

Government personnel in order to protect the personal security of those individuals.¹ 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: 21 Dec 04


James R. Cutsfield Jr.
CDR, JAGC, USN

¹ I have also removed a document (located in the original Tribunal Decision Report at pages 11 – 13 of exhibit R-5) written entirely in a foreign language because I do not have a translator to assist in redacting personally identifying information.



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0518
21 December 2004

From: Director, Combatant Status Review Tribunal

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

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

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

A handwritten signature in black ink, appearing to read "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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4610

20 Dec 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #24 of 26 November 2004
(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b).

d. The detainee did not request the production of any witnesses. He requested that several documents be produced. First, he requested a letter that he had written to President Bush in 2000. Neither the Tribunal, in its Decision Report, nor the detainee, in his Detainee Election Form, supplied amplifying information about the contents of this letter. In his testimony before the Tribunal, the detainee stated that an interrogator in Afghanistan told the detainee that he had read his letter to President Bush and that "9/11 would not have had to happen" if people had paid attention to it. The Tribunal President determined that the letter was not relevant to the Tribunal's decision. Since the President did not elaborate on his decision, it is difficult to know exactly why he did not think the letter was relevant. Significantly, however, the detainee also failed to elaborate on the letter when provided an opportunity to do so at the hearing. The letter is vaguely referred to at other points in the record of proceedings and it appears to relate to the detainee's view of conditions in Afghanistan pre-2001. Given the very narrow mandate of the Tribunal, I do not believe that the Tribunal President abused his discretion in determining that the letter was not relevant. In any event, it is extraordinarily unlikely that the detainee was prejudiced in any way for the Tribunal President's decision. The overwhelming evidence supporting the detainee's classification as an enemy combatant makes it extremely unlikely that *any* letter written by the detainee would have influenced the Tribunal's decision.

Second, the detainee requested a letter that he had written to the U.S. ambassador to Pakistan in 2003. According to the detainee, in the letter he expressed his willingness to

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

discuss his family's involvement in activities supposedly related to his son's detention in New York. The Tribunal President determined that the letter was not relevant to the issue before the Tribunal. In my opinion, the Tribunal President did not abuse his discretion in reaching this determination.

The detainee also requested a letter from "Bakhtiar Ahmad." Although the Tribunal Decision Report does not mention this request, a letter from Bakhtiar Ahmad was presented as evidence to the Tribunal on the detainee's behalf.

- 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

26 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #24

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

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

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

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

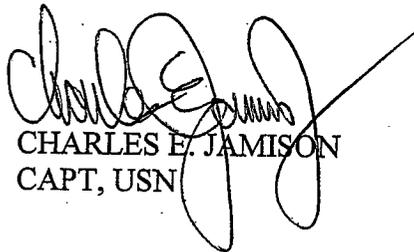
17 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander [REDACTED]

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #24

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #24 of 26 November 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) 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 8 December 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is 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).

[REDACTED]

Colonel, USAF

Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: _____ #24

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 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 summary of the evidence presented to the Tribunal by the Recorder indicated that the detainee is affiliated with al Qaida. The summary asserts that the detainee met and associated with high-level al Qaida operatives including Usama Bin Laden, held large amounts of al Qaida money, researched investment possibilities for al Qaida money, helped locate homes for al Qaida members, and used his media facilities to translate extremist materials into Urdu. The detainee also proposed the use of nuclear weapons against U.S. troops and suggested a source for such weapons and discussed plans to smuggle explosives and chemicals into the borders of coalition members. The Recorder provided several letters that praised the detainee's character. The detainee provided a written statement and the detainee testified under oath. He testified in English. A translator was present in the event the detainee needed assistance, but the translator was not needed. The detainee initially denied each allegation except that he noted that he had met Usama bin Laden on two occasions. He later testified that he did provide assistance to Pakistanis who might have been al Qaida, but he noted that it was not possible to determine who was al Qaida. He admitted that he received \$500,000 from a Pakistani, but the funds were for use in a media venture. He returned the money when the venture didn't pan out.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and D-b, and R-1 through R-14.
- b. Testimony of the following persons: None.
- c. Written Statement of the detainee.
- d. Sworn statement of the detainee.

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

The Detainee requested no witnesses; therefore no rulings regarding witnesses were required.

The Detainee requested additional documentary evidence be produced, specifically, two letters he had written to U.S. officials. The first was a 2000 letter to President Bush and the second was a 2003 letter he wrote to the United States ambassador to Pakistan. The Tribunal president ruled that these letters were not relevant; however, the president did indicate that he would revisit his ruling if, after seeing all the evidence, he felt the requested information might be relevant. After reviewing all the evidence, the President determined that there was no need to revisit his earlier finding.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1 through R-5 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibits R-2 through R-5 are various witness statements that provide favorable character assessments for the detainee. These exhibits provided no evidence to support R-1, accordingly, the Tribunal had to look to classified exhibits (as well as the detainee's statement) for support of the Unclassified Summary of Evidence.

b. The Tribunal considered an unsworn written statement from the detainee. The unsworn statement is attached as exhibit D-b. The detainee also provided sworn testimony that encompassed all the significant points in the unsworn statement, but in much greater detail. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee began his testimony with a general review of his ideology and feelings toward the United States. He was not happy with his arrest and the months of isolation. He had sent a letter to the FBI about his son and that letter indicated that he was available to meet. However he was abruptly and roughly arrested when he arrived in Bangkok and felt that he didn't have to be arrested in that manner. He stated that he has never supported Taliban or al Qaida. He is not philosophically aligned with al Qaida or Taliban. He admitted to meeting Usama Bin Laden (UBL) since he was part of a 18 to 20 people Trazim Islami delegation. He provided his business card because he was interested in producing a program comparing Christianity and Islam and he felt that UBL had very nice things to say and was very impressive. UBL provided the card to an individual named Mir who approached him about media projects. The detainee provided more detail on issues that arose in his review of the unclassified summary of evidence. The detainee stated he never associated with high-level al Qaida, never recommended nuclear weapons and never located homes for al Qaida. He stated he did show Mir, a fellow Pakistani, some residential neighborhoods because Mir was interested but unfamiliar with Karachi. He did not hold money for al Qaida. He was the Chairman of a charity. Mir wanted to open a bank account. With the detainee's assistance, Mir put \$15,000-\$20,000 in the account. The detainee admitted he deposited \$500,000 from Mir as part of a

contract to buy rights to a television show. He noted that the amount was not exorbitant because the rights and the show would cost many times more than that. The bank provided him a \$3,000,000 credit line. He denied that he provided translation services. He said he owned a newspaper, Universal News Private Ltd. If a news item were brought to him, it would be translated as news. He noted that he does not discriminate. His business partner in the US is Charles Anteby, a white American Jew. As far as offshore accounts, he may have researched this area in order to avoid the Pakistan 5% flat rate. He recalls seeing an article in Newsweek Magazine about offshore accounts and passing the article along to Mir. The detainee reviewed the various business areas he has interests in and claimed that none were used for Terrorist purposes. Regarding his son, who was also detained, the detainee stated that they met Majid Khan, who had lived in Baltimore, in a Pakistan ice cream parlor. Ammar Baluchi was also there. He and his son had met him through Mir. Majid Khan had an immigration problem and asked the detainee's son to keep his US bank account active which the detainee agreed to do.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

b. The detainee understood the Tribunal proceedings. He asked a few questions regarding the law that would apply and the authority of the United States to hold the hearing. The Tribunal president informed the detainee that the President directed the Tribunal and provided the authority for his detention. He was told that he would later be informed of other options that might be available to him, including access to the United States courts. Prior to adjournment, the President informed the detainee of the Administrative Review Board process.

c. The Detainee is properly classified as an enemy combatant and was affiliated with al Qaida.

8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Tribunal President

Colonel, USAF

Summarized Sworn Detainee Statement

Upon completion of the swearing in of Tribunal Members and Personal Representative, the Tribunal President addressed the Detainee.

Tribunal President: For the record, I understand you comprehend and wish for this Tribunal to be conducted in English. If you have any questions about any statement made in English, please don't hesitate to ask your translator.

Detainee: Thank you, sir. Is it possible to loosen my handcuffs?

Tribunal President: It is standard practice in this situation [to wear handcuffs]. You may be assisted in reading any documents by your Personal Representative, but this is standard practice for all Tribunals.

Detainee: Thank you, sir.

The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that he understood the Tribunal process, and had no questions concerning the process.

The Recorder submitted Exhibits R-1 (Unclassified Summary of Evidence), and Exhibits R-2 through R-5 to the Tribunal. Copies had previously been provided to the Personal Representative.

The Recorder read in full the Unclassified Summary of Evidence to the Tribunal.

The Tribunal President paused the proceedings briefly to permit Tribunal Members to review Exhibits R-2 through R-5.

The Tribunal President addressed the Detainee Election Form (Exhibit D-A). The Tribunal President also addressed a comment made by the Detainee on the Detainee Election Form at this time:

Tribunal President: Reviewing the Detainee Election Form provided earlier, I note the Detainee requested certain documents; specifically, letters he wrote to President Bush in 2000, and a letter he wrote the American ambassador in Pakistan in 2003. Is that correct?

Detainee: Yes, sir.

Tribunal President: It was unclear as to the relevance, and at that time, I considered them irrelevant without further explanation. Do you have any further information concerning the relevance of these letters to your classification as an enemy combatant?

Detainee: Sir, I have been detained here since July 2003. I was picked up while trying to attend a business meeting in Bangkok. From there I was taken to Afghanistan and detained 15 months.

Tribunal President: Excuse me; we are going to have more opportunity in this Tribunal for your statement. Does this pertain to the letters?

Detainee: Yes, sir. I have been interrogated extensively in Afghanistan before a high official; the high official met me in Afghanistan on 15-17 September, and he told me he had seen the letter I wrote to President Bush. If I am allowed to tell a joke, this would only take two seconds: There were three professionals, and [they ask] which one is the oldest? one doctor, one engineer, and one politician. The doctor said he was the oldest [profession], because he founded the birth of Adam and Eve onto Earth; the engineer said he was the first profession, because he found chaos and confusion on Earth and rebuilt it. The politician said he was the oldest profession, because he was the one that started all the chaos and confusion in the first place. When I mentioned the letter to this high official, he said he had seen it, and there was no attention given to it. I said that people's lives would not have to have been lost if they paid attention, and he said and agreed that 9/11 would not have had to happen. I said, 'why did no one pay attention to this letter?' He said the politicians created this chaos and confusion. The high official also conducted a polygraph test on me in Afghanistan, and he cleared me that I told the truth.

Tribunal President: Did this high official identify himself?

Detainee: No, sir. No one so far has identified themselves in my interrogation period. I have probably been interrogated by the MI, FBI, and anti-terrorism [personnel].

Tribunal President: What I'd like to do is take your request under advisement for these documents, so we can receive all the information we have later in this hearing regarding the statement you wish to make. Also it would be valuable for the panel to evaluate all the classified information. As the Tribunal President, I can reconvene to address your initial request if it becomes necessary.

Detainee: I know the ambassador of Pakistan; I lived there in Pakistan since '86, and I wrote to her when my son was detained in New York. I wrote to her a detailed letter asking to discuss my family's involvement in these affairs; I have called many times to the embassy to clarify myself. They haven't done anything from there. I was told by an FBI agent that I was prevented from pursuing this until I talked to them [first]. Sir, I was never hiding, and offered my availability. It was very ugly and very unprofessional how I was picked up.

Tribunal President: I understand; there will be a better place in the hearing to address those kinds of statements. I like to get back to the letter you sent to the U.S. ambassador to Pakistan; what did you feel like that would provide us?

Detainee: I offered myself voluntarily to be present for anybody, anywhere and anytime.

Tribunal President: Again, I believe my previous ruling regarding relevancy still stands; we'll review that consideration again after seeing all the information, and if we find it necessary to obtain those documents, we'll do it at that time.

Detainee: Thank you, sir.

Tribunal President: You may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. I understand you wish to make a statement to the Tribunal?

Detainee: I have written some, and I'd like to go through that [Unclassified Summary of Evidence] also.

The Tribunal President confirmed the Detainee wished to take the Muslim oath; the Detainee was then administered the oath by the Recorder. Upon completion of the oath, the Tribunal President informed the Detainee that he could make a statement, but encouraged him to first address the Unclassified Summary with the assistance of his Personal Representative.

3.a. The Detainee supported the Taliban and al Qaida against the United States and its coalition partners.

Detainee: I have never been supportive of the Taliban or al Qaida or its partners.

3.a-1. The Detainee was involved in an al Qaida plan to smuggle explosives into the United States.

Detainee: I have never been involved in an al Qaida plan to smuggle explosives into the United States.

3.a-2. The Detainee "held for safekeeping" large amounts of al Qaida money given to him by known al Qaida operatives.

Detainee: I have already given the FBI details of my businesses in Pakistan, and they have not found anything. I never held money for safekeeping for any al Qaida operative.

3.a-3. The Detainee, at the request of an al Qaida operative, researched offshore companies for investment possibilities.

Detainee: I never gave any research for any company for investment possibilities.

3.a-4. The Detainee associated with known high-level al Qaida operatives.

Detainee: I have never associated with any high-level al Qaida operatives.

3.a-5. The Detainee recommended to an al Qaida operative that nuclear weapons should be used against U.S. troops and suggested where these weapons might be obtained.

Detainee: I never recommended this to al Qaida, or where the nuclear weapons would be available; I don't know, sir, where these are available.

3.a-6. The Detainee assisted al Qaida in locating houses for al Qaida members and their families to rent.

Detainee: I have never assisted an al Qaida member or family to find a place to rent; however, I did assist some people who said they were Pakistanis. I showed one Pakistani the area I lived. And I showed another Pakistani how to find a place from the classifieds in the newspaper.

3.a-7. The Detainee offered to al Qaida his media facilities for Urdu translation of extremist materials, including statements from Usama Bin Laden.

Detainee: I never offered al Qaida media facilities or translation; I do have a news agency I own. The work is to provide news to newspapers and magazines, and it is called Universal News Private Limited; I gave this information to my interrogators.

3.a-8. Al Qaida invested money in a company owned by the Detainee.

Detainee: Al Qaida never invested money in the company owned by myself.

3.a-9. The Detainee had a discussion with a high level al Qaida facilitator about getting chemicals and explosives into a coalition partner's national boundaries.

Detainee: I have never discussed this with any al Qaida facilitator.

3.a-10. The Detainee met with Usama Bin Laden.

Detainee: I did meet with Usama Bin Laden in 1999 and 2000, two times.

3.a-11. The Detainee met with two high level al Qaida officials and knew they were "wanted men."

Detainee: I never met two high-level al Qaida officials that were wanted men, sir.

Tribunal President: Any other statements you'd like to make?

Detainee: Yes, sir. The nation of Pakistan is over 140 million people; we are the most victimized of the Cold War between Russia and the U.S. During the late 70's, Russia invaded Afghanistan and Pakistan defended at that time along with France. President Carter did not pay much attention to that. When President Reagan was elected in 1980, Vice President Bush, a former CIA director, realized the importance of this invasion and the defense of Muslims. So, the U.S. propagated jihad, called freedom fighting; freedom fighters, young rebellious radical Muslims were brought in to fight the Russians. It took almost 10 years to win that war. Finally, Russia left. Those freedom fighters were left there, and are still there in thousands. Pakistan and Afghanistan share an unregulated, uncontrolled border. Many fled to Pakistan as refugees, and they are still there and have been there for 20 years. They have no family, parents, or brothers and sisters. They have not been accepted back to their home countries; terrorism has been harbored in Pakistan because of that situation. Pakistan has become a center of terrorism. They

have become Pakistanis; they act like Pakistanis, eat the same food, look like Pakistanis, so no one can tell them apart. Anybody raised in Pakistan could come from anywhere, and nobody knows who's who. When Hali Shir Abbar was arrested, that was the first time they had anything to do with Usama Bin Laden; I knew they were handpicking the media area, and that is why I met with him. When I met Usama, he delivered the Koran, and said he was a prophet. He said very nice things, very impressive. I asked him to speak about the terrorism program for an English program. We intended to make an unclassified program for my television station, and I claim that if people watched my station, that they will know the difference between Christianity and Islam. During the course of the Cold War, Pakistan and Afghanistan have suffered the most. Afghanistan is poor people, and Pakistan is on the verge of bankruptcy. The only country with power is the United States. I swore to send up letters to President Bush about the situation there, but nobody paid attention. What I feel, sir, is the Lord Almighty plans slowly for the nations. Pakistan, U.S. and Russia, God forbid if they ever have direct conflict. They both have enough weapons of mass destruction to destroy the world 50 times. So the Lord planned for the Cold War to be ended with the least casualties. Yesterday, some were your soldiers, and today, they are being labeled as your enemy. Please, according to the Bible and Koran, if wisdom were applied, the situation would be different. I am a student of the Koran and of history. I have offered my services to interrogators. I can help to control terrorism and I need no reward for that. By the law of the Lord Almighty, I have written many papers on Afghanistan and terrorism and given them to the interrogators and they were pleased to receive them. They discussed with me for hours and days about how to control terrorism. I am just giving you a brief background. This could be handled more effectively; we could stop terrorism, and terrorism would die itself. That's all, sir.

Tribunal President: Thank you. I understand that concludes your statement.

The Personal Representative then submitted Exhibit D-B, a hand-written 7- page document from the Detainee to the Tribunal. The Tribunal then paused briefly to review the document.

Tribunal Member Questions to Detainee

Q: In your written statement, you did show some Pakistanis a residential area; do you know who that was was?

A: He identified himself as Mir, and I have a copy of his identification card in my office in Pakistan.

Q: Do you often show your area? Are you a real estate agent?

A: He wanted me to show him the area I live, so I took him around. He said he doesn't live Karachi, but from far away from other cities in the interior of Pakistan.

Q: How did you come to meet him to begin with?

A: Sir, I mentioned I met Usama Bin Laden; I discussed making a program on the Koran, to be showed on various channels. I produce programs, and we have a studio in Pakistan. We have the most modern equipment in Pakistan. I lived in New York, and I had my program there for the Pakistani community. I went to Pakistan in 1986. I lived in New York from '71-'86; I studied in New York at the Institute of Technology. I knew the people there, and I

had a house there. I knew the Christian community, as I should know the Koran as a Pakistani Muslim. I studied the Koran in Pakistan. So with some senior producers, we had a plan to make a program for introduction in North America and Europe. We wanted programs for the entire area, for what the Koran says about Jesus and about Christianity. There are many similarities between the Koran and the Bible, and we wanted to produce those types of programs; ones that describe what the Koran says about Abraham, Mary, Moses and Jesus.

Q: Did the person you showed the area to get involved with that production?

A: Went I met Usama after six months, I had already given him my card of my seven various businesses, and that is how he...

Q: So he [Mir] got your name and address through a card you gave Usama?

A: Yes, and he had a lot of knowledge of media, cameras, production and editing, so that is how I came in contact with him.

Q: One of the questions was that you invested money for al Qaida; my question is do you do charity work too? Do you take large investments or donations from people for your productions?

A: Sir, my organization is a conservative organization formed many years ago; we don't receive or give any money. Being or having lived in the West, I know the system to organize things; I wanted to organize education, health and justice, to work them more effectively. I wanted to tell people how to put these on track and be more effective. In order to tell people these things are workable, and we were about 30 people; each of them are businessmen and have their own resources. We don't ask people to contribute to this charity work; we ask them for their experience in charity work. We have the soundest schools in poor areas, and we help give them a good secular education. Pakistan and Afghanistan are known for Islamic schools called Madrasas. We are emphasizing secular education, because you need a formal education to get a livelihood. You need this education. I also helped the largest hospital in Karachi, 300 beds, that was in bad shape. They had no good working toilets and I helped with my own personal sources.

Q: So everything was funded through business associates? It's not like someone came off the street and donated money; your business associates had money and you [also] contributed yourself?

