IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HUSSEIN SALEM MOHAMMED	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 05-1645 (PLF)
	)	
GEORGE W. BUSH, *et al.*,	)	
	)	
Respondents.	)	
	)	

DECLARATION OF TERESA A. McPALMER

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

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, 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 Hussein Salem Mohammed 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: 24 April 2006

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

Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 692
16 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1015**

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 #1015 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

14 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1015

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

Encl: (1) Appointing Order for Tribunal #27 of 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.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

d. The detainee requested a polygraph test that was administered upon him to be produced. The president of the Tribunal granted the detainee's request. Enclsoure (2) explains the weight given to the polygraph test. I see no reason that the Tribunal reached the wrong legal conclusion as explained in enclosure (2).

e. The Tribunal's decision that detainee #1015 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

PETER C. BRADFORD
LT, JAGC, USNR

Department of Defense
Director, Combatant Status Review Tribunals

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #27

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

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

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

MEMBERS:

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

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

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

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

HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

27 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1015

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

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

FOR

CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #27

(U) ISN#: 1015

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

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

(U) This Tribunal was convened on 15 December 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

(U) The Tribunal has determined that Detainee #1015 is properly designated as an enemy combatant as defined in reference (c).

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

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

[redacted]
Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: #27
ISN #: 1015

1. Introduction

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of al Qaida. The Detainee stated that he traveled from Yemen to Pakistan in September of 2001. The Detainee visited the Tabligh headquarters in Lahore, Pakistan. Jama'at Al Tablighi, a Pakistan based Islamic missionary organization is being used as a cover to mask travel and activities of terrorists including members of al Qaida. The Detainee stayed at the Tabligh center for two and a half months. The Detainee stayed at al-Qaida guesthouses in Afghanistan. The Detainee has been confirmed as being an old "JUNIOR" al-Qaida member. The Detainee was arrested in Tehran, Iran for illegally entering Iran.

The Detainee chose to participate in the Tribunal process. He called no witnesses, requested one classified document be produced, and made an oral, sworn statement. The Tribunal President ordered the classified document requested by the detainee to be produced and the Recorder complied. The Detainee, in his oral sworn statement, denied being a member of al Qaida. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a, R-1 through R-14

b. Testimony of the following persons: none

c. Sworn statement of the detainee.

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

The Detainee requested no witnesses be produced for the hearing.

The Detainee requested the following additional evidence be produced:

Evidence	President's Decision	Produced?
copy of his polygraph test	reasonably available	yes*

* The Personal Representative located this polygraph test and gave it to the Recorder to submit in the classified session of the Tribunal as Exhibit 14.

5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that that he was not an al Qaida member. He did travel from Yemen to Lahore, Pakistan in September of 2001. The Detainee stated that he did visit the Tabligh Center in Lahore and stayed with Jama'at Al Tablighi for approximately 2 ½ months. He had never been to Afghanistan prior to going to prison. He has never stayed at al Qaida guesthouses and has never been called an old "junior" al Qaida member. The Detainee was arrested in Tehran, Iran for illegally entering Iran. He stated that his original goal was to travel to Europe for human rights and opportunities not afforded him in Yemen. The Detainee went by plane and was traveling with a passport to Pakistan. From there, he arranged to be smuggled into Iran.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate although the Detainee did complain that he had a toothache and a sore throat that the Personal Representative said had been reported to the guards.

b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[redacted]
Colonel, U.S. Army
Tribunal President

Summarized Detainee Sworn Statement

As the Tribunal opened, the Tribunal President made the following statement:

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and commented:

Detainee: In regards to secret or non-secret what is this for, secret or non-secret?

Tribunal President: We divide the information up into two parts: Unclassified, which we can show you and then we have Classified information which we deem important to National Security which we are not allowed to share with you. Do you have any questions concerning the Tribunal process?

Detainee: What am I going to benefit from this session, this Tribunal?

Tribunal President: This Tribunal is an impartial panel. To this point we have seen no information on you whatsoever. We will be looking at basically two things. The first thing we look at, of course, is the information the Recorder will provide to us. Since you have elected to participate today the second thing we will look at is your oral statement. Basically we look at that information to determine whether or not your enemy combatant status is an appropriate one for you. If we determine that you have not been properly classified that can lead to your release.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

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

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

Detainee: You are impartial, is that right?

Tribunal President: The Tribunal panel? Yes, we haven't seen any information.

Detainee: So how did she (Tribunal President) know when he (Recorder) said that he didn't have any and she was telling him to read what he had down?

Tribunal President: He had already told me that he had classified and unclassified, that's all he said. I know he's got something else to present but I don't know what that is.

Detainee: No problem.

The Tribunal President, referring to the Detainee Election Form, made the following statement:

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced by your being here. I also see that you asked your Personal Representative to locate some documentation for you that he will present to us in the classified session. Hussein Salem Mohammed you may now present any evidence that you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: Swearing or not swearing that is okay I have no problem with that. In which way will I swear?

Tribunal President: It will be the Muslim oath and the Recorder will provide the script.

The Recorder administered the Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

Personal Representative: First item was the detainee was a member of al Qaida based on these seven statements. The first one is:

3.a.1. The detainee stated that he traveled from Yemen to Pakistan in September of 2001.

Detainee: I told you this. I gave you this information. I told you that I traveled to Yemen to Pakistan at this time. Is it an accusation to travel?

Tribunal President: It is just a statement.

Detainee: Nothing is included in these points that would lead to me becoming categorized as me being with al Qaida. This al Qaida thing is not (inaudible).

Tribunal President: That's the kinds of things we need to know from you.

Detainee: This talk of al Qaida has no foundation or any truth to it whatsoever. I wish that you'd understand me. Of course in regards to me traveling from Yemen to Pakistan, I volunteered that information. From Yemen to Pakistan I gave you this information, I volunteered this information. It's here and very easy to find it. You have your own conclusions and you can check with the Yemeni government and you will know where and when.

3.a.2. The detainee visited the Tablighi headquarters in Lahore, Pakistan.

Detainee: The way you put it, it looks like I went to visit and I was enjoying my visit with them. I told you before that my goal wasn't to visit these guys; I went there because my goal was to travel. That's why I went there.

Tribunal President: Keep in mind again, that we don't know any of the information you've already told interrogators or anything about you other than this one sheet of paper.

Detainee: I'm sorry. I didn't mean to be disrespectful or anything. I just wanted to mention that I told this information to the interrogators before.

Tribunal President: I appreciate that.

3.a.3. Jama'at Al Tablighi, a Pakistan based Islamic missionary organization is being used as a cover to mask travel and activities of terrorists including members of al Qaida.

Detainee: So am I responsible for that? Am I responsible for that? I'm asking you. If I was responsible then yes this statement would make sense but I'm not responsible for anybody.

3.a.4. The detainee stayed at the Tablighi center for two and a half months.

Detainee: I told you personally that. I stayed for two and half months, approximately I don't know exactly, but approximately two and half months. I didn't lie to you. I didn't tell you that I didn't stay there. I said yes I stayed there.

3.a.5. The detainee stayed at al Qaida guesthouses in Afghanistan.

Detainee: This statement I don't understand. This doesn't have any base to it because I've never been to Afghanistan. You guys, you took me to Afghanistan to the prison in Afghanistan. I didn't go. You took me. If you want to consider the period or the time in that prison as a charge or a crime then that's something else.

3.a.6. The detainee has been confirmed as being an old "JUNIOR" al Qaida member.

Detainee: This is a lie. This is a lie. When was I a member of al Qaida? I never heard of this. First of all, look at the dates I left Yemen and you will know that was the first time I left Yemen. I never left Yemen before that. You can look at the dates. This talk about al Qaida is all lies. You have the Yemeni intelligence, ask them.

3.a.7. The detainee was arrested in Tehran, Iran for illegally entering Iran.

Detainee: Also, I told you this, it is me who told you this. Are you responsible for Iran? People enter and go into other countries. In your own country you have a lot of people who are illegally in the United States. Everywhere in the world people enter illegally and smuggle to other places, everywhere. Is it just illegal for me to enter Iran illegally?

Tribunal President: Does that conclude your statement or is there anything else you would like to tell us?

Detainee: That's it really. If you want me to tell you my whole story I have no problem with that. I already told my whole story and I also told my PR and I'm ready to repeat my story if you want me to.

Tribunal President: Again, this is all we've seen about you so if you think it will help us we are certainly willing to listen.

Detainee: Okay so you want me tell my story since the first day I left Yemen until you brought me here?

Tribunal President: If you think it will help us figure out why they're thinking you're an enemy combatant.

Detainee: You mentioned that why they think that you are part of al Qaida. You said think. You just think. You have no proof. You're not certain really and you put me in jail and classify me as al Qaida just because you think I am but you're not really certain, just because I'm Arabic and Muslim?

Tribunal President: I said why somebody else has determined that you're an enemy combatant. We haven't made a decision yet. We will at some point.

Detainee: I've been in Afghanistan for a year and two months and in all this period I was actually interrogated only three times. Two in the beginning and the third time the interrogator told me explicitly that there is nothing against you, you are innocent, you are going to go, you are going to go. As I just said in the second interrogation, the interrogator told me that there is nothing, absolutely nothing against you and right after that I was taken from one jail to another jail. I stayed in the second jail for eight to ten months and nobody interviewed or interrogated me. After that another group of interrogators came and they said here is your file and they looked and they said well, your file is closed there is nothing really against you. This was in Kabul and as I mentioned, we stayed there for a little over a year and after that they took us to Bagram. In Bagram, again, the same group of interrogators told me that they were going to subject me to a polygraph and I said yes please. Don't even talk to me anymore until you give this polygraph to prove that I am not lying. If you prove that I'm lying, I want you to take me and shove me into the streets of Yemen and ask people. After that they used to tell me that they have doubts, they were not certain they just have some doubts. After the three interrogators told me okay let's take the poly. Again they had nothing against me and they took the poly and they all came and congratulated me and they said you passed, you're fine. (Inaudible) In the same session I took three polygraphs in the same sitting. When they came they were so happy and they said congratulations you really passed. At that time I couldn't really control my emotions and I started crying with joy because I was so happy. After that they came and they told me I was going to go Cuba. I said wait, you told me that I am innocent and I'm going to get out. They told me yes, you have to Cuba then in a month or two you will be released

from there. Now I've been here I really don't know how long. One year and a month, a year and eight months, I really lost track. Three years in prison that's not right, that's a lot. I talked to the interrogators for a long time, sometimes with witnesses. They keep changing interrogators on me. I see one one time and a month later another one, a month later another one, the only interrogator I met with a lot was the one I met with three times. All of them said the same thing. There is nothing against you, you are innocent, you are going to Cuba. I used to tell them that I'm just a street vendor and if you think that I'm against you and that I'm not innocent then please present me to court. They said no there is nothing against you, there will be no Tribunal. Specifically one particular female she told me I was one of the ones that didn't need a Tribunal or court because there is not much against me, I was going to be released without going to a Tribunal. Up until now there is no determination, no firm decision on my case, there was no Tribunal, no nothing.

Tribunal President: At this time we may have some questions for you. Would you be willing to answer some questions for us?

Detainee: Please, please I told you I'm ready to answer the questions of the board.

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

Personal Representative: Yes Ma'am.

Personal Representative's questions

Q. You mentioned that your goal was to travel but you didn't mention where you wanted to go.

A. I told you the story before but again my intention was to go to Europe. My goal was to go to Europe and live in Europe and apply for Alien Refugee Status. My intention was to go and surrender myself or give up myself to any European country that I could get to. My intention was to go to the government and give myself up to them.

Personal Representative: That's all I have.

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

Recorder: No Ma'am, I don't.

Detainee: Please, please make a decision on my case. All interviews and interrogations, questions, this. Please, please come to a conclusion in my case.

Tribunal President: Do any Tribunal members have any questions for the Detainee?

Tribunal Member: Yes Ma'am.

Tribunal Member's questions

Q. To make a decision in your case we have to look at what you said and look at other evidence. We don't know what that other evidence is going to say so we have to kind of guess if I want to ask you to address possible questions.

A. No problem you can ask.

Q. One of the questions I wanted to ask you is; is there any reason why someone would turn you in and say I know he's al Qaida?

A. I really don't know who would do that, but whoever said that he is a liar. To start with I am not part of al Qaida.

Q. He (Personal Representative) asked you why you wanted to travel and you said you wanted to go to Europe. Were you having any trouble in Yemen?

