

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FARUQ ALI AHMED, )  
 )  
 *et al.* )  
 )  
 Petitioners, )  
 )  
 v. ) Civil Action No. 04-CV-1254 (HKK)  
 )  
 GEORGE W. BUSH, )  
 President of the United States, *et al.*, )  
 Respondents. )  
 )  
 \_\_\_\_\_ )

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

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

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

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

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

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

Dated: 12 Oct 04



James R. Casfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0208  
11 October 2004

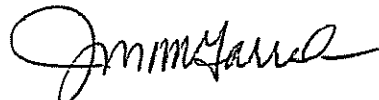
**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

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

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

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

  
J. M. McGARRAH  
RADM, CEC, USN

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

**FOR OFFICIAL USE ONLY**

10 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, elected to participate, and made an unsworn statement during the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, 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 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 submit comments to the Tribunal. In those comments, the Personal Representative expressed his feeling that the Tribunal did not give enough weight to evidence he presented which tended to call into question the Recorder's evidence regarding the date on which the detainee was seen at an airport carrying a rifle. The Tribunal Decision Report makes it clear that the Tribunal considered the evidence presented by the Personal Representative. The Tribunal has discretion to determine how much weight, if any, to give to the evidence. They simply did not give much weight to the evidence concerning the discrepancy over dates.

UNCLASSIFIED

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

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. Cristfield Jr.  
CDR, JAGC, USN

UNCLASSIFIED



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

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

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

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

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

  
DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet


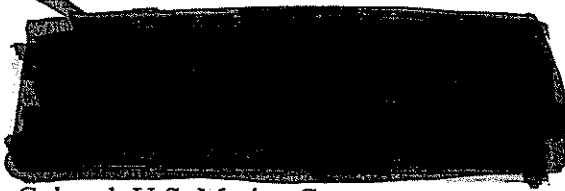
(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #8  

(U) ISN#:           

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 27 September 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 27 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #  is properly designated as an enemy combatant, as defined in reference (c).
3. (U) In particular, the Tribunal finds that this Detainee supported both al Qaida and Taliban forces engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2) 

Colonel, U.S. Marine Corps  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

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

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

### **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, both al Qaida and the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

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

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee traveled from his home in Yemen to Afghanistan in March 2001. The Detainee admits to giving his passport to a known member of the Taliban and admitted to lodging in Kabul at an official Taliban residence. The Detainee was observed carrying an AK-47 assault rifle and wearing a uniform at Usama Bin Laden's private airport and was captured as part of an organized group of 30 mujahadeen after the fall of Tora Bora. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied being a member of either al Qaida or the Taliban. 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-h and R-1 through R-12.
- b. Testimony of the following persons: Sworn statement of the Detainee

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

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

## 5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony (and the Personal Representative's notes of his interviews with the Detainee). A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3), and the Personal Representative's notes of his interviews with the Detainee are attached as Exhibit D-b. In sum, the Detainee testified that he was not a member of al Qaida or the Taliban, but was instead a teacher of the Koran. The Detainee stated that he traveled from Yemen to teach the Koran to Afghan children because he had memorized the Koran. The Detainee was apprehended trying to enter Pakistan. The Pakistani officer in charge told the Detainee that he would take him to the Yemen Embassy but instead took him to jail.

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.

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

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

Colonel, U.S. Marine Corps  
Tribunal President

**Summarized Unsworn Detainee Statement**

**Personal Representative read the Detainee's response to the Unclassified Summary to the Tribunal.**

*3a. The Detainee associated with known members of the Taliban.*

Personal Representative: This is false; when I came to Afghanistan, I was not concerned with the Taliban. My only concern was to teach the kids.

*3a1. The Detainee traveled from his home in Yemen to Afghanistan via Pakistan in March 2001.*

Personal Representative: Essentially this is true; it was the beginning of the spring in 2001.

*3a2. The Detainee admitted to giving his passport to a person known by him to be a member of the Taliban.*

Personal Representative: Yes, I did, I had doubts about whether he was or was not Taliban. But I did give it to him for safekeeping. The way he was talking about things, like documents being stolen in Afghanistan, it made me concerned and he looked trustworthy. He initiated the conversation, but did not ask for the passport; I offered it to him for safekeeping.

