

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REDOUANE KHALID, *et al.*)
)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1142 (RJL)
)
)
 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 Redouane Khalid 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 other detainees, members of the detainee's family, and 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: 15 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0216
15 October 2004

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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)
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14 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 #8 of 13 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-5 and R-6 was redacted. The FBI properly certified in exhibits R-2 and R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested five witnesses. One, a detainee at Guantanamo Bay Naval Base, was found by the Tribunal President to be reasonably available and testified at the tribunal. The other four witnesses requested by the detainee were former detainees who had been released from detention and repatriated to France. The Tribunal President determined that these four witnesses were not reasonably available. The President also determined that the testimony of these four witnesses would be almost identical to that of the witness who was reasonably available. Therefore, the President determined that their testimony would be cumulative with that of the first witness and not helpful to the Tribunal.

In my opinion, the Tribunal President did not abuse his discretion in determining that the testimony of the four repatriated witnesses would have been cumulative with the testimony of the witness who testified. Documentation regarding the President's determination of their reasonable availability is lacking, however. The Personal Representative, in comments attached to the Record of Proceedings, states that the Tribunal failed to undertake adequate efforts to locate the witnesses. Paragraph G(10) of enclosure (1) of reference (b) requires the Tribunal President to document the basis for his decisions on reasonable availability; to include efforts undertaken to procure the

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

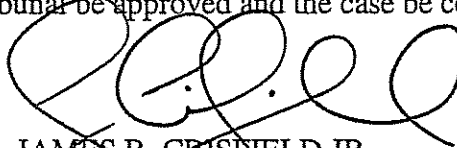
presence of the witness and alternatives considered or used in place of in-person testimony. Since the Tribunal did not document what efforts were made to locate these individuals, if any, I cannot render an opinion, as required by paragraph I(7) of enclosure (1) of reference (b), as to the sufficiency of the decision. Nonetheless, since the President found their expected testimony to be cumulative, he did not need to reach a finding on whether they were reasonably available and there is no prejudice to the detainee from the poor documentation.

The detainee also requested that additional evidence be produced, including his passport, visa, and a return airline ticket from Afghanistan to England that had been taken from him at the time of his capture. The Tribunal searched for the documents, but they could not be located. In my opinion the Tribunal was correct in determining that these documents were not reasonably available.

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 submitted comments to the Tribunal. Those comments are addressed in paragraph 1(d), above.

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

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

8 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

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

1. Pursuant to Enclosure (1), paragraph (D)(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: #8

(U) ISN#: [REDACTED]

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

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

1. (U) This Tribunal was convened on 25 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 25 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, or affiliated with, a force associated with Al Qaeda and the Taliban engaged in hostilities against the United States and its coalition partners, as more fully discussed in the enclosures.

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

[REDACTED SIGNATURE]

Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #8
ISN #: [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 because he is part of a force associated with Al-Qaeda and the Taliban, which is engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee was captured with a weapon in Afghanistan in late 2001 and is a member of the Taliban. The Detainee chose to participate in the Tribunal process. He called one witness, requested no unclassified or classified documents be produced, and made an unsworn verbal statement. The Tribunal President found the requested witness reasonably available and permitted him to testify, which he did. The Detainee, in his verbal statement, denied all of the allegations in Exhibit R-1, and denied being a member of the Taliban or Al-Qaeda. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-c and R-1 through R-18.
- b. Testimony of the following persons: ISN [REDACTED], [REDACTED]
- c. Unsworn statement of the Detainee.

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

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

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	Reasonably available	Yes*
Nizar Sassi	Not Reasonably Available	No*
Mourad Benchelalli	Not Reasonably Available	No*
Ibrahim Yadel	Not Reasonably Available	No*
Imad	Not Reasonably Available	No*

* The witness testimony of [REDACTED] was consistent with that of the Detainee. His testimony is included at Enclosure (3). Although Exhibit D-a indicates that the Detainee requested five witnesses, only one, a fellow detainee, was reasonably available. The other four witnesses were also detainees but they had previously been released to their home country of France. The Tribunal President determined they were not reasonably available and communicated this orally to the Personal Representative.

The Detainee requested additional evidence be produced, in the form of his passport, visa, and return airline ticket from Afghanistan to London, England taken at the time of capture. A search was conducted for these items on Guantanamo Bay but they could not be located. The Personal Representative submitted Exhibits D-b and D-c to indicate which items the Detainee had upon arrival at Guantanamo Bay.

