

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FNU HAMIDULLAH,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 06-1691 (GK)

DECLARATION OF DAVID N. COOPER

Pursuant to 28 U.S.C. § 1746, I, Lieutenant Colonel David N. Cooper, Judge Advocate, Judge Advocate General's Corps Reserve, United States Air Force, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

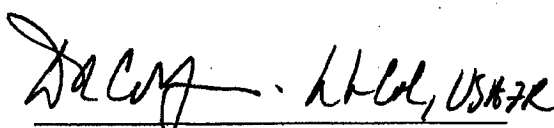
1. I am a Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

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 Fnu Hamidullah that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated:

December 6, 2006


DAVID N. COOPER, Lt Col, USAFR
Staff Judge Advocate
DOD, HQ OARDEC
Washington, DC



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

OARDEC/Ser: 760

26 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 1119**

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 # 1119 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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Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

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

MEMBERS:

[REDACTED], Colonel, U.S. Marine Corps Reserve; President

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army;
Member (JAG)

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

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

UNCLASSIFIED

21 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1119

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 # 12 of 29 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of and actively participated in the Tribunal process. The detainee provided a sworn oral statement at the Tribunal hearing.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee requested two witnesses:

1. Haji Narat Khan, Internment Serial Number (ISN) 1009. The Tribunal President determined that this witness was relevant. However, detainee # 1009 declined to participate. Detainee # 1009 agreed to provide a statement, submitted as exhibit D-b of Enclosure (1) of the Tribunal Decision Report.

2. Mullah Hazet, District of Paghman, Kabul, Afghanistan. The Tribunal President determined that this witness was relevant. It is not clear what information the Tribunal President relied on to make this determination, since the Tribunal President's questions at the hearing suggest that he didn't know what the witness would testify to until after the witness had already been determined to be unavailable. (See page 3, enclosure (3) of the Tribunal Decision Report). In any event, based on the detainee's statement that the witness would provide information about the house in which the detainee was captured, the relevancy determination was correct. However, this witness could not be produced, notwithstanding the State Department's three attempts to contact the Afghanistan Government. Under the circumstances, the Tribunal President had no

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1119

choice but to determine the witness was not reasonably available. In my opinion, this decision was within the discretion of the Tribunal President. No corrective action is required.

The detainee did not request any other witnesses or evidence.

e. The Tribunal's decision that detainee # 1119 is properly classified as an enemy combatant was unanimous.

2. The proceedings and decision of the Tribunal as reflected in enclosure (2) 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.



BREE A. ERMENTROUT
CDR, JAGC, USNR



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

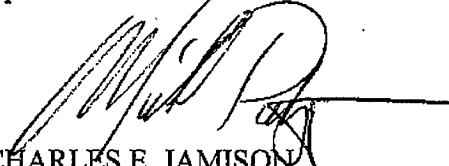
23 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 1119

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: #12

(U) ISN#: 1119

Ref: (a) (U) Convening Order for Tribunal #12 of 29 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

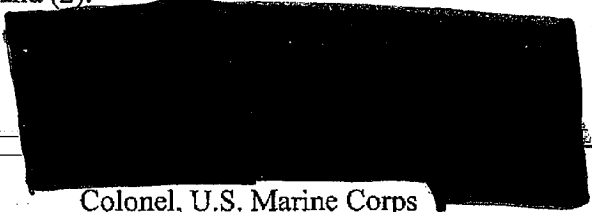
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review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

1. (U) This Tribunal was convened on 13 December 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 13 December 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #1119 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, forces associated with al Qaida (i.e., the Hezb-e-Islami Gulbuddin or HiG group) 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. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #12
ISN #: 1119