A: Exactly, sir. I would say that one time, Mir, had met on and off on media, and he requested to open an account at a bank I do banking. He opened an account and put maybe \$15,000 to \$20,000 in there. So I said it would be wise to make an investment with that, and get some return on it. One of the programs or shows that is popular in Pakistan TV, he was negotiating to make me a part of. I have had experience in the States, and I needed seeding money, and he invested \$500,000 in that business. It did not go through [with] the proposal, so I returned the money; I kept it for six months.

Q: So did you provide translation [services] for Usama Bin Laden?

A: No sir, no translation. There was a news item brought to us by news agencies needing translation for newspapers and magazines. That's what I did, sir.

Q: Who paid for this item to be translated?

A: That was given by Mustafi Bahr, which is Ahmand (inaudible) today.

Q: When did you meet with Usama?

A: First in 1999, and then 2000.

Q: The list of allegations, you addressed. But some of your responses were addressed in a cursory fashion, some specifically. For example, you stated you were never involved with any al Qaida plan to bring explosives to the U.S.?

A: Yes.

Q: Did you know of *any* plan to bring explosives to the U.S.?

A: No.

Q: So it didn't matter if it was al Qaida or anybody else?

A: No, sir. The allegation was specific, so I gave a specific answer, and in general, I don't know.

Q: For example on these other allegations; on # 3 you stated you never researched *any* offshore companies for investments at the request of an al Qaida operative?

A: No, sir. I have a friend, a white American Jew in New York, who has been my partner for 10 years. There was a problem in Pakistan of taxation; any funds were susceptible to a 5% tax, whether or not you made or lost money. We discussed an offshore account for our commissions. I told the area manager that since I get Newsweek, and I saw an advertisement about offshore banking, and I asked for more information. It happened to be that I gave a copy of this advertisement to Mir.

Q: Regarding # 5, did you ever recommend to al Qaida to use nuclear weapons against U.S. troops?

A: Never, sir.

Q: Did you ever recommend this to anyone?

A: No, sir. I told interrogator about this. Is a nuclear weapon something I could buy off the shelf? Can you buy it from Tony Blair? Is that something to say to anybody?

Q: Your background is computers and productions....

A: I was born in Pakistan; when I was two my father died, and when I was ten, my mother died. We were living in a very small village with no facilities; I went to school in Pakistan, but primarily in Afghanistan. I went to Karachi for high school. I studied physics in Karachi in college and graduated with honors. I then got admission at the New York Institute of Technology in New York City and was funded by one organization in Pakistan, a youth organization. I studied as a computer systems analyst. I worked in the U.S. for a few years, and pursued business opportunities there. I had offices in Washington, Chicago, San Francisco and New York. Most were travel agencies.

Q: Do you have any business that deals with weapons?

- A: No, sir. Never. I have never seen any weapons, even now.
- Q: No company you owned dealt with chemicals?
- A: No, sir. I believe in the Koran -- that killing one innocent person, is equal to killing all humanity. I believe on that, and practice that.
- Q: I'd like to clarify that when you showed the neighborhood to the Pakistani visitor, I understand you were living in Pakistan at the time?
- A: Yes, sir.
- Q: And that year was 2000?
- A: I don't remember if it was 2000 or 2001.
- Q: Was it before 9/11?
- A: I think so, sir.
- Q: Another panel member was talking about your business interests; a number of your businesses had financial problems, and I'd like for you to describe each one of them for me briefly since there are so many. The first is Marason (ph) Business of Karachi?
- A: That is a publicly traded company, and I own 96% of the shares. They manufacture bags, sugar, cement, fertilizer; that industry is in Bahrain city that I established more than 10 years ago. The governor of Pakistan offered a good incentive to put the business there, about one million dollars came from the European Union and the U.S. to establish it there to stop the poppy industry there. The government put the money somewhere else, but I invested a million dollars in that myself. It was in a remote area, and was not profitable.
- Q: Has it been closed; is it a failed business?
- A: Yes, but I wrote the American embassy that this could provide employment there to reduce the poppy business; it can never be eliminated, but it could be controlled. I have been trying to do this and I know a lot of government officials.
- Q: There are a lot of social and economic possibilities. However, I'd like to explore from the list I have here. Tell me about International Merchandise.
- A: International Merchandise is a business where I am an equal partner with my friend in New York. We facilitate for Wal-Mart, K Mart; companies like that. We do not do shipping. We are a buying agent for garments and other merchandise from Pakistan. The shipment is from the factory straight to New York.
- Q: There is an international shipping component to that business?
- A: No, we are a buying agent only. We get a commission in the States, in which I get half from my partner.
- Q: We already heard about Universal Broadcasting, and I appreciate hearing about that. The last business is listed here as S & S Associates out of Karachi. It says here it is a construction venture; could you tell us a little bit more about that?

A: This a group of people in Pakistan that had a large 300 room apartment building, but it turned into a slum. The residents weren't interested in buying it. The mayor of Karachi is a very close friend. One day he visited me and we went to that area. I negotiated with the people to get 80% of the shares, and I helped with the financing, because financing was a problem for them. I reached a silent agreement with them, and they would get occupants, recover the money and reinvest it. It took a while, but they offered me 70 apartments with a million dollar investment on my part and recovery for the investment. They had 70 apartments. One investor made 240 Euros on that, and I helped him reinvest it. Because my son had been to the U.S., we advertised it heavily in the Pakistani community in the U.S., and we had a good response, and there were about 45 potential buyers negotiating for them in New York.

Q: Is that a complete summary of your business activities that we just listed as of your detention here?

A: That's all, sir.

Q: Universal Broadcast Limited and the news offered translating services. Are there broadcasts in Pakistani text broadcasts or are broadcasts in English? Are there translations or dual language involvements?

A: No, sir. Our national language is Urdu, and our official language is English. In our country, the educated people know English, but the language is Urdu.

Q: Did those two companies have any dual language or translation purposes?

A: No, sir. Never.

Q: Do you not consider Usama Bin Laden to be al Qaida?

A: I never saw any definition of al Qaida. The first time I heard this was from President Bush who said al Qaida. I went to Afghanistan not to meet Usama, but people took me to help Afghan people with education. I was the one who convinced the Taliban government to have a school; I said we would put up the money and give you credit for that. Someone else scheduled to meet Usama took me along with him. I don't have any contact; I was made to meet him, and that's it.

Q: What were the circumstances of the second meeting [with Usama Bin Laden]?

A: I was a member of one organization of Tazim Islami. The chief of this organization was officially scheduled to meet [Usama Bin Laden] by the ambassador of Pakistan and the ambassador of Afghanistan. We were about 18-20 people in that delegation. We were with them, but I never talked to him personally.

Q: You made a statement; and you asked some questions about what law applies; you asked about what law applies, and whether U.S. law binds us.

The Tribunal President then made a statement to the Detainee regarding questions he had posed to the Tribunal.

Tribunal President: Let me clarify that; you do understand this is an administrative hearing, and this is not a legal proceeding. I do know you had some questions about the legality of your

detention. That would be referred to other organizations of the government, but you will be receiving more specific instructions shortly of how to bring your question to U.S. courts.

Detainee: Your honor, I have been here over 17 months; would that be before I expire?

Tribunal President: I would certainly hope so, especially since you are under the care of the U.S. government while you are here. As far as some of the other statements you made about jurisdiction, this is a U.S. government executive decision in regards to the detention of enemy combatants; this is an administrative hearing being conducted to review, on an independent basis, the government's information and statements you provide us, to consider or reconsider whether you are an enemy combatant. I believe you've previously been read our definition of an enemy combatant.

Detainee: Your honor, my question is that is your Executive Order applicable around the earth?

Tribunal President: It is a global war on terrorism.

Detainee: I know sir, but you are not the master of the earth, sir.

Tribunal President: No, but we are in coalition with allied partners to fight this new war; enemy combatant status is a definition provided, and we are charged with reviewing your particular case to see if it meets that definition. Regarding national legal issues, that is a matter for U.S. courts, and you will be provided that information shortly to bring your case to them.

Detainee: Thank you, sir.

The Tribunal Members then resumed Questions of the Detainee

Q: The reason why this has global ramifications, is that you could be in Thailand, for example, holding \$20 million for the purchase of weapons, and this could be more damaging than if you were just one person holding a rifle. The one area I wanted to ask you about a little bit more, is about the \$500 K you were holding for Mir; you said you had a business plan but it didn't work; do you have proof of this business plan?

A: I gave all the details to the interrogators. I have given the details, of the plan and the bank. I haven't been given the ability to give evidence of any sort, because I am here in isolation.

Q: As far as the television rights, did you have a programming plan?

A: Sir, there is a gentleman named Jabbar who has the rights, and he wanted to sell me the rights, but the plan fell through, so I could not be a partner.

Tribunal Member: I'm going to ask the Tribunal President to explain what we've seen, because we don't see what the interrogators have seen.

Tribunal President: We may receive other classified information later, which is not made available to you. It may include notes from previous interrogations. If you feel there is something important from those interrogations for us to look in to, we may obtain that

information. That's part of the reason we provided you the opportunity to present statements and request evidence. If you direct us to find something such as details of a business, we can seek out the information. We don't have the jurisdiction to obtain public information, such as your private papers, unless it was gathered by other sources or in government custody, then I might be able to receive it. For example, you provided letters to senior government officials in the past. Those documents, if received, would be in government custody and I could obtain them if necessary.

Detainee: The FBI agent here. She has it. You could have it in a couple minutes.

Tribunal President: I may see it later, and I reserve the opportunity to review my ruling at a later time, if I find it is necessary to determine your case regarding your classification.

The Tribunal Member then resumed asking questions of the Detainee.

Q: If I could just pursue one line I was going to ask [earlier]. Is \$500,000 a lot for a TV show?

A: No, sir. The bank was willing to give me a credit line of \$3 million, and I gave the name of the bank to the interrogators. It was a prime bank in Karachi, Pakistan, but I was primarily dealing with Jabbar, and he has an office in New Jersey.

Q: Why was your son detained?

A: Yes, sir. When I was in Pakistan, a man known as Ahmar met me in the area of Karachi I live. He introduced us both, my son and I, to a man that used to live in Baltimore named Majid Khan. We were sitting and eating at a table, and he mentioned he had an immigration problem, and he wanted to keep his bank account active. My son was working on the website for the apartments in the U.S., and he asked my son to help, and I said of course he can help while he was there [in the U.S.]. Those documents were recovered by my son, and they say he is a terrorist, I don't know.

Q: Majid Khan said he had an immigration problem and he wanted to keep his bank account active in the U.S.?

A: Yes, sir. He wanted to keep his bank account active because he couldn't get back to the U.S. because of an immigration problem. There's a procedure, and once your visa number is approved, it goes to Islamabad. There is a procedure.

Q: What do you know about Ahmar and Majid Khan? How would you know them, and why would you provide this business or financial support?

A: I met them through Mir; Ahmar was his associate, but he introduced himself as being from another province of Pakistan. I have his identification also; they all dress and act like Pakistanis, so he introduced himself as a Pakistani.

Q: Do you have a full definition of al Qaida? What it is?

A: I don't sir.

Q: Would you be surprised to hear Usama Bin Laden founded al Qaida, and al Qaida includes people from all over the world? People from America, Afghanistan, Pakistan, Philippines, and people from wherever?

A: Sir, how could anybody know who al Qaida is?

Tribunal President Response: Good question. That's a very good question.

The Tribunal President then confirmed the Detainee had no additional information for the Tribunal, and thanked the Detainee for his testimony and participation. The Tribunal President then explained the remainder of the Tribunal process, and adjourned the open session.

AUTHENTICATION

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



Colonel, USAF

Tribunal President

DETAINEE ELECTION FORM

Date: 02 Dec 04

Start Time: 9:15

End Time: 9:50

ISN#: [REDACTED]

Personal Representative: [REDACTED] MAJ., USAF

Translator Required? YES Language? URDU/ENGLISH

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

Detainee Election:

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

Personal Representative Comments:

Detainee will speak to each piece of evidence.
 Detainee has indicated he will take the oath.
 Detainee did not request any witnesses.
 Detainee did request documentary evidence- Letter from friend Bakhtiar Ahmad
 Detainee has multiple letters from family and associates.

Update 7 December 2004: Requesting to get a letter that he wrote to President Bush in 2000 and the letter that he wrote to the US Ambassador in Pakistan 2003. Detainee would like to have these letters but would not want this to delay is Tribunal.

Update 8 December 2004: Some letters have been located but not the letter to the President or the letter to US Ambassador to Pakistan.

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (12 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – PARACHA, Saifullah

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 supported the Taliban and al Qaida against the United States and its coalition partners.
 - a. The detainee supported the Taliban and al Qaida against the United States and its coalition partners:
 1. The detainee was involved in an al Qaida plan to smuggle explosives into the United States.
 2. The detainee "held for safekeeping" large amounts of al Qaida money given to him by known al Qaida operatives.
 3. The detainee, at the request of an al Qaida operative, researched offshore companies for investment possibilities.
 4. The detainee associated with known high-level al Qaida operatives.
 5. The detainee recommended to an al Qaida operative that nuclear weapons should be used against U.S. troops and suggested where these weapons might be obtained.
 6. The detainee assisted al Qaida in locating houses for al Qaida members and their families to rent.
 7. The detainee offered to al Qaida his media facilities for Urdu translation of extremist materials, including statements from Usama Bin Ladin.
 8. Al Qaida invested money in a company owned by the detainee.
 9. The detainee had a discussion with a high-level al Qaida facilitator about getting chemicals and explosives into a coalition partner's national boundaries.

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10. The detainee met with Usama Bin Ladin.

11. The detainee met with two high-level al Qaida officials and knew they were "wanted men."

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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U.S. Tax Court

November 3, 2004

RADM James M. McGarrah
Office of Administrative Review of Enemy Combatants
2000 Navy Pentagon
Room 4D545
Washington, D.C. 20350-2000

Re: SAIFULLAH PARACHA

Dear Admiral McGarrah:

Enclosed please find a statement received here by email from Mr. Syed Abul Mahasin, of Karachi, Pakistan, a business associate of Saifullah Paracha. Please submit this statement and this cover letter to the Combatant Status Review Tribunal when it considers Mr. Paracha's case.

Whatever indiscrete associations Mr. Paracha may have contacted in the course of his wide-ranging business and charity activities in Pakistan and Afghanistan, one thing is clear: Holding a moderate and sympathetic public figure like Mr. Paracha does a lot of harm to the American cause on the ground, where it matters, among our allies and supporters in Karachi and throughout Pakistan.

I expect to receive further statements showing that Mr. Paracha is by no means either an enemy nor a combatant.

Yours respectfully,



Gaillard T. Hunt

November 03, 2004 ,

RE: MR. SAIFULLAH A. PARACHA

Dear Mr. G. T. HUNT

I know Mr. Saifullah A. Paracha, personally for the last 11 years and that include his wife and children. As a family friend I frequently visit his home.

Mr. Paracha is a versatile personality. He is an honest and true Muslim. He never keeps company with Alcohol and other trivialities. Lots of people lined his office every day, including people related to business and social welfare institutions. People used to take advantage of his philonthropy some used to get loans from him and never repaid.

He was involved in several businesses, most of which have been losing concerns, Abson Industries Ltd., Karachi (A Public Limited Company incorporated in Pakistan) was forced to close due to losses. International Merchandise (Pvt.) Ltd. Karachi (a Private Limited Company incorporated in Pakistan) had to cease its business since his disappearance. Universal Broadcasting (Pvt.) Ltd. (A Private Limited Company incorporated in Pakistan) which was producing programmes of Religious and Entertainment was also wound up. S.S. Associates (Pvt.) Ltd., Karachi (A Private Limited Company incorporated in Pakistan) a construction venture has resumed in October, 2004, after an absence of several months.

His financial status is such that there is hardly any cash balance in his account. His own house is under mortgage. Still he would help his friends, even by taking loans. His alleged involvement in terrorist activities is baseless and without foundation. He is under custody of U.S. Army and F.B.I. for the last 17 months, but could not prove anything so far. Otherwise, he should be presented in the Court of law for his crimes (if any), but the Agencies bitterly failed to prove. His letter from Bagram, Kabul, Afghanistan delivered to his wife after lapse of 45 days to 60 days after censor through the courtesy I.C.R.C., Islamabad (Now he is in

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Guantanamo, Cuba), since September, 2004. Being a Muslim, his sympathy with Afghanistan and Iraq does not mean that he is involved in terrorism or supports terrorism. He has never ever seen a live cartridge in his life. For the last 11 years. I have never seen a Security Guard with a Gun posted at his residence (In Defence Housing Authority , every resident has his own Security Guard). In such circumstances, it is absolutely baseless and false to implicate Mr. Saifullah A. Paracha a pious and generous man to be labelled and charged with as a "TERRORIST".

I am narrating below some of the Business and Social Activities of Mr. Saifullah A. Paracha.

1. Mr. Saifullah A. Paracha has been a model Pakistani citizen. I have set out a short description of his activities to illustrate by way of background the nature and conduct of Mr. Saifullah A. Paracha. He has been founder of several successful business interests operating in Karachi & N.W.F.P. These have included business in both propylene bags, Textile Garments, Religious & Entertainment programmes of T.V. and construction of residential apartments.
2. Mr. Saifullah A. Paracha has devoted enormous time, effort and resources in his tireless efforts to further charitable causes. By way of example, Mr. Paracha established, the General Hospital and Maternity Home in Mangowal, Distt. Sargodha. This was a substantial project with the help of Paracha clan which cost in excess of Rs.14 million. The hospital provides medical facilities to the poor and needy people in the deprived and undeveloped village of Mangowal, his birth place.
3. Mr. Paracha also assisted "The Citizen Foundation" (TCF) in establishing an educational institution, opposite the hospital in Mangowal, Distt. Sargodha.

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4. Mr. Paracha's charitable activities have extended to other projects including assisting with the construction of EYE HOSPITAL for the poor by the Layton Rahmatullah Benevolent Trust (L.R.B.T.) in Shahpur, Distt. Sargodha.
5. Mr. Paracha was responsible for the renovation of the GYNAECOLOGICAL Wards in the Civil Hospital, Karachi through Council of Welfare Organisation. This particular project was acknowledged by the Secretary of Health, Govt. of Sindh.
6. Mr. Paracha has covered extensive projects for relief of poverty. These have included feeding some 5000 families struck by famine in Thar and Kohistan. Projects have also comprised building wells and installing hand pumps to benefit 4000 families through PASBAN. Mr. Paracha has also been devoted to assisting with the eradication of the spread of scabbies amongst inmates held at the Central Jail in Karachi and provided ceiling fans for installation in the cells.
7. Mr. Paracha visited Afghanistan from May 12 to 14, 2000 and February 16 to 19, 2001 well before the tragedy, which occurred in America on September 11, 2001.
8. These visits to Afghanistan were in pursuance of efforts to rebuild the economy and assist with developing educational institutions, particularly for the female community. In fact Mr. Paracha led a delegation of 65 Industrialists, Traders, Retired Army Personnel, Social Workers and other individuals from diverse background in order to further these goals. After this trip in February, 2001, the Ummat newspaper carried articles in instalments covering the visit. Even after September 11, 2001, Mr. Paracha efforts to help stimulate Industrial growth in Afghanistan continued with the new Government of Mr. Hamid Karzai.

You may draw your own conclusion about Mr. Paracha's character.

Best Regards – MAHASIN

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U.S. Tax Court

November 11, 2004

RADM James M. McGarrath
Office of Administrative Review of Enemy Combatants
2000 Navy Pentagon
Room 4D545
Washington, D.C. 20350-2000

Re: SAIFULLAH PARACHA

Dear Admiral McGarrath:

Enclosed please find a statement received here by fax from Mr. Baktiar Ahmad of Pakistan TV Corporation Ltd., expressing disbelief that Mr. Paracha could have been "associated with any hostility or crime." Please submit this statement and this cover letter to the Combatant Status Review Tribunal when it considers Mr. Paracha's case.

