

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MOHAMEDOU OULD SLAHI, )  
 )  
 Petitioner )  
 )  
 v. ) Civil Action No. 05-881 (RWR)  
 )  
 GEORGE W. BUSH, *et al.*, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

**DECLARATION OF TERESA A. McPALMER**

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, 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 Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

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 Mohamedou Ould Slahi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted. An OARDEC staff member redacted information that would personally identify U.S. Government personnel and foreign nationals in order to protect the personal privacy and security of those individuals. This staff member also redacted the names of foreign corporations to protect the personal privacy and security of individuals who work for those corporations.

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

Dated: 14 July 2005

Teresa A. McPalmer  
Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 851

29 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 760**

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 #760 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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3787

19 Jan 05

## MEMORANDUM

From: Assistant Legal Advisor  
To: Director, Combatant Status Review Tribunal  
Via: Legal Advisor *SL*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 760

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

Encl: (1) Appointing Order for Tribunal #20 of 8 November 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. *See* exhibit D-a. The detainee also provided a sworn statement in question and answer format to the Tribunal. *See* enclosure (3). The Tribunal considered the sworn statement in its deliberations.
- 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 some information in exhibits R-3 and R-4 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 requested witnesses and evidence to rebut allegations as presented in the Unclassified Summary. *See* D-a. Subsequent to his request, the detainee withdrew his requests for evidence and witnesses. *See* enclosure (1).
- e. The Tribunal's decision that detainee #760 is properly classified as an enemy combatant was unanimous.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 760

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



PETER C. BRADFORD  
LT, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

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 Commander, U.S. Navy; Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

15 December 2004

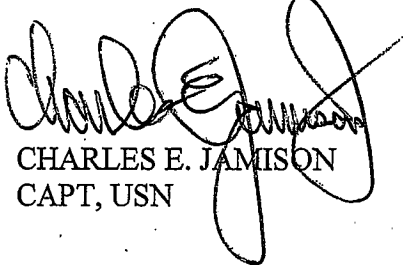
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN 760

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 [REDACTED].



CHARLES E. JAMISON  
CAPT, USN

**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

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

(U) TRIBUNAL PANEL:   #20  

(U) ISN#:   760  

Ref: (a) (U) Convening Order for Tribunal #20 of 8 November 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/~~FOUO~~)  
(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/~~FOUO~~)

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 4 December 2004, the Tribunal determined by a preponderance of the evidence that Detainee #760 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 and associated forces that are 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. Army  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL:       #20        
ISN #:       760      

**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 and associated forces that are 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 Tribunal commenced this hearing on 19 November 2004. After the Personal Representative presented Exhibit D-a, the Detainee Election Form, to the Tribunal, the detainee requested that he be given an opportunity call witnesses on his behalf, a request he had not previously made through his Personal Representative to the Tribunal President. Based on the detainee's request, the Tribunal President put the hearing in recess pending resolution of the possible witness request. During the recess the Recorder modified Exhibit R-1, the Unclassified Summary of Evidence, deleting a number of allegations. After reviewing the modified Unclassified Summary of Evidence the detainee elected not to call any witnesses.

The Tribunal reconvened on 4 December 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. That exhibit, the Unclassified Summary of Evidence, indicates, among other things, that: The detainee is a member of the Taliban or al Qaida; the detainee admitted that he traveled to Afghanistan to wage Jihad; the detainee stated that his goal was to become a martyr by dying for Islam; the detainee trained at the [REDACTED] camp in Afghanistan where he took the alias of Abu Masab; and that the detainee received training on the Kalashnikov, Seminov, UZI, M-16, Makarov Pistol and RPGs while at the [REDACTED] camp. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings and then answered Tribunal members' questions. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. In sum, the detainee testified that all the allegations on the Unclassified Summary of Evidence were correct, but that they were all from the 1990 to 1992 time frame. The detainee stated that

in recent years he has never been a member of the Taliban or al Qaida or taken any anti-American position. The detainee called no witnesses and presented no evidence.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-23, commenting that exhibits R-3 through R-5 support the Unclassified Summary of Evidence and Exhibits R-6 through R-23 added amplifying information. The Personal Representative presented no evidence but as requested by the detainee, did draw the Tribunal's attention to exhibits that provided pertinent information regarding the detainee's classification. Furthermore, the Personal Representative stated that during his first meeting with the detainee, the detainee read the CSRT Implementation Directive definition of enemy combatant and stated that the definition correctly applied to him as an enemy combatant. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-23 and D-a.
- b. Testimony of the following person: None.
- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

As noted in Paragraph 2 above, the Tribunal President held the hearing in recess to allow the detainee to further review the Unclassified Summary of Evidence and determine if he would need to call any witnesses. After meeting with his Personal Representative, the detainee determined that in fact, he did not require any witnesses. After reconvening the Tribunal, the detainee confirmed that he elected not to call any witnesses on his behalf.

### **5. Discussion of Unclassified Evidence**

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

- a. The Recorder offered Exhibit R-1 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 other evidence to support the assertions in the Unclassified Summary of Evidence.

b. As noted in paragraph 2, above, the detainee provided sworn testimony, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee testified that all of the allegations on the Unclassified Summary of Evidence were correct, but that they concerned his fighting against the Soviets following their invasion of Afghanistan. The detainee stated he had no part of the Millennium bombing plot and since 1992 he has had no association with al Qaida or the Taliban or any of their associates. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

**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 and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida forces and associated forces that are engaged in hostilities against the United States or its coalition partners.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Army  
Tribunal President

**Summarized Sworn Detainee Statement**

*The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that the Detainee understood and had no questions.*

*Making reference to the Detainee Election form, the Tribunal President confirmed the Detainee's participation, and that he had requested United States intelligence documentary evidence to be presented to the Tribunal on his behalf.*

*The Unclassified Summary of Evidence was then read in full to the Tribunal by the Recorder.*

*The Tribunal President then permitted the Detainee to present evidence, and advised him he had the assistance of his Personal Representative in doing so.*

Detainee: First of all, there is a discrepancy between what we had before, and what has just been read (in the revised Unclassified Summary<sup>1</sup>).

Tribunal President: What was the discrepancy?

Detainee: It didn't state before that I was a member of al Qaida or the Taliban.

Tribunal President: Personal Representative, would you please review the document he has and compare it to what was just read.

Detainee: I just want to make sure.

*The Detainee then read aloud in English the four allegations as noted on the Unclassified Summary to the Tribunal, then made the following comments:*

Detainee: This is all I have received.

Tribunal President: Personal Representative, do you see the statement on there, and could you explain the Unclassified Summary to him?

*At this time, the Personal Representative and Tribunal President took a moment to explain the Unclassified Summary of Evidence to the Detainee; that there were four supporting comments to the charge that he (the Detainee) was a member of the Taliban or al Qaida. The Tribunal President then confirmed the Detainee understood the Unclassified Summary.*

Tribunal President: At this time, this is where you have the opportunity to respond to each of the allegations, or you may make a statement; which do you prefer?

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<sup>1</sup> A revised Unclassified Summary of Evidence was presented to the Detainee in a meeting prior to the Tribunal hearing.

Detainee: I want to first take an oath, if you would allow me to, Ma'am.

Tribunal President: Could you answer the question first; do you want to respond to each allegation?

Detainee: Yes.

Tribunal President: And you would like to make those statements under a Muslim oath?

Detainee: Yes.

***The Muslim oath was administered to the Detainee by the Recorder, and the Detainee indicated he preferred to read each allegation aloud and respond himself without the assistance of his Personal Representative.***

*3.a1. The Detainee admitted that he traveled to Afghanistan to wage Jihad.*

Detainee: That is correct. I went to Afghanistan in late 1990 and December 1991 to help fight against the Communists. I went again in February 1992 for the same reason. When the Communists lost in 1992, I left there for good and never went back. My whole purpose was only to help my Muslim brothers wage Jihad against the Communists, who invaded the country and forbade the practice of their religion. Ma'am, this one is very important because this says I am an enemy combatant against the United States, which doesn't fit. I would like to tell you that an integral part of the Islamic religion is to help oppressed people; they were oppressed where they couldn't freely practice their religion. No further statement to number one.

