





Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0 5 7 5  
10 JAN 2005

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 102**

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

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

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
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23 Dec 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 102Ref: (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 #21 of 16 November 2004  
(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process. At the initial interview with his Personal Representative in Guantanamo Bay, Cuba, the detainee elected to participate in the Tribunal. At a follow-up interview, however, the detainee changed his mind and voluntarily elected not to participate. The detainee requested that his Personal Representative present certain information to the Tribunal on his behalf. A letter from the Guantanamo Bay, Cuba, Personal Representative to the Tribunal reflecting the detainee's elections is attached as exhibit D-b. Accordingly, the Tribunal was held *in absentia* outside Guantanamo Bay with a new Personal Representative that was familiar with the detainee's file. This Personal Representative had the same access to information, evidence, and witnesses as the Personal Representative from Guantanamo Bay, Cuba. The Personal Representative presented the information requested by the detainee as exhibit D-c.

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

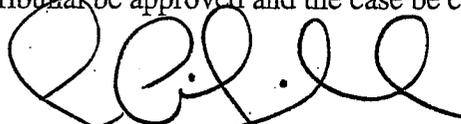
c. The Tribunal substantially complied with all provisions of references (a) and (b). The FBI provided two letters certifying that their interrogation reports of 23 May 2002 and 19 July 2003 have been redacted and that the redacted information would not support a determination that the detainee is not an enemy combatant. These documents appear in the Tribunal Decision Report as exhibits R-7 and R-16, respectively. These exhibits do not contain any redactions whatsoever. This indicates that the exhibits as used by the Tribunal were not what the FBI intended for the Tribunal to see. Since there is no way to "un-ring the bell," I have not altered exhibits R-7 or R-16 in any way. Before any further dissemination of these documents, however, they will have to be cleared through FBI.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 102

Additionally, some information in exhibit R-12 was redacted. JTF-GTMO intelligence personnel redacted the information, but there is no certification from them that the withheld information would not support a determination that the detainee is not an enemy combatant. This is an error that the Recorder and Tribunal members should have corrected. Each of the redactions contains a note that the redacted information pertains to sources and methods of intelligence collection. This tends to indicate that the redacted information would not support a determination that the detainee is not an enemy combatant.

- d. The detainee requested no witnesses or other evidence.
  - e. The Tribunal's decision that detainee # 102 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

16 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #21

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

[REDACTED], Major, U.S. Air Force Reserve; Member (JAG)

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

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

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

(U) TRIBUNAL PANEL:   21  

(U) ISN#:   102  

Ref: (a) (U) Convening Order for Tribunal #21 dated 16 November 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Copies of Documentary Evidence Presented (S/NF)  
(4) (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 23 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #102 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is associated with Taliban forces, as more fully discussed in the enclosures.

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

  
\_\_\_\_\_, Col, USAF  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:           #21            
ISN #:           102          

**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 associated with Taliban forces. 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 conducted the proceeding on 22 November 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. It indicates, among other things, that the detainee: traveled from Turkistan in September 2000, through Kyrgyzstan and Pakistan, to Kabul, Afghanistan for an Eastern Turkestan Islamic Movement (ETIM) meeting; was a member of ETIM, which is listed on the Secretary of State's Terrorist Exclusion list; was closely associated with [REDACTED] (aka [REDACTED]), who is the leader of ETIM; was given instruction on an AK-47; and was arrested in November 2001 near Mazar-e-Sharif, Afghanistan by Northern Alliance troops. After the Tribunal read all of the classified exhibits, the Tribunal requested additional information and recessed in order to allow the Recorder to gather that information. The Tribunal reconvened on 23 November 2004, where the Recorder presented additional evidence. Although there was no substantive evidence presented during the unclassified portion of the Tribunal, the classified exhibits supported most of the assertions on Exhibit R-1, the Unclassified Summary of Evidence.

The Recorder called no witnesses, but did introduce classified evidence (Exhibits R-6 through R-17) during the first closed session of the Tribunal. The Recorder introduced classified Exhibits 18 and 19 during the second closed session of the Tribunal. The detainee chose not to participate in the Tribunal process as reflected in the Detainee Election Form (Exhibit D-a) and the Guantanamo Bay Personal Representative affidavit (Exhibit D-b). Although there was no substantive evidence presented during the unclassified portion of the Tribunal, the classified exhibits supported most of the assertions on the Unclassified Summary of Evidence, and established that the detainee was associated with Taliban forces.

### 3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-19 and D-a through D-c
- b. Testimony of the following persons: None.
- c. Statement of the detainee: As contained in D-c.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

### 5. Discussion of Unclassified Evidence

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

The Recorder offered Exhibit R-1, the Unclassified Summary of Evidence, into evidence during the unclassified portion of the proceeding. As noted above, it indicates, among other things, that the detainee: traveled from Turkistan to Kabul, Afghanistan in September 2000 for an Eastern Turkestan Islamic Movement (ETIM) meeting; was a member of ETIM; was closely associated with [REDACTED], the leader of ETIM; was given instruction on an AK-47; and was arrested in November 2001 near Mazar-e-Sharif, Afghanistan by Northern Alliance troops.

The Tribunal also relied on certain classified evidence in reaching its decision. The Recorder presented Exhibits R-6 through R-17 during the classified portion of the Tribunal. After the Tribunal read all of the classified exhibits, the Tribunal requested additional information and recessed in order to allow the Recorder to gather the information. The Tribunal reconvened on 23 November 2004, where the Recorder presented Exhibits R-18 and R-19. All exhibits were reviewed by the Personal Representative prior to being presented to the Tribunal. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

### 6. Consultations with the CSRT Legal Advisor

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

## 7. Conclusions of the Tribunal

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee chose not to participate in the Tribunal process, as indicated in Exhibits D-a and D-c.
- c. The detainee is properly classified as an enemy combatant and is associated with Taliban forces.

## 8. Dissenting Tribunal Member's report

The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Air Force  
Tribunal President

DETAINEE ELECTION FORMDate: 12 November 2004Start Time: 1330 hrsEnd Time: 1440 hrsISN#: 0102Personal Representative: [REDACTED] USAF  
(Name/Rank)Translator Required? YES Language? UighurCSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES**Detainee Election:**

- ~~Wants to Participate in Tribunal~~ (12 Nov 04 entry)
- Affirmatively Declines to Participate in Tribunal (16 Nov 04 after follow-up/final interview)**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

Based on a follow-up/final interview conducted on 16 Nov 04, detainee has elected not to participate in the Tribunal; instead, he desires that PR present his responses. His sudden change of mind seems to have resulted from UNCLAS exhibit R-3 that describes in detail the terrorist group ETIM and its alleged ties to UBL and Al Qaeda/Taliban. Although detainee adamantly denied having knowledge of these ties, the contents of the exhibit obviously changed his mind. Detainee has previously professed to being a member of ETIM, but not a terrorist. Bottom line: he convinced himself that the information about this group would only hurt his chances at the Tribunal. PR is attempting to ascertain the source of said document, which is a paragraph, typed in MS Word. FOLLOWING IS THE ORIGINAL ELECTION FORM dated 12 Nov 04: Detainee desires to participate in the Tribunal. There are neither witnesses nor documentary evidence to present. However, PR requires a follow-up prior to the tribunal. Please schedule for early next week. Thank You.

Personal Representative: [REDACTED]

Exhibit: D-a

An initial interview was held with detainee Mohammad Nag (ISN 0102) on 12 Nov 04

[REDACTED] The detainee spoke the language of the linguist and understood the linguist.

[REDACTED] The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.

[REDACTED] The detainee was advised that I am not an attorney nor his advocate, but will assist him in the CSRT process if he chooses to participate.

[REDACTED] The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.

[REDACTED] The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.

[REDACTED] The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.

[REDACTED] The detainee confirmed that he understood the process as explained to him and did not have any questions.

[REDACTED] The detainee affirmatively chose not to participate in the CSRT process but requested that I present the following information on his behalf: (see attached PR Notes from ISN 0102 Interviews).

I affirm that the information above is complete and accurate to the best of my knowledge.

[REDACTED]  
Major, USAF  
Personal Representative [REDACTED]

16 NOV 04  
DATE

PERSONAL REPRESENTATIVE NOTES FROM ISN 0102 INTERVIEWS

PR:	[REDACTED]
3 or 4 digit ISN:	0102
Date:	12 Nov 04
Start Time:	1330
End Time:	1440

PR NOTES FROM INITIAL INTERVIEW WITH DETAINEE 0102 (Nag Mohammed)

During the initial interview on 12 Nov 04, detainee elected to participate in the Tribunal and take the Muslim Oath. He had no witnesses or documentary evidence. Detainee responded to the Unclassified Evidence in the following manner (See Summary of Evidence for CSRT – MOHAMMED, Nag, dated 5 Nov 04):

- Para 3a1 – 3a3: Detainee asked when the Eastern Turkestan Islamic Movement (ETIM) was identified as a terrorist organization and that he had no knowledge of this fact.
- Para 3a4 – 3a5: Detainee stated that he was not “closely associated with [REDACTED]” and that he had only saw him [REDACTED] on one occasion.
- Para 3a6: Regarding “given instruction on an AK-47,” detainee stated that he did not get instruction on an AK-47 and that he only saw an AK-47. He further stated that there is a big difference in being given instruction and only seeing the rifle.
- Para 3a7 – 3a8: Yes he was arrested near Mazar-e-Sharif; however detainee stated that he did not participate in the M-E-S prison uprising. In fact, detainee was in an inside room when the chaos erupted on the outside. He asked if the US was claiming that he **participated** just because he was **present** at the prison. Detainee denied any participation in the prison uprising.
- GENERAL COMMENTS: Detainee stated that he had no intentions of fighting against the US government or its allies, nor did he fight against or kill any Americans. He claimed that he did not support the Taliban against the US and its coalition partners (para 3a). He found the allegations disturbing and denied having any knowledge of ETIM being on the Terrorist Exclusion list.

During the follow-up/final interview (16 Nov 04), detainee became alarmed and seemed a bit upset when the PR read UNCLAS exhibit R-5 (the exhibit highlights the extent of ETIMs terrorist goals and associations with Usama Bin Laden). The detainee stated that the people on the Tribunal might now accuse him of the items in this exhibit and he would be in a worse situation if he attended the tribunal. PR explained that the exhibit highlights the scope of the ETIM organization and because the exhibit is unclassified the detainee is allowed to review it prior to his tribunal. PR further explained that these (contents of exhibit) are not charges against the detainee. However, the detainee elected not to participate in his tribunal.

[REDACTED], Major, USAF  
Personal Representative # [REDACTED]

## Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (05 November 2004)

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

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

The detainee supported the Taliban against the United States and its coalition partners:

1. In late September 2000, the detainee traveled from Turkistan, through Kyrgyzstan and Pakistan, to Kabul, Afghanistan for an Eastern Turkestan Islamic Movement (ETIM) meeting.
  2. The detainee was a member of the ETIM.
  3. ETIM is listed on the Secretary of State's Terrorist Exclusion list.
  4. The detainee was closely associated with [REDACTED] a.k.a. [REDACTED]
  5. [REDACTED] is the leader of the ETIM.
  6. The detainee was given instruction on an AK-47 at the Kartisi, Afghanistan guesthouse.
  7. The detainee was arrested near Mazar-e-Sharif, Afghanistan by Northern Alliance troops in November 2001.
  8. The detainee participated in the Mazar-e-Sharif prison uprising.
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.



To : Department of Defense Date 11/04/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Charles Jamison, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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 102 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/23/02

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

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

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Memorandum from [REDACTED] to Capt. Charles Jamison  
Re: REQUEST FOR REDACTION, 11/04/2004

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

[REDACTED] IA [REDACTED]

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To : Department of Defense Date 11/12/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Charles Jamison, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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.102 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/19/03

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

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

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<http://usembassy-australia.state.gov/hyper/2004/0521/epf505.htm>

## Washington File

\*EPF505 05/21/2004

Fact Sheet: Terrorist Exclusion List Authorized by USA Patriot Act  
(Secretary of state, attorney general collaborate on designations) (1660)

The Terrorist Exclusion List (TEL) was created by the USA Patriot Act of 2001, according to a State Department fact sheet released May 21 by the Office of Counterterrorism.

The secretary of state, in consultation with the attorney general, has the authority to identify terrorist groups that may be excluded from immigrating to the United States or who may be asked to leave the country. This could include any groups that have planned or carried out terrorism, have incited others to do so, or have provided any kind of material support.

The purpose of designating terrorist groups, says the fact sheet, is to deter financial aid to them, heighten public awareness of them, alert other governments to U.S. concerns about them, and stigmatize and isolate them.

Ten new groups were added to the TEL on April 29.

The names of new designees are published routinely in the Federal Register.

Following is the text of the State Department fact sheet:

(begin fact sheet)

U.S. Department of State

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Exhibit <sup>704</sup> Re 4

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Office of Counterterrorism

Washington, D.C.

May 21, 2004

## FACT SHEET

### Terrorist Exclusion List

Section 411 of the USA Patriot Act of 2001 (8 U.S.C. § 1182) authorized the Secretary of State, in consultation with or upon the request of the Attorney General, to designate terrorist organizations for immigration purposes. This authority is known as the Terrorist Exclusion List (TEL) authority. A TEL designation bolsters homeland security efforts by facilitating the U.S. government's ability to exclude aliens associated with entities on the TEL from entering the United States.

