



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

Dated: 28 July 2005

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



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0358  
08 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE  
ISN # 114

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 # 114 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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3 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 114Ref: (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 # 13 of 4 October 2004  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and affirmatively declined to participate in the Tribunal proceeding.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3 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. Note also that there is no enclosure (3) to the Combatant Status Review Tribunal Decision Report Cover Sheet as indicated on that document.
- d. The detainee did not request witnesses.
- e. The Tribunal's decision that detainee # 114 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 affirmatively declined to submit comments.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 114

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.



T. A. McPALMER  
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

15 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 114

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).

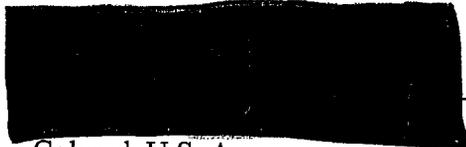
(U) TRIBUNAL PANEL:   #13  

(U) ISN#:   114  

Ref: (a) (U) Convening Order for Tribunal #13 of 4 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~~)—N/A  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened on 12 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 12 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #114 is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, the Taliban and has close associations with members of al Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:           #13            
ISN #:           114          

**1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of the Taliban. The Detainee is a citizen of Saudi Arabia who traveled to Pakistan and then to Afghanistan in April 2001 to fight with the Taliban. The Detainee was a resident at a Taliban safe house operated by a Taliban commander who was seen in the presence of the Taliban Minister of Defense. The Detainee has close associations with al Qaida in that his brother is a known al Qaida operative. The Detainee considers Americans his enemy and will fight against them until he dies. Moreover, the Detainee participated in military operations against the United States and its coalition partners. The Detainee initially met with the Taliban and stated that he was an Arab and wanted to fight. To that end, the Detainee received training with grenades and Kalashnikov rifles. As part of his duties, the Detainee spent five months at the front transporting food, providing ammunition and burying the war dead. The detainee chose not to participate in the Tribunal process. He did not call any witnesses, did not request any documents be produced, nor did he make any kind of statement either personally or through his Personal Representative.

**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. Statement of the detainee: n/a

#### **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:

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

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

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

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

#### **7. Conclusions of the Tribunal**

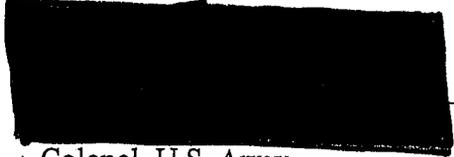
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- 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. Although the Detainee chose not to participate in the Tribunal process, based on representations made by the Personal Representative and the presentation of Exhibit D-a, there was no reason to believe he did not understand his rights and the nature of the Tribunal proceedings.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban and has close associations with members of al Qaida.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army  
Tribunal President



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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (25 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL SHIHRI, Yussef Mohammed Mubarak.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates the detainee was a member of the Taliban and participated in military operations against the United States and its coalition partners.
  - a. The detainee was a member of the Taliban.
    1. The detainee is a citizen of Saudi Arabia who traveled to Pakistan and then to Afghanistan in April 2001 to fight with the Taliban.
    2. Detainee stayed at a Taliban safe house operated by a Taliban commander who was seen in the presence of the Taliban Minister of Defense.
    3. Detainee's brother is a known al Qaeda operative.
    4. Detainee considers Americans his enemy and will fight against them until he dies.
  - b. The detainee participated in military operations against the United States and its coalition partners.
    1. Detainee met with the Taliban and said he was an Arab and wanted to fight.
    2. Detainee received training with grenades and Kalishnikov.
    3. Detainee spent five months at the front lines transporting food, ammunition, and burying the dead.
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 R1

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

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Page 828 of 2

## Memorandum



To : Department of Defense Date 09/21/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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 114 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 04/04/2002  
FD-302 dated 04/29/2003

<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 Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/21/2004

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

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### Personal Representative Review of the Record of Proceedings

I acknowledge that on 14 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #xxx.

I have no comments.

My comments are attached.

LT COL  USAF  
Name

14 Oct 2004  
Date



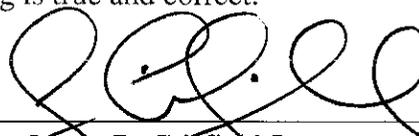
ISN #114  
Enclosure (5)



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

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

Dated: 12 Oct 04



James R. Crisfield Jr.  
CDR, JAGC, USN



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

OARDEC/Ser: 0197  
11 October 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

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

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

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

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**

8 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

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

- a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.
  - b. The Tribunal was properly convened and constituted by enclosure (1).
  - c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
  - d. The detainee made no requests for witnesses or other evidence.
  - e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD, JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

2 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

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

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

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

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:   #5  

(U) ISN#:           

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

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S//NF)  
(3) (U) Summary of Detainee/Witness Testimony (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 29 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 29 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of al-Qaida and associated with the Taliban as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]  
[REDACTED] Colonel, USAF  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: #5

ISN #: [REDACTED]

### **1. Introduction**

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

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

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

1. The detainee admitted he decided, on his own, to travel to Afghanistan and assist the Taliban based on the Fatwas that were issued.
2. The detainee used primary travel routes to get to Afghanistan – Sa'naa, YM; Karachi, PK; Dubai, UAE; Quetta, PK; Kandahar, AF; Kabul, AF; and Konduz, AF.
3. Once in Konduz, the detainee traveled in Khoja Khar, AF. He trained on the AK-47 about one week and then moved onto the front line to fight against the Northern Alliance.
4. The detainee received first aid training and helped maintain a special clinic for Arabs.

