

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ADIL KAMIL ABDULLAH AL WADI,)
) *et al.*)
) Petitioners,)
))
) v.) Civil Action No. 04-CV-1227 (RBW)
))
GEORGE W. BUSH,)
) President of the U.S., *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 Adil Kamil Abdullah Al Wadi 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 the names of family members of the detainee, and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals.¹ 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

¹The attached documents include an English translation of a letter written in a foreign language, which contains personal identifying information that I have redacted to protect the personal security of those individuals. The original letter is not included for public release, because I presently do not have the foreign language resources to make similar redactions in the original letter.



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0199
11 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

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9 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

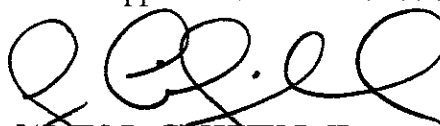
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #6 of 13 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that the Translator was allowed to essentially give expert testimony regarding the explanation of "azakat" to the Tribunal without being placed under oath (see page 14 of enclosure (3)). The oath administered to interpreters during the tribunal only states that they "will faithfully perform the duties of interpreter." Giving testimony is not one of the duties of an interpreter. Nonetheless, in my opinion this was a minor error that did not prejudice the detainee. I do not believe that any corrective action is necessary.
- d. The detainee offered a letter from his brother into evidence. 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

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

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

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

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

MEMBERS:

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

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

[REDACTED], Lieutenant Colonel, U.S. Marine Corps;
Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

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

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


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #6

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #6 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 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 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 26 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, Al Qaida forces, as more fully discussed in the enclosures.

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

[REDACTED]

Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #6

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 was part of or supporting Al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal hearing was held on 26 September 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. It indicates the detainee associated with Al Qaida, and traveled to Afghanistan via Iran in late September or Early October 2001. It also indicates the detainee participated in military operations against the coalition, and was a fighter at Tora Bora. Finally, it states he was captured by the Pakistani military after leaving Afghanistan. The Recorder presented no other substantive evidence and called no witnesses.

The detainee participated actively in the Tribunal process. He began by making an unsworn statement, denying that he was associated with Al Qaida or that he was a fighter at Tora Bora. He admitted traveling to Afghanistan in late September or early October of 2001, but denied being captured by the Pakistanis. He stated instead that he turned himself in to Pakistani authorities. He then answered questions posed by the Personal Representative and the Tribunal members. In sum, he testified he went to Afghanistan to help the refugees and the poor after seeing their plight on television. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee called no witnesses, but did offer into evidence a letter from his brother attesting to his charitable intentions for going to Afghanistan (Exhibit D-B). This letter was made available to the detainee after he requested in the Detainee Election Form (Exhibit D-A) that it be produced.

During the classified session of the Tribunal, the Recorder presented exhibits and commented on the evidence. The Personal Representative had nothing additional to offer and made no comments. The Tribunal considered both the unclassified and classified exhibits, as well as the detainee's unsworn testimony, in reaching its decision.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-A and D-B and R-1 through R-11.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

The Detainee requested no witnesses.

The Detainee requested that a letter from his brother be produced (see Detainee Election Form, Exhibit D-A). The Personal Representative obtained the letter and offered it into evidence for consideration by the Tribunal. The detainee requested no additional evidence.

5. Discussion of Unclassified Evidence

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 letter the detainee offered into evidence from his brother. Regarding his testimony, the detainee denied he was a part of or supporting Taliban or Al Qaida forces. While he admitted going to Afghanistan in October 2001 after hostilities started, he stated he did so in order to help the refugees deal with the situation. He said he made all arrangements on his own, and went to Afghanistan via Iran. His first stop in Afghanistan was in Herat, where he took a couple of days to prepare for the rest of his journey. He then went to Kandahar in order to seek out the Red Cross, but found their office had been closed for a few days. He met an Arab in Kandahar, who took him around for 2 days so he could distribute money to the poor. After that, the detainee continued on to Kabul to again seek out the Red Cross. When he arrived in Kabul, again the Red Cross was closed, so the hotel manager took him to some poor families in the suburbs, where the detainee distributed some money. After that, the

city of Kabul fell, and the hotel manager said it was too dangerous to remain there and the detainee should go to Pakistan. The hotel manager provided a driver for the detainee, who drove him out of the city towards Pakistan. At some point, the driver turned around, and the detainee had to continue on his own. As he was walking along, an Arab man in a car came along with some other people and a guide driving them. The Arab offered the detainee a ride, and they continued toward Pakistan. They proceeded to an Afghan village, where some villagers took them in for some time before they continued on their way. Eventually, they made their way to the Pakistani border, where the detainee turned himself in to Pakistani authorities, thinking he would be okay because he had a visa and a passport and was "legal."