*3.a2. The Detainee stated that his goal was to become a martyr by dying for Islam.*

Detainee: This allegation is correct. I will give you an example; I think it is honorable if a U.S. citizen dies for a good cause wearing his uniform. For us, as Muslims, it is the same; to die for a good cause, to be honorable to die defending oppressed people. This belief is a part of my religion; I believe it, and I will continue believing it. That's all I have to say about number two; no more information.

*3.a3. The Detainee trained at the [REDACTED] camp in Afghanistan where he took the alias of Abu Masab.*

Detainee: Yes; I came as a very young man, and this is a correct allegation.

Personal Representative: Is this the one in Khost?

Detainee: Yes, exactly, the one in Khost.

Personal Representative: Ma'am, I was just reading from earlier notes that this was in Khost.

Tribunal President: Are you saying that [REDACTED] was in Khost, at the time you were in Afghanistan?

Detainee: Yes, Ma'am; that is very important. By waging Jihad against America, they took Kandahar as a headquarters. My Personal Representative wanted to make a point that the old version of the allegation against me, that I was with al Qaida and waging war against America, was not my case. When I came to Afghanistan, I couldn't choose the training camp; al Qaida and the Arabs ran the camps. I said, hey, I want to help. They said I could not until I had training. I said, OK, I'll take the training. They sent me to [REDACTED] camp for seven weeks. Like anybody else, I never heard of [REDACTED] before I got there. People who ran the camp suggested to me to take an alias because it wasn't good to take my name; they were afraid of people from Communist countries finding out. They were afraid people from Libya or ex-USSR, who were forbidden to wage Jihad, would find out, so I took an alias, and it was fine for me to take it. Ma'am, I would not have been approved to go to the front had I refused to take the training. It made sense for me to go through the training, which I paid no money for, and it was good. No further statement about number three.

*3.a4. the Detainee received training on the Kalashnikov, Semenov, UZI, M-16, Makarov pistol and RPG's while at the [REDACTED] camp.*

Detainee: This is correct. I just want to complete it; there were other weapons, but it's been a long time, maybe 14 years. Other Soviet weapons were involved with the training; for example, I don't see mortars here. I just want to let you know the training in [REDACTED], at my time, is well known. There were other weapons I don't remember. If I get a catalog of Russian weapons, I could point out what weapons I trained on. It is only my idea that it made sense they took those Russian weapons because they were very cheap and were everywhere. It made sense to train on weapons they possessed. Ma'am, I didn't design the program of [REDACTED]; I came and it was already designed for thousands of people who came for Jihad, including your country, who helped us with ammunition. For example, the mortar ammunition was made in the U.S.A. I remember 60, 80, and 120 mm rockets. I don't know what you call this. I want to add some more to this point. When I trained, I was bored. When I left Afghanistan, and came back the next year to go the front; when I came, they knew I was trained because they kept records. When I gave them my name (his alias), they sent me to the front, to Galdez, commanded by [REDACTED]. I was with an Arab group; they were fighting under an Afghani commander, but physically they were in separate places. The city of Galdez was in Communist hands, but after three weeks of surrounding, in February 1992, the Communists agreed to give the city up; to surrender. They arranged the surrender, and the majority had to stop firing. We didn't really fire one shot, except in training. At this point, we heard about Kabul being taken; we heard Kandahar and Jalalabad were under Communist control. Right after the break down of Communists, the Mujahiden

themselves started to wage Jihad against themselves, to see who would be in power; the different factions began to fight against each other. I decided to go back because I didn't want to fight against other Muslims, and found no reason why; nor today did I see a reason to fight to see who could be president or vice-president. My goal was solely to fight against the aggressors, mainly the Communists, who forbid my brethren to practice their religion. Ma'am, I was knowledgeable I was fighting with al Qaida, but then al Qaida didn't wage Jihad against America. They told us to fight with our brothers against the Communists. In the mid-90's, they wanted to wage Jihad against America, but I personally had nothing to do with that. I didn't join them in this idea; that's their problem. I am completely out of the line between al Qaida and the U.S. They have to solve this problem themselves; I am completely independent of this problem. As far as the timing, because this is vital and important to my case, my agenda, or Jihad, was against the Communists, not the U.S. or its allies. In the late 90's it was clear that al Qaida trained people as potential soldiers against the U.S. That is very important, and for the timing, I asked my PR if there were many witnesses, and to pick one witness, he suggested U.S. intelligence; it's his choice, and I accept this choice, because you trust your country more than anyone else for this information. I just want to emphasize this should be trivial that I went to Afghanistan, in this case. Your honor, as to the evidence, I have not much else to say. I confessed this, and I cannot see where the hostility against the U.S. fits.

#### **Tribunal Member Questions to Detainee**

Q: Where are you from?

A: I am from Mauritania.

Q: And a personal question if you don't mind me asking; how old are you?

A: I am 34 years old.

Q: How old were you when you first went to Afghanistan?

A: 20 years old.

Q: Where were you captured?

A: I turned myself in; that's a very good question, thank you. I turned myself in to the Mauritanian government, and they told me I was wanted. I told them I would come to them, and they said the American government wanted me. I was kidnapped and spent 8 months in Jordan; they tried to squeeze information out of me. I then went from Kandahar to Cuba. I turned myself in September 29, 2001, around 2300 hours.

Q: How long were you in Jordan?

A: Eight months.

Q: And you said after you left Afghanistan in the early 90's, you never went back again?

A: Never, never, never, never.

Q: Pakistan?

A: Never; no Bosnia, no Chechnya; I just went back to finish my studies until I turned myself in; I had a big family to feed. I had 100 mouths to feed.

Q: You said when you were discussing the allegation before, you'd fight anyone oppressing Muslims; would you consider what the U.S. was doing in Afghanistan there in 2001, would that warrant you to go fight?

A: First of all, I told myself before that I don't think that the U.S. forbids Muslims to practice their religion; in the U.S. there are many Muslims, why should I fight?

Q: Why do you think you get such special treatment here at Guantanamo?

A: Your government captured me for the wrong reasons; they thought I was part of the millennium plot. This was the Algerian who tried to smuggle explosives from Canada into the U.S. in December 1999; in Jordan, they made me crazy to admit I had something to do with it. Because there was so much pressure and bad treatment, I admitted to this. Your intelligence later realized it was not true and a mistake, and this was a form of redemption. Furthermore, I am the most honest Detainee in the whole of this camp; I gave all the information and every bit of information I knew of; I challenge them to prove I have not provided good information.

Q: You mentioned you traveled to Canada; what were some of your travels after you left Afghanistan up until your arrest?

A: When I came back in February 1992, I went to Germany to study in Glicht. In August 1993, I went on holiday for two or three weeks to my country. Then I stayed in Germany, and I didn't travel until May 1998 when I went to Saudi Arabia for Haaj, because every Muslim should go for this duty once in his life, and I went with my wife.

Q: After Haaj, did you go back to Germany?

A: Oh yes, I used to live in Germany, so after about one month I went back. On September 16, 1998, I went to Canada because I wanted to immigrate there because of unemployment in Germany; I was really only in Germany for my studies. I wanted other options or another shot, goodbye Germany, and wanted to go to a place where I could exercise my trade. I am an electrical engineer. I stayed in Canada in one week, and finished my immigration papers and went back to Germany. In November 1999, I



learned from German immigration I had to leave, and they wouldn't prolong my visa. That's bad, but at least I could go to Canada and start a new life. I was hosted by a friend of mine, a college or study mate, by the name of [REDACTED]

Q: What year was that? When did you go back to Canada?