5. Discussion of Unclassified Evidence

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

a. The Recorder offered Exhibits R-1 through R-4 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 and R-3 provided no usable evidence. Exhibit R-4 was an affidavit from the Detainee's brother, which was informative in parts but not persuasive because it does not address Exhibit R-1 and neglects to mention any of the circumstances surrounding the Detainee's journey to and from Afghanistan and his activities there (interestingly, Exhibit R-18 contains relevant information about the affiant as well). Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and the witness' sworn testimony. A summarized transcript of the Detainee's and witness' testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he was not a member of Al-Qaeda or the Taliban and that all the allegations included in Exhibit R-1 were false. All the allegations are false, and any admissions attributed to the Detainee are the result of incorrect translation on the part of the translator. The witness testified in pertinent part that he was always

together with the Detainee when both of them were in Afghanistan, that neither of them ever engaged in any weapons training, and never had any contact with members of Al-Qaeda or the Taliban.

c. The Personal Representative offered Exhibits D-b and D-c into evidence to show that the Detainee had money on him at the time of his arrival at Guantanamo Bay. The Detainee claimed that this money had been stolen from him. While this exhibit persuaded the Tribunal that the Detainee did have funds in his name upon arrival at Guantanamo Bay, it did not address whether or not he was properly classified as an enemy combatant and was therefore unpersuasive as to that question.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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


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

c. The Detainee is properly classified as an enemy combatant because he is part of a force associated with Al-Qaeda and the Taliban that is engaged in hostilities against the United States and its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee.

Before commenting on the unclassified evidence he [Detainee] wants you to know he is innocent.

- **3(a) (1) Detainee is a French citizen who traveled to Afghanistan from London on 22 July 2001.**

The Detainee did this for the sole purpose of living in a Muslim lifestyle and society. Detainee made this trip to investigate immigrating to Afghanistan, which was under Sharia law. Detainee understands his religious obligation to find the correct Muslim lifestyle for himself and his family.

Detainee initially looked at Pakistan, but ended up choosing Afghanistan because it was a cheaper place to live and he could get a house for under \$3,000.00. The remarks by Detainee's brother in his affidavit, marked R-4 state this also.

- **3(a)(2) The Detainee trained with Kalashnikov rifles in Afghanistan.**

This is false. Detainee once watched someone assemble and disassemble an AK-47. This was strictly out of curiosity because everyone in Afghanistan had an AK-47.

Items 2, 4, 5, and 6, [of the Unclassified Summary]. These items refer to statements by Detainee and the translator that the Detainee dealt with prior to this tribunal and [according to the Detainee] did not give a correct translation. Therefore anything attributed to the Detainee in these statements must be questioned, due to that fact.

- **3(a)(3) The Detainee stayed at a safehouse in Kabul in the Akbar Khan Mina neighborhood, a known Taliban and Al Qaeda occupied territory.**

This is not true. The Detainee stayed at a house, not a safe house. This was just a house in Jalalabad that the Detainee stayed in on his way to Kandahar to look for potential places to live.

Concerning the statement about "known occupied territory," the Taliban occupied all of Afghanistan and it has nothing to do with the Detainee. The Detainee never had any dealings with Taliban or Al Qaeda. The first time he heard of the existence of Al Qaeda was on the radio after the 9/11 attack.

Again, on items 4, 5, and 6, [of the Unclassified Summary], each reference statements made by the Detainee and the translator used in the initial interview

who [according to the Detainee] had problems with the translation. We uncovered many of these problems with our new translator today during the final interview.

- **3(a)(4) The Detainee stated that he traveled to a Taliban camp in Kandahar for training and also carried weapons into the mountains when Jalalabad fell to the Northern Alliance.**

This is false. The Detainee was at a house in Kandahar, not a camp. The reason he went to different houses is because he heard about the 9/11 attacks and was attempting to get to Jalalabad, and then exit the country to France. At one time, when he was in a house, he was told to leave quickly, empty everything in the room he was in, and throw it in the back of the truck.

In the room, there was a broken AK-47. The Detainee did put that in the back of the pickup truck. He did not keep it with him and it was not his weapon. The Detainee was doing a favor for Jafar, the individual that was helping him escape the violence that was coming. Jafar was going to help them get out of Afghanistan.

- **3(a)(5) The Detainee stated he arrived in Jalalabad in August 2001 and stayed at an Algerian safe house.**

That is correct, but it was a guesthouse, not a safe house. The Detainee stayed for 3 weeks and looked for a house to buy. The reason he went to several different places is that he was looking for a house to buy and then later to try to flee the country.

The Detainee had the money to pay for a hotel room, but because of the chaos when he was leaving the country, he was forced to stay in many guesthouses.

The Personal Representative states that he entered into evidence documents from the evidence custodian showing that the Detainee had currency with him that would have been sufficient to pay for hotel rooms for a prolonged period while the Detainee searched for a house.

