

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

OMAR RAJAB AMIN, *et al.*

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH,

President of the United States, *et al.*,

Respondents/Defendants.

Civil Action No. 02-CV-0828 (CKK)

**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:

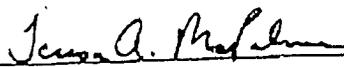
1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba. In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

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 Omar Rajab Amin that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto.

Information considered law enforcement sensitive as well as that which would personally identify the detainee's family members and certain U.S. Government personnel have been redacted in order to protect the personal security of those individuals. Internment serial numbers have also been redacted because certain combinations of internment serial numbers with other information become classified under applicable classification guidance.

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

Dated: 29 Dec 04

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



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0509

10 DEC 2004

From: Director, Combatant Status Review Tribunal

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

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

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

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

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
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9 Dec 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004  
(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and elected not to participate.

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

c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibit R-14 was redacted. The FBI properly certified in exhibit R-2 that none of the redacted information would support a determination that the detainee is not an enemy combatant. Additionally, some information in exhibits R-15 and R-16 was redacted. It is clear that the improperly redacted information consists solely of internee serial numbers and an interviewer's name.

d. The detainee requested that four documents be produced as evidence at the tribunal.<sup>1</sup> He requested a copy of his employment history; his citizenship papers; a leave request from a job and his child's health report;<sup>2</sup> and documentation from a hospital regarding his child's medical treatment. The Tribunal President determined that the documents were relevant and forwarded a request to the U.S. State Department on 7 October 2004 in an effort to obtain the information. On 27 October 2004 the State Department notified the Tribunal that the U.S. embassy was unable to obtain the information. In light of the State Department notice, the Tribunal President determined that the requested documents were not reasonably available. In my opinion, the Tribunal President did not abuse his discretion in finding the documents not reasonably available.

<sup>1</sup> Paragraph 2 of enclosure (1) of the Tribunal Decision Report erroneously states that the detainee did not request the production of any evidence.

<sup>2</sup> For reasons that are not readily apparent, both the Detainee Election Form and the Tribunal Decision Report refer to the leave request and health report as one document.

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

- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

4 November 2004

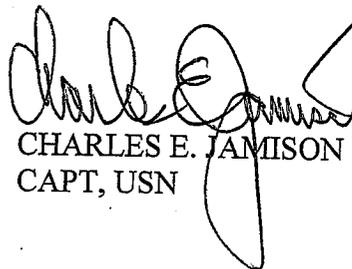
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

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

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

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



CHARLES E. JAMISON  
CAPT, USN

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

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

(U) TRIBUNAL PANEL:   #12  

(U) ISN#:           

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

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

1. (U) This Tribunal was convened on 1 November 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 1 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #  is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this Detainee was part of, or supporting, Al-Qaida, as more fully discussed in the enclosures.

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

  
Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #12  
ISN #: \_\_\_\_\_

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant because he was part of, or supporting, Al-Qaida, which is engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder alleged that the Detainee traveled from Kuwait, through the United Arab Emirates to Bahrain, to Iran, and finally to Kabul, Afghanistan on 2 October 2001. He is a member of the nongovernmental organization (NGO) called the Kuwaiti Joint Relief Committee (KJRC). The KJRC is suspected of providing funding and travel documents for mujahedin fighters, with possible links between the KJRC and Al-Qaida. The Detainee is said to have admitted raising \$10,000 U.S. dollars and transporting it to Afghanistan. He also admits fleeing with others due to the "opposition" Northern Alliance taking over the city. The Detainee's name was listed on a document recovered in safehouse raids associated with suspected Al-Qaida members in Karachi, Pakistan. The Detainee was also listed on a document as being a member of the Mujahedin Brigade in Bosnia. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and made a sworn verbal statement. The Detainee, in his verbal statement, denied being an Al-Qaida member. The Detainee testified that he was not associated with Al-Qaida either personally or through the Kuwaiti Joint Relief Committee. He also denied any knowledge of why his name may have shown up on a document seized from a suspected Al-Qaida safehouse. He admitted taking \$10,000 to Afghanistan, but to distribute it to orphans and refugees, not to "transport" it to another person. He denied using the word "opposition" in reference to the Northern Alliance (with the implication that he was affiliated with whomever the Northern Alliance was opposing), claiming that the interrogators inserted that word into his previous statement. He denied being a member of the Mujahedin Brigade.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, and R-1 through R-17.
- b. Testimony of the following persons: Sworn statement of the Detainee.

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

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
1. Copy of Employment History	Relevant but not reasonably available	No
2. Citizenship Papers for Kuwait & Bosnia	Relevant but not reasonably available	No
3. Leave request from job and child's health report	Relevant but not reasonably available	No
4. Hospital documentation showing child to have heart surgery.	Relevant but not reasonably available	No

\*In response to the Detainee's request for these documents on 29 September 2004, the Tribunal President originally ruled that they were relevant and directed that coordination be made with the U.S. Department of State in an effort to procure them. On 27 October 2004, this office was notified by the U.S. Department of State that the U.S. Embassy was unable to locate the requested documents. The Tribunal did not construe this development against the Detainee, as no information was introduced to contradict the Detainee's testimony of what these documents would have said had they been produced. The Tribunal considered the testimony concerning these documents, along with the rest of the Detainee's testimony and the other evidence presented, to make its overall determination in this case.

**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. The Tribunal considered Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he was not associated with Al-Qaida either personally or through the Kuwaiti Joint Relief Committee. He also denied any knowledge of why his name may have shown up on a document seized from a suspected Al-Qaida safehouse. He admitted taking \$10,000 to Afghanistan, but to distribute it to orphans and refugees, not to "transport" it to another person. He denied using the word "opposition" in reference to the Northern Alliance (with the implication that he was affiliated with whomever the Northern Alliance was opposing), claiming that the interrogators inserted that word into his previous statement. He denied being a member of the Mujahedin Brigade.

c. The Tribunal found the following unclassified evidence unpersuasive in making its determinations:

1. Exhibit R-3, Affidavit from Detainee's family, undated. The Tribunal considered this exhibit unpersuasive, in pertinent part, because the Detainee contradicted parts of it during his Tribunal testimony. For example, when questioned about a discrepancy between his answers that he had never traveled to Pakistan, versus his family's assertion that he had traveled to Pakistan, the Detainee reaffirmed that he had never been to Pakistan and that his family must have said that because Pakistan is the place where he was captured. Also, when asked to reconcile his answer that he had told his family he was going to Afghanistan versus their answer that he did not mention anything about going to Afghanistan, the Detainee insisted that he had told his family that he was going there. He further offered that his family must have said that because they were trying to help him and did not want him to be in Cuba.

2. Exhibit R-4, Executive Order 13224, 23 September 2001. A search of this document indicates that Yasin al Qadi (referred to in Exhibit R-11) was designated on October 12, 2001 as a supporter of terrorism. However, there was no mention of the Detainee or the Kuwaiti Joint Relief Committee in this exhibit. Therefore, in and of itself, the exhibit did not help persuade the Tribunal that the Detainee was properly classified as an enemy combatant.

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

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

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

**7. Conclusions of the Tribunal**

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

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

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

c. The Detainee is properly classified as an enemy combatant because he was part of, or supporting, Al-Qaida, which is engaged in hostilities against the United States and its coalition partners.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps  
Tribunal President

*The Tribunal President advised the Detainee that he would not be permitted to read classified evidence, and the following discussion ensued:*

Detainee: Is it possible to see this evidence, in order to refute it?

Tribunal President: The classified information cannot be made available to you for reasons of national security. You may see the unclassified evidence.

Detainee: The past three years, through all of my interrogations, the evidence presented in the Unclassified Summary is basically a summary of what I've said in the interrogations before. The interrogators have talked and discussed every issue, big and little, that has been said. I'm not expecting there to be anything more than what is written here in the classified evidence, because the interrogators have not discussed any other evidence besides this.

Tribunal President: We don't know what might be in the classified evidence; we have yet to see it.

Detainee: I do not know what the Recorder has presented, in terms of evidence, but I do know that a lot of witnesses here, other Detainees here, are against my country. Some are Iraqis or other nationalities and may say something against me because of their dislike for my country. Some people here are crazy and not reasonable and some have talked with us Kuwaitis about the fact that they do not like our country. They may have said something against me because of that.

Tribunal President: We will take the things you have brought to our attention into consideration. We will give you an opportunity shortly to go into detail any information on the Unclassified Summary, as well as anything else you would like us to be aware of.

*The Tribunal President continued reading the hearing instructions to the Detainee.*

**Summarized Sworn Detainee Statement**

*The Detainee was sworn.*

- 3(a) **The Detainee is an Al Qaeda and/or Taliban supporter.**

This is very far from the truth and I deny it completely. I have worked with charity organizations for seven years and the Taliban had been governing Afghanistan for six years. Al Qaeda, who knows how long they've been around? Since the 90's or since the days of the Russians?

Not one day in my life had I traveled to Afghanistan, Iran or Pakistan and I never transferred even \$1.00 into the accounts of any of these people.

The Americans, the FBI and the CIA, know this. My name is not even on any of their "black lists."

The Taliban has been around for six years and enforce the (inaudible) Islamic law and they destroyed the statue of Buddha. All of this did not attract me to help them for even one day.

All of the sudden I am an Al Qaeda and/or Taliban supporter? This is something that is, quite honestly, very very far from the rest of the evidence. I did not expect this to be on here.

Regarding these points, some of them are correct, but the interrogators have altered their meanings. Some points have some words changed and some are very far from the truth. Some points have never been mentioned to me in three years. If you wish, I'll go through each point separately and elaborate on each one.

- **3(a)1 The Detainee traveled from Kuwait, through the United Arab Emirates to Bahrain, to Iran, and finally to Kabul, Afghanistan on 2 October 01.**

I did not travel to Bahrain; I traveled from Kuwait to the United Arab Emirates to Iran, and that was my final destination point.

I had seen the news, and even CNN was reporting that there were 2 million refugees that were fleeing from Afghanistan to Iran. I wanted, to my ability, to work with charity organizations, NGO's I had worked before in Zagreb, Croatia for 1½ years and for 5½ or 6 years in Bosnia.

I will mention this more, but this is just to address why I was going to Iran.

The 2 million refugees in Iran and the million refugees in Pakistan; their situation was terrible and sad. I was very touched by this and I felt the need to help. I went to Iran to see this for myself. Those of us who work with charities do not put too much emphasis on what we hear from the media. We like to see it for ourselves; we have to see the reality of the situation. I took about 1 to 1½ months leave from my work, so I could briefly see what the situation was.

I did raise \$10,000 before I went there, and that is approximately 3,000 Kuwaiti Dinars. For Kuwaitis, 3000 Kuwaiti Dinars is not a large sum of money at all. About 1/3 of that amount I contributed myself and the rest of the money was from my brothers and sisters. I was very quick and

necessary because I was going to see 2 million refugees, so it wouldn't make sense to go empty handed.

I went to Iran and went to the borders and I didn't see anything. At that point, I had to make a decision, either to go in [to Afghanistan] or to go back, so I decided to go in.

The interrogators asked me why I decided to go into Afghanistan when I knew the Americans would go into this war with Afghanistan. I told them that if I had known the Americans were going to enter the war, I would not have gone in. Also, if I had known that they were not going to apply the Geneva Convention, especially to people working in charity organizations, I would not have gone in.

I always repeat this to the interrogators, a statement from the Secretary of Defense. I remember this statement very well and I'm going to say it in English. "He who thinks we will fire a couple of cruise missiles to Afghanistan is mistaken. This war is going to be a political war, an economical war, an information war and an intelligence war." They didn't say it was going to be a military effort. This was a statement that was repeated by all American officials. The Secretary of Defense said this was going to be an unconventional war.

The Americans were not stupid. They were not going to commit all their troops to go into Afghanistan to die, like the Russians and the British. The same thing was said by military analysts on the news. I saw it myself, on the news. The Americans were not going to be foolish, and that's why I made the decision, that ultimately brought me here, to go into Afghanistan to see those 2 million refugees, that apparently were not even there.

- **3(a)2 The Detainee is a member of the non-governmental organization (NGO) Kuwaiti Joint Relief Committee.**

It is true; I was a member of the Kuwaiti Joint Relief Committee from 1993 until 1999. From 1993 to mid 1994 I was in Zagreb, Croatia and from 1995 to 1999 I was in Bosnia. The Kuwaiti Joint Relief Committee didn't have anything to do with me going to Afghanistan, because in 1999 I was done with it.

- **3(a)3 The Kuwaiti Joint Relief Committee is suspected of providing funding and travel documents for mujahadin. Possible links to Al Qaeda.**

This is apparently explaining 3(a)2 and is against me, it seems. The Kuwaiti Joint Relief Committee was in Bosnia from 1993. The Americans were in Bosnia from 1995 to 1999, or until I left. They might have been

there longer. No one ever gave this committee any trouble or said anything about their activities in Bosnia. On the contrary, the Americans would come and meet with us and with the head of the committee. We were given many thanks from the Bosnian government, the American government and the Croatian government, for the work this Joint Relief Committee was doing in Bosnia.

No one ever voiced any opposition against what we were doing until September 11<sup>th</sup>. Only after September 11<sup>th</sup> is this point being brought up.

If you look at the wording of this statement it says "suspected" or "possible." Nothing concrete. It's all speculation. Only after September 11<sup>th</sup> did it become like this. It's not normal.

- **3(a)4 The Detainee admits raising \$10,000 (USD) and transporting it to Afghanistan.**

I think I covered this in my response to 3(a), but quickly I'll go over it. Yes, I did raise \$10,000 but it was not to transport it to Afghanistan. This statement implies that I was going to meet someone in Afghanistan and is not correct.

Yes, I did raise \$10,000 but this amount is very trivial in Kuwait.

- **3(a)5 The Detainee admitted fleeing with others due to the "opposition," (Northern Alliance) taking over the city.**

This is true, but I was not with anyone else. I went by myself. I did flee, but not only because the Northern Alliance was taking over the city, but also because the residents of the city were killing Arabs.

I had my own personal interpreter with me who helped me. We were working every day from the morning until sunset. We would work all day, meeting with the poor people and the orphans.