c. The Tribunal also considered the letter from the detainee's brother offered into evidence by the detainee. The letter, which was read into evidence in English and translated into Arabic by the Translator so the detainee could verify its contents, provided in the relevant part that the detainee went to Afghanistan to help the refugees and the poor.

As noted above, 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 CSRT Decision Report.

6. Consultations with the CSRT Legal Advisor

None.

7. Conclusions of the Tribunal

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He had no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and was a part of Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

Summarized Detainee Statement

Tribunal President: Adil, you may now present any evidence you have to the Tribunal.

Detainee: I have nothing else but the letter.

Personal Representative: Right, but if you please we would like to go through the points. We talked about this earlier one by one so that the Detainee can give his side of the story.

Tribunal President: Okay.

Personal Representative: Then after that I would like to introduce and have the letter read.

Tribunal President: You will have the assistance of your Personal Representative with presenting the information. Adil, would you like to make your statement under oath?

Detainee: In Islam, we don't do this type of swearing.

Tribunal President: So that means no?

Detainee: Yes.

The Detainee elected to make an unsworn statement to the Tribunal. The Detainee testified to the Tribunal in substance as follows:

Detainee: Everything that I say now will be the truth. I will say just the truth.

Tribunal President: You may begin.

Personal Representative: As a reminder, the first letter "A" says that you are associated with Al-Qaeda.

Detainee: This is not true.

Personal Representative: 3(a)(1) says that the Detainee traveled to Afghanistan by way of Iran in late September or early October 2001.

Detainee: That is true.

Personal Representative: 3(b) says that you participated in military operations against the coalition.

Detainee: This is not true.

UNCLASSIFIED//FOUO

Personal Representative: Okay. 3(b)(1) says that you are a fighter at Tora Bora.

Detainee: This is not true.

Personal Representative: Okay, earlier you said that you had never heard of Tora Bora before this point.

Detainee: I don't know what is Tora Bora period. I heard about it from the guys here. But before that I did not know what that means, Tora Bora.

Personal Representative: Okay. And 3(b)(2) says that you were captured by Pakistani military after leaving Afghanistan.

Detainee: They did not capture me. I went and delivered myself to whatever they have there. Be it a police station or checkpoint. But I went and delivered myself. They did not capture me. I was very legal. I had my visa. I had my passport. I had all my papers to show I was legally there.

Personal Representative: Okay. In addition to this, there are two points. Please tell the Tribunal why you went to Afghanistan. The second will be the reading of the letter. Please talk in short sentences so the Translator can translate.

Detainee: Okay. Good. Can I talk now?

Tribunal President: Yes.

Detainee: My role for going to Afghanistan was to help the refugees and the poor who suffered from the war. The reason was because I saw it on the news that thousands of refugees going and leaving their country. The winter was approaching and the refugees were having very harsh times. All the newspapers and media were showing this. I did not see it with my own eyes, but I saw it on TV and in the newspaper everywhere. I want you to know that in Islam, we are encouraged; well actually it is the obligation of every Muslim to help others by doing charity work and doing whatever we can to help the poor and the needy. That year, it coincided with Ramadan period.

Personal Representative: Okay. Do you have anymore to say about the reason you went to Afghanistan?

Detainee: Nothing at all. Just what I just said. The reason was really just to help the refugees, the poor and the needy. That is all.

Tribunal President: Adil, does that conclude your statement?

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Detainee: I don't know. What do you want me to tell you? Do you want me to tell you something else? Do you want me to go any further on this?

Tribunal President: We will ask you questions later.

Detainee: No problem.

Tribunal President: P/R, you said you had one other thing you would like to present?

Personal Representative: Yes, Ma'am. The second part is the reading of the letter by the Translator. A letter from the Detainee's brother, which supports his story about going for an impassioned trip to help the poor.

Tribunal President: Translator, would you read the letter please.