A: November 26, 1999. Because I learned Germany wouldn't prolong my visa, I went to Canada and was hosted by my friend. Then this Algerian guy, in December, tried to smuggle the explosives into the U.S. The police came for a lot of reasons, mainly because they were watching friends of [REDACTED]. Furthermore, I am the cousin of the right hand of Osama bin Laden, who has \$25 million on his head. But those facts were known to the intelligence community, and they said, look at this guy, he has been to Jihad, and he is the cousin of the right hand of Osama bin Laden; they said that's him, that's him. I said, yes, I have been to Afghanistan, but I have nothing to do with this sh\_t, in good English, and I couldn't believe it. The guy that was captured would not cooperate with American authorities; obviously later on he decided to cooperate after September 11, which helped my case, too. I also want to tell you I took several polygraphs, which I passed perfectly.

Q: When did you go back to Mauritania?

A: I went back to Mauritania January 21, 2000; ask me why.

Q: Why?

A: Because that was not a good life; wherever I went I had people right behind me at the market watching my butt, I said what the heck? That is not the life I want to live; I wanted to live a productive and peaceful life. I am a Muslim, and I believe in Jihad, but I'm not ready to kill innocent people for it. I said hey man, you can keep your country for yourself, so I went back to my country; that's why.

Q: So your understanding is that you were arrested because they thought you were part of the Millennium plot?

A: Yes; that was clear, and that's what my government told me.

Q: Was [REDACTED] involved in the plot?

A: No; he was not.

Q: Was he arrested?

A: No; I was also not arrested.

Q: Why was the intelligence watching him?

A: Because of his friends; he has very bad friends, such as [REDACTED] and some Arabs that I don't know, because my time in Canada was very short. [REDACTED] was the guy from the same country who was the one who was recruited to Jihad and introduced to [REDACTED]; that was very, very bad.

Q: How do you know all that?

A: Because I read it in the papers and the interrogators told me.

Q: Can I get your response to the very first allegation that you are a member of the Taliban or al Qaida?

A: The Taliban; I have nothing to do with them whatsoever. Al Qaida, I was a member in Afghanistan in 91 and 92. After I left Afghanistan, I broke all my relations with al Qaida.

Q: And you've never provided them money, or any type of support since then?

A: Nothing whatsoever.

Q: Ever recruited for them?

A: No, not at all; no trying to recruit for them.

Q: You said that you were pressured to admit you were involved in the Millennium plot, right?

A: Yes.

Q: To whom did you make that confession?

A: To the Americans.

Q: And what do you mean by pressure?

A: Your honor, I don't wish to talk about this nature of the pressure if I don't have to.

Tribunal President: You don't have to; we just want to make sure that you were not tortured or coerced into saying something that wasn't true. That is the reason he is asking the question.

A: You just take from me I am not involved in such a horrible attack; yes I admit to being a member of al Qaida; but I am not willing to talk about this. The smart people came to me and analyzed this, and got the truth. It's good for me to tell the truth, and the

information was verified. I said I didn't have anything to do with this. I took and passed the polygraph, and they said I didn't have to speak of this anymore. They said please don't speak of this topic anymore, and they haven't opened it up to this topic for a year now.

Q: So no U.S. authorities abused you in any way?

A: I'm not willing to answer this question; I don't have to, if you don't force me to.

**Tribunal President Questions to Detainee**

Q: When did you go back to your home country from Canada?

A: It was January 21, 2000.

Q: What had you been doing in your country since January?

A: Good question; I was working for a company named [REDACTED].

Q: What did they do?

A: It was a company that deals with medical equipment that what we call in Mauritania a scanner, they inject people with a bottle; it's not as advanced as an MRI. They deal with this and in controlling medical equipment such as oxygen equipment, so that people would stay alive.

Q: And what did you do for that company?

A: They also had an internet service provider, a small one. In my country, if you work for a company, you touch everything; sometimes they sent me to the hospital to repair equipment, but most of the time, I was repairing the computers and installing software, and fixing and developing the service.

Q: Is that what you learned in school?

A: Yeah; like I said I am an electrical engineer, and microelectronics. In July 2001, I left the company to go to another company called [REDACTED]. This is a French word for fish. This company was a company of people from my tribe, and they gave me more money to join them. They wanted to develop the business and to use me; I was just setting up my office, because they didn't know what to do with me at first. They had many electronic devices and electrical machines they wanted me to take care of. I had just set up my office and installed the AC, and September 11<sup>th</sup> happened. Then America went crazy looking for leads; and I was the cousin of the right hand of Osama Bin Laden, and oh, get him. And in my country you don't need any evidence to arrest anybody, and need no jurisdiction to extradite anybody.

Q: Did you have to have permission or authority to leave al Qaida? I need to understand if you could walk away from an organization like that.

A: That is a good question. If you joined Jihad, at least when I was, you are a de-facto al Qaida member. They made me swear that you are here to take orders and to follow Osama, and do nothing against Islam. There is no money that they pay you, and it's just benevolent work. It is so, OK, but Jihad stopped in Afghanistan, so I went to go back to study because Communism was gone. Nobody told me I had to stay, so I left. Nonetheless, my cousin tried many times to get me back, and called me a lot, and I was like, hey, I want to work a little bit. I didn't want to tell him to forget me, because they would be against me, and they would hunt me down. Do you understand my point? If you provide information they will hunt you down, but if you just go away and try to break contact, there is just no contact. The only contact was my cousin who tried desperately to get me back, but he couldn't, because I told him mom was sick, and had problems here, etc.

Q: How much time do you feel like you devoted to al Qaida?

A: I trained 7 weeks with al Qaida, and I was 3 weeks fighting in the front. That makes 10 weeks total devoted with al Qaida.

Q: And they've invested money and time in training you, so you walked away, but they attempted to get you back; do you think that's all they're going to do?

A: Al Qaida is 10,000 people, and they cannot control all of those people. You must have the passion to go back to them, and if you don't have the passion, and you don't hurt them, it's sort of OK; that's my thinking, or my feeling on that. But if you said I'm going to say every name they trained, that would be bad; very bad.

Q: Have they ever provided you any other funding or support?

A: Why should they provide me any support when I work for the allies? I don't see why.

Q: Did you ever work for some of the non-governmental agencies; NGO's?

A: No, never.

***The Tribunal President thanked the Detainee for his participation, and asked if he had any more questions or statements.***

Detainee: I want to thank you very much, for asking the questions that helped me remember.

*Upon informing him he (the Detainee) would be notified of the results of the proceedings, the Detainee asked the following question:*

Detainee: Madam, when would that be?

Tribunal President: I don't know exactly how long it will take. We've noticed it takes anywhere from 3-4 weeks, but sometimes 4 months. We should hear something pretty soon.

*The Tribunal President resumed explaining the Tribunal process to the Detainee; the Detainee interrupted briefly to consult privately with his Personal Representative.*

Personal Representative: Ma'am, that (discussion with the Detainee) was a comment about being returned to another country instead of his home country; I told him the State Department would work all those issues out at a later date.

Tribunal President: (to the Detainee) If I'm understanding your comments to your Personal Representative, you do not want to return to your home country?

Detainee: No, because I'm threatened because of the amount of the information I've provided to the United States, I would be hunted down and I would be killed. I want to be provided security.

Tribunal President: We'll make note of that; is there a particular country you are interested in going to? Not to say that we make that decision, someone else would make that decision, the PR is correct, but we'll put it on the record.

Detainee: United States.

Tribunal President: You want to go to the United States?

Detainee: I do.

Tribunal President: OK; that is now made a part of this record, and the State Department will take note of this request.

*The Tribunal President read the remainder of the hearing instructions to the Detainee, to include the description of the Administrative Review Board process.*

Detainee: (for the Administrative Review Board) To contact my family, I need encouragement, because I am having problems contacting my family. For example, a couple of my letters were over a year old, so how is it possible to handle this in a reasonable way?

Tribunal President: We'll make note of that, and talk to the people that are responsible for the process of handling and receiving mail; that's not part of our responsibility, but we'll certainly pass that along to the people that will be handling that.

Detainee: You understand my point?

Tribunal President: Yes, I do. You said you had a lot of family, though, about 100 members?

