

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAHMOUD ABD AL AZIZ)
ABD AL MUJAHID,)
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 Mahmoud Abd Al Aziz Abd Al Mujahid 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. Crisfield Jr.
CDR, JAGC, USN



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

OARDEC/Ser: 0207
11 October 2004

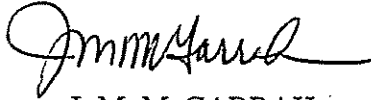
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From: Director, Combatant Status Review Tribunal

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)
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10 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

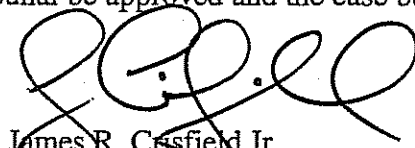
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004
(2) Record of Tribunal 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:

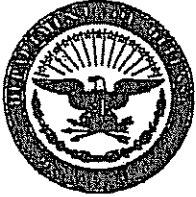
- a. The detainee was properly notified of the Tribunal process and elected to participate. There is some confusion in the record regarding whether the detainee made a sworn or unsworn statement during the Tribunal. The Unclassified Summary of the Basis for the Tribunal Decision, enclosure (1) to the Record of Proceedings, indicates that the detainee made an unsworn statement. The summarized transcript of the detainee's testimony is entitled "Summarized Unsworn Detainee Statement," but later contains a statement that a Muslim oath was administered to the detainee. I listened to the audiotape of the proceedings and confirmed that an oath was administered to the detainee and all of his testimony was made under that oath.
- 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-5, R-8, and R-9 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. Some information in exhibit D-C was also redacted. There is no certification letter from the FBI that corresponds to this exhibit. Nonetheless, based on the extent and location of the redactions in exhibit D-C we can be confident that none of the redacted information would support a determination that the detainee was not an enemy combatant.
- d. The detainee made no requests for witnesses or other evidence.

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

- 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 #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.

A handwritten signature in black ink, appearing to read "D.L. Taylor".

DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #8

(U) ISN#: [REDACTED]

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

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

1. (U) This Tribunal was convened on 1 October 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 1 October 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-Qaeda and also supported Taliban forces engaged in hostilities against the United States, 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. 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, al Qaida and was part of or supporting Taliban forces engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of or supported al Qaida and was seen with Usama Bin Laden in Kandahar, Afghanistan and Tora Bora (November 2001). The Detainee admitted knowing Usama Bin Laden and was a security guard for him. The Detainee supported hostilities in aid of enemy armed forces and was seen on the front lines. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no documents be produced and made an unsworn verbal statement with the assistance of his Personal Representative. The Detainee, in his verbal statement, stated that he does not support al Qaida and that al Qaida is doing things that are not permitted under Muslim law. He denied ever physically seeing Usama Bin Laden except on TV. The Detainee emphasized that he never knew Usama Bin Laden and only when the interrogators kept bothering him with this question he told them that he saw him five times, three on al-Jazeera and twice on Yemeni news. The Detainee further denied knowing Usama Bin Laden and claimed he never worked for him. The Detainee said the allegations against him are not true; he never carried a weapon, never had military training, was never involved in armed conflict and was never on the front lines.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-c and R-1 through R-15.
- b. Unsworn statement of the Detainee (Exhibit D-b).

UNCLASSIFIED//FOUO

ISN # _____
Enclosure (1)
Page 1 of 3

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

The Detainee requested no witnesses for the hearing or that any 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, R-2, and R-3 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. Exhibits R-2 and R-3 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Tribunal considered the Detainee's unsworn testimony and the Personal Representative's notes of his interviews with the Detainee. A summarized transcript of the Detainee's sworn 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 never physically saw Usama Bin Laden except on TV. The Detainee emphasized that he never knew Usama Bin Laden and only when the interrogators kept bothering him with this question did he tell them that he saw Usama Bin Laden five times, three times on al-Jazeera and twice on Yemeni news. The Detainee further denied knowing Usama Bin Laden and claimed that he never worked for him. The Detainee said the allegations against him are not true, that he never carried a weapon, never had training and was never involved in armed conflict and was never on the front lines.

c. The Tribunal also had for consideration Exhibit D-c, FBI Form 302, dated 02 July 2003 which indicates that another Detainee that had identified ISN# [REDACTED] may have not been telling the truth.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