A. No, I don't have any personal problems really but you know the situation in Yemen. You know northern Yemen and southern Yemen and I am from southern Yemen and our rights are really not respected and we don't have many opportunities. Again one more time, you know the situation in Yemen especially in the southern part of Yemen you cannot work with the government, you cannot further your study or finish your study to have really good education. You know that everything that you need, you need groceries, you need money for anything and everything you want to do. Of course you know that the government that is controlling all of Yemen, the northern part and southern part of it, are from the northern part. You know that. You aware of course of the war that was in 1994 after the Yemeni union. As I mentioned our life in the southern part of Yemen is really hard. Everything you need you have to get, from groceries, you have to get money to be able to eat, for the simplest paper you go to the police for you're screwed whatever. If you don't give money you will not get it done. We are harassed and we are really badly treated. I can't really express this any further because you are aware, you know about this situation and of course the sun is so obvious you cannot cover it. This is so obvious and you're aware all of it.

Q. Actually I should be aware of it but I am not as current as I should be on current events. I don't mean to sound dumb, but do northern Yemen speak the same language and do you look the same as southern Yemen?

A. No we are exactly the same. They were two countries in the beginning not just one but we are just like any division in any country. Like we have Morocco and Nigeria separated. It's the same thing but we used to be two countries.

Q. Can ask your age and occupation? I know you said student, but is there anything that you do as a specialty?

A. Yeah I really don't have a specific profession or trade but I used to do construction, selling things in the market, things like that. Anything I would do, things in the metal shop, whatever. Anything that I could find.

Q. What is your age?

A. I was born in 1977 so I should be twenty-seven.

Q. You said the Yemeni government limited your education. What education did you get?

A. I finished high school. I waited for three years to get my diploma, my certificate, so I could do something else with it. They said no, if you want your certificate, official certificate, I was asked to give 86 thousand Yemeni Riyal. I said why am I going to give that to you, why should I give them the money to get my own certificate. They just wanted to get from me 86 thousand Riyal. Just to give me a paper that I would put in the house so I didn't finish, that's why I didn't finish.

Q. When you were arrested in Iran, did you have a weapon on you?

A. No what am I going to be doing with a weapon?

Q. Were you trained with a weapon?

A. No, absolutely not.

Q. I just have one last question. Again this might sound dumb, but is your name common? Are there a lot people with your same name?

A. Yes, in Yemen lots of Hussein, a lot.

Q. I want to try and understand his transfers in prison. I understand he was arrested in Iran transferred to Pakistan then transferred to Afghanistan then transferred to Cuba.

A. No, I was captured in Iran and I went straight to Afghanistan, I didn't go to Pakistan.

Q. Is that right sir?

A. That is right.

Q. When you traveled did you fly, drive, walk when you were traveling like from Yemen to Pakistan?

A. By plane.

Q. This is a repeat but you were traveling to Pakistan to get to Europe or to visit friends, vacation. I'm just trying to understand why Pakistan?

A. Yes I was going there to get to Europe but I don't have any friends or anything there.

Q. In number two you admitted that you went to the Tablighi Headquarters. Are you aware of its ties to al Qaida?

A. No, I don't even know al Qaida. I don't know, I never knew they had any relation to each other. I don't know.

Q. Then why did you visit the Tablighi Headquarters?

A. It's no problem, I'm going to repeat it again for maybe for the fourth millionth time. I stated it yes; really I will repeat it again. As you know Tablighi is the missionaries, they go everywhere in the world. My goal was to just travel with them, I really wasn't associated with them. I wanted just to use them to travel with them to get out.

Tribunal President's questions

Q. When you left Yemen I assume, well maybe I shouldn't assume, did you travel with a passport?

A. Yes. Sure, sure.

Q. Did you travel with anyone?

A. I traveled by myself, I had my own Visa and I got my own ticket, just by myself.

Q. That was another one of my questions. You paid for your own travel?

A. I paid for my own, yes.

Q. When you went to Jama'at Al Tablighi, did they assist you at all?

A. No, no. As soon as they told me that there is no travel, the guy that was translating he said there is no travel. After that it was over.

Q. You went from Pakistan then to Iran?

A. Yes, yes and that was my big mistake going from Pakistan to Iran because if I had gone back home none of this would have happened.

Q. I assuming then when you went to Iran you didn't have a Visa to go into Iran.

A. No, I was going illegally.

Q. Did you have plans beyond that? You got to Iran where were you heading to next?

A. As I said before, the translator, the guy who was in Pakistan, he said that there was no travel might as well go back to my country. Then he proposed an idea to me. He said well if you are going to Europe you can go illegally or you can go through the borders illegally and go to Iran then from Iran to Turkey then from Turkey to Greece and Greece is European country. When he said that I said okay that great.

Q. How were you proposing to travel there? I assuming you can't fly without a passport.

A. I told you, this is all being done illegally through the borders.

Q. Right, so how did you propose to go, by foot?

A. I am going with smuggler whoever, if you walk, I'll walk with you. If you take a car, I'll go in your car with you.

Q. If in fact you were released from here, where would you go, back to Yemen?

A. I would go directly to the house not just Yemen, directly to the house. After all this do you think I would go anywhere else?

Tribunal President: I would like to thank you for participating in this Tribunal today.

Detainee: Me too, I thank you very much.

Tribunal President: Hussein Salem Mohammed do you have any other evidence you want to present to this Tribunal?

Detainee: I have nothing else to say besides my story I told you since I lived here, since I traveled and my story in Yemen. Besides that I have nothing else.

The Tribunal President confirmed with the Personal Representative that he has further evidence that he will submit during the classified portion of the Tribunal and that the Detainee had no previously approved witnesses to present to the Tribunal.

Detainee: Again, I just want to mention one more time, all this classification this (inaudible) this witness, I'm telling you all these are lies this (inaudible). I'm going to tell you one more time what I said in all the interviews. The latest interrogator told me I was in Sheeshan (ph). When was I in Sheeshan (ph)? I don't know. After that he said I was in Russia. I don't know when. Another one told me I was in Jordan and they killed your friend in a car. I don't know about that. He asked me about Bosnia and something like

that. This talk does not stand in the earth. This is just my reply about we think or they think. So I just wanted to clarify.

The Tribunal President explained the remainder of the Tribunal process to the Detainee 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.

[redacted]

Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 11 Dec 04

Start Time: 1010

End Time: 1150

ISN#: 1015

Personal Representative: [redacted] Major, USAF

Translator Required? YES **Language?** ARABIC

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

Detainee Election:

[X] **Wants to Participate in Tribunal**

[ ] **Affirmatively Declines to Participate in Tribunal**

[ ] **Uncooperative or Unresponsive**

Personal Representative Comments:

Detainee #1015 was briefed on the CSRT process and he understood it. He elected to participate in his Tribunal and he will make a statement.

The Detainee did not request any witnesses because he is a man and he doesn't have to tell people where and why he goes places.

Detainee #1015 was cooperative during our Initial Interview yet he continuously stated that there is "no justice" at Camp Delta and with the CSRT process.

The detainee didn't have a lot to say specifically about the evidence in his case. He asked why it was a crime to travel to another country. I explained to him that it wasn't any individual item of evidence that meant he was a member of al Qaida but all the pieces of evidence as a whole that created the belief. The detainee said that all the evidence was fabricated information although it was true that he entered Iran without papers. He was captured in Iran, taken to Afghanistan and then sold to the Americans.

The detainee stated that he was given a polygraph test and was told that he had passed the test by the interrogation team. He requested that I find the polygraph results. The polygraph will be in the Classified Exhibits.

Personal Representative [redacted]

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (08 December 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MOHAMMED, Hussein Salem

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

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

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of al Qaida.

A. The detainee is a member of al Qaida:

1. The detainee stated that he traveled from Yemen to Pakistan in September of 2001.

2. The detainee visited the Tablighi headquarters in Lahore, Pakistan.

3. Jama'at Al Tablighi, a Pakistan based Islamic missionary organization is being used as a cover to mask travel and activities of terrorists including members of al Qaida.

4. The detainee stayed at the Tablighi center for two and a half months.

5. The detainee stayed at al Qaida guesthouses in Afghanistan.

6. The detainee has been confirmed as being an old "JUNIOR" al Qaida member.

7. The detainee was arrested in Tehran, Iran for illegally entering Iran.

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.

EXHIBIT R-1

Memorandum

To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

Date 12/08/2004

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[redacted]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked[1]. The FBI makes this request on the basis that said information relates to the national security of the United States[2]. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

The following documents relative to ISN 1015 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/26/03
FD-302 dated 05/27/03
FD-302 dated 06/13/03

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

[2]See Executive Order 12958

EXHIBIT R- 2

pg 1 of 2

If you need additional assistance, please contact Asst. Gen. Counsel [redacted], or IS [redacted]

Personal Representative Review of the Record of Proceedings

I acknowledge that on 18 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1015.

[redacted] I have no comments.

___ My comments are attached.

Major [redacted] USAF
Name

18 Dec 04
Date

[redacted]
Signature

ISN #1015
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHAMAN,	)	
	)	
Petitioner	)	
	)	
v.	)	Civil Action No. 05-887 (RWR)
	)	
GEORGE W. BUSH, *et al.*,	)	
	)	
Respondents.	)	

DECLARATION OF TERESA A. McPALMER

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

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, 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 Chaman that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted by an OARDEC staff member. This staff member also redacted information that would personally identify U.S. Government personnel and foreign nationals 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: 14 July 2005

Teresa A. McPalmer
CDR, JAGC, USN

Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 839

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1021**

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 #1021 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

Department of Defense
Director, Combatant Status Review Tribunals

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #27

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

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

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

MEMBERS:

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

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

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

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

HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

7 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1021

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

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

CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #27

(U) ISN#: 1021

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

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

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

(U) The Tribunal has determined that Detainee #1021 is properly designated as an enemy combatant as defined in reference (c).

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

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

[redacted]
Colonel, U.S. Army
Tribunal President

21 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1021

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

Encl: (1) Appointing Order for Tribunal #27 of 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 a sworn statement in question and answer format to the Tribunal. The Tribunal considered the sworn statement in its deliberations.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-7 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

d. The detainee requested 7 witnesses:

i. The Tribunal found the first two witnesses to be relevant and submitted a request to the U.S. State Department to contact the Afghanistan government to help locate the witnesses. As of the date of hearing, the Afghan government had not responded to the State Department's request. The Tribunal determined therefore that the two witnesses were not reasonably available. In my opinion, the Tribunal acted properly in determining that the witnesses were not reasonably available.

ii. The Tribunal determined that three witnesses' testimony was not relevant. They based their decision on their belief that the evidence would be duplicative in nature. In my opinion, this was an improper ruling; the evidence should have been deemed relevant, and the Tribunal as factfinder could then have determined

what weight to give the evidence. However, given the strong evidence against the detainee, the suppression of the evidence the detainee requested is not dispositive of a finding that the detainee is an enemy combatant using a preponderance of the evidence standard.

iii. Additionally, the Tribunal ruled that the last two witnesses the detainee requested were not reasonably available to testify. One may assume that the Tribunal previously had determined that the two witnesses' testimony was relevant, since the Tribunal then allowed the witnesses to submit written testimony in lieu of personal appearances. *See* exhibits D-b and D-c. In my opinion, the Tribunal properly determined the witnesses not reasonably available, and was within their discretion to consider the written testimony in their deliberations.

iv. Finally, the detainee submitted, through his Personal Representative, the written transcript of an interview he had with the Personal Representative. *See* D-d. The Tribunal considered exhibit D-d in it deliberations.

e. The Tribunal's decision that detainee #1021 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

PETER C. BRADFORD
LT, JAGC, USNR

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: #27
ISN #: 1021

1. Introduction

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida, the Taliban and their associated forces. When captured, the Detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces. The Detainee attended a meeting of then current al Qiada, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshawar, Pakistan. When captured, the Detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge included its structure, membership, and hierarchy of influence. When captured, the Detainee possessed knowledge of current HIG plans to attack U.S. forces stationed in Afghanistan. The Detainee engaged in hostilities against the United States or it coalition partners. The Detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 2003.

The Detainee chose to participate in the Tribunal process. He called seven witnesses, requested no documents be produced, and made an oral, sworn statement. The Tribunal President found four of the requested witnesses were relevant although all four were not reasonably available; alternative means of producing the witness's testimony was available for two witnesses. The Detainee, in his oral statement, denied being a Taliban, al Qaida member or an active Hezb-I Islami member. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a thru D-d, R-1 through R-25

b. Testimony of the following persons: [redacted] and [redacted]

c. Sworn statement of the detainee.