- **3(a)(6) The Detainee stated that, after September 11, 2001, he met two fellow detainees at the same Algerian safe house that was located in Jalalabad.**

The Detainee remembers the young lady who translated his statements that day. He tried to correct her bad translation when he could. Despite that, the statement is false. The Detainee met the 2 people in question prior to 9/11. The first person came with him from France, through London to Afghanistan. The second person he met in London, as he was enroute to Afghanistan. The first person died in the mountains from sickness and cold when they were trying to flee the country.

Overall, the evidence tries to portray the Detainee as a fighter and because he has hepatitis C, scoliosis (which prevents him from standing for a prolonged period of time), and herniated disks in the C vertebrae of his neck, the combination of these things would prevent him from being a threat to anyone, let alone engaging in hostile actions.

The Detainee saw his travel documents, which include his visa, passport and airline ticket here in the camp shortly after his arrival.

The Detainee interrupted and stated that the documents were not presented to him here; they were presented to him in Pakistan by FBI agents.

The Tribunal President commented, understanding why we could not find the documents here [in Guantanamo Bay].

The Detainee was offering these documents as proof that he was house hunting for a short period in Afghanistan. The documents show he had a visa for 3 months time, not enough to train and engage in any hostilities.

The Detainee specifically remembers his airline ticket because the interrogator incorrectly looked at his time of departure, 2000 hours and thought it was the year of departure. They [interrogators] initially accused the Detainee of lying and later apologized.

Questions by the Tribunal Members

Q: Prior to traveling to Afghanistan, you lived in London for a time?

A: A few days, yes.

Q: Only a few days?

A: Yes, only a few days.

Q: Prior to that, where were you?

A: In France.

Q: What was the purpose of going from France to London? To facilitate your trip to Afghanistan?

A: Exactly. I can tell you the reason, if you want.

Q: Please.

A: As I mentioned earlier, Abdul Aziz knew a lot about Afghanistan, and he told me that there was a person in London who would give us addresses and phone numbers for a point of contact when we got there [Afghanistan].

Q: You received that information and then traveled to Afghanistan afterward?

A: Yes.

Q: Are you also Algerian by heritage, or only French?

A: My Algerian heritage is only language, which I share with my parents.

Q: So, your parents are Algerian, but you were born in France?

A: My parents are considered French citizens because they were born and during the French (inaudible) [occupation].

Q: Have you ever lived in Algeria?

A: No, but I spent my National Service there.

Q: Under conscription for the French military?

A: We had the possibility to choose if we were going to stay in France to do it or go to Algeria. People choose to go wherever they want.

Q: How long a time period was that?

A: 24 months.

Q: How did you serve while you were in Algeria?

A: Civil Engineering.

Q: Did you receive any military training while you were in Algeria?

A: Just for parade. It might sound funny, but it's true. That's all my military training.

Q: Only to march and drill in ceremonies?

A: Exactly.

Q: Not weapons, or anything of that nature?

- A: Yes, we had to use. We shot 3 bullets with a weapon that is called Seminov (phonetic). Everybody has to go through that.
- Q: Besides your parade and ceremonies, what other training did you receive, besides what you just said?
- A: None.
- Q: Please tell us again about your exposure to the Kalashnikov rifles in Afghanistan.
- A: I was in a house in Jalalabad. As mentioned earlier, a person named Idious (phonetic). He dismantled it in front of us. That was it. That is what happened. There was no firing and we didn't even touch the weapon.
- Q: Why were you even present?
- A: Just curiosity, that's all. As you know, everybody there has a Kalashnikov.
- Q: How many people were there at the time he did this?
- A: Three, four, maybe five.
- Q: Were there any other weapons you were exposed to while in Afghanistan?
- A: No, none.
- Q: Were you captured in Afghanistan or Pakistan?
- A: In a mosque in Pakistan.
- Q: How many other people were you captured with at the time?
- A: I don't know exactly. It was the French group and other people. I would say 20, or so.
- Q: Were there weapons present at the mosque, even if they were not yours?
- A: No, I didn't see any.
- Q: Did you have any relationships with any individuals in Afghanistan that you knew to be affiliated with the Taliban?
- A: No, not at all.