Thank God, one day my interpreter said I shouldn't go back to the city because the Northern Alliance was either nearing the city or had already taken the city, but people inside the city were killing any Arabs in the city at the time. So, I left by myself.

Later on, I met other Arabs that were with Afghans. They rounded us all up together. It was a very long trip to Pakistan and at that point, we surrendered ourselves at the Pakistan border. We turned ourselves in to the Pakistanis at their border.

- **3(a)6 The Detainee was listed on a document recovered in safehouse raids associated with suspected Al Qaeda in Karachi, Pakistan.**

Like I said before, this is the first time I've heard of this. None of the interrogators ever brought it up at any of the interrogations. I know the interrogators make it a point to talk about every little or big thing that comes to their attention.

So, just my name doesn't make any sense. Did you see any documents of mine? Did you see a passport? Did you see anything? Just my name? That's it? This doesn't make any sense.

What I think is that some people in Pakistan were sympathetic to our situation and leaked our names to the media. These names that were leaked to the media were taken by Arabs and brought over to our families. Maybe some of the Arabs saw my name in the media and took it so they could tell my family what was going on. Other than that, it doesn't make sense.

I asked the interrogators if they found my passport over there and they said no.

- **3(a)7 During the raid on the Karachi safehouses, armed gunmen fought with police; firearms and grenades were seized; and police and security forces were injured by gunfire.**

*This item was not initially addressed by the Detainee (but see page 7 below).*

- **3(a)8 The Detainee was listed on a document as being a member of the Mujahadin Brigade in Bosnia.**

The interrogators have been asking me about this for three years. One time, the interrogator had a document in his hand and was reading from it and said that I was a member of the Mujahadin Brigade in the Bosnian Army from either 1992 to 1993 or 1993 to 1994.

I answered him by asking him if he knew where I was in the year 1992. I told him I was in Nebraska and I was graduating. I graduated in May of 1992. From 1992 to 1993, I was in Kuwait, working for the Kuwait Institute for Scientific Research.

From 1993 to mid 1994 I was in Zagreb, Croatia. Of course, he became silent at that time. He asked how would the Bosnian government provide

him with this document and I told him I'd explain and I'll tell you the answer. It is a long story, but I'll tell you the short version.

I married a Bosnian woman in the end of 1994. As you know, there was a war over there at that time. When we got married it was a religious ceremony. It was a legitimate marriage but I didn't have a Bosnian citizenship at that time, so we weren't able to register the marriage with the Bosnian government. I was living in Kuwait, so I was not concerned with getting a Bosnian citizenship.

The problem was that my wife got pregnant during the war. At that time, if your wife was pregnant and you did not have a Bosnian citizenship, the child would not be legitimate. They would register the child in the mother's name, not the father's. To me, this was important.

At the same time, how could I go to Kuwait at that time to register my wife and son there? I did not have any documents or paperwork with me. The only way to register my son, legitimately with my last name, was for me to become a citizen. Now, I had to obtain a Bosnian citizenship, and I had the right to do this because I was living in Bosnia, married to a Bosnian citizen.

We got in contact with people who said they were able to finish the paperwork for us. The paperwork I requested, translated and notarized, I gave to this man. He asked for 1,500 Deutschmarks for fees or taxes and 500 Deutschmarks for his time and labor. So, I gave it to him so he could continue. At that time, thank God, I was able to get my wife and go to Kuwait.

This should all be registered somewhere. The Kuwaitis brought this over to the interrogators. This paperwork said when I left and when I came back.

I returned, once again, in 1996 and the police asked me to meet with them, after the war had ended. I went to them and they said I had the right to citizenship. At that time, I wasn't really pleased or displeased; I just didn't have any objections. I took the paper and registered, but unfortunately they gave me the citizenship through the Bosnian Army.

You can verify this. If you look at everyone who came in after the war in 1998, 1999 and 2000, that's how most got their citizenships, through the Bosnian Army. The person doing the paperwork tricked them, like he tricked me. He took the 1500 Deutschmarks that I gave him and if they do it through the Bosnian Army, he doesn't need to pay a tax or a fee.

ISN# [REDACTED]

Enclosure (3)

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The American government and the Bosnian government formed a committee to review these files, and I believe it was in 1999. They found that many of the people that got their citizenships at that time, got it the same way.

In truth, they never served in the Bosnian Army, but that's how they got their citizenship. It's all false certifications and that's what the interrogator was looking at when he was talking to me, saying that I was in the Mujahadin Brigade, the Bosnian Army, from 1992 to 1993.

That is false, and what proves that is that I was in Nebraska and Kuwait from 1992 to 1993. Or, I was in Zagreb, Croatia. Because I'm an Arab, it was easy for me to be registered in the Bosnian Army, in the Mujahadin Brigade. They would just take 200-500 Deutschmarks and register you under the Bosnian Army, like a bribe.

That is the truth, and I hope you take this into consideration. The Americans were in Bosnia and Kuwait and I never had any problems with them, or them against me. I was never on any "black lists," I was never wanted; no one was ever looking for me, until September 11<sup>th</sup>. But, after that, these points came up.

Personal Representative, is there something that I did not say?

Personal Representative: Point 3(a)7.

Detainee: Obviously, if point 3(a)6 is not true, then what does 3(a)7 have to do with me? In my entire life, I never went to Pakistan, not even for one day, so what do I have to do with any safehouse in Karachi? The Pakistani government must have given the Americans this information. I turned myself in on the Pakistani border between Afghanistan and Pakistan. I didn't go in or come out of Pakistan.

There's a point I was shown on the document from the White House [R-4]. What is against me in this document? I have reviewed it with my Personal Representative earlier and, thank God, neither my name nor the name of the committee I was on was on that list of names or organizations. I don't know why the Recorder presented this to the tribunal.

Tribunal President: We noted, as well, that your name and your organization were not listed here. At this point, we don't know why that other name is highlighted.

Detainee: What is in there that is against me?

Tribunal President: Classified information might link it together, but we don't know that at this point.

Detainee: I know there is nothing that links them together. Thank you for listening.

Personal Representative: Would you like to explain what those four documents [the documents the Detainee requested, but the government was not able to produce] might have said?

Detainee: Obviously, it's clear that I requested these documents because I was going to Iran for a specific purpose and was intending to return. I took leave from my job for a month to go there and come back. Obviously, I wasn't going there to stay and fight with the Taliban or help the Taliban. I went there with \$10,000.

The other thing I requested was that I have seven years experience working with charity organizations in Zagreb and in Bosnia. The Kuwaiti government brought this information over when they met me personally. They told me that they have everything on me. They asked me many questions regarding the information I requested. Where did I work? When did I work? They met with me twice.

The third thing I requested was verification that my son was in the hospital, having heart surgery, so it was imperative I returned quickly. I was going for a specific purpose, and I had given a specific date for [my son's] operation in November, so I had to return quickly.

I think that the information in these documents would help me. I have experience working with charity organizations and that was my reason for going there.

Tribunal President: We may have some questions, but for now, does this conclude your statement?

Detainee: I hope this Tribunal is a fair one. I've already been classified as an enemy combatant but from what I know of the American justice system is that a person is innocent until they are proven guilty. Right now, I'm guilty trying to prove my innocence. This is something I haven't heard of in a justice system.

I hope that you look at this evidence and my statements with a fair mind. Don't look at, or take into consideration, my appearance or my clothes. I hope that the truth is just.

Personal Representative: I just want to clarify that when the Detainee was in Nebraska, he was at the University of Nebraska.

Tribunal President: We understand. We want to remind you [Detainee] that this is a non-judicial proceeding. It is an administrative, legal proceeding. We come here with an open mind to determine if you have been properly classified as an enemy combatant.

**Tribunal Members Questions to Detainee**

- Q: Looking at the Affidavit your family completed on your behalf, you are an engineer by trade?
- A: I have a Bachelor's degree in Agriculture. In Kuwait they say Agricultural Engineering, but technically, it's not.
- Q: Did you work in this field after graduating?
- A: In Kuwait, yes, I worked with the Kuwaiti Institute of Scientific Research for about four months.
- Q: Your primary area of concentration was with charity work?
- A: My work with the Kuwaiti Institute of Scientific Research was difficult for me. I had just graduated and the work required a lot of research. Not difficult, but required a lot of work and long hours, you have to put a lot of effort into it. In 1993, the Bosnian dilemma came up. It was covered thoroughly in the media. At that time, many Kuwaiti charity organizations were working on the Bosnian issue. I wasn't working at that time; I was looking for another job. Truthfully, I was drawn to the Bosnians and the idea of charity work.
- I worked in Croatia from 1993 to 1994. In 1995, I worked with the Ministry of Labor and Social Affairs. We were working with the agricultural section of that ministry.
- Q: In 1993, when you first went to Croatia, was that organization already established, or did you help to establish it?
- A: No, it was already established. It was in Croatia, not Bosnia and the head of the committee was already there.
- Q: What duties did you have when you first started working?
- A: Because I was Kuwaiti, and the head of the committee was Kuwaiti, it was the two of us working with mostly Bosnians. Our work was concentrated mostly on refugees that were coming in from Bosnia.
- Q: What, specifically, were you asked to do?
- A: The orphans from Bosnia were coming in to a new place, so we would meet with them. We would do many things to make them more comfortable coming into this area. Just talking with them, saying kind words, giving them food, and

paying for the houses they were staying in. We would give 50 Deutschmarks per month, per orphan. Things of that nature.

Q: You were in Croatia and then Bosnia from 1993 to 1999?

A: No, from mid 1994 until 1999 I was in Bosnia.

Q: All together.

A: All together from 1993 to 1999.

Q: What was the highest position you attained at this organization?

A: Assistant Director of this organization.

Q: So, basically, you were the #2 man there?

A: Considered as #1. There were only two of us Kuwaitis and it's a Kuwaiti organization, a Kuwaiti had to be in charge of it.

Q: That makes sense. In 1999, you finished your work with the Kuwaiti group?

A: Yes.

Q: Is it because the conflict in Bosnia ended, or because you wanted to find something else to do?

A: I was working with the Ministry of Social Affairs since 1995. In 1995, they transferred me to the Kuwaiti Joint Relief Committee, by special contract between the two organizations. The Ministry of Social Affairs and the Kuwaiti Joint Relief Committee had an administrative affair. This was an annual contract.

In 1995 the Americans came in and started helping people there, and also getting back to their own countries. So, people started working and things started moving on. There was no longer a need at that time for charity work.

So, in 1999 I finished working there. I did not renew the contract and went back to my work with the Ministry of Social Affairs.

Q: Was that your choice, or did the Kuwaiti government ask you to do that?

A: I would go to them, and if they needed me they would approve me working there, but if they didn't need me, they would not sign me.

Q: The Unclassified Summary indicates there are possible links between the Kuwaiti Committee and Al Qaeda. I gather you don't know anything about that?

A: You don't have that with you. Where did you get that information? The terrorism list that you have, that committee is not listed on there. How did you get a possible link to Al Qaeda? Where did you get that from? They don't have an office in Afghanistan.

You didn't state this, about the committee, until after September 11<sup>th</sup>. Before that, there was no problem. If the American government knew this committee had any ties to Al Qaeda, the head of the committee would be here and anyone who worked with the committee would be here.

Now, unfortunately because I was brought from Afghanistan and I'm in Cuba, they're trying to try this Kuwaiti organization to Al Qaeda and it's not just. That is not fair. I was done with this Kuwaiti Joint Relief Committee in 1999 completely. Americans never had a problem with that committee, so why do you bring that now?

Q: At this point, we don't know, but it may have something to do with this gentlemen listed on the Executive Order, Mr. Yasin Al Qadi.

A: I don't know him. He never worked with us and he's not even the head of the department. I gave you the names of the Kuwaiti government. When they came here, they brought a list of the names of the people working, and that's not one.

Q: Before today, you've never heard that name?

A: No, by God, I do not know. Today, the Personal Representative showed me the document.

Q: 3(a)5 of the Unclassified Summary says you admitted to fleeing with others due to the "opposition" taking over the city. That's Kabul?

[The Detainee nodded affirmatively.]

Q: I think the implication is, that if you referred to the Northern Alliance as the "opposition," this implies you were sympathetic to those they were fighting against.

A: Northern Alliance, "opposition," that's what the media is saying. I don't have anything to do with the words. I didn't say "opposition," the media said the "opposition" was fighting against the Taliban. That's the truth.

The Taliban was governing the country for six years. If I was concerned with them, I would have gone there, at least once.

Q: Regarding 3(a)6, where your name was supposedly on a document recovered in Karachi.

A: This is the first time I've read this. The interrogators never brought this up. Usually, when they get information, they show me so they can see my reaction is to that information. Truthfully, I don't know anything about this point.

I told you my theory about this point. Pakistanis were sympathetic to our situation, and you know what the situation was like at that time. They were leaking our names to the media so someone might get news of us to our families.

Did you find my passport or any documents? In the classified evidence, do you have anything like that? No. You didn't find that. Just a name like that? I don't have any explanation, except the one I gave you.

Q: The obvious concern is, that if this is true, then, for some reason, Al Qaeda knows who you are.

A: I don't know, like I said, this is the first time I've seen this. I don't have an explanation for that. It's just a name. If my name was known by Al Qaeda, I would have been on a "black list" and you would have known about me.

The problem is that you can write anything down and then form any explanation for it. Like 3(a)2, 3(a)3, and 3(a)4. You write down the fact, but then you form another explanation for that fact. That is not fair.

Q: The question we must answer for ourselves is, say you were not involved at all with Al Qaeda. Then, why would they care who you are?

A: Who?

Q: Senior Al Qaeda people, we presume.

A: I'm asking you a question. Since when has Al Qaeda been around? Since the 90's? Since that time, have I ever had any relationship with Al Qaeda? Have I ever transferred any money to them? You would know. The Americans would know. Did I ever go meet them in Afghanistan or Pakistan?

Just a name like that? I don't have an explanation for it, besides what I told you. This is something that I've heard from many of the Detainees here, as well.

There was a Kuwaiti Detainee here who was 16 years old. I heard he was captured in Pakistan, and as soon as he was captured, his name was leaked to the press; people called his family right away and the Kuwaiti government intervened and brought him back.