Detainee: Yes, I do. They can write all at once, and it would be like they can hit you with mail. But the mail gets stuck somewhere, and it's not convenient if I am going to prepare myself for another board, and the letters comes seven months after the decision of the board; that is not very ideal.


Tribunal President: That is correct, and we'll pass that information on.

Detainee: Thank you, Ma'am.

*The Tribunal President thanked the Detainee for his participation and adjourned the open 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. Army  
Tribunal President


DETAINEE ELECTION FORM

Date: 13 Nov 04

Start Time: 0945

End Time: 1115

ISN#: 760

Personal Representative:  LT COL

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:**

- Will speak to each piece of evidence. Detainee will read and speak from both the English and the translated copy of the Summary of Evidence.

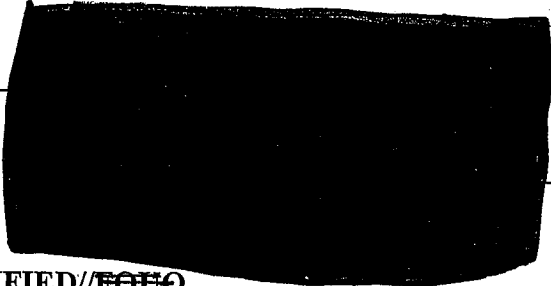
- Has indicated he will take the oath.

- Detainee requests U.S. Intelligence Documentary Evidence be presented at his tribunal.

- The requested evidence pertains to any such documents that may show the dates and locations of the activities listed in detainee's Unclassified Summary.

- Detainee also requests information showing he freely provided the vast majority of the information in his file.

- Since U.S. Intelligence documentation would most likely be classified, any such information will need to be presented at the closed tribunal session.

Personal Representative: 

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (27 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – SLAHI, Mohamedou Ould

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 a member of the Taliban or al Qaida.

The detainee is a member of the Taliban or al Qaida.

1. The detainee admitted that he traveled to Afghanistan to wage Jihad.
  2. The detainee stated that his goal was to become a martyr by dying for Islam.
  3. The detainee trained at the [REDACTED] camp in Afghanistan where he took the alias of Abu Masab.
  4. The detainee received training on the Kalishnikov, Seminov, UZI, M-16, Makarov Pistol and RPGs while at the [REDACTED] camp.
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.

UNCLASSIFIED

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1 of 1  
R/



Memorandum



760

To : Department of Defense Date 10/28/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
Asst. Gen. 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 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 760 have been redacted by the FBI and provided to the OARDEC:

- FD-302 dated 10/14/02
- FD-302 dated 03/09/03

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

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

1.72

R2

Memorandum from [REDACTED] to Capt. Charles Jamison  
Re: REQUEST FOR REDACTION, 10/28/2004

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

IA

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 10 December 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #760.

I have no comments.

My comments are attached.



Name

10 DEC 04

Date

  
Signature

ISN #760  
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

O.K., *et al.* )  
 )  
 )  
 Petitioners, )  
 )  
 v. ) Civil Action No. 04-CV-1136 (JDB)  
 )  
 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:

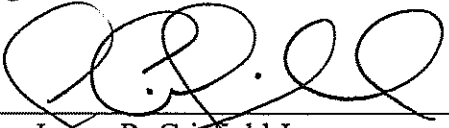
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 O.K. 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: 14 Sep 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser:  
10 September 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.

A handwritten signature in cursive script, reading "J. M. McGarrah", is positioned above the typed name.

J. M. MCGARRAH  
RADM, CEC, USNR

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

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3814

10 Sep 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 2004

Encl: (1) Appointing Order for Tribunal #5 of 17 August 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:

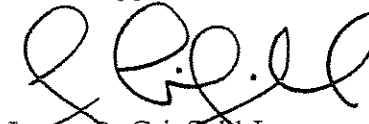
- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate in the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-6, and R-8 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 declined to submit comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

UNCLASSIFIED

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

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.  
CDR, JAGC, USN

UNCLASSIFIED





Department of Defense  
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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. Air Force; President

[REDACTED], Lieutenant Colonel, U.S. Air Force; Member  
(JAG)

[REDACTED], Lieutenant Commander, U.S. Navy; 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

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", is positioned above the typed name.

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).

(U) TRIBUNAL PANEL:     #5    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #5, 17 August 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 (Not Used)  
(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 7 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 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]  
[REDACTED], Colonel, USAF  
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION

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

TRIBUNAL PANEL: \_\_\_\_\_ #5

ISN #: [REDACTED]

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with al-Qaida. In reaching its conclusions, the Tribunal considered classified information only. The following is an account of the Tribunal proceedings. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The Detainee chose not to participate in the Tribunal process. Because the unclassified evidence only consisted of the Unclassified Summary of evidence and the FBI redacted information statement, the Tribunal relied exclusively on classified information in reaching its decision.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-12

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

The Detainee requested no witnesses or evidence.

**5. Discussion of Unclassified Evidence**

The Tribunal considered no unclassified evidence in making its determinations. 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, an FBI certification regarding redacted information, provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence. 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 deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a.
- c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with al-Qaida.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
, Colonel, USAF  
Tribunal President



FOUO

Recorder Exhibit List  
For

ISN [REDACTED]

#	Title	Number of Pages	Classification
R1	Unclassified Summary	1	UNCLASSIFIED
R2	FBI Certification Re: Redaction of National Security Information dtd 03 Sep 04	1	UNCLASSIFIED
R3	FBI FD-302 25-NOV-02	2	FOUO//LES
R4	CITF Form 40 05-NOV-02	4	FOUO//LES
R5	CITF Form 40 17-MAR-04	6	FOUO//LES
R6	FBI Memorandum 03-SEP-04	1	SECRET//NOFORN
R7	IIR 6034025103 07-OCT-02	3	SECRET
R8	FBI FD-302 06-DEC-02	3	FOUO//LES
R9	CITF Form 40 28-OCT-02	5	FOUO//LES
R10	JTF GTMO Baseball Card	2	SECRET//NOFORN
R11	JTF GTMO Memo 05-JAN-04	3	SECRET//NOFORN
R12	CITF KB Mar-02	3	SECRET

FOUO

3823

Unclassified

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (31 August 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal [REDACTED]

O.K.

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 member of al Qaida and participated in military operations against U.S. forces.

a. The detainee is an al Qaida fighter:

1. The detainee admitted he threw a grenade which killed a U.S. soldier during the battle in which the detainee was captured.

2. The detainee attended an al Qaida training camp in the Kabul, Afghanistan area where he received training in small arms, AK-47, Soviet made PK guns, RPGs.

3. The detainee admitted to working as a translator for al Qaida to coordinate land mine missions. The detainee acknowledged that these land mine missions are acts of terrorism and by participating in them would make him a terrorist.

b. The detainee participated in military operations against U.S. forces.

1. Circa June 2002, the detainee conducted a surveillance mission where he went to an airport near Khost to collect information on U.S. convoy movements.

2. On July 20, 2002 detainee planted 10 mines against U.S. forces in the mountain region between Khost and Ghardez. This region is a choke point where U.S. convoys would travel.

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.

Unclassified

3824





U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

Date: 09/03/2004

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 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.

FD-302 dated 11/25/02  
" " 12/06/02  
FBI Memo dated 09/03/04  
By 9/3/04

<sup>1</sup>Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

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

Personal Representative Review of the Record of Proceedings

I acknowledge that on 8 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

8 Sept 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RICHARD DEAN BELMAR, *et al.* )  
 )  
 )  
 Petitioners, )  
 )  
 v. ) Civil Action No. 04-CV-1897 (RMC)  
 )  
 )  
 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:

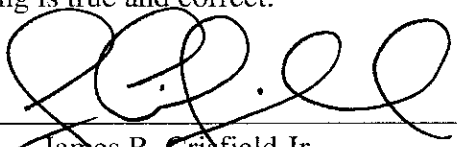
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Richard Dean Belmar 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 considered law enforcement sensitive as well as that which 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: 22 Nov 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser:0405  
19 November 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.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
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3829

19 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

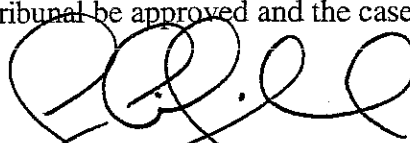
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #15 of 12 October 2004  
(2) Record of 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 to the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- 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 declined to submit comments.