### Designation Criteria

An organization can be placed on the TEL if the Secretary of State finds that the organization:

- commits or incites to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;
- prepares or plans a terrorist activity;
- gathers information on potential targets for terrorist activity; or
- provides material support to further terrorist activity.

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Under the statute, terrorist activity means any activity that is unlawful under U.S. law or the laws of the place where it was committed and involves: hijacking or sabotage of an aircraft, vessel, vehicle or other conveyance; hostage taking; a violent attack on an internationally protected person; assassination; or the use of any biological agent, chemical agent, nuclear weapon or device, or explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property. The definition also captures any threat, attempt, or conspiracy to do any of these activities.

#### Designation Process

The Secretary of State is authorized to designate groups as TEL organizations in consultation with, or upon the request of the Attorney General. Once an organization of concern is identified, or a request is received from the Attorney General to designate a particular organization, the State Department works closely with the Department of Justice and the intelligence community to prepare a detailed administrative record, which is a compilation of information, typically including both classified and open-sources information, demonstrating that the statutory criteria for designation have been satisfied. Once completed, the administrative record is sent to the Secretary of State, who decides whether to designate the organization. Notices of designations are published in the Federal Register.

#### Effects of Designation

#### Legal Ramifications

Individual aliens providing support to or associated with TEL-designated organizations may be found inadmissible to the United States, i.e., such aliens

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may be prevented from entering the United States or, if already in U.S. territory, may in certain circumstances be deported. Examples of activity that may render an alien inadmissible as a result of an organization's TEL designation include:

- membership in a TEL-designated organization;
- use of the alien's position of prominence within any country to persuade others to support an organization on the TEL list;
- solicitation of funds or other things of value for an organization on the TEL list;
- solicitation of any individual for membership in an organization on the TEL list;
- and
- commission of an act that the alien knows, or reasonably should have known, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material for financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training to an organization on the TEL list.

(It should be noted that individual aliens may also found inadmissible on the basis of other types of terrorist activity unrelated to TEL-designated organizations; see 8 U.S.C. §1182(a)(3)(B).)

#### Other Effects

1. Deters donation or contributions to named organizations.
2. Heightens public awareness and knowledge of terrorist organizations.

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3. Alerts other governments to U.S. concerns about organizations engaged in terrorist activities.
4. Stigmatizes and isolates designated terrorist organizations.

#### Background

Secretary of State Colin Powell, in consultation with the Attorney General, designated the following organizations, thereby placing them on the Terrorist Exclusion List (TEL). Ten groups were added to the TEL on April 29, 2004.

#### Terrorist Exclusion List Designees (alphabetical listing)

- Afghan Support Committee (also known as [a.k.a.] Ahya ul Turas; a.k.a. Jamiat Ayat-ur-Rhas al Islamia; a.k.a. Jamiat Ihya ul Turath al Islamia; a.k.a. Lajnat el Masa Eidatul Afghania)
- Al Taqwa Trade, Property and Industry Company Ltd. (formerly known as [f.k.a.] Al Taqwa Trade, Property and Industry; f.k.a. Al Taqwa Trade, Property and Industry Establishment; f.k.a. Himmat Establishment; a.k.a. Waldenberg, AG)
- Al-Hamati Sweets Bakeries
- Al-Ittihad al-Islami (AIAI)
- Al-Ma unah
- Al-Nur Honey Center

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- Al-Rashid Trust
- Al-Shifa Honey Press for Industry and Commerce
- Al-Wafa al-Igatha al-Islamia (a.k.a. Wafa Humanitarian Organization; a.k.a. Al Wafa; a.k.a. Al Wafa Organization)
- Alex Boncayao Brigade (ABB)
- Anarchist Faction for Overthrow
- Army for the Liberation of Rwanda (ALIR) (a.k.a. Interahamwe, Former Armed Forces (EX-FAR))
- Asbat al-Ansar
- Babbar Khalsa International
- Bank Al Taqwa Ltd. (a.k.a. Al Taqwa Bank; a.k.a. Bank Al Taqwa)
- Black Star
- Communist Party of Nepal (Maoist) (a.k.a. CPN(M); a.k.a. the United Revolutionary Peoples Council, a.k.a. the People s Liberation Army of Nepal)
- Continuity Irish Republican Army (CIRA) (a.k.a. Continuity Army Council)
- Darkazanli Company
- Dhamat Houmet Daawa Salafia (a.k.a. Group Protectors of Salafist Preaching;

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a.k.a. Houmat Ed Daawa Es Salafiya; a.k.a. Katibat El Ahoual; a.k.a. Protectors of the Salafist Predication; a.k.a. El-Ahoual Battalion; a.k.a. Katibat El Ahouel; a.k.a. Houmate Ed-Daawa Es-Salafia; a.k.a. the Horror Squadron; a.k.a. Djamaat Houmat Eddawa Essalafia; a.k.a. Djamaatt Houmat Ed Daawa Es Salafiya; a.k.a. Salafist Call Protectors; a.k.a. Djamaat Houmat Ed Daawa Es Salafiya; a.k.a. Houmate el Da awaa es-Salafiyya; a.k.a. Protectors of the Salafist Call; a.k.a. Houmat ed-Daaoua es-Salafia; a.k.a. Group of Supporters of the Salafiste Trend; a.k.a. Group of Supporters of the Salafist Trend)

-- ~~Eastern Turkistan Islamic Movement (a.k.a. Eastern Turkistan Islamic Party, a.k.a. ETIM, a.k.a. ETIP)~~

-- First of October Antifascist Resistance Group (GRAPO) (a.k.a. Grupo de Resistencia Anti-Fascista Premero De Octubre)

-- Harakat ul Jihad i Islami (HUJI)

-- International Sikh Youth Federation

-- Islamic Army of Aden

-- Islamic Renewal and Reform Organization

-- Jamiat al-Ta awun al-Islamiyya

-- Jamiat ul-Mujahideen (JUM)

-- Japanese Red Army (JRA)

-- Jaysh-e-Mohammed

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- Jayshullah
- Jerusalem Warriors
- Lashkar-e-Tayyiba (LET) (a.k.a. Army of the Righteous)
- Libyan Islamic Fighting Group
- Loyalist Volunteer Force (LVF)
- Makhtab al-Khidmat
- Moroccan Islamic Combatant Group (a.k.a. GICM; a.k.a. Groupe Islamique Combattant Marocain)
- Nada Management Organization (f.k.a. Al Taqwa Management Organization SA)
- New People's Army (NPA)
- Orange Volunteers (OV)
- People Against Gangsterism and Drugs (PAGAD)
- Red Brigades-Combatant Communist Party (BR-PCC)
- Red Hand Defenders (RHD)
- Revival of Islamic Heritage Society (Pakistan and Afghanistan offices -- Kuwait)

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office not designated) (a.k.a. Jamia Ihya ul Turath; a.k.a. Jamiat Ihia Al-Turath Al-Islamiya; a.k.a. Revival of Islamic Society Heritage on the African Continent)

-- Revolutionary Proletarian Nucleus

-- Revolutionary United Front (RUF)

-- Salafist Group for Call and Combat (GSPC)

-- The Allied Democratic Forces (ADF)

-- The Islamic International Brigade (a.k.a. International Battalion, a.k.a. Islamic Peacekeeping International Brigade, a.k.a. Peacekeeping Battalion, a.k.a. The International Brigade, a.k.a. The Islamic Peacekeeping Army, a.k.a. The Islamic Peacekeeping Brigade)

-- The Lord's Resistance Army (LRA)

-- The Pentagon Gang

-- The Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (a.k.a. Riyadus-Salikhin Reconnaissance and Sabotage Battalion, a.k.a. Riyadh-as-Saliheen, a.k.a. the Sabotage and Military Surveillance Group of the Riyadh al-Salihin Martyrs, a.k.a. Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Shahids (Martyrs))

-- The Special Purpose Islamic Regiment (a.k.a. the Islamic Special Purpose Regiment, a.k.a. the al-Jihad-Fisi-Sabilillah Special Islamic Regiment, a.k.a. Islamic Regiment of Special Meaning)

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**UNCLASSIFIED**

- Tunisian Combat Group (a.k.a. GCT, a.k.a. Groupe Combattant Tunisien, a.k.a. Jama a Combattante Tunisien, a.k.a. JCT; a.k.a. Tunisian Combatant Group)
  
- Turkish Hizballah
  
- Ulster Defense Association (a.k.a. Ulster Freedom Fighters)
  
- Ummah Tameer E-Nau (UTN) (a.k.a. Foundation for Construction; a.k.a. Nation Building; a.k.a. Reconstruction Foundation; a.k.a. Reconstruction of the Islamic Community; a.k.a. Reconstruction of the Muslim Ummah; a.k.a. Ummah Tameer I-Nau; a.k.a. Ummah Tameer E-Nau; a.k.a. Ummah Tameer-I-Pau)
  
- Youssef M. Nada & Co. Gesellschaft M.B.H.

(end fact sheet)

(Distributed by the Bureau of International Information Programs, U.S. Department of State. Web site: <http://usinfo.state.gov>)

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The ETIM is sometimes referred to as the Sharq (East) Turkistan Islamic Partiyisa (STIP). STIP (ETIM) is an Islamic based terrorist group that has allegedly been responsible for over 200 terrorist incidents over the last dozen years or so in the Xinjiang Uygur Autonomous Region of China. It is based in Xinjiang, DP's home region. The East Turkistan terrorists, interested in creating an Islamic state, openly declare that they will create a terrorist atmosphere at kindergartens, hospitals and schools at any cost and are keen at directing explosions at innocent people in order to further that aim. STIP has established at least a dozen secret training bases in the Xinjiang region. Moreover, STIP is closely connected to international terrorist forces, including al Qaeda and the Taliban. The STIP is recognized as an important part of UBL's South Asia terrorist forces. In fact, the STIP, which is headed by [REDACTED], is supported and directed by UBL. It has been reported that in early 1999, UBL met with [REDACTED] to coordinate movements with the Uzbekistan Islamic Liberation Movement and the Taliban and promised financial aid to the group. In February 2001, UBL and Taliban leaders reportedly met in Kandahar to discuss the training of East Turkistan terrorists and decided to allocate a large sum of money for training and the funding of terrorist operations. Al Qaeda, the Taliban and the Uzbekistan Islamic Liberation Movement have reportedly offered a great deal of arms, ammunition, means of transportation and telecommunications equipment to STIP in furtherance of their operations. Finally, al Qaeda has directly trained STIP forces in its training camps in Afghanistan, specifically in Kandahar, Mazar-e-Sharif, and other places. "East Turkistan Forces Cannot Get Away with Impunity," Information Office of the State Council, 21 January 2002, at 1-10, or see the same at "<http://china-botschaft.de/ger/24224.html>."

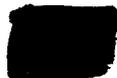
Page 1 of 1

**UNCLASSIFIED**

Exhibit R725

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 23 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #102.

 I have no comments.

My comments are attached.



Name

23 Nov 04  
Date



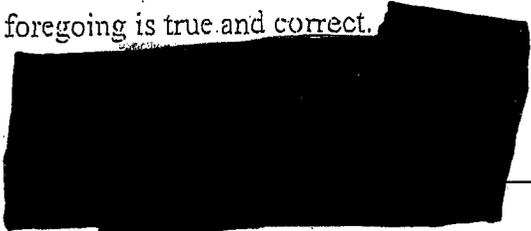
Signature



the redacted information does not support a determination that petitioner Nag Mohammed is not an enemy combatant.

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

Dated: 12/21/05



Assistant General Counsel  
Office of the General Counsel  
Federal Bureau of Investigation

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ARKINA AMAHMUD )

Petitioner, )

v. )

Civil Action No. 05-1704 (JR)

GEORGE W. BUSH, )

*et al.*, )

Respondents. )

**DECLARATION OF JOSEPH S. IMBURGIA**

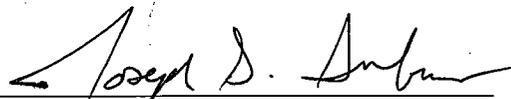
Pursuant to 28 U.S.C. § 1746, I, Major Joseph S. Imburgia, Judge Advocate General's Corps, United States Air Force, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Assistant 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 Arkina Amahmud 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. An OARDEC staff member has redacted information that would personally identify other detainees and certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: 20 Sep 05



Joseph S. Imburgia  
MAJ, JAGC, USAF



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 754  
23 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 103

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 #103 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~~

18 Jan 05

## MEMORANDUM

From: Assistant Legal Advisor

To: Director, Combatant Status Review Tribunal

Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN #103

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

Encl: (1) Appointing Order for Tribunal #15 of 12 Oct 2004  
(2) Record of Tribunal Proceedings

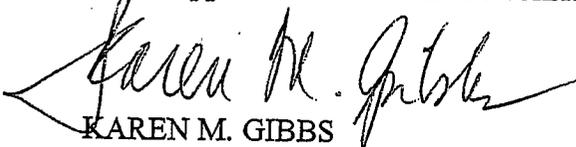
1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and elected to participate in the CSRT. The detainee attended the CSRT, and requested that his personal representative make an unsworn statement on the detainee's behalf, which consisted of the detainee's responses to the summary of evidence set forth in Exhibit R-1. See Enclosure (3) to Encl.(2). In addition, the detainee made a brief statement after the personal representative provided this evidence on detainee's behalf.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. Note that some information in Exhibits R-4 and R-6 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.
- e. The detainee did not request that any witnesses or evidence be produced.
- f. The Tribunal's decision that detainee #103 is properly classified as an enemy combatant was unanimous.
- g. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 103

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.

