons that night?

A: No, I did not.

Q: Did anyone in the house have weapons?

A: No.

Q: Are you a student?

A: I'm a student at Salafia University.

Q: Why do you think the group was arrested?

A: I do not know, but the interrogator said the house was suspected.

Q: Did you know that before you went to that house?

A: No, I didn't know.

Q: Why did you go to that house?

A: When I was at the university, I was told that there were Yemeni people at that house. I went to visit them.

Q: You didn't go to stay? You went to visit?

A: I was just visiting.

Q: Many people at that university went to that house to stay and to visit?

A: I do not know, but one of the students gave me the address of the house.

Q: One of the students at the university?

A: Yes, he lives in that house.

Q: About how far is that house from the university?

A: I don't know, but driving in a vehicle takes five minutes.

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Tribunal Members' Questions to Witness Mohammed Hassan, ISN 681

Q: You are also a native of Yemen. Is that right?

A: Yes, I'm Yemen.

Q: You were a student at the Salafia University in Faisalabad. Is that correct?

A: Correct.

Q: What attracted you to travel all the way to Pakistan to go to school?

A: My father advised me to go there and study and memorize the Koran.

Q: Did you have a job in Yemen before you left?

A: I was studying high school in Yemen.

Q: After you finished high school, your father said you should go to this school to learn?

A: Yes.

Q: How long were you able to be at the school before you were arrested?

A: I was at the university for four months.

Q: But, you did not live at the same house as Mohammed Ali? You lived somewhere else?

A: I stayed in the university dorms.

Q: You visited him the night he was arrested. It was just a mere coincidence that you saw him that same day?

A: Yes.

Q: Do you know any of the other people in the house that you went to visit?

A: Yes, I know one, the one who gave me the address. His name is Ahmed.

Q: He was also a student and from Yemen.

A: Yes.

Q: Have you traveled anywhere other than Pakistan since leaving Yemen?

A: Never.

Q: It's just been in Yemen and Pakistan? That's it?

A: Yes.

Tribunal President: Mohammed Ali Salem Al Zarnuki, do you have any other questions to this witness?

Detainee: I don't have any more questions.

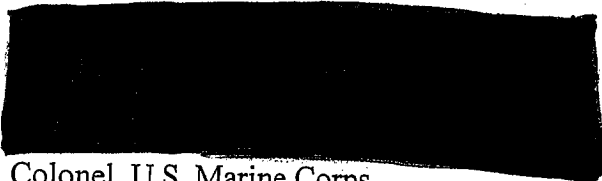
The witness, Mohammed Hassan, ISN 681, is excused.

Detainee: May God be with you, Mohammed.

Witness: May God be with you.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 25 October 2004

Start Time: 1040 hrs

End Time: 1140 hrs

ISN#: 0691

Personal Representative:  MAJOR, USAF
(Name/Rank)

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Detainee desires to participate in the Tribunal. Detainee requested ~14 detainee witnesses who were all captured together in the same Pakistani house. PR is researching files to determine ISNs. President approved three witnesses. After PR interviewed all three witnesses, 2 witnessed desired to participate in the Tribunal. There is no documentary evidence.

Personal Representative: 

Exhibit D-a

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (15 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – SALEM AL ZARNUKI, Mohammed Ali

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of the Taliban and al Qaida and engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is associated with the Taliban and al Qaida:
 1. The detainee is a member of the Jama'at al-Tabligh.
 2. The detainee's travel to Pakistan was facilitated by Jama'at al-Tabligh.
 3. Jama'at al-Tabligh, a Pakistani-based-Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists including members of al Qaida.
 4. The detainee reportedly met a senior al Qaida lieutenant at a front line guesthouse in Kabul.
 5. The detainee reportedly altered the dates on his Pakistani visa.
 6. The detainee reportedly was at the al Qaida village near the Kandahar airport.
 7. The detainee reportedly was at the Mes Aynak training camp.
 8. The detainee is associated with al Qaida.
 - b. The detainee engaged in hostilities against the United States or its coalition partners:
 1. The detainee fought on the front lines with the Taliban in the Karbogh area north of Kabul.
 2. The detainee was on the Taliban lines in Kabul.