- Q: Even though your purpose for going to Afghanistan was your desire to live in an Islamic state?
- A: I don't understand.
- Q: You stated the reason you wanted to go to Afghanistan was because you wanted to see what it was like to live in an Islamic state.
- A: Yes, that was my biggest reason.
- Q: It would seem logical that you would seek out people who would teach you what it was like to live in an Islamic state, which Afghanistan was at the time.
- A: In Pakistan, not Afghanistan.
- Q: You wanted to live in Pakistan? I thought you wanted to live in Afghanistan.
- A: Yes. The purpose was to live in Jalalabad, which is a border city, so it's close to both. Islamabad in Pakistan has a big religious school. This is one of my main reasons.
- Q: All right, I'll ask it a different way. During the time you were in Afghanistan or Pakistan, you did not meet anybody associated with the Taliban?
- A: We met Taliban in the roads, but nobody that is really associated with me. They have checkpoints all over the country.
- Q: What I'm getting at, is people who would be in a position to help you.
- A: The only people that could help me were the French. I didn't speak Pashtu, so I couldn't communicate with people over there. The only person that was helping us was Jafar, who spoke Algerian, just like me.
- Q: As I understand what your Personal Representative said, you deny any association with Al Qaeda?
- A: Absolutely. All association.
- Q: Did you know any Al Qaeda fighters while you were in Afghanistan?
- A: No, absolutely not.
- Q: In Pakistan also?
- A: I didn't stay long in Pakistan. I stayed only 1 week, just to continue the trip.

Q: You were in Afghanistan for approximately 5 months or so?

A: It was from August to September 11th, when the catastrophe happened in the United States. After that, we wanted to leave immediately, going through Jalalabad again. When we got to Jalalabad, Jafar told us we could not go. All of the borders were closed. He advised us to be patient and just wait there and maybe we could go later.

At this time, we went to the 2nd house in Jalalabad, called the House of the French.

Q: You were captured in November, December 2001?

A: I think it was December.

Q: The places you were in Afghanistan were Kabul, Kandahar, Jalalabad...anywhere else?

A: No.

Q: How did you fund your trip to Afghanistan?

A: With my own personal money.

Q: You went from France to London to Afghanistan. You left your family there in France?

A: I would never take my wife with me to a place I don't know yet, especially when we hear on the radio that there might be a little danger involved there.

Q: If everyone is carrying a Kalashnikov in Afghanistan, why would you want to move your wife and children there?

A: For me, I didn't know that. I wanted to see with my own eyes. On top of that, all that we heard about was mainly about the north and Jalalabad, as you know, is in the south, near the Pakistan border. That's why, if there were any problems, I would just go to Pakistan because that city is on the border.

The Personal Representative wanted to clarify one of the questions regarding how the trip was funded. Looking at R-4, the affidavit of the Detainee's brother, it discusses, in length, that the Detainee was fully employed before he left and owned his own business.

The witness, [REDACTED] was called and took the Muslim oath.

Questions by the Personal Representative to the Witness

Q: Can you tell us why the two of you went to Afghanistan?

A: Of course. I would like to know if Redouane Khalid asked for me as a witness.

The Tribunal President advised the witness that the Detainee did request him as a witness.

Q: Can you tell us why both of you traveled to Afghanistan?

A: I personally went to visit Afghanistan with my own eyes if it is [was] convenient and the right Islamic country to live in. It is the same for the Detainee. He told me he wanted to go see Afghanistan and eventually immigrate.

Q: Could you tell us where you met for the first time?

A: At his wedding, in Paris.

Q: Could you tell us the length of time you were both in Afghanistan?

A: If I recall correctly, it was August 2001. As far as I remember, we left 1 ½ months after the problems of September 11th in the United States, the beginning of the war.

Q: Were you both together most of the time you were in Afghanistan?

A: Yes, we were almost always together.

Q: Did either of you engage in any weapons training?

A: No, never.

Q: Can you tell us the circumstances under which you left the country?

A: We left the country in the beginning of the war. We didn't have the possibility to leave Afghanistan on our own, so we waited for a guide. We stayed for 1 ½ months because we were waiting for a guide.

Q: Did you ever have any contact with members of the Taliban or Al Qaeda?

A: No.

Questions by the Tribunal Members to the Witness

Q: Were you captured with Redouane Khalid?

A: Yes.

Q: Please explain the circumstances of your capture.

A: We left Afghanistan with no problem. We wanted to enter Pakistan to get to France. We wanted to go the legal way, with our own passports and our own papers. As you know, [along] the roads between Afghanistan and Pakistan, there are a lot of villages to go through. We arrived in Pakistan in a village. The people of this village gave us a place to stay. They told us we had to go to the police station or the police representative. They said the police would take us to our Embassy. That is when we were arrested, without incident.

Q: Where was the police station where you were arrested?

A: The police came to the village to take us. They told us to come with them.

Q: You were in the village in Pakistan when the police arrested you?

A: Yes.

Q: How many were among you when you were arrested?

A: It wasn't a huge number, 10 more or less.

Q: All of the French speakers together, or other nationalities?

A: I was only with the French. I didn't visit the whole village to see who was there, but I know it was only French.

Q: Are these the people you traveled with all the way from Afghanistan to this place in Pakistan?

A: Yes.

Q: When you were captured by the police in the village, please explain what happened there.