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

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

Witness	President's Decision	Testified?
Commander [redacted]	not reasonably available	no*
[redacted]	not reasonably available	no*
[redacted]	not relevant	no**
Senator [redacted]	not relevant	no**
[redacted]	not relevant	no**
[redacted]	reasonably available	yes***
[redacted]	reasonably available	yes***

*Based on the allegations in the unclassified summary and the proffered testimony of this witness, this witness request was approved. A request to obtain this witness testimony was sent to the U.S. Department of State on 26 November 2004 with follow-ups on 10 December 04 and 17 December 04. To date, the Department of State has indicated they have had no response back from the Foreign Embassy. As such, the Tribunal President determined that based on the attempt to locate and the lack of response, these witnesses were not reasonably available.

**These witnesses' testimony was determined to be duplicative in nature and were therefore determined to be not relevant.

***These witnesses were not available to testify in person but have submitted written testimony in lieu of his personal appearance.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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

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

Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he was a native Afghan who became a refugee in Pakistan when the Russians took over his country. The Detainee stated that during the time of the Russians, he went to Afghanistan to participate in the fighting against the Russians. After a long struggle, the Russians disappeared and he returned to Afghanistan. He had a material business for approximately three years and decided to join forces with the Gulbuddin (HIG). After six months, he left HIG and went over to [redacted]'s side. Then the Taliban came to his district. He left and went to Kabul. During this time, the Taliban killed 10 of his closest friends. The people of the district asked for the bodies of his friends and were denied. The Taliban buried the bodies in a mass grave. Then the Taliban came to Kabul and declared ownership of all Detainee's property. They took everything. The Detainee decided to leave Afghanistan. The Pakistan government denied his initial attempt to leave by plane, so he ultimately traveled overland at night via a mountainous route. The Detainee hid in a house in Pakistan for a year and then set up a business in Peshawar, Pakistan. The Detainee stated that he continued to work with [redacted] providing him information on the Taliban and the HIG in both Afghanistan and Pakistan. However, since he could not read or write, he relied on [redacted] (the third highest person in the Ministry of Intelligence) to provide information back to [redacted]. When he did tasks for [redacted] always accompanied him. The Detainee stated that all of the allegations on the Unclassified Summary were not true, although he was able to get intimate with HIG and Taliban leadership stating that was the way of their culture, to be open and friendly. The Detainee said that after the U.S. forces arrived, he returned his family to Afghanistan. He had a contract to bring equipment for the new government from Herat to Kabul. The Detainee claimed that he met a man named [redacted] that threatened the Detainee and said that the Detainee had to make him a partner in his business. The Detainee told [redacted] "No" and later, [redacted] arranged an accident with the Detainee's car which almost totaled it. When the Detainee tried to get [redacted] to reimburse him for his loses, [redacted] said that he'd pay but then he disappeared. The Detainee then asked about his relationship with [redacted] and was detained. He was then turned over to the U.S. forces in Baghram. The Detainee found out that [redacted] had said that the Detainee stole a computer. Both [redacted] and the Detainee were brought to Cuba. The Detainee said that [redacted] has since recanted his statement. The Detainee insists that he works for the Afghanistan government and has put himself in danger to get information. In summary, he relies on roughly five key pieces of evidence to prove that HIG and Taliban are his true enemy: (1) Taliban killed ten friends and took everything that was his to include the bodies of his friends; (2) HIG killed two close friends and tried to kill him; (3) [redacted] shadowed every move and can prove his support for the government; (4) his family lives in Kabul (because he supports peace in Afghanistan); and, (5) [redacted] falsely accused him of computer theft and has retracted his accusation.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with Hezb-I Islami and the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[redacted]
Colonel, U.S. Army
Tribunal President

Summarized Detainee's Sworn Statement

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

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

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

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

The Tribunal President, referring to the Detainee Election Form, made the following statement:

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced by your being here. I also see that you had asked for some witnesses; I actually see a total of seven witnesses that you originally requested. The first step I'll talk about are the witnesses that are available locally, and you had asked for three: [redacted] As such, we allowed for two of those witnesses to testify for you and the Personal Representative will provide that testimony later in a written format. The other four witnesses were what we consider off-island witnesses. The first one you asked for was Commander [redacted] Then there were three others in which their testimony appeared to be duplicative in nature. I said you could choose one of them. You picked for us to contact [redacted] Based on this request and the appearance that their testimony would in fact be relevant to your case, we requested that the Department of State on the 26th of November to contact this witness. Then they also had tried two follow-up requests on the 10th of December and the 17th of December. To date, the Department of State has indicated that they have had no response back from the foreign embassy. As such I have determined that based on the attempt to locate and the lack of response, this witness is not reasonably available at this time. I will tell you, that if their testimony does in fact become available at a later time the Tribunal will consider whether to re-open your case or not. Commander Chaman you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present information at this time and would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder would you please administer the oath?

Detainee: Should I stand up?

Tribunal President: No, you can remain seated.

The Recorder administered the Muslim oath to the Detainee.

Detainee: Nothing else but the truth.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

(The Detainee choose to make an oral statement instead of answering the allegations)

3.a. The detainee is associated with al Qaida, the Taliban and their associated forces:

3.a.1. When captured, the detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces.

3.a.2. The detainee attended a meeting of then current al Qaida, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshewar, Pakistan.

3.a.3. When captured, the detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge includes its structure, membership, and hierarchy of influence.

3.a.4. When captured, the detainee possessed knowledge of current HIG plans to attack U.S. Forces stationed in Afghanistan.

3.b. The detainee engaged in hostilities against the United States or it's coalition partners.

3.b.1. The detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 2003.

Detainee: When the Russians came to Afghanistan they bombed our district. A lot of them died and the rest of them, every single person, became a refugee and passed on to become seven different groups and started the war against the Russians. I joined the Mujahidin Mohammed Nabi group. The name of the group is Harakat-e-Islami. I came to Afghanistan to stop the war against Russia. After a long struggle, the Russians disappeared. The last president supported by the Russians, Najibullah's government, was finished and our leader [redacted] talked to everyone a said that the war is over, everybody should go home and Mr. [redacted] became our president. After the war I bought a store to sell clothes, men's clothes, cotton and other material. I started to get busy with this. After three years of doing my own business at the store, I left to Afghanistan and stayed for six months with Gulbudin Hikmatyar. At that time Gulbudin Hikmatyar, President Rabani, and Commander Masood were in a big civil war against each other. Six months later, I left Gulbudin Hikmatyar and I went to [redacted] After a while they came and made peace together and Mr. Rabani had become our

President and Gulbudin Hikmatyar became the Vice President. Then I left my home district and stayed there. Then the Taliban came and started to fight against us and our district. Later on I left my district and went to Kabul because I didn't have the weapons to fight against them (Taliban). Three days later they gathered ten of my friends and took them to a room, much like this one, and lined them up and shot them from close range. After the incident the people of the district went to the Taliban and asked for the bodies to be returned so they can be put to rest in their own traditional and religious manner, but the Taliban denied the request. They did not return the bodies to them; they just dug a big hole 300 meters away from the district and they put all of them together and buried them in it; they are still there. When they (Taliban) went to capture Kabul they announced everything that belonged to Commander Chaman would now belong to the government and nobody's allowed to touch it. They took everything from my office and everything from me. Before they came to capture us they said I bought a lot of concrete and help to build my own house. The Taliban took all the equipment; all the cement, wood and other things and instead they used it to fix the district and district manager took the rest to his home. When President Karzai's government came into power I returned to the district and built separate graves (headstones) for them and buried them. If you go back to the district right now all of the equipment and the wood and cement that I mentioned are still there as my evidence. When they captured Kabul, everybody escaped to Panjshir (ph) and Mazar-e-Sharif. I went to Mazar-e-Sharif. I was in Mazar-e-Sharif for six months and [redacted] was in Kundoz province. I used to visit him in Kundoz. When I was coming back, Gulbudin Hikmatyar and his people were in Baghlan (ph) and when I was coming back they had trapped me, they tried to assassinate us and they killed two of my guys. When I got back to Mazar-e-Sharif, there were planes that belonged to General Dostum that flew between there (Mazar-e-Sharif) and Pakistan. I took one of the planes and went to visit my family in Pakistan. When I got to Pakistan, the Pakistani government authority did not allow me to get off the plane and they told me that I couldn't go home. I returned to Mazar-e-Sharif in the same plane. Three months later, during Taliban's government, I went back to Pakistan hiding through the mountains. When I went home I was hiding there for a year and couldn't go anywhere because of the scare of the Taliban. After one year I reopened my own store, my own business again. After three years [redacted] sent me his representative or his commander asking me to come to Panjshir in the name of [redacted]. I spent seven days with [redacted] in Panjshir. He told me to go to Muzaffar Abad (ph) in Pakistan to meet with a person whose name was [redacted] (ph) accompanied by one of [redacted] commanders. [redacted] sent me to meet another man named Commander [redacted] (ph) in Kashmir. [redacted] and I went back to Muzaffar Abad and we found Commander [redacted]. Then I took [redacted] to Commander [redacted] (ph) and I don't know about the other details because that was between Commander [redacted] (ph) and [redacted]. I told [redacted] (ph) that [redacted] is [redacted] guy. Then everything was between the two of them, I did my part. After three years while I was running my store the Taliban was finished when Americans came there and President Rabani came back into power. When President Rabani came into power his Chief of Intelligence service, Mr. Engineer [redacted] (ph), who is from Panjshir and is still in power, sent [redacted] to meet me and bring me back to Kabul, Afghanistan. [redacted] had already been killed when the Americans came. When I came to Kabul, the Chief of Intelligence asked me to come and work with him to find out about the whereabouts of Taliban commanders. The Taliban

were at that time running away towards Pakistan. I told them that I did not know a lot of people. How would I work for you because I cannot read and write? They told me wherever I go [redacted] will always be with me and he will help me read and write. After that [redacted] and I went to Pakistan to look for Taliban high ranking or Taliban members or Taliban commanders and we would get the information and then give it to the Kabul government. Because I was not by myself, everywhere I went [redacted] was always with me and we were looking for information about Gulbudin Hekmatyar and high-ranking members of Taliban and went back to Kabul and gave the information to Engineer [redacted] After that, Mr. Karzai became the president. When President Karzai was in office the American and the American coalition and the United Nation forces were all placed in Kabul and I thought now the Northern Alliance and the Taliban would slowly, slowly disappear and peace would come to Afghanistan because of international forces. I went to Pakistan to bring my own kids and my only family back to Kabul, Afghanistan. That was the reason and that was my main goal to send my kids back to school and stay in our own country instead of a few days here and a few days there and have relaxation and be comfortable in our own home at peace. I also worked with President Karzai's government and that was our job to go around the country to get information about the Taliban. Engineer [redacted] was still the Chief of Intelligence and I still had [redacted] with me all the time to gather information about the Taliban. One of the things that the Engineer [redacted] told us to do was to go to Muzaffar Abad, Pakistan and bring him a picture of Commander [redacted] (ph) and so we did. We made these trips once a month or one and a half months and I ran my own business buying used cars and selling them back to make some profit and buy some houses to be remodeled. Then the Americans were fixing this place. They were bringing these metals from Herat. They had this translator with them named [redacted] and I saw the contract with them to find and bring the equipment from Herat to Kabul. I found them or I brought the equipment from Herat Province to Kabul. The linguist [redacted] told me the American representative wanted to meet Mr. [redacted] Mr. [redacted] was a central commander of Kabul, working for the Karzai government. I went to Mr. [redacted] and got an appointment with him and told him that the American company president wanted to meet with him. I told the linguist [redacted] that I got an appointment with [redacted] and you guys can go anytime to meet him. The linguist told me the American said that I could go if I wanted to join them and meet [redacted] Also there was also another gentleman his name was [redacted]; he was a driver for the Americans. I met [redacted] at that time. [redacted] told me awhile later that the Americans had brought all the equipment here, make me a partner. I told him I couldn't make him a partner in this and that he couldn't go back and forth to Herat. This is not a job for you. He warned me if didn't make him a partner that he knew these Americans, he worked with them, he'll make problems for me. After awhile, I had a small car and I think that the gentleman asking me for partnership deliberately caused an accident with my car; he almost destroyed my car. Then I found [redacted] and I asked him why did he hit my car and he replied that he would come this afternoon and he will pay for the damages. He would pay for all of the damage he did to my car. I was looking for him and he disappeared, he didn't show up that day and he disappeared for almost three or four months. I asked this man Mr. [redacted] where [redacted] was and he didn't know either. Engineer [redacted] asked me to come to his office at that time. He showed me a picture and I found a picture [redacted] Engineer [redacted] told me if you ask for something from [redacted] we