*3a3. The Detainee admitted to lodging at an official Taliban residence in Kabul, with a Taliban representative he met in Quetta, Pakistan.*

Personal Representative: I met Abdul Malik in Quetta, he is the one who took me from Pakistan to Afghanistan. I paid him money to go to Afghanistan because he had a car. We had no problems at the border. They just looked into the car and said to go, they did not check for passports. We crossed the border to Kandahar and stayed at a house that I assumed was his. The next day we went to Kabul, where Malik said between you and me, it's goodbye. He did take me to a house and introduced me to Abderrahman, and told me, "He is a good man that will take care of you." He would take care of me because a good Muslim will take care of a brother in need. This is how I came to this house. He assigned me to a little room in the house. I saw a man in the house and he had a weapon, others outside had weapons also. I assumed they were Taliban. I did not have a weapon and I was not allowed to go into any of the other rooms. I did not participate in any activities with the other men.

ISN# [REDACTED]  
Enclosure (3)  
Page 1 of 5

*3b. The Detainee was a member of al-Qaida.*

Personal Representative: No, this is not correct at all. I don't belong to any organizations; I like to do my own thing.

*3b1. The Detainee was observed carrying an AK-47 and wearing fatigues at UBL's private airport in Kandahar, Afghanistan.*

Personal Representative: All false. I never went to an airport in Afghanistan, and I never wore a uniform of any kind. I never saw any Taliban in a uniform. I did assume that anyone who wore the headscarf and carried a weapon was a Taliban.

*3b2. The Detainee was captured by Pakistani Forces as part of an organized group of 30 Mujahadeen after the fall of Tora Bora.*

Personal Representative: I was captured by myself and later they brought in a lot of other people. This is how I ended up in a large group.

**Personal Representative and Recorder had no questions for the Detainee. Tribunal Members questioned the Detainee.**

Tribunal Member: Is it true that you began your journey from your home in Yemen?

Detainee: Yes.

Tribunal Member: What was the reason you chose to go to Afghanistan?

Detainee: I met a man whose name was Muhammed Abduhma. He told me about this thing. And I accepted it. Is that what you wanted?

Tribunal Member: What was it that he told you about?

Detainee: He told me about Afghanistan. And going and teaching the kids Koran and teach reading, he will be rewarded for it by God.

Tribunal Member: How did you finance your travel from Yemen to Afghanistan?

Detainee: This man is the one who financed my trip. He gave me the plane ticket and everything.

Tribunal Member: How long were you planning to stay in Afghanistan?

Detainee: Just one year and go back.

Tribunal Member: While you were in Afghanistan, what military training did you receive?

Detainee: I didn't train.

Tribunal Member: Did you carry a Kalashnikov rifle for protection?

Detainee: No, I did not.

Tribunal Member: Isn't it true that most people in Afghanistan carry Kalishnokov rifles?

Detainee: I didn't see everybody carrying, some people not everybody.

Tribunal Member: What about the people you were with?

Detainee: You mean whom?

Tribunal Member: Whomever you associated with in Afghanistan.

Detainee: I didn't have too much contact with people.

Tribunal Member: So you taught the Koran to children for a year while you were in Afghanistan?

Detainee: I didn't stay for a year, I stayed less than a year. But yes I was teaching the kids.

Tribunal Member: Where was it that you did that?

Detainee: In Kabul and after that in Khost.

Tribunal Member: How was it that you organized your teaching of the Koran?

Detainee: Its simple, you get 4 or 5 students, I read to them and try to make them focus and they repeat after me. And they repeat as many times as needed for the student in front of me to understand. That was my method with them

Tribunal Member: So from March to November or December, this is what you did?

Detainee: Yes.

Tribunal Member: Please explain the circumstances of your capture.

Detainee: A gentlemen named Ahmed took me to Khost. He introduced me to a man whose name is Obaidullah. And I stayed there at the mosque of Khost for a few days. I