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, forces associated with al Qaida (i.e., the Hezb-e-Islami Gulbuddin or, hereafter, the HiG group) 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

a. The unclassified evidence presented to the Tribunal by the Recorder alleged that the Detainee has long-established ties to the HiG group, a terrorist organization that is associated with al Qaida. The Detainee was reported absent from a HiG leadership meeting that was conducted after his capture in the home of an al Qaida financier. The Detainee is said to have controlled a cache of weapons, including Kalashnikov rifles, machine guns, rocket-propelled grenades (RPGs) and rockets. He also led a group of thirty men who conspired to attack coalition forces in the vicinity of Kabul, Afghanistan.

b. The Detainee chose to participate in the tribunal process, stated he understood the tribunal process and had no questions about the process. He requested two witnesses; one out of camp witness, one in-camp witness and no additional documentary evidence.

c. The Detainee responded to the first allegation concerning his long established ties to the HiG group, by responding that he was a member of this group fifteen years ago and it was not his choice; rather, he joined at the urging of elders. He stated that at that time everyone joined a group to fight the Russians; but when the Taliban came to power he left the HiG group. As to the HiG being a terrorist group, the Detainee said maybe that is true now, but it was not true when he was a member. With respect to his absence from a HiG leadership meeting, he related that he hopes there is evidence against him since he cannot read and write; therefore, how can someone connect him to a leadership position? During the Tribunal members' questioning phase, when the Detainee was asked about his specific enemies that may have been responsible for his arrest and

imprisonment by the Taliban, he referred to a paper written or provided by the President of the Secret Police that explained why he should be arrested. He denied controlling a cache of weapons or leading a group of men in a conspiracy to attack coalition forces in the vicinity of Kabul, Afghanistan.

d. The Tribunal President determined that the two witnesses requested by the Detainee were relevant as explained in paragraph 4, herein. The Detainee requested no additional documentary evidence.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and D-b, and R-1 through R-17.
- b. Testimony of the following Tribunal approved witnesses: In-camp witness, Haji Nasrat Khan, testimonial submission as Exhibit D-b (Internment Serial Number included in Enclosure (2) to the CSRT Decision Report).
- c. Sworn statement of the Detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence

The Detainee made a request for two witnesses, one out of camp and one in-camp witness. He requested no additional documentary evidence. The Tribunal President ruled that both witnesses were relevant; however, the out of camp witness was ruled not reasonably available because the Government of Afghanistan did not respond to the request for assistance from the U.S. Department of State. The initial request for the out of camp witness was made to the State Department on 22 November 2004 and two follow-up requests were made; 3 and 9 December 2004. No response was received as of the date of the Tribunal. The in-camp witness declined to attend the Tribunal hearing, but did provide a written statement, submitted as Exhibit D-b.

5. Discussion of Unclassified Evidence

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

- a. The Recorder offered Exhibit R-1 and the Personal Representative offered D-a and D-b into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this Exhibit is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in and of itself because it provides conclusory statements without supporting unclassified evidence. Exhibit D-a is the Detainee Election Form and D-b is the written statement of the Detainee's witness (the Detainee requested the witness, a fellow detainee, to testify on his behalf; the witness declined to appear in person, due to health concerns, but he agreed to provide a statement on the Detainee's behalf which was submitted as Exhibit D-b). Other

than this testimony, the Tribunal found it necessary to review classified exhibits for support of the Unclassified Summary of Evidence (Exhibit R-1).

b. Essentially, the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and the witness' statement. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report, Enclosure (3) and the witness's testimony is attached as Exhibit D-b.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.

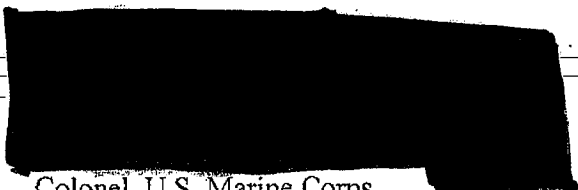
b. The Detainee understood and actively participated in the Tribunal proceedings.

c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, forces associated with al Qaida (i.e., the Hezb-e-Islami Gulbuddin or HiG group) 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. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

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

The Recorder submitted Exhibit R-1 (Unclassified Summary of Evidence), and Exhibit R-2 to the Tribunal; translated copies had previously been provided to the Personal Representative.