The Personal Representative stepped through the allegations made against the detainee and the detainee confirmed most of the above. He confirmed that he was associated with the Taliban, confirmed that he answered a Fatwa to assist the Taliban and confirmed his travel route into Afghanistan. The detainee denied engaging in hostilities against US or coalition forces. He stated that he went to Afghanistan to visit and assist and stated that he did not know whom the Northern Alliance was. The detainee stated that he received medical training in Yemen prior to his arrival in Afghanistan, but also admitted to

receiving some medical training from the Taliban. The detainee confirmed that he treated not only Arabs, but also all people that were brought into the aid station he worked at near the front lines around Konduz, Afghanistan. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. After all matters were considered, the preponderance of evidence clearly showed that the detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

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

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-17
- b. Sworn statement of the detainee

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

The Detainee requested no witnesses be produced for the hearing.

The Detainee requested no additional evidence be provided.

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

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's testimony. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). He denied being a Taliban fighter, but confirmed that he went to Afghanistan to assist the Taliban and that he received medical training from the Taliban. The detainee also confirmed that he received small arms training with the Kalashnikov rifle in Yemen prior to his arrival in Afghanistan. The Tribunal did find the detainee's testimony persuasive, but also turned to classified sources for further clarification.

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

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

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

**7. Conclusions of the Tribunal**

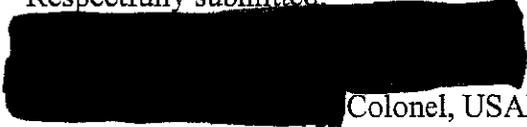
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

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

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

Summarized Detainee Statement

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

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

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

Detainee: Is traveling to Pakistan is that an accusation?

Tribunal President: It is a statement of what we believe or a fact of the events leading up to your capture.

Detainee: I left before the attacks.

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

Detainee: What do you mean by oath?

Tribunal President: Oath is a promise that you will tell the truth.

Detainee: What I told you was the truth. I don't understand the connection having traveled from Konduz to a small village of Konduz.

Tribunal President: That is what we are here for today. To decide whether that is relevant or not relevant.

Detainee: The village that I traveled to was where I did my medical training.

Tribunal President: Do you have anything else you would like to tell us?

Detainee: No.

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

Personal Representative: Yes sir. I can go over the things we discussed yesterday, if you would like.

Detainee: Go ahead.

Personal Representative: Concerning 3.a., (The detainee is associated with the Taliban), he said yes.

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Detainee: Yes.

Personal Representative: 3.a.1, (The detainee admitted he decided, on his own, to travel to Afghanistan and assist the Taliban based on the Fatwas that were issued.)

Detainee: Yes.

Personal Representative: 3.a.2, (The detainee used primary travel routes to get to Afghanistan – Sa'naa, YM; Karachi, PK; Dubai, UAE; Quetta, PK; Kandahar, AF; Kabul, AF; and Konduz, AF.) The list route is correct.

Detainee: Yes.

Personal Representative: 3.b., (The detainee engaged in hostilities against the United States or its coalition partners.)

Detainee: That's incorrect.

Personal Representative: 3.b.1, (Once in Konduz, the detainee traveled to Khoja Khar, AF.)

Detainee: Yes

Personal Representative: 3.b.1. Continued, (He trained on the AK-47 about one week and then moved onto the front line to fight against the Northern Alliance.)

Detainee: That is true but I went there just to visit.

Personal Representative: He told me he was not sure what the Northern Alliance was.

Detainee: The Northern Alliance is Afghanis.

Personal Representative: Four months after the 9/11 attacks he was in prison.

Detainee: Yes I was.

Personal Representative: From the 9/11 attacks until the time he was in prison, he was in Konduz working in a medical clinic.

Detainee: Yes.

Personal Representative: 3.b.2, (The detainee first aid training and helped maintain a special clinic for the Arabs.)

ISN [REDACTED]  
Enclosure (3)  
Page 2 of 4

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Detainee: It was not just for Arabs it was for all the people.

Personal Representative: He said this medical training occurred before the 9/11 attacks.

Detainee: I took the training in Yemen. Anything I didn't learn in Yemen, I picked it up in Afghanistan.

Personal Representative: He said he knew how to fire the AK-47 from Yemen.

Detainee: Yes.

Personal Representative: He shot the AK-47 one-month before the 9/11 attacks.

Detainee: Yes.

Personal Representative: Khoja Khar is in Konduz.

Detainee: Yes it is.

Personal Representative: The clinic there was run by Arabs primarily to help Afghanis.

Detainee: The clinic was run by students.

Tribunal President: Is there anything you would like to add to that statement?

Detainee: No.

**Summarized Answers in Response to Questions by the Tribunal Members**

Q. When you were in Afghanistan who gave you the medical training that you didn't already have?

A. I don't want to talk about all of this, you can take a copy from my file and all the information is in there.

Tribunal President: You have the right not to answer any question, but we are giving you the opportunity to tell us your story, first hand, rather than us reading it in some one else's' report. Would you like to answer questions for us?

Detainee? No, I don't want to.