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

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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. Air Force; President

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member  
(JAG)

[REDACTED] Lieutenant Commander, U.S. Navy; Member

A handwritten signature in black ink, appearing to read "Jm McGarrah", is positioned above the typed name.

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy

[REDACTED]

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:   #15  

(U) ISN#:   [REDACTED]  

Ref: (a) (U) Convening Order for Tribunal #15 of 12 October 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/FOUO)  
(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/FOUO)

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 10 November 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, 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]

Tribunal President

Col, USAF

DERV FM: [REDACTED]  
DECLASS: [REDACTED]



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:           #13            
ISN #:           [REDACTED]          

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, 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 summary of the evidence presented to the Tribunal by the Recorder indicated that the detainee traveled from the United Kingdom to Afghanistan to flee criminal prosecution and receive military training. When he arrived in Afghanistan, he attended a terrorist training camp, received training on various weapons, served guard duty at the camp, and was in contact with Usama Bin Laden while at the camp. The unclassified summary further indicated that the detainee had an opportunity to fight against Northern Alliance forces and swore a bayat (oath) to Usama Bin Laden. The detainee chose to participate in the Tribunal process. He called no witnesses, requested no documents be produced, and made an unsworn verbal statement. The detainee, in his verbal statement, admitted that most of the allegations in the unclassified summary were true, but denied conducting guard duty, meeting Usama Bin Laden, or swearing an oath to him. He also claimed that he did not originally intend to partake in military training when he left the United Kingdom for Afghanistan.

**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-19.
- b. Unsworn statement of the detainee.

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

The detainee requested no witnesses; no rulings were required.

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

The Detainee requested no additional evidence be produced; no rulings 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. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he traveled from the United Kingdom to Afghanistan because he was in trouble with local authorities, not to receive military training. He traveled to Afghanistan using funds mostly given to him by "friends," and was persuaded to attend a military training camp while staying in a guesthouse in Kabul. He admitted attending the [REDACTED] camp and receiving the training listed in Exhibit R-1, but denied serving guard duty there. He said that his only contact with Usama Bin Laden occurred during a few visits that Bin Laden made to the camp. The detainee claimed that he was just part of the group listening to Bin Laden speak. He also stated that he never swore a bayat to Bin Laden. The detainee claimed that when he admitted to serving guard duty, meeting Usama Bin Laden, and swearing a bayat, he was "under pressure" from interrogators at the Bagram detention facility and was compelled to lie. He now says none of those statements are true (he was referring specifically to subparagraphs #3-(6)(7) and (10) of exhibit R-1). The detainee did not claim to have been tortured, but said he felt pressure based on what he saw interrogators doing to others, that he was sick with allergies, and that he was under a lot of stress due to everything that had happened recently in his life. He was specific in his assertion that this pressure occurred while in custody in Afghanistan, adding that one of the threats used against him was the possibility of being sent to Cuba, which the detainees had heard was a very bad place. The detainee also said in his unsworn statement that he was initially unaware that [REDACTED] was a terrorist training camp. He claimed that he became aware of this near the end of his training, but decided to finish up anyway, so the people at the safehouse wouldn't "diss" him and say that he wasn't man enough.

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

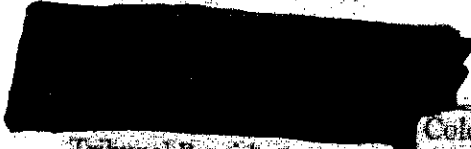
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights, indicated that he understood the proceedings, and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Tribunal President

Colonel, USAF

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### Summarized Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "yes".

When asked by the Tribunal President if the Detainee wanted to take an Oath, the Detainee declined and provided the following statement in response to specific points in the Unclassified Summary of Evidence:

[Paragraph 3.1: The Detainee is a citizen of the United Kingdom who traveled to Afghanistan to flee criminal prosecution and receive military training.]

Detainee: The first part of that is true, but the last part is not true. Military training was just a last minute thing it wasn't planned.

[Paragraph 3.2: The Detainee traveled from the United Kingdom to Kandahar, Afghanistan around July 2001, via the United Arab Emirates and Pakistan.]

Detainee: That is true.

[Paragraph 3.3: The Detainee stayed at a house in Kabul, Afghanistan and received training in the assembling and disassembling of the AK-47.]

Detainee: That is true.

[Paragraph 3.4: The Detainee traveled to a terrorist training camp around 21 July 2001.]

Detainee: That is true, but at the time I didn't know it was a terrorist training camp. I thought it was just a military training camp for Muslims.

[Paragraph 3.5: The Detainee received basic weapons, war tactics, and navigation training at a terrorist training camp.]

Detainee: That is true.

[Paragraph 3.6: The Detainee conducted guard duty with a Kalashnikov rifle at the front gate of a terrorist training camp.]

Detainee: That is not true. At the time I said that I was under a lot of pressure. The place I was in I feared for my safety. Having already received injuries, I was forced to say that. They put pressure on me and I feared for my safety.

[Tribunal President commented he would ask questions later to clarify the Detainee's last comment and told the Detainee to proceed with his statement.]

ISN [REDACTED]  
Enclosure (3)  
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[Paragraph 3.7: The Detainee was in contact with Usama Bin Laden while at a terrorist training camp.]

Detainee: Not fully true. I saw him at a group meeting. There was a big group and he was far away. I had no contact with him. I said that because I was under a lot of pressure, the same reason as before I feared for my safety.

[Paragraph 3.8: The Detainee stated he had one opportunity to fight the Northern Alliance forces in Kabul, Afghanistan.]

Detainee: That is true.

[Paragraph 3.9: The Detainee was arrested by the Pakistani local authorities on 7 February 2002.]

Detainee: That is true.

[Paragraph 3.10: The Detainee swore a bayat (oath or promise) to Usama Bin Laden.]

Detainee: That is totally untrue. The reason is the same as others (the Detainee feared for his safety).

**Summarized Answers in Response to Questions by the Personal Representative:**

- Q: Did you want to explain any more regarding how you observed Usama Bin Laden in camp or what he was doing?
- A: He was just talking similar to what we are doing now but he was further away in a big group of people. There were two people sitting next to him and he was in the middle. He was speaking in Arabic so I didn't understand what he was saying.
- Q: Do you know why you were asked about swearing bayat by your interrogators or the significance of that question?
- A: Obviously they heard about people in the camp swore bayat. They told me they knew I swore bayat. They would say admit it or we will send you to Cuba and if I lied everything I said will be a waste. They told me they would do this and that to me and I wouldn't get any sleep and they would punish me. At the time, I thought Cuba was a very bad place and I would be tortured and raped. I was very afraid.
- Q: The reason you fled from the United Kingdom, how did that lead you to the military training?

ISN [REDACTED]  
Enclosure (3)  
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A: After I saw the Muslim country I stayed with some people that liked those kinds of things and they persuaded me to do it. It started with the assembly and disassembly of the Kalashnikov and from there they tried to persuade me. I said yes to get them off my back.

Q: Would you like to explain to the Tribunal why you fled the United Kingdom?

A: Because in the United Kingdom I had a problem. I was in trouble with the police on an assault charge. At the time, I thought it would be worse I thought it might be accessory to manslaughter. I was arrested and told to come back for a line-up. In that time, I decided I was out of there. I was also prompted to leave because of problems I had with my family. I figured what the hell, I would just go and start a new life somewhere else plus, it was a Muslim state and I am Muslim. I thought it would be better for me to be there to become a better Muslim. I wasn't practicing as well as I could have in England.