The Recorder read in full the Unclassified Summary of Evidence to the Tribunal.

The Tribunal President addressed the Detainee Election Form (Exhibit D-a).

Tribunal President: At this time, I'm making reference to the Detainee Election Form, which indicates the Detainee has chosen to participate, which is also evident by your presence here today. It indicates the Detainee would like to give an oral statement, and he will be given that opportunity shortly. The Detainee requested no additional documentary evidence to be produced, however, the Detainee had requested two witnesses; one in camp, and one off-island witness. The off-island witness request was provided to me for a relevancy decision; I felt this witness would be relevant, and ordered that an effort be made to produce this witness. Therefore, the U.S. Department of State and they subsequently contacted the foreign embassy. The first notice to the Afghanistan Embassy was done on the 22nd of November this year; the second request was sent on 3 December. A third request was sent on 9 December. To this date, the State Department has heard no response from the Afghanistan Embassy. It has been determined that a reasonable effort has been made, but unfortunately, unsuccessful. That witness will be determined not reasonably available for today's Tribunal process. The in-camp witness was contacted, and chose to participate by an affidavit, or statement. Because of his health, he elected not to participate in person, but did agree to provide information on behalf of this Detainee. That information will be submitted, on your behalf, to this Tribunal by your Personal Representative.

The Tribunal President informed the Detainee that he could make a statement at this time, and encouraged him to address the Unclassified Summary with the assistance of his Personal Representative.

The Tribunal President confirmed the Detainee wished to take the Muslim oath; the Detainee was then administered the oath by the Recorder.

3.a-1. The Detainee has long established ties to HiG.

Detainee: In the name of God, most merciful and compassionate; first, to the President of the Tribunal, and to all the members, I was a member of this group 15 years ago. That was not my personal choice, because I was very young. My eldest people (the elders) pushed me to be a member of this group. At that time, the Russians invaded Afghanistan, and all people joined groups fighting the Russians. When the Taliban came to power, I cut all ties with HiG. I thought, and I wished, that the Taliban would bring some unity to Afghanistan, and the group-by-group wars would disappear once and for all. That was my wish; that the new government

would bring national unity. When I went there, to join and help them, they shortly arrested me and put me in jail. Before I showed up, we had all kinds of personal disputes and enemies in the Taliban force; they had already heard lots of lies about me, and that is why I was arrested. These were probably the same people that told the U.S. the wrong information about me. If I'm guilty, or did the wrong thing to join HiG, then the whole world was helping us, and for this reason, America was guilty, too. We finally found out that this group could not bring unity, and neither could the Taliban. There was no unity or national government, and I escaped from jail.

3.a-2. HiG is a terrorist organization.

Detainee: Maybe they are terrorists now, but at that time, it was not a terrorist group.

3.a-3. The Detainee was reported absent from a HiG leadership meeting conducted after his capture.

Detainee: Before I was arrested, no people had the power or right or knowledge to make such a gathering to find out about attacking any other country; no one could do this, and it is wrong. If this gathering took place, I did not know, because I was in jail. Probably someone mentioned my name because I used to be a member of this group; I was in jail by the Taliban, and now in Cuba. If this gathering took place, and Americans were looking very hard for al Qaida or this group; I hope they took some video or a cassette to show some evidence to me. If such a gathering took place, I am not responsible. I hope the U.S. can show me some evidence that I was with them. I never did anything wrong against America or anyone else; I am not responsible. I have no responsibility for this gathering in my heart and mind. If it took place, why didn't America go and capture all the people right there?

3.a-4. The Detainee controlled a cache of weapons, including Kalashnikov rifles, machine guns, RPG's and rockets.