AUTHENTICATION

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

[REDACTED]

Col, USAF

Tribunal President

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



**Recorder Exhibit List  
For  
ISN [REDACTED]**

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	Redaction of National Security Information		UNCLASSIFIED
R3	FBI 302 dtd 20 May 02	3.a.1 3.a.2 3.b.1 3.b.2	FOUO/LES
R4	Form 40 dtd 06 Aug 03	3.b.1	FOUO/LES
R5	IIR 2 340 6093 02 dtd 04 Jan 02	3.b.1	SECRET
R6	IIR 2 340 6139 02 dtd 31 Jan 02	3.b.2	SECRET
R7	IIR 2 340 6682 02 dtd 15 Mar 02	3.a.1 3.a.2	SECRET
R8	IIR 6 034 0312 03 dtd 01 Oct 01		SECRET
R9	IIR 7 739 0112 03 dtd 30 Nov 01		SECRET//NOFORN
R10	Knowledgeability Brief dtd 17 May 02	3.a.1 3.a.2 3.b.1 3.b.2	SECRET
R11	SIR dtd 29 Jun 03	3.b.1 3.b.2	SECRET//NOFORN
R12	JTF GTMO CG MFR dtd 01 Oct 04	Draft	SECRET//NOFORN
R13	CITF-CDR MFR dtd 07 May 04		SECRET//NOFORN
R14	Enemy Combatant Review Checklist		SECRET//NOFORN
R15	JTF GTMO Baseball Card		SECRET//NOFORN
R16	JTF GTMO Baseball Card		SECRET//NOFORN
R17	Travel Routes to Afghanistan	3.a.2	SECRET//NOFORN

**Combatant Status Review Board**

TO: Tribunal Member

FROM: OIC, CSRT (23 September 2004)

SUBJECT: Summary of Evidence for Combatant Status Review Tribunal – Al Warafi, Muktar Yahya Najee

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is associated with the Taliban and engaged in hostilities against the United States or its coalition partners.
  - a. The detainee is associated with the Taliban.
    1. The detainee admitted he decided, on his own, to travel to Afghanistan and assist the Taliban based on the Fatwas that were issued.
    2. The detainee used primary travel routes to get to Afghanistan – Sa'naa, YM; Karachi, PK; Dubai, UAE; Quetta, PK; Kandahar, AF; Kabul, AF; and Konduz, AF.
  - b. The detainee engaged in hostilities against the United States or its coalition partners.
    1. Once in Konduz, the detainee traveled to Khoja Khar, AF. He trained on the AK-47 about one week and then moved onto the front line to fight against the Northern Alliance.
    2. The detainee received first aid training and helped maintain a special clinic for Arabs.
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.

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/22/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
[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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/20/2002

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

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

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/22/2004

If you need additional assistance, please contact

[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED]  
Intelligence Analyst [REDACTED]  
[REDACTED]

-2-

UNCLASSIFIED

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

*plz*  
I acknowledge that on ~~2~~ October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

Date:

[REDACTED]

Lt Col. [REDACTED] USAF  
Personal Representative

ISN # [REDACTED]  
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SALAM ABDULLAH SAID,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2384 (RWR)

**DECLARATION OF TERESA A. McPALMER**

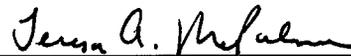
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Salam Abdullah Said that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: 24 Aug 2006



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



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0359  
08 NOV 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 126**

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 # 126 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~~



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

3 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 126Ref: (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 # 13 of 4 October 2004  
(2) Record of Tribunal Proceedings

1. A legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:
  - a. The detainee was properly notified of the Tribunal process and actively participated in the unclassified session of the Tribunal proceeding.
  - b. The Tribunal was properly convened and constituted by enclosure (1).
  - c. The Tribunal complied with the provisions of references (a) and (b).
  - d. The detainee did not request witnesses.
  - e. The Tribunal's decision that detainee # 126 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 affirmatively declined to submit comments.
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.

  
T. A. McPALMER  
CDR, JAGC, USN



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

15 October 2004

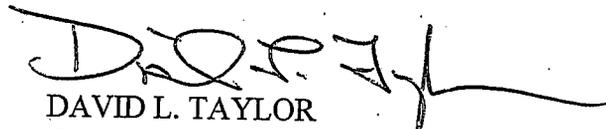
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 126

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#:     126    

Ref: (a) (U) Convening Order for Tribunal #13 of 4 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 on 12 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 12 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #126 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 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 #: \_\_\_\_\_ 126

**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 Pakistan in August 2001 to join the Jihad and fight with the Taliban. After receiving 10 days of weapons training in Kandahar, Afghanistan, the Detainee joined the Taliban on the front lines. He carried a Kalashnikov when he withdrew from the front lines to Konduz. The Detainee surrendered between Konduz and Mazar-e-Sharif and was sent to Al-Janki prison in Mazar-e-Sharif. He was present at the prison uprisings in Al-Janki. 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 a sworn verbal statement. In his verbal statement, the Detainee denied being an al Qaida or Taliban 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. 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.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he traveled from Saudi Arabia to Afghanistan to answer a fatwa issued by a sheik. The fatwa indicated that people in Afghanistan needed help. The Detainee traveled alone using a Saudi Arabian passport. He indicated that although he was a student, he was of a social status that he could afford to finance his own trip. While he had no predetermined destination in Afghanistan, the Detainee stated that he wanted to go to Afghanistan to see for himself what the people needed. The Detainee denied receiving any weapons training. After recovering from an illness, the Detainee went to the front lines to see what was happening. When the people started to retreat from the front lines, the Detainee joined them. At this time, an unidentified individual gave the Detainee a Kalashnikov so that he could protect himself while traveling to Konduz. The Detainee stated that he did not know how to use the weapon, nor did he inspect that weapon to see if it had ammunition in it. Upon arriving at Konduz, a Taliban officer took the Kalashnikov away from the Detainee. The Detainee was then captured somewhere between Konduz and Mazar-e-Sharif. He indicated that he did not "surrender" as stated in the Unclassified Summary, as this would imply that he had a weapon with him. The Detainee was taken to the Al-Janki prison. He stated that while he was present at the prison during the uprisings, he did not participate in the riot.