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

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Memorandum



To : Department of Defense Date 10/14/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

The following documents relative to ISN 691 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/19/2002
FD-302 dated 03/26/2002

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

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/14/2004


If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED]

or Intelligence Analyst [REDACTED]

Intelligence Analyst [REDACTED]

Personal Representative Review of the Record of Proceedings

I acknowledge that on 25 January 2005 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #691.

 I have no comments.


My comments are attached.

 Lt Col, USAF

Name PERSONAL REP TEAM LEAD

25 Jan 05
Date



Signature
FOR MAJ 



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser:942.1

25 FEB 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 692

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 #692 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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3643



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

UNCLASSIFIED

31 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 692

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

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

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

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-3 and R-4 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested 1 witness. The Tribunal found the witness to be relevant. However, due to military policy at Guantanamo Bay, the Tribunal President determined that the witness was not reasonably available. In my opinion, for the reasons detailed in enclosure (1), the Tribunal President acted properly in determining the witness to be not reasonably available. The detainee also requested that his passport be produced. The Tribunal President determined that the detainee's request for production was relevant. A search for the record by Base personnel was not successful in locating the record; therefore, the Tribunal determined that the passport was not reasonably available. In my opinion, the Tribunal President acted properly in determining the document was not reasonably available.
- e. The Tribunal's decision that detainee 692 is properly classified as an enemy combatant was unanimous.

UNCLASSIFIED

3645

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 692

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.



PETER C. BRADFORD
LT, JAGC, USNR



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360


28 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 692

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #12

(U) ISN#: 692

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)

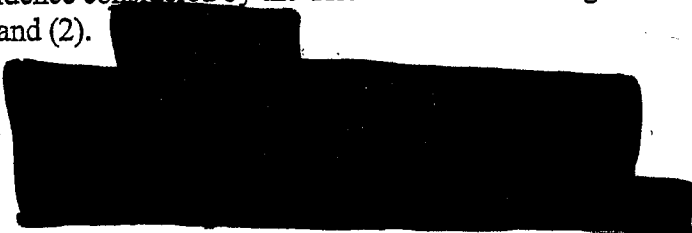
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~) - (N/A)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's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

1. (U) This Tribunal was convened on 6 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 6 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee ISN# 692 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 forces that are engaged in hostilities against the United States and its coalition partners, as more fully discussed in the enclosures.

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



Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL: #12
ISN #: 692 **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 forces that 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 traveled to Faisalabad, Pakistan in October 2001, via Dubai, United Arab Emirates and Karachi, Pakistan and stayed at a guesthouse there for approximately four (4) months. The guesthouse in Faisalabad was run by a high-ranking al Qaida operative and was captured in a raid on the guesthouse in March 2002. Several of the individuals arrested with the Detainee were identified as al Qaida associates, who had received training in, or fought in Afghanistan. Although, the Detainee chose not to participate in the Tribunal process, he called one witness and requested one classified document (passport) be produced. The Tribunal President found the requested witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Tribunal President ordered the classified document requested by the Detainee to be produced but it was unable to be located. 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-16.
- b. Testimony of the following persons: None

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

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

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
ISN #686	Relevant but Not Reasonably Available	No*

* Although the witness may have been relevant, the witness was determined to be not reasonably available based upon the policy in effect at that time of the Commanding General, Joint Task Force Guantanamo, which directed no interaction between "Camp 5" detainees and other camp detainees. Detainee ISN# 692 is a "Camp 5" Detainee and the requested witness ISN# 686 is in Camp Delta. ISN #686's name is included at Enclosure (2) to the CSRT Decision Report.

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Passport	Relevant but Not Reasonably Available	No*

* The Personal Representative, after contacting the Detainee Property Section of the Joint Detainee Operations Group (JDOG) to request the document, was informed that it did not exist here; JDOG was unable to locate this document due to it not being in their custody. The request was deemed relevant because the Detainee hoped to show that his passport indicated that he was not going to be in Pakistan long enough to be a fighter. His passport had, in fact, expired and he was waiting for a new one.

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.