If there is a more direct way to submit statements to the tribunals please let me know.

The tribunal is required to determine only whether a detainee is an "enemy *combatant*". (My emphasis.) The definition of enemy combatant in the controlling orders excludes any metaphorical or extended use of the phrase:

An "enemy combatant" for purposes of this order shall mean an individual who was part of or supporting Taliban or al Qaida *forces*, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy *armed forces*.

(Again, my emphasis.) This definition is found both in the July 7, 2004, order of the Deputy Secretary of Defense and in Enclosure 1 to the July 29, 2004, memorandum of the Secretary of the Navy, the documents setting up the tribunals and defining their duties. The limitation to enemy armed forces conforms with the law of war and general principles of international law.

Since Mr. Paracha is a civilian far beyond military age, is a citizen of a country allied with the United States in the struggle with terrorism, and came under American control while peacefully traveling in civil aviation hundreds of miles from any war zone, he is not an enemy combatant. Any derogatory information American intelligence may have on him, if indeed there is any, will have to be dealt with in some way other than holding him under the metaphorical or fictitious label of enemy combatant.

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Confident that the tribunal will carry out its orders with the objectivity and fairness my own experience with courts martial and military boards leads me to expect from American military officers, we anticipate Mr. Paracha's designation as not an enemy combatant, and look forward to his return to Pakistan, where he has been a voice for moderation and reason.

Yours respectfully,

Gaillard T. Hunt

Gaillard T. Hunt

Mr. Saifullah Paracha

As I know him.

I came to know Mr. Saifullah Paracha when I started directing plays for his TV production company, Universal Broadcasting. Initially I had not met him personally, as his Production Executive, Mr. Aftab, hired me and I would deal with him only. It was the year 2000. I lived in Lahore and would come to Karachi according to the shooting schedules. Then there was a big gap as the production work was suspended.

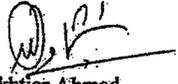
In 2001 I was once again asked to direct some plays for the Universal Broadcasting, which was now headed by Mr. Amin Sadiq, writer of the plays I directed previously. It was now that I had the chance to meet Mr. Paracha occasionally.

I found that he was a thorough gentleman. We would exchange greetings during the noon prayers whenever I was in the offices of Universal Broadcasting. Some times he would lead the prayers in the absence of the regular leader Mr. Hingora. One has to be a Muslim of high order to be able to lead prayers.

He was considerate and would look after the genuine worker. He had the ambition of preaching Islam through scholars of International repute. We had planned to do such programmes on the basis of non-comparison with other religions. The first of the series was to be on The Christ, Hazrat Besa Alaihissalam. The life and teachings of the Christ, PBUH, were to be presented as stated in The Holy Quraan and the sayings of our Prophet Muhammed PBUH. The next personality was to be of Hazrat Maryam RĀTU, then Moses, PBUH, and so on. We were very excited on the idea that we would be doing a service to the peace loving community and would perhaps help minimize the hostilities wide spread in the world due to religious antagonism. But alas it was not to be! I learnt that Mr. Pracha had left the country to attend a business meeting and is missing since then.

I have narrated the above in detail to draw a pen picture of Mr. Pracha the kind of a person he was. It is quite astonishing to learn that he is being associated with any hostility or crime. I found him a man of character, a learned person, doing good business, a man of word having respectable habits.

I wish him and his family all the best. May he return soon and be with his family.


Bakhtiar Ahmad
Controller Special Productions (RTD)
Pakistan TV Corporation Ltd.
Karachi.

Dated: November 11, 2004.

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November 12, 2004

RADM James M. McGarrah
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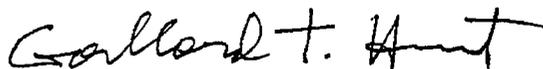
Re: SAIFULLAH PARACHA

Dear Admiral McGarrah:

Enclosed is the original of an affidavit sworn to in New York, by which Saifullah Paracha's nephew demonstrates the innocence of Saifullah Paracha's contacts in Afghanistan, and a printout of an email from an activist in Pakistan, Khalid Khawaja, to the same effect.

Please pass these papers, and this cover letter, along to the CSRT considering Mr. Paracha's status, which I'm sure will give them considerable weight.

Yours respectfully,



Gaillard T. Hunt

02 DEC 2004

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STATE OF NEW YORK

COUNTY OF *New York*

[REDACTED], being duly sworn, deposes and says:

1. I live at **[REDACTED]**. I have lived in New York since the age of 3. I graduated from NYU Stern School of Business, and currently serve as President of Software Company in the Empire State Building. I am competent to make this affidavit. I make this affidavit to assist the Combatant Status Review Tribunal in ascertaining that my uncle, SAIFULLAH PARACHA, is not and has never been an enemy combatant.
2. My Company based in New York also has an office in Karachi, Pakistan. My business requires that I go to Pakistan about three or four times a year. The main Pakistan office of my company, Verticity Pvt Ltd., is at Anum Estate Shah-re Faisal, Karachi Pakistan. SAIFULLAH PARACHA's office is also in that building. I do not recall that I ever visited Pakistan without seeing and talking to Saifullah Paracha.
3. When I visited Pakistan I generally stayed with my relatives, and talked with numerous friends and associates in Karachi. I therefore am well-informed about Saifullah's reputation in the community where he lived and worked.
4. SAIFULLAH PARACHA has a well-established reputation for peaceable ness. The people I have talked to simply do not believe that he is involved with terrorism or has supported terrorism.
5. On September 11th, 2001, I was right in front of the WTC when the first building collapsed. I was literally inches from losing my life. As debris was falling down and hitting people, most people began to panic and start stampeding, thus many people lost their lives due to that. With my own eyes I saw people holding hands and jumping out of the window of the 80+ floors.
6. I have discussed the events of September 11th with my uncle, and he was completely against what happened. He expressed sorrow and compassion for people who lost their lives, and agreed that nothing justifies killing innocent people as Bin Laden did that day. My uncle was into saving and helping people. He spent his time in charity work, building a hospital in the poorest areas of Pakistan. He also worked with building schools in the poorest area of Pakistan, which is the Northwest Frontier. This area is next to

Afghanistan, with which it shares a very porous border. If my uncle crossed into Afghanistan it would have been in connection with this charitable work.

7. Typical of the views people express about SAIFULLAH PARACHA are these:

From an article in The New York Times, August 18, 2003, by David Rhode:

"He very clearly knew I was Jewish," the [Saifullah] Paracha's business partner [Charles Anteby] wrote in a recent e-mail message to co-workers that was released by the family. "We had friendly talks on religion and he never has shown any animosity at all to Jewish people or to America. The opposite — he spoke very highly of America."

* * *

"I was shocked and scared by the allegations and find them very hard to believe," wrote the businessman. He ended the message by referring to his longtime business partner by his nickname. "Saif is my friend," the American businessman wrote. "And he knows it."

On the web site <http://www.freeparachas.org>, where we have a petition to free SAIFULLAH PARACHA, Rabia Aamir, number 82 of 147 signatures, wrote:

He has been like a father to me ever since my father died. He is not capable of doing anything wrong. Please God let him come back to us.

8. SAIFULLAH PARACHA's charitable activities, coupled with his outgoing personality, necessarily brought him in contact with a wide variety of people with a wide variety of views. Given the political atmosphere in Pakistan and Afghanistan today, it is impossible that none of these people would be sympathetic to terrorism. There is no way anyone can live and do business in Pakistan and Afghanistan without coming in contact with some persons who at least verbally support terrorism. It is therefore essential that no court or tribunal infer any guilt by association from any such contacts.

9. Far from being guilty because of his associations, if any, with persons who may be supportive of terrorism, SAIFULLAH PARACHA is among the decent, anti-terrorist Pakistanis who the United States should be supporting and cultivating as a moderating influence.



Sworn to before me this 11th day of November, 2004.

Jerry Pasini
Notary public

JERRY PASINI
Notary Public, State of New York
No. 01PA6108612
Qualified in QUEENS County
COMMISSION EXPIRES: 04/19/2008

To Whom It May Concern:

Although my acquaintance with Mr. Saifullah Paracha does not date back into a distant past, however, his magnetic personality and his thorough gentlemanliness made us feel like long time friends. We met only a few times, but perhaps, because of the commonality of interests and the concern to make our world, as far as possible, free of hatred, made us come very close to each other.

I am a retired Squadron Leader of Pakistan Air Force and also served the Pakistani Inter Services Intelligence agency for a number of years. My association with Afghanistan and its Jihad against the invading forces of the former Soviet Union dates back to the early eighties. The Jihad of Afghanistan against the occupying forces of Soviet Union brought me in close contact with all the major elements who were involved in resisting this aggression. For some, like America, it was a political decision and for others it was a religious duty to safeguard the honor of a Muslim nation.

Soon after the former Soviet Union was forced to pull out of Afghanistan, unfortunately, due to various reasons, the forces that fought collectively and so relentlessly against the Soviet Union, started fighting amongst themselves. This was a very sorry situation, especially, for people who wanted to see Afghanistan as a free country ruled by its own people. I, as one who had gained respect and trust from a majority of the Afghan segments due to my long association with the Afghan Jihad was instrumental in brokering the accord between these warring factions, this accord is popularly known as Islamabad Accord. Again during the early nineties I worked very closely with Mr. Paul Manafort, the well known lobbyist who now holds a very important position in the present US Administration, to broker a settlement of the dispute between the then Sudanese Government and United States of America.

Again, in the aftermath of the tragic happenings of September 11, 2001, I was more eager to see that a negotiated settlement is worked out between the American Government and Taliban. It was my trust with Taliban that made me an acceptable conduit for them to negotiate with the Mr. Mansor Ijaz and Mr. James Woolsey (the former CIA director) for a possible settlement of the differences between the American Government and Taliban.

Like Mr. Paracha, probably, it has always been my endeavor to try to bridge and fill in the gaps between two contesting parties. This commonality of approach was probably one more reason for us to come so close to each other in so short span of time.

During the course of our discussions on various issues, I was much impressed by Mr. Paracha's emphasis on the human consideration in Islam, especially, being a busy businessman, a person tends to adopt a materialistic approach to life, but it was not so in the case of Mr. Paracha. His concern to redress the sufferings of the ailing humanity around him was praiseworthy as he could always find time for such charitable endeavors despite being involved in diversified businesses; he owned a Production House for

television entertainment programs and documentaries, a buying house for the export of garments to USA, a huge polypropylene factory and construction projects.

In his eagerness to contribute to humanitarian projects he traveled to various places and met people from a cross section of society. I found him always willing and ready to meet and talk to people wherever such humanitarian project was necessary. This interaction, whose sole agenda was to alleviate the sufferings of the poor and people afflicted by international conflicts, may have brought Mr. Paracha in contact with people labeled as terrorists. However, I will want to make this fact very clear that nor I, neither any of his other acquaintances, have the slightest of doubt in the peace loving nature of Mr. Paracha. None of the people that know Mr. Paracha can ever even imagine associating Mr. Paracha with any activity having negative dimension to it. He probably met Usama once and may have also met some of the leaders of Taliban. But this interaction was not so noteworthy in those days as many charities and charitable people visited Afghanistan to help the downtrodden people of that country. He did criticize American policies but was always concerned at the widening gulf between the west and the east, especially between the Muslims and the American Government. He wanted to come up with a way to bridge this widening gulf, through his television documentaries, etc., to avoid any catastrophic happening.

He was known, amongst his friends, as one following Islamic way of life but he was also criticized for his interest-based borrowings from banks for his businesses. Mr. Paracha possessed a very mild personality, as he did not even force his wife and daughter to wear Hijab, a covering for women prescribed by Islam. He did not even mind dealing with a Jewish businessman, Mr. Charles Anteby and actually felt very comfortable taking him as his partner in his buying house.

I really wish that people like Mr. Paracha are not made victim of the campaign against terrorism. We should be careful not to throw people on the other side of the wall, people who can be instrumental in finding ways to bring the Muslims and the American government closer together to address the reasons for this increasing gulf between them.

Khalid Khawaja

301-530-2807
gthunt@mdo.net

Gaillard T. Hunt
Attorney at Law
8909 Grant Street
Bethesda, Maryland 20817

Admitted:
D.C. Bar, #89375
(Not in Maryland)
U.S. Tax Court

RADM James M. McGarrah
Office of Administrative Review of Enemy Combatants
2000 Navy Pentagon
Room 4D545
Washington, D.C. 20350-2000

November 20, 2004

Dear Admiral McGarrah:

Re: SAIFULLAH PARACHA

Enclosed please find the following statements in support of Mr. Saifullah Paracha:

- A character reference dated 12/11/2004 (i.e., November 12, 2004) from Khawaja Naveed Ahmed, Advocate, Supreme Court of Pakistan.
- A statement dated November 18, 2004, from Samin Khan, Barrister.
- A statement dated November 18, 2004, from [REDACTED], detailing some of Saifullah Paracha's charitable projects.
- A statement received November 19, 2004, from Mr. Sher Afzal.
- An English translation of a statement by the journalist and columnist Mr. Haroon Rasheed, received here November 18, 2004. I also enclose the original in Urdu, as the translation was not done here, and any government translator who wants to verify it may do so.

Some of these statements are more wordy than they would be had they been vetted by legal counsel, and some of them, especially the last, wander into philosophical, religious, and political matters. For this reason, I have taken the liberty of marking the passages in the last statement which directly testify to Mr. Paracha's charitable activities in Pakistan and Afghanistan and to his peaceable character.

But the statements as a whole do show that Mr. Paracha was not a combatant. They also show that, given the wideness of the support he inspires, holding Mr. Paracha without publicly available proof of actual wrongdoing is not wise policy. The Islamic Republic of Pakistan is an important ally of the

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United States, and the present government finds itself under fire for that alliance. Holding, on secret reports, a prominent businessman and philanthropist who is believed innocent by the Pakistanis who know him, can only give ammunition to the enemies of that alliance.

Please pass these papers, and this cover letter, along to the CSRT considering Mr. Paracha's status.

Yours respectfully,

Gaillard T. Hunt

Gaillard T. Hunt



Khawaja Naveed Ahmed

ADVOCATE SUPREME COURT OF PAKISTAN

Ex. Member Executive Committee (Sindh) Supreme Court Bar Association of Pakistan

Member International BAR ASSOCIATION (U.K.)

Member International LAW ASSOCIATION (U.S.A)

Add. Off: 205, Kashti Centre,
Shahjeh-Faisal, Karachi.
Ph: 5662047 Fax: 92-21-5675554

Add. Res: M. Khawaja Naveed Ahmed
Phase-V, Defence Housing
Authority, Karachi - Ph: 5850176

Dated: 12.11.2004

TO WHOM IT MAY CONCERN:

It is certified that Mr. Saifullah Paracha is known to me for last three years. He is a businessman of good repute. To the best of my knowledge, he bears good moral character. I have been told that he has been detained in Kabul for last about sixteen months.

(Khawaja Naveed Ahmed)
Advocate

Samin Khan

Mr. G. T. Hunt,
Attorney-at-Law,
8909 Grant Street,
Bethesda, Maryland, 29817
USA.

786
November 18, 2004

Subject: Saif ullah Paracha Case

Dear Mr. Hunt,

I am writing this letter to you as a senior lawyer who is a Barrister-at-Law of the famous Lincoln's Inn, London (1954) and a Master of Law from the Southern Methodist University, Dallas, Texas (1956) and a Master of Comparative Law from the University of Michigan, Ann Arbor (1957).

It may be of interest for you to know that two of my former students are judges of the Supreme Court of Pakistan including the present Chief Justice of Pakistan.

It may be of further interest to you to know that I have addressed the US Senate Committee on Afghanistan (1996) and I am now known for international negotiations.

Mr. Saif ullah Paracha is known to me both in my capacity as a lawyer and my being a well known personality of India, Pakistan and Afghanistan. He came first to see me several years back with a gentleman whose family is a well known business family of Pakistan.

Then he later on expressed a desire to record a TV interview of mine on my role in Afghanistan which was conducted by three experts on International Relations and Law. The very next year he again wanted me to record another TV interview of mine on Afghanistan. Subsequently he developed an interest in Afghanistan and tried to do business in Afghanistan and also made some harmless religious recordings for Kabul TV. But he did not take part in anything sinister or against International Law or even natural law. He is a mild religious person but since he has studied and lived in the West for a long time, he is not a fanatic in any sense of the word but a very reasonable person who could listen and appreciate the other person's point of view.

But as regards his trip to Bangkok although he had told me about his differences with his American partner, he did not tell me about the trip. Saif ullah Paracha is a perfect gentleman, is a family man, is a fine synthesis of the East and the West and used to help the poor and the needy.

After his arrest many prominent businessmen because of my prominence internationally and internationally asked me to take interest in the matter and so I became interested in the well-being and survival of his family and I found the family which I had never met before a true product of Islamic humanism.

If you want any other information about him please feel free to send me an e-mail or write at the above address.

Finally, I wish you success in the matter.

With best wishes,
Sincerely yours,

Samin Khan
Barrister-at-Law

CITY SOFT

From: [REDACTED]
To: <citysoft@citysoft.com.pk>
Sent: Thursday, November 18, 2004 12:52 PM
Subject: Attn: Mrs. Saifullah Paracha

This is [REDACTED] and I am the nephew of Saifullah A. Paracha. I have known Mr. Saifullah Paracha since childhood and my closest interaction with him had been during my employment in International Merchandise Group as a Manager Computer Operations of which Saifullah Paracha is the CEO.

During my interaction with Mr. Paracha I had come to know him more personally. Along with managing his company he was also involved in humanitarian work that included operating Council of Welfare Organizations (a non profit organization) and helping the Paracha community to progress that included building a hospital in our village Mangowal.

Most if not all of the company employees turned to Saifullah Paracha with personal or financial assistance and he had always helped the employees directly or in-directly of the company with honest suggestions and financial assistance if needed.

In short, I have seen him as a man of principles and always helps the needy.

Sincerely,

[REDACTED]
s/c [REDACTED] (late)

Date: Thursday, November 18, 2004

My first meeting with Mr. Saifullah Paracha was arranged by Sardar Ashraf in October, 2002. Despite the fact that my association with him spans over a very short span of time, however, I learnt quite a bit from him. We worked as partners on the Food Street project, for which prequalification was requested by the City Government of Karachi. I was instrumental in working out a deal for him whereby he acquired 80% shares in the high rise apartment project called Cliftonia.

I am very much impressed by the balance that Mr. Paracha maintains in religion and his daily routines of life. He is a very loving person and gave me valuable advice in my personal as well as businesses affairs. I found him as a very calculated person who always very meticulously looked at the pros and cons of a particular project before making up his mind. I never found him failing in his commitments. Mr. Paracha was very careful in his interactions with his associates and took extreme care that his actions do not hurt others. Whenever I saw him giving financial assistance to anybody he always instructed me not to disclose it to anybody.

During my association with Mr. Paracha, I found him to be an extremely nice man and I consider such type of people as the blessing of God to mankind. He is a loving and a faithful friend, a person who had a unique friendly and immensely loving relationship with his family, always taking extreme care that his children may grow up to be useful members of the society and at the same time have a clear understanding of their religion.

I personally feel that the tragic happening of 8th July, 2004 when he was allegedly taken away by FBI, is an extreme injustice perpetrated on a noble person like Mr. Paracha. I sincerely pray to God that his family comes out of this ordeal at the earliest.

[Statement of Mr. Sher Afzal,
received by email by G. T. Hunt November 19, 2004]

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[English translation of the statement by journalist Mr. Haroon Rasheed, re Saifullah Paracha. This translation was received by Gaillard T. Hunt on November 18, 2004, as a Word attachment on an email from Mrs. ██████████]

The body language of a person depicts his character. Three years back when I met Mr. Saifullah Paracha for the first time, I had an immediate impression that he is a compassionate and a loving person. He offered to enter into a contract with me for his Universal Broadcasting production house, which produced Current Affairs, entertainment and religious programs. Due to some reasons I could not accept his offer, however, I was immensely moved by his sincerity to his work and self-esteem, which is so rare in this subcontinent where inferiority complex is so rampantly widespread.