Why won't you accept my explanation for this? Honestly, I never entered Pakistan at all. I'm sure the Pakistan government brought the information to the interrogators, whether I entered or didn't enter Pakistan.

- Q: In the Affidavit from your family, one of the questions asked was where you had traveled during your life. One of the responses they gave was "the countries he traveled to were the United States, Turkey, United Arab Emirates, Bosnia, Bahrain, Egypt, Saudi Arabia and Pakistan."
- A: Pakistan? No.
- Q: Is there, perhaps, a mistake there?
- A: I was captured in Pakistan. That's exactly what happened. They contacted my family and said "your son is present in Pakistan."
- Q: So, they were only referring to the fact that you were captured there?
- A: That's what I think. I haven't called my family or talked to them, but that's what I think.
- Q: The next part of the answer says, "In the United States, he attended university there and some vacations and in both Bosnia and Pakistan he did charity work."
- A: In Pakistan? I swear to God I did not go to Pakistan.
- Q: That's the only reason I thought you were there, because your family said this.
- A: I think, that since they knew I was captured in Pakistan, they were trying to help me in any way. I swear I did not go to Pakistan.
- Q: In 3(a)7, I think I understood you to say, you know nothing about the raid on the Karachi house, and obviously you were not there and you don't know anybody who was there.
- A: Right. If I had never entered Pakistan, how would I know anything about this point? They only put down 3(a)7 because it's related to 3(a)6.

Q: In the first part of your statement, you mentioned after hearing the media reports there were 2 million refugees and you went to Iran and didn't see any refugees. Then you went from Iran to Afghanistan and that's where you found all the refugees?

A: That's the tough decision I had to make; should I go in or should I return? The decision was to go and see if there were really refugees there or not. Part of the decision was if the Iranians would allow me to proceed without any problem, then I would proceed.

At the same time, I was thinking about all the statements that were released from the Secretary of Defense and the military analysts, and from the news media.

The Americans went into Yugoslavia and captured the biggest dictator in the world, Milosevic, and people were still working. No one interfered with any charity organizations. The same thing in Bosnia; we were never subject to anything.

The fact that the Americans would not apply the Geneva Conventions to us; that they would capture us and bring us here, never did I expect this to happen. The UNHCR was there and there were other Christian organizations that were helping, and no one bothered them. I think that because I'm an Arab and I'm a Muslim, maybe that's why I'm here.

Q: So, no matter what you found in Afghanistan, whether it was better or worse than you thought, your plan was to only stay 1-½ months and then return to Kuwait?

A: When I took leave for 1 to 1 ½ months, that was just so I wouldn't be rushed. That was the longest period I would have stayed, but in reality, I expected my time in Iran to just be one to two weeks; just go in, look at the situation to see what was going on, and then return.

Q: But, you were going to distribute your funds and whatever else you had to the refugees, either directly or through some other group? How was that going to work?

A: Anyone that does charity work knows the first thing you do when you go to a country, whether it's Yugoslavia, Iran, Iraq, or any other country, the first thing you do is get permission from the government of that country to distribute whatever funds you have or to do charity work.

Truthfully, it's a matter of getting a document and permission that says that you have formed a charity organization or committee that was going to distribute the funds and that you have permission from the government to do so.

After that, it's easy. You get permission and then you go meet with the refugees and determine what they need. Do they need food? Do they need money? You talk with them and find out exactly what they need. It's an expedited form of charity. You just quickly go, and get a quick overview of what the people need.

Q: That was my next question, because you obviously know how to do this from your experience with charity work, but that seems awfully ambitious to do all that in a week.

A: What's the problem? You go meet with the government officials; you get the permission from them. That takes a day or two. After that, you meet with the refugees or the orphans, distribute money, record their names, and that shouldn't take more than a day or two. I wasn't going there to lay my head down and sleep. That's charity work. I go in the morning and I come back at night. That was my work. That's how we worked in Zagreb and Bosnia; that was our job.

Q: It is not so much an observation on you, as on the Taliban government; in the middle of fighting a war, I didn't think they'd be that efficient.

A: The important thing is just to get approval; it can be orally. You don't have to get a written statement or anything, just as long as someone doesn't present any objections to what you want to do. It doesn't need to be a big production.

Q: How far were you able to advance your plan before things got difficult?

A: First of all, I made the wrong decision that brought me here to Cuba, by entering Afghanistan. I thought the Americans would not harm me, like they did not harm the people in Yugoslavia, and that was if they even entered the war. When I entered, Americans were not there at that time. There were no Americans; there was not a war.

I got to Kabul, and two days later, the Americans started bombing. At that time, I realized that my mission would be really difficult, and I decided to leave. I had to formulate an evacuation plan when the Americans started bombing.

Q: In two days, you weren't able to accomplish a whole lot?

A: There was nothing I could do. I went to Kabul and the next day, I was trying to find a place to stay. I was explaining that I worked in charity and was looking for an official from the Taliban to get the documents signed, with the approval I needed.

I couldn't communicate very well with them, just using sign language, so the owner of the restaurant helped me. He wrote something for me, [and] got me a

taxi. I got in the taxi with the paper and went to a building where a Taliban official was.

I went to the 2<sup>nd</sup> or 3<sup>rd</sup> floor. No one spoke Arabic, just very, very basic Arabic. They saw that I was not Afghan, so they brought me to someone that spoke a little Arabic. I told him I was Kuwaiti and introduced myself. I told him I was looking for someone in the department for refugees and I wished to help the refugees.

They said that person was not there, but I could make an appointment for three days later. Who he was or where he was, I don't know. I said it wasn't a problem, but I need an interpreter to be with me. He said he'd try to find an interpreter for me.

For those two days, I couldn't really do anything. I was looking for a place to stay and looking for a translator. I was not able to do anything.

Then, the bombing happened, and that's why I couldn't do anything in those two days.

Q: At the time of your capture, you were still considered to be an employee of the government of Kuwait?

A: Right, with the Ministry of Social Affairs, because I had taken official leave.

Q: You brought up the situation with the young Kuwaiti detainee who was here. You said that once the Kuwaitis found out here, they immediately intervened and he was released...

A: Not here, not in Cuba. We heard here that he had been captured in Pakistan or somewhere else. He was either 15 or 16 years old. His name was leaked, like these names I'm telling you about and they contacted his family right away. I think his family went straight away to the Kuwaiti government.

Q: I was wondering, if you are with the Kuwaiti government, and Kuwait is an ally of the United States, why the Kuwaitis hadn't done the same for you.

A: I wish they had done that. We asked the Pakistanis to meet with people from the Kuwaiti embassy, but they turned us over to the Americans right away. They didn't allow us to talk to anyone. I don't know what they did. They sold us or there was an agreement. I don't know.

Q: When you went to Croatia to do charity work, did you have interpreters set up ahead of time?

- A: We had a big office there, and when I arrived the office was already established. We had many employees working there at that time. They were officially registered with the government; everything was done already.
- Q: You knew there would be interpreters ahead of time and it wouldn't be a problem?
- A: Yes, the met me officially and introduced me to everyone. At that time I was a volunteer, not the Assistant Director.
- Q: To converse in the language, there would be people to help? Or, maybe you picked up some of the language after being there for so many years.
- A: No, the language was very...there were Bosnian interpreters to help us.
- Q: When you went to Iran and decided that the refugees weren't in Iran, and then you decided to go to Afghanistan, how did you know where to go in Afghanistan to find some refugees to help?
- A: Like I said, I was going towards the border and thought that if they let me go in, then I would go in. I was thinking that the refugees would go to the border close to Iran. I thought if they hadn't actually gone into Iran, they'd at least be close to the Iranian border.
- I went to the closest village and there was nothing there at all. No refugees whatsoever.
- Q: Excuse me if you said this before, but what city in Afghanistan were you in?
- A: Herat. From the airport, I took a plane from Herat into Kabul.
- Q: You said you stayed at the room on top of the restaurant. During your travels, was it ever required to use a safety deposit box to safeguard your money or to keep your passport? Did anyone indicate it was problematic and potentially dangerous to travel in Afghanistan?
- A: Do you mean during our flight or at the place we were staying? I stayed in three different places and was kicked out of them. Every ten days or so, they'd kick me out of the house, once the bombing started.
- Q: Every how many days?
- A: The first house, I stayed maybe a week or ten days and was then kicked out. The Americans were bombing at that time and the residents of the house were afraid because they had an Arab in the house with them. They were afraid the

Americans would bomb the house because of that, so they decided to ask me to leave.

The second house was maybe a week or ten days. The third house, thank God, he allowed me to stay in that house.

Q: For how long?

A: Until I left.

Q: How long?

A: I don't remember, it's been three years. I don't remember how long I stayed in the house.

Q: One day or more than a week?

A: No, a long, long time. You can probably calculate it. From the time I entered Kabul and then I left Kabul when the Northern Alliance took over that city. I don't remember exactly.

Q: I realize that the amount of money you brought for charity wasn't considered a lot of money by Kuwaiti standards, but by talking with the people in the house, did they indicate that you should put the money someplace for safe keeping?

A: I kept my passport and money in the house. When I left, I'd take \$500 to \$600 at a time and go and distribute that money. First I would convert it to Afghani money and then I'd distribute it. The rest of the money and the passport were in the house. \$100 is a lot of money in Afghani currency, so you couldn't carry the whole amount with you.

Q: The money you had, it was Kuwaiti money or U.S. Dollars?

A: U.S. Dollars. Kuwaiti Dinars do not work in Afghanistan. It wouldn't be useful.

Q: I guess you had lots of \$20's and \$50's?

A: All \$100's. Also, from that money I bought my plane tickets, paid for my presence in the houses, the hotels I stayed at in Iran and the United Arab Emirates.

Q: You had your passport at the time you were detained?

A: No, it was in the house. The interrogators had asked me before why wouldn't I take my passport with me and I should take it everywhere I go. Ask any Kuwaiti

ISN# [REDACTED]

Enclosure (3)

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if he takes his passport with him when he travels or not. It is impossible that I would travel with Afghans and have my passport with me. If I lost it or dropped it, what would I do then? If a highway robber came up to me and took my passport and my money, what would I do then? That's the Kuwaiti mentality. Anyplace we stay, we put our passport in that place.

- Q: While you were staying at the three houses, there were other people there also...
- A: No there weren't others. It's not a guesthouse; it was a house I would rent.
- Q: Okay, so you were never with more than yourself then?
- A: No, I'm independent. I was in America, Zagreb and Bosnia by myself. I don't need anyone and I depend on myself.
- Q: Did you ever make contact with the Taliban government, officially, to say you were going to distribute money?
- A: I tried, but wasn't able to. They gave me an appointment three days later, but then the war happened. I knew right away that the official Taliban government buildings would be the first ones bombed, so I didn't go back.
- Q: So, you decided to just pass out the money without the...
- A: Yes, the war happened, and I just did it myself. I had the translator with me and as soon as the war started, I said find any way for me to get out. Truthfully, he helped me a lot.
- Q: I missed the part about the translator. Where did you pick up the translator?
- A: The secretary that gave me the appointment to come back, he told me he'd help me get a translator after he got off work. We went to this place and he introduced me to this person. Of course, I had to give him money. He helped me, I gave him money and he helped me a lot. He was with me the whole time until I left.
- Q: Did he give you suggestions as to where you could go to provide this money?
- A: Yes, he was with me and he'd tell me where to go. I didn't know anything, that's why I requested this translator. Otherwise, I would have just stayed in the house until something happened.
- Q: You must have been very popular there, giving money for charity.
- A: I'm sorry, there's a misunderstanding. Did you mean I was very popular or the translator was very popular?

- Q: Well, both would be popular. A man was giving out money and the translator was helping you give the money out. It would seem that people would come to you and say "I could use some money" or talk to the translator to say there is Kuwaiti there to provide money if you need anything.
- A: It's not like we were calling out to people on a radio or a megaphone and they were all coming to us and we were giving out money. That's not the way. We would go into a house and see the situation. We'd sit down, have juice with the people and we'd give them some money and then we'd go. It was a very civilized way of doing things; not just yelling out to people.
- Q: I wasn't suggesting that was what you were doing, I was just wondering if word got out. You were there for several weeks providing this service.
- A: We weren't in the same village every day. There are many villages in Kabul and we'd be in a different village all the time.

**Tribunal President's Questions to Detainee**

- Q: When you crossed the Iranian border, you said you didn't see any refugees, as you would expect. You flew from Herat to Kabul. You were in Kabul for a few days because confusion started because of the bombing. Then you started to move around a little bit in an effort to help distribute funds and charity. It sounds like a month has almost already passed and the time you planned to be in Afghanistan was coming close to the end. Why didn't you make an attempt, especially after things started becoming more difficult, to return to Kuwait sooner?
- A: I told you. From the minute they started bombing, I told the translator I needed an evacuation plan and I wanted to get out as soon as possible.
- Q: Yet you delayed [by going to] several houses and were attempting to pass out charity.
- A: The translator said I couldn't just leave, just like that and take any way. The Taliban is still there and is preventing people from going outside. The villages surrounding Kabul could be with the opposition, the people opposing the Taliban. Even during the days when the Taliban was governing the country, there were still people against the Taliban. There were Shiites and Farsi speakers. He told me he had to search for the best way for me to get out. I couldn't just leave like that.

It is a very long trip from Kabul to Pakistan. I would pass villages and valleys. It's not that easy. I was looking at the same time for a place to stay. Where

would I stay? Everywhere I would go, people were kicking me out. At the same time, from the first day, I was looking for a way to get out.

Q: Did Kuwait have an embassy in Kabul?

A: I don't know.

Q: Did you try to find out if they did?

A: No, I didn't think of it.

Q: Did you try to contact your family or your employer and let them know you'd be delayed in your return?

A: Yes, in Herat and Kabul I contacted my family several times. They were scared because the war had started.

Q: So, they got word that you were going to be delayed?

A: Of course.

Q: And, your child that was scheduled for heart surgery...did your child have heart surgery?

A: Yes. They sent me a message and said thank God he's okay and they sent me pictures as well.

Q: While you were in Afghanistan?