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. The Tribunal noted that a new Personal Representative assumed duties for this Combatant Status Review Tribunal midway through the process due to the departure from Guantanamo Bay of the originally assigned Personal Representative.

7. Conclusions of the Tribunal

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

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

b. The Detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a. Although he did not actively participate, there was no reason to believe he did not understand the Tribunal process, as explained by the Personal Representative after questioning by the Tribunal.

c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

Colonel, U.S. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 1Nov 2004

Start Time: 0945

End Time: 1025

ISN#: 0692

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

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Calm and cooperative. Requested GTMO witness and passport.

Personal Representative: [REDACTED]

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (20 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ALEH, Ali Bin Ali

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

The detainee is associated with al Qaida and the Taliban:

1. Originally from Aden, Yemen, the detainee traveled to Faisalabad, Pakistan in October 2001, via Dubai, United Arab Emirates and Karachi, Pakistan.
 2. Detainee stayed at a guesthouse in Faisalabad, Pakistan for approximately 4 months.
 3. The guesthouse in Faisalabad, Pakistan, was run by a high-ranking al Qaida operative.
 4. Detainee was captured in a raid on the guesthouse in Faisalabad, Pakistan, in March 2002.
 5. Several of the individuals arrested in the March 2002 raid on the guesthouse in Faisalabad, Pakistan were identified as al Qaida associates, who had received training in, or fought in, 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.

Page 1 of 1

UNCLASSIFIED

Exhibit R-1

3653

Memorandum

UNclassified



To : Department of Defense Date 10/14/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

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

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

The following documents relative to ISN 692 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/20/2002

FD-302 dated 09/11/2002

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

²See Executive Order 12958

UNclassified

Unclassified

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/14/2004

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


Unclassified

Personal Representative Review of the Record of Proceedings

I acknowledge that on 24 January 2005 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #692.

I have no comments.

My comments are attached.

 Major, USAF

Name

24 January 2005
Date


Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMAD LAMEEN SIDI MOHAMMAD,)

Petitioner,)

v.)

GEORGE W. BUSH, *et al.*,)

Respondents.)

Civil Action No. 05-0429 (RJL)

DECLARATION OF TERESA A. McPALMER

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

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

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

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

Dated: 8 September 2006

Teresa A. McPalmer

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



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

OARDEC/Ser: **741**

28 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 706**

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 #706 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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UNCLASSIFIED

18 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 706

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 #13 of 3 December 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. *See* exhibit D-a. The detainee affirmatively declined to attend, but he did prepare a written statement for his Personal Representative to present to the Tribunal. *See* enclosure (3).

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

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

e. The Tribunal's decision that detainee #706 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.

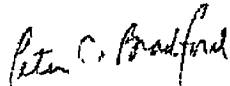
UNCLASSIFIED

3659

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 706

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



PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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:

██████████, Colonel, U.S. Army; President

██████████, Commander, JAGC, U.S. Naval Reserve;
Member (JAG)

██████████, Commander, U.S. Navy; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

03 December 2004

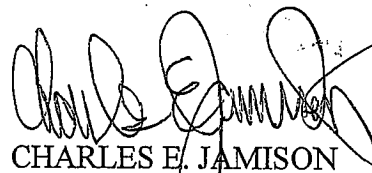
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 706

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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


(U) TRIBUNAL PANEL: #13

(U) ISN#: 706

Ref: (a) (U) Convening Order for Tribunal #13 of 04 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 16 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #706 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, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #13

ISN #: 706

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. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee traveled to Pakistan in support of a jihad against the United States and its coalition partners. He attempted to obtain forged documents in an effort to enter Afghanistan and was captured in Pakistan as he attempted to cross the border. While living in a safehouse, the Detainee associated with an organization with known ties to al Qaida. The organization is designated as a foreign terrorist organization. While at the safehouse, the Detainee received training on an AK-47 Kalashnikov rifle. The Detainee chose not to participate in the Tribunal but did ask the Personal Representative to make a brief statement for him. He called no witnesses and requested no unclassified or classified documents be produced. The personal representative verified that the linguist was of the correct dialect to translate the CSRT information to the Detainee.