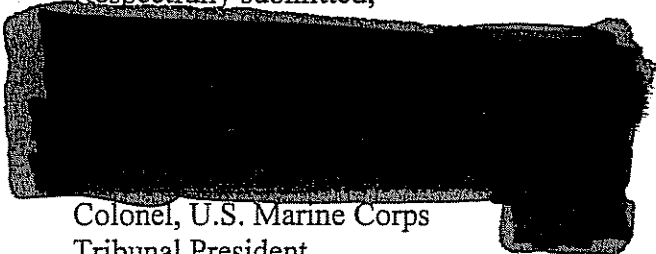
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and was part of, or supporting, Al Qaeda, which supported Taliban forces engaged in hostilities against the United States and/or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large, solid black rectangular redaction covers the signature area of the document.

Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

Detainee takes Muslim oath.

Personal Representative reads statement that the Detainee orally gave him.

3a. The Detainee supported al Qaida.

Personal Representative: I don't support Al Qaida and never have, I never told anyone that I support Al Qaida. Legally Al Qaida is doing things that are not permitted under Muslim law.

3a1. The Detainee was seen with Usama Bin Laden in Kandahar, Afghanistan (April 2001) and Tora Bora (November 2001).

Personal Representative: I have never physically seen Usama Bin Laden; the only place I have seen him is on TV.

3a2. The Detainee admitted to knowing Usama Bin Laden.

Personal Representative: Again, I never knew Usama Bin Laden. When the interrogators kept bothering me with this question, I told them "I saw him five times, three on Al-Jazeera and twice on Yemeni news." After this they kept after me really hard. I told them "OK, I know him, whatever you want. Just give me a break." When they asked if I would say this to a court or tribunal, I said "yes," but I might change my mind.

3a3. The Detainee was a security guard for Usama Bin Laden.

Personal Representative: Same situation as above, but the truth is I never met him and never worked for him. But, as a matter of fact I do not know him.

3b. The Detainee supported hostilities in aid of enemy armed forces.

3b1. The Detainee was seen on the front lines.

Personal Representative: This is not a true statement. I never carried a weapon, never had training and was never involved in armed conflict. I was never on the front lines.

Tribunal President: Mahmoud Abd Al Aziz Abd Al Weili Mujahid, does this conclude your statement?

Detainee: This is the end of my statement.

Personal Representative has no further evidence or questions for Detainees. Recorder has no further evidence or questions for Detainees. Tribunal Members begin questioning Detainee.

Tribunal Member: All the evidence that we have concerning you, consist of the Unclassified Summary which you are aware of and your statement which you just gave to us, so our questions are based on these. At this point in the process, we have seen no other evidence concerning you. You are from Yemen originally?

Detainee: Yes.

Tribunal Member: Were you ever in Afghanistan at all?

Detainee: I went to Afghanistan.

Tribunal Member: Can you tell us the reasons why you went there?

Detainee: I went there to study.

Tribunal Member: Do you remember when you made your journey?

Detainee: Regarding the dates, us Yemenis don't pay much attention to dates, not like the civilized or other countries.

Tribunal Member: Can you describe the circumstances that led to your decision to go to Afghanistan?

Detainee: The places I went, you mean?

Tribunal Member: First the reasons why you decided to go from Yemen to Afghanistan.

Detainee: Just one reason, to study, nothing else.

Tribunal Member: Did you receive help from anyone to make your journey or [did anyone] encourage you to go?

Detainee: I had some monetary assistance.

Tribunal Member: What was it you wanted to study in Afghanistan?

Detainee: The Koran.

Tribunal Member: Were there people in Yemen that urged you or encouraged you to go to Afghanistan to do this?

Detainee: Yes.

Tribunal Member: Who were these people?

Detainee: One of the people who adopted this idea was Sheik Mufil.

Tribunal Member: Is he a sheik of a mosque you attended in Yemen?

Detainee: He was a sheik at an institute in a province in Yemen; Zamar was the name of the province in Yemen.

Tribunal Member: How did you come to know him? Did he seek you out did you seek him out? How did you meet?

Detainee: I went to study at this institute. I was one of the students there. He saw that I wanted to teach and learn so he proposed this idea to me.

Tribunal Member: Could you not study the Koran just as easily in Yemen as in Afghanistan?

Detainee: To teach; I wanted to teach not to learn.