A: No, it was in November. I don't remember if I was in Cuba. If it was in November, I was in Pakistan or Afghanistan, I'm not sure. If they did the surgery after that, I might have been in Cuba.

Q: You got word that the surgery was completed and it went well?

A: Yes.

Q: And your child is healthy today?

A: Yes.

Q: Good.

A: There are two holes in his heart, but now, thank God, he's okay.

- Q: We're certainly glad to hear that and we certainly hope his health continues to do well.
- A: Thank you.
- Q: When you turned yourself in to the Pakistan authorities at the border, what type of documents, money or items did you have in your possession?
- A: Nothing. The money I was distributing was in the house.
- Q: When you left to cross into Pakistan, you purposely left all of your money and your passport in the house?
- A: I was running for my life. What is \$4000 dollars? In a month I can make this money.
- Q: I would think it would help your effort to get home. If you had money to pay for guides, more translators, and your passport to show to the Pakistan authority to take you to the Kuwaiti embassy, it would help your chances of getting home safely.
- A: We did have money. We give it to the Afghans to help us as we were proceeding, but not all of the money. I wasn't concerned with the passport or papers because if they had taken me to the Kuwaiti embassy, they would have known I was from Kuwait. It's easy to know; they don't need a passport. I wasn't thinking that the Pakistanis would turn me over to the Americans.
- Q: You indicated that you graduated from the University of Nebraska in 1992?
- A: Yes.
- Q: Why didn't you ask for documentation from the University of Nebraska, for your graduation evidence?
- A: I didn't think it would help me. The Kuwaiti government must have brought it with them and they probably gave it to the Americans. The Americans know that I have graduated. I don't need...I didn't know this would do me any good.
- Q: But, you said your citizenship papers from Bosnia would indicate you were a member of the Bosnian Army in 1992.
- A: I didn't ask for the Bosnian citizenship or the Kuwaiti citizenship.

Q: You asked from citizenship papers for Kuwait and Bosnia. The citizenship information is needed to answer 3(a)8 on the Unclassified Summary. 3(a)8 is the Detainee is listed on a document as being a member of the Mujahadin Brigade in Bosnia, which would have been around 1992 or 1993. Is that correct?

A: No. Maybe the first Personal Representative. I asked for three things; a certificate of my work, my son's operation and my leave request from work. After two weeks, the Personal Representative met with me again and said there were some questions from the State Department he needed to ask me so you could give me these documents.

He asked me my son's name, the one going through the operation, where I worked and the address, my wife's name, and some other questions. When did you get your Bosnian and Kuwaiti citizenships? That's what happened. After four weeks, I got a new Personal Representative. I didn't request the Bosnian or Kuwaiti citizenship.

If it does me any good, I'll tell you I got the Bosnian citizenship in 1996 and I automatically got the Kuwaiti citizenship once I reached 18 years of age.

Q: I remember you saying that although you got the Bosnian citizenship, it reflected, incorrectly, that you were a member of the Bosnian Army that served in 1992 and 1993 with the Brigade.

A: It's not the actual citizenship that I requested. It was the paper that the interrogator was reading from that said I was in the Bosnian Army from 1992 to 1993. I asked him where he got the document from and he said he got it from the Bosnian government.

I explained that in 1992 and 1993 I was in Nebraska, Croatia and Kuwait. Then he became quite and I told him I'd explain how this information got to him incorrectly.

#### **Tribunal Members Questions to Detainee**

Q: You mentioned that while you were in Afghanistan, you did contact your family several times. But, in the questions that went to your family, the question was "did he tell you his reasons for going to Afghanistan?" The response was "He did not mention anything about going to Afghanistan. We have no information that he went or entered Afghanistan."

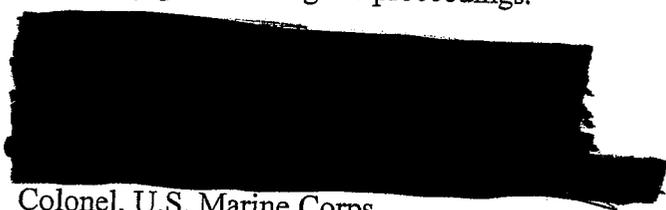
A: Who said this? Was it my family? Was it the Kuwaiti government?

Q: It was your family's response.

- A: Saying that I did not go to Afghanistan?
- Q: No, they're saying you didn't mention anything about going to Afghanistan.
- A: That's incorrect. Maybe they said this because they were trying to help me and they didn't want me to be here.
- Q: You said that before you went to Afghanistan, you did ...
- A: I mentioned it, yes. I told my wife, my mother and my sisters.

AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Tribunal President

DETAINEE ELECTION FORM

Date: 30 Oct 2004

Start Time: 1200 hrs

End Time: 1330 hrs

ISN#: [REDACTED]

Personal Representative: [REDACTED]  
(Name/Rank)

Translator Required? YES Language? Arabic

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

**Detainee Election:**

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

**Personal Representative Comments:**

Wants to participate and make an oral statement.

Requested 4 documents

1 - Detainee request a copy of his employment history - not received

2 - Citizenship papers for Kuwait and Bosnia, The citizenship information will is needed to answer item 8 on the unclassified summary - not received

3 - Leave request from his job and a health report on his child. The information on his child and leave request will help show how long he planned to be in Afghanistan--requested 1 1/2 months leave from job to attend childs heart surgery - not received

4 - Requested documentation from General Hospital of Kuwait for proof that Child was going to have heart surgery to collaborate story - not received

Note: PR was changed due to the fact initial PR has left GTMO

Personal Representative: [REDACTED]

[REDACTED] COL (H)

**From:** [REDACTED] CPT (H)  
**Sent:** Saturday, October 30, 2004 4:32 PM  
**To:** [REDACTED] COL (H); [REDACTED] MAJ (H); [REDACTED] MAJ (H); [REDACTED] TC (H); [REDACTED] LTC (H); [REDACTED] PT (H)  
**Cc:** [REDACTED]  
**Subject:** [REDACTED] Timeline

Classification: UNCLASSIFIED  
Caveats: FOUO

Gentlemen:

Please find below a timeline for document requests ICO ISN [REDACTED]

Thank you.

V/R

Capt [REDACTED]

- 29 September:** received document request from detainee/PR
  - 04 October:** request to PR to re-interview detainee (insufficient information to forward to DoS)
  - 07 October:** received additional information from PR - document request sent to DoS for:
    1. employment history with Kuwaiti Ministry of Social Affairs and Labor
    2. leave requests from Kuwaiti Ministry of Social Affairs and Labor (circa Oct 2002)
    3. health reports on child from hospital in Kuwait
    4. citizenship papers from Bosnia and Kuwait
  - 19 October:** request to DoS for update on status of detainee's request
  - 26 October:** request to DoS for update on status of detainee's request
  - 27 October:** DoS reply that embassy unable to locate requested documents
- Classification: UNCLASSIFIED  
Caveats: FOUO

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (22 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AMIN, Omar Rajab

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 supported forces engaged in hostilities against the United States or its Coalition partners.
  - a. The detainee is an al Qaida and/or Taliban supporter:
    1. The detainee traveled from Kuwait, through the United Arab Emirates to Bahrain, to Iran, and finally to Kabul, Afghanistan on 2 October 01.
    2. The detainee is a member of the non governmental organization, (NGO) Kuwaiti Joint Relief Committee
    3. The Kuwaiti Joint Relief Committee is suspected of providing funding and travel documents for mujahidin. Possible links to al-Qaida.
    4. The detainee admits raising \$10,000 (USD) and transporting it to Afghanistan.
    5. The detainee admitted fleeing with others due to the "opposition", (Northern Alliance) taking over the city.
    6. The detainee was listed on a document recovered in safehouse raids associated with suspected al Qaida in Karachi, Pakistan.
    7. During the raid on the Karachi safehouses; armed gunmen fought with police; firearms and grenades were seized; and police and security forces were injured by gunfire.

UNCLASSIFIED

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Exhibit

604  
RI

UNCLASSIFIED

8. The detainee was listed on a document as being a member of the Mujahedin Brigade in Bosnia.
  
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

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Memorandum



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

Date 09/16/2004

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

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

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

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

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

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC, GTMO.

FD-302 dated 03/19/2002

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

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

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Exhibit R2 606

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

If you need additional assistance, please contact

[REDACTED]  
[REDACTED] or Intelligence Analyst [REDACTED]

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6. Omar Rejab Mohammed Rajab Ameen

**QUESTIONS FOR THE FAMILY OF  
RAJIB MOHAMMED AMIN OMAR**

1. Please provide Omar's biographic information: given name, other names he is known as, date of birth, place of birth, home address.
2. Please provide the family's information: father, mother, brothers, sisters, wife (include date of marriage), and children.
3. What is Omar's educational background? What school(s) did he attend as a child? What high school did he attend and graduate from?
4. Where did he attend college/university? How was his education financed (ie scholarship, self financed, etc)? What did he study? Did he earn a degree and if so in what?
5. What did he tell his family about his time in college? Where did he stay? Did he have roommates? What were their names? What activities was he involved in while in college? What did he do in his free time? Did he belong to any organizations?
6. What did he do when he completed college?
7. Provide his employment history: Who has he worked for and how long?
8. What countries has he traveled to, when (dates), for what purpose, and how long did he stay?
9. What has he told you about his travels? What did he do during his travels? Who did he meet? What was his relationship to the people he met (acquaintance, business associate, friend)?
10. Did Omar get arrested while in Bosnia? If so what for and how was this resolved?
11. What did he tell you were his reasons for going to Afghanistan?
12. How did he get to Afghanistan? Who financed his trip?
13. How much money did he take with him and what was the money for? Where did he get the money?
14. Did he contact the family while in Afghanistan? What did he tell you about his activities in Afghanistan? What was he doing, who had he met, where was he staying, how was he traveling in the country?

15. How many passports did he have? Issued from what countries?
16. Did Omar say he was going to travel with anyone or meet anyone upon his arrival in Afghanistan/Pakistan?
17. Do you know how Omar traveled to Afghanistan/Pakistan? How was the trip funded?
18. What Mosques did he attend while in Kuwait?
19. Did he mention any specific Imams?
20. What social groups did Omar associate with while in Kuwait?
21. Was Omar associated with any type of Non Governmental Organization (ie. Al - WAFA) while in Kuwait?
22. Did Omar travel with anyone to Afghanistan/Pakistan?
23. Did he say if he was supposed to meet anyone in Afghanistan/Pakistan?

ANSWER TO THE QUESTIONS FOR THE FAMILY OF  
RAJAB MOHAMMED AMIN OMAR

1. Name : Omar Rajab Mohammed Amin  
No other names  
Date of birth : [REDACTED] 1967  
Place of birth : Kuwait  
Home Address : [REDACTED]
2. Father Name [REDACTED]  
Mother Name [REDACTED]  
Brothers Names [REDACTED]  
Sisters Names [REDACTED]  
  
Wife name [REDACTED]  
Date of Marriage [REDACTED] 1994  
Children Name [REDACTED]
3. Omar is an agricultural engineer graduated from the United States of America (Nebraska).  
  
Kindergarten : Bader Borosli  
Elementary School : Ibn Rashd  
Middle School : Al Jabria  
High School : Sabah Al Salem
4. His education in the US Nebraska University was financed by Kuwaiti government as a scholarship. He got a degree in Engineering from University of Nebraska on May 1992.
5. Nothing so special he mentioned about his educational period.  
  
We have no information about if he has roommates or not.  
  
He stays in his dorm during his free time or goes with his friends outside as a normal person.  
  
No special activities he was involved in while in college.  
  
No, he does not belong to any organization during his stay in US.
6. He came back to Kuwait and applied for a Governmental job.
7. He worked in Kuwait Scientific Center, then after he applied for a job at the Ministry of Labour and Social Affairs which he became an employee since then.

8. The countries he traveled to were the US, Turkey, UAE, Bosnia, Bahrain, Egypt, Saudi Arabia and Pakistan.  
  
In USA he attend University there, and some vacations, and in both Bosnia and Pakistan he did charity work and family visit to Bosnia. The other countries he visited was for vacation.
9. He did not say anything special about his travels except he enjoyed being there and he was very interested in their culture and sometimes he recommended to his friends to visit some of these countries.  
  
We do not recall anyone he met there.
10. Yes, Omar was arrested once in Bosnia by mistake and next day he was released.
11. He did not mention anything about going to Afghanistan.
12. We have no information that he went or entered Afghanistan, he financed his trip to the borders between Pakistan and Afghanistan.
13. No idea about the amount of money but he took some amount of money from family and relatives to contributed it to poor people and refugees at the boarders of Afghanistan and Pakistan.
14. He did called once from Pakistan, he said he was fine and he will not stay long and he will come back, he did not mention any specific activities or information or any of the people he might have met.
15. He has only one passport, a Kuwait Passport issued in Kuwait.
16. He did not mentioned who is traveling with and we have no idea about the people he might meet with.
17. As far as we know Omar traveled to Pakistan, he paid for his air ticket.
18. He attend the mosque "Haya Al Romaih" which is in the neighborhood.
19. No, he did not mentioned any specific Imam.
20. He joined with some charitable committees.
21. No, he was associated with the Joint Committees of Charitable Work in Bosnia and he worked as deputy director but he was not participated in Al Wafa Charitable Organization.
22. This question been answered.
23. No, he did not say that he supposed to meet with anyone in Pakistan.