would put you in jail. I said that I didn't ask for anything, [redacted] created an accident and hit my car. I asked for the damage and he said yes he has to pay you, when we find [redacted] we will make sure what happened. After six days nobody showed up, I didn't see [redacted] I didn't see anybody after six days they turned me over to America. From that point I became a detainee in the hands of Americans. When I was detained in Bagram the interrogator told me that he was going to confront me with [redacted]. I said okay and they brought [redacted] into the room. [redacted] said not a word; he was just quiet and didn't say a word. Then I was transferred here and the interrogator told me that they brought [redacted] also, we will need you face to face and I said go ahead. When confronted by [redacted] he told the interrogator that he lied. [redacted] was working in Kabul in the American office; I think he had stolen a computer from the American office. When they interrogated him and asked him a question, they told me that [redacted] had disappeared and that was the reason I was lying about him because the American told me that in Kabul if you found one person who stole a computer or something happened to a computer they will let you go and he apparently lied about me. Why would I lie about him? The reason that [redacted] says when the American asked me or showed me a person or find some person we will let you go. [redacted] said I thought I would chose him because he is a person in the Karzai government, America will not take him, imprison him, or detain him, that was the reason I gave his name because he knew I worked for the Karzai government. When I find him, they will let me go maybe; America will not arrest him. Still at that time Mr. Karzai was in power but there were two governments over there. Mr. Karzai was only president by name. The whole structure of the government was run by Panjshiris of the Northern Alliance. First the Panjshiris or Northern Alliance did not want any Pashtuns in Kabul to back Karzai. They didn't want Karzai to become powerful. Every Pashtun you find in Kabul they will make problems for them, make allegations, and turn into Americans. One of mine did the same thing, they went somewhere with [redacted] and turned against me and put forth wrong allegations, I think that was the only reason to turn me into America and bring me here for no reason. I'm innocent. My word is true and the real enemy is the Taliban. The Taliban took my home away and took my own equipment and sold it to the district office. The Taliban killed my ten really close friends and associates, you can visit the district and see people out there and you can see the gravestones of these ten people. My enemy truly was the Taliban. Even you ask a little boy in this district who these people who died and they will tell you it was Chaman's friends or associates or people and the whole equipment of the district was (inaudible) that was my problem. That was the reason I brought a lot of the equipment, a lot cement or material because our own village, our own people, our own district was destroyed, there was nothing left by Russians. I don't know how sell (inaudible) house. Everything was destroyed because the Taliban invaded my house in the beginning; it is gone by the Taliban. My true enemy was and is the Taliban and Hezb-I-Islami Gulbahaddin (HIG) not the northern alliance. I was with them and I work with them. If I am a man or I have something in my heart and do something wrong, why would have brought my family to Kabul? My kids would still be in Pakistan or Iran or other country. I will do the wrong thing if I want. Why wouldn't I bring my family to Kabul? The only thing I did was help them because Engineer [redacted] and Mr. [redacted] is the third person responsible in this office, the second or the third one. [redacted] always worked with me, shoulder by shoulder, everything we did together, everywhere that we went we helped to new government or the Rabani government against the Taliban and the Hezb-I-

Islami Gulbahaddin. That is the whole thing I did and nothing else. I prove it to you because I was working for the government. When me and [redacted] the third ranked person in the intelligence office and they sent us to see or bring the picture from Mazar, we took the picture and we just formed it, we took the picture of the villain and we brought it back to Kabul. I work with the government and the interrogator showed me the picture here. It was me and [redacted] that would meet everyday, every time we would go somewhere to report from the Taliban or Gulbudin Hekmatyar and also we met with [redacted] (ph) the commander and we took the picture and the picture is here and the interrogator showed me, I saw the picture here. I never ever had joined any conference or any meeting with Taliban because even though I did this story I was still the around the Taliban and if they capture me they will kill me. Everywhere I go the [redacted] every single day, every trip we went on, he was with me. I was not allowed to go anywhere.

Tribunal President: Does that conclude your statement?

Detainee: I have one more thing to say.

Tribunal President: Certainly.

Detainee: I never ever joined anything with Gulbudin or anybody. I never joined it and I don't know anything. It is true that I knew this person, this third or second by rank in the intelligence office but [redacted] to go there and find information to get information about the Taliban or Hezb-I-Islami Gulbahaddin to bring the government that information. That is the only thing I know otherwise I don't know nothing about anything. Even if we find out together the Hezb-I-Islami commander we would go secretly to find information and bring the information back to the Kabul government. [redacted] is the second or third highest-ranking intelligence office in Kabul also did not aid in the intelligence. The whole thing I did was an order. The word of my witness, you can ask them about me. My second witness is an American [redacted] (inaudible) of our district. Contact them and please tell them who are the people in the district, who is buried there and also whose equipment, whose cement or the wood, or the door, or the window. They are mine. They stole them from me. That is it between the Taliban and myself. The Taliban is my true enemy. I don't know why the Americans think I am against them or against the new government. We thank the government. I appreciate them. They rescued us from our criminal terrorist from Kabul. You know how short we are and how long we are they will cut your hand, they will cut your leg, they are thief's. We thank the Americans for their help to throw out the terrorists. We have peace because of the Americans. Also, my three witnesses [redacted] (ph) he is the brother of [redacted] (ph) who is the Prime Minister right now. That is his brother. Also my later witness is (inaudible) he is being detained and maybe he can come out and defend me. Also the Defense Minister of the new cabinet and Mr. Karzai the President and also Mr. [redacted] our former president. Those people it is easy to call and contact and find and they are also American and Kabul. I hope you contact these people and ask about me and my life. I'm not against Mr. Karzai the President. I am not against America; I thank America because they rescued us from criminals. The only thing is a bunch of people or group of people they are the ones who

find a problem with me because I was six months when they were at war between them and Hezb-I-Islami, I was traveling for six months with the Islami and that was the reason to turn me into America, that was the only reason and also they say Pashtu is a big problem in Kabul at that time. That was our only wish that when we pray for at that time that someday we could get to peace and no more war. That was God's help that America came over to bring peace to Afghanistan and put the criminals away and my hope and this wish. That was the only reason I brought my family and my little kids to Kabul to live in peace. If you do something wrong, you don't want to put your kids out in harms way. Especially because I love my kids, I don't want to bring my kids and put them into this trouble and put them into the problem and in Kabul I managed to do something wrong and break the law. The meeting here is like it was with [redacted] when interrogated with [redacted] because [redacted] said that what I put on him was a lie. This moment that you need to bring you more clues then send me to Kaffor (ph) and he told me as soon as possible he would send me home. That was to go home and live free I think against somebody or something a Panjshir or the Northern Alliance they wanted more information. I think he was re-arrested here and is back in jail. I'm in prison here and you're keeping me for no reason, I'm innocent. I understand that you guys, Americans are very lawful people and work by the law. I need your help, let me share my case and maybe I can live in peace with my kids. There is nothing else to say. I thank you for your time and I'm sorry I talk a lot. Thank you again for giving me the time and for listening to me. I took up a lot of time.

Tribunal President: At this time we might have some questions for you. Would you be willing to answer some questions that we ask?

Detainee: Yes, I'd be happy to.

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

Personal Representative: Yes Ma'am.

Personal Representative Questions

Q. You mentioned previously to your other PR that the Minister of Information was the same for both Rabani and for Karzai.
A. Not ministry I think, lower than Ministry, Head of Intelligence so it's not Ministry.

Q. So it's the Head of Intelligence.
A. When I was out there at Kabul and everything was different information. A lot of power was exchanged.

Q. He was also with Rabani while you were with the Gulbahaddin?
A. No at that time he was not popular or not that important because [redacted] controlled everything. After when the Taliban threw him out and Gulbahaddin showed up into the picture.

Q. Do you believe that this intelligence had anything to do with your arrest and if so why?
A. Yes I think he was a member of former President Rabani. Rabani and Gulbahaddin were fighting together in the civil war that was the reason I was traveling for six months and that isn't the sweetest story it is a horrible one. Take a (inaudible) on that. [redacted] was the commander but not the high position he has now.

Personal Representative: That's all the questions I have. I believe he answered all the ones in his statement.

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

Recorder: No Ma'am.

Tribunal Member's questions

Q. Did you say you were a member of the HIG at some point for six months?
A. Yes. I told you that before I was with [redacted] He is not in prison now; he has passed away. His son [redacted] (ph) [redacted] is a poor person in Kabul, Afghanistan. That is maybe like the Vice President to Karzai. I stood with him and worked with him and sold with him and only because at that time the Russian (inaudible) President (inaudible) threw him out and I went to it because he told us no more war and nothing else and I went to Gulbudin Hekmatyar for six months. When I saw more closely his activity and I really just didn't like him, I disagreed with him, and I left.

Q. Did you leave before [redacted] died?
A. Yes that's why [redacted] and Rabani were on one side and Gulbahaddin was another side. Yes [redacted] was alive. Yes, I did HIG and I worked with [redacted] for the last five years.

Q. Actually right now I would like to ask the question to the Translator. I know you translate for a lot of different people; do you feel like you completely understand him?
A. Yes, yes, yes.

Q. I just wanted to clarify that with you. I was having a little bit of trouble with names. Did he say [redacted] was the driver for American personnel?
A. Yes, [redacted] had two jobs. One job it was driving Americans around and also he had knowledge of computers and he worked in an office. Computers, maybe a linguist. Because he said to the interrogators here, right in front of me, he said he worked at two places. As a driver and he also worked on computers in an office.

Q. Okay. He wanted a third job to be his partner, is that correct?
A. Yes. He wanted a third job. He didn't even know what job he wanted. He wanted to get some money. A product. Because he warned me he know Americans, I work with Americans, I will make problems with you and your business. He said if I didn't give him a share he would make a big problem for me and he did it.

Q. Again I have problems with names. Who's the name of the person he was supposed to get a picture of?
A. [redacted] (ph). This is the first Pakistani and he fought in Kashmir against India because I think he thought that was a close friend to [redacted] I don't have any knowledge of him and I don't know him. The only reason I was there was because [redacted] told me to go there. If you see my file hopefully you saw the picture of me and them and also the intelligence office, the second or third ranked office of [redacted] everywhere I went, everything I did, he was with me, shoulder by shoulder. He was the one to brag in the beginning. If I did anything wrong why isn't [redacted] and (inaudible) not here, they are still working for the intelligence office out there. I did everything under their controls, under their power. Why I am here, anything we did, we did against the Taliban. My personal enemy is the Taliban. They are worse and they are real killers because they destroyed my life. Anything I did for the government was help for the government, nothing against the government.

Q. Again, I think it's maybe the sound in here. Did you say if you have seen my file? Can you clarify that we don't see it yet?
A. Please I hope that you will see my file. There is a picture in the file and I hope you will see my picture with the intelligence officer, see what I do and what I did. Please I want to write and read and be educated for benefit of a diploma. I did nothing wrong against the American or the coalition or the new government. I only have personal dispute with the Taliban because the Taliban is my only enemy. I think it is an injustice for no reason and in prison here. Please read my file. I'm in trouble here and just send me back to Kabul. I was starting a class out there and can read and write. I was beginning to learn some writing. Please again I want you to send me home to my kids. I did nothing. America is not my enemy and it never was my enemy. There was an American prison in Kabul, Afghanistan otherwise I will not go to Kabul. Everything I did was against the Taliban.

Q. The title Commander, where did he get the title Commander and when?
A. At that time we reached Pakistan from Afghanistan and they became sign of reporting. You joined unequal in the beginning. To start with them or fight a war against the Russians and you would become a commander right away.

Q. Did you fight the Russians?
A. Yes, yes I have fought the Russians. Everybody fought the Russians. Even animals fought the Russians, our women fought with Russians. The reason they came to destroy us, they destroy our country, they destroy our family, and they destroy our home. Everybody was against them. Kids, women, everybody would

fight against them. After the Taliban came and shot my ten close friends that was it and I closed my whole chapter and forgot everything in command and I became a regular civilian after this incident. I stopped it.

Q. So when you fought or even up to today you had formal military training?
A. No. Nobody does. There is no training or education.

Q. Prior to the United States bombing Afghanistan were the Taliban in Pakistan?
A. He has ten hundred thousand or more than that, two hundred thousand people out there in Pakistan. We found a lot of Taliban there. We were trying by order of the Intelligence President [redacted] (inaudible). There was a lot of Taliban in Pakistan.

Q. We know they left after the bombing started, were they there before the bombing started?
A. At that time before Americans came to Afghanistan there were two houses or they were two places. Half of the house was for Pakistan and the other in Afghanistan. When Americans came and attacked them or found them they left.