Our association continued and each meeting that I had with him made me like and respect him all the more. Despite being a reasonably well off man, I found him to be a very cordial and straightforward person. He is very soft spoken and possesses a very congenial personality, un-quarrelsome and never looking down upon others.

Although I am a journalist by profession but a major portion of my life is spent pondering on some major and basic issues concerning human character. For example, how do humans acquire certain traits in their personality and the factors that affect the process of human thought and action, and how are they negatively or positively transformed.

Human behavior and history have always been my areas of interest. Likewise, Mr. Paracha was also very interested in these subjects, which made us come close to each other all the more. I found him to be ever willing to help the suffering humanity. And we so often debated the reasons for the downfall of Muslims.

We, as humans, possess certain positive, and at the same time, certain negative traits in our personality. Genes, impressions that we take from our immediate family and the surroundings, as well as the type of education that we acquire, transform and highlight certain traits in a personality. A positive and good person is one who loves people in general and despises selfishness. One who keeps striving to suppress his negative and augment the positive traits. In Islam we call it self-purification. This process is a never-ending process. Worshipping the Almighty and helping his creations are two cardinal principles of this process of self-purification, and this can only happen if a person ceases to despise and look down upon others. The last prophet of God, Muhammad, may the peace and blessings of God be upon him (PBUH), described this in two words, Al-Deen Al-Naseeha, (Religion is "to be the well wisher of all human beings"). Mr. Paracha is one of those persons who so closely fit into this definition. Although we never found him bragging about his charitable projects and he never told us about them, however, we came to know through others that he set up various schools, other educational institutions and hospitals in the District of Sargodha, from where he started his life as an orphan. He contributed for the renovation of one of the largest hospitals of Karachi. We came to know, after he was taken away by FBI, allegedly, that he was supporting many families financially.

He is very much different from the religious fanatics. Religious fanatics don't make TV entertainment programs and they enforce their opinion on others, whereas Mr. Paracha did not even force his wife and daughter to wear Hijab. He did not even ever criticize those who did not pray the compulsory Muslim prayers. To the contrary he believed in practicing himself what he advocated and was always busy in his welfare activities. He believed in compassion, self-restraint and healthy exchange of views and lead people by example, not through force.

I always saw him showing respect, love and open-mindedness to non-Muslims and foreigners. He is very firm in his belief that Muhammad, may the blessings and peace be on him (PBUH), is the last messenger of God, and Quran is the last message of God, revealed to mankind through Muhammad, PBUH. He believed that Muhammad, PBUH, completed the mission of Jesus, peace be upon him, and Moses, peace be upon him, and that Quran actually completed and interpreted clearly and comprehensively the message of Jesus, peace be upon him, and Moses, peace be upon him which actually is the prescribed way of life for us.

Like Pakistan he was interested in Afghanistan too, where he saw poverty and destruction due to war. He helped the devastated Aghans through his charitable projects and took deep interest in the experiment of Islamic governance in Afghanistan. Like all of us, he also believed that Taliban had no experience of governance and that their interpretation on certain issues was too rigid and opinionated. However, he was much impressed by Taliban's simple way of life and firmness in their belief; he was never opinionated and never expressed extremist ideas.

One of the reasons of our close association was that we both were more inclined towards Sufism in contrast to Taliban's rigid and extremist approach. We both liked the Sufi's approach more who despised the sin and not the sinner. Who hate the wrong rather than the wrongdoer. We used to visit one of the noted Sufis of Pakistan, Professor Ahmed Rafique Akhtar. He was one of the many people whom I introduced to Professor Ahmed Rafique Akhtar who has a following of thousands of followers from the western countries who revere him and take guidance from him.

Mr. Paracha never thought of the American society as an ideal society but at the same time I never saw him rejecting or despising it. To the contrary he mingled with Americans quite comfortably and never had any mental reservations in doing so. Apart from the rare extremist, all good Muslims are like that. He, who sticks to his belief, and respects the belief of others.

He experienced and learnt a lot during his youthful days in the United States. Like many educated Muslims, he wanted to see the development and institution of the various organs of governance in Pakistan. He wanted Pakistan to have an autonomous judiciary, a pluralistic society where people agree to disagree, and the strengthening of democratic institutions, as he saw them being so successfully experimented and implemented in the US and other West European countries. I always felt that he wished Pakistan to have an

Islamic Social setup established on democratic foundations, where the media, press and the Judiciary is completely free and where people rise above prejudices and live as per their likes and preferences.

I find myself totally unable to accept the fact that he is being labeled as an accomplice of a terrorist. It's a serious misunderstanding, a grave mistake and only those who are extremist and very opinionated themselves can commit such a mistake in their assessment of Mr. Paracha's personality, these are the people who think of every Muslim, who prays five times and has a beard, as a terrorist. Wars bring with them a flood of misunderstandings and unfounded apprehensions and it is a fact that the greatest victim in a war is truth. I know for sure that Mr. Paracha has been a victim of a serious misunderstanding and if any court of law ever investigates his case impartially it will definitely find him as one possessing a noble character for whom Jesus, peace be on him, said that such people make this world a wonderfully interesting place, people who are the essence of life.

One of the basic instincts of mankind, which man has yet not been able suppress, is the urge to dominate. This instinct can be found on an individual, Societal or national level. A Society or nation may become afflicted with this negative instinct and the degree of this affliction is at times directly proportional with the supremacy of its power on others. This urge to dominate others, has been the reason that this world of ours has, unfortunately, always had a Nation with hegemonistic aspirations. At one time it was Great Britain, then the Soviet Union and now it's the United States of America. We understand that the New World Order started by senior Bush is actually a manifestation of the same urge to dominate others, which has resulted in the ugly reaction in many Muslim countries. We see Muslims being so mercilessly massacred in Chechnya, Palestine, Kashmir, Iraq and Afghanistan. In Iraq and Afghanistan there is a direct involvement of US in the injustices being perpetrated, whereas in Palestine it supports the aggression of Israel. We see that the US very conveniently ignores the injustices being done to the people of Kashmir and Chechnya. This is our point of view and the way we see things, we agree that the US government has a right to have their own interpretation of the situation, however, this difference of opinion should appeal to human logic, US should not stick to its interpretation on the basis of brute force at its disposal. When, on the behest of US administration, people like Mr. Paracha are kidnapped and taken to Guantanamo Bay, and in doing so, all legal formalities are ignored, what reaction US should expect in return. If Mr. Paracha has committed any crime then it should be very easy to convict him through a court of law. Is it proper to suspect a person of a crime and then kidnap him and condemn him to a deserted island of Guntanamo Bay, without any legal proceedings? Any court of law will agree that no justice can prevail through tyranny and force. When justice and fair play is compromised and suppression of the weak becomes a norm on the basis of power, it manifests itself in the form of unwelcome reactions that we so commonly see nowadays.

As a journalist, I have spent more than 20 years of my life looking at the various dimensions of the Afghanistan issue. Although I am not a jurist myself, however, if the

court permits, I will be glad to put before the court, very clearly and elaborately, how I see the Afghan situation provided justice is intended, and I believe that it is.

Sir, I have no doubt in the fact and want to state this with full vehemence that only justice and fair play can guarantee peace and bring tranquility in this world. Nations that have differing standards for dealing with the 'powerfuls' and the 'weaks' are eventually themselves destroyed.

"Why do they hate us?" is a very common question that many Americans ask these days. Sir, this is because the present American Administration has miserably failed in equitably dealing with the oppressed and suppressed nations. In some cases it has perpetrated the worst of crimes against the best among us and Mr. Paracha is one of those best human beings who I have been able to interact with, in my life spanning more than half a century. After committing such a crime, how can the American Administration expect any good from the Almighty who sees everything and is omnipotent. He is the one Almighty who brings to naught the forces of power and tyranny. The Almighty in his The Last Testament, Quran, which certifies the Old and the New Testaments, says that His wrath falls on a nation when it starts feeling too high of itself.

By : Mr. Haroon Rasheed
Columnist Daily 'Jang' Newspaper

[English translation of the statement by journalist Mr. Haroon Rasheed, re Saifullah Paracha. This translation was received by Gaillard T. Hunt on November 18, 2004, as a Word attachment on an email from Mrs. ██████████]

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Dec 08, 2004

THE PRESIDENT

COMBATANT STATUS REVIEW BOARD

GUANTANAMO BAY NAVAL BASE, CURA

REFERENCE: OIC, CSRT (12 NOVEMBER 2004)

SUBJECT: COMBATANT STATUS REVIEW

MY HUMBLE SUBMISSIONS ARE:

I, SAIFULLAH A. PARACHA, PAKISTANI NATIONAL,
LIVING IN KARACHI - PAKISTAN, BORN IN
SARGODHA - PAKISTAN - DOB AUG 17, 1947.

WENT TO SCHOOL IN SARGODHA UPTO 8TH GRADE
DID HIGH SCHOOL IN KARACHI, TWO YEARS
COLLEGE IN KARACHI - (B. SC) HONS - KARACHI
UNIVERSITY, KARACHI PAKISTAN. 1969.

(B.S) COMPUTER SCIENCE (SYSTEM DESIGN & ANALYSIS)
NEW YORK INSTITUTE OF TECHNOLOGY, NY 1973

I REACHED BANGKOK INTERNATIONAL AIRPORT
ON JULY 06, 2003 AND AT THE AIRPORT
I WAS ILLEGALLY, IMMORALLY ARRESTED
BACK HAND/LEG CUFFED, BLACK BIC MASK
ON MY HEAD UPTO NECK, WAS THROWN ON
FLOOR OF STATION WAGON FACING DOWN.

I AM HEART PATIENT / DIABETIC / HIGH BLOOD PRESSURE
SKIN DISORDER, GOUT IT COULD HAVE ^{BEEN} FATAL,
THERE WAS NO HUMAN CONSIDERATION AT
ALL. FROM AIRPORT I WAS TAKEN TO UNKNOWN
PLACE FOR FEW DAYS AND KEPT EYES ⁴⁶⁵⁸ COVERED

EXHIBIT D-6 Page 1 of 7

EARS COVER, HAND CUFFED, LEG CUFFED,
AFTER FEW DAY I WAS TRANSPORTED BY
PLANE TO AFGHANISTAN, UNDER EXTREMELY
SEVERE BAD CONDITIONS I WAS KEPT IN
ISOLATION FROM JULY 2003 - SEPT 20, 2003
AND SINCE SEPT 20, 2004 - I AM IN ISOLAT
CELL IN GUANANAMO BAY ISLAND

ON DEC 02, 2004, PERSONAL REPRESENTATIVE READ
ALLEGATION AGAINST ME, THERE IS NO INDICATION
UNDER WHICH LAW I WAS ARRESTED & BEING
DETAINED FOR LAST 17 MONTHS. NONE OF THESE
CHARGES ARE ~~APPLICABLE~~ APPLICABLE ON ME, I AM
NOT YOUR SLAVE, NEITHER YOU ARE MY FINANCIAL
GUARDIAN NOR PAKISTAN COMES UNDER YOUR
STATE. NOR I WAS IN THE BATTLE
FIELD CARRYING ANY KIND OF WEAPONS.
SO FAR INTERROGATORS OR USA GOVERNMENT
HAVE ^{NOT} BEEN ABLE TO ESTABLISH RELATION BETWEEN
ME AND USA, I.E AM I BEING CONSIDERED
HUMAN BEING OR ANIMAL, OR IS USA MY
GOD? AND I AM SUPPOSE TO WORSHIP
OBEY USA, IS USA CONSTITUTION APPLICABLE
ON ME? WHY PAKISTAN'S COURT CAN NOT
DECIDE MY SIN? WHY INTERNATIONAL
COURT CAN HAVE HEARING? OR USA COURTS!

SINCE USA IS ACTING LIKE MY MASTER, THOU
MY MASTER IS GOD AL-MIGHTY, IN THIS
MY ANIMAL LIFE YOU HAVE NOT ^{ANY} CHOICE
FOR ME BUT TO RESPONSE, MY ⁴⁶⁵⁹ REPLY

WITH REFERENCE TO YOUR ILLEGAL CHARGES
ARE AS FOLLOWS:

- I HEREBY STATE SOLEMNLY, AFFIRMLY THAT
I HAVE NEVER SUPPORTED TALBAN / AL-QAIDA
DIRECTLY INDIRECTLY AGAINST USA AND ITS
COALITION PARTNERS.

- WITH REFERENCE TO YOUR ALLEGATION 1, I HAVE
NEVER BEEN INVOLVED IN AN AL-QAIDA PLAN
TO SMUGGLE EXPLOSIVE TO USA.

- WITH REFERENCE TO YOUR ALLEGATION 2, I HAVE
NEVER "HELD FOR SAFEEKEEPING" LARGE AMOUNTS OF
AL-QAIDA MONEY GIVEN TO ME BY ANY KNOWN
AL-QAIDA OPERATIVES.

- WITH REFERENCE TO YOUR ALLEGATION 3, I NEVER
MADE ANY RESEARCH OFFSHORE COMPANIES FOR
INVESTMENT POSSIBILITIES.

- WITH REFERENCE TO YOUR ALLEGATION 4, I HAVE
~~BEEN~~ NEVER BEEN ASSOCIATED WITH KNOWN HIGHLY
AL-QAIDA OPERATIVES.

- WITH REFERENCE TO YOUR ALLEGATION 5, I NEVER
RECOMMENDED TO AN AL-QAIDA OPERATIVE THAT
NUCLEAR WEAPONS SHOULD BE USED AGAINST US TROOPS
AND I HAVE NO KNOWLEDGE WHERE WEAPONS
COULD BE OBTAINED.

— WITH REFERENCE TO YOUR ALLEGATION 6, I NEVER ASSISTED AL-QAIDA IN LOCATING HOUSE FOR AL-QAIDA MEMBERS AND THEIR FAMILIES TO RENT, HOWEVER I DID SHOW MY RESIDENTIAL ^{AREA} TO MY FELLOW PAKISTAN, OTHER FELLOW PAKISTANI NEWSPAPER LISTING FOR RENTING A HOUSE.

— WITH REFERENCE TO YOUR ALLEGATION 7, I NEVER OFFERED TO AL-QAIDA MY MEDIA FACILITIES FOR URDU TRANSLATION OF EXTREMIST MATERIAL, OR ANY STATEMENT FROM USAMA BIN LADIN, HOWEVER OUR NEWS AGENCY UNIVERSAL NEWS (PVT) DOES PROVIDE SERVICE ALL KIND NEWS / STATEMENT IT IS PART OF BUSINESS TO COLLECT NEWS & DISTRIBUTE.

— WITH REFERENCE TO YOUR ALLEGATION 8, I HAVE NEVER ACCEPTED FROM AL-QAIDA ANY MONEY FOR INVESTMENT, HOWEVER SOME PAKISTANIS FROM TIME TO TIME INVEST IN MY BUSINESSES.

— WITH REFERENCE TO YOUR ALLEGATION 9, I NEVER HAD DISCUSSION WITH A HIGH LEVEL AL-QAIDA FACILITATOR ABOUT GETTING CHEMICALS AND EXPLOSIVES INTO A COALITION PARTNER'S NATIONAL BOUNDARIES.

— WITH REFERENCE TO YOUR ALLEGATION 10, I HAD TWO MEETINGS WITH ~~USAMA~~ USAMA BIN LADIN

— WITH REFERENCE TO YOUR ALLEGATION 11, I NEVER MET TWO HIGH LEVEL AL-QAIDA OFFICIALS AND HAVE NO KNOWLEDGE OF "WANTED MEN". ⁴⁶⁶¹ page 4 of 7

I WOULD LIKE TO BRING SOME FACTS TO KIND NOTICE.

MOST DANGEROUS COLD WAR ENDED, USSR WAS DEFEATED BY AFGHANS, PAKISTANIS & RADICAL REBELLIOUS MUSLIM CAME AROUND THE WORLD - IN RETURN USA BECAME SOLE SUPER POWER, USSR LOST ABOUT 17,000, & 30,000 DISABLE, AFGHANISTAN LOST 1,500,000 LIVES, ABOUT 1,000,000 DISABLE & COUNTRY IS TOTALLY RUINED. PAKISTAN LOST LARGE NUMBER IN MANPOWER & LOST FINANCIAL BASE. PAKISTAN ALSO BECAME CENTER OF TERRORISM BECAUSE ABOUT 1,500,000 REFUGEES MIGERATED TO PAKISTAN FROM OPEN UNCONTROLLED 100'S OF MILES BORDER BETWEEN PAKISTAN & AFGHANISTAN. THE REFUGEES ARE AFGHANS AND RADICAL REBELLIOUS MUSLIM AROUND THE WORLD, THESE MUSLIM WERE NOT ACCEPTABLE TO THEIR NATIVE COUNTRIES BECAUSE THEY RADICAL & REBELLIOUS.

THESE MUSLIMS ARE VERY FRUSTRATED, EMOSIONALLY STARVED HAVE NO FAMILY BASE (NO FATHER. MOTHER ETC) WORLD IS NOT PAYING ANY ATTENTION TO THIS MAJOR HARBOURING TERRORISM ROOT CAUSE, I AS CITIZEN OF UNIVERSAL GOVERNMENT PAID VISITS TO AFGHANISTAN (1999-2000 (3 VISIT) WROTE TO PRESIDENT GEORGE W. BUSH (JR), GEORGE W. BUSH (SR) ALL CABINET MEMBER, ALL CONGRESSMAN & SENATOR HIGH LIGHTED THE PROBLEM & PROPOSED THE SOLUTION, ONE ~~ONE~~ OF THE VERY SERIOR OFFICIAL HAS LONG MEETINGS ON SEPT 17, 18, 19, 2004 WHO READ THAT LETTER AND SAID IF OUR POLITIAL HAS

LITTLE ATTENTION TO MY LETTER 9/11
TERRORIST ATTACK COULD HAVE AVOIDED WHERE
USA LOST 3000 LIVE AND APPROXIMATE SEVEN
9 HALF TRILLIONS DOLLARS. THIS ^{LETTER} I HAVE PERSONAL
REPRESENTATIVE TO COLLECT FROM FBI AGENT IN
QUATNAMAMO BAY BASE. DURING MY INTROCUATION
I HAVE OFFERED MY SERVICES TO FIGHT TERRORISM
WITHOUT ANY REWARD BECAUSE MY REWARD IS
FROM MY LORD ALMIGHTY, BUT NO BODY PAYING
ANY ATTENTION, IN AFGHANISTAN I WROTE MANY
SOLUTION FOR INTERROGATORS THEY AGREED WITH MY
PROPOSAL I HOPE FOR IMPLEMENTATION.

MY SON [REDACTED] HAS ALSO DETAINED IN
NEW YORK, I WROTE TO U.S. AMBASSADOR, MISS
NANCY POWER FOR AN INTERVIEW TO CLEAR MY
AND MY FAMILY POSITION, MADE SEVERAL PHONE
CALLS BUT NO GIVEN TIME - THAT LETTER
IS ALSO WITH FBI AGENT HERE - IT SHOULD
BE EXAMINED. THERE WAS NO REASON FOR TO HIDE
I OFFER MY SELF AVAILABILITY YET ~~THE~~ AUTHORITY
USED MOST UGLY, IMMORAL UN-LAWFUL METHOD
TO ARREST ME.

PAKISTAN AND AFGHANISTAN ARE VERY POOR COUNTRIES
NEEDS EDUCATION, HEALTH CARE & JUSTICE TO COMMON
MAN, I HAVE AN ORGANISATION COUNCIL OF WELFARE
ORGANISATION (CWO) WE DO HELP WITH OUR LIMITED
RESOURCES, I ALSO WROTE TO DIRECTOR USAID
MY ASSISTANCE FREE OF COST BECAUSE USA GRANT \$100 MIL
DOLLAR FOR RURAL EDUCATION - AGENT HAS THAT LETTER.