دولة الكويت  
الجمهورية العربية الإسلامية  
الرقم المدني ٢١٧٠٦١٤٠٠٧١٣



الاسم  
عمر رجب محمد امين

الجنسية كويتي  
الميلاد [REDACTED]  
تاريخ انتهاء البطاقة ٢٠٠٢/٨/٠٦

الرقم المدني لصاحب البطاقة : ٢١٧٠٦١٤٠٠٧١٣  
رقم الجنسية ٢٤١٧٢٩

الجنسية [REDACTED]  
الميلاد [REDACTED]  
تاريخ انتهاء البطاقة [REDACTED]



105341119

+++

**State of Kuwait**

**Civil ID Card**

Civil No. 267061400713  
Name Omar Rajab Mohammad Rajab A  
Nationality Kuwait  
Date of birth [REDACTED]/1967 Sex Male  
Expiry Date 6/8/2002

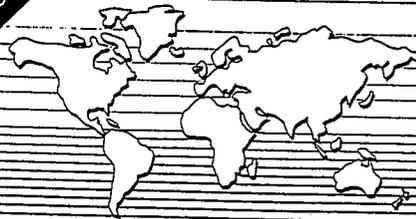
---

**Overleaf:**

*Civil No. of the concerned party* 267061400713  
Nationality No. 241729  
Address [REDACTED] Block 1  
Street 1  
Building/ Plot 61 Type of Unit House  
Unit No. -- Floor --  
Tel. No. [REDACTED] Blood Group O +



U.S. Department of the Treasury  
Office of Foreign Assets Control



# TERRORISM

## What You Need To Know About U.S. Sanctions

Executive Order 13224 blocking Terrorist Property and a summary of the  
Terrorism Sanctions Regulations (Title 31 Part 595 of the U.S. Code of Federal Regulations),  
Terrorism List Governments Sanctions Regulations (Title 31 Part 596 of the U.S. Code of Federal Regulations), and  
Foreign Terrorist Organizations Sanctions Regulations (Title 31 Part 597 of the U.S. Code of Federal Regulations)

### EXECUTIVE ORDER 13224 - BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM

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

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

I hereby order:

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

- (a) foreign persons listed in the Annex to this order;
- (b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;
- (c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;
- (d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;
  - (i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or
  - (ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

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

- (a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;
- (b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and
- (c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Exhibit R4  
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Sec. 3. For purposes of this order:

- (a) the term "person" means an individual or entity;
- (b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;
- (c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and
- (d) the term "terrorism" means an activity that —
  - (i) involves a violent act or an act dangerous to human life, property, or infrastructure; and
  - (ii) appears to be intended —
    - (A) to intimidate or coerce a civilian population;
    - (B) to influence the policy of a government by intimidation or coercion; or
    - (C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

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

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

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

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

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

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

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

- Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.
- (b) This order shall be transmitted to the Congress and published in the *Federal Register*.

THE WHITE HOUSE,  
September 23, 2001.

#### ANNEX

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

###

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NAMES OF THOSE DESIGNATED ON 10-12-01

Abdullah Ahmed Abdullah  
Haji Abdul Manan Agha  
Al-Hamati Sweets Bakeries  
Muhammad Al-Hamati  
Amin Al-Haq  
Saqr Al-Jadawi  
Ahmad Sa'id Al-Kadr  
Anas Al-Liby  
Ahmad Ibrahim Al-Mughassil  
Abdelkarim Hussein Mohamed Al-Nasser  
Al-Nur Honey Press Shops  
Yasin Al-Qadi  
Sa'd Al-Sharif  
Al-Shifa' Honey Press for Industry and Commerce  
Ibrahim Salih Mohammed Al-Yacoub  
Ahmed Mohammed Hamed Ali  
Ali Atwa  
Muhsin Musa Matwalli Atwah  
Bilal Bin Marwan  
Ayadi Chafiq Bin Muhammad  
Mamoun Darkazanli  
Ali Saed Bin Ali El-Hoorie  
Mustafa Mohamed Fadhil  
Ahmed Khalifa Ghallani  
Riad Hijazi  
Hasan Izz-Al-Din  
Jaish-I-Mohammed  
Jam'Yah Ta'Awun Al-Islamia  
Mufti Rashid Ahmad Ladehyaroy  
Fazul Abdullah Mohammed  
Khalid Shaikh Mohammed  
Fahid Mohammed Aliy Msalam  
Imad Fa'iz Mughniyah  
Rabita Trust  
Sheikh Ahmed Salim Swedan  
Omar Mahmoud Uthman  
Abdul Rahman Yasin  
Tahir Yuldashev  
Mohammad Zia

NAMES OF THOSE DESIGNATED ON 11-07-01

Abbas Abdi Ali  
Abdullah Hussein Kahie  
Ahmed Nur Ali Jim'ale (a.k.a. Ahmad Nur Ali Jim'ale; a.k.a. Ahmad Ali Jimale; a.k.a. Ahmed Nur Jumale; a.k.a. Ahmed Ali Jumali)  
Al Baraka Exchange LLC  
Al-Barakaat (Mogadishu)  
Al-Barakaat Bank (Mogadishu)  
Al-Barakaat Bank of Somalia (a.k.a. Barakaat Bank of Somalia; a.k.a. BBS)  
Al-Barakat Global Telecommunications (a.k.a. Barakaat Globetelcompany)  
Al-Barakaat Group of Companies Somalia Limited (a.k.a. Al-Barakat Financial Company)  
Al Taqwa Trade, Property and Industry Company Limited (f.k.a. Al Taqwa Trade, Property and Industry; f.k.a. Al Taqwa Trade, Property and Industry Establishment; T.k.a. Himmat Establishment)  
Al-Barakaat Wiring Service (U.S.A.)  
Al-Barakat Finance Group  
Al-Barakat Financial Holding Company  
Al-Barakat International (a.k.a. Baraco Co.)  
Al-Barakat Investments  
Albert Friedrich Armand Huber (a.k.a. Ahmed Huber)  
Ali Ghaleb Himmat  
Asat Trust Reg.  
Bank Al Taqwa Limited (a.k.a. Al Taqwa Bank; a.k.a. Bank Al Taqwa)  
Baraka Trading Company  
Barakaat Boston (U.S.A.)  
Barakaat Construction Company  
Barakaat Group of Companies  
Barakaat International (Sweden)  
Barakaat International Companies (BICO)  
Barakaat International Foundation  
Barakaat International, Inc. (U.S.A.)  
Barakaat North America, Inc. (Canada & U.S.A.)  
Barakaat Red Sea Telecommunications  
Barakaat Telecommunications Company Limited (BTELCO)  
Barakaat Telecommunications Company Somalia, Limited  
Barakat Bank and Remittances  
Barakat Computer Consulting (BCC)  
Barakat Consulting Group (BCG)  
Barakat Global Telephone Company  
Barakat Post Express (BPE)  
Barakat Refreshment Company  
Barakat Wire Transfer Company (U.S.A.)  
Barako Trading Company LLC  
Dahir Ubeidullahi Aweys

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

I acknowledge that on 4 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

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

4 Nov 2004  
Date

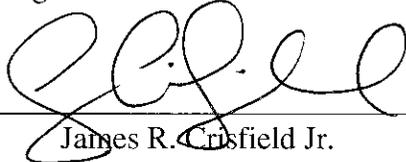
[REDACTED]  
Signature



hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



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

OARDEC/Ser: 0198  
11 October 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. MCGARRAH  
RADM, CEC, USN

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

**FOR OFFICIAL USE ONLY**

9 Oct 04

## MEMORANDUM

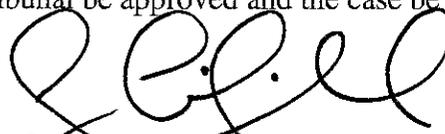
From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

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

- a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.
  - b. The Tribunal was properly convened and constituted by enclosure (1).
  - c. The Tribunal complied with all provisions of references (a) and (b).
  - d. The detainee made no requests for witnesses or other evidence.
  - e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

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

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

  
DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:     #5    

(U) ISN#:     [REDACTED]    

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

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

1. (U) This Tribunal was convened on 27 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 27 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of the Taliban as more fully discussed in the enclosures.

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

[REDACTED]  
Colonel, USAF  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: #5

ISN #: [REDACTED]

### **1. Introduction**

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

### **2. Synopsis of Proceedings**

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of the Taliban and that the detainee participated in military operations against the United States and its coalition partners. Those allegations are as follows:

1. The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.
2. Upon entering Afghanistan, detainee sought out Taliban members.
3. The detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three-month period.
4. The detainee was present in Kabul during the United States air campaign.
5. The detainee was injured in an aerial bombing attack near Khowst, Afghanistan.
6. The detainee was identified as a Yemeni mujahid who trained at al-Farouq training camp and was captured at Tora Bora, Afghanistan.

During the detainee's testimony to the Tribunal, he denied most allegations made against him, except the allegation that he sought out Taliban members and that he attended training, but not combat training. Yet during testimony, a Tribunal board member asked what type of training the detainee attended and the detainee responded that he received training with the Kalashnikov. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. After all matters were considered, the preponderance of evidence clearly showed that the

detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-17
- b. Testimony of the following person: none

### **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 no additional evidence be provided.

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

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

a. The recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to rely the detainee's testimony and looked 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 testimony. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that most accusations made against him alleging his status as an enemy combatant were false. He denied being a Taliban fighter, but confirmed that he sought out a Taliban member, but only to receive training. The detainee also confirmed that he received training with the Kalashnikov rifle. The detainee denied that he was a Taliban fighter, but that wounds inflicted on the detainee were received during an American bombing raid in Afghanistan. The Tribunal did not find the detainee's testimony persuasive and thus, turned to classified sources for further clarification.

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

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

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

**7. Conclusions of the Tribunal**

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of the Taliban.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

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

[The Recorder read paragraph 3.a], "The detainee is a member of, or associated with, the Taliban."

Detainee: No.

[The Recorder read paragraph 3.a.1], "The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training."

Detainee: I'm not sure of the date, but the training was not for fighting.

Tribunal President: You will be given an opportunity to address each of these in just a moment. For now just let the Recorder read those to us, we have not heard them before.

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

Detainee: A lot of the statements here are incorrect.

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

Detainee: You read and I'll tell you if it's wrong or right.

Tribunal President: Very well. Personal Representative would you like to go through these with the Detainee please.

Personal Representative: Concerning item 3.a.1, the detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.

Detainee: I don't know the date and the training was without fighting.

Personal Representative: Previously he discussed that the training is a type of preparation and is a religious obligation.

Detainee: I did not say that. I said training only.

Personal Representative: Concerning item 3.a.2, upon entering Afghanistan, detainee sought out Taliban members.

Detainee: Yes.

Personal Representative: Concerning item 3.a.3, the detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three month period.

Detainee: The trips were not as a courier and it was nine trips not ten.

Personal Representative: Concerning item 3.b, the detainee participated in military operations against the United States and its coalition partners.

Detainee: No.

Personal Representative: Concerning item 3.b.1, the detainee was present in Kabul during the United States air campaign.

Detainee: I was starting to leave.

Personal Representative: Concerning item 3.b.2, the detainee was injured in an aerial bombing attack near Khowst, Afghanistan.

Detainee: Yes.

Personal Representative: Concerning item 3.b.3, the detainee was identified as a Yemeni mujahid who trained at Al-Farouq training camp and was captured at Tora Bora, Afghanistan.

Detainee: No.

Personal Representative: And when we spoke, he reiterated that he was not mujahid.

Detainee: Yes.

Personal Representative: He never trained and was captured in Pakistan.

Detainee: Yes.

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

Detainee: No.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you travel to Afghanistan?

A. For training.

Q. What kind of training?

A. Anything.

Q. Any kind of training?

A. Nothing, just small things like the Kalashnikov.

Q. So, military training?

A. I don't know. Does everyone know this is military training?

Q. You said yes to the question about when you entered Afghanistan you sought out Taliban members? Why did you seek out Taliban members?

A. Just something for me. I take what I want and then leave.

Q. When you say take what you want, are you talking about the training you wanted?

A. Yes.

Q. And the Taliban was providing the training?

A. No, I didn't see them.

Q. You said you took nine or ten trips between Kabul and Kandahar if they were not for a courier, what were those trips for?

A. To search for training.

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

Detainee: No.

AUTHENTICATION

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

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

Tribunal President



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**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (20 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal - ISMAIL, Sadeq Muhammad Sa'Id

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a Taliban fighter.
  - a. The detainee is a member of, or associated, with the Taliban:
    1. The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.
    2. Upon entering Afghanistan, detainee sought out Taliban members.
    3. The detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three month period.
  - b. The detainee participated in military operations against the United States and its coalition partners:
    1. Detainee was present in Kabul during the United States air campaign.
    2. Detainee was injured in an aerial bombing attack near Khowst, Afghanistan.
    3. The detainee was identified as a Yemeni mujahid who trained at al-Farouq training camp and was captured at Tora Bora, Afghanistan.

Page 1 of 2

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UNCLASSIFIED

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

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Page 2 of 6352

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

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

I have no comments.

My comments are attached.

Date: 28 SEP 04

[REDACTED]

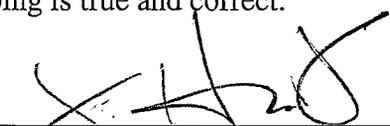
Lt Col. [REDACTED] USAF  
Personal Representative

ISN # [REDACTED]  
Enclosure (5)



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

Dated: August 23, 2005



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J. L. Hunt  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0375

18 NOV 2004

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 084

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 #084 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).

2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH", is centered below the text.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
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Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

11 November 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 084

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

16 Nov 04

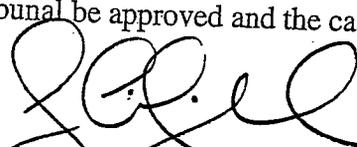
## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 084Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:
  - a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.
  - b. The Tribunal was properly convened and constituted by enclosure (1).
  - c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-8, R-9, and R-10 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 no witness nor did he request any classified or unclassified documents be produced.
  - e. The Tribunal's decision that detainee # 084 is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN

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

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

(U) TRIBUNAL PANEL:   #8  

(U) ISN#:   084  

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

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

1. (U) This Tribunal was convened on 5 October 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 5 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #084 is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is part of or supporting an associated force (the Islamic Movement of Uzbekistan), allied with the Taliban, which is engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

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



Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #8

ISN #: \_\_\_\_\_ 084

**1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with the Taliban by his suspected membership in an associated force, the Islamic Movement of Uzbekistan (IMU), which is engaged in hostilities against the United States or its coalition partners. By supporting the Taliban the IMU was engaged in hostilities against coalition forces. The Detainee also himself fought against the United States or its coalition partners. He fought at Konduz, Afghanistan and also helped cook for the Taliban. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied being a Taliban member or having any affiliation with them.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, and R-1 through R-12.
- b. Testimony of the following persons: Unsworn statement of the Detainee

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

The Detainee requested no witnesses or that any additional evidence be produced; therefore, no rulings on these matters were required:

## 5. Discussion of Unclassified Evidence

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

- a. The Recorder offered Exhibits R-1 through R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. With the exception of Exhibit R-3, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.
- b. The Tribunal considered Exhibit R-3, Terrorist Organization Reference Guide, U.S. Department of Homeland Security, U.S/ Customs and Border Protection, Office of Border Patrol, January 2004. This exhibit provided background on the Islamic Movement of Uzbekistan (IMU). Of note, this movement has taken U.S. citizens hostage in the past, and the current leadership appears to have widened the organization's targets to include all those they perceive as fighting Islam.
- c. The Tribunal considered the Detainee's unsworn testimony. A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he had nothing to do with the Taliban, had never been associated with them, and never had carried a weapon. He did admit helping to cook for the Taliban.