stayed my period there for three or four months in the mosque there. Ahmed left and Obaidullah came and told me, "If you stay here, the Afghani people may kill you." So I asked him what is the solution and he said the only way is to leave Afghanistan. So I asked him where is Abdul Ahmed because my passport was with him? He said he didn't know where he is but it is better for me to leave now. And he said to go to the Yemen embassy in Pakistan and the Yemen embassy will take me back to Yemen. We went to the border and he told me when we got there, you get off here and go across first and we will meet you on the other side. Abdul Ahmed didn't show up, the guy with my passport. They kept going and they found some military. One of the soldiers pointed a weapon toward me. The officer in charge was mad at him. So the Pakistani officer took me and said don't be mad at him, we are Muslim, we will take care of you. He asked me about my parents. He said you are a kid, you are going to go to the Yemen embassy and you shouldn't have any problems getting back to Yemen. After that they took me to jail and there were lots of people. They put handcuffs on our hands. First we walked about 2 miles with no handcuffs but when we got to the jail and they put us inside they put handcuffs on me. That's all what happened and then they took us to another prison. The second prison we went to had a lot of Pakistani in there. It was just like [a] normal prison, with people, guards and for all other crimes. There were some criminals and some nice people also. After that they delivered me that night.

Tribunal Member: Did you have any money or weapons with you at the time you were captured?

Detainee: No, I didn't have any money, I had very, very little money.

Tribunal Member: Did you have any weapons?

Detainee: No, I didn't have any weapons.

Tribunal Member: You said you were captured by yourself or were you with a group of people?

Detainee: No I was by myself and then they brought other people.

Tribunal Member: How long have you been here at Guantanamo?

Detainee: My number is [REDACTED] and I have been here 2 years and I think a month.

Tribunal Member: How old are you now?

Detainee: I really don't know exactly, I think I am 20 or 21. We don't document the date exactly. I think I was born 12-12-83.

Tribunal Member: The children you were teaching the Koran to, did they speak your same language or did you have to have help?

Detainee: Yes, it was difficult. I had some problems but as you know, Koran has to be taught in Arabic. Because you find people who do not speak Arabic but they memorize the Koran by heart.

Tribunal President: Faruq Ali Ahmed, do you have any more information to present to this tribunal?

Detainee: Statements, like what?

Tribunal President: Any other statements you would like to make before this tribunal?

Detainee: I didn't understand.

Tribunal President: Is there anything else you would like this tribunal to know?

Detainee: I don't have anything.

**The Tribunal has no more questions. Personal Representative has a question.**

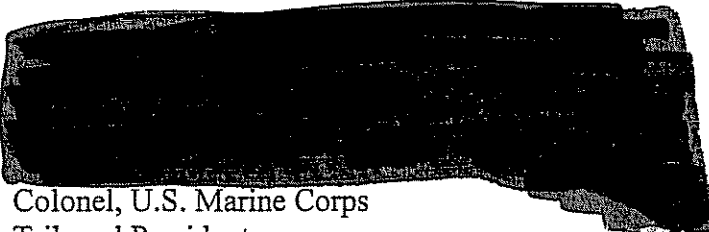
Personal Representative: When you studied school in Yemen, what was it you studied and what level did you go to?

Detainee: I reached high school. I studied Shariat. I knew the Koran by heart. But I studied and I didn't have a chance to study [more].

Tribunal President: With all unclassified evidence having been presented 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.



Colonel, U.S. Marine Corps  
Tribunal President



**DETAINEE ELECTION FORM**

Date: 23 Sept 04

Start Time: 1813

End Time: 1935

ISN#: [REDACTED]

Personal Representative: [REDACTED] LTC, US ARMY  
(Name/Rank)

Translator Required? Y 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, providing a written statement addressing the allegations. Statement will be read by the PR. Detainee will respond to questions from the tribunal and likely will add orally to the prepared statement. Discussed need for follow up with detainee and both agreed one was not necessary.

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Personal Representative: [REDACTED]

UNCLASSIFIED//FOUO

**Recorder Exhibit List  
For  
ISN US9YM-000032DP**

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information	<b>Exhibits R3/R4/R6</b>	UNCLASSIFIED
R3	FBI 302 26MAR02	<b>3.a.1. 3.a.3.</b>	FOUO//LES
R4	FBI 302 06MAY03	<b>3.a.2.</b>	FOUO//LES
R5	IIR 6 034 0299 02	<b>3.a.3.</b>	<del>SECRET//NOFORN</del>
R6	FBI 302 06/05/2003	<b>3.b.1.</b>	<del>SECRET//NOFORN</del> FOUO//LES
R7	MFR 14APR03	<b>3.b.2.</b>	<del>SECRET//NOFORN</del>
R8	JTF GTMO Baseball Card	<b>FYI</b>	SECRET//NOFORN
R9	JTF GTMO CG Memo 13 Mar 04	<b>Summary</b>	SECRET
R10	CITF CDR Memo 2 Apr 04	<b>Summary</b>	SECRET//NOFORN
R11	Baseball Card Associate (ISN [REDACTED])	<b>FYI</b>	SECRET//NOFORN
R12	IIR 6 034 0043 04	<b>Association</b>	SECRET//NOFORN