Tribunal Member: What is your education? How much education have you been able to receive?

Detainee: I completed High School.

Tribunal Member: You went to the institute for study, you met up with a sheik who encouraged you to go to Afghanistan to teach other people the Koran.

Detainee: Correct.

Tribunal Member: Could you tell us a little bit about your journey from Yemen to Afghanistan?

Detainee: My point of travel was set up, and we stopped in Dubai for a transit, and then the plane went to Karachi. I stayed 5 days in Karachi. 5 to 7 days approximately. We took a bus to Quetta. We stayed in Quetta for about a day and with a car we left to Kandahar. Kandahar was our destination point.

Tribunal Member: Where did you stay when you were in Kandahar?

Detainee: I didn't stay in the city but in the outskirts of the city.

Tribunal Member: In a house for Arab people?

Detainee: No, in a mosque owned by the Afghans. Every mosque had a room, two rooms, something like that. So I stayed in one of those rooms.

Tribunal Member: For how long, do you remember?

Detainee: Close to 6 months. We went to Kabul for a while and then we came back.

Tribunal Member: What did you do in Kandahar and Kabul while you were there?

Detainee: In Kandahar I started to teach but when I saw that there weren't very many students, I went to Kabul. I saw in Kabul there weren't any students at all, so I returned again to Kandahar.

Tribunal Member: Presumably, there were still not very many students in Kandahar if you went back to the same place you left from.

Detainee: In Kandahar there were students and in Kabul there were no students at all.

Tribunal Member: How were you able to sustain yourself while you were teaching?

Detainee: I had money.

Tribunal Member: That you brought with you from Yemen?

Detainee: Yes.

Tribunal Member: Enough money for 6 months?

Detainee: I think more. \$600 to \$700 dollars.

Tribunal Member: Is this money you had saved from work or is this money that someone paid to you?

Detainee: One of the people traveling with me, one of my friends gathered the money from some merchants.

Tribunal Member: Did you know that he was doing that prior to leaving Yemen?

Detainee: Yes, how else would we travel?

Tribunal Member: Tell us about your decision to leave Afghanistan. When did you make that decision and why?

Detainee: Just travel from Afghanistan to Yemen?

Tribunal Member: First when you left Afghanistan.

Detainee: Traveled to where?

Tribunal Member: When you left Afghanistan, where did you go?

Detainee: Pakistan

Tribunal Member: You were captured in Pakistan?

Detainee: Yes

Tribunal Member: Tell us about that journey from Afghanistan to Pakistan.

Detainee: I stayed in Kandahar until about 5 days before the month of Ramadan. The bombing of Afghanistan was very frequent and [if] they would hear about any Arabs staying on the area, they would bomb them. And the news that me as an Arab [was] staying in this place and teaching, this news was known all over. I became afraid they would bomb a whole village because of one Arab. The Afghan that was with me, we were forced to leave that area to [go to] Kabul. From Kabul we traveled to Khost, all of it as an escape from the bombings. In Khost we stayed there until approximately to the end of the month of Ramadan. Before the end of Ramadan by 8 or 10 days. I left Khost to an area on the border of Pakistan, Kurachini.

Tribunal Member: What did you have with you when you were captured?

Detainee: Just the clothes that were with me?

Tribunal Member: Did you have your passport?

Detainee: No, I did not have it.

Tribunal Member: But you had your passport when you went from Yemen to Afghanistan, correct?

Detainee: Of course.

Tribunal Member: Why didn't you have it when you were leaving Afghanistan?

Detainee: The Afghan guy with me, he asked me for my passport to try to prepare us for travel to Yemen to try to get the passport to my friend who was with me in my travels. He left before Kabul fell. And when Kabul fell he did not return. So I left from Khost to Pakistan without a passport.

Tribunal Member: How did you think you would gain entry into Pakistan without a passport?

Detainee: I was going to the Yemeni Embassy on Pakistan to look for help any way I could to try to get to Yemen. What would I sit and do in Afghanistan without a passport? So I was forced to go back to Afghanistan to get back to Yemen to try to get help from them. Sons of my country they would help me.

Tribunal Member: Doesn't Yemen have an embassy in Afghanistan?

Detainee: In Afghanistan, no it doesn't have an embassy in Afghanistan.

Tribunal Member: Have you ever fired any weapons?