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

## 6. Consultations with the CSRT Legal Advisor

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

## 7. Conclusions of the Tribunal

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

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

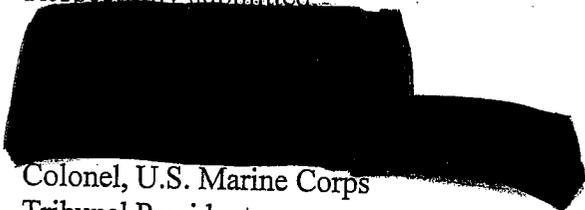
b. The Detainee understood the Tribunal proceedings. He asked some questions regarding his rights (which were answered to his satisfaction by the Tribunal President) and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant because he is part of or supporting an associated force (the Islamic Movement of Uzbekistan), allied with the Taliban, which is engaged in hostilities against the United States or its coalition partners.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

Colonel, U.S. Marine Corps  
Tribunal President

Summarized Unsworn Detainee Statement

*The Tribunal President read the Hearing Instructions to the Detainee. The Detainee understood the process but requested that the documents be read to him in Uzbek rather than in Russian.*

*The Tribunal President confirmed that the Tribunal could comply with the Detainee's request.*

*The Detainee confirmed that the closed session would be for the Tribunal only, and he would not be participating in that portion. The Tribunal President advised the Detainee that he was right.*

In the summary of evidence, it says I associated with Taliban forces, but I have nothing to do with them. I know nothing about them.

*The Tribunal President interrupted the Detainee to give him the opportunity to make his statement under oath, if the Detainee chose to do so.*

I never in my life have sworn before. Even when a representative from Kazakhstan came and presented me a Koran, I didn't want to swear on it.

*The Tribunal President advised the Detainee that was fine and it was not necessary to take the oath and the Tribunal Members would still take his statement into consideration.*

I have nothing to do with the Taliban forces. I've never been associated with them. What else can I say? I've never in my life been in America, I've only heard about it. I am all the way on the East side of the globe and America is on the west side. I have never had anything against America. I'm not even sure why I was brought here.

I am speaking from my heart; you can believe me. I knew America as a democratic country and I still believe it is a democratic country.

There is not much I can say about it. I believe you probably have some kind of statements in my case.

I was tortured badly; they [unknown] even tried to kill me, after I was brought here by the Northern Alliance forces.

I never had a weapon. I never carried a weapon with me and I've never been in any kind of armed fight. That is all I can say.

In your summary of evidence, it says I have been a cook for the Taliban. I never cooked for them, I was only a helper. I don't believe it's fair for you to include me as a Taliban combatant or fighter just because I was a helper for the cook. That's all I can say.

*The Tribunal President advised the Detainee that the Tribunal Members have some questions they would like to ask.*

It has been mentioned that is my choice to answer your questions or not, and according to that, I believe you are still going to make your own decisions. I believe it is worthless for me to answer your questions anyway, because you are going to make your own decisions. I told you everything.

I believe, by law, I am entitled to have a lawyer.

*The Tribunal President explained to the Detainee that if this were a judicial proceeding, the Detainee would be entitled to a lawyer, but this was an Administrative Hearing. The Tribunal Members are here to determine if the Detainee is properly classified as an enemy combatant.*

I am trying to understand, but it is still my understanding that during the questions and answers I have to have a lawyer.

*The Tribunal President stated the Detainee did not have to have a lawyer for this proceeding. The Tribunal President further stated all the information the Tribunal Members have about the Detainee is in the Unclassified Summary and have seen no other evidence. It would be beneficial to the Detainee to allow the Tribunal Members to ask questions.*

*The Detainee agreed and allowed the questions.*

#### Questions by Tribunal Members

Q: You are from Uzbekistan?

A: No.

Q: Tajikistan?

A: I'm from Kazakhstan.

Q: The evidence indicates that you were conscripted into serving with the Taliban by men from Tajikistan. Could you explain how that happened, please?

A: These are [answers] I've already said so many times. They just took me away.

- Q: Were you in Tajikistan at the time or Kazakhstan, or somewhere else?
- A: Which time?
- Q: Was there more than one time?
- A: I'm confused. Is there a specific date you are talking about, or something else?
- Q: We don't know any of your story. It would be helpful if you told us how you came from Kazakhstan to Afghanistan, to help us understand. Are you willing to do that?
- A: I was doing trading. That's how I ended up in Tajikistan.
- Q: Tajikistan?
- A: I went to Tajikistan due to trading business.
- Q: Then what happened?
- A: I went there [Tajikistan] to sell apples and they captured me and took me away.
- Q: Did you know who these men were?
- A: I don't know. They didn't tell me who they were.
- Q: Did they take anyone besides you?
- A: I don't know but there is a possibility.
- Q: Were you with anyone when you were taken?
- A: No.
- Q: We're not familiar with this group called the Islamic Movement of Uzbekistan. Can you tell us anything about that?
- A: I don't know anything about them. I've just heard about them.
- Q: So, the men took you when you were in Tajikistan. Then what happened?
- A: After that I was in Afghanistan for about a month and then they gave me away to different people.
- Q: What people were those?

A: I don't know. They didn't tell me who they were. They just took me away and then they put me in labor, into work.

Q: What responsibilities did you have?

A: Like mentioned in the summary of evidence, I was working in the kitchen. I was just helping a chief cook, but I never cooked myself.

Q: How long did you do that?

A: Five to six months.

Q: What happened at that end of that time? Was this when the Northern Alliance overran your position where you were?

A: After the attack from America, everyone ran away. I was just let out of there. There was a car heading to Iran with a bunch of people. I just jumped in and decided I was going to go along with them. They were heading to Herat. I was going to continue my way to Iran and go from there.

Q: You were on your way to Herat, and then what happened?

A: We stopped at night, and in the morning we were surrounded by the Northern Alliance forces. Prior to that, I wasn't feeling good, for about 3 months. I was sick.

We were surrounded by Northern Alliance forces and taken to a place with walls around it. They [Northern Alliance] let everybody out of the cars and were searching all of the clothes and luggage. After that, they put all of us in the basement.

I spent one day there. I don't know the exact time because I was in the basement. At some point, they told us to get out of the basement. I was sick and decided I was going to go behind everybody. Everybody lined up to get out of the basement. It was group of about 20-30 people.

At that time, I noticed there were two entrances to the basement, one on the left and one on the right. We were standing in the one that goes on the left side. When I was close to the entrance on the left side, I heard gunshots. Everybody panicked and tried to get out. I thought the gunshots were coming from the right entrance. I was running behind the people who were running from the left entrance.

As soon as I got out of the left entrance, in order to save my life, I turned to the right and there was a grenade explosion and I was injured. From the corner of my eye, as I turned around, I saw there were a lot of people laying or sitting on the ground. Since I was injured, I could only take a couple steps and I collapsed.

It wasn't outside yet. It was only as you got out of the basement, it took place in some sort of foyer.

So, when I collapsed, I noticed that both of my legs and my back were bleeding. I saw some fabric lying around, so I picked some up and tied my legs.

While I was lying on the ground, I heard a lot of gunshots close to me. Another explosion took place; it was close to me. Pieces of debris, like steel, not just regular debris...

In order to save my life, I figured it wasn't good for me to lie there. I decided to crawl back into the basement.

I went back to the basement and probably spent about 5 or 6 days and beside me there were a few more injured people. I lost lots of blood and was almost unconscious. I remember someone was giving me water, but I'm not sure who it was.

It was very hard without water. I believe I was hallucinating when I was injured and I'm not even sure what I was seeing.

There was another explosion and it felt almost like an earthquake. I'm not sure which side it was from; which forces did it.

Then we smelled gas and believed somebody actually spilled gas or oil and lit it on fire. Since I was unconscious, it smelled like someone cooking something, that somebody was actually frying meat. Then, it is my understanding that somebody actually caught on fire. It was somebody's body.

Then they started to fill the basement with water. I'm not sure how much time I spent in the water. After that, I totally lost control of myself. I remember hearing some voices. I remember somebody lifted me up and took me out of there [the basement].

They took me to the hospital and started treating me. My legs were swollen. I don't remember if they operated or did something. Then I was handed to you and since then, I'm here.

Q: How long did it take you to recover from your injuries?

- A: When I was in Kandahar in the prison, it was very cold. My injuries got worse. After I came over here, they treated me and I am well. Much better.
- Q: Most of the Detainees in the camp wear orange. We notice you are wearing white. Why is that?
- A: That is a question I intended to ask you.
- Q: If I knew the answer, I wouldn't have asked you myself.
- A: I don't know.
- Q: During the time you were helping the head cook, do you feel you could have just left?
- A: I thought about it, but I couldn't. I wasn't feeling good at that time. If you want, I can tell you what kind of sickness I have.
- Q: Did it [sickness] keep you from moving around very much?
- A: The problem was with my wisdom teeth. They tried to pull them out and actually broke them. After that, I caught Malaria. They didn't have a specific treatment for that illness, so everybody was giving me all kinds of medications, but nothing helped me.

**Questions by the Tribunal President**

- Q: Did you do any other chores or work related activities in support of the Taliban?
- A: I was there helping cook. I didn't even know who I was helping because no one told me it was the Taliban.
- Q: While you were helping the cooks, did you travel to many places in Afghanistan or stay in one place?
- A: I stayed only in one place.
- Q: And where was that?
- A: Konduz.
- Q: Have you ever had weapons training, either in your home country or in another country?

A: I didn't have any training on it, but since the Translator is from that area of the world, she knows, back in high school there would be classes where you learn military basics.

Q: On rifles?

A: In high school we were trained on rifles as preparation for the future or to join the military.

Q: At any time, when you were in Afghanistan, did you carry a weapon?

A: No.

**Questions by Tribunal Members**

Q: When you were in Afghanistan, were you ever familiar with any people associated with Al Qaeda?

A: I never heard about Al Qaeda until the U.S. invaded Afghanistan. Even after that I heard about Northern Alliance forces. Only after that I heard about Northern Alliance also.

*The Tribunal President thanked the Detainee for answering the questions.*

Thank you so much for your cooperation also. I believe it's one step forward to me to get released.

According to the statement, I was associated with the Taliban and Northern Alliance. As I mentioned before I was sick for almost 3 months. I didn't even have the strength in my body to do anything of that nature.

I just want to tell you I have nothing to do with those forces. That's all I can say.

*As the Tribunal President was reading the instructions regarding the Tribunal decision, the Detainee interrupted and made the following statement.*

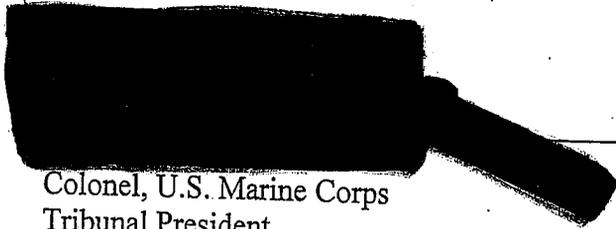
I need to interrupt you because you said if I still pose a threat to the U.S. or its allies. I have never had anything against the United States and I didn't see anything against me from the U.S., so there is no reason for me to fight against you.

I always knew America as a democratic country and always heard positive things about America. I believe that after 9/11 America became very aggressive and that's probably the only reason I'm here.

*The Tribunal President stated he was explaining the processes that lie ahead if the Detainee is found to be properly classified as an enemy combatant.*

AUTHENTICATION

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

A large black rectangular redaction covers the signature of the Tribunal President. A horizontal line extends from the right side of the redaction to the right margin of the page.

Colonel, U.S. Marine Corps  
Tribunal President

DETAINEE ELECTION FORM

Date: 30 Sep 04

Start Time: 0950

End Time: 1040

ISN#: 084

Personal Representative:  MAJOR, USAF  
(Name/Rank)

Translator Required? YES Language? RUSSION / UZBEK

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

-----  
Detainee Election:

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

Personal Representative Comments:

Detainee wants to participate and he wants to make an oral statement.

Detainee did not request any witnesses.

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Personal Representative: 

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Combatant Status Review Board

21-Sep-04

TO: Personal Representative

FROM: OIC, CSRT

Subject: Summary of Evidence for Combatant Status Review Tribunal – BATAYEV, Ilkham Turdyavich

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 associated with the Taliban and engaged in hostilities against the United States or its coalition partners.

a. Detainee is associated with the Taliban.

1. In early 2001, Detainee claims he was conscripted into serving with the Taliban by armed men in Tajikistan, who were likely affiliated with the Islamic Movement of Uzbekistan (IMU), a central Asian militant organization that directly supported the Taliban in operations against coalition forces.

2. The detainee is suspected to be a member of the IMU.

b. Detainee engaged in hostilities against the US or its coalition partners.

1. Detainee fought at Konduz, Afghanistan.

2. Detainee admitted that he prepared food for Taliban fighters while he was in Konduz, Afghanistan.

3. Detainee surrendered to Northern Alliance forces at Mazar-E-Sharif.

4. Detainee sustained injuries during a prison uprising in Mazar-E-Sharif while in the custody of Northern Alliance forces.