Q. When you were working for the intelligence chief and you were tracking down the Taliban members, did the Pakistani's allow you to cross the boarder and come back and forth?
A. Yes. Usually a lot of people they go in and out. A lot of people have passports. I just gave them my passport and got in and got out. Then we went there before we were there [redacted] carried the visa before we went.

Q. Official travel?
A. Yes. We had carried a government passport and we made sure that the stamp was on there but it was from Pakistan Embassy and we went there officially. Also he did this thing for me and I didn't get want I want and he turned against me and put me here.

Q. As part of the work for the intelligence chief trying to track down the Taliban did he in fact gather the information that is in the Summary? You know where it talks about him knowing the leadership, logistics, finance and things? As part of his work with the chief of intelligence did he learn these things?
A. No. I don't know who wrote this one and how they got this one. I don't know any information of their finances, logistics or anything. It was only our job to find out who is who and where they live. We went to some maybe ten or twenty or hundred different house asking very respectfully who is here? Whether he is a member of the Taliban or not? Only personal information. I could not ask loudly, if they found me I was their enemy, they could find me and kill me.

Q. That was my next question. I would think that would be dangerous?
A. Yes. We were very careful, very secretly we would ask the people where they are. If they found me asking they would kill me too.

Q. Just one last question and a clarification. He said he had a contract with the Americans to move equipment from Heart, I believe to Kabul. How much was that contract for? Does he remember the value?
A. The contract was only for personal people; I found for them and they paid them five dollars per day to do it. Also when the pick-up truck was needed they paid me a hundred dollars a day for that. I was looking for a rental car, to find a company and an American, Mr. [redacted] he was the linguist, and he told me how many cars they needed today or this week; they need ten, twenty, I found the car and the people with my pick-up truck. The reason I sent my pick-up to the people was because the way from Herat to Kabul if any car got stopped or damaged or anything we watched very closely for the equipment or anything wrong with the truck not lost or stolen by people. The pick-up truck is easily robbed because all of the equipment is sitting on top of the truck. The American group was not Islam and also the leader of the group (inaudible). Ask the American if I did one thing wrong or anything wrong. I am so innocent then, I will prove my innocence. (Inaudible).

Q. He was in Kabul?
A. He was in Kabul, yes.

Q. I just wanted to ask about you capture again when you were arrested. You said it was because you were falsely accused of stealing a computer, is that correct?
A. [redacted] was working for the Americans. He was the one who stole the computer. He disappeared for three or four months. After four months Engineer [redacted] asked me to his office. He showed me a picture of [redacted] He asked if I knew this guy. I said yes it is [redacted] They asked if I asked him for something. I said no that I only asked for the damage from the accident with my car. He thought that that was the problem. That [redacted] put some fear in someone, he is the one who stole the computer. That was the beginning of the problems for me from there because I was innocent and he was the one whole stole the computer. [redacted] accused me to the Americans that I did it. Engineer [redacted] told me you asked [redacted] for something and I said no, I lost [redacted]; I was looking for [redacted] because he promised me he would pay the damage he did to my car. That was the beginning there and Engineer [redacted] put me out there and put me under arrest. Then after six months he kept me there and sent me after six days to Bagram. When I was first interrogated, I asked to please bring [redacted] here so we can talk face to face about what the real story is. When he brought [redacted] he didn't talk, he did not say a word. He just kept his mouth shut because he was guilty; he did the whole thing and made up the whole story. When we came here and I told the story to the interrogator [redacted] and the interrogator told me [redacted] was here. He brought [redacted] to my face and [redacted] I asked him for my forgiveness because [redacted] says I was lying and I made up the whole thing. The interrogator told him why did you bring this problem to this person and bring him here for no reason.

Q. Did they give him any other reason besides the computer for arresting him?
A. I don't know. I still don't know what else he has stolen but he says here in Cuba, that he stole the computer and some other things. He said the reason that he gave Americans my name was because I thought his work with the Karzai government; I knew America would not arrest him. He will be free and I will be free because of the person I was with, they would let me go. I still don't know what else he has stolen or what else he did but he admitted that he stole the computer and did the wrong thing by accusing him. I think the whole dispute began from the top of intelligence office. I don't know what they told them about me.

Q. You may not know this, but do you know if [redacted] stole the computer because it was a computer or because of data that was on the computer?
A. I really don't know what he did Sir. I don't have any information. I only heard from [redacted] here that he admitted in front of the interrogator that he stole the computer.

Tribunal President's questions

Q. I assume that you're a native of Afghanistan?
A. Yes. I am Afghan. My province is [redacted] and my village or district is [redacted] (ph), my home is Kabul and my also little kids are in Kabul. The reason I brought my kids to Kabul is for peace and to send my kids to school.

Q. What languages do you speak?
A. Pashtu.

Q. The time you spent in Pakistan, here I'll show my ignorance, did they speak Pashtu as well?
A. Yes. The area I was in was a refugee camp and each camp was from 2,000 to 5,000 homes. They all speak Pashtu. We don't have contact with the outside of Pakistan with other people.

Q. Okay, so where did you set your business up at? Was it in a refugee camp?
A. No. My business was in the official city in the market. A lot of Afghans were there too. Also only Afghans came to my store to buy material for clothes. All the market was Afghan people and also all of my customers were Afghan.

Q. It was outside the refugee camp that you set up your business in Peshawar?
A. Yes all I've done in the office is do business. I do that outside of the compound in the city of Peshawar.

Q. I understood you to say that originally that Pakistan didn't want to allow you into the country and that's why you kind of hid for a while.

A. The first time they did not let me in. The second time I walked from Afghanistan from the Mazar-e-Sharif by foot to the boarder and sneaked in.

Q. When you set up your business, did they not require that you have some sort of a license or something to do that?
A. No. All Afghans work without permit, without licenses or anything. I only rented from the owner and just paid him money, that's all.

Q. For your work with the intelligence department did you receive any pay for that?
A. Yes. They also gave us some extra money when we went to travel. (Inaudible).

Q. So they gave you a salary as well as plenty to cover the expenses for your travel?
A. No, not that much money. Only that exactly. Because it was normal if I once a month or every two months and the rest of the week I did my own thing so I paid myself.

Q. You indicated that the person you took the photo with, you really didn't know that individual. How were you able to get close to people you didn't even know?
A. Yes. I didn't know him but because he was a friend of [redacted] he sent us there with his message and he got closer to us because he was a friend of [redacted] Also it is our culture that if you go somewhere or to visit someone right away they are friends with you. They ask you if you want tea or to relax and to come to their house in the city. At that time we introduced ourselves without that person and we talked with him and he became comfortable with including us. After the visit he asked us if we could walk around to see some places. It's not that busy; in his country people walk around everywhere. We went to some nice area, like touristy area, and that time we took a picture and I saved it.

Q. I thought you said that once the Taliban was out of power that there were actually two fractions, Karzai and another group.
A. When the Taliban showed up the former president of the Taliban captured the power from him. He became the Vice President again and took over the power. The defense minister Faheem is Panjshiri from there. Foreign minister is also from his country, from his group. The Interior minister is also from his group, is also Panjshiri. The whole power in Kabul was in their hands. After a while Karzai ruled by himself, alone and became our president without power. From the top to the little soldiers they are all Panjshiri, all power was in their hands. Now Mr. [redacted] or other that comes into power that will be very ideal for Mr. Karzai.

Q. Just so I understand, did you back Panjshiri in that element or did you back Karzai?
A. No. I backed Karzai. Karzai was my own brother Pashtun. I hope he has all of the control of the country because the other Pashtun warlords were fighting. All the other Pashtuns backed Karzai.

Tribunal President: I would like to thank you for participating in this Tribunal today.

Detainee: Thank you. Again I thank you for the time you give to me and thank you for the time you listened to me and I hope God willing you release me.

Tribunal President: At this time is there anything that you would like to share with us?

Detainee: I think that this time here is inhumane and it is not right for justice. Please help me and make a decision on the true evidence. I asked you for so many names. I hope that you use that information otherwise if you go to the district that whole structure, and that whole picture of the district, they will tell you about me and I was an enemy of Taliban. I would never ever start a war against the Americans. There is nothing else about me. If you go to the district the people will tell you my whole story. Pashtun culture is the most hard-shaped, really, really bad thing or bad name to your tribe or your family when someone steals your house property or anything. The second thing was really hard I would never forget that someone killed your family and they never returned the body of that person. I think that I am just here for personal reasons; I still don't think that I am an American prisoner because I don't have any disagreements with Americans and I never fought any Americans. I think that I am detained to help the government against the Taliban; I didn't fail them. I did everything against the Taliban, very secretly. A lot of dangerous things happened to me, I did it to help the government and not against the government.

The Tribunal President confirmed with the Personal Representative that he had further evidence and that the Detainee had no previously approved witnesses to present to the Tribunal.

The Tribunal President explained the remainder of the Tribunal process to the Detainee 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.

[redacted]

Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM
CORRECTED COPY

Date: 1 November 2004

Start Time: 28 Oct. 0825 hrs

End Time: 1010 hrs

ISN#: 1021

Personal Representative: [redacted]
(Name/Rank)

Translator Required? YES **Language?** PASHTU

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

Detainee Election:

[X] **Wants to Participate in Tribunal**

[ ] **Affirmatively Declines to Participate in Tribunal**

[ ] **Uncooperative or Unresponsive**

Personal Representative Comments:

This is a corrected copy to detainee election form submitted on 29 Oct 04. First election form stated that the detainee desires to participate in the Tribunal. This still remains. However, the original election form stated that the detainee had no witnesses. This needs to reflect that the detainee has requested 3 detainee witnesses; however, detainee is in [redacted] while witnesses are in [redacted] Witness relevancy request sent on 1 Nov 04. Detainee mentioned a photograph that was used against him. He stated that an interrogator showed him this very photo. PR checked with detainee property, but the photo was not with the detainee's property. See PR notes for specifics. Bottom line: no documentary evidence to submit. This case was transferred to PR 104 on 17 Dec 2004 and a Final Interview was held with Detainee #1021 with both the original and new PRs present.

[redacted]

Personal Representative:

Exhibit: D-a

UNCLASSIFIED / ~~FOUO~~

ISN: 1021, CMDR Chaman

Witness Interview/statement:
WITNESS ISN: [redacted]
Date: 3 Dec 04 (1205 – 1235)
PR: [redacted]

Q: Do you know CMDR Chaman?
A: Yes, the one in [redacted]

Q: Would you like to be his witness for his upcoming Tribunal?—it's in about 3 weeks.
A: Yes

PR STATEMENT: He believes you can help him dispute the evidence against him.
A: Yes.

Q: It's up to you if you wish to participate. Would you like to participate in CMDR Chaman's tribunal by allowing me to present statements on your behalf?
A: Yes

Q: How long have you known CMDR Chaman?
A: 4 months; only while in the same camp. I did not know him in Afghanistan.

Q: What was his occupation?
A: He worked for a company bringing supplies from Herat

Q: Do you know if he is a member of any organization?
A: He did not tell me if he was.

Q: Was he a member of Taliban or al Qaida?
A: He never said he was with or against; he told me he left Afghanistan to get away from Taliban. He said he left Afghanistan and would return after Taliban fell. Worked for Karzai government.

Q: Was CMDR Chaman an enemy of the United States?
A: No. He was against Taliban. He only came back with family after Taliban fell.

Q: Did CMDR Chaman ever leave the country because of the Taliban? If so, why?
A: CMDR Chaman went to Pakistan because of the Taliban.

BOLD DENOTES QUESTIONS THE DETAINEE REQUESTED THAT THE PR ASK. (SOURCE, FOLLOW-UP INTERVIEW WITH DETAINEE ON 20 NOV 04)

UNCLASSIFIED / ~~FOUO~~

Exhibit 4567b

ADDITIONAL COMMENTS FROM WITNESS [redacted]
(ISN [redacted]):

CMDR Chaman told [redacted] that someone stole (now another detainee) a computer from the company that CMDR Chaman and the other detainee worked at. The company brought supplies for Americans. That other guy told police that CMDR Chaman told him to steal the computer. That other guy was a driver and a linguist for the company

ISN: 1021, CMDR Chaman

Witness Interview/statement:
WITNESS ISN: [redacted]
Date: 3 Dec 04 (1315 –0 1345)
PR: [redacted]

Q: Do you know CMDR Chaman?
A: Yes,I met him here and but heard about him name while in Afghanistan.

Q: Would you like to be his witness for his upcoming Tribunal?—it's in about 3 weeks.
A: Good, yes

PR STATEMENT: He believes you can help him dispute the evidence against him.
A: Yes, if I know I will tell you what I know.