  
KAREN M. GIBBS  
CDR, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

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

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

MEMBERS:

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

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

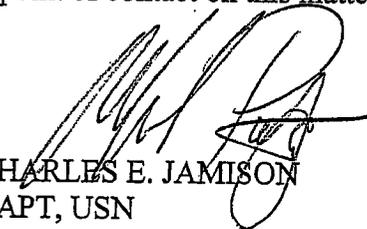
27 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 103

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

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

FOR   
CHARLES E. JAMISON  
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

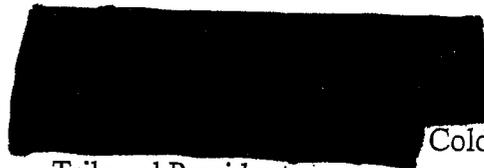
(U) TRIBUNAL PANEL:   #15  

(U) ISN#:   103  

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

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

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 17 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #103 is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, the East Turkistan Islamic Movement (ETIM) and Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, USAF

Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL:       #15      ISN #:       103      **1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee traveled from China to Afghanistan from August to September 2001. The detainee stayed in Kabul during the U.S. bombing campaign. The detainee traveled with an individual who may be involved with the East Turkistan Islamic Party (ETIP) also known as the East Turkistan Islamic Movement (ETIM). The detainee fled Kabul to Konduz, Afghanistan and was captured by the Northern Alliance in Mazar-E-Sharif. The detainee chose to participate in the Tribunal process. He called no witnesses. He did not request any documents be produced. The detainee requested the Personal Representative provide the Tribunal his responses to the unclassified summary of evidence and he made a short statement. 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-15.
- b. Testimony of the following persons: none.
- c. Unsworn statement of the detainee.

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

The Detainee requested no witnesses. No rulings were required.

The Detainee requested no additional evidence be produced. No rulings 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, R-2 and 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. Exhibit R-3 is an abbreviated copy of an US Department of Homeland Security document entitled "Terrorist Organization Reference Guide" which provided information on the East Turkistan Islamic Movement (ETIM). Accordingly, the Tribunal had to look primarily to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsworn statement and the Personal Representative's notes from prior interviews with the detainee. A summarized transcript of the PR's statement and the detainee's remarks during the tribunal is attached as CSRT Decision Report Enclosure (3). In sum, the detainee affirmed most of the unclassified evidence, but had no knowledge of an individual he traveled with who may be involved with the ETIM. He also said he had no knowledge of ETIM being listed as a terrorist organization.

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

## 6. Consultations with the CSRT Legal Advisor

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

## 7. Conclusions of the Tribunal

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

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

b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing. He indicated that he understood the proceedings, fully participated in his hearing, asked relevant questions, and provided helpful information during the statements provided by his Personal Representative.

c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Eastern Turkistan Islamic Movement (ETIM) and Taliban.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

Colonel, USAF

Tribunal President

Summarized Unsworn Detainee Statement

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

*The Recorder presented Exhibits R-2 and R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).*

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

*The Detainee did not want to take part of the tribunal process.*

The Tribunal President has two clarifying questions in reference to the Detainee Election Form.

1. It states that the detainee did not request any documentary evidence; there is a reply that says yes. Please clarify that remark.

Personal Representative: Sir, he did not want any documents, he had no documents that he needed to be read to the Tribunal Members.

Tribunal President: I understand.

2. There is a statement regarding that; the detainee refused to acknowledge Personal Representative or respond. The remark here is No.

Personal Representative: Sir, the detainee did respond appropriately and did ask questions and identified each of the allegations.

Tribunal President: Very well. He did not request any documents, and he acknowledged your presence and your offer of assistance. Also from the detainee election form I understand he did not request any witnesses. Is that correct?

Personal Representative: Yes, Sir.

*The detainee wants the Personal Representative to read his statements of each of the allegations on behalf of the detainee; He had given answers to the allegations at a previous interview to the Personal Representative. The allegations appear in italics, below.*

*3.a.1. The detainee traveled from China in August 2001 and arrived in Afghanistan in September 2001.*

Personal Representative: True.

3.a.2. *The detainee stayed at a guesthouse in Kabul, Afghanistan for approximately six weeks.*

Personal Representative: Yes.

3.a.3. *The detainee was in Afghanistan when the U.S. bombing campaign began.*

Personal Representative: Yes.

3.a.4. *The detainee traveled with an individual who may be involved with the East Turkistan Islamic Party (ETIP) aka East Turkistan Islamic Movement (ETIM).*

Personal Representative: It's possible; I cannot say anything about that.

3.a.5. *The East Turkistan Islamic Movement is listed in the U.S. Department of Homeland Security, Terrorist Organization Reference Guide, as being one of the most militant groups, and has with ties to al Qaida.*

Personal Representative: I don't know.

3.a.6. *The detainee fled from Kabul to Kandus, Afghanistan when the U.S. bombing campaign started.*

Personal Representative: Yes.

3.a.7. *The detainee was captured by the Northern Alliance in Mazar-E-Sheriff.*

Personal Representative: I don't know if I was at Mazar-E-Sheriff or captured by northern alliance. It was with a lot of other people.

3.a.8. *The detainee was present during a Mazar-E-Sheriff prison uprising.*

Personal Representative: Yes, True.

Tribunal President: Arkin Mahmud do you have any comments regarding what the Personal Representative provided to us.

Detainee: I have no more comments, that is good enough evidence, which my Personal Representative already presented. What I wanted to do was go to Afghanistan to look for my brothers. I wanted the US Court system or US Judges to determine my case, they have to come up with, if I am innocent or not. If I am guilty they should come up with my punishment or what ever I deserve to serve time, I will do that. Other wise do something faster to finish my case. I would like the results as soon as possible.

Tribunal President: Were the statements the Personal Representative provided to us about your earlier statements accurate?

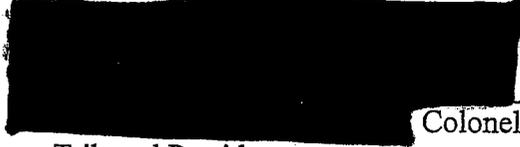
Detainee: Yes, that's accurate.

*The Personal Representative and the Recorder had no further questions.*

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

AUTHENTICATION

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

 \_\_\_\_\_  
Colonel, USAF

Tribunal President

**DETAINEE ELECTION FORM**

Date: 15 Nov 04

Start Time: 1300

End Time: 1400

ISN#: 103

Personal Representative:  MAJ., USAF

Translator Required? YES Language? UIGHUR

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:**

Will speak to each piece of evidence. Yes  
 Requests PR speak on his behalf. No  
 Requests PR read each piece of evidence one at a time so detainee can respond to each. Yes.  
 Detainee did not request any witnesses. Yes  
 Detainee did not request any documentary evidence. Yes  
 Detainee refused to acknowledge PR or respond. No

Personal Representative 

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (9 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MAHMUD, Arkin

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with forces that are engaged in hostilities against the United States or its coalition partners.
  - A. The detainee is associated with forces that are engaged in hostilities against the United States or its coalition partners:
    1. The detainee traveled from China in August 2001 and arrived in Afghanistan in September 2001.
    2. The detainee stayed at a guesthouse in Kabul, Afghanistan for approximately six weeks.
    3. The detainee was in Afghanistan when the U.S. bombing campaign began.
    4. The detainee traveled with an individual who may be involved with the East Turkistan Islamic Party (ETIP) aka East Turkistan Islamic Movement (ETIM).
    5. The East Turkistan Islamic Movement is listed in the U.S. Department of Homeland Security, Terrorist Organization Reference Guide, as being one the most militant groups, and has with ties to al Qaida.
    6. The detainee fled from Kabul to Konduz, Afghanistan when the U.S. bombing campaign started.
    7. The detainee was captured by the Northern Alliance in Mazar-E-Sharif.
    8. The detainee was present during the Mazar-E-Sharif prison uprising.
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 Date 11/08/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Charles Jamison, OIC, CSRT

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

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

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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 103 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/18/02  
FD-302 dated 07/28/03

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

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

Memorandum from Donald Klein to Capt. Charles Jamison  
Re: REQUEST FOR REDACTION, 11/08/2004

If you need additional assistance, please contact Asst.  
Gen. Counsel Craig King [REDACTED] or Intelligence Analyst (IA)

[REDACTED] IA [REDACTED]

3.5



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

## Terrorist Organization Reference Guide

January 2004

745

R3

AS1749

43. Army for the Liberation of Rwanda (ALIR) .....	44
44. Cambodian Freedom Fighters (CFF) .....	45
45. Communist Party of Nepal (Maoist)/ United People's Front .....	46
46. Continuity Irish Republican Army (CIRA) .....	47
47. Eastern Turkistan Islamic Movement (ETIM) .....	47
48. First of October Antifascist Resistance Group (GRAPO) .....	48
49. Harakat ul-Jihad-I-Islami (HUJI) .....	49
50. Harakat ul-Jihad-I-Islami/Bangladesh (HUJI-B) .....	50
51. Hizb-I Islami Gulbuddin (HIG) .....	50
52. Hizb ul-Mujahedin (HM) .....	51
53. Irish Republican Army (IRA).....	52
54. Islamic Army of Aden (IAA) .....	53
55. Islamic International Peacekeeping Brigade (IIPB) .....	54
56. Jamiat ul-Mujahedin (JUM) .....	55
57. Japanese Red Army (JRA) .....	55
58. Kumpulan Mujahidin Malaysia (KMM) .....	56
59. Libyan Islamic Fighting Group.....	57
60. Lord's Resistance Army (LRA) .....	58
61. Loyalist Volunteer Force (LVF) .....	58
62. Moroccan Islamic Combatant Group (GICM) .....	59
63. New Red Brigades/Communist Combatant Party (BR/PCC) .....	60
64. People Against Gangsterism and Drugs (PAGAD) .....	61
65. Red Hand Defenders (RHD) .....	62
66. Revolutionary Proletarian Initiative Nuclei (NIPR) .....	62
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## **46. Continuity Irish Republican Army (CIRA)**

### **Description**

Terrorist splinter group formed in 1994 as the clandestine armed wing of Republican Sinn Fein (RSF), which split from Sinn Fein in 1986. "Continuity" refers to the group's belief that it is carrying on the original IRA goal of forcing the British out of Northern Ireland. Cooperates with the larger Real IRA.

### **Activities**

CIRA has been active in Belfast and the border areas of Northern Ireland where it has carried out bombings, assassinations, kidnappings, hijackings, extortions, and robberies. On occasion, it has provided advance warning to police of its attacks. Targets include British military, Northern Ireland security targets, and loyalist paramilitary groups. Unlike the Provisional IRA, CIRA is not observing a cease-fire. CIRA continued its bombing campaign in 2002 with an explosion at a Belfast police training college in April and a bombing in July at the estate of a Policing Board member; other CIRA bombing attempts in the center of Belfast were thwarted by police.

### **Strength**

Fewer than 50 hard-core activists. Eleven CIRA members have been convicted of criminal charges and others are awaiting trial. Police counterterrorist operations have reduced the group's strength, but CIRA has been able to reconstitute its membership through active recruiting efforts.

### **Location/Area of Operation**

Northern Ireland, Irish Republic. Does not have an established presence on the UK mainland.

### **External Aid**

Suspected of receiving funds and arms from sympathizers in the United States. May have acquired arms and materiel from the Balkans in cooperation with the Real IRA.

## **47. Eastern Turkistan Islamic Movement (ETIM)**

### **Description**

The Eastern Turkistan Islamic Movement (ETIM), a small Islamic extremist group based in China's western Xinjiang Province, is one of the most militant of the ethnic Uighur separatist groups pursuing an independent "Eastern Turkistan," which would include Turkey, Kazakhstan, Kyrgyzstan, Pakistan, Afghanistan, and Xinjiang. ETIM and other

overlapping militant Uighur groups are linked to the international mujahidin movement - and to a limited degree al-Qaeda - beginning with the participation of ethnic Uighur mujahidin in the Soviet/Afghan war.

### **Activities**

US and Chinese Government information suggests ETIM was responsible for terrorist acts inside and outside China. Most recently, in May 2002, two ETIM members were deported to China from Kyrgyzstan for plotting to attack the US Embassy in Kyrgyzstan as well as other US interests abroad.

### **Strength**

Unknown. Only a small minority of ethnic Uighurs supports the Xinjiang independence movement or the formation of an East Turkistan.

### **Location/Area of Operation**

Xinjiang Province and neighboring countries in the region.

### **External Aid**

ETIM is suspected of having received training and financial assistance from al-Qaeda.

## **48. First of October Antifascist Resistance Group (GRAPO)**

**a.k.a. Grupo de Resistencia Anti-Fascista Primero de Octubre**

### **Description**

Formed in 1975 as the armed wing of the illegal Communist Party of Spain during the Franco era. Advocates the overthrow of the Spanish Government and its replacement with a Marxist-Leninist regime. GRAPO is vehemently anti-US, seeks the removal of all US military forces from Spanish territory, and has conducted and attempted several attacks against US targets since 1977. The group issued a communique following the 11 September attacks in the United States, expressing its satisfaction that "symbols of Primero de Octubre imperialist power" were decimated and affirming that "the war" has only just begun.