Detainee: Anyone responsible for this kind of place can read and write, at least. First of all, I didn't go to school, I had no education, and I cannot read and write. I can hardly read one or two words, and I cannot write one word. If anybody cannot read and write, how can he be responsible to control this kind of place? I heard this allegation today, and no interrogators have asked me this before. I don't know whom this place belonged to; did it belong to HiG or al Qaida? Who did it belong to? Where was it located, and when was I responsible for this place, and how? When I was a member of HiG? I swear on the name of Allah, that I never had responsibility for anything like this.

3.a-5. The Detainee was captured in the home of an al-Qaida financier.

Detainee: At the time the Taliban was in power, I was living with my family in Pakistan. When the Americans came and threw out the Taliban, we moved back home. After that, I came to Kabul to see Mullah Izat, one of the Northern Alliance commanders allied with the U.S. He is still a military Central Commander in Kabul. I asked him, that since we just moved and had no house to live, for his help; he said we could live in his house. The person is still there that gave me this house. Why should I care if it belonged to Osama, or anyone? This person, Mullah Izat,

gave me this house; how should I be responsible? Ask him whose house it was to give. Now I don't know if it belonged to al Qaida or Taliban; if they are gone, then he maybe took the house after he fought against those people. This is the tradition or law; if anyone fights together, and if the other people run away or is defeated or runs away, then the other person takes over the house and everything. The village knows, the whole tribe knows, the mujahedin knows, that this guy gave me the house, and I still don't know who used to own this house.

3.b-1. The Detainee reportedly led a group of 30 men who conspired to attack coalition forces in the vicinity of Kabul, Afghanistan.

Detainee: That's a very good question. If I commanded 30 people, and you arrested me, then where are the other people? When someone has 30 people, they have 30 weapons; where are the weapons and guns? I told every interrogator a long time ago, that we were sometimes 15, 25 or 30 people 15 years ago, and that I was only responsible for their meals. I would go to the bazaar to bring them food, drinks or clothes; that was 15 years ago, not now. If I had 30 people now, you should have at least captured 2 of them with me to see if I had 30 people. May I say one or two more words?

Tribunal President: Certainly.

Detainee: I will tell you the reason why and explain all these allegations. When I escaped the Taliban jail, I went to Pakistan. I have a witness, maybe here [in Cuba], that can say I was HiG 15 years ago. I also ran from the Taliban into Pakistan. If you join one group or party, and then leave, they will never accept you back because they don't trust you. I have a lot of personal enemies because when I went to Pakistan, the Taliban contacted the Pakistan government to look for me and give me back. They wrote in the newspaper that I escaped from jail, and they looked for me all the time. I went to a mosque for prayer, and they tried to attack and find me, but they were not successful. I had no choice but to leave Pakistan to Iran. When I went to Iran for four months, I worked daily in the bazaar. At that time, that was a new thing in Afghanistan; the war between the Taliban and the U.S. Because Taliban gave me a hard time, I was upset with them. I was happy to go home when I learned the U.S. was there. I came from Iran into Kabul. That was the time the Northern Alliance was there and took over. Everybody was talking about the King Zaher Shah taking over power. I met a guy in Kabul who was my friend, who said let's find some people and a commander to bring together [a force] to help the King come from Italy to take over. I asked this guy to take me to this commander so he may decide to accept me or not to help the former King. The guy I was supposed to see was not here because he was in Pakistan. I told the story to the interrogators, but I just wanted to say this short thing. I went to Pakistan, then, to meet this guy. The guy told me to find some people and elders to work together for the former King. He gave me some money for expenses to go from place to place. This person was General Rahim Wardak. After the talk, I came back to Afghanistan, and the Defense Minister Fahim Khan and Besmil Khan, the commander of the Northern Alliance, found out I was looking for people to get behind King Zaher Shah as a follower; to work for him. They sent me a message saying, "don't do this; we are mujahedin, and the King is a Western guy, and we don't need him. This won't be good for your future." I sent the message back that we already tried this, and we couldn't control Afghanistan, and the mujahedin is the problem; the former King is a national hero, former king, that is well-known and all will support him. The U.N., U.S. and