A: As I said before, there was no incident. It was without handcuffs. They came and explained to us that they had to interrogate us and then they would release us to our Embassies to be released to our countries. When we went to the police station they put us in prison.

Q: When the police first came to seek you, were you guests in someone else's home?

A: Yes. First we were in a house and then we went to the village mosque.

Q: That is the place they came?

A: Yes, the cars came within 5 meters of the mosque.

Q: Was there ever a time, during your time in Afghanistan, where you and Redouane Khalid were separated?

A: No, we were always together. He might have gone to the market and came back, but that's it.

Q: Did you receive any training on weapons while you were in Afghanistan?

A: No. I saw weapons there, but we never received any training on weapons.

Questions by the Tribunal President to the Witness

Q: When you were captured, or taken into custody by the Pakistani police, did you have any money with you?

A: Yes, I had some money, but it was stolen from me.

Q: It was stolen when you were arrested by the police?

A: Yes, the police took it.

Q: How much money?

A: Not a whole lot, but I personally had about \$1,000 French Francs.

Q: Did you have, in your possession, either a visa or a passport?

A: I had with me my passport, my ID, my visa, everything was in order.

Q: Did you or anyone in your group have weapons when you were arrested?

A: No. We were captured without incident. We went with no problems. No one had weapons.

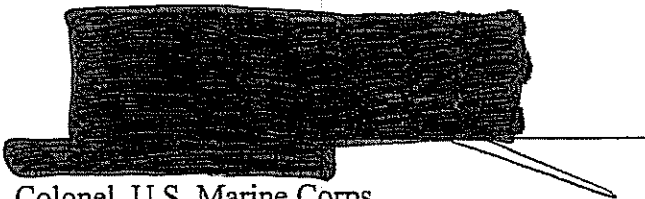
The Tribunal President asked the Detainee if he had any additional information to present to the Tribunal.

The Detainee stated that he would love to show the Tribunal President his documents to show that he was legal.

The Personal Representative stated he had no further witnesses, but points out that the witness also stated their documents were legal.

AUTHENTICATION

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

A large, dark, rectangular redaction covers the signature of the Tribunal President. A thin horizontal line extends from the right side of the redaction.

Colonel, U.S. Marine Corps
Tribunal President

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (02 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal - KHALID, Redouane.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is an Al Qaeda fighter:
 - a. The detainee is an Al Qaeda fighter:
 1. The detainee is a French citizen who traveled to Afghanistan from London on 22 July 2001.
 2. The detainee trained with Kalishnikov rifles in Afghanistan.
 3. The detainee stayed at a safehouse in Kabul in the Akbar Khan Mina neighborhood, a known Taliban and Al Qaeda occupied territory.
 4. The detainee stated that he traveled to a Taliban camp in Kandahar for training and also carried weapons into the mountains when Jalalabad fell to the Northern Alliance.
 5. The detainee stated he arrived in Jalalabad in August 2001 and stayed at an Algerian safe house.
 6. The detainee stated that, after September 11, 2001, he met two fellow detainees at the same Algerian safe house that was located in Jalalabad.
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

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To : Department of Defense Date 09/08/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
OSC [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 marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². 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 04/14/2002

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

²See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/08/2004

If you need additional assistance, please contact On
Scene Commander [REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

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-2-

Memorandum

unclassified



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

Date 09/13/2004

From : FBI GTMO
Counterterrorism Division
OSC [REDACTED] 9/13/04

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 marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

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

FD-302 dated 05/16/2002

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

²See Executive Order 12958

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UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/13/2004

If you need additional assistance, please contact On
Scene Commander [REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

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-2-

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AFFIDAVIT OF [REDACTED]

I, [REDACTED] of [REDACTED], France, being duly sworn, depose and state as follows:

1. I am the brother of Ridouane Khalid.
2. I have four brothers and one sister, Ridouane is the youngest. He was born at Villemomble, France on the August 16, 1967. He was born a French citizen and has been French all his life.
3. Our parents live in Aulnay sous Bois, a suburb of Paris. Our father has been retired for about 10 years. Our parents are both Muslim but they have never required their children to be Muslim. We were given the opportunity to decide whether we wanted to be Muslim or not. My parents are very tolerant. For example, my sister was never required to wear the Burka. During our teenage years, our parents let us go out with friends and girlfriends. Ridouane enjoyed going out dancing and having fun with friends. He even used to drink alcohol and smoke cigarettes from time to time.
4. During our childhood and teenage years, we all played sports, such as football, swimming, and handball. My brothers and I have always been into sport. Ridouane was especially keen on football. He also enjoyed watching football on television.
5. Ridouane went to the Victor Hugo High School in Aulnay sous Bois. He was always a diligent and hard working. He never repeated a year. After his secondary school education, he studied and qualified in accountancy in 1987. Between 1990 and 1992 he completed his qualification as an electro-technician. He was an excellent technician who distinguished himself at his work. In addition he became a skilled plumber. After his qualifying as an electro-technician, he began working as an electro-technician in Aulnay sous Bois. In 1996, Ridouane established his own company with one of his other brothers. I was in charge of a building yard where Ridouane worked as an electrician. We worked together from 1996 to 1999. The year before Ridouane left for Pakistan, he worked as a butcher in Aulnay sous Bois. Ridouane was in full time employment until his departure for Pakistan in August, 2001.
6. Ridouane met his future wife, [REDACTED], in 2000. [REDACTED], like Ridouane is a French citizen by birth. A few months after they met, [REDACTED] and Ridouane "married" in accordance with the Muslim faith. They planned to have a full civil marriage ceremony at a future date. Annexed hereto marked "MK1" are two copies of "letters of congratulation."