**Summarized Answers in Response to Questions by the Recorder:**

Q: On point number one, you mentioned that part of it was true, you started out by saying the travel from the United Kingdom to Afghanistan was true and the second half wasn't. You went on to say the military training was a last minute thing without planning. Was it that military training that you said originally wasn't the true part of that statement? I just want to clarify if you did attend the military training.

A: Yes, I did.

Q: The second question is in regards to the swearing of bayat to Usama Bin Laden. You indicated that was done for the same reasons as the other answers you provided saying that it was said under pressure. Did you tell the interrogator that under pressure or did you swear the bayat under pressure?

A: I didn't tell the interrogators it was something I kept inside. They move you a round and give you a lot of trouble. They put you in cold rooms and make you sit for twenty hours. They do stuff like that here too. I thought if I said that they would do that to me too.

Q: That was your discussion with the interrogators?

A: No, I didn't say that.

Q: Okay, I am trying to figure out if you said that to them or you swore the bayat under pressure? What did you do under pressure?

A: I didn't swear the bayat.

Q: What did you do under pressure?

A: Under pressure I said I swore the bayat.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Did you pay for your own travel to Afghanistan or did somebody pay for it?

A: Some of it I paid for and some people paid for some of it.

Q: Who are the people that helped you?

A: Some of it was taken by a collection. I don't know exactly how they collected the money for me, and they gave it to me.

Q: When you said they, is that a group that you knew or a place you visited or what, I don't understand who actually did the collection?

A: It was a few people I knew.

Q: When you got to Afghanistan you said you stayed at someone's house for a while. Did you have to pay for that or did they just let you stay and take care of you?

A: That was free. Muslims are charitable people. They talked to me and gave me a house to stay in.

Q: Were they the same people that said why don't you go to military training?

A: Yes.

Q: Do you know the name of the camp where you went for the training?

A: At the time, no. Now I do. It was [REDACTED]

Q: The people that raised the money for you, were they from your mosque or just people that were interested?

A: Friends.

Q: What mosque did you attend when you were in Britain?

A: Regent Park and (inaudible).

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- Q: Do you remember who the Imam was there?
- A: At Regent Park they had four or five Imam's (inaudible).
- Q: Did you have any interaction with Abu Qatada while you were in Great Britain?
- A: I saw him. I went to Friday prayer and he was there and would give a talk before the prayer. The whole point of the Friday prayer is the long talk and we all pray together. It was in Arabic and it wasn't in a mosque. I preferred to go to the mosque but sometimes I woke up late and he did Friday prayer later. Because I missed the one in the mosque, I would go to that one. I just wanted to catch the prayer I didn't really care about the talk.
- Q: His Friday prayers were usually in a community center or someplace where people...
- A: Youth clubs. I went maybe three times.
- Q: So, you heard Abu Qatada speak three times?
- A: I didn't speak to him.
- Q: You went to his talks?
- A: Yes.
- Q: You stated you had one opportunity to fight the Northern Alliance forces. What happened with that?
- A: That happened when Kabul was taken. I stayed in the house with other people. Someone came in and said he saw the fighting. Everyone got their stuff together and said they were going to fight in the middle of the night. I made up an excuse and stayed behind. I didn't go to Afghanistan to fight.
- Q: It was an opportunity presented but you didn't actually take part?
- A: I didn't take a part.
- Q: How did you get to Kabul to Pakistan and arrested by the Pakistanis?
- A: That is a long complicated story. I traveled from place to place sneaking around and stayed in different houses. Eventually I got out and went to Pakistan. I was arrested in a house with other people.

ISN [REDACTED]  
Enclosure (3)  
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- Q: Was that done in a group or your own initiative to get out of Kabul and make your way to Pakistan?
- A: It was done in a group but it was also my own initiative. I wanted to go to get out. That was the destination of most of the people that were in the same situation.
- Q: How many people were with you in the house when you were arrested?
- A: Approximately sixteen. I would have been the seventeenth one.
- Q: At what point did you figure out that the camp you were training in was actually a terrorist training camp?
- A: Near the end of the training time someone told me it was ran by Usama Bin Laden. At the time I was close to graduation and I figured I might as well just graduate. If I didn't and went back to the people I stayed with they would diss me and say I wasn't a man and I couldn't handle the training.
- Q: About when was it that you graduated, do you remember?
- A: Sometime late September.
- Q: September 2001?
- A: Yes.
- Q: What was going to be your goal after you graduated? If the war hadn't started, what was your plan?
- A: I had two plans. Maybe I would go back home because I went on a spending spree and I was running low on money. Or, I would stay in Afghanistan and hope someone would give us some more money and a long-term place to stay. We had two options. I wanted to go back home. That was the option I picked.
- Q: When you say we, were there a couple of you traveling together?
- A: A friend of mine.
- Q: Were you going to look for employment in Afghanistan or set up a home there?
- A: Set up a home. Employment is another thing to talk about I had to establish myself first.
- Q: On three points in the Unclassified Summary you stated that they were untrue because you were being pressured. I would like you to expand, for the record,

ISN [REDACTED]  
Enclosure (3)  
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who these people were and what conditions that you felt being pressured into stating these things or at least confirming certain aspects.

A: The conditions at Bagram Air Base weren't very good. I saw a lot of things they did to people that they thought weren't telling the truth or were withholding information. That scared me. I was also sick and I suffered from allergies. I was sick everyday and under a lot of stress from the whole Afghanistan situation. I lost all my belongings, my money, and my friend. All this played a part.

Q: Specifically, at Bagram detention facility when you say they, were they Americans or Afghanis, who?

A: Americans.

Q: Have you described this treatment at any other time than here?

A: No, it was something I kept in.

Q: I would like to review for the record that those points that you mentioned that you felt were provided under pressure. Number six, regarding your guard duty with the Kalashnikov rifle by the front gate at a terrorist camp and just to confirm you never actually performed guard duty at any of the camps?

A: No (inaudible).

Q: Number seven where you stated that you were in contact with Usama Bin Laden at the training camp, you have since clarified again for the record that you just saw him at a distance and heard him speak.

A: Yes.

Q: I also believe you said the part about the bayat that you never actually swore one; you just admitted to that under pressure, is that correct?

A: Yes, that is correct.

Q: At what time did you decide to travel to Pakistan to get out of Afghanistan?

A: It was a long time. It was after 11 September. It was a difficult situation. I didn't have enough money, I wasn't with my friend, and I didn't have my belongings with me. I wanted to find my way back to Kandahar, find my friend, and get some money.

Q: You mentioned your friend a number of times and that you lost him. Can you give us his name and how you lost him?

ISN [REDACTED]  
Enclosure (3)  
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A: His name was Rasheed Ramadani.

Q: I assume when you say he was lost, do you know if he was killed, injured, or captured?

A: He was killed.

Q: I believe from the timeline that we have heard here, 11 September occurred while you were at the training camp is that correct?

A: Yes.

AUTHENTICATION

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

  
Tribunal President

COL USAF

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ISN   
Enclosure (3)  
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DETAINEE ELECTION FORM

Date: 06 Nov 04

Start Time: 0910

End Time: 0940

ISN#: [REDACTED]

Personal Representative: [REDACTED] Major, USAF  
(Name/Rank)

Translator Required? YES Language? ENGLISH

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 [REDACTED] spoke fluent English and he acknowledged that he understood me. I briefed the CSRT process to him and he acknowledged that he understood it. He was very cooperative and asked intelligent questions during the interview. He elected to participate in his Tribunal.

Detainee [REDACTED] did not have any witnesses to call on his behalf and when asked about possible evidence to support his case, he could think of none. I reviewed the unclassified summary of evidence with him and he stated that he would have to think about whether or not he will make a statement during the Tribunal.

Personal Representative: [REDACTED]

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Exhibit D-a

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (02 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – BELMAR, Richard Dean

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 the Taliban and al Qaida forces.

The detainee is associated with the Taliban and al Qaida forces.