whole world is behind him and will bring national unity to all Afghanistan. I also sent the message that all people in charge supported former Russians, and were wrong. There is no Islam in Russia, Pakistan, and Iran and they are doing wrong things against us. The only person that should be in charge will be the King because America was behind us, and will help us. They told me again that America would not help us; they said that Russia, Pakistan and Iran would be better and would help us, and would be better than America and the former King. I told them again that it was the U.S. that helped us get here through jihad, and that Pakistan, Iran, and Russia have destroyed our country. I'm sorry to take your time; I don't want to give you a headache, and you have a lot to do. I wished I had direct contact with America at that time; I only had direct contact with people supporting the King. That is my problem now, and that is why I am here. That is my fault. They told me this wasn't good for me. That's the problem; they have grabbed all the power in Afghanistan, and that is the reason I'm here. Please, I ask you for knowledge and kindness; any day, any time, if I did anything against the King or the U.S., provide me with even small evidence, and I will accept it. Any person, paper, telephone contact, or cassette, I will accept. Any evidence saying I wrote something to someone to attack Americans, I would be willing to accept, but allegations by mouth only are not good enough. I was buying a farm, a house, and looking for a business, and this was all the paper I had. If I were willing to do this for my family, why would I leave to do all these things, these allegations? This is nonsense. If someone were doing these kinds of actions, he would take his family somewhere else to be ready for this kind of action. I again ask you for your good judgment; there are a lot of criminals and terrorists here, but there are also a lot of innocent people here. This is because of personal disputes without [solid] evidence and by allegation only. If you think I joined HiG, or helped al Qaida, I tell you I don't need their money, and that I had money. If you think about the freedom fighters, or the holy war against the Russians, my father was a holy man, or Mullah, and he told the people to stand up and fight the Russians. My father told everyone around him, that America came to rescue us, help us, and rebuild our country. He said that anyone that fights Americans are not Muslim, and are wrong. He said no one was allowed to fight against the Americans. We are to blame; America did not come at their own will; the Taliban attacked the U.S., and America had the right and no choice but to come over. Now they are there to help us, not to destroy us. America never interfered with our holy book, holy places or religion, so we should not have a jihad against America. Here is an example: A person starving is given food or wheat, and he takes all of it, stabs the person that gave it to him; is this a right thing? No, it is not. This is exactly the same as America coming to Afghanistan bringing food, clothes, help and money to us; we don't have the right to stab them in the back. I did not do this, and I don't want to do these things. The only people that do this are Sayyaf or Rabbani or Mullah Omar and they want to grab power; I don't need power, and I want the peace in my country. I'm not blaming you for my arrest or stay in Cuba; I know there's a lot of people wrongfully accused and giving wrong information, but I need your help. God knows my heart and my mind what I am talking about, and He is watching you guys too; I hope one day we come together in a peaceful way. I hope you are in good health. I am sorry I took your time. Be careful with Afghani people and their personal disputes. We badly need you, and want you in Afghanistan until we stand on our own feet; we wish you would stay there. The day you leave Afghanistan, it will be divided among Pakistan, Russia and Iran; you are the ones to save Afghanistan. That's my experience for the last 20 years, so our best wish is to keep America in Afghanistan. Please forgive us for your hard work, and I'm sorry to take your time; you work

very hard for us, and we give you a lot of trouble. I ask for your forgiveness; I'm sorry to take your time.

Tribunal President: We may have a few questions, but does this conclude your statement?

Detainee: Yes.

Personal Representative Questions to Detainee

Q: Do you remember the year you left the HiG?

A: In Afghanistan, we did not write dates or years, and I cannot write; when the Taliban first came, I left. It was before they captured Jalalabad and Kabul. I was happy when they came at first because I thought they would bring unity or a king; I was happy for no reason because they put me in jail. God willing, I'm in trouble all the time and I don't know why.