Personal Representative: Again, as a point, the Detainee requested one particular paragraph was of most importance. The rest of the letter will be read for completeness.

Detainee: That is true. That is good.

Translator: In the name of Allah, the most compassionate and the most merciful. Dear brother Adil Kamil, Allah protects you. Greetings and peace upon you. We received your letter and we thank Allah that you are fine and in good health. We are all certain that you will be back to us soon, God willing. Everyone knows that you went there to help refugees and the poor. This is a noble act. Allah will compensate you for it and help you because of it, God willing. You mother, Wife, daughter, father, all of your brothers and sisters all say hello. Everyone is in good health and all miss seeing you. Thanks to Allah, you brother [REDACTED], went this year to Al-Haj. Your Wife sends you her greetings and is waiting for your return impatiently. We contacted the foreign ministry of Bahrain and they are very concerned about your case and promised us to contact the American authorities to return you to your country. I am attaching to this letter a letter from your daughter, [REDACTED]. She wrote it herself. We wanted to send it to you because she loves you so much. At the end if you need anything, please write to me. Again my greetings and those of the family. And if with Allah willing, we will see you soon in Bahrain. Your Brother, [REDACTED]

Tribunal President: Does that conclude the letter?

Detainee: Yes.

UNCLASSIFIED//FOUO

Tribunal President: P/R, would you like to submit the letter into evidence?

Personal Representative: Yes, Ma'am. I'd like to submit this. It will be marked as exhibit "D-B." Collectively the letter and the translation. I am handing the Tribunal President the exhibit.

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

Personal Representative: No, Ma'am. I do not.

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

Recorder: No, Ma'am.

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

Tribunal Member: Yes, Ma'am. When you traveled to Afghanistan, where in Afghanistan did you travel to?

Detainee: I went to the city of Herat. From Herat, I went to Kandahar. From Kandahar, I went to Kabul. From Kabul, I went back to Pakistan.

Tribunal Member: When you were in Afghanistan, what type, if any, people did you meet or associate with?

Detainee: I did not get what you meant by contacted. Do you mean contacted my Wife back home?

Tribunal Member: No, no. When you were in Afghanistan, the people you met and were with in Afghanistan. Who were they?

Detainee: Really I did not meet a whole lot of people. I met some Afghans and only one Arabic person.

Tribunal Member: To the best of your knowledge, none of these were Taliban or Al-Qaeda people?

Detainee: I encountered only the people in the hotel; the cab drivers; the people if I wanted to go make phone calls. That is all I met.

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Tribunal Member: When you traveled to Afghanistan, how did you travel? Was it by plane and how did you pay for it?

Detainee: It's simple. I went and I got my ticket from the travel agency in Bahrain. I went to Afghanistan through Iran. That's all.

Tribunal Member: So you did it all on your own accord or all yourself?

Detainee: Yes, that is true.

Tribunal Member: In the unclassified summary where it talks about the Detainee was a fighter at Tora Bora, were you in that region of Afghanistan?

Detainee: First of all, I don't know where this place is. Second of all, I really did not know Afghanistan very well. That was my first time going there. All I knew of Kabul was from the TV and the media because that is what was focused on.

Tribunal Member: When you went from Kabul to Pakistan, how did you go there and who were you with?

Detainee: I was in the hotel when Kabul fell. The owner of the hotel spoke very good Arabic. He told me that the area had become very dangerous. His advice to me was to leave and go to Pakistan. I told the owner I did not know where to go or how to get there. The owner told me that he would bring someone who could take me out in the car. That person took me in the car and on the way, I saw a lot of people and a lot of cars. Everyone was fleeing the area. I did not know where I was going, but there were lots of villages in which we stopped. We did not stop in any cities. There were all villages. We were passing through lots of villages here and there. Then the driver stopped on the road and told me just to continue this way and I would get to Pakistan. It was not a paved road, but a dirt road. So I started walking even without knowing where I was or the area and I had a briefcase with me. On my way, I met this person named Omar. He had a car. Omar had an Afghani guy who was driving the car for him. Omar saw my clothes and my features, which looked familiar to him, so he stopped. Omar asked me where I was going. I told him that I really don't know. I am just leaving. I don't know where I am going but I am headed outside to go out. Omar offered for me to go with him. I went with Omar and the Afghani driver. We went to a village. In that village, the people took care of us. They received us and we stayed there. We left that village with the knowledge and directives of the people of that village. They showed us the way and they told us the ways and the roads to get to Pakistan. This is a summary of how things happened.