Q: It's up to you if you wish to participate. Would you like to participate in CMDR Chaman's tribunal by allowing me to present statements on your behalf?
A: Yes

Q: How long have you known CMDR Chaman?
A: He was right next to me in [redacted]—seven months ago they took him to [redacted]

Q: What was his occupation?
A: CMDR. He fought Mujahadin against Russians and later CMDR of some checkpoints for the Karzai government.

Q: Do you know if he is a member of any organization?
A: No

Q: Was he a member of Taliban or al Qaida?
A: No. I only know he was working for current Karzai government and worked for CMDR of a few checkpoints.

Q: Was CMDR Chaman an enemy of the United States?
A: All I know is that he wasn't

Q: Did CMDR Chaman ever leave the country because of the Taliban? If so, why?
A: I have no information other than I know he went to Pakistan.

BOLD DENOTES QUESTIONS THE DETAINEE REQUESTED THAT THE PR ASK. (SOURCE, FOLLOW-UP INTERVIEW WITH DETAINEE ON 20 NOV 04)

Ex 1456 D-c

UNCLASSIFIED//FOUO

ADDITIONAL COMMENTS FROM WITNESS [redacted]
(ISN [redacted])

[redacted] went on to explain the circumstances of CMDR Chaman's (ISN 1021) reasons for detention. Apparently there is an another detainee here named [redacted]. According to [redacted] had said that CMDR Chaman and himself were partners. [redacted] later said that he had lied because CMDR Chaman was a powerful man and he thought he would be given favor by saying he and CMDR Chaman were partners. [redacted] later admitted to [redacted] that he had lied to interrogators and that [redacted] had made a mistake. CMDR Chaman (then in the same Camp) and [redacted] were in disagreement. CMDR Chaman wanted [redacted] to tell the truth. According to [redacted] (CMDR's second witness [redacted]) was present when this conversation took place. [redacted] reconciled a solution by guaranteeing [redacted]'s safety if returned to Afghanistan. [redacted] said this was possible because he was an elder and respected. CMDR Chaman agreed not to hurt [redacted] and [redacted] then told interrogators the truth that he was not Chaman's partner. [redacted] concluded by saying that CMDR Chaman is here because of [redacted]'s lies.

WITNESS ISN: [redacted]

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED / ~~FOUO~~

ISN: 1021, CMDR Chaman

Initial and Follow-up Interview Notes:
Date: Initial: 29 Oct 04 (0825 – 1000)
Follow-up: 20 Nov 04 (1200 – 1300)
PR: [redacted]

Detainee stated that he went to PK as a refugee when the Taliban came and that he is here in GTMO because of "what he knows" not what he did.

IN RESPONSE TO THE UNCLASSIFIED SUMMARY, DATED 19 Oct 04:

a. The detainee is associated with al Qaida, the Taliban and their associated forces:

1. When captured, the detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces.

In Russian times in the 80's, many groups fighting against the Russians; the HIG was fighting against the Russians. There were a total of 7 groups fighting. 1021 fought with one of the groups. His group was under [redacted] (group name: Harakat Inqilab Islami). When Russians were defeated, the group was didsbanded and the Mujahadin was ruling AF; the President was Rabanni. 1021 joined with Gulbuddin (this was more than 10 years ago and there was no Taliban at that time). There was a clash between the President and the Gulbuddin. 1021 was with the Gulbuddin for 6 months. When the Gulbuddin began fighting with the President, 1021 realized this is not good for the country and went to join the Northern Alliance and [redacted] After 6 months with [redacted] the Taliban showed up and captured Kabul—1021 was still with [redacted] for 10 more months before going to Pakistan as a refugee. After three years in PK, [redacted] called 1021 back. 1021 returned and stayed with [redacted] for 8 days. He then told 1021 to go from Pesheawar to the city of [redacted] to bring a [redacted] person (CMDR [redacted]'s friend) to another city to get information on the Taliban. After this, 1021 returned to Peshawar, PK for 3.5 years. When the Taliban fell and Karzai came to power, there existed the same Minister of Information in the Karzai government that existed in the Rabanni government. Because 1021 previously fought for six months against this Minister of Information and Rabanni while with Gulbuddin, the same Minister of Information turned 1021 over to the U.S.

(THE PLOT) The Minister of Information called 1021 to come to Kabul and gather information on Taliban. 1021 was sent to PK to see what plans the Taliban might have. 1021 actually worked for the Minister of Information under Karzai for 1 – 1.5 years. 1021 brought back to Kabul, AF (from PK) his whole family. 1021 was given a house, car, and salary. 1021 was assigned a partner and the two of them would collect information. The partner's name was [redacted]

UNCLASSIFIED / ~~FOUO~~

Exhibit D-d
4571

(spelling?). [redacted] was the 3d highest person under the Minister of Information. They were partners for 2 years. They were instructed by the Minister to go and get a photograph of [redacted], who was al Qaida and fighting in Kashmir, PK). 1021 was captured with the photo of [redacted]. 1021 stated that he was used by the Minister to gather information against the Taliban for 1.5 years and was then turned over to the U.S. The photograph was a picture of [redacted], 1021 and his partner ([redacted]). 1021 stated that [redacted] is still in the government.

When 1021 changed party from Gulbuddin to [redacted], Gulbuddin tried to have 1021 killed, killing 2 body guards—Gulbuddin and 1021 were now enemies)

2. The detainee attended a meeting of then current al Qiada, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshewar, Pakistan.

Totally wrong, 1021's partner was with him all the time.

3. When captured, the detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge includes its structure, membership, and hierarchy of influence.

See #1 above

4. When captured, the detainee possessed knowledge of current HIG plans to attack U.S. Forces stationed in Afghanistan.

No, 1021 had the plans in order to help the US. He was collecting for AF.

b. The detainee engaged in hostilities against the United States or it coalition partners:

1. The detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 2003.

Same as 3a4.

OTHER STATEMENTS:

Detainee said he was in [redacted] for a long time and only recently brought to [redacted]. He believes this is because sometime ago several Afghanies went back to AF. 1021 said that an interrogator had told him he would be in the next group (shipment) to go home. 1021 believes the Minister of Information questioned them and learned that 1021 was still here. The next thing 1021 knew was that he was in [redacted].

FOLLOW-UP INTERVIEW (20 Nov 04)

During the interview, detainee requested 4 out-of-camp witnesses (this was in addition to the previously approved in-camp witnesses). The detainee stated that the witnessed would verify his story, tell the truth, and dispute the charges, saying that CMDR Chaman is not Taliban or an enemy against the United States.

Detainee also stated that the Taliban had killed 10 members of his family and buried them in a single grave. When the Karzai government came to power, 1021 dug up the grave site, separated his relatives, and buried them in individual graves.

He also said that much of what he did he did so in secrecy in order to obtain intelligence for the Karzai government.

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (19 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – CHAMAN, Commander

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 is associated with al Qaida, the Taliban and their associated forces.

a. The detainee is associated with al Qaida, the Taliban and their associated forces:

1. When captured, the detainee possessed current intimate knowledge of the logistical, financial, and operational structure of al Qaida, the Taliban and their associated forces.

2. The detainee attended a meeting of then current al Qiada, Taliban, and Hezb-I Islami Gulbuddin (HIG) operatives held in Peshewar, Pakistan.

3. When captured, the detainee possessed current intimate knowledge of the HIG command inner circle. This knowledge includes its structure, membership, and hierarchy of influence.

4. When captured, the detainee possessed knowledge of current HIG plans to attack U.S. Forces stationed in Afghanistan.

b. The detainee engaged in hostilities against the United States or it coalition partners:

1. The detainee collected intelligence to facilitate a planned attack on coalition interests in late 2002 and early 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.

Exhibit 4574

Memorandum UNCLASSIFIED

To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Capt. Juno Jamison, OIC, CSRT

Date 10/21/2004

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

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

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked[1]. The FBI makes this request on the basis that said information relates to the national security of the United States[2]. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

The following documents relative to ISN 1021 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/15/2003 (ISN [redacted] interview)

---

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

[2]**See Executive Order 12958**

1 of 2

UNCLASSIFIED

Exhibit 4575 R2

Memorandum from [redacted] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/21/2004

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

Personal Representative Review of the Record of Proceedings

I acknowledge that on 30 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1021.

[redacted] have no comments.

___ My comments are attached.

[redacted] USAF
Name

30 December 2004
Date

[redacted]
Signature

ISN #1021
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AKHTIAR MOHAMMAD,	)	
	)	
Petitioner	)	
	)	
v.	)	Civil Action No. 05-0996 (JR)
	)	
GEORGE WALKER BUSH, *et al.*,	)	
	)	
Respondents.	)	
	)	

DECLARATION OF TERESA A. McPALMER

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

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, 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 Akhtiar Mohammad that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted. An OARDEC staff member redacted information that would personally identify U.S. Government personnel and foreign nationals in order to protect the personal security of those individuals. This staff member also redacted internee serial numbers because certain combinations of internee serial numbers with other information relate to sensitive internal and intelligence operations that is not suitable for public release.

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

Dated: 1 June 2005

Teresa A. McPalmer
CDR, JAGC, USN

Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 1084

~~FOR OFFICIAL USE ONLY~~

20 MAR 2005

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN #1036**

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 #1036 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

25 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1036

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 November 2004
(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and elected to participate. *See* exhibit D-a. The detainee also provided a sworn statement to the Tribunal. *See* enclosure (3). The Tribunal considered the sworn 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 3 witnesses and documentary evidence:

i. The Tribunal found the first witness to be not relevant. In my opinion, the Tribunal acted properly in determining that the witness was not relevant.

ii. The Tribunal found the second witness to be relevant. The witness provided a sworn statement to the Tribunal. *See* enclosure (3). The Tribunal considered the witness' testimony in its deliberations.

iii. The Tribunal found the third witness to be not relevant. In my opinion, the Tribunal should have determined that the witness' testimony was relevant, and allowed the witness to testify. However, the determination that the witness' testimony to be not relevant was not dispositive of the Tribunal's determination that the detainee was an enemy combatant.

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1036

iv. Finally, the Tribunal responded to the witness' request for "thousands of witnesses". In my opinion, the Tribunal properly determined that the witness request was not relevant to the proceedings as to whether the detainee was properly classified as an enemy combatant as outlined in references (a) and (b).

v. The detainee also requested two documents to be produced. The Tribunal determined that the documents were not relevant. In my opinion, should have found the documents to be relevant. In my opinion, the Tribunal's decision not to consider the requested evidence was not dispositive as to whether the detainee was an enemy combatant.

e. The Tribunal's decision that detainee #1036 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

PETER C. BRADFORD
LT, JAGC, USNR

7 Feb 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1036

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 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, elected to participate, and provided a sworn statement to 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 three witnesses and documentary evidence:

i. The detainee claimed that the first witness would, in the words of his Personal Representative, "support him in every way." Seizing on the vagueness of this language and apparently unable or unwilling to ask for clarification, the Tribunal President found the first witness to be not relevant. In my opinion, both the Personal Representative and Tribunal President displayed a distinct lack of inquisitiveness and attention to detail in processing the detainee's request for this witness. They may have in fact gathered more information than what is described within the four corners of the Tribunal Decision Report, but if so, it should have been documented. Although I believe the handling of this witness request was substandard, there is reason to believe that even if the President had determined the witness to be relevant, the witness still may not have been reasonably available. The Personal Representative indicated in the Detainee Election Form that the "status" of the witness was unknown and indicated that she thought the witness was not reasonably available. No locating information for the witness was included in the Detainee Election Form – the place where it is customarily described. Given the very good chance that the witness was not reasonably available and the very remote chance that the witness' testimony would have changed the outcome of this tribunal, I do not recommend any corrective action based on the tribunal's handling of this witness request.

ii. The Tribunal found the second witness to be relevant and the witness testified under oath at the tribunal.

iii. The Tribunal found the third witness's expected testimony to be duplicative of the second witness' testimony and therefore denied the request for the witness. In my opinion, the Tribunal should have determined that the witness' testimony was relevant and allowed the witness to testify. Certainly, having two witnesses testify, even if their testimony turned out to be duplicative, would have created a minimal imposition on the Tribunal. It could have also provided the Tribunal with worthwhile information. Indeed, there is a real question as to whether or not the two witnesses' testimony would have been duplicative. The witness who testified claimed that he did not personally know the detainee but only knew him as a "famous person." According to the Personal Representative, the witness who was denied by the Tribunal President had known the detainee for two years. At the very least, the Tribunal President should have revisited her decision when the first witness stated that he did not personally know the detainee. Apparently, the Tribunal President did not even do this. In any event, given the evidence against him, I do not believe that the detainee could have been prejudiced by the Tribunal President's faulty decision and do not recommend any corrective action.

iv. Finally, the Tribunal treated the witness' statements that he could have "thousands of witnesses" as a witness request. The Tribunal President denied this "request" as not relevant. In my opinion, there was no need for a determination at all since this was not a witness request.

v. The detainee also requested two documents to be produced. The first document was a "Itihad Islami" identification card. The detainee claimed that the card would prove he was a member of the organization. The Tribunal President determined that the document was not relevant because his membership in the organization was not in dispute. In my opinion, this was the correct ruling. The second document was an al Qaida arrest document that the detainee claimed would prove that he had been arrested by al Qaida. The Tribunal President determined that the timing of the alleged arrest did not relate to any allegations on the unclassified summary of the evidence and was therefore not relevant. In my opinion, given the small amount of information about this document the Tribunal President did not abuse her discretion in making this determination.

e. The Tribunal's decision that detainee #1036 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.

