

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAJID MAHMUD ABDU AHMAD,)
<i>et al.</i>)
)
Petitioners,)
)
v.)
)
GEORGE W. BUSH,)
President of the United States, <i>et al.</i> ,)
Respondents.)
)
)
)

Civil Action No. 04-CV-1254 (HHK)

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:

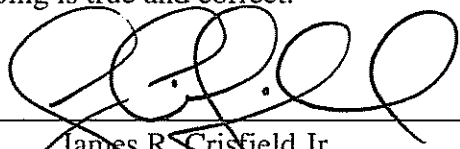
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Majid Mahmud Abdu Ahmad 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 any information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0200
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

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

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9 Oct.04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

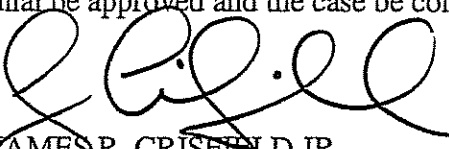
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004
(2) Record of Tribunal 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 affirmatively declined to participate in the Tribunal proceedings.
- 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-4 and R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and he 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 #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

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: #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)

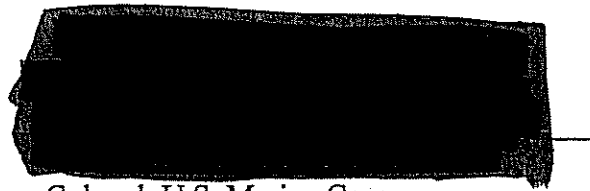
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO) – (N/A)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (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 is a member of the Taliban and affiliated with al Qaida forces. The detainee participated in military operations against the United States and/or its coalition partners. These are 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 is a member of, or affiliated with, the Taliban and was part of or supporting al Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of the Taliban and admitted traveling to Afghanistan to fight for the Taliban. The Detainee was a bodyguard for Usama Bin Laden and stayed at a Kandahar guesthouse in Afghanistan. The Detainee served on the front lines in Afghanistan before retreating after September 11, 2001 and continued to participate in military operations against the United States and/or its coalition partners. The Detainee was armed with an AK-47 rifle, three magazines and two anti-personnel grenades, and also trained at the front lines on the proper technique to throw grenades. The detainee affirmatively declined to participate in the Tribunal and chose not to present any evidence or have the Personal Representative make any statements on his behalf. He requested no witnesses and requested no unclassified or classified documents be produced.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-14.
- b. Testimony of the following persons: None.

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

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

5. Discussion of Unclassified Evidence

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

a. The recorder offered 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.

b. Exhibit R-2, a request from the Federal Bureau of Investigation to redact certain information from the FBI Form 302 or FD 302 were not helpful to the Tribunal in determining whether the Detainee was properly classified as an enemy combatant. The Tribunal therefore found Exhibit R-2 to be without merit.

The Tribunal 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.

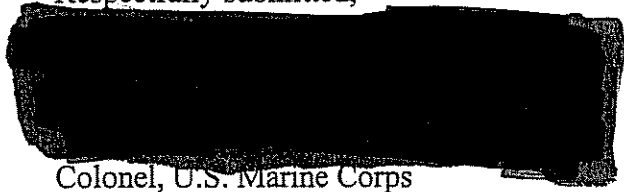
b. Although he did not actively participate in the Tribunal process, there was no reason to believe the Detainee did not understand the CSRT process. This was confirmed by the Personal Representative who, with the assistance of a translator, explained the process, and read the Unclassified Summary of Evidence (Exhibit R-1) to, the Detainee. The Personal Representative further confirmed the proper language translation was utilized during the interviews with the Detainee. The Detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 24 Sept 2004

Start Time: 1500 hrs

End Time: 1545 hrs

ISN#: [REDACTED]

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Detainee [REDACTED] affirmatively declined to participate in the Tribunal. He does not want me to present any evidence or make any statements on his behalf.

Personal Representative: [REDACTED]

**Recorder Exhibit List
For**

ISN XXXXXXXXXX

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Certification Re: Redaction of National Security Information dtd 16 Sept 04	R4 and R5	UNCLASSIFIED
R3	IIR 034 0847 03 dtd 14 May 03	3.a.1.	SECRET//NOFORN
R4	FBI Form 302 dtd 14 Mar 02	3.a.2. 3.b.1.	FOUO//LES
R5	FBI Form 302 dtd 21 Aug 02	3.a.3. 3.b.1. 3.b.3. 3.b.4.	FOUO//LES
R6	CITF-Memorandum dtd 23 Feb 04	Summary	SECRET//NOFORN
R7	OSD/SOLIC Review Checklist	FYI	SECRET//NOFORN
R8	IIR 6 034 0825 02 dtd 01 Oct 02	Association	SECRET
R9	Form 40 dtd 02 Feb 04	FYI	FOUO//LES
R10	JTF GTMO-CG dtd 14 Apr 04	Summary	SECRET
R11	JTF GTMO Baseball Card	FYI	SECRET/NOFORN
R12	Analyst Support Package	FYI	SECRET/NOFORN
R13	JTF-GTMO Memorandum dtd 14 Apr 04 03	FYI	SECRET
R14	Aliases for Ahmad, Majid Mahmud ABDU	FYI	SECRET

R3 R14

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (21 Sept 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – Ahmad, Majid Mahmud Abdu

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a Taliban fighter.
 - a. The detainee is a member of Taliban:
 1. The detainee was a Usama Bin Laden (UBL) bodyguard.
 2. The detainee stayed at a Kandahar guesthouse in Afghanistan.
 3. The detainee admits traveling to Afghanistan to fight for the Taliban.
 - b. The detainee participated in military operations against the coalition.
 1. The detainee served on the front lines in Afghanistan before retreating after September 11, 2001.
 2. The detainee was armed with an AK-47 rifle, three magazines and two anti-personnel grenades.
 3. The detainee trained at the front lines on the proper technique to throw grenades.
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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Memorandum



To : Department of Defense Date 09/16/2004
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel
[REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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 03/14/2002
FD-302 dated 08/21/2002

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

²See Executive Order 12958

182
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Exhibit 1406

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/16/2004


If you need additional assistance, please contact
[REDACTED]
[REDACTED] or intelligence Analyst [REDACTED]

27 -2-

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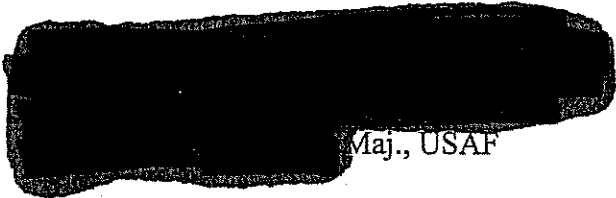
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Personal Representative Review of the Record of Proceedings

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

I have no comments.

My comments are attached.


Maj., USAF

30 Sept 2004
Date

Signature

ISN 
Enclosure (5)