1. The detainee is a citizen of the United Kingdom who traveled to Afghanistan to flee criminal prosecution and receive military training.
2. The detainee traveled from the United Kingdom to Kandahar, Afghanistan around July 2001, via the United Arab Emirates and Pakistan.
3. The detainee stayed at a house in Kabul, Afghanistan and received training in the assembling and disassembling of the AK47.
4. The detainee traveled to a terrorist training camp around 21 July 2001.
5. The detainee received basic weapons, war tactics, and navigation training at a terrorist training camp.
6. The detainee conducted guard duty with a Kalishnikov rifle at the front gate of a terrorist training camp.
7. The detainee was in contact with Usama Bin Laden while at a terrorist training camp.
8. The detainee stated he had one opportunity to fight the Northern Alliance forces in Kabul, Afghanistan.
9. The detainee was arrested by the Pakistani local authorities on 07 February 2002.
10. The detainee swore a bayat (oath or promise) to Usama Bin Laden.

UNCLASSIFIED

Exhibit R-3845

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.



UNCLASSIFIED

Memorandum from [REDACTED] to Capt. Charles Jamison  
Re: REQUEST FOR REDACTION, 10/27/2004

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

IA

-2-

UNCLASSIFIED

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## Memorandum



To : Department of Defense Date 11/03/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Charles Jamison, 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 12/13/2002

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

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

UNCLASSIFIED

Memorandum from [REDACTED] to Capt. Charles Jamison  
Re: REQUEST FOR REDACTION, 11/03/2004

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

IA

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 17 November 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

17 NOV 04  
Date

[REDACTED]

ISN # [REDACTED]  
Enclosure (5)





Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 746

23 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 832**

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 #832 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.

A handwritten signature in cursive script, appearing to read "J. M. McGARRAH".

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
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3853

UNCLASSIFIED

19 Jan 05

MEMORANDUM

From: Assistant Legal Advisor  
To: Director, Combatant Status Review Tribunal  
Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 832

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

Encl: (1) Appointing Order for Tribunal #19 of 4 November 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. *See* exhibit D-a. The detainee also made an unsworn statement in a question and answer format. *See* enclosure (3). The Tribunal considered the statement in its deliberations.
- 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 some information in exhibit 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 did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee #832 is properly classified as an enemy combatant was unanimous.

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.

*Peter C. Bradford*  
PETER C. BRADFORD  
LT, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

4 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #19

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, U.S. Navy; Member

[REDACTED], Major, JAGC, U.S. Army Reserve; Member  
(JAG)

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

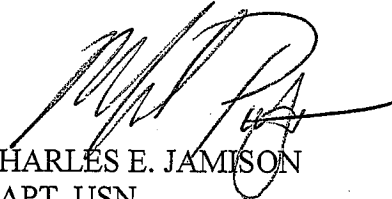
27 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 832

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 [REDACTED].

FOR   
CHARLES E. JAMISON  
CAPT, USN



(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:   #19  

(U) ISN#:   832  

Ref: (a) Convening Order for Tribunal #19 of 04 November 2004 (U)  
(b) CSRT Implementation Directive of 29 July 2004 (U)  
(c) DEPSECDEF Memo of 7 July 2004 (U)

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

(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).

(U) The Tribunal has determined that Detainee #832 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this Detainee is a member of, or affiliated with, al Qaida and the Taliban, as more fully discussed in the enclosures.

(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. Army  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #19  
ISN #: \_\_\_\_\_ 832

**1. Introduction**

As the Combatant Status Review Tribunal 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 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. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal 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 associated with al Qaida. The Detainee is associated with Hizb-1 Islami Gulbuddin. Hizb-1 Islami Gulbuddin is a terrorist organization associated with al Qaida. The Detainee was the Chief of Border Department for the Taliban. The Detainee was the Taliban's Chief of Communication. The Detainee fought in the Russian jihad. The Detainee assisted in the exfiltration of al Qaida members from Afghanistan to Pakistan. The Detainee has passed messages to senior al Qaida members. The Detainee's name and phone number were discovered in a senior al Qaida member's house. The Detainee has participated in meetings with senior members of al Qaida and the Taliban. The Detainee chose to participate in the Tribunal process. The Detainee did not call any witnesses nor did he request that any classified or unclassified documents be produced and made an oral, unsworn statement. The Detainee, in his oral statement, denied being an al Qaida or Taliban member.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-15
- b. Testimony of the following persons: None
- c. Unsworn statement of the Detainee.

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

The Detainee requested no witnesses and requested no 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. Exhibit R-2 provided no usable evidence. Exhibit R-3 is the U.S. Department of Homeland security, "Terrorist Organization Reference Guide". Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he did work for the government of the Taliban. The Detainee stated that he was the Chief of the Border, in charge of border security about two and a half years before the Americans came. The Detainee stated that he was not helping nor did he know any al Qaida members. The Detainee stated that he did not belong to Hizb-L-Islami Gulbuddin. The Detainee stated that he worked for the U.S. government for 5 to 6 months and that the name of his point of contact was "Mark".

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 deemed appropriate.

b. The Detainee understood the Tribunal proceedings. The Detainee asked no questions regarding his rights and actively participated in the hearing, as indicated in Exhibit D-a.

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

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army  
Tribunal President

**Summarized Unsworn Detainee Statement**

*The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.*

Detainee: When you spoke about the witnesses, I did not understand that part.

Tribunal President: That your Personal Representative asked you whether you had any witnesses for this Tribunal.

Detainee: What for?

Tribunal President: It was an option if you wanted to address any of the issues on the unclassified summary of evidence.

Detainee: I don't know if I should present my witnesses here or in Afghanistan or where?

Tribunal President: That was an option we had. To be honest, we place a lot of weight on your oral statement.

Detainee: Basically, you should explain to me what would I need the witnesses for. I cannot have witnesses present here in Cuba.

Tribunal President: Most of the people that request witnesses do so to collaborate their story or to specifically address a point of the unclassified summary of evidence.

Detainee: I understand.

*The Detainee elected not to take an oath but chose to make a statement.*

Detainee: I speak but I don't swear.

Tribunal President: That's fine. You may begin.

Detainee: May I start now?

Tribunal President: Yes.

Detainee: In the name of Allah, the compassionate, the merciful. I am very happy to see you, that you took an oath in front of me and I the trust on that oath and if you don't do what you swear to, may Allah punish you:

If anyone could prove that I was a member of the Hizb-I Islami Gulbuddin or if I had any involvement with that organization, then I am guilty. If anyone could prove that I reported to any al Qaida leaders or if I had any connections with al Qaida, I am guilty again. If anyone could give you proof that I helped al Qaida or members in any way to go from Afghanistan to Pakistan then I am guilty as charged.

I did the job that was given to me by an American. I went to Pakistan and I tried very hard. Anything I did in Pakistan, Mark is a witness. Mr. Mark.

I did work for the government of the Taliban, I confessed it and I will confess again. I don't see anything wrong with it. The charges that you are telling me that I was in charge of the border. I was, but that was before the Americans came to Afghanistan.

I don't want to make it too long because for the past two and one-half years, we were speaking with the interrogators about the ten charges. The interrogators were telling me that I was with al Qaida and I was trying to tell them that I was not. They did not give me any benefit from what I told them and I don't think without making this longer, that I will get any benefit in the future.

The things are against me now are because I helped the government of Afghanistan and I helped the United States of America. I don't know that much where you can be charging me about helping al Qaida or to be a Hizb-I Islami Gulbuddin or that I did anything against the Americans. I don't know about these charges.

Now I am detained here and I think I will be detained here for a long time to come. There will be a time when you realize that keeping me here or what benefits I have for you or what benefits for you if my enemies are charging me with wrong accusations. You will all realize in the future. If this is guilt, that you give me a job to go find out about al Qaida, I tell you that yes, I went and I wanted to find out about al Qaida for you.

There are lots of good people and bad people that are in Kwest. You asked all of the bad people and did not ask any of the good people in Kwest about me. This Tribunal, I think that probably in 10 years time will be finished. I think it will never be finished.

I am here for this Tribunal for you to decide if I am guilty. You will tell me for how many years I will be here and if I am not proven guilty you should tell me that someday I might go home.