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

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

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

**7. Conclusions of the Tribunal**

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

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

*The Recorder presented the Unclassified Summary of Evidence to the Tribunal and gave a brief description of its contents. A closed session was then requested to present classified evidence to the Tribunal.*

*The Detainee was properly sworn and informed the Tribunal that the Personal Representative would make his statement for him. The Personal Representative was then instructed to respond to the points made in the Unclassified Summary on behalf of the Detainee and the Detainee would comment as needed. The Personal Representative read the numbered paragraphs contained in Exhibit R-1 and provided the Detainee's responses to each.*

Paragraph 3.a.1. The Detainee traveled from Saudi Arabia to Afghanistan via Pakistan in August 2001 to join the Jihad and fight with the Taliban.

I did not say I went there (Afghanistan) for the Jihad or to fight with the Taliban. I went for the fatwa from the clergy to promote and search for things. I didn't hear of fatwa I read of fatwa calling for people going there to help people.

*The Personal Representative requested that the Detainee give the Tribunal a definition of fatwa.*

I don't know how to explain it. I don't have the knowledge... I just know that an important sheik talks.

*Personal Representative asks what this particular fatwa was for.*

This particular fatwa was about helping those who needed help.

Paragraph 3.a.2. The Detainee received 10 days of weapons training while in Kandahar.

Not true. I did not say this to the interrogator or with any interrogator.

Paragraph 3.b. The Detainee participated in military operations against the coalition.

Not true.

Paragraph 3.b.1. The Detainee joined the Taliban on the front line following training.

Not true. But, I did go to the front lines for a visit. I did not have a weapon nor did I do anything at the front line.

Paragraph 3.b.2. The Detainee was given a Kalashnikov when the front lines withdrew to Konduz.

Correct. They gave me an AK47 to protect myself. I needed an AK47 because we were traveling a long distance and did not know what I would see or run in to. There were robbers. I did not fire the weapon. When I arrived at Konduz, a Taliban official took the AK47.

Paragraph 3.b.3. The Detainee surrendered between Konduz and Mazar-e-Sharif.

True. I was arrested with regular people. There were a lot of people. The word surrendered implies that I had a weapon, but I didn't have any weapon at that time. The word surrendered implies that meaning and it's not true.

Paragraph 3.b.4. The Detainee was sent to the Al-Janki prison in Mazar-e-Sharif, where he was present for the prison uprisings.

True. I was there but I did not take part in the uprising. I heard there were 700 hundred people killed.

*The Detainee concluded his statement and agreed to answer questions from the Tribunal.*

Tribunal Member questions

Q. Where were you born?

A. Tabokh.

Q. How old are you?

A. Twenty-four approximately.

Q. Were you ever a member of any armed force and did you ever receive military training?

A. No.

Q. Who issued your passport?

A. The passport itself?

Q. Yes, which nation?

A. Saudi Arabia.

Q. Please describe your route of travel when you went to Afghanistan in answer to the fatwa.

A. Please clarify the question.

Q. Yes. Where did you leave from and how did you travel? Did you take one airplane, two airplanes, did you go by car...?

A. From Jettī to Qatar to Karachi to Quetta.

Q. And who paid for your travel?

A. Myself.

Q. What was your usual occupation? How did you pay for yourself?

A. I am a student but my social standing is very good. I have my own money.

Q. When you visited the front lines where did you stay and with whom did you stay?

A. I stayed with people. I don't know truthfully who they were exactly. But, they were wearing normal Afghan clothes. The place itself, I don't know exactly where it was, on the first line, last line.

Q. Where you were staying, were there any members of the Taliban or al Qaida to your knowledge?

A. I didn't know the people that were staying there.

Q. You mentioned that you were given an AK47 to protect yourself. Who gave you this weapon?

A. People that were moving back, I went with them. I didn't have a weapon. I didn't have anything. So one person came up to me and said how can you travel this distance without having a weapon. I told him I had not been trained and I don't know how to use a weapon. So he gave me a Kalashnikov and said this is to protect yourself until you get there.

Q. Do you know the name of this person?

A. No.

Q. Do you know his affiliation, his nationality?

UNCLASSIFIED//~~FOUO~~

A. At that time, it was the beginning of nighttime so it was not clear.

Q. Could you tell by his accent where he came from?

A. A person who speaks modern Arabic or classical Arabic, you can't tell by the accent where he is from.

Q. So he spoke Arabic to you.

A. Yes.

Q. Did he give you bullets, rounds, or ammunition with this weapon?

A. No parts. I did not examine the weapon. I just took it and left.

Q. How long did you have the weapon before you turned it over to the Taliban?

A. About two days. We were walking on foot.

Q. Did you have a job in Saudi Arabia?

A. No.

Q. What were you a student of?

A. High school. I finished high school.

Q. You were not a student at a university or college?

A. It was during the summer. I was preparing my paperwork to begin studying.

Q. Did you travel with anyone else to Afghanistan?

A. No.

Q. Do you have any brothers?

A. I have many brothers.

Q. Were any of you brothers in Afghanistan before you went to Afghanistan?

A. No.

Q. What kind of help did the fatwa ask for and why?

A. Helping people because they were in need of help. I'm prepared to explain it further if you are prepared to listen. It's a lot of words. During the Afghan Jihad, everyone was helping the Jihad at that time. Even America was helping the Jihad. So after a while, there's fighting between the people there. So the picture to us was tainted and the reputation was not good. And after a while, there was fighting in Afghanistan and then the fighting started to slow down and people were united for one government. We had the sheiks and normal people started saying to us that there are people there who need your help and you should go help them. The situation was now better than it was before. So these are the reasons that caused me to go over there.