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Tribunal Member: These folks who you traveled with or going through Pakistan with, did anyone have any weapons?

Detainee: Do you mean like the guide and the Afghani driver?

Tribunal Member: Yes.

Detainee: No, they did not have any weapons.

Tribunal Member: Did you ever have a weapon?

Detainee: No, I don't carry weapons.

Tribunal Member: When you turned yourself in to the Pakistani military, were you alone or with that group?

Detainee: No. There were three of us. Me and two other people. I said that delivering ourselves to the authorities was the best thing to do. It was our only chance. We could not go back to Afghanistan.

Tribunal Member: When did you go to Afghanistan? Before or after the September 11th, 2001 attacks in the United States?

Detainee: After. I went solely because what I saw on TV and in the media. Basically because of the situation of the refugees and what happened to the people after the war.

Tribunal Member: So had the conflict with the US already begun?

Detainee: Yes, I believe so. There was war and the refugees were leaving.

Tribunal Member: So you knew the US bombing had already started?

Detainee: Yes, I believe so because in the papers they all talked about war. On the TV also.

Tribunal Member: Are you from Bahrain? Are you a Bahraini citizen?

Detainee: Yes.

Tribunal Member: What do you do in Bahrain?

Detainee: I am an employee.

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Tribunal Member: Employee of what?

Detainee: I work for the Government. Do you want to know which ministry I work for?

Tribunal Member: Yes.

Detainee: I work in the Defense Ministry. I have to make it clear. I am a civilian employee with Ministry of Defense, not a military person.

Tribunal Member: Have you ever had any military training?

Detainee: No, never.

Tribunal Member: Did you receive any military training when you went to Afghanistan?

Detainee: As you know, my stay in Afghanistan did not even get to be two weeks. I did not even stay two weeks there.

Tribunal Member: So from the time you entered Afghanistan until the time that you turned yourself in; that was only two weeks?

Detainee: No. All that I know is I entered Afghanistan in very short period of time before the fall of Kabul; from what I recall. When I went to Kabul, I stayed there only a few days, then Kabul fell.

Tribunal Member: How long between the time Kabul fell and the time you turned yourself into the Pakistani authorities? How long was that?

Detainee: All that I remember was that it was the period of Ramadan. So that is why because we were fasting and we could not walk for long periods of time or things like that. That's what I really remember.

Tribunal Member: Just a few minutes ago you said you were only in Afghanistan for two weeks. So now I am confused about how long you were actually there. Can you tell me how long you were in Afghanistan?

Detainee: It is very hard for me to remember precisely because it has been three years now. All what I remember really was it was near the beginning of Ramadan. I know that for sure.

Tribunal Member: So you went to Afghanistan near the beginning of Ramadan?

Detainee: No. I went there before Ramadan. Maybe two or three weeks before Ramadan. I am not sure. But that frame of time.

UNCLASSIFIED//FOUO

Tribunal Member: So you went to Afghanistan two or three weeks before Ramadan; then you turned yourself in to the Pakistani authorities about the beginning of Ramadan?

Detainee: No, that is not true. I left Kabul in the beginning of Ramadan. So how could I have surrendered at the same time?

Tribunal Member: When did you turn yourself into the Pakistani authorities? Was it during Ramadan or after Ramadan?

Detainee: At the end of Ramadan, yes a little bit after that. I remember now that we celebrated the end of the fasting in one of the villages.

Tribunal Member: Did your employer, the Bahraini Defense Minister, allow you to go to Afghanistan to help the refugees?

Detainee: I was on my vacation. I did not present any official demand for me to go help. We don't have such a thing to ask for official permission to go do things like that.

Tribunal Member: How long was your vacation?

Detainee: Two months.

Tribunal Member: Did you make arrangements with an organization in Afghanistan to help them ahead of time?

Detainee: No, I did not do any contacts before leaving with any international organization. But my intention was to go there and contact the Red Cross who is experienced in those things.

Tribunal Member: How long were you in Herat?

Detainee: I was in transition. From Iran, Herat is the closest city where there are taxicabs and drivers who transport people where they need to go.

Tribunal Member: So you came across the border in a taxi?