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # 1036

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

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

30 November 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 1036

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: #19

(U) ISN#: 1036

Ref: (a) Convening Order for Tribunal #19 of 04 November 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

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

(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).

(U) The Tribunal has determined that Detainee #1036 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this Detainee is associated with forces that are engaged in hostilities against the United States or its coalition partners, and that this Detainee participated in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

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

[redacted]
Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: #19
ISN #: 1036

1. Introduction

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with forces that are engaged in hostilities against the United States and its coalition partners. The Detainee traveled from Gardez to Kabul, Afghanistan in May 2003. The Detainee is a member of Itihad Islami. The HIG is listed in the Terrorist Organization Reference Guide as having long-established ties with Usama Bin Ladin. The Detainee had a HIG identification card on his person when he was captured. The Detainee received training on AK-47s, Rockets, RPGs, and also driver/operator training on APCs during his military service. The Detainee participated in hostilities against the United States or its coalition partners. The Detainee was the HIG commander in charge of the Seyyed Karam district. The Detainee participated in planning an attack on the governor in Seyyed Karam, Afghanistan. The Detainee participated in the February 2003 rocket attacks against U.S. forces in Gardez, Afghanistan. The Detainee was arrested in May 2003 in Gardeyz, Afghanistan. The Detainee was found to have ammunition for a U.S. manufactured sniper rifle.

The Detainee chose to participate in the Tribunal process. Prior to the convening of the Tribunal, the Personal Representative requested three witnesses. The Tribunal allowed one of these witnesses, [redacted] to testify. The other witness requests were denied due to a lack of relevancy and/or duplicity. Prior to the start of the Tribunal, the Detainee did not request any documentary evidence. Once the Tribunal convened, the Detainee mentioned that he "had thousands of witnesses who could testify on my (his) behalf." Based upon this statement, the Tribunal recessed to allow the Personal Representative an opportunity to discuss any outstanding witnesses and/or documentary evidentiary requests by the Detainee. After consultation with the Detainee, the Personal Representative explained the additional requests to the Tribunal. This discussion occurred during the recess. Essentially, the Detainee requested additional witnesses from

his local area in Afghanistan who would testify to his "good character". As evidence of character is not relevant to the enemy combatant issue, these requests were denied. The Detainee also requested the production of two documents. The Detainee sought the production of his identification card found on him at the time of capture. The Detainee also requested an arrest document that would reportedly show that Al Qaida captured him in or around September 2002. Both of these documents were denied on relevancy grounds. For further discussion, see item "4".

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.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a, R-1 through R-11

b. Testimony of the following persons: [redacted]

c. Sworn statement of the Detainee

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

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

Witness	President's Decision	Testified?
[redacted]	Denied - not relevant	No*
[redacted]	Allowed	Yes
[redacted]	Denied – duplicative of [redacted]	No**
"1000's of Witnesses"	Denied – not relevant	No***

*The proposed testimony for this witness was that he would "support him (Detainee) in every way". This anticipated testimony would not provide any useful information to the Tribunal related to the enemy combatant issue. Due to this lack of relevancy, the Tribunal President denied this request prior to the start of the hearing.

**The proposed testimony of [redacted] would have duplicated the testimony of [redacted], an approved witness. In light of this fact, the Tribunal President denied this witness request due to the fact [redacted] would not provide any additional information for the Tribunal.

***As discussed in the "Synopsis of Proceedings" (item "2"), once the Tribunal convened, the Detainee mentioned he had "thousands of witnesses" who would essentially testify to his good character. As character evidence is not relevant to the enemy combatant issue, this vague witness request was denied.

The Detainee requested the following additional evidence be produced:

Evidence	President's Decision	Produced?
Itihad Islami Identification	not relevant	no*
Al Qaida Arrest Document	not relevant	no**

* This document would reportedly show that the Detainee was a member of Itihad Islami. As this fact was not in dispute, the production of the actual ID document had no known relevancy. Hence, the Tribunal President denied this request for production with the proviso that the request would be reexamined if it proved relevant at a subsequent time during the proceedings. As anticipated, the actual production of this document had no relevancy at any time later in the proceedings. Therefore, the document was not produced.

** This document would allegedly show that al Qaida operatives arrested the Detainee in or around September 2002. According to the Detainee, this document would also show he was held captive by al Qaida for approximately one month. Based upon the alleged timing of this arrest and imprisonment by al Qaida, this request was denied for a lack of relevancy. Specifically, the timing of this alleged al Qaida arrest did not relate to any of the allegations on the unclassified summary. Therefore, the Tribunal President denied this document request due to lack of relevancy.

5. Discussion of Unclassified Evidence

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 for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the sworn testimony from both the Detainee and [redacted]. A summarized transcript of the Detainee's sworn testimony and [redacted] is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he was a member of Itihad Islami. The Detainee fought in "Jihad" for Afghanistan against the Russians. He received some military training but denied training on RPG's or rockets. He admitted to training on tanks during the Jihad against the Russians. He denied being either a HIG

leader or a HIG member. He denied participating in the February 2003 rocket attacks against the United States. He was arrested in May 2003 in Gardeyz, Afghanistan. The U.S. manufactured sniper rifle did not belong to the Detainee. The Detainee is a native Afghani who lived as a refugee in Pakistan since the Jihad against the Russians. His only prior occupations involved working for the Afghanistan Government. He has fought "with the Northern Alliance against the Taliban." He was arrested because he supported the Government of Afghanistan, which made him a target, by anti-government forces. For further details regarding the Detainee's testimony, see Enclosure (3).

c. Detainee's witness, [redacted] testified under oath before the Tribunal. In sum, [redacted] testified that he knew the Detainee "for a long time because he (the Detainee) was a famous person". The Detainee was famous for his role in Jihad against the Russians and his opposition to the Taliban. This witness denied any personal contact with the Detainee. He further elaborated that he did not maintain a friendship with this Detainee or any other type of relationship with the Detainee. The primary purpose of Itihad Islami was to defeat the Russians. This witness did not know the Detainee's occupation. The Detainee is a Sunni Muslim. The witness is a Shiite Muslim. The HIG worked with the Government of Afghanistan. This witness did not observe the Detainee on a regular basis. Other than as a "famous person", this witness did not even know the Detainee. This witness did not provide the Tribunal with any relevant information concerning the enemy combatant issue. Therefore, this testimony was unpersuasive.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

b. The Detainee understood the Tribunal proceedings. He acknowledged that he understood his rights and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant because he is associated with forces that are engaged in hostilities against the United States and its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[redacted]
Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

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

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

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

The detainee originally asked for three witnesses and several thousand more from his country. The Tribunal President stated a recess is needed so that the detainee could talk to the Personal Representative about the witnesses. After a short recess the Detainee stated that he could have one witness that will testify on his behalf at this tribunal. Since the other witnesses were only going to be character witnesses and character evidence is not relevant to the determination of enemy combatant status, the other witness requests were denied. Only one witness would be allowed in this tribunal.

Tribunal President: The detainee requested some documents during the recess. The first one was an arrest document from al Qaida.

Detainee: Yes, I gave my file, my chart with all my information, about my situation and my case. I think that nobody has seen or read my file yet.

Tribunal President: I can tell you for the purposes of this panel, the only information we have on you right now is the Unclassified Summary. We use two things to determine your enemy combatant status. One is information given to us by the recorder and the second thing, any oral statement of you or in this case of your witness. So, in reference to the Al Qaida information based on the alleged timing of the arrest and your imprisonment, this request is denied because it doesn't address the timing allegation on the allegation summary.

Detainee: The reason it may help me, I am not involved with HIG Islami and I am not Al Qaida and I was in Itihad Islami. Now half of the HIG Islami are working for the new government and they are working as a minister, a president, and a lot of important jobs now that Pakistan has a new government and working for new government.

Tribal President: That is information that you can provide us. That is information that we don't know.

Detainee: There are three ministers right now working for the government. One of the big commanders from HIG Islami is working for the government. Like minister for the handicap, there was a minister that works the border of Afghanistan and a minister for the minerals and manufactures from the HIG Islami. The security of defense is from Islami.

Tribal President: We will give you an opportunity to testify in just a few minutes.

Tribal President: The second document that you ask for was an ID document.

Detainee: Yes

Tribal President: We have attempted to find it but have exhausted our resources here. Essentially even if we find it, it does not seem to provide us a lot of additional information. If at a later point its production becomes meaningful to your enemy combatant status, we will examine your request.

Detainee: Thank You.

Tribal President: You may now present any evidence to this tribunal and you have the assistance of your Personal Representative in doing so.

Detainee: I will forward the telephone number that you can call. They will bring you the witness to get the evidence and the documents. They will prepare it and bring it to Gardeiz or if you want it in Kabul. I can provide it in both cities.

Tribal President: We have already gone over the request for information; we can take your oral statement that something exists. At this time would you like to make a statement under oath?

The detainee took the Muslim oath.

Tribal President: Would you like your Personal Representative to help you with the points?

Detainee: If I am telling the whole information about me, it's very long and will take a lot of time so do you want me to start from the beginning?

Tribal President: It can take as long as you want to take, we are willing to listen.

Detainee: I am referring to all this unclassified information that was in here. I am thinking about these allegations are just accusations, So you want me to start on each of them or you want me to start on al Qaida or HIG's?

Tribal President: How about we start with the points first and if you think some information is not there that you think we should have, you can provide that afterwards.

Detainee: That's ok with me.

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.1. The detainee traveled from Gardeiz to Kabal, Afghanistan in May 2003.

Detainee: Actually in Gardeiz I was in my room, when I heard a shotgun from my neighbor's house. They were American, they used the fire and they shot someone. Then I heard some noise or conversations outside. I though that was their business and they might be talking to someone, and then I was still in my room. Then after 20 minutes they came to my room and they captured me and they took me to an American confine. It was like 2:30 at night. In Gardeiz, nobody asked me any questions. Nobody ever did any interrogations on me. If they asked me in Gardeiz where they captured me, I would have provided these witness and got all this for them like the commander of the military division, and the command of the police, the governor of Gardeiz. I would have provided all of these people as my witness. That night during the night they moved me to Baghram. In Baghram I showed my ID card, which my ID card showed I belonged to Itihad Islami. I was one of the members of Itihad Islami organization. Actually I show all my enemies to them. They were all the people against the new government, against any government. They were not supporting the government and all that the power in Seyyed Karam district. They were all commanders of [redacted]. I spent 2 months in Baghram and they moved me to Cuba. The person whose name was [redacted], he was the one who reported me to Americans. He was one of the enemies of the government and actually he had control of this district. They had two big fights in Gardeiz.

3.a.2. The detainee is a member of Itihad Islami.

Detainee: Yes, during the Jihad I was a member of Itihad Islami.

3.a.3. The HIG is listed in the Terrorist Organization Reference Guide as having long-established ties with Usama Bin Ladin.

Detainee: I have no involvement with HIG Islami.

3.a.4. The detainee had a HIG identification card on his person when he was captured.

Detainee: No, I don't have any ID card from HIG Islami, it was from Itihad Islami.

3.a.5. The detainee received training on AK-47s, Rockets, RPGs and also, driver/operator training on APCs during his military service.

Detainee: Before the communist came to Afghanistan during the communist regime 25 year prior to the regime, I was doing military service for the government. I didn't get training in RPG's or anything. I had training at [redacted]. It was a camp.

3.b. The detainee participated in hostilities against the United States or it's coalition partners.