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (8 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AHMED, Faruq Ali

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the Detainee is associated with Taliban and a member of al-Qaida.
  - a. The detainee associated with known members of the Taliban.
    1. The Detainee traveled from his home in Yemen to Afghanistan via Pakistan in March 2001.
    2. The Detainee admitted to giving his passport to a person known by him to be a member of the Taliban
    3. The Detainee admitted to lodging at an official Taliban residence in Kabul, with a Taliban representative he met in Quetta Pakistan
  - b. The detainee was a member of al-Qaida.
    1. The Detainee was observed carrying an AK-47 and wearing fatigues at UBL's private airport in Kandahar, Afghanistan.
    2. The Detainee was captured by Pakistani Forces as part of an organized group of 30 Mujhedeem after the fall of Tora Bora.
4. (U) The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

Exhibit R183

Memorandum



To : Department of Defense Date 09/09/2004  
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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

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

FD-302 dated 03/26/2002

FD-302 dated 05/06/2003

FD-302 DATED 6/5/2003 [Handwritten signature]

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

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

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

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

Memorandum



To : Department of Defense Date 09/20/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
[REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

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

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

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

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

FD-302 dated 06/05/2003

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

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

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/20/2004

If you need additional assistance, please contact

[REDACTED]  
[REDACTED] Intelligence Analyst [REDACTED]

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

RESPONSE TO ALLEGATIONS  
DETAINEE [REDACTED]

3. a. This is false, when I came to Afghanistan; I was not concerned with the Taliban. My only concern was to teach the kids.

1. Essentially this is true; it was the beginning of the spring in 2001.

2. Yes, I did, I had doubts about whether he was or was not Taliban. But I did give it to him for safekeeping. The way he was talking about things, like documents being stolen in Afghanistan, it made me concerned and he looked trustworthy. He initiated the conversation, but did not ask for the passport, I offered it to him for safekeeping.

3. I met Abdul Malik in Quetta, he is the one who took me from Pakistan to Afghanistan. I paid him money to go to Afghanistan because he had a car. We had no problems at the border. They just looked into the car and said to go, they did not check for passports. We crossed the border to Kandahar and stayed at a house that I assumed was his. The next day we went to Kabul, where Malik said between you and me, its goodbye. He did take me to a house and introduce me to Abderrahman, and told me "he is a good man that will take care of you". He would take care of me because a good Muslim will take care of a brother in need. This is how I came to this house. He assigned me to a little room in the house. I saw a man in the house and he had a weapon, others outside had weapons also. I assumed they were Taliban. I did not have a weapon and I was not allowed to go into any of the other rooms. I did not participate in any activities with the other men.

b. No, this is not correct at all. I don't belong to any organizations; I like to do my own thing.

1. All false, I never went to an airport in Afghanistan, and I never wore a uniform of any kind. I never saw any Taliban in a uniform. I did assume that anyone who wore the headscarf and carried a weapon was a Taliban.

2. I was captured by myself and later they brought in a lot of other people. This is how I ended up in a large group.



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

I acknowledge that on 3 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]  
LTC, USA

3 OCT 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)

Personal Representative Comments regarding the Record of Proceedings, ISN [REDACTED]

I do not believe the Tribunal gave full weight to the exhibits regarding ISN [REDACTED]'s truthfulness regarding the time frames in which he saw various other ISNs in Afghanistan. It is unfortunate that the 302 in question was so heavily redacted that the Tribunal could not see that while ISN [REDACTED] may have been a couple months off in his recollection of ISN [REDACTED]'s appearance with an AK 47, that he was six months to a year off in his recollections of other Yemeni detainees he identified. I do feel with some certainty that ISN [REDACTED] has lied about other detainees to receive preferable treatment and to cause them problems while in custody.

Had the Tribunal taken this evidence out as unreliable, then the position we have taken is that a teacher of the Koran (to the Taliban's children) is an enemy combatant (partially because he slept under a Taliban roof).



LTC, CM  
United States Army