### **Activities**

GRAPO did not mount a successful terrorist attack in 2002. GRAPO has killed more than 90 persons and injured more than 200. The group's operations traditionally have been designed to cause material damage and gain publicity rather than inflict casualties, but the terrorists have conducted lethal bombings and close-range

## Personal Representative Review of the Record of Proceedings

I acknowledge that on 30 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #103.

I have no comments.

My comments are attached.

  
\_\_\_\_\_, Major, USAF

30 Nov 04  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

YUSEF ABDULLAH SALEH AL RABIESH, )  
)  
)  
Petitioner, )  
)  
v. ) Civil Action No. 05-1714 (RWR)  
)  
GEORGE W. BUSH, *et al.*, )  
)  
)  
Respondents. )  
\_\_\_\_\_ )

**DECLARATION OF TERESA A. McPALMER**

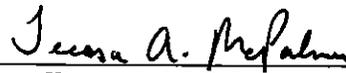
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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

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

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

Dated: 22 December 2005



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



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 320  
10 November 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 109**

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

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

J. M. McGARRAH  
RADM, CEC, USN

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

~~FOR OFFICIAL USE ONLY~~

9 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

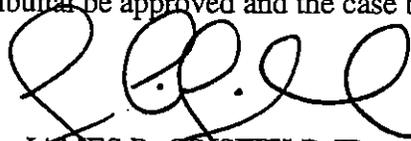
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 109Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004  
(2) Record of Tribunal 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 made a sworn 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 requested no witness nor did he request any classified or unclassified documents be produced.

The detainee did not request any other evidence.

- e. The Tribunal's decision that detainee # 109 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

22 October 2004

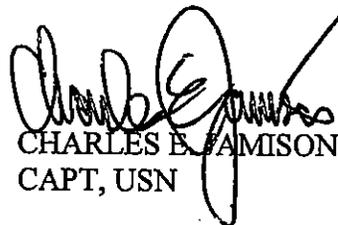
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 109

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

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

  
CHARLES E. JAMISON  
CAPT, USN

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

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

(U) TRIBUNAL PANEL:   #12  

(U) ISN#:   109  

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)

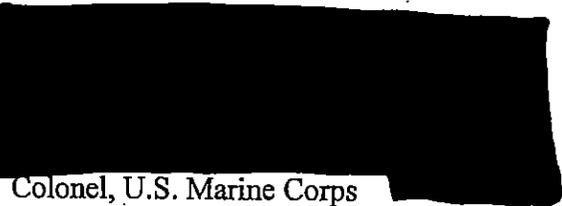
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's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

1. (U) This Tribunal was convened on 9 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 9 October 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee #109 is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with al Qaida, and was also part of or supporting the Taliban forces, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in 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 #:       109      

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and also was part of, or supporting, the Taliban forces 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 was a Taliban fighter and participated in military operations against the coalition. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. The Detainee made a sworn verbal statement. In his verbal statement, the Detainee denied being a Taliban fighter and stated that he did not participate in military operations against the coalition.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-b and R-1 through R-7.
- 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 no witnesses and requested no additional evidence be produced; therefore, no rulings on these matters were required.

**5. Discussion of Unclassified Evidence**

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

a. The Recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and his preparatory notes for that testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In addition, the Detainee's sworn testimony notes are included as Exhibit D-b. After translation, this exhibit comprises now 11 total pages. In sum, the Detainee testified that he would attempt with all his might to prove that the accusations against him are not correct. There are things in there that are very wrong. It is taken from a fictional story about him. The Detainee claims the real story is that he traveled to Afghanistan in order to bring his younger brother back to Saudi Arabia. His brother had traveled to Afghanistan to join jihad and was fighting with the Taliban. While there, and by the time he was able to link up with his brother, the Taliban front lines had broken and the Northern Alliance had surrounded Konduz, preventing his brother and him from departing Afghanistan. Both he and his brother eventually were taken prisoner by the Northern Alliance.

c. The Tribunal weighed the Detainee's testimony but also noted that it was substantially contradicted by information contained in the classified exhibits. For this reason the Tribunal considered the Detainee's statement, in large part, not worthy of belief.

d. 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.

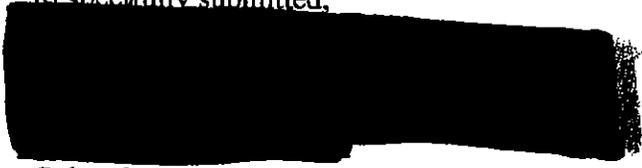
b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

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

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps  
Tribunal President

**Summarized Sworn Detainee Statement*****The Detainee was administered the Muslim oath.***

First I want to thank all of the Tribunal Members for giving me a chance to defend myself. It was important for me to show and prove the time period and how difficult it was for me. I didn't have much time. The things I had to prepare myself with are limited or not there at all. I will try, with all my might, to prove to you with logical evidence, those accusations against me are not correct. There are things in there that are very wrong. It is taken from a fictional story about me.

I have said this in Dostum's prison from the beginning. Additionally, the dates of my travel through Pakistan...

[Dostum's people] made me write the story in prison that was not true. When I told them the true story, I was tortured. I was forced to confess to the things they wanted me to say. That's what they wrote down and used against me.

I stayed with the same story, the untrue story in Kandahar, due to the torture on me and others. I also received torture in Cuba. I feared being tortured again, all the kinds of torture you could think of, like it was in the beginning.

A Saudi agent came, and I told him the whole truth, which makes me question why that was not presented to you from the beginning. No one knows, and you don't know this because of all the accusations that were made against me.

I will try hard to prove my story to you if the Tribunal Members and Judges would like me to.

I will make a comment about my name. My name is Yusef Abdullah Saleh Al Rubesh, R-U-B-E-S-H. I left Saudi Arabia with my family, my mother, father, sisters and brothers. Before I start telling you my story and how I got to Afghanistan, which led to me being here in Guantanamo I need to tell you about my brother and his story, which caused my travel.

One day, without telling anyone, my brother traveled to Afghanistan to join the jihad. This was very difficult for the whole family. He left without his parents knowing where he was traveling to. It was very difficult on my parents, who were very old and ill.

With time passing, my parents' health started deteriorating and they were emotionally tired. My father was diabetic and suffered from blood pressure. My mother had heart problems. That affected me, my sisters and my brothers. We went through the same suffering my parents were going through.

Months passed by and I made a decision to travel to Afghanistan. This was through him [my brother] calling us. I was able to find out where he was and the way to get to him without my parents knowing. I wanted to try to meet him, to bring him back with me. That is the door to my story.

I went there [Afghanistan]. I traveled during the 6<sup>th</sup> month of 2001, before 9/11/2001 and the war. [I traveled] from Saudi Arabia, to Bahrain and later to Dubai. I then traveled to Karachi, Pakistan and then to Quetta, Pakistan. All this travel was by air. It was local travel and everything was official and lawful.

Later, I traveled from Quetta to Kandahar, Afghanistan and then to Kabul, Afghanistan. All that travel was by land, going through checkpoints, through Kabul's borders.

My rental car was stopped and searched. Through the searching, some un-allowed substances were found on the driver. This led to his arrest. I haven't seen the driver since he was arrested.

Later, I was asked some questions, which led to.... a lot of problems, happened because they didn't speak my language. They searched me and found tapes, smokes and at that time I was shaved. Those reasons led to my arrest because, to them, they were crimes and I should be punished for them.

I didn't know Afghanistan was a religious extremist country. I was arrested and detained in Kabul in a prison that was separated. [Interrogations] didn't go well because of the language differences.

One day I was taken to interrogation and there was a new face, a person who spoke common Arabic. I told him my story and my brother's story and how I came to take him [my brother] back home. He [interrogator] told me he would release and help me if my story was true.

After a short period of time, he [interrogator] told me he got in contact with my brother. My brother was on the front lines in Northern Afghanistan. He [interrogator] gave me an address and told me to go there. The address was a Taliban government building in Konduz.

During that time, I spent 4-5 months in a Taliban prison. I traveled from Kabul to Konduz by airplane, before the attack of Kabul and before the travel was stopped. When I got to Konduz, I went to the address the interrogator gave me. I was told it wasn't possible for me to go to my brother because he was on the front lines and only soldiers were allowed to go there [the front lines]. I was a civilian with no military training, and I wasn't part of them [Taliban] or their groups, or any group at all.

I was allowed to write letters to him [my brother] and send them to him on the front lines. I stated I was his brother and I wanted to see him as soon as possible.

One day I was surprised that my brother came. I was also very surprised with what he said to me. The front line was broken and they [fighters/defenders] were all released to Konduz. This meant I was in a very difficult situation, and so was everyone else. I told my brother what happened and that I had come to take him back to our parents, but the situation got more difficult, impossible.

Things got much worse in the city we were in. We were surrounded and not able to leave, even if we wanted to. Konduz was now surrounded by the Northern Alliance. There were constant air attacks. An agreement was made with the Northern Alliance and the Taliban in Konduz. It was a promise that was recorded in the world news for people, the defending forces, a promise the fighters could leave the area. The Northern Alliance broke the promise.

It was time for us to get released, according to the agreement between them [Northern Alliance and Taliban]. I was part of the first group of people to be exchanged between them. My brother said we would go to Konduz through Mazar E Sharif, but we would not enter Mazar E Sharif, we would go on the side and go to Balkh then Herat. In Herat we would have to get vehicles and drive to Kandahar.

We left Konduz and were on the border of Mazar E Sharif. We entered and there was the Northern Alliance and we were stuck in the middle.

There was a second agreement made. I don't know if it was reported in the news or if it was a secret. The fighters would have to give up their weapons, would be returned to Balkh and they could get the weapons back in Balkh. I wasn't one of the defenders; I never had a weapon before.

American airplanes were flying over that neighborhood. We drove from that point to Mazar E Sharif. We entered the castle of Jhangi (Qualijenki prison). I can explain what happened on television if you would like.

***The Tribunal President stated the Detainee should tell us whatever he thinks...***

At the castle of Jhangi, there was a place to detain our group. We were taken, searched, handcuffed, seated and later the fighters, or defenders knew this was a deception because they broke the agreement and we were now POW's.

One person, a fighter, caused problems. The media was there also. Later, we were transferred to an underground building and stayed there for one night. The next morning, we were taken out two by two. We were handcuffed and seated in a big field. Everything was taken from us, even our clothes; we only had our underclothes on. We sat there for about 2-3 hours. There was a demonstration and then the Northern Alliance started shooting at us.

The Detainees or POWs did not have any weapons. We were handcuffed when the shooting started. The only people who had weapons were the Northern Alliance, and they were shooting at the detainees.

If I remained on the ground, sitting handcuffed, I would have got shot. I got shot and lost consciousness and my brother was killed. He was handcuffed when he was killed.

I did not carry a weapon and I never carried a weapon in this incident or the incident before.

At that time, there was more shooting and there was no resistance. There was shooting from the other side. A lot of Detainees got killed. Later on, airplanes started shooting. Finally, I found myself underground; I was unconscious when I was taken there.

After that, there was more suffering. I don't know if you know about it...maybe you don't need to know, but if you want to know, I am ready to tell you.

***The Tribunal President stated the Tribunal is interested in anything the Detainee feels is important in their determination of his Enemy Combatant status.***

Good, thank you very much. For that reason I am telling you, I never carried a weapon and I did not belong to any group and did not get any training. I did not support any side, group or organization. When this incident was over, we were transferred to Dostum.

In Dostum's prison, they were interrogating me. I was tortured there because I told them the truth, the truth I am telling you now. This truth, they did not agree with. They did not think and they did not want...I was forced to say what they wanted me to say.

During all the meetings and investigations, I tried to clarify my story to them. I am a civilian and I don't belong to the Taliban. I didn't ever carry a weapon. I told them [Dostum] the Taliban government detained me, I had just been released from the Taliban prison and I was not fighting against them.

They [Dostum] did not like that and started torturing me in every way possible. Every time I told the truth, they tortured me to the point I was convinced they wouldn't stop until I told them what they wanted to hear.

At that time, it was clear to me that I should use my dead brother's story, the one he told me before we met in Konduz. During this time, they agreed on that story and they stopped torturing me. Later, they wrote that story and forced me to swear on it.

During that time, I had to use the fake story to stop the torture and the pain they were forcing on me. My health was getting worse and worse. I was later given to the American forces and was transferred, in a very bad way, to the prison in Kandahar.

The treatment was the same as before. The torture remained the same. I am ready to tell you, but I feel bad telling you, the treatment by the Americans was not as good as it was with the Northern Alliance.

This is my story, the truth. I tried very hard to clarify it to you. I will tell some things to make you pay attention to some points. Today I told you the truth. I told you the Taliban government detained me for 4-5 months. I want to clarify the situation in the prison was not good. Today, Afghanistan is under your control. By time passing, it will be in your hands.

I will try very hard. I hope you will give me what I want...what I'm asking for. I hope you will get in contact with the officials to get information about this story, about my detention in Afghanistan. You will find out I am telling you the truth. I was detained by the Taliban and you will be sure I am innocent of those accusations. I never carried a weapon against you or your coalition. In my whole life, I have never carried a weapon.

According to my understanding, the information I request from you does exist and it's there with the officials in Afghanistan. Even if the government changed, I hope you will try to get to that information.