Q. So you went there to help them fight?

A. No.

Q. You have not told me why or what help that you were there to give.

A. I didn't know myself what kind of help I would be giving when I went there. I wanted to go there to see what the situation was and what help was needed.

Q. Are you the oldest of your brothers?

A. No.

Q. Why did you feel you must go if none of your brothers went?

A. That's a strange question.

Q. If your brothers did not feel it wasn't important to go help, why did you decide to go?

A. Okay... now, are your brothers all in the military?

Q. No.

A. Everyone has there own point of view.

Q. Okay. If you were there to help people, why would you go to the front line?

A. I was in the clinic in the hospital. I was sick for a while. So I did not know that there was fighting. I thought the situation was normal. They told me at the hospital or clinic that there was fighting. One of the reasons is that no one gave me a good answer. So I went for myself to investigate this issue.

UNCLASSIFIED//~~FOUO~~

Tribunal President question

Q. Did you have a planned destination when went into Afghanistan? You were heading for a certain place?

A. No. I was just going to Afghanistan. I did not know.

*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, United States Army  
Tribunal President

ISN# 120  
866  
Enclosure (3)  
Page 6 of 6

UNCLASSIFIED//~~FOUO~~



UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (26 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - BAHAYSH, Salim Abdallah Said.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a Taliban fighter, associated with al Qaida, and participated in military operations against the coalition.
  - a. The detainee is a Taliban fighter and associated with al Qaida:
    1. The detainee traveled from Saudi Arabia to Afghanistan via Pakistan in August 2001 to join the jihad and fight with the Taliban.
    2. The detainee received 10 days of weapons training while in Kandahar.
  - b. The detainee participated in military operations against the coalition.
    1. The detainee joined the Taliban on the front line following training.
    2. The detainee was given a Kalishnikov when the front lines withdrew to Konduz.
    3. The detainee surrendered between Konduz and Mazar-e-Sharif.
    4. The detainee was sent to the Al-Janki prison in Mazar-e-Sharif, where he was present for the prison uprisings.
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

Page 1 of 1  
868 R1  
EXHIBIT

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 14 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #126.

I have no comments.

My comments are attached.

Name

 USAF

14 Oct 04  
Date

ISN #126  
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALLAL AB ALJALLIL )  
ABD AL RAHMAN ABD, *et al.*, )  
Petitioners, )  
v. ) Civil Action No. 04-CV-1254 (HKK)  
GEORGE W. BUSH, )  
President of the United States, *et al.*, )  
Respondents. )  
\_\_\_\_\_ )

**DECLARATION OF JAMES R. CRISFIELD JR.**

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

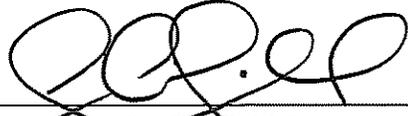
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Allal Ab Aljallil Abd Al Rahman Abd that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not

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

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

Dated: 18 Oct 04

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



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

OARDEC/Ser: 0218  
17 October 2004

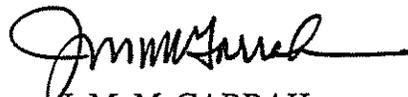
**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

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

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

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

  
J. M. McGARRAH  
RADM, CEC, USN

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

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16 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #9 of 27 September 2004  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process, elected to participate, and made an unsworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-3 through 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. Additionally, one of the exhibits considered by the Tribunal was classified as Sensitive Compartmented Information (SCI). The Tribunal did not attach this document to the Record of Proceedings in order to maintain its overall classification as Secret. This is the document you and I have previously reviewed inside the Office of the Under Secretary of the Navy for Special Programs and Intelligence's sensitive compartmented information facility (SCIF). The OUSN SCIF will maintain this document inside their safe until the Tribunal proceedings are considered final. I have designated this document as exhibit R-17 and inserted a placeholder for it in the Record of Proceedings. In my opinion the document was appropriately considered by the Tribunal and supports their determination that the detainee is properly classified as an Enemy Combatant as defined in references (a) and (b). There is no information in the document that would support a conclusion that the detainee is not an Enemy Combatant.
- d. The detainee made no requests for witnesses. During the hearing, the detainee requested that the Tribunal President obtain medical records from a hospital in Jordan.

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

He alleged the records would support his story that he went to Afghanistan for medical treatment.

The Tribunal President denied the request. He determined that, since the detainee failed to provide specific information about the documents when he previously met with his Personal Representative, the request was untimely and the evidence was not reasonably available. After reviewing the evidence in the course of the Tribunal, the Tribunal President further determined that even if the medical records did exist and contained the information described by the detainee, the information was not relevant to the issue of whether the detainee is properly classified as an enemy combatant.

Since the detainee had failed to provide adequate information about these documents during his earlier meetings with his Personal Representative, Tribunal President was well within his discretion in ruling that the evidence was not reasonably available. I disagree with the Tribunal President's additional finding that the records would have been irrelevant, however. The detainee's claim was that he went to Afghanistan to receive medical treatment. He denied ever being part of or supporting al Qaeda. It is quite possible that the detainee's medical records could have been relevant to the Tribunal's decision. That is, depending on what was in them, they might have tended to make it less probable that the detainee was part of or supported al Qaeda while in Afghanistan. If they indicated, for example, that a doctor recommended the detainee go to a clinic in Afghanistan to receive a certain type of treatment, then that fact would have some tendency, however slight, to make it more probable that he received that treatment in Afghanistan and did not join al Qaeda.