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

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Exhibit 21

Memorandum



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

Date 09/17/2004

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

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

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

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

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

The following documents relative to ISN 084 have been redacted by the FBI and provided to the OARDEC, GTMO:

- FD-302 dated 03/02/2002
- FD-302 dated 03/16/2002
- FD-302 dated 03/18/2002
- FD-302 dated 05/28/2002
- FD-302 dated 06/03/2002
- FD-302 dated 06/16/2003
- FD-302 dated 06/20/2003
- FD-302 dated 06/30/2003
- FD-302 dated 07/05/2003

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

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

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/17/2004

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



**U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
Office of Border Patrol**

# **Terrorist Organization Reference Guide**

**January 2004**

659  
Exhibit **R3**

## U. S. BUREAU OF CUSTOMS AND BORDER PROTECTION

**Purpose:** The purpose of the Terrorist Organization Reference Guide is to provide the Field with a who's who in terrorism. The main players and organizations are identified so the CBP Officer and BP Agent can associate what terror groups are from what countries, in order to better screen and identify potential terrorists.

**Limitations (Gaps in Data):** This Guide is based upon the information available to this office at the time that the report was prepared.

**NOTE:** This report is based upon information obtained from various open sources. No classified information was used in the preparation of this report.

For corrections, amendments, and suggestions, notify:

Office of Border Patrol  
Bldg. 11624 SSG Sims Road,  
Biggs AAF,  
El Paso, TX 79908  
Mailing Address: Attn. BPSCC P.O. Box 6017  
El Paso, Texas 79906  
POC: [REDACTED]  
Tel: [REDACTED]

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**Designated Foreign Terrorist Organizations**

## External Aid

Receives financial, training, weapons, explosives, political, diplomatic, and organizational aid from Iran and diplomatic, political, and logistic support from Syria.

## 3a2 13. Islamic Movement of Uzbekistan (IMU)

### Description

Coalition of Islamic militants from Uzbekistan and other Central Asian states opposed to Uzbekistani President Islam Karimov's secular regime. Although the IMU's primary goal remains to overthrow Karimov and establish an Islamic state in Uzbekistan, IMU political and ideological leader Tohir Yoldashev is working to rebuild the organization and appears to have widened the IMU's targets to include all those he perceives as fighting Islam. The IMU generally has been unable to operate in Uzbekistan and thus has been more active in Kyrgystan and Tajikistan.

### Activities

The IMU primarily targeted Uzbekistani interests before October 2001 and is believed to have been responsible for five car bombs in Tashkent in February 1999. Militants also took foreigners hostage in 1999 and 2000, including four US citizens who were mountain climbing in August 2000, and four Japanese geologists and eight Kyrgyz soldiers in August 1999. Even though the IMU's rhetoric and ultimate goals may have been focused on Uzbekistan, it was generally more active in Kyrgystan and Tajikistan. In Operation Enduring Freedom, the counterterrorism coalition has captured, killed, and dispersed many of the IMU's militants who were fighting with the Taliban in Afghanistan and severely degraded the movement's ability to attack Uzbekistani or Coalition interests in the near term. IMU military leader Juma Namangani was killed during an air strike in Afghanistan in November 2001. Yoldashev remains at large.

### Strength

Probably fewer than 1,000 militants.

### Location/Area of Operation

Militants are scattered throughout South Asia, Tajikistan, and Iran. Area of operations includes Afghanistan, Iran, Kyrgyzstan, Pakistan, Tajikistan, and Uzbekistan.

### External Aid

Support from other Islamic extremist groups and patrons in the Middle East and Central and South Asia.

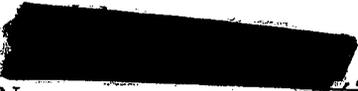
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### Personal Representative Review of the Record of Proceedings

I acknowledge that on 28 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #084.

I have no comments.

My comments are attached.

  
Name MAJOR, USAF

28 OCT 2004  
Date

  
Signature

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

TASBIT VOKHIDOV

Petitioner,

v.

GEORGE W. BUSH,

*et al.*,

Respondents.

Civil Action No. 05-0621 (PLF)

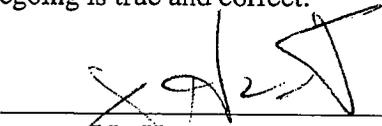
**DECLARATION OF J.L. HUNT**

Pursuant to 28 U.S.C. § 1746, I, Commander J.L. Hunt., 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 Tasbit Vokhidov that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or are redacted. I have redacted information that would personally identify other detainees and certain 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: September 9, 2005

  
\_\_\_\_\_  
J.L. Hunt  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0546

21 DEC 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunals

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 090**

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

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

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

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19 Dec 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 090

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 #7 of 13 Sep 04  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of and actively participated in the Tribunal proceeding. He made a sworn oral statement to the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. Additionally, exhibit R-3 was redacted to protect the identity of the translator.
- d. Exhibits R-3, R-4, R-5, and R-6 contain handwritten notes in the margins. These notes appear to be aids in directing the Tribunal to the source of the information in the Unclassified Summary provided to the detainee. These notes do not alter the evidence nor do they affect the legal sufficiency of the documents.
- e. The detainee requested one witness, a fellow detainee, who was permitted to testify.
- f. The Tribunal's decision that detainee # 090 is properly classified as an enemy combatant was unanimous.
- g. The detainee's Personal Representative was given the opportunity to review the record of proceedings and affirmatively declined to submit comments.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 090

2. The proceedings and decision of the Tribunal as recorded in enclosure (2) 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.



T. A. McPALMER  
CDR, JAGC, USN

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Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #7

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

03 November 2004

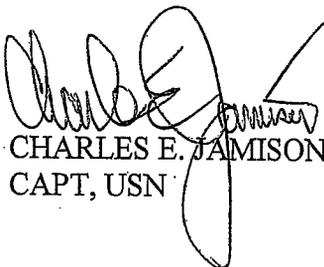
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 090

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:   #7  

(U) ISN#:   090  

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

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee and Witness Testimony (U/~~FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Tribunal President's memo of 6 October 2004 (U)  
(6) (U) Personal Representative's Record Review (U/~~FOUO~~)

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

2. (U) On 28 October 2004, the Tribunal determined by a preponderance of the evidence that Detainee #090 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

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



Colonel, U.S. Army  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #7  
ISN #: \_\_\_\_\_ 090

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The Tribunal commenced this hearing on 28 October 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee is a supporter of the Taliban and/or Al Qaida; the detainee was recruited by the Islamic Movement of Uzbekistan (IMU), a foreign terrorist organization, to work in Tolidara, Tajikistan; the detainee was then transported by helicopter from Tajikistan to Afghanistan in January 2001; the detainee spent time at three offices of the IMU while in Afghanistan; the detainee received training on the Kalashnikov rifle and admitted carrying a Kalashnikov rifle and standing guard duty in Afghanistan; the detainee claims to be an IMU fighter who was expelled from Tajikistan, with other IMU members, by the Tajik government; and, after spending about nine months in Afghanistan, the detainee was captured by General Dostum's Northern Alliance forces in November 2001. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings and responded under oath and with the assistance of his Personal Representative to each of the allegations on the Unclassified Summary of Evidence. In sum, the detainee denied being an IMU fighter or fighting against the United States or its coalition partners. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report.

The detainee also requested that [REDACTED] (ISN # [REDACTED]) be made available to testify on behalf of the detainee. The Tribunal President granted the detainee's request after finding the proffered testimony relevant and the witness

reasonably available (see Enclosure (5) to the CSRT Decision Report). Accordingly, ISN # [REDACTED] testified under oath at the Tribunal proceeding. In sum, he stated that he and the detainee thought they were being recruited to serve in the official Tajikistan army, not the IMU, and that he did not see the detainee in Afghanistan until after they both had been captured by the Northern Alliance. The witness's sworn testimony is summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-11 without comment. The Personal Representative presented no classified evidence and made no comments on the classified exhibits. The Tribunal then closed for deliberations and voting. After considering all of the classified and unclassified evidence, including the detainee's sworn testimony, the Tribunal determined that the detainee is properly classified as an enemy combatant.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

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

b. Sworn testimony of the following persons:

ISN # [REDACTED] – See Enclosure (3) to the CSRT Decision Report.

c. Sworn testimony of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

As noted above in paragraph 2, the detainee requested that ISN # [REDACTED] be made available to testify at the Tribunal hearing. The detainee asserted that ISN # [REDACTED] would testify that the detainee went to Tolidara, Tajikistan, to join the Tajikistan army – not to join the IMU. As noted above, the Tribunal President approved the detainee's witness request and the witness testified at the detainee's Tribunal.

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, the FBI redaction certification, provided no usable evidence. Accordingly, the Tribunal had to look to other evidence to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

b. As noted in paragraph 2, above, the detainee made a sworn statement, with the assistance of his Personal Representative, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Personal Representative and the Tribunal members. In sum, the detainee indicated he did not know he was being recruited for the IMU, but thought he was being recruited for the Tajikistan army. Once he reported to the organization's base in Tajikistan, they took his passport and he could not leave. He was subsequently transported by a Tajikistan government helicopter to Konduz, Afghanistan. He wanted to leave Afghanistan, but the IMU in Kabul would not give him back his passport. They did, however, let him attend a madrassa in Kabul. After five months at the madrassa, where he stood guard duty with a Kalashnikov rifle, a teacher recommended he go to Mazar-e-Sharif, as that was a place from which he could get out of Afghanistan. Three months later, he was captured in Mazar-e-Sharif by Northern Alliance forces. He denied ever being an IMU fighter or fighting anyone. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

c. At the request of the detainee, [REDACTED] (ISN # [REDACTED]) also testified under oath at the hearing. He stated that he and the detainee thought they were being recruited to serve in the official Tajikistan army, not the IMU. He stated he did not know until after he arrived in Afghanistan that he was serving in the IMU. He also stated he arrived in Afghanistan the day after the detainee did, and did not see the detainee again until after they both had been jailed by Northern Alliance forces. The witness's sworn testimony is summarized in Enclosure (3) to the CSRT Decision Report.

The Tribunal found the detainee and the witness's testimony unpersuasive when considered together with the classified evidence. 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

None.

**7. Conclusions of the Tribunal**

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army  
Tribunal President

**Summarized Detainee Statement**

Tribunal President: Sobit, I understand that you have asked for a witness?

Detainee: Yes.

Tribunal President: Your witness is here.

Detainee: Yes, he is in this place.

Tribunal President: We will bring the witness in after we talk to you. We would like to review the allegations on the Unclassified Summary, and then we will ask you questions, and then we will bring in the witness. We will ask the witness questions and then you may ask the witness questions. Do you understand?

Detainee: Yes.

Tribunal President: Sobit, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so.

Detainee: Well, previously I told the Personal Representative, and he can explain everything.

Tribunal President: Okay. Do you want to comment after the Personal Representative makes his responses?

Detainee: Whatever I told him earlier or before the Tribunal, I want him to explain everything.

Tribunal President: Would you like to make a Muslim oath?

Detainee: Yes, I do.

**The Detainee was sworn using the Muslim oath.**

Tribunal President: Personal Representative, would you please assist us with reading the allegations?

Personal Representative: Yes, ma'am.

**3.a. The detainee is a supporter of the Taliban and /or Al Qaida.**

Personal Representative: He said this is not true.

Detainee: Yes.

**3.a.1. The detainee was recruited by the Islamic Movement of Uzbekistan (IMU) to work in Tolidara, Tajikistan.**

Detainee: Yes, I was there.

Personal Representative: Yes, he was not aware that the organization was the Islamic Movement of Uzbekistan.

Detainee: Yes, I didn't know about it.

Personal Representative: He further said that he thought he was going to join the Tajik army as a member.

Detainee: Yes, in Tajikistan.

Personal Representative: And the man who lied to them about this was named [REDACTED]

Detainee: Yes.

Personal Representative: He is not aware of any Uzbekis in Tajikistan.

Detainee: I didn't know.

Personal Representative: Yes, and so when we referred to the Islamic Movement of Uzbekistan, he is not aware of them existing in Tajikistan.

Detainee: Yes, I did not know.

Personal Representative: And there were three people in this group who were lied to.

Detainee: There were three of us.

Personal Representative: Yes, and one of them will be a witness today.

**3.a.2. The State Department lists the IMU as a foreign terrorist organization.**

Personal Representative: He has no knowledge of this organization.

Detainee: When I went there, I did not know, and I was not aware.

Personal Representative: He first heard of the organization when he arrived in Afghanistan.

Detainee: Yes.

**3.a.3. The detainee was then transported by helicopter from Tajikistan to Afghanistan in January 2001.**

Detainee: I did not want to come to Afghanistan.

Personal Representative: Yes, he did not want to go and he did not know what the destination was.

Detainee: Well, they took away our passport, so I was kind of forced to go with them.

Personal Representative: And [REDACTED] was the man who took his passport. Men around [REDACTED] had guns.

Detainee: Yes.

Personal Representative: And it was clear if anyone asked questions, they would be shot.

Detainee: They told me not to ask too many questions. I was asking about my passport and they told me do not ask any more questions.

**3.a.4. The detainee spent time at three offices of the IMU while in Afghanistan.**

Detainee: Yes, I was there.

Personal Representative: And Konduz, Afghanistan was his first stop.

Detainee: Yes.

Personal Representative: And two days later he was taken to Kabul, and that is where he found out about the existence of the IMU.

Detainee: Yes.

Personal Representative: He wanted, but was unable, to leave Afghanistan.

Detainee: Yes.

Personal Representative: The closest he could get to escaping was to go to a madrasa in Kabul.

Detainee: Yes.

Personal Representative: And for 5 months, he tried to plan leaving Afghanistan.

Detainee: Yes. I wanted to run away.

Personal Representative: And the teacher at the madrasa, advised him that Mazir-e-Sharif was the place to go to get out.

Detainee: There was another gentleman that came, and he told me to go with him.

Personal Representative: And he spent 3 months in Mazir-e-Sharif trying to get home.

Detainee: Yes.

Personal Representative: And then that is where he was captured.

Detainee: Yes.

**3.a.5. While in Afghanistan, the detainee received training on the Kalashnikov, and learned how to assemble and disassemble the rifle.**

Detainee: I learned how to use the Kalashnikov in my hometown.

Personal Representative: Yes, he said that all males in the 10<sup>th</sup> grade in Tajikistan took a one-week camp.

Detainee: Yes.

Personal Representative: And part of that training was firing the Kalashnikov rifle.