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-20.
- b. Testimony of the following persons: None
- c. Statement of the detainee made through his Personal Representative.

UNCLASSIFIED//~~FOUO~~

ISN #706
Enclosure (1)
Page 1 of 3

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

The Detainee requested no witnesses and requested no additional evidence be produced; therefore, no rulings on these matters were required.

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. Exhibit R-3, Appendix B: Selected Foreign Terrorist Organizations was a helpful listing of organizations that as of 1 January 2003, have been designated by the U.S. Secretary of State as Foreign Terrorist Organizations (FTOs). Of note, the organization that will be later identified in the classified section was listed with its country of origin as Pakistan.

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. According to the Personal Representative, the Detainee understood the Tribunal process however, he chose not to participate in the Tribunal, as indicated in Exhibit D-a.

UNCLASSIFIED//~~FOUO~~

c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #706
Enclosure (1)
Page 3 of 3

Detainee Election Form

Date/Time: 11 Oct 04

Start/End Time: 1250 - 1305

ISN#: 706

Personal Representative: LtCol [REDACTED]
[Name/Rank]

Translator Required? Yes

Language? Arabic

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

Detainee Election:

Wants to Participate in Tribunal

Affirmatively Declines to Participate in Tribunal

Uncooperative or Unresponsive

Personal Representative Comments: Detainee does not wish to participate

No witnesses requested

I will present five points at detainee's request

[REDACTED]

Personal Representative

EXHIBIT DA

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Summarized Unsworn Detainee Statement

The Personal Representative provided the following statement on behalf of the Detainee:

The Detainee asked the following points be made clear to the Tribunal members:

1. I have no case to be tried in court.
2. I am not satisfied with this Tribunal process.
3. I do not need anyone representing me.
4. I am a normal, sane person, but chose not to be represented in this Tribunal.
5. The Personal Representative is not representing me, he is merely relaying a message.

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

ISN# 706
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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (28 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MOHAMMAD, Mohammad Lameen Sidi.

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 al Qaida.

The detainee is associated with al Qaida:

1. Detainee traveled to Pakistan in support of a jihad against the United States and its coalition partners.
2. Detainee attempted to obtain forged documents in an effort to enter Afghanistan.
3. Detainee was captured in Pakistan as he attempted to cross the border into Afghanistan.
4. Detainee associated with an organization with known ties to the al Qaida organization, while living in a safe house.
5. This organization with known ties to al Qaida is designated as a foreign terrorist organization.
6. Detainee received training on an AK-47 Kalishnikov rifle while at a safehouse with ties to al Qaida.

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

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Exhibit R-1

Memorandum

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To : Department of Defense Date 10/14/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

The following documents relative to ISN 706 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/24/2003

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

²See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/14/2004

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

[REDACTED]
Intelligence Analyst [REDACTED]

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Appendix B: Selected Foreign Terrorist Organizations

U.S. Government Terrorism Definitions

Terrorism: Premeditated, politically-motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.

International Terrorism: Terrorism involving the territory or citizens of more than one country.

Terrorist Group: Any group that practices, or has significant subgroups that practice, international terrorism.

Designation as a Foreign Terrorist Organization

As of 1 January 2003, those groups listed below which are marked with an asterisk were designated by the U.S. Secretary of State as Foreign Terrorist Organizations (FTOs), pursuant to Section 219 of the Immigration and Nationality Act, as amended by the Antiterrorism and Effective Death Penalty Act of 1996. This designation carries several legal consequences:

- It is unlawful to provide funds or other material support to a designated FTO.
- Representatives and certain members of a designated FTO can be denied visas or be excluded from the United States.
- U.S. financial institutions must block funds of designated FTOs and their agents, and must report the blockage to the U.S. Department of the Treasury.

Those organizations not marked by an asterisk are not officially designated as FTOs by the United States as of November 2002 and are considered "Other Terrorist Groups."

Selected Terrorist Organizations and Their Primary Areas of Operations

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Exhibit R-3

Note: This list of terrorist organizations is not all-inclusive.