ON THE SUBJECT OF COLD WAR BETWEEN TWO SUPER
POWER I LIKE TO BRING AN OTHER IMPORTANT
IMPACT WHICH NEEDS TO BE RECORDED.

GOD ALMIGHTY PLAN WORKS SILENTLY BUT SURELY
AMONG ALL NATIONALS AND AT ALL TIME IN THE
MOST FANTASTIC FORMS OF PEACE LEAST DAMAGES,
FOR EXAMPLE IF TWO SUPER POWER FOR GOD BID
HAD DIRECT FIGHT - BOT NATIONS HAVE WMD
THAT THE WHOLE WORLD COULD BE DESTROYED
MORE THEN 50 TIMES. YET IT WORKED WITH
LEAST CASUALTIES. NOW COLD IS OVER. BUT SIR
YOUR SOLDIERS THEY FOUGHT FOR THIS COLD
WAR NEEDS BETTER SETTLEMENT IN THEIR
LIFE, PLS USE WISDOM IN ORDER CONTROL
TERRORISM OTHER UN-INTENTIONALLY IT IS
SPREAD.

" PRAYER "

MY PRAYER TO YOU IS SIR, UNDER
THESE CIRCUMSTANCES I MYSELF MY FAMILY
MY PARTNER CHARLES ANTERBY HAVE GONE
THROUGH TO REPAIRANCE LOSS, IN ORDER TO
SAVE FURTHER LOSSES I REQUEST YOU KINDLY
TO ORDER THE AUTHORITY FOR MY IMMEDIATE
RELEASE & TO RELEASE A PRESS RELEASE
MY RESPECTFULL RELEASE.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 13 December 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.

MAJOR [REDACTED]

Name

[REDACTED]

Signature

13 Dec 04
Date

ISN # [REDACTED]
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH MUSAHID,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2367 (RWR)

DECLARATION OF DAVID N. COOPER

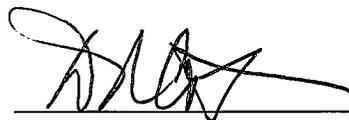
Pursuant to 28 U.S.C. § 1746, I, Lieutenant Colonel David N. Cooper, Judge Advocate General's Corps, United States Air Force Reserve, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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

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

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

Dated: 10 August 2006



David N. Cooper
Lt Col, JAG Corps, USAFR



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 900

L 9 FEB 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #1100**

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 #1100 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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4667



Department of Defense
Director, Combatant Status Review Tribunals

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #26

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

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

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

MEMBERS:

[REDACTED], Colonel, U.S. Air Force; President

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

[REDACTED], Major, U.S. Air Force; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

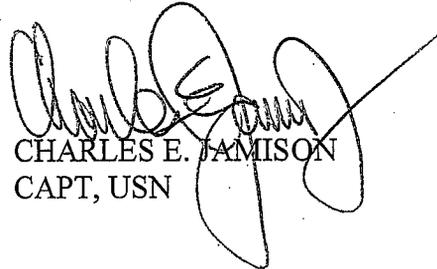
14 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1100

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: #26

(U) ISN#: 1100

Ref: (a) (U) Convening Order for Tribunal #26 of 9 December 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 17 December 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #1100 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, USAF

Tribunal President

25 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1100

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 #26 of 9 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 elected to participate. *See* exhibit D-a. The detainee also provided the Tribunal with a written statement. *See* exhibit D-b. Additionally, the detainee provided the Tribunal with a sworn oral statement in question and answer format. *See* enclosure (3). The Tribunal considered the written and sworn oral 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).
- d. The detainee requested 8 witnesses and documentary evidence be produced:
 - i. The Tribunal President determined that three of the four witnesses the detainee requested were relevant, but allowed their testimony by alternate means (a written format) to be presented by the detainee's Personal Representative to the Tribunal. *See* D-c through D-e. The Tribunal properly considered the written testimony of the witnesses.
 - ii. The Tribunal President determined that the testimony of the fourth detainee witness was not relevant since the testimony was of a duplicative nature. In my opinion, the Tribunal should not have deemed the witness testimony duplicative; however, the Tribunal properly determined that the detainee was an enemy combatant absent this witness testimony.

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1100

iii. The detainee requested four non-local witnesses to testify. The Tribunal President determined that the witnesses were relevant, and requested that the Assistant Legal Advisor, based in Guantanamo Bay, Cuba, assist the detainee in locating the requested four witnesses. The Assistant Legal Advisor contacted the Afghan government authorities to provide information on the witnesses' whereabouts. After a reasonable amount of time had elapsed with no response from the Afghan government, the Tribunal President determined that the four requested witnesses were not reasonably available. In my opinion, the Tribunal acted properly in determining the witnesses were not reasonably available.

iv. The detainee also requested documents from the Afghan government. The Tribunal President determined that the documents were relevant, and requested assistance from the Afghan government in locating them. The Tribunal President ruled that the documents were not reasonably available after a reasonable amount of time elapsed with no response from the Afghan government. In my opinion, the Tribunal acted properly in determining the documents were not reasonably available.

e. The Tribunal's decision that detainee 1100 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.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.


PETER C. BRADFORD
LT, JAGC, USNR

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL: _____ #26

ISN #: _____ 1100

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 had served as a police force commander in Gardez, Afghanistan until he was fired due to suspicions of collusion with anti-government forces. The unclassified evidence also indicated the detainee was a member the Harakat-e-Mulavi (HeM) extremist group that is known to have ties with al Qaida and the Taliban. The unclassified evidence provided by the Recorder further identifies the detainee as being responsible for an attack on U.S. Forces in the vicinity of Gardeyz City, Afghanistan. The detainee chose to participate in the Tribunal process. He called eight witnesses, requested no U.S. government document be produced, made a sworn verbal statement, and provided a written statement. The Tribunal President determined four of the requested witnesses would provide redundant testimony and approved three. These three witnesses provided testimony by alternate means when they were not able to attend the hearing due to force security reasons. The Tribunal President also found another four witnesses would provide relevant testimony but were not reasonably available and alternative means of producing the witness's testimony were not reasonably available. The detainee made a general request for unspecified documents from the Afghanistan Department of Ministry. The detainee, in his verbal statement, claimed that he was not fired from his position in Gardez but was actually promoted to another position in Kabul. The detainee also admitted to being a member of HeM during the Russian conflict but did not claim any current association. And the detainee denied any involvement in any attack against U.S. Forces instead stating that there were no hostile activities against U.S. Forces in Gardez during his 18 month tenure as the police force commander. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-e and R-1 through R-20.

- b. Testimony of the following persons:
 Said Mohammed Ali Shah (Detainee #1154)
 Haji Mohammed Aktiar (Detainee #1036)
 Mohammed Aman (Detainee #1074)
- c. Sworn statement of the detainee.
- d. Written statement of the detainee.

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

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

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
1. Said Mohammed Ali Shah (Detainee #1154)	Alternative means available (note 1)	yes
2. Haji Mohammed Aktiar (Detainee #1036)	Alternative means available (note 1)	yes
3. Mohammed Aman (Detainee #1074)	Alternative means available (note 1)	yes
4. Mohammed Mousa	Redundant testimony	No (note 2)
5. Shahzdeh Masoud	Not reasonably available	No (note 3)
6. Gulltay Deh	Not reasonably available	No (note 3)
7. Haji Saifullah	Not reasonably available	No (note 3)
8. Ali Ahmed Jalali (note4)	Not reasonably available	No (note 3)

Notes

- The Tribunal President was informed that force protection considerations precluded witnesses 1 through 3 from testifying in person. The President then directed that an alternative form of testimony be considered. The Personal Representative (PR) then met with each witness and asked each if they wished to provide testimony. These witnesses agreed to provide testimony and the PR obtained their sworn responses to questions from the detainee. After reviewing these statements, the detainee requested the PR submit them to the Tribunal as Exhibits D-b, D-c, and D-d.
- Another Tribunal President initially ruled the testimony from witnesses 1 through 4 would be relevant but that they were also be redundant. He approved 3 of the 4 of the witnesses. The Personal Representative coordinated with the detainee who selected 3 witnesses to request testimony. Prior to the Tribunal hearing, the presiding Tribunal President affirmed the previously assigned President's ruling. The detainee was informed of the ruling on the record. The detainee affirmed during the open session that the expected testimony from witness 4 was the same general testimony provided by witnesses 1, 2 and 3.
- The Tribunal President explained to the detainee, on the record, he had determined these witnesses' testimony would be relevant, and asked the U.S. Government attempt to produce

them. The CSRT legal advisor then used standard CSRT procedures to request the U.S. Department of State attempt to contact these individuals through the Afghanistan Government. The Department of State subsequently informed the CSRT legal advisor that they had formally requested that government on or about 26 November 2004 to locate these individuals. That government did not respond to the request after a reasonable amount of time had elapsed. Therefore, lacking the cooperation of the foreign government, the Tribunal President was forced to find these witnesses not reasonably available. Also during the open session, the detainee described the expected testimony of these witnesses.

4. During the hearing, the name of witness 8 was provided by the detainee. Prior to the hearing, the witness had only been identified as the Minister of the Interior of Afghanistan. The President did not find this late identification to be a factor in the process of locating the witness.

The detainee requested no additional evidence be produced from the U.S. Government. However, the detainee requested documents from the Afghanistan Government.

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Unspecified papers related to detainee's assignments to police/security posts in Gardez and Kabul	Not reasonably available	No*

* The request for documents from the Afghan Interior Ministry was made within the detainee's request for testimony from the Afghanistan Minister of the Interior. The detainee claimed the Minister could provide unspecified papers that would prove that the detainee was not "fired" from his position as a police force commander in Gardez, Afghanistan. The President ruled these documents were not reasonably available based on the Afghanistan Government's lack of cooperation in contacting the Interior Minister. Furthermore, the President noted that the request appeared to be untimely and not specific.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits 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 (as well as the detainee's and his witnesses' statements) 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 written witness testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3) and the written statements are provided within Enclosure (4). In sum, the detainee testified that he was not fired from his government position as the police force commander for the city of Gardez. The

detainee stated that he asked by the Afghan Minister of the Interior to assume the position of commander of security for Kabul which included responsibility for roads and highways. The detainee admitted he was a member of Harakat-e-Mulavi (HeM) for about 4 years during the time of the Soviet occupation but was not currently an active member. Finally the detainee stated that there were never any attacks against U.S forces in Gardez.

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

6. Consultations with the CSRT Legal Advisor

The CSRT Assistant Legal Advisor was consulted regarding the witness issue discussed above.

7. Conclusions of the Tribunal

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

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

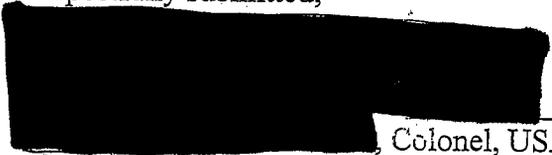
b. The detainee understood the Tribunal proceedings. He indicated that he understood the proceedings, fully participated in his hearing, asked relevant questions, and provided helpful information during his sworn statement.

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,


Tribunal President

Colonel, USAF

Summarized Unsworn Detainee Statement

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

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

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

Tribunal President stated that the detainee has requested eight witnesses.

Tribunal President: Your Personal Representative has advised me that you had requested eight witnesses. Those witnesses, I'd like for you to confirm their identification at this time. The first was Said Mohammed Ali Shah, is that correct?

Detainee: Yes.

Tribunal President: The second was, Haji Mohammed Aktiar.

Detainee: Yes.

Tribunal President: The third was Mohammed Aman.

Detainee: Yes.

Tribunal President: The fourth is identified as Mohammed Musa.

Detainee: Yes.

Tribunal President: Other witnesses you also requested was, Shahzdeh Masoud, the Security Minister and advisor to Karzai. Okay, do you concur with that?

Detainee: Yes, Sir.

Tribunal President: Gulltay Deh, the representative of Defense Ministry, also from the city of Gardez.

Detainee: Haji Sufullah?

Tribunal President: That's later, the one I was trying to refer to was Gulltay Deh.

Detainee: Yes, the Defense Department?

Tribunal President: Yes. Also, Haji Saifullah?

Detainee: Yes.

Tribunal President: The fourth, the last, of the eight witness you requested was not by name, but the Minister of Interior, Interior Ministry, Office of Pzhanton?

Detainee: The Interior of Ministry.

Tribunal President: Right. The Minister of the Interior. You just wished whoever was holding that post, was that my understanding?

Detainee: My records are over there. If you want you can ask them for anything. They will give you any information about me.

Tribunal President: I'm a little confused with this last witness request. Was it a request for a person from that office, or just information about you at this office?

Detainee: They have my work history, you know. My files are in there; you guys need to contact them to get information from them. You can verify it from them.

Tribunal President: Then I understand that you were not asking for an individual, you were asking for, directing us, to documentations regarding you and your work history. Thank you.

Detainee: Yes, you can find that out from the Ministry.

Tribunal President: Okay, I understand that the last witness was not actually a witness, it was a direction for finding documentation and regarding that point, I will take that under advisement and if I believe that this tribunal would find that documentation useful, we could request it at a later date from, I believe the Afghanistan government, particularly, the city of Gardez.

Detainee: Yes.

Tribunal President: Just a moment, I'd like to confer with my panel member. (A brief pause) Thank you for your patience. Regarding that last point I'd like to formally note that at this time, I'm denying the request for documents for a number of reasons. First, the documents weren't specific, in terms of exactly what was requested and what they would provide us. And, another reason was that it's a little untimely notification to this panel. That denial is provided with the option for the tribunal to change that ruling at a later date if we find it necessary to have, for making a critical decision regarding your classification as an enemy combatant. Abdullah Mujahid, I appreciate you clarifying the information at this time and we will consider this information at a later time.

Detainee: Thank you very much.

Tribunal President: I need to address the other witnesses that you called, the seven other witnesses at this time. Of the seven witnesses, three were identified to be in Afghanistan. From

the information provided by the Personal Representative, I have determined that these witnesses would provide relevant testimony. I directed the United States government contact these individuals through the Afghanistan government. I was advised that the Afghan government was contacted on or about 26 November 2004. As of this date, the Afghanistan government has not responded to our request. This has been a reasonable amount of time for the foreign government to respond to our properly made request. Without the cooperation of that government, we are unable to contact those witnesses and to obtain the testimony you requested. Therefore, I make the ruling that I'm forced to find these witnesses are not reasonably available. And I would ask the Personal Representative to remind this Tribunal to ask the detainee to state what these witnesses would've provided if we had been able to contact them.

Personal Representative: Sir, do you want me to ask him, or do you...?

Tribunal President: Just at a later time. Make sure it's appropriate when we receive that information.

Personal Representative: Okay Sir.

Tribunal President: Of the remaining four called witnesses, I understood that all four would provide similar testimony and requested that the Personal Representative ask and get a prioritization of which ones would be preferred out of the four. I approved three of the four witnesses that will provide testimony today. Those witnesses' were Said Mohammed Ali Shah, Haji Mohammad Aktiar, and Mohammed Aman. Those three witnesses are in U.S. custody, but the responsible organization has informed me that these witnesses cannot attend this hearing due to Force Protection reasons. I requested an alternate form of testimony be considered. I understand that an alternate method was used for these witnesses' testimonies. Personal Representative, please inform the Tribunal of these witnesses testimony and describe how they were obtained.

Personal Representative: Yes, Sir. Upon notification of the approval of the three witnesses, I scheduled the interviews with each of them, initially on the 24th of November 2004. All three of the witnesses I met with. During those meeting I asked the following questions: If they knew Abdullah Mujahid, if they would wish to participate in his tribunal, and if they would be willing to take an oath, and swear on it. All three of them said affirmatively that they did want to participate, that they did know Abdullah and they did say that they would swear to tell the truth. I conducted a follow up in more detail interview with each of the detainees on the 16 December 2004, to obtain specific information to help Abdullah dispute the evidence against him. I had a follow up meeting after the interview with the witnesses. That follow up meeting was with Abdullah. We read in his language, each of the witness statements, gave him the opportunity to respond to each of those statements. He has approved that all three statements be submitted to this Tribunal today. Sir, just as a side note on the witness request for the Minister of Interior, the witness request was actually for the current position of the Minister of Interior. For clarification, the witness data worksheet stated that the Ministry of Interior could provide the documented papers as you previously mentioned. It also stated that the Minister of Interior attended his change of post ceremony when he left as the commander as police to go to be the chief of highways.

Detainee: Yes.

Personal Representative: The request also stated as he relayed to me that that Minister of Interior gave him an automobile for that new position.

Detainee: Yes.

Personal Representative: The minister can also explain that Abdullah was not fired from his appointed position due to suspicions of collusion with anti-government forces as indicated on the unclassified summary.

Detainee: Yes.

Personal Representative: Finally, as Abdullah had explained to me that that minister could also put light on the allegations that he had attacked U.S. Forces in the vicinity of Gardez and help to negate that piece of evidence. So, Sir, you were correct, it was both documentation and also the position that the witness could testify to this.

Tribunal President: (To the detainee) You did not have the name of that minister?

Detainee: Ali Ahmad Jalali.

Tribunal President: I have reviewed my notes and I did note that the United States Government did request the Afghan government help us contact the Minister of the Interior for the office, for the city of Gardez. So, there is still a proper request for that witness, but like I said before, we have no response from the Afghan government.

Detainee: Excuse me; the law in Afghanistan is like this. Just like how the system works here, like this Tribunal, it has a President, just over there too, everything is connected with the Ministry. The Minister has the authority to give out the information if asked.

Tribunal President: Thank you for that information.

Detainee: You're welcome.

Tribunal President: Abdullah Mujahid, you may now present any evidence you have to this Tribunal. Your Personal Representative may assist you if you wish. I understand that you wish to make a statement today, is that true?

Detainee: With your permission, I would like to speak a little about the allegations again.

Tribunal President: But first, I would like to ask you if you would like to make your statement under oath?

Detainee: It's up to you Sir; if you want me to take the oath I'll take the oath. If I have to, I'll do it.

Tribunal President: It is your choice as we gave you instructions before, it is not a requirement, and you may make your statement under oath or not under oath. An oath is a promise to tell the truth. We have a prepared Muslim oath if you would like to use that. It is your choice.

Detainee: Like I told you before, if you want me to take the oath, I'll take the oath, you know, what I'm telling you, what I'm telling you here is going to be the truth, and nothing but the truth and if you want me to, I'll take the oath.

Tribunal President: I understand that you have made your own personal oath to tell us the truth and that is fine with us. Please proceed.

Detainee: That's fine too, thank you very much.

The Detainee did not take the Muslim oath, but made a personal oath instead.

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

3.a. The detainee is associated with al Qaida.

3.a.1. After the fall of the Taliban, the detainee served as police force commander in Gardez, Afghanistan.

3.a.2. The detainee was fired from his appointed position due to suspicions of collusion with anti-government forces.

Detainee: After the fall of the Taliban government, we started an uprising against the Taliban. The things that we do are known to everybody in Paktia, which is a city in Afghanistan, and to the people. For a while, there wasn't a government present there. The people of that city elected (appointed) me as the one of the security officers. In Gardez, somebody by the name of Haji Pachakhan (ph) was trying to become the governor for three provinces. Paktia, Patika and Khost. He had a problem with the people's delegation. After a few arguments, they sent in a new government from Kabul, from the Karzai government. His name was Taj Mohammed Wareak. For a while, we didn't have a security commander there. I was just an officer. He appointed me to be the security commander for there. When I was hired, I served for about eighteen months as the security commander in Gardez.