**3.a.6. The detainee admitted carrying a Kalashnikov rifle and standing guard duty in Afghanistan.**

Detainee: That Kalashnikov did not belong to me, but since I was staying at the madrasa, I had to be a guard for the place.

Personal Representative: And this guarding was not as a soldier.

Detainee: It was only for the security of the madrasa. They told us there were a lot of thieves around the madrasa, so it was just for safety and we never even held the Kalashnikov in our hands. It was hanging by the door.

**3.b.1. The detainee claims to be an IMU fighter who was expelled from Tajikistan, with other IMU members, by the Tajik government.**

Detainee: I never said that I fought for the IMU and I am not part of the IMU. The only thing is I went to the office of the IMU was to get my passport. I did not go for any other reason.

Personal Representative: And he also said that he has never fought against the United States.

Detainee: Never. I never fought against any country.

Personal Representative: And he later learned that it was the Tajik government that provided the helicopter to take him from Tajikistan to Afghanistan.

Detainee: Yes.

**3.a.2. After spending about nine months in Afghanistan, the detainee was captured by General Dostum's Northern Alliance forces in November 2001.**

Detainee: Yes, that's correct.

Personal Representative: He said that was true.

Personal Representative: That summarizes our discussions from the unclassified evidence.

Detainee: Yes.

Tribunal President: Sobit, would like to add anything else to those comments?

Detainee: No, there is nothing.

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

Personal Representative: No, ma'am.

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

Recorder: No, ma'am.

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

Member: Yes, ma'am. Who else were you captured with?

Detainee: When I was captured by the Afghans?

Member: By Afghans. By the Northern Alliance. General Dostum.

Detainee: It was early in the morning. We were in the room. There were three other people, two I did not know, but the other one was a doctor. Somebody knocked on the

door, and I opened it, and this person came and without saying anything, he just said, "Who are you?" I told him I was a Tajik, and then he arrested me.

Member: Did he arrest everyone?

Detainee: I did not see who they arrested because they took me right away and removed me from the room.

Member: Okay. That's all I have right now, ma'am.

Member: Were there any fighters at the madrasa at all?

Detainee: They were very young boys.

Member: So what were you doing at the madrasa?

Detainee: We were learning religion. Islamic lessons.

Member: Weren't you much older than the other people attending the madrasa?

Detainee: Yes, I was older.

Member: Then why did they allow you to stay there?

Detainee: Because I did not know how to do the Islamic prayers. So I went there, I wanted to learn how to do pray. I wanted to learn the Islamic rules and prayers.

Member: Did you ever do any fighting against the Northern Alliance or General Dostum's forces?

Detainee: Prior to my arrest, I'd never seen them. When they arrested me, I came to know who they were. Until they arrested me, I never heard of them before, so I had nothing to do with them.

Member: The person that we are going to have as a witness a little later – how was he captured? Was he captured with you?

Detainee: He was arrested somewhere else.

Member: Was he arrested by General Dostum?

Detainee: I believe so.

Member: And he came to Afghanistan at the same time you did?

Detainee: Almost the same time. Maybe a day or two difference.

Member: So he wasn't on the helicopter with you?

Detainee: No, he was not.

Member: Did you get any type of military training at all in Afghanistan?

Detainee: The only thing they taught me was they showed me how to hold the Kalashnikov and how to fire it. But I knew that, because I learned it in my country.

Member: Who showed you that?

Detainee: It was a man. I don't remember his name.

Member: Was he part of the madrasa, or was he someplace else?

Detainee: I am not really sure if he was studying in the madrasa or not.

Member: So for the three months before you were captured, you were in Mazir-e-Sharif the whole time?

Detainee: Yes, I was.

Member: I have no further questions.

Detainee: Thank you.

Tribunal President: Help me to understand what the madrasa is?

Detainee: It is like a school, where you learn religious education.

Tribunal President: Where did you live while you were attending the madrasa?

Detainee: I was in the madrasa.

Tribunal President: Do you feel like you've ever joined any other organization, like Al Qaida or the Taliban, or any other terrorist organizations?

Detainee: I never heard of Al Qaida before. When I came here, I heard there was an Al Qaida group. In the interrogation, they asked me if I knew about Al Qaida, and I said I don't know. Then the interrogator explained it to me.

Tribunal President: What did you do when you were visiting the IMU offices. At one time, you said you went to get your passport and you went to two other offices. What did you do there?

Detainee: The President of IMU promised that he was going to return my passport, and that why I was waiting there.

Tribunal President: Okay. That was at the Konduz office, or was it at the Kabul office?

Detainee: I spent the night in (inaudible) while going to Kabul, and there was a family, they were Uzbek, who lived there.

Tribunal President: Okay. The question was, you went to each of these offices to try to get your passport. Which office was it that you stayed to get your passport?

Detainee: I went to the offices, but I did not get my passport.

Tribunal President: You said that you were recruited by someone. What was the man's name?

Personal Representative: [REDACTED]

Tribunal President: [REDACTED] What did he say to you to get you to go with him?

Detainee: He took away my passport. He promised me that once everything goes smoothly, we will work for him.

Tribunal President: And at that point you thought you were going to be working for the Tajikistan army?

Detainee: Yes, I was in Tajikistan. I was thinking the same thing.

Personal Representative: As a clarification, [REDACTED] first invited him to join the Tajik army.

Detainee: Yes.

Personal Representative: And then [REDACTED] took his passport and made other promises.

Tribunal President: Okay.

Detainee: Yes.

Tribunal President: Now I understand. Thank you. Do any other Tribunal members have any other questions?

Member: Just one follow-up. Where were you when you learned about the attacks on the buildings in the United States on September 11, 2001?

Detainee: I was in [REDACTED] office.

Member: In what country?

Detainee: Afghanistan.

Member: No further questions.

Detainee: Thank you.

Tribunal President: Personal Representative, do you have any other evidence or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: Yes, ma'am. [REDACTED]

Tribunal President: Okay. We are going to take a brief recess to allow the witness to come in.

**The hearing recessed at 1355. The hearing re-opened at 1400. All parties present prior to recess were again present, together with the witness and two guards.**

Tribunal President: [REDACTED]? Is that correct?

Witness: Yes.

Tribunal President: Do you understand that you are here as a witness for Sobit?

Witness: Yes.

Tribunal President: And that this is not your Tribunal?

Witness: I understand.

Tribunal President: This Tribunal will ask you questions, and also Sobit will ask you questions. And you will be allowed to make any statement that you would like. Do you understand?

Witness: Yes.

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

Recorder: No, ma'am.

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

Personal Representative: Yes, ma'am.

Tribunal President: [REDACTED], would you like to take the Muslim oath?

Witness: Yes.

**The Witness was sworn using the Muslim oath.**

Tribunal President: Thank you. Personal Representative, you may proceed.

Personal Representative: How long have you known Sobit?

Witness: Since I was a child.

Personal Representative: And can you tell us about [REDACTED] and him inviting you to join the Tajik army?

Witness: Yes. We met [REDACTED] at the train, and he offered us a job to work for the Tajik army. So we would work for the Tajik army and we will get a military I. D. and also money. We agreed. That's it.

Personal Representative: And when did you realize that you weren't going to be joining the Tajik army?

Witness: Me, personally, I found out in Afghanistan. In Afghanistan I found out.

Personal Representative: How did you get to Afghanistan?

Witness: Is that question for me or Sobit?

Personal Representative: For you.

Witness: Who's Tribunal is that?

Tribunal President: This is Sobit's Tribunal.

Witness: Okay, I am here as Sobit's witness, so those questions are not relevant to me.

Tribunal President: And you are not compelled to answer these questions, but it may help us to understand Sobit's story.

Witness: Okay, I am a witness for Sobit, not for myself.

Tribunal President: So, do I understand that you do not want to answer that question?

Witness: Okay. Any pertaining to myself, I am not going to answer. But if it is relevant to Sobit's case, I will answer it.

Tribunal President: Personal Representative, do you want to re-word your question?

Personal Representative: Did you travel with Sobit to Afghanistan.

Witness: No.

Personal Representative: Yet you arrived in Afghanistan at about the same time?

Witness: I arrived the next day.

Personal Representative: Did you stay together in Afghanistan?

Witness: We were in jail together.

Personal Representative: Where were you in jail together?

Witness: Sheberghan. There is a jail there.

Personal Representative: That's all I have.

Tribunal President: Do any of the Tribunal members have questions for the witness?

Member: I have one. Were you captured with Sobit?

Witness: No.

Member: No. That's all I have, ma'am.

Member: You found out that you were IMU when you arrived in Afghanistan. Was Sobit also IMU?

Witness: I didn't see Sobit in Afghanistan. I only saw him in jail.

Member: Do you know if he was IMU, like you?

Witness: No, I don't know.

Member: Did you and Sobit try to go back to Tajikistan once you learned that you weren't going to be joining the Tajik army?

Witness: When I found out, I didn't see Sobit anymore.

Member: No further questions.

Tribunal President: When was the last time you saw Sobit?

Witness: Where?

Tribunal President: When was the last time you saw Sobit, before coming here?

Witness: In Tajikistan.

Tribunal President: And where were you at that time?

Witness: In Lajar.

Tribunal President: Is Lajar a city?

Witness: It is a military base where [REDACTED] took us.

Tribunal President: Okay, was [REDACTED] the person that invited or encouraged you and Sobit to join the army?

Witness: Yes.

Tribunal President: And how did you know [REDACTED]?

Witness: We just met him in the train.

Tribunal President: Did you ever see Sobit receive any military training in Tajikistan or Afghanistan?

Witness: No.

Tribunal President: Sobit indicated that his passport was taken away from while he was at the military base. Can you tell me about that story?

Witness: I don't know how he lost his passport or how it got taken from him.

Tribunal President: Was your passport taken away from you while you were at the military base?

Witness: Yes.

Tribunal President: Do you why they took your passport away from you?

Witness: They told us that when basic training is over, we will return your passport.

Tribunal President: What type of training did you and Sobit receive while you were at the military base?

Witness: We did not have any training.

Tribunal President: How long were you there at the military base?

Witness: Two weeks.

Tribunal President: What did you do for the two weeks that you were there?

Witness: Who?

Tribunal President: You and Sobit.

Witness: I did not understand the question.

Tribunal President: What did you and Sobit do for the two weeks you were at the military base?

Witness: Just work.

Tribunal President: What type of work did you do?

Witness: I collected wood.

Tribunal President: Collecting what?

Witness: Wood. Fire wood.

Tribunal President: Sobit, was that part of military training to collect wood?

Detainee: No, I did not collect wood.

Tribunal President: What did you do the two weeks you were there?

Detainee: There was wood in the house and we would break them to burn it in the fire.

Tribunal President: Sobit, would you like to ask your witness any questions?

Detainee: No, I do not.

Tribunal President: Do any Tribunal members have any questions.

Members: No, ma'am.

Tribunal President: We will take a brief recess while the witness is taken out of the room.

**The hearing recessed at 1415. The hearing re-opened at 1422. All parties present prior to recess were again present. The witness and the two guards are now absent.**

Tribunal President: Sobit, do you have anything else that you would like to add?

Detainee: No, thank you. I do not.

Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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



Colonel, U.S. Army  
Tribunal President

Detainee Election Form

Date/Time: 2 SEP 04

Start/End Time: 0940-1115

ISN#: 090

Personal Representative:  
[Name/Rank]

Lt Col



Translator Required? YES

Language? Russian / Tajik is better

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

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Detainee Election:

Wants to Participate in Tribunal

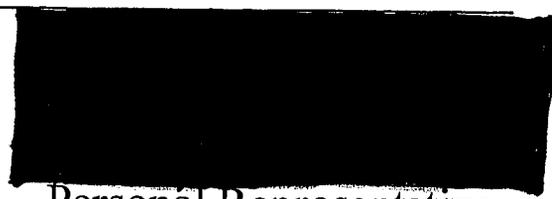
Affirmatively Declines to Participate in Tribunal

Uncooperative or Unresponsive

Personal Representative Comments:

has a witness: Polite & calm.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Personal Representative

Unclassified

**Combatant Status Review Board**

31 August 2004

TO: Personal Representative

FROM: OIC, CSRT

Subject: Summary of Evidence for Combatant Status Review Tribunal – Vakhidov, Sobit Abdumukit Valikhonovich

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 supporter of the Taliban and/or al-Qaida.

a. The detainee is a supporter of the Taliban and/or al-Qaida:

1. The detainee was recruited by the Islamic Movement of Uzbekistan (IMU) to work in Tolidara, Tajikistan.

2. The State Department lists the IMU as a foreign terrorist organization.

3. The detainee was then transported by helicopter from Tajikistan to Afghanistan in January 2001.

4. The detainee spent time at three (3) offices of the IMU while in Afghanistan.

5. While in Afghanistan, the detainee received training on the Kalashnikov, and learned how to assemble and disassemble the rifle.

6. The detainee admitted carrying a Kalashnikov rifle and standing guard duty in Afghanistan.

b. The detainee participated in military operations against the coalition.

1. The detainee claims to be an IMU fighter who was expelled from Tajikistan, with other IMU members, by the Tajik government.

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2. After spending about nine (9) months in Afghanistan, the detainee was captured by General Dostum's Northern Alliance forces in November 01.

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

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 6, 2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN 090

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

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

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

<sup>1</sup>Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

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

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**MEMO FOR RECORD**  
**TO: PR #44**  
**FROM: TRIBUNAL # 6**

6 October 2004

**SUBJECT: ISN # 090 Request For Witnesses/Documents**

The Tribunal reviewed the request from Detainee #090 to contact Detainee # [REDACTED] to have him appear at the Tribunal as a witness. The Detainee indicated Detainee # [REDACTED] would testify that Detainee #090 went to Tolidara, Tajikistan to join the Tajikistan Army, not to join the Islamic Movement of Uzbekistan (IMU), a foreign terrorist organization.

The Tribunal has determined Detainee #090 witness request is deemed relevant, reasonable and is approved.

[REDACTED]  
COL, USA,  
Tribunal President

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Enclosure (5)

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 29 October 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #090.

I have no comments.

My comments are attached.

  
Name

29 OCT 04  
Date

  
Signature

ISN #090  
Enclosure (6)