There are other points I want to clarify. When I left Saudi Arabia, I wanted to finish my studies and finish my labs before my travel. A person who wanted to leave or go to jihad or a person who wanted to die wouldn't want to finish his studies.

My second point, you will be able to get in contact with the Saudi government and ask if I belong to any organization or if I have any ideas, if I was detained or arrested before or even stopped.

This is the information I want you to pay attention to. This is what I have.

*The Tribunal President thanked the Detainee for his testimony.*

**Questions by the Tribunal Members**

Q: First, we extend our condolences on the death of your brother.

A: Thank you.

Q: Since the only information we have about you is what you've told us today, and the accusations here, it is necessary for us to clarify some things.

A: Go ahead.

Q: Did your brother make a free choice to go to Afghanistan?

A: Because my brother left with such a surprise, no one knows how he left or where he was going, we do not know if someone forced him or if he made that decision freely. According to the stories we heard, my brother went there because of the fatwa.

Q: Did you or any members of your family talk to your brother before you left for Afghanistan?

A: My brother's family or our family?

Q: Either.

A: I told you he left and he never told anyone.

Q: I mean when he was in Afghanistan and before you left. Did you hear anything from him at all?

A: I told you before, my brother called us once. I was able to find out where he was and the way to get him without my family knowing.

Q: Did he sound as though he wanted to be where he was or he wanted you to come get him and bring him home?

A: By his phone call, I couldn't tell what kind of situation he was in. I couldn't even change his mind about coming home. I couldn't tell if he was happy or unhappy at that point. Don't forget, he left without any family. He left Saudi Arabia because he had an idea.

Q: You told us how upset your family was when he left.

A: They were suffering because they didn't know what happened to him, if he was in Afghanistan. They didn't know.

Q: When you talked to him on the phone, did you tell the other family members you had done this?

A: The family spoke with him too, but he never mentioned where he was. Because of that, they were very worried and their health started going down hill. How would I tell them? I wouldn't want to put my family in that situation by telling them where my brother was. I would've made their health situation even worse if I had told them.

- Q: Unfortunately, it sounded like he [your brother] wanted to be where he was.
- A: That's what happened.
- Q: Did you consider how much more upset your family would be if you left?
- A: I didn't tell them I was going because it will make their situation worse if they found out both of us...I was trying to solve the problem and heal the pain of my parents. I didn't want to make their pain worse.
- Q: You were hoping you'd be able to somehow convince your brother to come home to Saudi Arabia?
- A: Yes, because my family suffered. I think my brother didn't know how my family was suffering.
- Q: Tell me about the conversation you had with your brother when you saw him the first time, in Afghanistan.
- A: When we met, we hugged and saluted each other. I told him about my situation, what happened on the way to get to him and the situation of the family and what's happening to them. I saw the pain in his eyes. It affected him.
- He told me his story, and what happened to him. It's the story you have. The training, the one I used against me. That's his story. I told the truth before, but so I wouldn't get tortured I had to adopt his story. I explained it to you.
- Q: When you first saw your brother in Kandahar, was it before or after September 11<sup>th</sup>?
- A: I didn't meet my brother in Kandahar, I met him in Konduz.
- Q: Okay, a misunderstanding. Do you remember the time frame?
- A: I don't remember the time exactly, but it was a war...continuous attacks.
- Q: He was fighting on the side of the Taliban?
- A: Yes.
- Q: You mentioned when you tried to get to the front to visit him, they [Taliban] said you couldn't go because you weren't military?
- A: Yes.

- Q: How were you able to finally get there?
- A: I didn't go to the front lines; he came because the front line was broken. He came to me. I sent him letters before that.
- Q: He received them?
- A: Yes.
- Q: You said the story you first told the interrogators, the accusations are not true?
- A: It's an adopted story.
- Q: How long have you been telling this adopted story?
- A: I mentioned before to you in Kandahar and Cuba. I told the Saudi agent my true story.
- Q: When was that?
- A: Before, in the old prison, X-Ray. You know the situation in the old camp. Treatment was very bad. There were pictures on television about the camp, how they transferred us to interrogation, and how they treated us during interrogation.
- Q: So, you told the Saudi agent, or delegation, the story you told us?
- A: After I told the Saudi delegation, I was very comfortable and felt better after that. I'm surprised they didn't present that story to you today. I've said it to the investigators before.
- Q: Has anyone made any reference to that, from the time of the visit until now?
- A: After the Saudi delegate, I told them. I told them 3 or 4 months ago. The Saudi delegation came about 2 years and 4 months ago and gave a copy of that file to the officials.
- Q: Once again, to clarify, everything in the accusations is not true?
- A: The only things true are the dates of the travel. I traveled from Saudi Arabia to Bahrain to Pakistan.
- Q: Volunteering to help the Taliban?
- A: That's adopted. That's not my story.

- Q: Receiving training at one of the Taliban training camps?
- A: It happened to my brother. It's my brother's story.
- Q: Being issued weapons and being told to guard valleys? That is true or not true?
- A: For my brother because that's my brother's story.
- Q: Help me understand. At the time you left Saudi Arabia, you were a student?
- A: Yes.
- Q: Did you work at all?
- A: Yes.
- Q: What did you do?
- A: I was a student and I was working, also.
- Q: Doing what?
- A: In a mechanic shop, checking the electronics and computers in vehicles.
- Q: This money was for you and the family, or basically for you? You lived at home, correct?
- A: It was mine.
- Q: Enough money to pay for air travel through Afghanistan?
- A: I used the money that I got off of my motorcycle. I sold my motorcycle and used that money.
- Q: What kind of motorcycle?
- A: Suzuki 250.
- Q: Not a Harley?
- A: Harley?
- Q: Harley Davidson?
- A: No, it was a desert motorcycle.

Q: Were you the younger or older brother?

A: I'm older than my brother.

Q: Your younger brother, who was in Afghanistan, had a family? Wife, children?

A: No. He had his family, me and my parents.

Q: You said, when you were coming into Afghanistan, you were in a rental car with a driver.

A: Yes.

Q: Your car was stopped and your driver was searched and they found some kind of contraband.

A: Something that was forbidden, something he was not allowed to have, and that led to his arrest. It was a dark night and I didn't see exactly what they got from him. He was searched and I did not see him being arrested. The voices between the driver and the guards were getting louder as they were searching him. I know there was something not legal on him. Also they found tapes of songs on him, and I didn't mention that before. They found cigarettes or smokes on him too.

Q: You said you were searched also, and I thought you said the smokes were on you?

A: I had smokes with me also and music tapes, and I was shaved. All those things were not legal there. I did not know that.

I was not a religious person, I wanted to tell you that before. I'm not a religious person. You can ask my parents if I had a beard or if I was religious, or if I belonged to any group. You will know I am just a regular person.

Q: What songs are on your tapes?

A: Arabic music, Arabic songs.

Q: I was going to ask you the question about religion, but you answered it already. You seem to be very educated. In your testimony, you mentioned you didn't realize that Afghanistan, or the Taliban was a zealous religious country.

A: Yes.

- Q: You didn't realize things like tapes, smokes or being clean-shaven would cause you problems?
- A: I didn't know that until that happened.
- Q: Traveling the route you took to Afghanistan, you must have talked with people or the driver that took you to Afghanistan.
- A: I do not speak their language.
- Q: No one gave you any indication you would have problems if you went to Afghanistan?
- A: Yes, it did happen. The road my brother told me to take to Afghanistan, showed me how to get to the next point. When I entered Kandahar, I stayed with a person and he told me some of the things. He told me about the beards, and it would create a problem, not having one. If I can, hide my face in anyway, I should do it. He told me not to show my face to them, especially at the checkpoints.
- Q: The route you took, the one your brother provided information for...
- A: He showed me the people. The people showed me the road.
- Q: You got the information from the telephone call your brother made to you?
- A: Correct.
- Q: He gave you the names of several people?
- A: He showed me the route to travel and then he told me the names of the people I had to get in contact with.
- Q: Did he indicate if they were Taliban or Al Qaeda?
- A: He did not say. He only said they knew how to get me there [to my brother].
- Q: At any of these points, did they ask for your passport?
- A: I forgot one point. At my last check point, my passport was taken away from me.
- Q: Where was that?
- A: Kabul check point. It [my passport] remained with them.

Q: Was this after or before your arrest?

A: At the same time I was captured.

Q: They took the passport?

A: Yes.

Q: So, when you were released from prison 4-5 months later, you continued your journey without a passport?

A: I didn't belong to them [Taliban], I was not part of them. They do not trust me. They had no trust in me because of the shaving. They trusted my brother because he fights with them. They said my brother could come get my passport for me.

Q: Would they let your brother...at this time, you didn't know the front lines were breaking down?

A: No. If I had known, I wouldn't have gone there.

Q: Would it be reasonable to expect that your brother could come back to get your passport for you from the front lines?

A: Yes, for him it would be easy.

Q: He could leave the front lines, come back, you could pick up your passport and you could leave Afghanistan?

A: We agreed we would leave together, but the situation we were in made it impossible for us to leave. The situation did not allow it.

Q: In Saudi Arabia you were clean-shaven. You went to Afghanistan clean-shaven. Now you choose to grow a beard?

A: Naturally, I'm here, so I'm not listening to any more Arabic music. I'm not growing it for religious purposes. It is part of my religion, so it's normal. In the other country, I'm forced to grow a beard and if you don't grow a beard, you get punished for it. My country does not punish us for not growing a beard.

I smoked, I listened to music and I shaved. For that reason, I want you to call my parents and ask about my behavior before I left.

Questions by the Tribunal President

Q: In Afghanistan, you were arrested and held in prison for 4-5 months, correct?

A: Yes.

Q: This was by the Taliban government?

A: Yes.

Q: Did they, at any time, ask you to join their military forces?

A: How would they ask me to join them when they found all those things on me? They think I'm a suspect.

Q: We've had stories where they [Taliban] didn't ask individuals, they forced them into services. They were conscripted.

A: That didn't happen to me.

Q: I find it unusual. You, being a young, strong male and the Taliban government is in a conflict...a civil war, and now the United States is bombing them, and they don't want additional personnel? They let you run around the countryside without a passport after being released from prison?

A: If my brother did not show up there, I would still be detained in that prison. They [Taliban] didn't have any trust in me at all. I was treated like an enemy. I believe I would still be detained in that detention facility if my brother didn't show up there.

I would like to clarify a point.

Q: Please, go ahead.

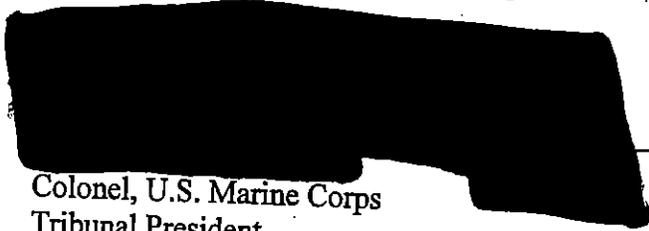
A: When they [Taliban] asked me about the story I adopted, I used the name Mohammad Abdullah Saleh, so in the future when the Judge [Tribunal President] looks at those stories, the name will not match my name because I was forced to say that.

Q: Is that an alias or just a made up name?

A: I only changed the first name. My name is Yusef Abdullah Saleh.

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/Time: 4 Oct 04

Start/End Time: 1030 - 1125

ISN#: 109

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

Translator Required? Yes

Language? Arabic

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

-----  
Detainee Election:

Wants to Participate in Tribunal

Affirmatively Declines to Participate in Tribunal

Uncooperative or Unresponsive

Personal Representative Comments: No witnesses requested.

Will attend Tribunal

Will present sworn oral and written statement

[REDACTED]

PERSONAL REPRESENTATIVE

EXHIBIT D-A

\* يعرض الشكوى التي أود أن ألفه إن شأكم إليها \*

أنا اليوم أحرركم حقيقة وأخبركم أن الحكومة هنا البان قد رجستني لمدة ٤ إلى خمس شهود وأخذ أن أدين لكم أن الأهل لم تكن جيرة في المسجون واليوم أفخافنفسنا نحن بسيطرتكم وزمام الأمور بسيدكم هناك . نأنا أسعى جاهداً أن أطلب عنكم بصدق وأهل أن تلبو طلبنا هذا أرجوكم أن تتصلوا بالجهات الرسمية المسؤولة وتحصلوا على معلومات بخصوص هذا الأمر (لا أضر بصحتي هناك) عند إذن سيستبين لديكم أني سمعت حقا قد سجنتم في أفخافنفسنا (عنه الطابان) واستنكده حتى آمن برأيتي من هذه التوم وأي لم أعمل الصلاح فكم وأنتي لم أعمل الصلاح قط في حياتي كلها. و حسبني ففهم أن هذه الحوادث التي أطلبها منكم هي متفرقة وهو بموده (يقينا) عند السلطان في أفخافنفسنا وأصل منكم بدل الجهد للوجود لها ●  
إلا إذا تتذكرو من سجن في أفخافنفسنا <sup>عنه</sup> حكومة طابان استواد الصورة تتضح لكم نسينا ففهم أني لم أتم إلا أفخافنفسنا من أجل أني أفسد الطابان أو أختال صحتهم ولو كنت كذلك لها سجنتم . وشكهن بي .