I then got transferred from Gardez to Kabul. When I went to Kabul, the Interior of Ministry gave me a car as a gift of appreciation for accepting the new job. My title was Commander of the City of Kabul, including roads and highways. When I got transferred to Gardez, there were three delegations that came from the government. One of these people was Shahzdeh Masoud, and he's from the Karzai government. The representative from the Defense Department that came also was Gulltay Deh. And from the Interior of Ministry was Haji Saifullah. These people were present when the Interior of Ministry presented me with that car. For about fifty days, I was just

trying to gather my required paper work so I didn't work the position that was given to me. One of the government officials sent a couple of people and myself to Gardez to bring some people back, because the Interior of Ministry wanted to see them. When I went to Gardez, my cousin's wedding was going on, so I stayed there for four days. My plan was that after the wedding I would take the elderly people back to the city. I was at home in the morning, eating my breakfast, when someone asked about me. My father came in to inform me that there are some people there that want to speak to me. When I went outside, I saw one translator and three or four Americans. I greeted them, and invited them in to have tea. They said if tea is ready, we'll drink it right now, if not, then when we go over there we'd drink it then. Nobody else was with me, so I sat in the car alone with them. I never had any problem when I went to the camp before, so I thought I would just go and come back. When I went there, one of the Americans asked me if I knew anyone by the name of Shireen, and the other one Ziaduian. Both of these people were in Gardez, one of them was a commander of the military post, the other one was also a commander on that post. I told them, that yes, they are there. They asked me what kind of people are they and I told them they are good people. I told them these people are good people and they asked for my watch, so I gave my watch to him. They told me if someone steals your watch, is that a good person? I told them that they personally have not stolen anything from me. While I was the Security commander in Gardez I did not hear anything about them. If they did something bad to somebody, maybe that person should come forward and make a complaint, because this has nothing to do with me. He told me that I wasn't telling the truth about these people, so you belong to Cuba. It appears that the decision was made to send me to Cuba already, before I even went there. I was working and helping with the Americans, I'm not al Qaida, I'm not a terrorist, I didn't do anything wrong, I did not hurt anybody, so I was surprised. Sorry I talk too much, I promise to keep my answers short as I can.

Tribunal President: We appreciate the statement and look forward to hearing more about the unclassified summary.

Personal Representative: Sir, for your information at the appropriate time, I will be submitting a written statement as a piece of evidence written by the detainee that specifically addresses each one of the points on the unclassified summary of evidence.

Tribunal President: Thank you.

3.a.3. The detainee has been a member of Harakat-e-Mulavi for at least the last four years.

3.a.4. Harakat-e-Mulavi is an extremist group that is known to have ties with al Qaida and the Taliban.

Detainee: When the Russians came to Afghanistan, I was about sixteen years old when I started a Jihad against them. I didn't know anybody, you know, like Mulavi or the other people with power. I only knew one person who was the leader of our group. His name was Abdul Sami. He was from Gardez and he was with the organization, group that I was with. There was a big age difference between Mulavi and I. I had no ties with him, I didn't know him, and I didn't speak or talk with him. After the fall of the communist regime, Majjeullah, I had no ties or no contact with Mulavi. If he, his son, or any member of his family, had ties with al Qaida, that has nothing to do with me. After the fall of the Majjeullah government, I did not have any ties with

them; I did not work for them. I had a small store, so I went back working at my store. I also did some police work as a low ranking police officer. When the Americans came to Afghanistan, I joined and we fought along side each other in Shaikote. There were hundreds of others and myself; we fought against this organization (a Muslim organization -inaudible) and against al Qaida.

3.b. The detainee participated in military operations against the United States or its coalition partners.

3.b.1. The detainee was responsible for an attack on US Forces in the vicinity of Gardeyz City, Afghanistan. (Also spelled Gardez)

3.b.2. The detainee was responsible for this attack in retaliation for being fired.

Detainee: There was never any fighting in Gardez against Americans. Like I said before, I was not fired, I was transferred. I got a better job. We did not fight with the Americans in Gardez, even al Qaida or Taliban did not fight with Americans in Gardez, for as long as I was there. If you want, you can find proof, you can ask some people if there has been any fighting in Gardez or not.

3.b.3. The detainee was captured by U.S. Forces in July 2003.

Tribunal President: (Referring to an earlier statement by the detainee addressing his capture by U.S. Forces) I think you already did, but, please continue.

Detainee: I would like to add something more to the prior question, and then I'll answer this one. I just wanted to state that I had very close ties with the American camp that was in Gardez, except, for that one person who interrogated me, who asked me questions, other than that, with everybody else, I had worked with them, we had a good relationship.

To answer the question, I was not caught in a mountain, and I was not caught in a battlefield. They came and asked me to go with them to ask me some questions. They wanted me to prove that some people were thieves. I did not see or hear anything so how could I say such a thing? Then, there was tension built up, and I raised my voice, and they raised their voice, and that's how we got in trouble. They sent me to Cuba. When the Taliban was in power in Afghanistan, most of the time, I had either fled from them, or they had arrested me. I was released because of the elders from the village. They promised the Taliban that I did have anything to do, you guys, that I'm not going to fight against you, or do this or that, and they put me under house arrest. I met with the American forces in Lowgar (ph). I invited them to come to Gardez, and I even rented the camp that they are in right now. I rented that camp for them. I helped. And, instead of appreciation, or thankfulness, they punish me, and I get sent to Cuba. I'm sorry if I talk too much, you know, from here on, it's your turn.

Tribunal President: Abdullah Mujahid, I appreciate your comments and does that conclude your statement at this time?

Detainee: Not right now. I don't have anything else to add.

Tribunal President: We will shortly be moving to a point where we will be asking questions. And, you are reminded that you don't have to answer if you wish, but it is your option to provide us answers and we would appreciate any information you can give us.

Detainee: If I can answer the questions, I'll answer.

The Personal Representative at this time provides the Tribunal President with unclassified exhibits D-b, D-c, D-d, and D-e. Exhibit D-b is the detainee's written statement, and the last three exhibits are the witnesses written statements. The Tribunal President states that there will be a brief pause so that the Tribunal team can review these exhibits. Before the pause the detainee makes the following statement.

Detainee: I just want to make sure [of] one thing. Mulavi, it has been fourteen years since his death. He died fourteen years ago.

Tribunal President: Oh, the leader of that organization. Thank you for that information.

Tribunal panel reviews written statements.

Personal Representative: Thank you for your patience in letting us review those documents.

Detainee: You're welcome.

Tribunal President: Personal Representative, will you please assist us in reviewing the testimony, or possible testimony of the people who could not attend today. Starting with Mohammed Musa. If the detainee could tell us what he would've expected Mohammed Musa to have told us if he was here today. What do you think he would testify too?

Interpreter: Let me clarify the question for him.... I don't think he understood it.

Tribunal President: Let me do that, please. I understand that Mohammed Musa would've provided the same general testimony as the other three witnesses whose testimonies we just read. Items I believe were, that they knew him, that he wasn't against the U.S., and if the Personal Representative can remind me what else...

Personal Representative: It said that he was the commander of the Police force, not prior to the transfer or promotion.

Detainee: He can testify that I was against al Qaida, I wasn't with al Qaida or that I was fighting with al Qaida and that I was transferred, not fired from my position. He can testify to all of those.

Tribunal President: Okay, thank you. I'd like to review the other three, or four, witnesses that were from Afghanistan that were not able to attend today. I believe you mentioned that they were all part of your ceremony, where you received a car as a reward for assuming the position in Kabul. Is that what they would provide? I want to confirm that.

Detainee: Yes, they can testify about the promotion that I got, they were present for that promotion. My replacement in Gardez, he was present at that meeting. The Interior of Ministry told me that when you accept this job, by the time you accept this job, the road between Kabul and Kandahar will be paved, and you will have the security of this road.

Tribunal President: Thank you, I just wanted to review what they would provide us.

Detainee: Thank you.

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

Personal Representative: Just a couple Sir. I've been reviewing the notes from our subsequent meetings that we had, and in our follow up meeting, on 18 November 2004, you had stated to me, made comments about the communists and the communists making false allegations against you. In that those wrong reports, is what brought you here to Cuba.

Detainee: Yes, that is true.

Personal Representative: Is there anything additional you would like to tell the Tribunal regarding this?

Detainee: When the communists were in power, the Mujadeen were fighting against them. They were trying to, after the fall of the communist regime, sell some of the communists' possessions. The government, they were doing some kind of work that they were doing before. Now they have a personal vendetta against the Mujadeen who used to fight against them. Also, the other problem is that the people in Afghanistan, some of the people in Afghanistan are narrow-minded. They don't want to see some people succeed in life. The position that I had, that was one of the reasons that had gotten me in trouble. Since I got that position, there were a lot of people who didn't want me to have that position.

Personal Representative: When you were captured in July 2003, what was your position at that time?

Detainee: I was Security Commander for the cities and roads of Afghanistan.

Personal Representative: In Kabul?

Detainee: Yeah, yeah, at the Interior of Ministry in Kabul.

Personal Representative: So, you were still holding your current job, the job that you were promoted too when you were captured?

Detainee: I was in the process of transferring, and that's why I went to Gardez to bring some people from the city of Gardez to the Interior of Ministry.

Personal Representative: This transfer, from Gardez, Chief of Police, to Kabul, that was in July 2003?

Detainee: When I got captured, I was transferred about one month and twenty days prior to that.

Personal Representative: Okay, and the last question I have for you is you had told me in an interview that you were with Harakat-e-Mulavi, you were sixteen or seventeen years old.

Detainee: Yes, I was sixteen years old; I was in the seventh grade in school.

Personal Representative: How old was he?

Detainee: An old man, grey hair.

Personal Representative: Lastly, you told me that you hated that organization. Were you ever a member of it?

Detainee: Now I hate them, because they did a lot of bad things to Afghanistan. They sold everything to Pakistan, they even sold school equipment, trees, whatever they could find. This was years, years after that, so many years after when they were fighting. Most of the people in Afghanistan are illiterate, they can't read or write, because of these people. They continue the war, and people don't have a chance to go to school to get an education.

Personal Representative: Thank you. I've reviewed the content of our session notes, and we have covered everything that we discussed in those two meetings.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Could you go back and answer the question of were you ever a member of the Harakat-e-Mulavi organization?

A. During the Jihad, against the Russians, I was with a small group, which was called the Abdul Sammed's group. That group belonged to the Mulavi. But, I personally was not with the Harakat-e-Mulavi.

Q. Have you been to any of their meetings in the past four years?

A. Just the four years that I mentioned, the four years that I was in Jihad with them. No, I did not attend any meetings because of my age. I was so young, and they were much older, and I wasn't allowed to go to the meetings. After, when I get out, I grew a beard and I have no ties with them.

Q. Can you tell me some of the names of the communist conspirators who possibly turned you in?

A. I don't have any exact or specific names but I can think of one name that's Aktar Gul. He was working for the security organization/agency. He could be one of the people. I can't

think of anybody else, you know, because there were other organizations but I don't have any problem with them and they didn't have any problem with me.

Q. During the time of the Taliban what was your employment?

A. In the beginning, for a couple months I was in jail, they arrested me. Then I was running away from them, I was in Kabul, but I was running away from the Taliban. This was at the beginning of the Banez (ph) government. After the fall of the Banez (ph) government, I went to Pakistan for twenty or thirty days. When I came back to Afghanistan, I was arrested, and one of the elders, my uncle, vouched for me that I would not do anything from then on. No ties with any other organization or anything like that, I would just stay home.

Q. What did you do to make money?

A. I was living with my family and we have a few acres of land and also we have a couple of shops. We were buying and selling goods. I wasn't working, but everybody else was working, that's how we were supported. I'm not tired of the life I have here, but I was tired of my life back there.

Q. When the Taliban fled Gardez, you were appointed head of security, was that head of security for Gardez, or the Paktia province?

A. First, the city of Gardez and for the Paktia province too. There was a meeting in Germany, prior to choosing the new government for Afghanistan, Pachakhan was there and also another person was there, Momen, and, they offered him the job.

Q. When you were in charge of security of Gardez, whom did you report to?

A. I was reporting to someone named Haji Saifullah.

Q. When you became in charge of security for Paktia province, whom did you report to?

A. Same person, Haji Saifullah.

Q. What was General Aziah Oden's role in this?

A. He was a commander for a military base.

Q. Where?

A. In Gardez.

Q. Mohammed Aman, did he work for you?

A. No, he wasn't working for me, he was working with the military department.

Q. Did he work for General Oden?

A. Yes, he was working for Atculah Lewdon (ph), he was the commander of the military post.

Q. When you went to Kabul, whom did you report to?

A. That would be the Afghanistan Interior of Ministry department. I was answering to them.

Q. Was there a particular person then?

A. They have different department heads in that agency. I don't have a specific name.

Q. Lastly, who replaced you as head of security in Gardez?

A. I was transferred by the Interior Minister, himself.

Q. Right, but who took over for you as head of security for Gardez?

A. Ayagul (ph) was my replacement.

Q. A few questions from me. A follow up to a previous board's question regarding what kind of transition you had with your replacement in Gardez.

A. I didn't know him; I knew he was a one time prior commander of security of Gardez, and Igebulistan/Nygebulistan (ph). I only saw him at the transferring. When I left, he came. I saw him at that time and then another time I saw him. The last time, he came to my house. We needed to talk about a few things, work related things that he told me. He said he would come to my house for dinner and we can talk about it then.

Q. Last question, hopefully an easy one. How old are you now?

A. I was thirty-two when I got arrested, now, it's been about a year and half or two years, so, maybe, you can figure out the rest.

Tribunal President: Thank you. Abdullah Mujahid, do you have any other evidence to present to this tribunal?

Detainee: No, I have said and presented all the things that I have. But, if you want, I can bring the whole city of Gardez here as a witness. My Personal Representative advised me that I have enough witnesses. Otherwise, I could've brought a hundred or two hundred witnesses.

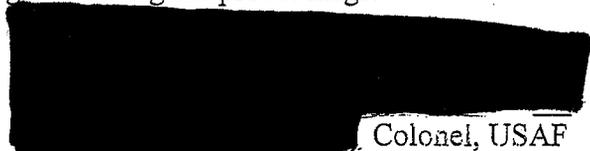
Tribunal President: I appreciate those comments, especially from the Personal Representative. We have received very helpful information, and we thank you for that.

Detainee: Thank you.

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

AUTHENTICATION

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



Colonel, USAF

Tribunal President

DETAINEE ELECTION FORM

Date: 15 November 2004

Start Time: 0915 hrs

End Time: 1015 hrs

ISN#: 1100

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

Translator Required? YES Language? PERSIAN

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 requests 4 detainee witnesses and 4 of non-detainee witnesses from Afghanistan. Detainee requested that he be given the opportunity to address each of the items of evidence via written statement. He will also provide the witness contact information. The detainee and I agreed that we will hold a follow-up interview in approximately 2 days time. Upon receipt of his written statement, PR will submit the witness relevancy request to the Tribunal President.

Personal Representative: [REDACTED]

IN-CAMP WITNESS REQUESTS (THOS IN BOLD WERE APPROVED)

- 1. SAID MOHAMMED ALI SHAH (Dr.) - ISN 1154DP**
- 2. HAJI MOHAMMED AKTIAR - ISN 1036DP**
- 3. MOHAMMED AMAN - ISN 1074DP**
4. MOHAMMED MOUSA (PR unable to find this or similar variant)

Exhibit D-a
4689

DETAINEE ELECTION FORM

Approved Out-of-camp Witness Requests for ISN 1100

SHAHZDEH MASOUD
Security Ministry (Advisor for
Karzai)
City of Gardez, Afghanistan

GULLTAY DEH
Representative of Defense
Ministry
City of Gardez, Afghanistan

HAJI SAIFULLAH
Representative of Interior
Ministry
City of Gardez, Afghanistan

(Governor of Wardak Province)

Minister of Interior
Interior Ministry
Office of Pzanton
City of Gardez, Afghanistan

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (15 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MUJAHID, 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 the detainee is associated with al Qaida and engaged in hostilities against the United States or its coalition partners:
 - a. The detainee is associated with al Qaida:
 1. After the fall of the Taliban, the detainee served as a police force commander in Gardez, Afghanistan.
 2. The detainee was fired from his appointed position due to suspicions of collusion with anti-government forces.
 3. The detainee has been a member of Harakat-e-Mulavi for at least the last four years.
 4. Harakat-e-Mulavi is an extremist group that is known to have ties with al Qaida and the Taliban.
 - b. The detainee participated in military operations against the United States or its coalition partners.
 1. The detainee was responsible for an attack on US Forces in the vicinity of Gardeyz City, Afghanistan.
 2. The detainee was responsible for this attack in retaliation for being fired.
 3. The detainee was captured by U.S. forces in July 2003.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

Exhibit R1
4691
10/1

1. Actually after the fall of the Taliban government. I was one of the first who attacked the Taliban and Al-Qaida in the city of Gardez, finally they abandoned the city and escaped. The control of Paktia Province fell in hands of elected council of deferent tribes. The elected council appointed me as security director and later, based on my excellent service in the establishment of security of the area, executive council recommended me as security commander. Upon the completion of legal procedures through the chief of internal ministry, I got the conformation of a promotion from the governor of Paktia. I have all the documents to prove the above statement.

2. It's well known to everyone that I was elected by the tribe leaders and appointed by the interim government of Afghanistan. I haven't been terminated but transferred to higher positions. You can ask our internal ministry about it.

3. During the communist regime until the victory of Mujahedeen approximately for 4 years I have lived in the area called Zurmat. Which was under the control of Gardezi Movement and Abdul samay was the head of that movement and they were connected to the Mowlowi. In that time I was too young and didn't have any connection with that group, and Mowlowi was killed in the first year of Mujahedeens's power. Personally I have nothing to do with these groups, or any anti U.N., anti current government groups. I hate them.

4. Mowlowi relations with Al-Qaida or Taliban have nothing to do with me. I hate them and actually myself and hundred of others fought against them in areas of Sharri Kot. I have always fought against them.

5. I never been engaged in any anti U.S. hostilities infact I always served and helped U.S. forces against the oppositions.

6. There never been any anti coalition attacks in the city of Gardez. I have been involved in establishment of security in deferent locations while maintaining very friendly relationships with the responsible campaign Authorities in Gardez. They were showing their satisfaction and appreciations to me all the times. You can inquire about this matter from the authorities of that time.

7. I never had any desire for revenge against U.S., U.N. forces or current government forces in Afghanistan nor I had any problems with them. I haven't been removed or terminated from my positions; in fact I was legally transferred and got promoted to a higher position in Kabul. I don't have any animosity against any body. This all was the result of conspiracy from some communist, who had very intensive activities in our city and unfortunately they have achieved their goals and based on their falls statement I ended up here. You have noticed my cooperation and hopefully I have earned your trust during my detention. I so far have good memories from all the interrogators and M.P.'s

WITNESS STATEMENTS
FOR
ABDULLAH MUJAHID – (ISN 1100)

WITNESS: MOHAMMED AMAN

WITNESS ISN: 1074 (FARSI)

DATE OF WITNESS INTERVIEWS: 24 Nov 04 and 1~~5~~ Dec 04

TODAY'S DATE: 14 Dec 04

PR: 097

NOTE: Comments from the 24 Nov witness statement were made with the understanding that this detainee would be physically present at ISN 1100's tribunal. However, a 13 Dec 04 Joint Detainee Operations Group (JDOG) policy now forbids cross-camp witnesses between Camps 1, 2, and 3 with those detainees from Camp 4. As a result, PR 97 requested that he re-interview the witness in order to obtain more details since now only a written statement would be allowed at the tribunal. The second interview was conducted on 14 Dec 04.

WITNESS INTERVIEW NOTES FROM 24 NOV 04:

On 24 Nov 04 ISN 1074 stated that he knew Abdullah Mujahid (ISN 1100) and affirmatively elected to participate in ISN 1100's tribunal. He understood that the PR, Recorder, and Tribunal members could ask him questions and expressed a willingness to accept questions and tell the truth. ISN 1074 stated that he knew ISN 1100 for 12 or 13 years and that his occupation was Head of Security in the province of Paktia Afghanistan (AF).