In any event, the request was untimely and the President's decision regarding the reasonable availability of the records was not an abuse of his discretion. No corrective action is required.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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

  
JAMES R. CRISFIELD JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

27 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #9

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

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

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

  
DAVID L. TAYLOR  
Colonel, USAF

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #9  
ISN #: \_\_\_\_\_

**1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified summary of the evidence presented to the Tribunal by the Recorder indicated that the detainee is an al Qaida fighter, having received training at the al-Farouq training camp in 2000. He then returned to Afghanistan to fight in 2001 and went to the front lines near Kabul. The detainee chose to participate in the Tribunal process. He called no witnesses. During the hearing, the detainee requested that the Tribunal President obtain his medical records from a hospital in Jordan. He requested no other unclassified or classified documents be produced. He made an unsworn verbal statement. The Tribunal President denied the detainee's request for the document to be produced. The detainee, in his verbal statement, denied being an al Qaida member or associate. The Tribunal President's evidentiary rulings are explained below.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-16.
- b. Unsworn statement of the detainee.

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

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Medical Records	not reasonably available/not relevant	no*

\* During the hearing, the detainee requested that the Tribunal President obtain the detainee's medical records from a hospital in Jordan. He claimed that these medical records would support his story. The Tribunal President denied the request, ruling that since the request was untimely (the detainee did not mention this during a prior meeting with his Personal Representative), the evidence was not reasonably available. The President further ruled, however, that he would reconsider the request after viewing all the evidence presented in the case. After viewing all the evidence, the Tribunal President felt that even if the medical records existed and contained the information described by the detainee, that information was not relevant to the issue of whether the detainee is properly classified as an enemy combatant.

**5. Discussion of Unclassified Evidence**

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsworn testimony and the Personal Representative's notes of his interviews with the detainee. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). The Personal Representative's notes of his interviews with the detainee were relayed verbally to the Tribunal during the detainee's unsworn statement, at the detainee's request. In sum, the detainee testified that he believes his case is one of mistaken identity. He claimed that he was only in Afghanistan to seek medical treatment and has nothing to do with al Qaida.

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 questions regarding his rights and hearing procedures and actively participated in the hearing, verbally sparring with the Tribunal President at every opportunity and giving every impression that he is an intelligent individual with a clear understanding of his situation.
- c. The detainee is properly classified as an enemy combatant and is a member of or affiliated with al Qaida.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



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

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Summarized Sworn Detainee Statement

When asked by the Tribunal President the detainee stated he understood the CSRT process and he did not have any questions.

When the Tribunal President asked if the Detainee had any questions concerning the Tribunal process, the Detainee said "yes."

Tribunal President: What is your question?

Detainee: First, I don't understand the Oath. I didn't give permission for my Personal Representative to take an Oath. Why did he take an Oath when he doesn't know me?

Tribunal President: The Personal Representative gave an Oath that he would do his duty. It had nothing to do with what you were going to do.

Detainee: How can he not have anything to do with it, if he is my Personal Representative?

Tribunal President: His Oath had nothing to do with what you are going to say. His Oath deals with his responsibilities in this Tribunal.

Detainee: His work is a Personal Representative. What other work?

Tribunal President: The only work that matters in this Tribunal is his work as a Personal Representative.

Detainee: Is he doing other work rather than representing me?

Tribunal President: The only thing he is doing in this Tribunal is representing you.

Detainee: I want to know why he took an Oath. Why am I not the one taking the Oath?

Tribunal President: You will have an opportunity to take an Oath at the appropriate time. The oath is to assure...

[Detainee interrupted]: I do not know you. Who are the other people, who are you?

Tribunal President: I am the Tribunal President. The person to my left and my right are Tribunal members. We are here to determine if you have been appropriately classified as an enemy combatant. That is all you need to know about us at this time. Do you have any other questions concerning the process?

Detainee: Yesterday, my Personal Representative told me after I was taken from my room, I would get food and water. I did not receive any food or water. How can I trust or believe my Personal Representative? You can asked the soldier that was

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outside.

Tribunal President: The Personal Representative had no control over what the guards do and don't do. What the Personal Representative said was to you was in good faith.

Detainee: The translator was there when the Personal Representative promised I would get food and water.

Tribunal President: We are sorry you did not get food and water. But I cannot change that. Your Personal Representative is here to assist you in this process. Do you have any other questions concerning this process?

Detainee: How long will this take?

Tribunal President: That depends on you.

Detainee: How long will it take before you decide the results of this Tribunal?

Tribunal President: We should have a decision today. It can take quite a while before it is reviewed by the Convening Authority in Washington, D.C. I have no control over the timeline of the process. You will be told the results of the process once it is approved by the Convening Authority in Washington, D.C.

[When the Recorder handed the Tribunal President the Unclassified Summary, the Detainee stated he didn't know what it was. The Recorder explained to the Detainee the Unclassified Summary.]

[When asked by the Tribunal President if the Detainee wanted to make a statement to the Tribunal, the Detainee stated:]

I want to ask my Personal Representative what he did with the information I gave him Yesterday?

Personal Representative: I have the notes with me on what we talked about yesterday.

Detainee: I want to know what you did with them?

Personal Representative: It is here on this paper.

Detainee: I want to hear what he did and what the judge has to say about it. The information that we talked about yesterday was incorrect. If the information from yesterday wasn't corrected, why are we doing this?