If you are here to decide to make a judgment about me or against me, I want you to use your humanity towards another human being. That is all I want from you. I'm sorry for taking your time and I'm sorry if I said something wrong.

Tribunal President: You covered some of the points on the unclassified summary, do you want to address each one with your Personal Representative?

Detainee: I don't want, but if you want, I don't have any problem with it. If she has any proof then she could interrogate.

Tribunal President: Let me tell you at this point, this unclassified summary of evidence is the only piece of evidence that this Tribunal panel has seen about you. We look at two things when we come into a Tribunal. One of the things that we look at is the information that the Recorder presents to us (unclassified summary of evidence), and the second thing is your statement. We may have some questions for you at this time. Will you be willing to answer our questions?

Detainee: Yes.

**Tribunal Members' Questions to Detainee**

Q: One of the allegations here, sir, is that your name and phone number was discovered in a senior member al Qaida's house?

A: Like whom?

Q: At this point that is the only information that we have. Based on that information, do you have any reason to believe that it may be true?

A: First, I don't believe my telephone number was found in anybody's house. Second, even if it was found, you provided the telephone number. The American made it up because everybody wants to be connected to one person or one group.

Q: Are you saying that you worked for the United States?

A: I think my file is full of these kinds of things.

Q: Do you have a point of contact that you actually made contact with while working for the United States?

A: I said previously that his name was Mark and that he was an American.

Q: And when was this?

A: Five to six months prior to my capture.

Q: And you were specifically doing what with this person named Mark?

A: I think that you are trying to make me tell you what's already in all my files. If you want, I will do it. If you want to give me something to do again, I'll try.

Q: So you'll give me the information to this Mark person?

A: Yes. After that Mark was gone from Kwost and after Mark left the job our connection was with another individual by the name of Nasir to Mark.

Q: Do you know what organization Mark worked for in the US?

A: I don't know but he was working in the province of Kwost.

**Tribunal Members' Questions to Detainee**

Q: Is it ever OK for a Muslim not to tell the truth?

A: No. For an infidel and for a Muslim, it's no good to tell a lie.

Q: Do you know any al Qaida members?

A: No. I swear to Allah that I don't know members of al Qaida. I heard the name al Qaida and I heard the name Bin Laden but I do not know.

Q: Have you ever worked with the organization Hizb-I Islami Gulbuddin?

A: I never did. If anyone can prove that I did work for that organization, then I am guilty.

Q: Have you ever belong to any organization or charity group?

A: At the time of the Jihad, at the time of the refuge, I belonged to a group called Haraket-e-Inqalab-e-Islami.

Q: Was this the Jihad against the Russians?

A: This was during the time of the refuge. The wounds on my body don't mean that I was part of Gulbuddin and the Jihad against the Russians. At that time I was a young boy, but I wish I fought against the Russians.

Q: I understand. I was trying to find out when did you belong to the organization.

A: That was during the time when President Rabani was in power of Afghanistan. That was long before the Taliban come.

Q: Do you have the spelling of the charity group?

A: Haraket-e-Inqalab-e-Islami.



Tribunal Members' Questions to Detainee

Q: When you worked for the Taliban, what did you do? How did you support the Taliban?

A: I was sitting in an office and working in an office.

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. Army  
Tribunal President

DETAINEE ELECTION FORM

Date: 23 Nov 04

Start Time: 08:30

End Time: 09:00

ISN#: 832

Personal Representative:  MAJ., USAF

Translator Required? YES Language? PASHTU


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 speak to each piece of evidence.  
 Detainee requests PR read each piece of evidence one at a time and he will respond to each.  
 Detainee will not take the oath.  
 Detainee did not request any witnesses.  
 Detainee did not request any documentary evidence.

Personal Representative: 

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**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (16 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – OMARI, Mohammad Nabi.

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 a member of the Taliban, associated with al Qaida, and has participated in hostilities against the United States or its coalition partners.

- The detainee is a member of the Taliban and associated with al Qaida:
  1. The detainee is associated with Hizb-l Islami Gulbuddin.
  2. Hizb-l Islami Gulbuddin is a terrorist organization associated with al Qaida.
  3. The detainee was the Chief of Border Department for the Taliban.
  4. The detainee was the Taliban's Chief of Communication.
  5. The detainee fought in the Russian jihad.
  6. The detainee assisted in the exfiltration of al Qaida members from Afghanistan to Pakistan.
  7. The detainee has passed messages to senior al Qaida members.
  8. The detainee's name and phone number was discovered in a senior al Qaida member's house.
  9. The detainee has participated in meetings with senior members of al Qaida and the Taliban.

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.

UNCLASSIFIED

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RLI

# Memorandum



To : Department of Defense Date 11/15/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
Asst. Gen. 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 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 832 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 10/31/02

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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 Capt. Charles Jamison  
Re: REQUEST FOR REDACTION, 11/15/2004

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

IA

3-2



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

# Terrorist Organization Reference Guide

January 2004

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### **Location/Area of Operation**

Pakistan and Kashmir. Trained members in Afghanistan until fall of 2001.

### **External Aid**

Specific sources of external aid are unknown.

## **50. Harakat ul-Jihad-I-Islami/Bangladesh (HUJI-B) (Movement of Islamic Holy War)**

### **Description**

The mission of HUJI-B, led by Shauqat Osman, is to establish Islamic rule in Bangladesh. HUJI-B has connections to the Pakistani militant groups Harakat ul-Jihad-i-Islami (HUJI) and Harak ul-Mujahidin (HUM), who advocate similar objectives in Pakistan and Kashmir.

### **Activities**

HUJI-B was accused of stabbing a senior Bangladeshi journalist in November 2000 for making a documentary on the plight of Hindus in Bangladesh. HUJI-B was suspected in the July 2000 assassination attempt of Bangladeshi Prime Minister Sheikh Hasina.

### **Strength**

HUJI-B has an estimated cadre strength of more than several thousand members.

### **Location/Area of Operation**

Operates and trains members in Bangladesh, where it maintains at least six camps.

### **External Aid**

Funding of the HUJI-B comes primarily from madrassas in Bangladesh. The group also has ties to militants in Pakistan that may provide another funding source.

## **51. Hizb-I Islami Gulbuddin (HIG)**

### **Description**

Gulbuddin Hikmatyar founded Hizb-I Islami Gulbuddin (HIG) as a faction of the Hizb-I Islami party in 1977, and it was one of the major mujahedin groups in the war against the Soviets. HIG has long-established ties with Bin Ladin. In the early 1990s,



Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Bin Ladin after the latter fled Sudan in 1996.

### **Activities**

HIG has staged small attacks in its attempt to force US troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration (ATA), and establish a fundamentalist state.

### **Strength**

HIG possibly could have hundreds of veteran fighters to call on.

### **Location/Area of Operation**

Eastern Afghanistan (particularly Konar and Nurestan Provinces) and adjacent areas of Pakistan's tribal areas.

### **External Aid**

Unknown.

## **52. Hizb ul-Mujahidin (HM)**

### **Description**

Hizb ul-Mujahidin, the largest Kashmiri militant group, was founded in 1989 and officially supports the liberation of Kashmir and its accession to Pakistan, although some cadres are proindependence. The group is the militant wing of Pakistan's largest Islamic political party, the Jamaat-i-isiami. It currently is focused on Indian security forces and politicians in Kashmir and has conducted operations jointly with other Kashmiri militants. It reportedly operated in Afghanistan through the mid-1990s and trained alongside the Afghan Hizb-I- Islami Gulbuddin (HIG) in Afghanistan until the Taliban takeover. The group, led by Syed Salahuddin, is made up primarily of ethnic Kashmiris. Currently, there are visible splits between Pakistan-based commanders and several commanders in Indian-occupied Kashmir.

### **Activities**

Has conducted a number of operations against Indian military targets in Kashmir. The group also occasionally strikes at civilian targets in Kashmir but has not engaged in terrorist acts elsewhere.