أدرا نفسي :- كنت صديقا لك أجمال الصه الراسية وإتقاء الوثيقا لأن قبل سفرنا وهكذا الأهل لا يقوم به إنصاف ذأهت إلى رد الجهات أو إلى الملون

EXHIBIT D-B

د أن أيدى كلاً من بعضكم هذه اللجنه الركنه على إتاحة الفرصه فاعلى نصرا . ولاكن من الضروري أن أذكر وأبين لكم مساله هامة وكما كانت ضيقه وكلمه بنسبة لي . والأمنكانيين - المتحررة في صدد هذه الأوقاف تكون معدومه . ولتكون مستعنى جاهاً أن أكتب البراهين المنطقيه والدجه السلمية . بأن أحوال أنا هذه التوم المبررة لدى غير صحيحه أنفيها عنى بشدة . لأنها مأخوذة من قصه غير نقيمه بنسبة لي . قد قلتها في سجت دستم بدنياً . يستناء البعض لها أو لا وهي . بسفر إلى باكستان . ومن المستحيل أن يكون سفرنا إلى أيرينين أو غير قانوي بل كان سفراً نورياً ولم يصحبه أي أعمال مدينة لهم تكن تدون في قد وضعت حفرة في سفريها إذ أدوله بل كان خلاصاً لجميعه بلديين . والذي جعلني أحوال هذه القصه في دستم الغير حقيقيه . فلو أنني لما قلت لهم قصتي الحقيقية تحرضة للكرين من جنود دستم فاضطرت أن أمتد لهم لجايريدونا وكتبوا ذلك وأكثروني أن أبعث بلبس . بقيت كما هذه القصه الغير حقيقيه في قندهار وذلك لما كان فيها هنا الكنديين وكذلك في كوربا خوفاً هي أن الأفي مالو قيتت هي قبل من الكنديين . حتى جاء الوفا للصعود في فاطماتني الموم والغيرهم بكمامل الحقيقه .

أدرا نفسي  
عالم يكن هناك عند الحكرمه السعديه أي أعماله ولبسبه

EXHIBIT D-B

EXHIBIT D-B

I want to start my statement by Thanking this tribunal (court) for giving me this opportunity to defend myself but its important that I mention and clear to you that I had little and limited time to prepare myself for this. And available possibilities were very limited or nonexistent. But I will try hard to prove to you my innocent legitimately and rational reason. I state that those accusations made against me are not true and I banish them from me. Because it was taken from a story that is not true when it comes to me. I said the story in jail Dostem in the begining. My travel to pakestan was impossible NOT to be official and lawful; My travel was legal and lawful and it was not follwed by anything not legal. Travel was allowed between the two countries. What made me tell this story in Dostem jail which was a false story is that when I told them my true story I was tortured by Dostem soldiers and I was forced to tell them what they wanted to hear and I was forced to finger print on the story. I stayed with the false story in kande har because of torturing and also in Cuba where I got tortured even more. Untill the Saudie delegation arrived and he unconcerned me and I told them the whole truth. My studies.

I don't have any negative behavior with the Saudie government.  
negative behavior ↑

29 I want to bring your attention to some of subjects  
30

31 Today I told you the truth and I told you that  
32 the Taleban detained me for 4 to 5 months and I  
33 would like to clear to you that the situation was  
34 not good in jail and today Afghanistan is under your  
35 control and the time course is in your hand there.  
36 Please contact the authority side and get the  
37 information regard this matter (matter of my  
38 detention there) that I was in jail and you'll have  
39 the prove with you that I was detained in  
40 Afghanistan by the Taliban and you'll be sure  
41 of my innocent and innocent of those accusations  
42 and I never carried a weapon against you or  
43 your coalition forces, in my whole life I have  
44 never carried a weapon and according to my  
45 understanding the information I requested from you is  
46 provided assuredly by the Afghany authorities  
47 and I ask of you to try hard to get it. After  
48 obtaining that information you will understand  
49 that I did not go to Afghanistan to join the Taliban  
50 or fight with them if I was I would not be  
51 detained by them. And they suspected me

1) My studies. I wanted to finish my studies  
53 and finish exams before traveling and a person  
54 finishing his studies does not go to jihad or to die  
55  
56

ذكر هذه الرحلة الجويه كانت بطرق سليمة وأعمال قانونية

أعطيت عنوان هذا نص للمحقق الذي عاينته وكان هذا العنوان عبارة عن مبنى حكومي لطيران في قندوز

فصيت من أربعة إلى خمسة مشهور في سجن طالبان

لأنني مدني ولست متدرب عسكرياً ولا أنني لهم ولجماختهم ولا الذي جماره على الرأفلة

في استطاعة أن أكتب له بعض الرسائل وأرسلها له في الخط الأول والتي فيها أنني أتوجه وأنني أريد أن أراه بنفسه وحتى  
هكذا

تفاجئت بقومه وقوله أن الخط قد انكسر وأن الكد قد انجاز إلى قندوز ولقد يقضي أنني في مشرق والبيع كذا

في هذه المرحلة وبعد تدهور الأحوال وزيادة تشتت صفوف أصبح عصبي برحمتي من أنني غير مسلح مع مصير أخري  
والأخرون من المدافعين في قندوز وبعد الاتفاقية سلم الجميع نضسه لقوان الصعالي وكنت أنا وأخيما من هاتين الأولاد

لا خلال جلسات التحقيق التي قاموا بها جماعة وشم حاولت بعبارة أن أوضح لهم قصتي وأنني مدني ولست تابع  
لقوات الطالبان وأنني لم أهد الصلاح في العلاقات وأخبرتكم بأن حكومة طالبان قد سجنني وأنني قد خرجت

من سجن طالبان هو خذاً وأنني لا أجاد يكتم ولا كني لم تعجبهم الحقيقه وبدنو بتعزيبين بعين الوسائل  
الطريق ولوا إرادة المحكمة أن أبين لهم بعض الطرق التي استخدمتها معي في التعذيب أقول  
وكما أشرت على قولي الحقيقه في أرو فلي بالتعذيب حتى وصله إلى غايته أنهم لم يوقفوا التعذيب حتى أقول

ما يريدون ويعاذا الوقت. كتبت قصتي في القيل والي أخبرني بها قبل هذه الأحداث عننا المتفينا في قندوز.  
في هذه الأثناء رضوا من هذه القصة التي المتبناه والتي منها يوقف التعذيب لادكن بعد ما كتبوا هذه القصة  
المتبناه وإخبارهم إياي بعد أن أبعث عليهم

\* نقلني لسجن قندهار. يشعني بعد أن أقول أن المعاملة عند الأخرين لم تكن أفضل مما سبق

\* All these air travel were done in a correct and legal.

\* I gave address from the same investigator I met before and the address made of a governmental building of Taliban in Kanduz.

\* I spend four to five months in Taliban jail.

\* I'm a civilian and never been trained in a military and I don't belong to their group or any other group, never did.

\* I was able to write a letter to him to my brother front lines that I wanted to see him as soon as possible.

\* I was shocked when he arrived and said that the front lines were broken and everyone has left to Kanduz which means that I was in logjam and everyone else too.

\* At this point and after deterioration of the situation there my fate was put against my will and unarmed with the fate of my brother and I was taken with the defenders in Kanduz after an agreement everyone turned themselves in to the Northern alliance and I was one of those people.

\* Through the investigations by the Western groups I tried hard to clear to them my story and that I was a civilian and I did not belong to the Taliban forces and I did not carry a weapon, never did.

29  
30 I told them that the Taliban government detained  
31 me and I was released lately and that I'm not  
32 against you but they did not like the truth  
33 and they tried all the torture methods with  
34 me (if the court would like me to explain  
35 some of the torture methods they used on me  
36 I could explain) and everytime I told the  
37 truth they tortured me and the only way  
38 to stop the torture was to tell them what  
39 they want ~~to~~ me to say at this time and I  
40 I was forced to use my brothers story as if  
41 it was my own to stop the torture and  
42 they did stop but they wrote the story. My  
43 dead brother's story and I was forced to  
44 testify it.

45 I was transferred to kandejar jail and later  
46 to the Americans who treated us just like  
47 we were treated before.

29  
30 Before I start telling you my story and how I got to  
31 Afghanistan which lead to me being at GTMO, I need to tell  
32 you my short story and the reason to travel.

33  
34 One day, without telling anyone, my brother traveled to  
35 Afghanistan to join what he thought it was a holy war  
36 this was difficult to the whole family especially on  
37 my parents because they are very old and it effected  
38 their health and lead to them having high blood pressure  
39 and diabetic, and heart, problems and it also effected  
40 my sisters and brothers. after few months I decided to  
41 travel to Afghanistan after my brother's phone call  
42 which I was able to know where he was staying at and  
43 which ways to take to get to him without my  
44 parents knowledge and I would try to meet him  
45 so I can bring him back and that was the beginning  
46 to my story.

47  
48 I traveled in about in June of 2001 and it was before  
49 9-11-2001 (September 11 and the war) from Saudiq  
50 Arabia to Bahrain and later to Dubai and to Karachi  
51 Pakistan and later to Kuta Pakistan all this by air  
52 travel from Kuta to Kandahar Afghanistan  
53 and later to Kabul Afghanistan by land travel.  
54 At a checkpoint by Kabul's doors using a rental car  
55 was stoped for search during the search they found  
56 that the driver had some illegal things on him which

lead to his arrest. I haven't seen the driver since then. After that they asked me some questions which led to some misunderstanding because of the language differences and after that they <sup>the police</sup> searched me and found some tapes in my grasp and some cigarettes and at the time I was clean shaved and all this led to my arrest. All there were crimes there and they would punish me for it. I was detained in an isolated cell and two Taliban officials investigated with me but it was not done in a good matter because of the language difference. One day someone new investigated with me who spoke the standard arabic so I told him my story and my brothers' story and that I came to Afghanistan to bring back my brother and he told me that if my story is true he would release me and that I would be released after a short time period he contacted my brother in the front lines and he gave me his address in north of Afghanistan so I can get to him. I have spend few months in jail so after I left and traveled from kabol to kunduz and this was before the attack and before air travel was stopped. When I arrived at the address that was given to me, I was told that it was not possible to travel to the front lines to see my brother and that only soldiers were allowed there but I was able to write to him. my final days I was shocked that my brother came and I told him why I came and that I want to take him back with me. The matter there was getting worse and the area we were in was surrounded and we couldn't leave and kunduz was now surrounded by the

Page number	Date	Subject

North alliance or (Northern party) and the continuance air strikes against us. There was a treaty (agreement) made by the Northern party and the Taliban in Kandahar and this treaty was reported in the news, world news to assure the defending forces in Kandahar more. The treaty gave hope for them to leave. The Northern party (Northern alliance) disordered the treaty and my brother and I were with others in Mozar Shareff (Jenki palace) and I'm sure of what happened next they reported the incident in a television program. My brother was killed in that incident and I was hand cuffed and detained and I never carried any weapons and I never joined any groups and I never received any training or even thought of supporting any organization or party. Others and I were transferred to Sheberkan City (city of the Northern Alliance/Dustem) to a prison where they interrogated me and tortured me there because I told them the truth and I was forced to adopt or use my brother's story and due to all the torturing and suffering that I was exposed to I had to use my brother's story to stop all this and in result my health deteriorated but this was a beginning to a new suffering after transferring to the custody of the United States forces and our transfer was done by a horrible way by the USA forces and the treatment we got from USA forces was equal to the treatment we got in Kandahar and similar torture.

بهم بالخروج . قام حزب الضال بالخل بالإنفاق فيه وكنت أنا وأخي والأخرون في هذا صديق (قلعه جنكبي) وما حصل  
نا بعد موثقه به لا أخرجة برامج تلفزيونية في الحاديه . أتمنى فتد في ذلك الحاديه وأصبحت أنا وانا مكيال السيد ولم  
مجنبي ولم أدخل السلاح ولم أنتمى الى أي جماعة ولم أتدرب أي تدريب ولم أهد أي فكر ولم ~~أفعل~~  
~~أفعل~~ أي فئه أو جماعة أو منضمه . أنا وأخرون نقلنا إلى مدينة شيريام (مدينة حزب الضال دسليم) في ~~البحرين~~  
تم التحقيق معهم وعزبت هناك ~~الذين~~ قلنا هذه الحقيقه هذه العصه التي لم نوافقها انضمامنا وما يريدون فظفرا  
أجبروا أن يكون على ما يرضون ويتصنون بصيب الكاذب وتبني أغلب قصة ~~التي~~ بعد عن نفسي الأزمه التي حل بها  
عناك كدهه من مجنبي وكانت بداية حاله جدية ~~باعت~~ إلى تروك الولاية المتحدة وقاصبه ~~التي~~ نقلنا ~~إلى~~  
جنوب في فندهاز والعامله كان هلاك حشابه له لما سبقه عن الكوزي  
بمعرفة سيدهم

EXHIBIT D-B :

قبل ما أبدأ بأخباركم قصتي وكيف وصلت إلى أفغانستان والذي أدا إلى قروصي إلى خوانسار.

أنا بحاجة أن أخبركم عن أهما وقصته القصيره والتي سببت شعري.

في أمة الأيام ومنا غير ما يجبر أمة أهي صافى إلى أفغانستان لينضمه إلى حاله وبعثتاه هربه مقدره هذا كان صعب على كلاً العائله ~~سافر~~ إلى أين هو سافر وكان هذا صعب بالذات على والدينا الكبيرين وقد كانوا عرضهم بذلك الوقت.