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7. Around the time of Ridouane met [REDACTED] he had become more interested in his religious faith. He began to study Arabic at this time so that he could learn more about his faith. He studied Islam through books dealing with Islam and the Koran. His religious focus was always a very peaceful one. One of Ridouane's favourite Islamic principles is that when you kill someone, you kill the entire humanity. He was very strongly against violence.
8. In August 2001, Ridouane travelled to Pakistan for an intensive course in the Arabic language. He had been planning such a trip for some time. For any French person interested in Islam, it is very important to learn the Arabic language, principally because the understanding of the Koran is different in the Arabic text than it is in the French text. This is why Ridouane and many of my Muslim friends want to study Arabic. As it less expensive to study Arabic in Pakistan than it is in France or other Arabic speaking countries, a large number of our French friends have travelled to Pakistan to study.
9. In Pakistan it is possible to learn Arabic in an intensive program in a few months. Ridouane learned about Islamic schools in Pakistan from friends and in books. The internet also provides addresses of schools in Pakistan. At one point I myself wanted to study Arabic in Pakistan but family commitments prevented me from doing so at this time.
10. Ridouane intended that his stay in Pakistan would be a brief one. One week before leaving, he and [REDACTED] had signed the lease on a new apartment. He also signed a proxy, giving his wife power of attorney over his affairs for the two month duration of his trip to Pakistan. He was also keen to return to his young wife, whom he loved very much and who was waiting for him in France. They had talked about having children together before he left and had made plans together for their civil marriage service upon his return. There was also the possibility of work to return to and he has always considered France his home. Annexed hereto marked "MK2" is copy of the lease signed by Ridouane Khalid.
11. Before leaving for Pakistan, Ridouane had suggested to his wife that she take a vacation to visit friends in Algeria and to purchase clothes for the wedding. While they were apart, [REDACTED] did not speak with Ridouane, but this was only because of the poor communications between Algeria and Pakistan.
12. Ridouane went to language school when he arrived in Pakistan. He was arrested and detained there, but I don't know by whom or why. Since his arrest in Pakistan, there has been very little contact between Ridouane and our family or the French authorities.
13. From the little information we do know, we understand that at some point after his arrest Ridouane came in to the custody of agents of the United States government. My parents first heard of Ridouane's arrest in late 2002, when two French government officials called around to their house to advise them, that their son was being held by the United States military.
14. Presently, I know that Ridouane is being held in the custody of the United States military at Guantánamo Bay, Cuba (Guantánamo). Since his incarceration there, our

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family has received some letters from him via the International Committee of the Red Cross (ICRC). It is clear that these letters are censored, so we have not been able to gain a full understanding from him of the circumstances of his initial arrest and detention or the conditions under which he is currently held.