Detainee: Yes. The checkpoint or border point between Iran and Afghanistan.

Tribunal Member: How long were you in Herat?

Detainee: I don't remember exactly. Should have been around two days, no more than that. I just wanted to give myself a day to continue on.

UNCLASSIFIED//FOUO

Tribunal Member: What did you do in Herat?

Detainee: I was trying to get in touch with some refugees, but I did not see any in that area.

Tribunal Member: Where was the Red Cross in Afghanistan?

Detainee: When I got to Kandahar I went to the hotel and I saw the office of the Red Cross. I went to their office but was told it had been closed for a few days.

Tribunal Member: Where did you stay in Herat?

Detainee: I really don't know what the name of that area is, but I believe it is in the city.

Tribunal Member: Was it a hotel or guesthouse?

Detainee: I stayed in a very small, old hotel.

Tribunal Member: Was it mostly Arabs staying there?

Detainee: I did not see any Arabs, but I saw some Afghanis.

Tribunal Member: Were any of the people armed at the place you were staying?

Detainee: No. Nobody was armed.

Tribunal Member: How did you travel from Herat to Kandahar?

Detainee: I traveled on the bus that you pay. It's public bus, so anyone can take it.

Tribunal Member: Why did you go to Kandahar?

Detainee: Because I wanted to go to Kabul. The hotel manager told me that I had to go to Kandahar and from there I could get to Kabul.

Tribunal Member: How long did you stay in Kandahar?

Detainee: I really don't remember exactly, but I believe it was a bout a week or a little bit over.

UNCLASSIFIED//FOUO

Tribunal Member: What did you do in Kandahar?

Detainee: When I got there I remember going to a communications office there. I got in touch with my family and informed them I was doing fine. When I was at the communications office, I saw a person that looked like an Arab standing nearby. I greeted the person and we started talking. It turned out this person was an Arab. He asked me my reason for coming to Afghanistan and I told him I was there to help the poor and do some good with the refugees.

Tribunal Member: So what else? Did you do anything with this person?

Detainee: Yes, yes. Remember I told you that when I went to the Red Cross office, it was closed. This person told me since I wanted to help the poor and needy, that he could show me where some of those people lived in the Kandahar area. For about two days, this person made rounds with me in his car. I transferred some money into Pakistani currency. The person was with me and I gave the poor people some money. After that, the person excused himself because he had other things to do.

Tribunal Member: What was the name of that person?

Detainee: I really don't remember but I think you have it written in my file somewhere.

Tribunal Member: I have not seen anything or your file.

Detainee: No, I gave them the name of this person before. I don't recall the name now, but I am sure I gave them this name before.

Tribunal Member: Why did you go to Kabul?

Detainee: It is the capitol of the country. Most of the organizations, offices, administrations, things like this are in the capitol city. So this was the right place for me to go.

Tribunal Member: But you just mentioned the Red Cross was in Kandahar. Why did you not just stay in Kandahar and assist the Red Cross there?

Detainee: As I told you, it was closed. Remember?

Tribunal Member: Yes, but you said it was going to open back up in a few days. Since you were there a week anyway, why didn't you just wait for a few more days for the Red Cross to open back up?

Detainee: No. I told you I was told the office had been closed for a few days. I did not know how much longer the office was going to be closed up.

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Tribunal Member: Was the man that escorted you around in Kandahar to visit the poor people, was he associated or part of the Taliban or an Al-Qaeda member?

Detainee: No. I did not talk to him about this subject at all.

Tribunal Member: How did you get from Kandahar to Kabul?

Detainee: As I told you the same way with hired cars and cabs.

Tribunal Member: Where did you stay in Kabul?

Detainee: In a small hotel.

Tribunal Member: Was it an Arab hotel?

Detainee: No, it was all Afghanis. The administrator was Afghani. The people were Afghanis.

Tribunal Member: Were there any people who were armed there?

Detainee: No, because this hotel was in the middle of a very busy market. Everything was right there.

Tribunal Member: What did the Red Cross say when you talked to them?

Detainee: Where?

Tribunal Member: In Kabul.

Detainee: As I told you, the administrator of the hotel spoke Arabic. Remember I told you that? The administrator told me the Red Cross office was closed there also. I told the administrator the reason I was there in Kabul was to help the refugees, poor and needy people. So the administrator offered to show me people areas outside the city where people were in need of help. Like in the suburb areas.