Tribunal President: The Personal Representative did not provide this Tribunal panel with any information yesterday. Today is the first time we are going to hear the information. The procedure is done this way so you have the opportunity to hear the information that

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is presented to us. Would you like for the Personal Representative to present the information you gave him yesterday, to us now? Or would you like to present it to us yourself?

[Detainee asked the Personal Representative if he corrected the information he gave him yesterday.]

Personal Representative: I don't know what you mean by corrected. I took notes.

Detainee: Yesterday, you provided me information and I corrected it. I told you I wasn't the person they were referring to. I never went to the places that you said I did. I am not the person this case is based on.

Personal Representative [to Detainee:] I can read the notes to you, if you would like?

Detainee: Clarify the notes, so I know what you did.

Tribunal President [to Detainee]: The Personal Representative didn't do anything with the information you gave him yesterday except record it for his own use. The idea of the Tribunal is to allow you to present the information to us. Then we can do something with it, if we feel it is appropriate.

Detainee: What is the point of having a Personal Representative and having him write things down? I don't need a Personal Representative, you can ask me directly.

Tribunal President: The Personal Representative is here to help you make sure everything you want to say, gets said.

Detainee: The first question, I am not the person they are talking about. The information in the unclassified summary is not about me. How can say someone is me, when it isn't? Yesterday, I gave my Personal Representative the information so he could review and prevent this from happening. He wrote everything down.

Tribunal President: Personal Representative tell us what the Detainee told you yesterday.

[Personal Representative began referring to the Unclassified Summary of the Evidence]

Personal Representative: Item 3.a. (The Detainee is an al Qaida fighter): He said he did not live in al Qaida. This is a case of mistaken identity.

Item 3.a.1 (In the year 2000, the Detainee reportedly traveled from Yemen to Afghanistan.)

Detainee: That is not correct. First, that is not my name. My name is Agnahn Purhan Abjallil. I am from Orday City in Yemen, not a city in al Qaida. My city is very far from the city of al Qaida. That is not my name and I am not from that city.

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Personal Representative: Item 3.a.1. (In the year 2000, the Detainee reportedly traveled from Yemen to Afghanistan.)

Detainee: I told you, I am not the person. Why do you keep referring me to that person? That is not my name.

Tribunal President: It is the name that has been provided during your interrogations and it is the name you have provided to us in the past.

Detainee: That is why I told my Personal Representative in the interview it was a mistake and he needed to review the information. If that is not my name and not the city I am from.

Tribunal President: al Qaida is not a city. It is the name of an organization.

Detainee: Whether it is a city or an organization, I am not from al Qaida. I am from Orday City.

Tribunal President: Are you from Yemen?

Detainee: Yes, I am from Orday.

Tribunal President: Did you travel from Yemen to Afghanistan?

Detainee: I went from Yemen to Afghanistan.

Tribunal President: Did you do that in the year 2000?

Detainee: I don't know the time.

Tribunal President: Was it the year 1421?

Detainee: I am from a village, I cannot tell time.

Tribunal President: Very good. Did you train at the al-Farouq training camp in Afghanistan?

Detainee: That is incorrect information. You have the wrong person.

Tribunal President: Did you receive training in Afghanistan?

Detainee: No, that is incorrect. I have medical paperwork that will state I went there for treatment. Why didn't my Personal Representative present the information in my medical records?

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Tribunal President: Now is the time for information to be presented to the Tribunal, not before.

Detainee: My medical records can verify this information. I gave this information three years ago. The information you are presenting is based on another person. You haven't come up with the right information about me.

Tribunal President: Now is the time for you to tell us what you believe is the correct information about yourself.

Detainee: All the information is in my files.

Tribunal President: We will read it when we read the files later. We are giving you the opportunity to tell us your story now, if you wish.

Detainee: That is what I am doing. I gave you the information. The name is not correct. I told you I went there for medical treatment and there is official paperwork that will verify that. (Inaudible) How can this be possible? I am suppose to review the information, so I can tell you correctly.

Tribunal President: Now is the time for you to tell us why you were in Afghanistan. You told us it was for medical treatment.

Detainee: Yes, medical treatment. That is why I told my Personal Representative the process would be much easier if he would contact the Ministry of Health and get the records regarding my treatment. You would then have all the information you needed. The Tribunal has all the equipment needed to get in contact with the people that can provide you with my information. You can fax Jordan or the hospital and they can send you the information that will show you the truth.

Tribunal President: Your files are in Jordan?

Detainee: Yes, (inaudible) I was supposed to return to that hospital. You can memorize the process. You have my name and address.

[The President asked the translator to have the Detainee refrain from talking while she is talking, because the Tribunal cannot understand him.]

Tribunal President: You went to a hospital in Jordan. What was the name of the hospital in Jordan?

Detainee: It was not a hospital.

Tribunal President: What was its name?

Detainee: The Islam Jordanian Hospital.

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Tribunal President: In what city?

Detainee: Oman.

Tribunal President: From there you went to Afghanistan?

Detainee: Why is my Personal Representative not helping me, I already gave him that Information? He was provided the information in Arabic and English.

[Personal Representative to Tribunal]: The Detainee claims he went for medical treatment in Pakistan, and is not a fighter.

Detainee: Because I am poor and can't afford treatment, I went for humanitarian aid.

Personal Representative: The Detainee was diagnosed in Jordan but the cost was too Expensive. He decided to go to Pakistan where the treatment was cheaper.

Detainee: Yes

Personal Representative: He started out in Yemen. He was diagnosed in Jordan. He went back for a short time to Yemen before going to Pakistan.

Detainee: Yes, correct.

Personal Representative: The doctor that was treating him in Pakistan moved several times; one of those times to Afghanistan.