- 15. As members of Ridouane's family we have also been allowed to send letters to him via the ICRC. Recently, however, we have been told that letters should be written in English. This makes communication with Ridouane extremely difficult. In France, we can get help translating letters, but Ridouane is not able to read English.
- 16. In early 2002, Ridouane wrote a short note via the ICRC to say that he had been told by the United States military that its investigation into his status would soon be completed and that he would soon be allowed to go home. That was many months ago, now. Annexed hereto marked "MK 3" is a copy of this letter.
- 17. In all his letters Ridouane has expressed how much he loved his wife, and how much he wanted to be back with her. He also said how much he misses us all. In one such letter dated March 4, 2003, he expressed his love to all his family and their children. He also said that he was concerned about the education of his nephews because for Ridouane education has always been a priority. Annexed hereto marked "MK 4" and "MK 5" are copies of two letters sent by Ridouane.
- 18. On September 18, 2003, [REDACTED] received a letter from Ridouane, the first in seven months. In this letter, Ridouane told her that he had lost a significant amount of weight. Annexed hereto marked "MK 6" is a copy of this letter. I am also very concerned about his general health as at one point he wrote to say that he had contracted Hepatitis C.
- 19. To the best of my knowledge no charges have been laid against my brother. Nor he has been brought before a judicial officer of any properly constituted court or tribunal since his detention.
- 20. A year and a half after Ridouane's incarceration at Guantánamo Bay, I decided to find a solicitor to represent him. From my brother's correspondence and my knowledge of his nature, I know that Ridouane would want me to take legal proceedings on his behalf and to challenge the lawfulness of his detention. I contacted the president of the Paris Bar Association, Mr Paul-Albert IWEINS, who I had learned was already involved in the representation of three other French national detained by the United States at Guantánamo Bay, Mr [REDACTED], Mr [REDACTED] and Mr [REDACTED].
- 21. On August 2003, Mr Paul-Albert IWEINS agreed to represent the interests of my brother Ridouane here in France.
- 22. It is my belief based on the messages I have received, and from everything I know about him, that my brother is seeking my assistance and support and would want me to take appropriate legal action on his behalf. Consequently, I wish to act as his "next friend." In this capacity, I have retained and hereby request and authorize Paul-Albert IWEINS, solicitor, or his associates, and Michael Ratner, attorney, of the Center for Constitutional Rights (CCR) in New York, and any lawyers associated with CCR, to

act on my own and my brother Ridouane's behalf and to take whatever legal steps they consider to be in our best interests.

23. I know the facts deposed to herein to be true of my own knowledge, except where otherwise appears.

Sworn by the Deponent at Paris on this 12 day of January, 2004



Before me:



Solicitor of the Paris Court of Appeal

Paris

12 January 2004



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Haet

INTTEL



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

Terrorist Organization Reference Guide

January 2004

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Strength

Unknown.

Location/Area of Operation

Turkey, primarily Istanbul. Raises funds in Europe.

External Aid

Unknown.

34. The Salafist Group for Call and Combat (GSPC)

Description

The Salafist Group for Call and Combat (GSPC), an outgrowth of the GIA, appears to have eclipsed the GIA since approximately 1998, and is currently the most effective armed group inside Algeria. In contrast to the GIA, the GSPC has gained popular support through its pledge to avoid civilian attacks inside Algeria. Its adherents abroad appear to have largely co-opted the external networks of the GIA, active particularly throughout Europe, Africa, and the Middle East.

Activities

The GSPC continues to conduct operations aimed at government and military targets, primarily in rural areas, although civilians are sometimes killed. Such attacks include false roadblocks and attacks against convoys transporting military, police, or other government personnel. According to press reporting, some GSPC members in Europe maintain contacts with other North African extremists sympathetic to al-Qaeda. In late 2002, Algerian authorities announced they had killed a Yemeni al-Qaeda operative who had been meeting with the GSPC inside Algeria.

Strength

Unknown; probably several hundred fighters with an unknown number of support networks inside Algeria.

Location/Area of Operation

Algeria.

External Aid

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Algerian expatriates and GSPC members abroad, many residing in Western Europe, provide financial and logistic support. In addition, the Algerian Government has accused Iran and Sudan of supporting Algerian extremists in years past.

35. Sendero Luminoso (Shining Path, or SL)

Description

Former university professor Abimael Guzman formed SL in Peru in the late 1960s, and his teachings created the foundation of SL's militant Maoist doctrine. In the 1980s, SL became one of the most ruthless terrorist groups in the western hemisphere. Approximately 30,000 persons have died since Shining Path took up arms in 1980. The Peruvian Government made dramatic gains against SL during the 1990s, but reports of a recent SL involvement in narco-trafficking indicate that it may have a new source of funding with which to sustain a resurgence. Its stated goal is to destroy existing Peruvian institutions and replace them with a communist peasant revolutionary regime. It also opposes any influence by foreign governments, as well as by other Latin American guerrilla groups, especially the Tupac Amaru Revolutionary Movement (MRTA).

In 2002, eight suspected SL members were arrested on suspicion of complicity in the 20 March bombing across the street from the US Embassy that killed 10 persons. They are being held pending charges, which could take up to one year. Lima has been very aggressive in prosecuting terrorist suspects in 2002. According to the Peruvian National Police Intelligence Directorate, 199 suspected terrorists were arrested between January and mid-November. Counterterrorist operations targeted pockets of terrorist activity in the Upper Huallaga River Valley and the Apurimac/Ene River Valley, where SL columns continued to conduct periodic attacks.

Activities

Conducted indiscriminate bombing campaigns and selective assassinations. Detonated explosives at diplomatic missions of several countries in Peru in 1990, including an attempt to car bomb the US Embassy in December. Peruvian authorities continued operations against the SL in 2002 in the countryside, where the SL conducted periodic raids on villages.