Detainee: No I didn't even train in any weapons. In Yemen its known there are a lot of weapons there but I never trained on any of them. I live in a city not in a village. People who live in a city like peace more than the people who live in a village.

Tribunal Member: So you are not familiar at all with rifles or grenades or anything of that sort?


Detainee: I remember once that someone had a grenade in Yemen so I walked away from him, about a hundred meters almost. My nature is that I'm afraid of weapons and they taught us to be afraid of weapons. So it's something in me now that I'm afraid of weapons.

Tribunal Member: Your story is quite different than the accusations against you.

Detainee: It's not a problem.

Tribunal Member: So you originally denied knowing Usama Bin Laden or being a security guard for him, but later you admitted it?

Detainee: I admitted to it in the interrogations like my Personal Representative said. When they pressured me in the interrogations, "Do you know him, do you know him?" So then I said yes, the words "I know Bin Laden" is proof that I lied to them in my words. Because whoever knows Bin Laden should provide details about the statement, but I didn't provide any details. I told them "I know Bin Laden" but I didn't provide any details. So in the end when they review in the interrogations, I said, "Listen I don't know Bin Laden and I don't know anything about Bin Laden." If you want my signature or

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Enclosure (3)
Page 6 of 9

something that I know Bin Laden, I'll give it to you, just give us rest. And I agree with whatever the court's decision is.

Tribunal Member: We just want to make sure you're telling us the truth today.

Detainee: Good; I am telling you the truth.

Tribunal Member: So you do not know Usama Bin Laden and you did not work for him as a guard?

Detainee: No, I didn't work with him, I never knew him.

Tribunal Member: And you never fought in Afghanistan?

Detainee: No I didn't even hold a weapon.

Tribunal Member: Can you tell us what you did prior to going to the institute in Yemen? What did you do to earn a living?

Detainee: I did not have a job. But I worked several jobs, nothing more than 3 months. Summer jobs, nothing official.

Tribunal Member: How long did you plan to stay in Afghanistan? A long time or a short time?

Detainee: Not more than a year. The date on the ticket wouldn't allow more than a year. It wouldn't exceed one year at all.

Tribunal Member: When you left to go to Pakistan did you travel by yourself? I think you said you went with a friend or did you go with other people?

Detainee: Yes, a friend.

Tribunal Member: Was he a friend from Yemen or was he someone you had met there?

Detainee: He was with me from the institute I had left from.

Tribunal Member: Was it just the two of you then or was it a larger group?

Detainee: Just me and him.

Tribunal Member: Did they arrest both of you?

Detainee: After we go to Kandahar, we separated. He went to a village to teach and I stayed at the village I was in. In that period of time we didn't visit each other, only one time. And I didn't see him after that until I got captured.

Tribunal President: I think I remember you saying earlier that you received financial assistance for your traveling to Afghanistan.

Detainee: Yes

Tribunal President: What was the total amount of money you left Yemen with?

Detainee: Mukhtar, the guy that I was with, he collected the money from merchants as assistance. This is something very normal where we come from, collecting money from merchants. So the money was enough for two tickets. He gave me half the money, \$600 or \$700 dollars, and he took the other half.

Tribunal President: And that would provide enough to cover all your expenses for a year?

Detainee: Afghanistan is a very poor area, [for] someone with just \$100, this person is a rich man. I had \$600 or \$700. Besides, the Afghan man provided lunch for me because he was afraid I would spend all my money, instead of me buying all my meals. I would lose a lot of money if I paid for all my meals so he would feed me and provide meals. If I needed things that required money I would use the money I had. I spent most of the money I had, I had about \$100 leftover for Pakistan. When the Americans took us, they took the money from us.

Tribunal President: When you left Yemen, was this money in U.S. Dollars or Yemeni currency?

Detainee: We changed it at the airport to dollars.

Tribunal President: The time frame of your travel when you departed Yemen, was it after the attacks on America or before?

Detainee: A while before.

Tribunal President: Tell me again why you were not able to leave Afghanistan with your plane ticket and passport.

Detainee: Can you explain the question please?

Tribunal President: Why did you not have your passport and your plane ticket with you when you left Afghanistan to return to Yemen?

Detainee: I gave it to the Afghani man that was with me.

Tribunal President: When did you give it to him?

Detainee: When we traveled to Khost I gave him my things. He said he would give them to my friend that was with me before. They would take care of the arrangements for our travel. He took the things to Kabul. Kabul fell and he did not return.