Tribunal Member: So did he show you those people?

Detainee: Yes, that is true. He did.

Tribunal Member: What did you do?

Detainee: I went and gave money to families living in poor small houses and things like that. Not to individuals.

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Tribunal Member: When you left through the mountains to Pakistan, did you see many people armed with weapons?

Detainee: No. We were going through the small villages. I saw normal, regular people, but I saw no arms or weapons.

Tribunal Member: Did you see any fighting at all in the mountain area on the way out of Afghanistan?

Detainee: No, I did see anything.

Tribunal Member: Are you a member of Al-Qaeda or the Taliban? Did you help them in any way?

Detainee: No, I did not have anything to do with them. I really don't know this Taliban or Al-Qaeda. I do not know anyone in those organizations.

Tribunal President: Why would you go to Afghanistan when you knew there was fighting there and it was dangerous?

Detainee: The area I went to, there was no fighting or war in that area. My intention was when I went, I wanted to inquire and see. If there was fighting or if it was dangerous, I was going to go back home. The area I went to first was peaceful and there was no fighting going on.

Tribunal President: But you said earlier in your statement, that the news said the US was bombing in Afghanistan. So before you left Bahrain, you said you knew there was fighting and the US was bombing.

Detainee: Yes, you are right. I knew. But I knew also that a lot of international organizations, like the Red Cross, were busy helping out. On top of that, we are obligated as Muslims to help even if it is in bad conditions. Especially other Muslims. We have to help. Afghanistan was the area that needed the most help.

Tribunal President: What was your plan? Which city did you plan to go to first?

Detainee: Where?

Tribunal President: In Afghanistan?

Detainee: It was Kabul.

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Tribunal President: Did you expect to spend you entire two-month vacation in Kabul?

Detainee: Yes, my vacation request was put in before I went to Afghanistan. I had a job back in Bahrain.

Translator: I don't think he understood the question. May I re-phrase it to him and ask again?

Tribunal President: Yes, please do so. Thank you.

Detainee: No, when I requested my vacation a while back I was not really planning to go to Afghanistan. I had a few things to do and take care of in Bahrain. But these problems with these things in Afghanistan just happened in coincidence. I had planned my vacation way before anything happened in the United States.

Tribunal President: The day that you left Bahrain to go to Afghanistan, was it your plan to spend the two months helping the refugees?

Detainee: No.

Tribunal President: How long did you plan to stay there to help the refugees?

Detainee: My intention was to stay two or three weeks and then come back to Bahrain.

Tribunal President: Did you ever work for the Red Cross?

Detainee: No. I was a volunteer in a humanitarian organization for a short period of time.

Tribunal President: Do you remember the name of the organization?

Detainee: It's called A-L-A-S-L-A-H organization. It is very well known in Bahrain for helping the poor.

Tribunal President: That is an organization that is founded in Bahrain, but goes out to other countries to help?

Detainee: No. All the work of this organization was in Bahrain. It did not help outside of Bahrain.

Tribunal President: So the work that you did with this organization, was it in Bahrain or Afghanistan?

Detainee: It was in Bahrain.

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Tribunal President: In your statement, you said that you were given money to give to the poor. Who gave you the money?

Detainee: No, that was my money. I have to give it as an azakat.

Translator: I think I need to explain what azakat is so that you understand.

Tribunal President: Yes, please do. Thank you.

Translator: Azakat in Islam is every year during Ramadan, if you have money on top of the taxes you pay; you are obligated to give the money to the needy and the poor. Everybody gives that money, every year. The more you give, the more God will quadruple that for you. So Muslims are encouraged and eager to give a lot of money every year.

Tribunal President: Okay. Thank you. How much money did you give?

Detainee: It was about twenty five hundred Bahraini dinars.

Tribunal President: Translator, can you please translate to the Detainee what you explain to me earlier about the money.

Translator: Speaking in Arabic to Detainee about his explanation of azakat.

Detainee: That is true what he said, but some people try to put a percentage of their money. Usually it comes to exactly two and a half percent of all your net worth.

Tribunal President: Did you give money to an organization?

Detainee: No. I did not.

Tribunal President: Only to the poor?

Detainee: Yes.

Tribunal President: How were to the poor all identified to you? Were they in one location? Were they in a church or a particular place?