Detainee: It was too expensive for me to get treatment. The person that could treat me for a reasonable price was in Afghanistan.

[Tribunal President to Personal Representative:] What else did the Detainee tell you?

Personal Representative: The clinic in Yemen, where he got treatment, was Al Jamuri in the town of Sanah from 1995 to 1996.

Detainee: Yes

Personal Representative: Item 3.a.2 (The Detainee reportedly received training at the al-Farouq training camp):

Detainee: I was going to a hospital for treatment. How could I be going for training?

Personal Representative: Item 3.a.2 the Detainee did not directly answer.

Item 3.b.1. (In April 2001, the detainee reportedly returned to Afghanistan): The

ISN # [REDACTED]  
Enclosure (3)  
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Detainee answered he did not live in al Qaida.

Detainee: I told you I lived in Orday. I am not from al Qaida.

Tribunal President: We understand.

Personal Representative: Item 3.b.2 (The Detainee reportedly went to the front lines in Kabul): The Detainee stated it was a case of mistaken identity.

Tribunal President to Personal Representative: Was there anything else?

Personal Representative: No, Sir.

Detainee: Is it clear now?

Tribunal President: Yes, your story is clear to us.

Detainee: People told me before my story was clear, but they never went and got my files. The problem could have ended quite easily.

[When asked by the Tribunal President if the Personal Representative had any questions for the Detainee, the Personal Representative stated no.]

Detainee: Why have I been here for three years? Why have I been away from my home and family for three years?

Tribunal President: That is what we are trying to determine today.

Detainee: Why did you come after three years? Why wasn't it done much sooner after my arrest?

Tribunal President: I cannot answer to what has happened in the past. I was asked to come here now, and I came.

Detainee: Why am I not allowed freedom here?

Tribunal President: Because you have been classified as an enemy combatant.

Detainee: How can they classify me an enemy combatant? You don't have the right documents.

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

Detainee: For three years I haven't been treated very well because of wrong information. Would you let that happen to you? What will be your position if you find out what happened to me was based on wrong information and I am innocent?

Tribunal President: Your current conduct is unacceptable. If you keep interrupting the proceedings, you will be removed and the hearing will continue without you.

**Summarized Answers in Response to Questions by the Recorder:**

Q. What is your full name?

A. I told you it is Agnahn Purhan Abjallil.

Q. When you were in Afghanistan and going to the hospital, where did you live?

A. Abdul Okmahn Station.

Q. I don't understand what you mean by station.

A. It is a school.

Q. Did you work in Afghanistan?

A. Going back to the first question, I went there for treatment. How do you think I was going to work?

Q. Did you ever go to al-Farouq, even for good reasons?

A. I was at the school receiving shots for my treatment. I left and then came back to the school. When I was in Yemen, I was given no hope. I was told I could receive treatment in Pakistan. I went with the person who was going to treat me, but he had other business in Pakistan. I was told to wait at the school until he was finished his business, then he would return and finish my treatment.

**Summarized Answers in Response to Questions by the Tribunal Members:**

Q. What were you being treated for?

A. I had a stroke. I lost my vision and hearing in one ear. My doctor's name and the treatment I received is all in my files.

Q. Why was the treatment done at a school?

A. The person who treated me works for humanitarian aid. I could not afford to be treated at a hospital. The aid worker told me that after he was done working, he would give me my treatment. After my treatment, he said he would take me back home. He was doing me a favor. He treated me for five days.

Q. What kind of school was it?

A. They taught students the Koran.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. No, Sir.

AUTHENTICATION

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

  
\_\_\_\_\_  
Tribunal President

, Col, USAF

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**DETAINEE ELECTION FORM**

Date: 27 Sep 04

Start Time: 12:55

End Time: 14:20

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

Personal Representative: LTCOL   
(Name/Rank)

Translator Required? YES Language? ARABIC

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

**Detainee Election:**

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

**Personal Representative Comments:**

No witnesses. Rambles for long periods and does not answer questions. He has clearly been  
trained to ramble as a resistance technique and considered the initial as an interrogation. This  
detainee is likely to be disruptive during the Tribunal. Wanted witnesses and documents but is  
evasive and failed to provide names, addresses or phone numbers.

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Personal Representative 

**Combatant Status Review Board**

22 September 2004

TO: Personal Representative

FROM: OIC, CSRT

Subject: Summary of Evidence for Combatant Status Review Tribunal – ALLAL, Ab-Aljallil

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 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 indicated that he was a fighter for al Qaida who engaged in hostilities against the United States or its coalition partners.
  - a. The detainee is an al Qaida fighter:
    1. In the year 2000 the detainee reportedly traveled from Yemen to Afghanistan.
    2. The detainee reportedly received training at the al-Farouq training camp.
  - b. The detainee engaged in hostilities:
    1. In April 2001 the detainee reportedly returned to Afghanistan.
    2. The detainee reportedly went to the front lines in Kabul.
4. The detainee has the opportunity to contest his determination 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.

# Memorandum



To : Department of Defense  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT  
Date 09/22/2004

From : FBI GTMO  
Counterterrorism Division  
[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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 10/04/2002  
FD-302 dated 05/18/2003  
FD-302 dated 05/29/2002  
FD-302 dated 04/26/2002

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

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

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/22/2004

If you need additional assistance, please contact

[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED]  
Intelligence Analyst [REDACTED]

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

I acknowledge that on 01 OCT ~~September~~ 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 

I have no comments.

My comments are attached.

  
Name

01 OCT 04  
Date

  
Signature

ISN #   
Enclosure (5)