Worldwide Organization

Organization	Country	FTO
Al-Qa'ida (AIQ)	World	*

SOUTHCOM-Based Organizations

Organization	Country	FTO
Ejercito de Liberacion Nacional AKA National Liberation Army (ELN)	Colombia	*
Fuerzas Armadas Revolucionaria de Colombia AKA Revolutionary Armed Forces of Colombia (FARC)	Colombia	*
National Liberation Army/Nestor Paz Zamora Commission (ELN-CNPZ)	Bolivia	
Popular Combatant's Group (GCP)	Ecuador	
Sendero Luminoso (SL) AKA Shining Path	Peru	*
Tupac Amaru Revolutionary Movement (MRTA)	Peru	
United Self-Defense Forces/Group of Colombia	Colombia	*

EUCOM-Based Organizations

Organization	Country	FTO
Allied Democratic Forces	Uganda	
Al-Jama'a al-Islamiyyah al-Muqatilah bi-Libya	Libya	
Al-Takfir Wa al-Hijra	Algeria	
Anti-Imperialist Territorial Nuclei (NTA)	Italy	
Armed Islamic Group (GIA)	Algeria	*
Army for the Liberation of Rwanda (ALIR)	Rwanda	
Basque Fatherland and Liberty (ETA)	Spain and France	*
Continuity Irish Republican Army (C-IRA)	Ireland	
First of October Antifascist Resistance Group (GRAPO)	Spain	

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Ibn Khattab organization AKA Abu al-Walid and Shamil Basayev-linked Mujaheddin	Chechnya, Georgia, Russia	
Interahamwe (DROC)	Rwanda	
Irish National Liberation Army (INLA)	Ireland	
Irish Republican Army (IRA)	Ireland	
Left Wing Anti-Imperialist Groups	Italy	
Libyan External Security Organization	Libya	
Lord's Resistance Army (LRA)	Uganda	
Moustarchidine Wal Moustarchidates	Senegal	
National Front for the Liberation of Corsica	France	
Orange Volunteers	Northern Ireland	
People Against Gangsterism and Drugs (PAGAD)	South Africa	
Qibla	South Africa	
Real Irish Republican Army (R-IRA)	Ireland	*
Red Brigades	Italy	
Red Hand Defenders (RHD)	Northern Ireland	
Revolutionary Nuclei	Greece	*
Revolutionary Organization 17 November	Greece	*
Revolutionary People's Liberation Party / Front (DHKP/C)	Turkey	*
Revolutionary Popular Struggle (ELA)	Greece	
Revolutionary Proletarian Initiative Nuclei (NIPR)	Greece	
Revolutionary United Front (RUF)	Sierra Leone	
Salafist Group for the Call and Combat (GSPC)	Algeria	*
The Tunisian Combatant Group (TCG)	Tunisia	
Turkish Hizballah	Turkey	
Ulster Defense Association/Ulster Freedom Fighters (UDF/UFF)	Ireland	
Ulster Volunteer Force (UVF)	Ireland	

CENTCOM-Based Organizations

Organization	Country	FTO
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Abu al-Walid and Shamir Islamic Movement of Uzbekistan (IMU)	Uzbekistan	
Abu Nidal Organization (ANO)	Lebanon	*
Aden-Abyan Islamic Army	Yemen	
Al-Gama'a al-Islamiyya (Islamic Group or IG)	Egypt	*
Afghan Support Committee	Afghanistan, Pakistan, Kuwait	
Al Aqsa Martyrs Brigade	Israel and Palestinian Territories	*
Al-Ittihad al-Islami (AIAI)	Somalia and Horn of Africa	
Ansar al-Islam (AI)	Iraq	
Arab Liberation Front (ALF)	Israel and Palestinian Territories	
Asbat al-Ansar	Lebanon	
David's Shield	Israel	
Former Regime Elements (FRE)	Iraq	
Gulf Hizballah Groups AKA Hijaz Hizballah,	Bahraini, Kuwaiti, and Saudi Arabia	
HAMAS AKA Islamic Resistance Movement	Israel and Palestinian Territories	*
Harakat ul-Mujahidin AKA Movement of Holy Warriors (HUM)	Pakistan	*
Hezb-e-Islami Gulbuddin (HIG)	Afghanistan, Pakistan	
Hizb al-Tahrir	Central Asia	
Hizballah AKA Party of God	Middle East base, world-wide activity	*
Islamic Army of Aden (IAA)	Yemen	
Islamic Jihad (EIJ, or al-Jihad) [merged with Al Qa'ida in June 2001]	Egypt	*
Islamic Movement of Uzbekistan (IMU)	Uzbekistan	*
Jaish-E-Mohammed – AKA Army of Mohammad (JeM)	Pakistan	*
Jama'at Ul Fuqra (JUF)	Pakistan	
Kach	Israel	*