Detainee: As I told you before, I met the Arabic person and he took me around in his car. We went to house of people that needed help. That was how I did it.

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Tribunal President: Okay.

Detainee: In Kabul, the manager of the hotel took me around too. Remember I told you that earlier. That is how I did the same thing.

Tribunal President: Did you provide money to refugees in other city other than Kabul?

Detainee: I went only to Kabul and Kandahar. Those were the only place I know.

Tribunal President: You gave money to refugees in Kandahar?

Detainee: As I told you, remember I gave only to the poor. I did not see any refugees in Kandahar area. If you remember, I told you that. So I maybe gave to the poor, but I did not see any refugees.

Tribunal President: So you gave money to the poor in Kandahar?

Detainee: Yes.

Tribunal President: Does any of the other Tribunal members have any other questions.

Tribunal Members: No, Ma'am.

Tribunal President: Adil, do you have any other evidence to present to this Tribunal?

Detainee: I don't have any other proof or evidence. All what I have is my biography. Everybody knows me in Bahrain. I am a very correct person. I have never had any problems with the Government or anything.

Tribunal President: Anything else?

Detainee: I have no proof. I have been here for two years. I don't have anything.

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


Personal Representative: No, Ma'am.

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

AUTHENTICATION

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



COL, US Army
Tribunal President

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DETAINEE ELECTION FORM

Date: 23 Sep 04

Start Time: 1315

End Time: 1416

ISN#: 

Personal Representative:  L/COL, USAF
(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:

Detainee will participate.

Detainee requests no witnesses.

Detainee requested letter from his brother, is in hands of interrogators here at Delta.

Personal Representative: 

FOUO

Recorder Exhibit List
For

ISN [REDACTED]

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Request for Redaction for National Security Information dtd 15 Sep 04		UNCLASSIFIED
R3	Knowledgeability Brief dtg 302356ZJAN02	3.a.1 3.b.2	SECRET
R4	FBI 302 dtd 24 May 03	3.b.1	FOUO//LES
R5	JTF GTMO Baseball Card		SECRET//NOFORN
R6	JTF GTMO Memo dtd 11 Nov 03	Summary	SECRET
R7	CITF Memorandum dtd 10 Jan 03	Summary	SECRET//NOFORN
R8	AFSI Form 40 dtd 12 Dec 02		SECRET
R9	IIR 6 034 1014 03		SECRET//NOFORN
R10	MFR dtd 17 Jul 02		SECRET
R11	MFR dtd 09 Apr 02		SECRET

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (16 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL WADI, Adil Kamil Abdullah

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 associate of al Qaeda.
 - a. The detainee associated with al Qaeda:
 1. The Detainee traveled to Afghanistan via Iran in late September or early October 2001.
 - b. The detainee participated in military operations against the coalition.
 1. The Detainee was a fighter at Tora Bora.
 2. Detainee was captured by the Pakistani military after leaving Afghanistan.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit R.1

Memorandum



To : Department of Defense Date 09/15/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[REDACTED] 1/15/04

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

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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 05/24/2003

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

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/15/2004

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

In the name of Allah, the most compassionate,
the most merciful ⁽¹⁾


Dear brother Adel Kamel Allah protect you,
greetings and peace upon you.

We received your letter and we thanked Allah
that you are fine and in good health.

We are all certain that you will be back to us
soon God willing.

Everyone knows that you went there to help
the refugees and the poor, and this is a noble
act Allah will compensate you for it and
help you because of it God willing.

Your mother, wife, daughter, father, all your
brothers and sisters all say hello, and
everyone is in good health and all miss
seeing you.

Thank to Allah your brother  went
this year to al-Haj.

Your wife sends her greetings and is waiting
for your return impatiently.

EXHIBIT

D-B

②
We contacted the foreign ministry of Bahrain and they are very concerned about your case, and promised us to contact the American ~~authorities~~ authorities to return you to your country.

I'm attaching to this letter a letter from your ^{daughter} ~~mother~~ [redacted] she wrote it herself, and we wanted to send it to you because she love you so much.

At the end if you need any thing please write me again my greetings and those of the family, and if with allah willing we will see you soon in Bahrain.

your brother

Personal Representative Review of the Record of Proceedings

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

I have no comments.

My comments are attached.

[REDACTED]
Name

29 Sep 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)