وللانعلم

مع مدور الوقت براءة هبتة والداي بالدهور وأصبحوا متضايقين جداً وهذا الأمر كبير على ما يعانون منه من الضغنه والظلمه

والقلبا، وكما لك عكس الله من أفعالهم وأفعالهم معانات أهما وأهلي وكذلك على وجهه من أنشهر قليله عن سفرة أعتز أقرار

أن أسافر إلى أفغانستان <sup>(1)</sup> هذا كان عن طريق إصالة علمنا استطعت أن أعرف أني هو طريق الوصول إليه من دون علم <sup>الزهد</sup> ~~الزهد~~

وأحاول أن ألقى به لكي أجمع مهي وهذه هي بوابه قصتي.

أنا سافرة <sup>(2)</sup> هذا كان تقريباً بتاريخ ٦/٦/٢٠١١ وهو قبل ١١/٩/٢٠١١ والحرب التي نلتها) عن السعودية إلى البحرين ثم إلى دبي ثم إلى

كراتشي (باكستان) ثم إلى كوتل (باكستان) كل هذه الرحلات عن طريق الجو من كوتل إلى قندهار (أفغانستان) ثم إلى

سجاول (أفغانستان) كل هذه الرحلات بر.

عند نقطة تفطيش على أبواب كابل سيارة الأجرة التي كنت فيها وقصتي لي التفطيش خلال التفطيش وبعد جولة السائق

بعده المصونان والتي أدة إلى أعتقاله (أنا لم أرى الصائفي منذ ذلك الوقت) بعد ذلك ووجهة إلى بعض الرسائل والتي أصبحت

أسكاليه بصعب! اختلاف اللغات ومن بعد فاجع تفطيشي ووجهه في هورني انشطره ودخان من ذلك الوقت كنت خائف وكل هذه

الأسباب أدت إلى أعتقاله لأنها بالنسبة لهم جرم يعاقب عليها ~~المرسنة~~ كابل في زنده انشطره ومام مسئولين في الظالم

بالتحقيق مهي ولاكن هذا لم يجري بصيفه جيد بصعب اختلاف اللغات. في أمة الأيام خودية للتحقيق وكان وجهه ~~أحمد~~

كان مرفوعاً أيكلم العديده الفصحاء أعتبه به لقصتي وقصة أهما وأنتي حينئذ أفغانستان أن رجعا أغيرني إن كان قصة

صحيحه بسفك أسره ويسوق يسافري بعد فتره قصيرة رجع إلى وطنه لي أنه تولى إلى أهما وأنتي <sup>(١)</sup> ~~الزهد~~ لأول في سفك

أفغانستان <sup>(٢)</sup> وأعطيت عنواناً لذهبي <sup>الله</sup> في سفك أفغانستان عن ذلك الوقت كنت قد قضيت بعض الإلتزام في السفرة \* سفرة

من كابل إلى قندهار وكان هذا قبل نصف كابل وقبل كوقف الرحلة الجوية عن ما وصلت إلى قندهار وهذا إلى العيش الذي

أعطيت إياه. هناك أخيرة أنه ليس من أكن أي أذالك إلى أهما لأنه في الخط الأول والجو عفواً يصح لهم بذهاب هناك ولاكنهم

الاستطعن أن أتت إلى <sup>(٣)</sup> في أهما الأيام تفطيش أن أهما <sup>(٤)</sup> في أهما إلى قندهار فغيرته بجاهد لي وأنتي أعتبه ونرجع إلى

أبوينا الذي <sup>الأمر</sup> ~~الوجه~~ <sup>الأمر</sup> ~~الوجه~~ لأن قندهار جداً وأن المنطقه التي نحن فيها حاصره ولا نستطيع أن نقادر ولو أننا

ذلك قندهار <sup>٧٨٤</sup> ~~الوجه~~ من قبل تنبه الضماد والعصف حسنه عليها هذا الجو. حصلت أعتاقه بين حربه السفك

والطال...

UNCLASSIFIED

**Combatant Status Review Board**

TO: Tribunal Members

FROM: OIC, CSRT (24 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL RABIESH, Yusef Abdullah Saleh.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a Taliban fighter and participated in military operations against the coalition.
  - a. The detainee is a Taliban fighter:
    1. The detainee decided to go to Afghanistan after reading the Fatwas calling on Saudis to help the Taliban with money or service.
    2. The detainee left Saudi Arabia around May or June 2001 to travel to Afghanistan via Pakistan.
    3. The detainee received Kalishnikov, PK, and grenade training at a Taliban training camp in Talukan, Afghanistan.
  - b. The detainee participated in military operations against the coalition.
    1. The detainee and others were issued arms and told to guard two valleys near the front lines.
    2. The detainee surrendered to Northern Alliance soldiers at Konduz.
    3. Detainee was present during the prison uprising in Mazir-E-Sharif
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit R-1

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

I acknowledge that on 12 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #109.

I have no comments.

My comments are attached.

 Lt Col, USAF

Name

12 Oct 04  
Date

  
Signature



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

Dated: 22 July 2005

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



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0442  
89 NOV 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 112**

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 #112 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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18 Nov 04

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 112

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

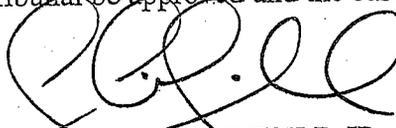
Encl: (1) Appointing Order for Tribunal #13 of 4 October 2004  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and 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 # 112 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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

  
JAMES R. CRISFIELD JR.  
CDR, JAGC, USN

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Department of Defense  
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

12 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 112

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

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

  
DAVID L. TAYLOR  
Colonel, USAF

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

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

(U) TRIBUNAL PANEL:   #13  

(U) ISN#:   112  

Ref: (a) (U) Convening Order for Tribunal #13 of 04 October 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

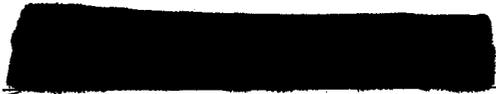
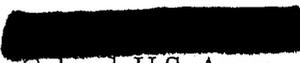
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (~~U//FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (~~U//FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's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

1. (U) This Tribunal was convened on 06 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 6 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #112 is properly designated as an enemy combatant as defined in reference (c).

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

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

  
  
Colonel, U.S. Army  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:           #13            
ISN #:           112          

**1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee traveled from his home in Saudi Arabia to Afghanistan via Syria and Iran after 11 September 2001. The Detainee received training on the use of AK-47 rifle while staying at a guesthouse in Konduz, Afghanistan. The Detainee participated in military operations against the coalition, carried a weapon on the battlefield and participated in military operations against the United States and its coalition partners while stationed on the front lines in the Khawajah Ghar region of Afghanistan. The Detainee was captured by Northern Alliance Forces near Mazar-e Sharif prior to 25 November 2001. The Detainee was present at, and wounded during the prison camp uprising at Mazur-e Sharif on 25-28 November 2001. The Detainee chose to participate in the Tribunal process. He did not request that witnesses be called, did not request documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied being an al Qaida member or participating in any military operations against the United States or its coalition partners.

**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: n/a
- c. Unsworn statement of the Detainee

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

The Detainee requested no witnesses and no additional evidence.

#### 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 any other supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony. A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he felt the need to travel to Afghanistan to bring his brother home to Saudi Arabia. The Detainee indicated that he was a student and that he traveled to Afghanistan at his own expense and not to participate in military actions. In Konduz, Afghanistan, the Detainee stated that he stayed at a Taliban guesthouse where people could stay for free, but that he paid his own way while there with funds that he brought with him. He stated that he saw people with weapons there, but that he did not carry one. The Detainee made contact with his brother and thereafter began to make his way back to Saudi Arabia with his brother. Since there were hostilities going on, the Detainee stated that he could not return to Saudi Arabia the way he came into the country. Therefore, the Detainee and his brother then advanced toward the Northern Alliance to surrender to them. The Detainee claims that he was then taken into custody by the Northern Alliance and eventually turned over to American forces.

c. The Detainee did mention physical torture by the Afghani police, stating that if he did not respond as being from al-Qaida or the Taliban, that he would be tortured. After being transferred to Khandarhr, the Detainee alleges further torture, which he states is evident by his broken tooth. As for his treatment while a detainee at Camp DELTA in Guantanamo Bay, Cuba, although he has not been physically tortured, he feels there has been a threatening and psychological affect, by parting him from his brother (ISN [REDACTED]), which in his opinion is not less than physical torture. OARDEC Chief of Staff, Legal Advisors and CITF Liaison Officer to OARDEC have been advised.

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

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

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

**7. Conclusions of the Tribunal**

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

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and the Taliban.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Army  
Tribunal President

**Summarized Unsworn Detainee Statement**

*The Tribunal President read the Hearing Instructions to the Detainee. The Detainee understood the process but posed the following question:*

You said that I have been advised that whatever follows in this Tribunal is going to affect me. You said that I am hereby advised that the following applies during the hearing.

*The Tribunal President answered the Detainee and clarified how the Tribunal would be structured. The Detainee answered that he was satisfied with the answer by stating that everything was fine.*

*The Tribunal President informed the Detainee that she was aware that he would like to participate in the Tribunal process and would be speaking on his own behalf.*

*The Tribunal President asked the Detainee if he would like to make his statement under oath.*

If the decision is going to be yes or no, go home, then I will swear. If it's going to be, take it to the next level and do this back and forth meetings and follow ups then I'm not going to swear.

*The Tribunal President advised that until all the evidence was viewed the decision couldn't be made and that he could make his statement without being sworn.*

I don't like to take the oath because it is very sacred.

*The Personal Representative asked the translator to inform the Detainee that taking the oath now to affirm that what he is about to say is true in an effort to clarify why he was being asked to take the oath.*

Yes. I understand that. If you are going to let me go home, I will take the oath. If not, I will not take the oath. All the information and statements that I am going to make to the Tribunal are true and nothing but the truth. Once you make the final decision that you are ready to let me go home, I will take the oath.

*Addressing the third point of the Unclassified Summary the Detainee was prepared to make his statement but first asked the Tribunal to confirm that:*

If I tell my story and make a statement that I will not be subjected to any torture or any mistreatment when I go back to my cell.

*The Tribunal confirmed that everything done in the Tribunal was administrative in nature and there was no punishment value.*

I made that statement because during my interrogation, I was forced to say certain things to avoid torture.

***The Tribunal President confirmed that there would be no torture as a product of what he says to the Tribunal.***

***The Detainee read part three of the Unclassified Summary.***

This is based on information possessed by the United States. Is that information based on my information or from somebody else? I'm trying to find out if the information that based your decision on me as an Enemy Combatant; was it from information from me or somebody else.

***The Tribunal President stated that the only information that the board has seen is what is in the Unclassified Summary.***

I'm saying this because during the interrogation, my name, number, and picture... all that information should have been my name but it was somebody else's. That happened and I spoke with the interrogators a number of times and the same thing still existed. The name, number, and picture of the wrong individual were still there but they (the interrogators) referred me. They took me to another camp and had some kind of an I.D. The I.D. and the picture did not match me.

***The Tribunal President informed the Detainee that all they could do was base their decision on what was viewed in the Tribunal that day.***

I am concerned that they have taken my name and my number, the other Detainees over there they don't know the picture that was shown to them rather it was my picture or somebody else's picture. They are saying that such and such individual is number such and such and that's his picture. In reality it was not my picture and people (other Detainees) say oh yes, that's him.

Any information that was given to the interrogator that you based all these accusations on is information from me but I was being threatened and tortured. Whatever information, that was given to the interrogator was under duress. It was physical torture and psychological as well. My brother is here with me here in camp. Whenever they wanted to get some information from me they go to my brother or separate us or create movement. They separated two brothers for a period of two years. The letters I used to get from back home were never given to me and that affected me psychologically. The thing you based your judgment on to arrive at this evidence and these accusations are not accurate.

***The Detainee's response to paragraph 3.a of the Unclassified Summary.***

I never attend, known, or seen anybody from the al Qaeda organization. I never even associated myself with them.

***The Detainee responses to paragraph 3a.1 and 3a.2.***

1. Yes I did leave after September 11<sup>th</sup>. My departure had nothing to do with the attacks or anything political that was happening. My whole purpose for going to Afghanistan was to meet my brother who was there and convince him to go back to Saudi Arabia. My intent was to go to Afghanistan before September 11<sup>th</sup> but what delayed me was taking my final at the university. I had my final exam on the 23<sup>rd</sup> of September. After I took my on exam after the 23<sup>rd</sup> of September that's when I left to go to Afghanistan which was after the attack. Therefore, my leaving Saudi Arabia and going to Afghanistan had nothing to do with what was happening on the 11<sup>th</sup> of September. To summarize, my goal and main purpose is to bring my brother back to Saudi Arabia from Afghanistan. My delay was because of my final examination at the university.
2. I didn't even know about this guest house until I was faced with all these accusations. I went to that guest house because there was available space at the hotels or some place where I could either rent a house or rent a room. The taxi that took me that place told me that the Taliban made the house and specified that the house was free for anybody that wanted to come to it. As far as I am concerned I was at the guest house and was paying for all my food and drinking and all expenses and it was like I was a guest. I did not have any training on weapons in the guest house. I saw someone who was an Afghani and I asked him what he was carrying and I was told it was a Kalishnakov (audio)(2099).