WITNESS INTERVIEW NOTES FROM 1~~3~~ DEC 04:

ISN 1074 stated that he was from the Village of Malek Khil, Afghanistan (AF) which is about 20 minutes by foot from ISN 1154's village of Karmoshi. He knows ISN 1154 as the son of Haji Hassan (Abdullah Mujahid's father) and has known him for 12 or 13 years, attending funerals, weddings and other events between different villages. ISN 1074 worked for the Defense Department and ISN 1100 was the Chief of Police, both of which fall under the Ministry of Interior.

ISN 1074 said that ISN 1100 was brought to Cuba because he started the first fight against the Taliban. There was an American operation in Sharrikot and ISN 1100 was helping the Americans. ISN 1074 continued by saying that the problem in AF is that those who do good things get punished. Because he was fighting against al Qaida those near him were jealous because he (ISN 1100) was doing good things and might easily be promoted to a higher rank.

ISN 1074 said that he (1074) was not a political person and had no political purposes. He was a clerk and had no ties with any party. He didn't like fighting, but only went to

Witness Statement of ISN 1074 to Support ISN 1100's Tribunal

1 of 3

Exhibit 0-4693 p 1 of 1

school and just worked. He was a simple person but people back in AF plotted a conspiracy because they don't like some people who were to succeed. He stated that he was an ally of the Americans and hopeful that America will actually stay so Afghannies could get used to culture.

ISN 1074 was a low-ranking clerk doing office work while ISN 1100 was a high ranking Police Chief who had little contact with ISN 1100 with the exception of knowing him because of the proximity of their villages, seeing one another at events and often times at the bazaar. ISN 1074 was brought to Cuba approximately 1 to 2 months before ISN 1100.

When asked what ISN 1074 did when the Taliban was in power, he stated that he was an office worker doing paperwork in a personnel office. He was forced by Taliban to work for them when they came to power. The (Taliban) asked ISN 1074 to work for them but he refused. The Taliban wanted ISN 1074 to work in security then in a law agency—both times ISN 1074 refused, as he was just a clerk and the work was not related to his field. He said that he would work in the Interior Ministry as a clerk. He said that it was a very small place and that there was no fighting in Gardez—all the fighting was North of AF. His job was to keep track of military people (e.g., promotion letters, transfer requests, etc.) His salary was the equivalent of approximately \$20.00 (US dollars)/month. He said the Taliban had much money, power, cars, and did not obey the rules.

When asked if ISN 1074 and 1100 had the opportunity to see one another in their work, ISN 1074 stated that he did not see ISN 1100 for work-related areas. ISN 1100's brother had a shop at a bazaar and they would sometimes see one another in that location. ISN 1074 also said that ISN 1100 was arrested once or twice while the Taliban was in power but released because village elders vouched for him.

When asked if ISN 1074 knew if ISN 1100 was a member of any organizations, he replied that ISN 1100 was a part of the "Gardez Group" which fought against the Russians. The Group's leader was killed and the group was taken over by the deceased leader's son, Samay. All this took place when the communist were in power.

When asked if ISN 1074 knew if ISN 1100 ever got fired as CMDR of police, he replied, "no, he got transferred, not fired." When asked when ISN 1074 knew about the transfer, he stated that he knew of the transfer while they were in Afghanistan and that ISN 1074 was arrested from his home about 5 – 7 days after ISN 1100's transfer to Kabul.

ISN 1074 said that he and others (including ISN 1100) were brought here on false reports and that people should not be falsely arrested. The false report should first be looked into to see if the report is truthful. He said that he was saddened.

He concluded by saying that he is happy the Americans are rebuilding his country. He worked for 1.5 years for the government and never got paid; hopefully, the Americans will stay with our Army.

Witness Statement of ISN 1074 to Support ISN 1100's Tribunal

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Lastly, he is 100% certain he and ISN 1100 were brought to Cuba based on false reports.

WITNESS STATEMENTS
FOR
ABDULLAH MUJAHID – (ISN 1100)

WITNESS: SAID MOHAMMED ALI SHAH (DR.)
WITNESS ISN: 1154 (PERSIAN)
DATE OF WITNESS INTERVIEWS: 24 Nov 04 and 15 Dec 04
TODAY'S DATE: 14 Dec 04
PR: 097

NOTE: Comments from the 24 Nov witness statement were made with the understanding that this detainee would be physically present at ISN 1100's tribunal. However, a 13 Dec 04 Joint Detainee Operations Group (JDOG) policy now forbids cross-camp witnesses between Camps 1, 2, and 3 with those detainees from Camp 4. As a result, PR 97 requested that he re-interview the witness in order to obtain more details since now only a written statement would be allowed at the tribunal. The second interview was conducted on 14 Dec 04.

WITNESS INTERVIEW NOTES FROM 24 NOV 04:

On 24 Nov 04 ISN 1154 stated that he knew Abdullah Mujahid (ISN 1100) and affirmatively elected to participate in ISN 1100's tribunal. He understood that the PR, Recorder, and Tribunal members could ask him questions and expressed a willingness to accept questions and tell the truth. ISN 1154 stated that he knew ISN 1100 for nearly 15 years and that his occupation was in security in the province of Paktia Afghanistan (AF).

WITNESS INTERVIEW NOTES FROM 14 DEC 04:

Regarding ISN 1154's relationship with Abdullah Mujahid (ISN 1100), 1154 stated that they had a big difference in age. When they got to fighting the Mujahadeed during the Jihad against the Russians 1154 did not know 1100 very well because 1100 was a much lower rank and did not have much of an important job, but he knew of him.

When 1154 was asked about his work and circumstances of capture he said he was a Peoples Representative of the City of Gardez (capital city of the Province of Pakita) working for the Karzai government; he was attending the National Assembly at the time of his capture (ref: 1154). Regarding the reasons behind their capture, he expressed that there was a conspiracy involving people from the current government. He went on to highlight three aspects of the conspiracy:

- 1) **Afghanic communists:** 1154 stated that the communists in the AF government were working for the Soviets and did not want the new government to succeed, but Karzai took control, and the communist wanted revenge. Because the communists were working in AF intelligence agencies and had previously worked with the KGB, they had experience with report writing and access to other

organizations and could make others look bad. Additionally they knew the key points to what the coalition was looking for.

- 2) **Ethnic animosity.** The dominant language in the City of Gardez and the province of Paktia is Pashtu. There are 14 villages in the city of Gardez, 12 of which are Pashtu; the other two Farci. Likewise, the predominant language in the Province of Paktia is Pashtu. According to ISN 1154 he is from one of the two Farci villages, Khwaja Hassam and ISN 1100 is from the second Farci village, Karhoshi. ISN 1100 went on further to say that the animosity was also caused by the firing of then Governor Pachakhan by the Karzai government. Pachakhan was governor of three provinces: Paktia, Khost; Paktika. He was fired by Karzai and began to retaliate against the new government but the people of Gardez supported the new government and fought against Pachakhan and his people. Pachakhan met with ISN 1154 at the National Assembly, saying to ISN 1154 that he (Pachakhan) had two enemies which were the people from the two Farci villages (Khwaja Hassam and Karhoshi—the two villages where ISN 1100 and 1154 lived)
- 3) **Envy of ISN 1100:** ISN 1100 was helping the Karzai government fight against terrorist organizations such as al Qaida and Taliban, thieves, warlords, and drug dealers. ISN 1100 was young, strong, and a good fighter. Because of this there was prejudice against him. When 1100 later became a high ranking leader (CMDR of Police) others were prejudiced and didn't accept him since he was outranked during the Russian Jihad, but now ISN 1100 was in charge. The conspirators wanted to get 1100 out of Gardez and got him to be transferred to Kabul. Additionally, Governor Pachakhan was replaced by Taj Mohammed Wardak and Mr. Wardak later became the Minister of Interior and gave support to ISN 1100 because ISN 1100 kept peace in Gardez (little problems). After a new Minister took over from Wardak, there were many changes in the AF government. After ISN 1100 was given his new position in Kabul, a new CMDR of Police was appointed, a Pashtu communist. When asked, ISN 1154 stated that the Karzai government had openly invited all other factions (communists, Taliban, others) to join the Karzai government so long as they supported the new government.

ISN 1154 went on to say that ISN 1100 was an excellent security officer and brought peace to the area; by taking him it was a loss for the coalition forces.

PR FOLLOW-ON INTERVIEW QUESTIONS

Q: When Taliban was in control, what were you (ISN 1154) doing?

A: Paraphrased: When the Russians invaded AF, ISN 1154 went to Iran where he studied to become a doctor—he came back to AF several times as a Mujahadeen fighter. After the Mujahadeen took control from the Russians, ISN 1154 went back to Iran; he considers himself a refugee for some 25 years, since 1980.

Q: How were you elected to the National Assembly when you were a refugee for some 25 years?

A: Paraphrased: ISN 1154 defended AF for 13 or 14 years against communist governments and kept in contact with his home village; plus he was well known and educated.

WITNESS STATEMENTS
FOR
ABDULLAH MUJAHID – (ISN 1100)

WITNESS: HAJI MOHAMMED AKITAR (PASHTU)
WITNESS ISN: 1036
DATE OF WITNESS INTERVIEWS: 24 Nov 04 and 14 Dec 04
TODAY'S DATE: 14 Dec 04
PR: 097

NOTE: Comments from the 24 Nov witness statement were made with the understanding that this detainee would be physically present at ISN 1100's tribunal. However, a 13 Dec 04 Joint Detainee Operations Group (JDOG) policy now forbids cross-camp witnesses between Camps 1, 2, and 3 with those detainees from Camp 4. As a result, PR 97 requested that he re-interview the witness in order to obtain more details since now only a written statement would be allowed at the tribunal. The second interview was conducted on 14 Dec 04.

WITNESS INTERVIEW NOTES FROM 24 NOV 04:

On 24 Nov 04 ISN 1036 stated that he knew Abdullah Mujahid (ISN 1100) and affirmatively elected to participate in ISN 1100's tribunal. He understood that the PR, Recorder, and Tribunal members could ask him questions and expressed a willingness to accept questions and tell the truth. ISN 1036 stated that he knew ISN 1100 for approximately 10 years and that his occupation was CMDR of Police in Paktia Afghanistan (AF). He said that ISN 1100 was not a member of any organization (e.g., al Qaida or Taliban), but only hired by the Karzai government. Her further said that when the Taliban took over, both he and ISN 1100 ran away together from the Taliban and that ISN 1100 was the first to fight against al Qaida. On two separate occasions, ISN 1036 had asked ISN 1100 for a job.

WITNESS INTERVIEW NOTES FROM 14 DEC 04:

ISN 1036 said that ISN 1100 was a good CMDR who maintained the peace in the Pakita province.

When asked if he knew if ISN 1100 was a member of Taliban or al Qaida, he stated, "no, both of us ran from the Taliban." ISN 1036 stated that when the Taliban captured Kabul ISN 1100 returned to Paktia and he (ISN 1036) returned to Pakistan (where he lived). He said the Taliban arrested ISN 1100, put him in jail, but did not know for how long. ISN 1036 was surprised that ISN 1100 was arrested because it was the Americans and Karzai government that gave him his position as CMDR of Police, then a better position in Kabul when he was put in charge of AF highways. After ISN 1100's transfer to Kabul, five communists were given positions in Paktia (to include the CMDR of Police). Apparently, he—the new CMDR of Police—was a friend Dotsdum. ISN 1036 said that

Witness Statement of ISN 1036 to Support ISN 1100's Tribunal

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Exhibit D-E p. 106 4899

others in power told lies about 1100 and 1036 because there were lots of communists who made false allegations on them and others because in the past both 1100 and 1036 fought against the communists.

ISN 1036 said he was a high-ranking military officer with the Rabanni government prior to the Taliban. After the Taliban defeat, ISN 1036 returned to Paktia to join the new government; however, the district of Sayed Karem was still controlled by the Taliban and its followers. ISN 1036 was arrested and put in prison for one month; he was released because of pressures from Tribunal Chiefs. Prior to his release, he had to sign a statement that he would not accept any positions for 9 months, due to false charges made against him. After 9 months, ISN 1036 took a position as a General of a military unit supporting Karzai. He said that he (ISN 1036), Dr Said Mohammed Ali Shah (ISN 1154), and Abdullah Majahid (ISN 1100) were considered threats to the communists in the government who were holding a 25-year grudge and, as such, the communists made false charges against them.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 21 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1100.

 have no comments.

My comments are attached.


, Major, USAF

21 DEC 04
Date

ISN #1100
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

DECLARATION OF DAVID N. COOPER

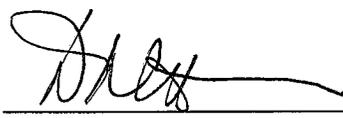
Pursuant to 28 U.S.C. § 1746, I, Lieutenant Colonel David N. Cooper, Judge Advocate General's Corps, United States Air Force Reserve, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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

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

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

Dated: 10 August 2004



David N. Cooper
Lt Col, JAG Corps, USAFR



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0361
08 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 1103**

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 #1103 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

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

J. M. McGARRAH
RADM, CEC, USN

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

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4703

5 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1103Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee requested that three witnesses be produced to testify at the Tribunal. They were identified as three teachers who could testify that the detainee had been a schoolteacher and was not in the Taliban. According to the Tribunal President, the witnesses had no information regarding the detainee's activities during the reign of the Taliban. Therefore, the President denied the request because the witnesses' expected testimony about the detainee's activities *after* the fall of the Taliban was not relevant to the Tribunal determination of what the detainee did *before* the fall of the Taliban. In my opinion, the Tribunal President's decisions were not an abuse of discretion.

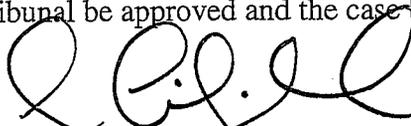
The detainee made no other requests for witnesses or evidence.
- e. The Tribunal's decision that detainee # 1103 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1103

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN

UNCLASSIFIED



Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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

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

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

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

8 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 1103

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]


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

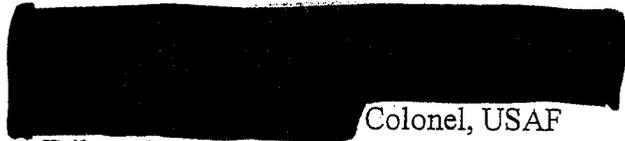
(U) TRIBUNAL PANEL: #5

(U) ISN#: 1103

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 4 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #1103 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, the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Tribunal President

Colonel, USAF

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #5
ISN #: 1103

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

2. Synopsis of Proceedings

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

- a. Was captured in July 2003 because of his association with the Taliban. The Detainee possessed information associated with weapons caches, arms dealings, and Taliban personalities.
- b. Was captured with a map of San Manuel, Cuba, phone books, entries of personnel in the CJTF-180 targeting cell tracker, business cards, passports and pictures.
- c. Was employed by the Taliban in the Secret Information Office in Ghazni, Afghanistan. Detainee also performed as a servant to the commanders in Ghazni, Afghanistan until the fall of the Taliban.

The detainee chose to participate in the Tribunal process. He requested three witnesses and made a sworn, verbal statement. The Tribunal President found the requested witness not relevant to this Tribunal. The Tribunal President's 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-11.
- b. Sworn statement of the detainee.

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

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

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Ghulam Sadig	Not Relevant	No*
Mohammad Yasin	Not Relevant	No*
Yar Khan	Not Relevant	No*

* The Detainee stated the three witnesses requested would testify that he had been a schoolteacher since the fall of the Taliban Government. However, the three witnesses knew nothing about what the Detainee had done while the Taliban was in control. As this was the significant time in the determination of this Detainee's status as an Enemy Combatant, the President ruled the witnesses were not relevant and therefore denied the witness request.

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 at the time of his capture he was a schoolteacher. The Detainee stated the materials found in his house were left there when a Taliban member's vehicle got stuck in the mud in front of his house. The Taliban member left the materials with the Detainee's wife, stating that he would return the next day to retrieve them. The Detainee had traveled to Iran at this time to find work. When he returned, he stated that he was angry that his wife had accepted the items. He went to the Governor and turned in the vehicle and weapons, and offered to turn in the paperwork the Taliban had left behind. The Governor told him not to worry about the paperwork so the Detainee stated that he simply threw them out

into the bushes near his house. Some time later, the soldiers came and arrested him for being in possession of the papers. The Detainee did admit that the Taliban had forcibly conscripted him. He was told to pay 100,000 rupees or he would be forced to serve with the Taliban. He further stated that because of his high education level, the Taliban looked him down upon him so they made him a cook. He served in this capacity for 3 months until the Taliban fell. After the Taliban Government fell, he became a schoolteacher under the new government and never worked with the Taliban again. Overall, the Tribunal did not believe the Detainee's story regarding how the documents came into his possession, especially in light of the classified evidence presented later in the hearing.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

[The Tribunal President asked the detainee if he understand the CSRT process.]

Detainee: I heard it.

[The Tribunal President asked the detainee if he had any questions concerning the Tribunal process.]

Detainee: What kind of questions?

Tribunal President: Do you have any questions about why you are here and why we are doing what we are doing today?

Detainee: Yes.

Tribunal President: What questions do you have?

Detainee: Why did this Tribunal start, what is the purpose of it?

Tribunal President: You have been classified as an enemy combatant by the government of the United States. The purpose of this Tribunal is to determine whether that classification is right or not. We will listen to you statements and we will review written evidence that the government has. Base upon that information we will determine whether or not you have been proper classified as an enemy combatant. Do you have any other questions?

Detainee: What type of person is considered an enemy of the United States or United Nations?

Tribunal President: For the purposes of this Tribunal, an enemy combatant means an individual who is part of or supporting Taliban or Al-Qaida forces or associated forces who are engaged in hostilities against the United States or it's coalition partners. This includes any person who has committed a belligerent act or who has directly supported hostilities in aid of enemy armed forces.

Tribunal President: That is the definition we will use to measure whether or not you have been properly classified as an enemy combatant.

Detainee: If you could really focus on the issue of the Taliban. I have never been associated with them. The Taliban usually forces people. Especially at that time.

Tribunal President: As we go through the Tribunal process you will have an opportunity to present your statement to us.

Tribunal President: Do you have any other questions about the process?

Detainee: I don't have any more questions; I'll follow the process as long as you will listen.

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

Tribunal President: Would you like to make your statement under oath?

Detainee: Yes.

[The Detainee was sworn.]

Tribunal President: Please begin.

Detainee: I was a teacher and have always been in the teaching profession. How can I be processed as an enemy combatant?

Tribunal President: That is what we are here to determine.

Detainee: I brought my diploma with me. The telephone, maps and the passport pictures; I was in Iran when the Taliban forcefully put those in my house. The Taliban's car got stuck in the mud in front of my house. They took the papers and gave them to my wife. They told her to leave them there and they would be back the next morning to pick them up. If I had been there I would not have accepted the papers. When I came back from Iran the woman told me the Taliban stopped and left the papers. I was very upset and angry and asked why she took the documents. I went to the governor and told him about the documents. The car and the weapons were surrendered to the governor. The governor took the car and the weapons and told me not to worry about the paperwork to throw it away; the Taliban was finished. I surrendered the car to the present government, the Karsi government. The government told me several times not to worry about the paperwork; the Taliban government was finished. I fought the Russians when they were there I was use to weapons. When the Russians left I sold the weapons I had. After the Russians left, I swear, I never saw the Taliban or associated with them. The only fighting I did was when the Russians were there. If you have any evidence that I have seen or been associated with the Taliban, kill me. There was a time when the Taliban forcefully took me. I had to pay 100,000 rupees or serve them. At that time everyone was under Taliban control, I was taken forcefully. After the Taliban was finished I never saw them or associated with them.

Tribunal President: Is there anything else you would like to say.