Detainee: I didn't participate in any fight against the United States or it's coalition and I didn't even know about this. I didn't even know about this fight against America.

3.b.1. The detainee was the HIG commander in charge of the Seyyed Karam district.

Detainee: No, I wasn't commander of HIG. The commander of HIG Islami his name was [redacted]. I was the commander of Itihad Islami.

3.b.2. The detainee participated in planning and attack of the governor in Seyyed Karam, Afghanistan.

Detainee: No, I didn't participate in the attack. That was the government attacked this district. The government did that.

3.b.3. The detainee participated in February 2003 rocket attack against U.S. forces in Gardeiz, Afghanistan.

Detainee: On that day I wasn't in Gardeiz, I was in Pakistan.

3.b.4. The detainee was arrested in May 2003 in Gardeiz, Afghanistan.

Detainee: Yes

3.b.5. The detainee found to have ammunition to a U.S sniper rifle.

Detainee: Actually I had an involvement with an association with the military division in my district. These people came to my house and they had a lot of weapons with them. I am thinking they probably dropped it. That didn't belong to me.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. After the attacks on the United States, September 11, what was your position in Afghanistan?
A. At that time I was running away from the Taliban. I was in my house in Pakistan. I was in my house when I found out about the attack in America.

Q. At some point did you come back to Afghanistan?
A. When the Americans got rid of Al Qaida, I went back to Afghanistan.

Q. When you came back to Afghanistan what did you do?
A. I was asking the government for a job.

Q. Did you get a job in the government?
A. Yes, they were going to give me a job; but in the mean time, I got captured by al Qaida.

Q. You were captured by al Qaida for how long?
A. One month.

Q. Then what did you do after that?
A. I had to give them a guarantee contract that I would not work for the government for nine months.

Q. Why was that?
A. Because all these people from the state was supporting me. If I went to the government, all these people will go with me. All those people were bad people. They were controlling the street. They were not supporting the government. They were against the government.

Q. What did you do to support yourself?
A. From which point?

Q. After you were arrested by al Qaida?
A. I didn't work for eight months; I spent eight months in my district. Then after eight months, I came to Gardeiz to go back to my job. Then I got captured by the Americans.

Q. During those eight months what were you doing?
A. I was in Pakistan at my house with my family.

Q. What did you do in Pakistan?
A. I just stayed at home.

Q. How did you support yourself in Pakistan?
A. We were refugees so we were getting welfare for rations and my brother was working. He was working for minimum wage as a laborer and he was supporting me too. He was helping with money.

Q. Itihad Islami, what is that?
A. Itihad Islami was one of seven organizations in Afghanistan. (Difficult to understand on the tape however, the Detainee listed the seven parties: HEZB-E ISLAMI, another Hezb-e Islami, Ittihad-e Islami, Harakat-e Inqilab-e Islami, Jebhe-ye Nejat Milli, and Mahaz-e Islami.)

Q. What did they do?
A. They were political parties like in America. They were doing jihad against the Russians.

Q. After you were released from al Qaida, did Itihad Islami have weapons?
A. All of Itihad Islami joined the government; they fought with the government against al Qaida and Taliban for five years.

Q. HIG, what do you know about them?
A. HIG was always against Itihad Islami during the time of the Jihad, during many times HIG was against Itihad Islami organizations.

Q. It is another political party?
A. Yes.

Q. The rocket attacks in February 2003, what do you know about that?
A. I have no information about that. I think about it a lot and I cannot remember any attack of rockets in Gardeiz.

Q. Did you have a home in Afghanistan and Pakistan?
A. Yes, my brother lived in Afghanistan and I lived in Pakistan. I lived in Pakistan as a refugee.

Q. The only occupation you had was working for the government?
A. Yes.

Q. Did you ever belong to a charitable organization?
A. No, I haven't. I was asking for charity.

Q. The Itihad Islami, Did you ever bear arms with this group?
A. During the Jihad?

Q. After the Jihad?
A. No, after the Jihad we gave all our weapons to the government.

Q. You didn't fight Jihad against American or the Northern Alliance?
A. No, I didn't do any Jihad against American. Actually I was with Northern Alliance during the time they were fighting the Taliban.

Q. Have you ever met Osama Bin Laden?
A. I have never seen him.

Q. Have you ever worked with or supported al Qaida?
A. No.

Q. Why do you believe you were arrested?
A. The reason I am thinking I was captured was the people against the government. I was supporting the government, I was recruiting people for the government and there was

al Qaida commander in the district he had control of the district. He was the one who reported me.

Q. This was after the Taliban was driven out by the Americans?
A. Yes, they still had the district under their control.

Q. Northern Alliance had not taken over that district yet?
A. No.

Q. Were you arrested by yourself or with anyone else?
A. By myself.

Q. You made a comment about the attacks against the governor. You felt the government attacked the governor?
A. Yes, those people were still in the power. They were the ones against the government. They attacked this district and they had control over the district.

Q. Power struggle?
A. The government wanted to have control of all the locations in Afghanistan. They wanted to have this district still in their control.

Q. Once the United States and the Northern alliance moved the Taliban out of Afghanistan why did you go back to Pakistan?
A. I lived in Pakistan for almost twenty-five years.

Q. Did you not feel comfortable after the coalition had driven the Taliban out?
A. At that time I was living at the camp, they were the ones in control. I was there with all my enemies and so I couldn't really live there, so I went to live in Pakistan.

Q. What does Jihad mean to you?
A. I don't know what that means; jihad was fighting against Russia. That is why we were fighting with Russia, they were trying to take Afghanistan. So we had to use Jihad against them.

Tribunal President's questions.

Q. Is it my understand you were born in Afghanistan?
A. Yes.

Q. Are you from Seyyed Karam district originally?
A. Yes.

Q. Is it close to Gardeiz?
A. It must be fifteen or sixteen kilometers from Gardeiz.

Q. When you decided to return to Afghanistan what made you go to Gardeiz?

A. Gardeiz was under control of the government it was very safe and secure. [redacted] my enemy was there still and they had control of [redacted]. I might have gotten killed so I went to Gardeiz to be safe.

Tribunal President: Thanks for your participation today.

Detainee: Thanks for your help too.

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

Detainee: If you need any more witness or evidences to help my case I can write down the phone number. You can call to get information about me.

Tribunal President explains the process of the use of the witness to the detainee.

Tribunal President: Please state your name.

Witness: [redacted] ISN# [redacted]

The Witness takes the Muslim Oath.

Personal Representative: How long have you know this detainee?

Witness: It has been a long time, he is a very famous man. Everybody knew him and I knew him too as a famous man.

Personal Representative: You stated that he was a famous man. What is he famous for?

Witness: He was famous for his Jihad against Russia and his fighting against the Taliban. Especially during the Jihad against Russia.

Personal Representative: Was he a member of HIG?

Witness: No, he was a member of Itihad Islami. Not HIG Islami.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You said that you have known this gentleman for a long time because he is famous? However do you know him personally?
A. Yes, not only did a lot of people known him during the Jihad, we worked together too.

Q. You were fighters together against the Russians?
A. Not together, but yes the same time, but a different location.

Q. After the Jihad did you have personal contact with this gentleman?
A. Yes, all us commanders knew each other, not personally though.

Q. What did you do in Afghanistan?
A. I was Mujihadeen too, fighting against the Russian at the time of Jihad. When Taliban came to Afghanistan, at that time I was in Pakistan.

Q. How about when the U.S. forces took over in Afghanistan, what did you do then?
A. I was still a refugee in Pakistan and during the Karam Assembly, I was a member of the Karam Assembly.

Q. Did you have regular contact with this gentleman?
A. I am sorry, I was in Iran not Pakistan. Most of them are refugees that were in Pakistan. When the Americans came, I was a refugee in Iran.

Q. How well do you know him other than knowing of him? What was your personal relations with this gentleman?
A. We do not have any personal relations. During the Taliban regime because I was against the Taliban and I was a commander and all of the commanders were against the Taliban too. So I knew who was working for the Taliban and who was against the Taliban and who stayed home. This is how I knew most of the commanders.

Q. You didn't have any daily interaction with the detainee?
A. No.

Q. What is the purpose of the Itihad Islami?
A. Itihad Islami means union of the people of Islami, Jihad against Russia. It was created against the Russian politics group during the Jihad against Russia to make Afghanistan free of Russian power.

Q. After the Russians were defeated, what was their primary purpose?
A. After the Russians, they join the Rabani's government, the Rabani's politics party. During the Taliban, they were against the Taliban, they were an opposite group and Itihad even joined the Masoud's politics party. These are the things I know about the Itihad Islami. Since I knew this was their goal.

Q. Did the detainee support the Northern Alliance?
A. Yes.

Q. After the Jihad where did the detainee work until the time he was captured?
A. I don't know his personal things he was doing. During the Taliban, I know he was a refugee in Pakistan. He was one of the opposite groups of Taliban. I know the Taliban robbed his house and took all his stuff, I know that for sure too. I know something else, he got captured by the opposite group that was against the government and then they

made him sign a contract that he could not work for the government. In addition to that, he still wanted to go work for the government.

Q. Was this opposite group al Qaida?
A. There were people who wanted their own government, opposite of the new government.

Q. Did you know if the detainee had any problem with Al Qaida?
A. I knew he was against Al Qaida. I don't know his problem with Al Qaida. I don't know the small details. I know the common things.

Q. Were you captured with the detainee?
A. No, we are not from the same village or the same tribe. He is Pastu and I am Farsi and we don't have any personal relationship and we are not friends, the reason I say that, I want you to understand and know about the fact and the truth about this detainee. He is Suni and I am Shite, I want to tell you the truth. I do know the truth about him.

Q. You say you don't have a close relationship with him, not a good friend?
A. Yes.

Tribunal President's questions.

Q. I have one question that you said he is not a member of HIG. Would you say that the HIG supports the Northern Alliance or the Taliban?
A. The HIG, most of them work for the government or joined the government itself, I don't know if he is against the government or if his position changed. The people that I knew that were Itihad Islami during the Jihad and now they have good positions in the government, some of them are in the government.

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.

[redacted]

Colonel, United States Army
Tribunal President

DETAINEE ELECTION FORM

Date: 4 Nov 04

Start Time: 14:05

End Time: 15:15

ISN#: 1036

Personal Representative: [redacted] MAJ. USAF
(Name/Rank)

Translator Required? YES **Language?** PASHTU

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

Detainee Election:

[X] **Wants to Participate in Tribunal**

[ ] **Affirmatively Declines to Participate in Tribunal**

[ ] **Uncooperative or Unresponsive**

Personal Representative Comments:

Polite, calm and cooperative. Asked questions and is requesting to have 3 witness that are at GTMO. He addressed the allegation and made statements to each one. DetaineeISN #[redacted] will make oral statement at Tribunal. The 3 witnesses from GTMO with state that detainee ISN#[redacted] did not join any group to fight against the United States.

--Witness #1-[redacted] Status is unknown –You may check JDIMS--not reasonably available. Detainee has known this person for over 20 yrs and he will support him in every way.

--Witness #2-[redacted] ISN#[redacted] Known for 2 yrs. Will state that he has not joined any group to fight against the Americans. Will answer all questions

--Witness#3-[redacted] ISN#[redacted] Will answer any questions and state that he is a good person and that he did not join any group, he worked with the government only.

Personal Representative: [redacted]

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (28 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MOHAMMAD, Akhtiar

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 associated with forces that are engaged in hostilities against the United States and its coalition partners.

a. The detainee is associated with forces that are engaged in hostilities against the United States and its coalition partners.

1. The detainee traveled from Gardez to Kabul, Afghanistan in May 2003.

2. The detainee is a member of Itihad Islami.

3. The HIG is listed in the Terrorist Organization Reference Guide as having long-established ties with Usama Bin Ladin.

4. The detainee had a HIG identification card on his person when he was captured.

5. The detainee received training on AK-47s, Rockets, RPGs, and also driver/operator training on APCs during his military service.

b. The detainee participated in hostilities against the United States or its coalition partners.

1. The detainee was the HIG commander in charge of the Seyyed Karam district.

2. The detainee participated in planning an attack on the governor in Seyyed Karam, Afghanistan.

3. The detainee participated in the February 2003 rocket attacks against U.S. forces in Gardez, Afghanistan.

4. The detainee was arrested in May 2003 in Gardeyz, Afghanistan.

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5. The detainee was found to have ammunition for a U.S. manufactured sniper rifle.

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.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 18 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1036.

✓ I have no comments.

___ My comments are attached.

[redacted], MAJ, USAF
Name

18 Nov 2004
Date

[redacted]
Signature

ISN #1036
Enclosure (5)