***The Detainee responses to paragraph 3b***

I am a civilian and I did not participate in anything that has to do military or anything else.

***The Detainee responses to paragraph 3b.1; 3b.2; 3b.3; 3b.4***

1. I never carried any weapon in my lifetime. I never went anywhere on the battlefield.
2. The fact that I am a civilian I was never able to go to the front lines or anyplace where they were fighting. I didn't have positions on the front line or on the back line or anywhere. I met my brother in the city Khawajah Ghar but it's not a battlefield.

3. I was not detained or captured but I went there myself to turn myself over. So they could take me to safer places where I could exit Afghanistan. It was during the time specified here (25 to 28 November 2001).
4. I went to Northern Alliance and found myself being tied down and taken with other detainees. You are talking about the uprising. They called it an uprising and it's not; it's some kind of massacre. I was even wounded when I was there. I was even wounded when I was there.

I have answered all the accusations and evidence and I have some more points I would like to bring to your attention. Repeating the same thing, my goal for going to Afghanistan was to bring home my brother from Afghanistan to Saudi Arabia. Nobody received me there and nobody sent me from Saudi Arabia. Again, I paid all my expenses, from my own finances. I did not speak against the United States or its Coalition partner or any other organization against the United States. When I looked at the definition of an Enemy Combatant, it didn't say anything to me about me because I am not an Enemy Combatant. If I am tortured after this Tribunal I will just withdraw all these statements; I will deny them. I am just giving you all this information based on the fact you that are telling me that there will be no torture and not on the interrogations.

***The Tribunal President confirms that the Detainees statement has concluded and asks if he is willing to answer questions from the Tribunal regarding his statements.***

If it's pertaining to my situation, yes.

***The Tribunal President confirms that neither the Personal Representative nor the Recorder has further questions for the detainee.***

Tribunal Member questions

Q. How old is the Detainee?

A. Approximately 25 years old.

Q. What was your occupation in Saudi Arabia before you traveled to Syria to Afghanistan?

A. I was a student at the university.

Q. Did you travel with anyone when you went to find your brother?

A. Yes I did.

Q. Who were they?

A. I was accompanied by a guy named [REDACTED].

Q. Was he a Saudi as well?

A. Yes.

Q. And why was he traveling to Afghanistan?

A. I believe he went there to find out what was going on in Afghanistan.

Q. Was he attempting to join the fight against the Northern Alliance or the U.S. forces?

A. I don't believe so. I felt he was an ordinary guy. I never felt he was that type of guy to go over there and fight.

Q. How long did it take to travel?

A. I went Syria as well, which one are you talking about?

Q. Traveling from Syria to Afghanistan.

A. No more than three days.

Q. How did he travel?

A. I took the plane from Syria to Iran.

Q. The detainee stated that he paid for his travel out of his own expenses, is that correct?

A. Yes that is correct.

Q. How much money did he have with him when he left from Saudi to Syria to Afghanistan.

A. I don't recall. It's been three years. I don't recall. I had enough money to go from Saudi Arabia, Syria to Afghanistan and then come back with along with my brother. Enough for two guys.

Q. Who provided him with that money?

A. My own personal funds.

Q. From a job that he had or his family.

A. The university gives me a monthly allowance, 150 Saudi Riyals. And any odds and ends jobs that I could do. Whatever money I earned from that I saved.

Q. What was name of his University?

A. Al-Imam Mohamed ibn Saud Islamic University.

Q. Did he have a passport in his possession when he traveled?

A. Yes.

Q. What country issued it? From Saudi Arabia?

A. Yes.

Q. And that was with the name that he told us today?

A. The name that's in the Unclassified Summary is missing one of the family names... [REDACTED] (ph 3012). Maybe they have it recorded in the passport department, maybe they didn't. Some documents carry last name (audio)(3042) other documents did not.

Q. You told us that you were going to attempt to bring your brother back from Afghanistan. Why was your brother in Afghanistan?

A. I don't know why my brother went to Afghanistan but my brother is here in the detention and anybody can ask him.

Q. You told us that you believe that your identity has been mistaken by us.

A. Yes.

Q. Who do you think we are confusing you with?

A. Maybe with somebody else that has bigger beard, larger beard, I don't know.

Q. Who is that person's name, if he knows it?

A. I never looked the pictured very closely but if you bring that picture again I can identify if it's the same guy or not.

Q. Just to be clear. The brother that he went to bring back from Afghanistan is the same that is in the camp with him?

A. Yes.

Q. He denies knowledge of al Qaeda. Has he ever met al Qaeda members or (audio)(3189) al Qaeda associates ?

A. Never. I never met anybody that said to me he was from the al Qaeda.

Q. In the guest house that he was staying in, were any of the other guests in that house in possession of weapons?

A. Earlier I saw an Afghani guy with a (audio)(3239) Kalishnikov AK47. In Afghanistan, any place you go, houses, market you will find people are carrying guns.

Q. How much did he pay to stay at this house?

A. As I indicated earlier, everything that I paid for my food my stay came from my own funds. I was buying my food and cooking there and coming and going, it's open to anybody.

Q. Did he find his brother in Afghanistan?

A. Yes I did.

Q. What was he doing when he found him?

A. I went to Khawajah Ghar and my brother was informed that I was there and he came to see me.

Q. What was your brother doing?

A. I do not know. When he came to me he did not have any weapons on him or anything.

Q. When his brother came to him; what did they then do?

A. We talked about the two of us going back to Saudi Arabia. My brother agreed with me, our decision was to go back to Saudi Arabia.

Q. When did they leave for Saudi Arabia?

A. When we were captured, arrested, our plan was to by Ramadan to be in Saudi Arabia.

Q. So you convinced you brother to return with to Saudi Arabia with you when you first met with him?

A. Yes I did. I explained to him that we should go back to Saudi Arabia and I felt that my brother was in agreement with me.

Q. Was his brother free to go at that time?

A. Yes he was ready to go.

Q. You told us that you turned yourself over to the Northern Alliance?

A. I did so they could take me back to Saudi Arabia.

Q. And his brother was with him?

A. There was a whole bunch of people there and I thought my brother was there but I did not see him.

Q. Was the man he traveled with, [REDACTED] (ph 3577), still with him?

A. I believe so.

Q. And again, he has no explanation as why his brother was in Afghanistan? Is he unable to tell us.

A. He left Saudi Arabia, I didn't even know he left Saudi Arabia to go to Afghanistan. I say I believe I believe because I want to give you an accurate picture of what my statements are. I cannot say my brother went to Afghanistan unless I was sure that's why he went there. So I do not know why he went there.

Q. I'm trying to understand why he wanted his brother to return to Saudi from Afghanistan? Why did he want him to return?

A. Because the whole family, my Mom and Dad and everybody else were sad that my brother had left the country and went to Afghanistan so I wanted to mediate his return to bring peace to the family.

Q. How did you communicate with your brother prior to your arrival in Afghanistan?

A. My brother used to call and speak with the family.

Q. Is your brother younger or older than you?

A. Younger.

Q. How long was your brother in Afghanistan before you arrived in Afghanistan?

A. I can tell you when he left Saudi Arabia but when he went to Afghanistan, I don't know. How long he stayed there, I don't know. Before I left from Saudi Arabia I believe it was about a year and a half.

Q. To clarify, you had stated that your brother had gone to Afghanistan, because why?

A. I don't know. He never told me.

Q. While studying in school, were you aware of the Taliban and al Qaeda?

A. At the university there was nothing there that discussed al Qaeda or Taliban. From what I read in the paper, magazines, radio, T.V. I have an idea that there is something called al Qaeda and Taliban.

Tribunal President questions

Q. The only thing I have to ask you is, since you raised the issue of being tortured. Can you tell us who? Who tortured you?

A. During torture I had my eyes masked.

Q. Was that since you arrived in Cuba?

A. Yes. I don't understand. When I was first captured; it was the Afghani police there. They were threatening me and torturing me. If I didn't say that I was from al Qaeda or Taliban I was tortured. I went to Khandarhr and was tortured there. The guy was speaking English saying al Qaeda? Taliban? al Qaeda? Taliban? Evidence of the torture is that they broke my tooth which was fixed here.

Q. And your treatment here, physically, you have been treated fairly well?

A. Once I arrived here, things were a little bit better. There was no torture or things like that but, because of what happened in the past I was dwelling on the fact that, are these people treating me good and they are going to come back and torture me again? I was thinking that anything I told the interrogator in Khandarhar and Afghanistan to just save myself torture. If that's what's going to happen here, I will lie to these people as well. When I spoke the truth here, I was subjected to physical torture which I mentioned earlier in the Tribunal.

Q. Let me clarify, he was subjected to physical torture here?

A. Physical torture didn't happen to me. There was threatening and psychological affect, by parting me from my brother which is not any less than physical torture.

Q. I have just one question about his travel to Afghanistan. Were you not concerned about your own personal safety going there?

A. I didn't have any fear whatsoever because the way that went to Afghanistan was all legal, I had my passport which was stamped and there was nothing to fear.

Q. Could you not leave Afghanistan the same way you entered Afghanistan since you had your passport? Or was it because your brother was with you? What was the problem?

A. I wanted to go back the same way, but the area was in such an uproar and everybody was fighting, we go to turn ourselves in so we could be assured safe return to Saudi Arabia.

Q. So the circumstances prevented you from doing that?

A. The reason is because we were captured and put in jail. I wanted to spend Ramadan with my family but ended up spending it in jail.

***The Tribunal President confirms that the Detainee had no other evidence.***

The Detainee states that if you check back in Saudi Arabia and check you will find that there is nothing to classify me as an Enemy Combatant. You can check my file at the university where I was studying to find that all the dates I told you about... I was there and doing my final exam on September 23<sup>rd</sup>.

***The Tribunal President thanks the Detainee for his participation in the Tribunal. The Personal Representative had no other evidence and the Detainee had no previously approved witnesses to present to the Tribunal.***

All that I said is very plain and very clear. Anyone who wants to accuse me otherwise is the one who is supposed to be here. What you brought for Unclassified these are not accusations or evidence. Looking at paragraph three, the first word on the third line where it says "indicates", means that there is no evidence.

***The Tribunal President determines that all the Unclassified evidence has been presented and concludes the session.***

About the Classified information, what if there some that are not true? Maybe you got it from unreliable sources.

*The Tribunal President confirms that the Tribunal has yet to view the Classified evidence and that all evidence will be considered.*

I suggest that any individual that you talk to, with information about me, is to go back and speak to individual because there was a mix up.

*The Tribunal President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal.*

AUTHENTICATION

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

  
Colonel, United States Army  
Tribunal President



~~FOUO~~

Recorder Exhibit List  
For  
ISN [REDACTED]

#	Title	Summary	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	Redaction of National Security Information		UNCLASSIFIED
R3	FBI 302 dtd 20 Mar 02	3.a.1 3.a.2 3.b.1 3.b.2 3.b.3 3.b.4	FOUO//LES
R4	Form 40 dtd 20 Jan 04	3.a.1 3.a.2 3.b.2	FOUO//LES
R5	Baseball Card of 112		SECRET/NOFORN
R6	Baseball Card of 121		SECRET/NOFORN
R7	Knowledgeability Brief dtd 03 Feb 02	3.a.1 3.a.2 3.a.3	SECRET
R8	EC Checklist		<del>SECRET</del> //NOFORN
R9	JTF GTMO-CG MFR dtd 28 Feb 04	3.a.2 3.b.2	SECRET
R10	CITF - CDR dtd 5 Feb 04	3.a.1 3.a.2 3.b.1 3.b.3 3.b.4	SECRET/NOFORN
R11	Primary Travel Routes	3.a.1	SECRET/NOFORN
R12	IIR 6 034 0701 02 dtd 4 Sept 02	3.b.2	SECRET

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Combatant Status Review Board

TO: Tribunal President

FROM: OIC, CSRT (17 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – Al-Khaldi, Abdul Aziz Sa'ad.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with al Qaeda and participated in military operations against the United States and its coalition partners.
  - a. The Detainee is associated with al Qaeda:
    1. The detainee traveled from his home in Saudi Arabia to Afghanistan via Syria and Iran after 11 September 2001.
    2. The detainee received training in the use of the AK-47 rifle while staying at a guesthouse in Konduz, Afghanistan.
  - b. The Detainee participated in military operations against the coalition.
    1. The detainee carried a weapon on the battlefield.
    2. The detainee participated in military operations against the United States and its coalition partners while stationed on the front lines in the Khawajah Ghar Region of Afghanistan.
    3. The detainee was captured by Northern Alliance Forces near Mazar-e Sharif prior to 25 November 2001.
    4. The detainee was present at, and wounded during the prison camp uprising at Mazar-e Sharif on 25-28 November 2001.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or

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Exhibit **RI**  
page 1 of 2

**UNCLASSIFIED**

evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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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 112 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 03/20/2002

<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**

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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] or Intelligence Analyst [REDACTED]

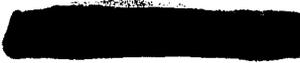
UNCLASSIFIED

### Personal Representative Review of the Record of Proceedings

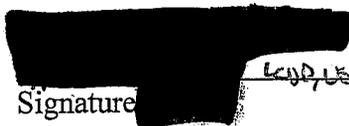
I acknowledge that on 7 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #112.

I have no comments.

My comments are attached.

 LCDR, USN  
Name

07 Oct 04  
Date

 LCDR, USN  
Signature