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Kahane Chai	Israel	*
Kurdistan Freedom and Democracy Congress (KADEK) -- formerly Kurdistan Workers' Party (PKK)	Iraq	*
Lashkar-e-Tayiba AKA Army of the Righteous (LeT)	Pakistan	*
15 May Organization	Palestinian Territories	
Mujahedin-E Khalq (MEK or MKO)	Iraq	*
Oromo Liberation Front	Ethiopia, Eritrea, Somalia	
Palestine Islamic Jihad (PIJ)	Palestinian Territories	*
Palestine Liberation Front	Palestinian Territories	*
Popular Front for the Liberation of Palestine (PFLP)	Palestinian Territories	*
Popular Front for the Liberation of Palestine--General Command (PFLP-GC)	Lebanon, Syria	*
Sa'iqa	Palestinian Territories	
Sepah-I Sibaba AKA Lashkar-I-Jhangvi	Pakistan	
Sipah-I Mohammed	Pakistan	
Tehrik-I Jaffaria	Pakistan	

PACOM-Based Organizations

Organization	Country	FTO
* Abu Sayyaf Group (ASG)	Philippines	*
* Aleph or Alif, AKA Aum Shinrikyo AKA Aum Supreme Truth AKA Aum	Japan	*
Alex Boncayao Brigade	Philippines	
Cambodian Freedom Fighters (CFF)	Cambodia	
Chukaku-Ha	Japan	
Communist Party of Nepal / Maoists	Nepal	
Daihikai (Great Sorrow Society)	Japan	
East Turkistan Islamic Movement (ETIM) AKA East Turkistan Islamic Party (ETIP)	Western China	
Free Aceh Group	Indonesia	

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Harakat ul-Jihad-I-Islami (HUJI)	Indian-administered Kashmir	
Harakat ul-Jihad-I-Islami/Bangladesh (HUJI-B)	Bangladesh	
Indonesian Mujahedin Council (MMI)	Indonesia	
Islamic Defenders Front -- AKA Front Pembela Islam (FPA)	Indonesia	
Issuikai (One Water Society)	Japan	
Japanese Red Army (JRA)	Japan	
* Jemaah Islamiyah (JI)	Southeast Asia	*
Kakurokyo-Ha	Japan	
Kumpulan Mujahidin Malaysia (KMM)	Malaysia	
Laskar Jihad	Indonesia	
Laskar Jundullah	Indonesia	
* Liberation Tigers of Tamil Eelam AKA Tamil Tigers (LTTE)	Sri Lanka	*
Moro Islamic Liberation Front (MILF)	Philippines	
Moro National Liberation Front (MNLF)	Philippines	
* New People's Army (NPA)	Philippines	*
Pattani United Liberation Organization (PULO)	Thailand	
Rohingya National Alliance	Myanmar	
Timorese Mujahidin Warriors (MTA)	East Timor	
Toitsu Sensen Giyugun (United Battle Front Volunteer Army)	Japan	

Sources: The Directorate of Central Intelligence Interagency Intelligence Committee on Terrorism Community Counterterrorism Board (ICT CCB), 11 SEP 03, and Patterns of Global Terrorism, Department of State, APR 03.

NGIC-2410-7079-04

Information Cutoff Date: 15 January 2004



Personal Representative Review of the Record of Proceedings

23 NOVEMBER

I acknowledge that on ~~October~~ 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #706.

I have no comments.

My comments are attached.

 LTC, USAF
Name

23 Nov 04
Date


Signature

ISN #706
Enclosure (5)