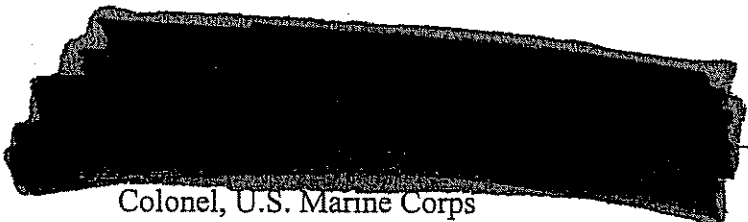
Tribunal President: Do you have any more information to offer to the tribunal today?

Detainee: No.


Tribunal President: All unclassified evidence having been provided to this tribunal, this concludes the open session of the tribunal.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

ISN# 
Enclosure (3)
Page 9 of 9

DETAINEE ELECTION FORM

Date: 24 SEP 04

Start Time: 1500

End Time: 1630

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, he asked the PR to speak for him from written notes. He will likely
speak for himself also when asked. He indicated that he might write more in his cell. No
witnesses and no evidence.

Personal Representative: [REDACTED]

UNCLASSIFIED//FOUO

FOUO

Recorder Exhibit List
For
ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 17 Sep 04	UNCLASSIFIED
R3	FBI Request for Redaction of National Security Information 27 Sep 04	UNCLASSIFIED
R4	IIR 6 034 0847 03	SECRET//NOFORN
R5	FBI FD-302 dtd 3/17/2003	FOUO//LES
R6	CITF form 40 dtd 11 Dec 03	FOUO//LES
R7	IIR 6 034 0453 02	SECRET// NOFORN
R8	FBI FD-302 dtd 06/11/2003	FOUO//LES
R9	FBI FD-302 dtd 02/19/2003	FOUO//LES
R10	CITF form 40 dtd 20 May 04	SECRET//NOFORN
R11	IIR 6 034 0315 02	SECRET// NOFORN
R12	MFR JTF GTMO dtd 20030414	SECRET// NOFORN
R13	SOLIC Enemy Combatant Review Checklist	SECRET//NOFORN
R14	JTF GTMO Baseball Card	SECRET//NOFORN
R15	JTF Analyst Support Package	SECRET//NOFORN

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (18 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - Abd Al Mujahid, Mahmoud Abd Al Aziz

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. That determination was made by facts relating to his affiliation with al Qaida, and his support of hostilities in aid of enemy forces.
 - a. The detainee supported al Qaida.
 1. The detainee was seen with Usama Bin Laden in Kandahar, Afghanistan (April 2001) and Tora Bora (November 2001).
 2. The detainee admitted to knowing Usama Bin Laden.
 3. The detainee was a security guard for Usama Bin Laden.
 - b. The detainee supported hostilities in aid of enemy armed forces
 1. The detainee was seen on the front lines.
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 R1

Memorandum



To : Department of Defense Date 09/17/2004
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
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 02/19/2003
FD-302 dated 06/11/2003

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, 09/17/2004

If you need additional assistance, please contact Assistant
General Counsel [REDACTED]

[REDACTED] Intelligence Analyst [REDACTED]

Memorandum



To : Department of Defense Date 09/27/2004
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 marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

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

FD-302 dated 03/17/2003

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, 09/27/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED]
[REDACTED] or, Intelligence Analyst [REDACTED]
[REDACTED] or
Intelligence Analyst [REDACTED]

DETAINEE STATEMENT

[REDACTED]

a. I don't support Al Queda and never have, I never told anyone that I support Al Queda. Legally Al Queda is doing things that are not permitted under Muslim law.

1. I have never physically seen Usama Bin Laden, the only place I have seen him is on TV.

2. Again, I never knew Usama Bin Laden. When the interrogators kept bothering me with this question, I told them I saw him five times, three on Al-Jazera and twice on Yemini news. After this they kept after me really hard. I told them ok, I know him, whatever you want. Just give me a break. When they asked if I would say this to a court or tribunal, I said yes, but I might change my mind.

3. Same situation as above, but the truth is I never met him and never worked for him. But, as a matter of fact I do not know him.

b.

1. This is not a true statement. I never carried a weapon, never had training and was never involved in armed conflict. I was never on the front lines.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 4 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

4 Oct 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)