Strength

Membership is unknown but estimated to be 400 to 500 armed militants. SL's strength has been vastly diminished by arrests (including its founder Abimael Guzman) and desertions, but appears to be growing again, possibly due to involvement in narco-trafficking.

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EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER
ISN [REDACTED]
CRD REPORT/CID ROI NUMBER

RECEIVING ACTIVITY Criminal Investigation Task Force	LOCATION Guantanamo Bay, Cuba FPO AE 09593
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER CW4 [REDACTED], JTF-160 <input checked="" type="checkbox"/> OTHER	ADDRESS (Include Zip Code) JTF-160 Guantanamo Bay, Cuba FPO-AE 09593
LOCATION FROM WHERE OBTAINED From the hand of CW4 [REDACTED] while at the JTF-160 Property Room.	REASON OBTAINED Evidence
	TIME/DATE OBTAINED 1045-1047 22 JUL 02

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	50 French Franc currency notes. Serial Numbers: "U036557488". Notes placed in white envelope, which was marked for ID with <u>1045, 22 JUL 02, TAH.</u>
2	4	500 French Franc currency notes. Serial Numbers: "D009882731", "R024429773", "R011461588", "S026204336". Notes placed in white envelope, which was marked for ID with <u>1046, 22 JUL 02, TAH.</u>
3	1	5 English Pound currency notes. Serial Numbers: "ED72435545". Notes placed in white envelope, which was marked for ID with <u>1047, 22 JUL 02, TAH.</u>
//////////////////////////////////////LAST ITEM//////////////////////////////////////		

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 thru 3	22 JUL 02	[REDACTED]	[REDACTED]	Seized as evidence
1-3	22 JUL 02	[REDACTED]	[REDACTED]	Released to EVIDENCE CUSTODIAN
1-3	31 JUL 02	[REDACTED]	[REDACTED]	change of primary custodian
1-3	24 OCT 02	[REDACTED]	[REDACTED]	CHANGE OF PRIMARY CUSTODIAN
1-3	7 DEC 02	[REDACTED]	[REDACTED]	Change of Primary Custodian

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION Tah...

DOCUMENT NUMBER 209-02
1047

Exhibit D-b

DP -

102

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CID REPORT/CID ROI NUMBER
RECEIVING ACTIVITY 65TH MP Co		LOCATION KAW, AF
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input checked="" type="checkbox"/> OWNER <input type="checkbox"/> OTHER R. DJOVANE KHALID		ADDRESS (include Zip Code)
LOCATION FROM WHERE OBTAINED KIA STHE	REASON OBTAINED SEARCH	TIME/DATE OBTAINED 31 0243 DEC 01
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (include model, serial number, condition and unusual marks or scratches)
1	7	\$100 BILLS. SN: AB7879002K ✓ B2 AD72226100 ✓ B4 AB42972195J ✓ B2 AB44605739Q ✓ B2 AB18307444R ✓ B2 AB19640038N ✓ B2 AF17405021B ✓ F6
2	1	500 FRANC, SN U436557488
3	4	500 FRANC, SN DV09882731, R424429773, R411461588, S426204336
4	1	5 POUND, SN E072435548
5	1	SPIRIT STICK
6	1	Book brown in color, Arabic writing
CHAIN OF CUSTODY		
RECEIVED BY		PURPOSE OF CHANGE OF CUSTODY

Personal Representative Review of the Record of Proceedings

I acknowledge that on 08 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.

[REDACTED]

Lt Col, USAF

8 OCT 04
Date

[REDACTED]
Signature

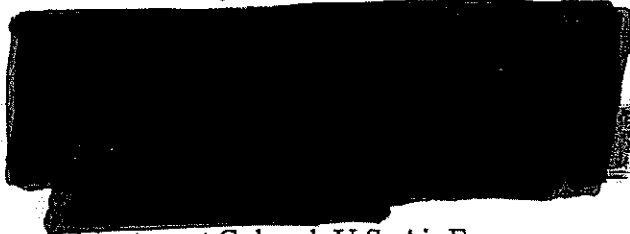
ISN # [REDACTED]
Enclosure (5)

Comments on Tribunal Results for ISN [REDACTED]

Four French detainees that had knowledge of the activities of ISN [REDACTED] during the time he is being accused of being an enemy combatant were never contacted to serve as witnesses or provide statements. Prior to the Tribunal for ISN [REDACTED], these 4 witnesses were released from Guantanamo Bay, Cuba to the French government and appeared on CNN. The French government may well have been able to provide their contact information. The Tribunal did not coordinate with the French government to ascertain whether the witnesses were available, but simply determined that they were not reasonably available.

08 OCT 04

Date



Lieutenant Colonel, U.S. Air Force
Personal Representative