Detainee: An enemy is one that goes to the field and prepares for war, but I was sleeping at home. What kind of enemy sleeps at home? The Taliban government left and I was doing my only duty, teaching. Under the new government I was a teacher I have the papers. When the new government came I supported them, but I was threatened, as were others that supported them. People were against me because I started a new school they wanted a religious school. Think about this and use your best knowledge. I never associated with the Taliban. I have never seen a Taliban, when they left that was it. Also, you should know that anybody who is educated in Afghanistan are called infidels or not on the right track by the religious people. As a Muslim I feel as though I have nobody here. The other day I received a letter that my brother died. I have ten children at home to worry about. I am in debt and have no money, but I want you to make the best decision.

Summarized Answers in Response to Questions by the Personal Representative

- Q. You mentioned that you took the papers to the governor and he told you to throw them out, how did they get back in your home?
- A. I mentioned them to the governor but never took them to him. He told me not to worry about it and to throw them away. He had never seen the documents, the only time he saw them was when the soldiers saw them.
- Q. Prior to the current government, how did you support yourself?
- A. I had a cart and grew my own stuff. I would push the cart and sell fruit.

Summarized Answers in Response to Questions by the Tribunal Members

- Q. Where were you captured or arrested?
- A. At my house and then taken to Kardiz. I was sold.
- Q. Who captured or arrested you?
- A. Soldiers came during early Morning Prayer.
- Q. American soldiers or Afghani soldiers?
- A. They were Afghan but they were speaking English.
- Q. Did they tell you why they were arresting you?
- A. Till this day I have not been told.

Q. Did they ask anything about why you had the documents or did you tell them why you had the documents?

A. They asked, I told them I was in Iran when the Taliban gave them to the woman. When the Taliban was fleeing their car broke down in front of the house and they left the documents.

Q. Why did you go to Iran?

A. I was working and trying to make money. There was no government or economy at the time and I was trying to make extra money.

Q. When did you become a teacher?

A. After the Karsi government was installed, I came back to Afghanistan.

Q. So, you were a teacher when you were captured?

A. Yes.

Q. But you also went to Iran to support yourself?

A. I was never a teacher when the Taliban was in power.

Q. So when the Taliban left the car by your house and until the time you were captured, how long was that?

A. It was a long time.

Q. Where were the documents kept in your house?

A. They were thrown on the side in the bushes.

Q. Why didn't you destroy them?

A. I wish I would have but the governor insured me nothing would come of them, the Taliban government was finished.

Q. When the Taliban was in power, were you a teacher?

A. No at that time the schools were not there. The only thing allowed was religious schools.

Q. But you stayed and you did work for the Taliban?

- A. I forcefully taken, I was told to pay them 100,000 rupees or work for them.
- Q. Did you fight for the Taliban when you were conscripted?
- A. I was a cook for three months.
- Q. Where did you cook?
- A. In Kabul and the surrounding areas. When the Russians were there I helped the mujahidine rebels.
- Q. So, you cooked for the Taliban when they were fighting the Russians, is that right?
- A. No, the Taliban did not fight the Russians.
- Q. Okay were talking about the Taliban, follow me here.
- A. I cooked for the Taliban for three months that's it.
- Q. When you cooked for the Taliban, did you cook for commanders or soldiers, were you on the front lines?
- A. They told me to fight and I told them I didn't know how. They told me if I couldn't fight then cook.
- Q. You don't know how to fight even though you were with the mujahidine?
- A. I didn't want to be with them, so I excused myself.
- Q. You said earlier that you brought your diploma with you, is that somewhere in your file?
- A. It's in the files with the soldiers.
- Q. What year was it that the Taliban took you and forced you to work?
- A. The same year they were overthrown.
- Q. When they were fighting the Americans?
- A. No there were no Americans.
- Q. So when they were just fighting the Northern Alliance?

- A. Yes they were fighting the North and three months later they were overthrown.
- Q. You said there was a long time between the time the car got stuck in the mud outside your house and the time you got captured, when you say a longtime do you mean, many days, many months or years? What do you mean by a longtime?
- A. Six months from when I returned from Iran.
- Q. So, the documents were in the bushes by your house for almost a year?
- A. After given the insurance by the governor I didn't give it a second thought. I just threw them there and never paid attention to them.

Tribunal President: Do you have any other evidence or statements to present to this Tribunal?

Detainee: A lot of the evidence I have is in Afghanistan. What type of evidence do you want?

Tribunal President: Any other statements you would like to make to the Tribunal.

Detainee: The only statement I have is why am I in prison? Evidence can be brought to prove my innocents. I was trying to help out the new government and further education. I was being threatened and now the Americans are holding me. I swear I am telling the truth. I helped out Karsi and was being paid money for six months. I had 400 students I was teaching. Why would I go against the Americans? My family has no one to support them or my ten children. My children were crying when the soldiers took me.

AUTHENTICATION

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


Tribunal President

Col, USAF

DETAINEE ELECTION FORM

Date: 29 Sept 2004

Start Time: 1500

End Time: 1610

ISN#: 1103

Personal Representative:  LT COL, USAF
(Name/Rank)

Translator Required? YES Language? PASHTU

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? READ TO DETAINEE

Detainee Election:

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

Personal Representative Comments:

Detainee 1103 will participate in the Tribunal. Detainee request three out of camp witnesses:
Ghulam Sadig, Mohammad Yasin and Yar Khan they're teachers and can testify that he a school
teacher and he's not Taliban. They all can be reached at Ghazni Afghaistan-Khogeynay Dist.,
School Mirzakhel.

Personal Representative: 

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (13 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ZAHIR, Mohommad.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee was part of, or supporting the Taliban.
 - a. The detainee is a Taliban member.
 1. Detainee was captured in July 03 because of his association with the Taliban. Detainee possessed information associated with weapons caches, arms dealings, and Taliban personalities.
 2. Detainee was captured with a map of San Manuel, Cuba, phone books, with entries of personnel in the CJTF-180 targeting cell tracker, business cards, passports, and pictures.
 3. Detainee was employed by the Taliban in the Secret Information Office in Ghazni, Afghanistan. Detainee also performed as a servant to the commanders in Ghazni, Afghanistan, until the fall of the Taliban.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

4719
Exhibit 121

Personal Representative Review of the Record of Proceedings

I acknowledge that on 7 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1103.

I have no comments.

My comments are attached.

[Redacted Name]

Lt Col USAF

Name

7 Oct 2004
Date

[Redacted Signature]

Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

DECLARATION OF DAVID N. COOPER

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

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

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

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

Dated: 10 August 2006



David N. Cooper
Lt Col, JAG Corps, USAFR



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 782

27 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #1104**

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 #1104 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

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

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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

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4722

22 Jan 05

MEMORANDUM

From: Assistant Legal Advisor

To: Director, Combatant Status Review Tribunal

Via: Legal Advisor *sec*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #1104

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

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

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

- a. The detainee was properly notified of the Tribunal process and originally elected to participate in the CSRT. However, one hour prior to the Tribunal proceeding, the detainee voluntarily elected not to participate. *See* Exhibit D-a. *See also* Enclosure (1) to Encl. (2), p. 2. The detainee affirmatively declined to attend the Tribunal, and declined to personally provide a statement. The detainee did request that his personal representative provide detainee's unsworn statement to the CSRT on the detainee's behalf, and the personal representative did so. *See* Enclosure (3) to Encl. (2).
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. Exhibits R-2 through R-4, R-18 and R-24 contain handwritten notes in the margins. These notes appear to be aids in directing the Tribunal to the source of information contained in the Unclassified Summary provided to the detainee. These notes do not alter the evidence, nor do they affect the legal sufficiency of the evidence.
- e. The detainee did not request that any documentary evidence be produced, but did request that four witnesses, including three from his home village in Afghanistan, be called to testify on his behalf. The Tribunal deemed relevant the proffered testimony of Mohammad Ibrahim, whom the detainee stated worked at the same company that bought and transported goods, which would support the detainee's case. The CSRT determined that the witness was relevant, and forwarded a request to produce the witness to Afghanistan through the U.S. Department of State. However, the Afghani government

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN #1104

failed to respond to the initial request of 9 Nov 04, and to the two follow-up requests of 22 and 30 November 04, to produce the requested witness. Consequently, the CSRT determined that the witness was not reasonably available, and determined that no reasonably available substitute for his testimony was available either. *See* Enclosure (1) to Encl. (2), p. 3. This determination was proper.

The detainee proffered that the remaining three witnesses could attest to the fact that they live in the same village as the detainee, and each know him well; and, they will support detainee's testimony that he was a farmer, and will describe the work he did for the company who employed him. *See* Enclosure (1) to Encl. (2), pp. 2-4. The CSRT determined that the proffered testimony would not be relevant to the determination of whether the detainee was an enemy combatant, and even if the witnesses were called, they could not testify regarding "the detainee's conduct/or involvement with the Taliban." Therefore, these witnesses were not called to testify. This evidentiary ruling was proper as well.

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

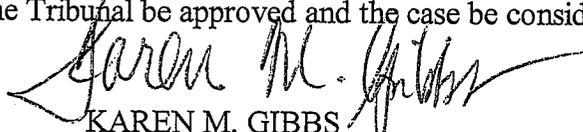
Here, it appears from a clear review of the record that the Tribunal considered the proffered testimony of each witness, and determined that, even if the witnesses had been called and their testimonies true, the CSRT would have reached the same determination that the detainee was an enemy combatant because the preponderance of the evidence supports the Tribunal's determination. Therefore, the Tribunal's ruling did not appear to prejudice the detainee

f. The Tribunal's decision that detainee #1104 is properly classified as an enemy combatant was unanimous.

g. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.

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

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


KAREN M. GIBBS
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

4 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #19

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

27 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1104

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].

CSRT

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: #19

(U) ISN#: 1104

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

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U//~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) 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 2 December 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).
2. (U) On 2 December 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #1104 is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this Detainee is a part of, or supporting the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #19
ISN #: 1104

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 supporting, the Taliban forces that were engaged in hostilities against the U.S. 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 is a member of the Taliban. The Detainee was the chief of logistics for a company providing support directly to the Taliban government. The Detainee worked for the Taliban Intelligence Office. The Detainee controlled a large weapons cache, including 122mm rockets, 122mm artillery rounds, and 140mm rockets.

Originally, the Detainee chose to participate in the Tribunal process. However, just prior to the Tribunal he told the Personal Representative that he was ill and therefore would not participate. He requested four witnesses and requested no documents be produced. The Tribunal President found three witnesses to be not relevant to the Detainee's case, and one witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Tribunal President's evidentiary and witness rulings, to include the Detainee's absence, 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-25.
- b. Testimony of the following persons: None.
- c. Statement of the Detainee: The Tribunal considered a statement presented by the Personal Representative on behalf of the Detainee.

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

a. Moments prior to the start of proceedings, the Personal Representative informed the Tribunal that the Detainee had just stated that he was "not feeling well", and therefore would not participate in the Tribunal. The Detainee explained to the Personal Representative that the Personal Representative could represent him before the Tribunal. The Detainee complained of hurt and/or discomfort in the following areas: 1) his head; 2) one of his eyes; 3) one of his ears; and, 4) his stomach. The Detainee first mentioned this alleged physical discomfort when the Personal Representative told him that his approved witness, Mohammad Ibrahim, was not reasonably available. See paragraph (4)(b) for further discussion concerning this witness. According to the Personal Representative, when the Detainee spoke, he "was animated and used energy". Additionally, the Detainee sat upward in his chair while actively conversing with the Personal Representative, which included coherent responses to specific questions. In fact, the Personal Representative even "had trouble getting him (the Detainee) to quit talking". On a prior occasion (30 October 2004), the Detainee had made similar complaints of physical discomfort to the Personal Representative. Based upon the totality of these facts and circumstances, the Tribunal President determined that the Detainee had knowingly declined to participate in the Tribunal. As a precautionary measure, the Tribunal President instructed the Personal Representative to later communicate with the appropriate medical personnel as to whether the Detainee would have been able to participate in the proceedings. If a qualified medical provider would opine that the Detainee had been unable to participate in the proceedings because of his alleged physical discomfort; then, the Tribunal President would later decide whether to reopen the unclassified portion of the proceedings to allow him to participate. The Tribunal then proceeded in absentia.

During a recess in the proceedings, the Personal Representative contacted the Senior Medical Officer over Detainee Operations. This physician told the Personal Representative that the Detainee had no chronic condition that would preclude his attendance at the Tribunal. This expert opinion was based upon a review of the Detainee's medical records, which included a report from a 10 November 2004 examination.

b. The Detainee requested four witnesses to be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Pir Mohammad	not relevant	no*
Dawlat Khan	not relevant	no*
Mohammad Wali	not relevant	no*
Mohammad Ibrahim	not reasonably available	no**

* The Detainee requested the production of three witnesses from his home village of Safari Khail in Afghanistan. The Detainee proffered that each proposed witness would

testify, if called, that he lives in the same village as the Detainee and knows him well. The Detainee further proffered that each would testify that the Detainee was a farmer and regarding what he did for the company that he worked for. The Tribunal President found that the testimony was not relevant. Even if true, such testimony has no bearing on the statements contained in the Unclassified Summary of evidence and cannot provide any useful information regarding the Detainee's alleged actions as an enemy combatant. At best, such testimony is in the nature of character evidence, which is not relevant to one's actions as an enemy combatant. Even if the witnesses know the Detainee well, they cannot speak to the Detainee's conduct and/or involvement with the Taliban.

** The Tribunal President deemed that the Detainee's request for this witness was relevant to the Detainee's status as an enemy combatant. The Department of State was contacted on 9 November, with follow-up attempts made on 22 November and 30 November. As of 2 December 2004, the Department of State had received no response from Afghanistan as to the status of this witness request. Therefore, the Tribunal President made the determination that based on the attempt to contact and lack of response; the witness was not reasonably available.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's statement as presented by the personal representative. In sum, the Personal Representative explained that the Detainee stated the following: He worked for a company that bought and transported goods, which he sold to the Taliban Government. The Detainee first said that he would work for a few months in this capacity before he went back to farming and then back again to the Taliban connected position. The Detainee later said that he was drafted by the Taliban Government to work in this position, which he did consecutively for a 2-3 year time period. He was an innocent poor man. He was scared and did not want to fight. He knew nothing about intelligence. The allegation concerning a large weapons cache did not make sense. He had no information

on these weapons. He was uneducated. He did not go to school. He was not a liar. He did not know how to lie.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. The Detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a. For further information concerning his lack of participation, see paragraph (4)(a) of this Unclassified Summary.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban and was part of or supporting associated forces engaged in hostilities with the U.S. or its coalition partners.

8. Dissenting Tribunal Member's report

None.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

Summarized Unsworn Personal Representative Statement with absent Detainee

Personal Representative states Detainee declined to participate in Tribunal proceedings.

Personal Representative states the Detainee was advised of his right to be present during all open sessions of the hearing; advised of his right to make a statement; under oath or unsworn; advised of his right to representation by a Personal Representative; advised of his right to provide evidence and present witnesses on his behalf; and advised of his right to examine and review all unclassified evidence/documents. Personal Representative stated the Detainee indicated he did understand the Tribunal process.

The Personal Representative submits the Detainee Election form D-A.

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

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

President was convinced Detainee was aware of his rights and had an understanding of the Tribunal process. President announced Tribunal hearing would proceed without the presence of the Detainee.

Tribunal President: Originally the detainee requested three witnesses. Basically they were from his home village in Afghanistan. The detainee offered that the proposed witnesses would testify that he lived in the village and they knew him well. If that is true, it is in the nature of a character witness; so deemed that is not relevant. My understanding is you went back to and told him that decision and he asked for another witness named Mohammed Ibrahim to testify for him. We did deem that the testimony would be relevant to his case on the points of the unclassified summary and we forwarded that to the Department of State on the 9th of November. The Department of State did follow up attempts to try to contact his country on the 22nd and the 30th of November. As of this date, the Department of State has not received any response as to the status to this witness request, therefore the Tribunal President made the determination that based on the attempt of contact and the lack of response, the witness is not reasonably available. Should that testimony become available at a later date, as a tribunal we will decide if we should reopen his case or not.

The Personal Representative read the accusations and followed each allegation up with a response from the detainee at a previous meeting. The allegations appear in italics, below.

3.1. The detainee was the chief of logistics for a company providing support directly to the Taliban government.

Detainee Statement: This is false; I did work for a company that transported goods like groceries, toothbrushes and daily use items. I would buy them at a bazaar at a low price and take them back to a store. It is a government store. It sells the products to the government employees at a lower price than what they can get it at a local market. This company had two stores. The company had workers that worked for the old government, and maybe some of them drove for the Taliban, but I don't know.

Personal Representative: He told me that his stores did not sell clothes, shoes or weapons. He didn't know or remember how long he worked for them. He said he would work for a month, and then he would go back to Kabul where he lived. So he would go work at the store for a month then go home and work on the farm for a month. He told me this morning that he did this for about 2-3 years. He also told me how it came to be that he worked for the company. He said the Taliban came and took him out of his house and drafted him. They wanted him to go to the battlefield to fight. The district officer of Taliban took him to Ghazni province where he spent the night. In the morning they took him by bus with about 15 other people to Kabul. In Kabul, the military division of Taliban took everybody but him to fight because he was sick. So they put him to work for some division of the government. He told me about how the Taliban used 2% of the workers salary to buy goods from the market to supply the government's store where he worked. He would get a list of goods to buy, like soap, and then transport them back to the store. This morning he told me when he went back home that he was a farmer and he had land and a garden where he grew wheat, corn, barley and apricots.

3.2. The detainee worked for the Taliban Intelligence Office.

Detainee Statement: This is false; I am a very innocent poor man. I don't know why they put these allegations on me. I was scared and didn't want to fight when the Taliban came for me. If I didn't work for the company, they would have sent me to fight. I don't know anything about the Taliban intelligence office. This is outrageous; I am innocent.

3.3. The detainee controlled a large weapons cache including 122MM rockets, 122MM Artillery rounds, and 140MM rockets.

Detainee Statement: This doesn't make sense; I was captured in my house. I have no information on these weapons.

Personal Representative: I then asked him is there anything that he wants to add onto your statement.

Detainee Statement: I am uneducated, I didn't go to school and I told you the truth. I worked two to three years for the company every other month. I am not a liar; I don't know how to lie. I trust my Personal Representative.

Personal Representative: I did tell him I am not a liar; I am not his enemy, or his friend. I will just tell you what he told me. That is what I have done here today.

The Personal Representative had nothing further on the behalf of the detainee for this unclassified session of the tribunal.

The Tribunal President concludes the open tribunal session.

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

DETAINEE ELECTION FORM

Date: 30 Oct 2004

Start Time: 1245

End Time: 1325

ISN#: 1104

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

Translator Required? YES Language? PASHTO

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

Detainee Election:

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

Personal Representative Comments:

Detainee wants to participate and make an oral statement.

Detainee requests one off-island witness.

Witness worked at same company as detainee (responds to allegation 3.1 in unclassified summary).

Detainee did not request any documentary evidence.

NOTE: When I met with 1104 AT the final interview (1 HR prior to his TRIBUNAL) detainee decided not to participate. This was just after I told him that his witness was ruled not reasonably available. 3 Dec 04

Personal Representative: [REDACTED]

UNCLASSIFIED

Combatant Status Review Board

TO: Tribunal Members

FROM: OIC, CSRT (12 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – RAHIM, Mohamed.

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

The detainee is a member of the Taliban:

1. The detainee was the chief of logistics for a company providing support directly to the Taliban government.
2. The detainee worked for the Taliban Intelligence Office.
3. The detainee controlled a large weapons cache, including 122mm rockets, 122mm artillery rounds, and 140mm rockets.
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

Personal Representative Review of the Record of Proceedings

I acknowledge that on 6 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1104.

I have no comments.

My comments are attached.

Major  USAF
Name

6 Dec 2004
Date


Signature