Q: One of the allegations is that you were absent from a HiG meeting; had you ever gone to a HiG leadership meeting?

A: When I was a member, I was a young boy and not in that kind of position to be involved with a gathering like that.

Recorder Questions to Detainee

Q: Where were you born?

A: In the Kabul; District of Tarakheil Village.

Q: What did you do for a living?

A: I was a little boy at that time, and did nothing until I was 14 or 15 years old, and we left Afghanistan for Pakistan.

Q: Did you have a job before you were captured?

A: I have the whole document showing to put the King back into power. I went to Herat to buy used cars, and sell in Kabul. I was going to buy a farm and some houses, and sell back to make money; I have the documents with me. Everything is written down, and I kept with me what I did.

Q: Were you ever a member of any other groups besides HiG?

A: No, we worked for the King, to find people to support him coming back to Afghanistan.

Q: Did you own any weapons?

A: I never bought or sold any. We had only one weapon for our protection; it was a Kalashnikov. Everybody in Afghanistan has one for his protection or a personal dispute.

Q: Did you get any training on how to use the gun?

A: No, never; but I know how to fire it. I did not have any training.

Q: Did you have any knowledge of any attacks on U.S. or coalition forces?

A: If I saw this happening, I would've been happy to tell the Americans; I don't know of anybody that was attacking Americans.

Q: You said you were captured by the Taliban and escaped; why did you go back to Afghanistan after you escaped?

A: Because the Americans came, I went back. Until that time, I was never in Afghanistan.

Tribunal Member Questions to Detainee

Q: Good afternoon; thank you for coming to speak with us today. I'm hoping you can educate us a little bit about the HiG group.

A: After the Taliban, all the people in political groups that were fighting disappeared with their name. Before the Taliban, everybody knew that HiG was a group based in Pakistan.

Q: What was the purpose of the group?

A: There was only one reason, to kick the Russians out from Afghanistan.

Q: You said earlier that older people in your tribe, maybe your family, had pushed you to join this group. Was that why, to fight the Russians?

A: Yes; one of our tribe elders named Qatr (phonetic) joined, and we had to follow him; everybody joined the group, and I told my interrogator everything about this.

Q: Well, we have not seen your file prior to today's Tribunal, so we're trying to ask the best questions based on what we've seen so far. Did HiG have any other purpose other than to drive the Russians from Afghanistan?

A: I don't know; I don't have anything special to say about that.

Q: Did you have any position of responsibility with the group when you were a part of it?

A: No; like I told you before and told the interrogators, I was with a commander named Abdul Khadar; I only had the responsibility for 10-25 people of bringing them sugar, oil and wheat from the city.

Q: Have you ever met Mr. Gulbuddin Hekmatyar?

A: One time; a long time ago. I never talked with him personally; I saw his speech one time with a lot of people in Pakistan a long time ago.

Q: What is your opinion of him?

A: I don't want to lie; I will tell you the truth. At that time that I saw him, his actions were right. Now, what he is doing, I don't agree with him.

Q: What we understand now is that he's against the American presence and the Karzai government; is that correct?

A: I don't know now because I'm in prison, but when I was in Afghanistan, I heard on the radio that he was against the coalition.

Q: Do you know if he received support from the Taliban before they came to power and made all the groups go away?

A: He fought against the Taliban, because he was a member of the government with the mujahedin; he fought against them.

Q: So is it true that Hekmatyar did not want the Taliban to rule Afghanistan?

A: Yes. Hekmatyar and Rabbani (Northern Alliance leader) wanted to keep the power, and not give it up to the Taliban. I didn't know his position because Taliban was Muslim; how should I deal with this? Now if they were fighting against the Taliban, they are not Muslim; I think Pakistan and Iran were both using him.

Q: If I understand you right earlier, you said you are here because you supported the King, and the Northern Alliance did not want you to do that.

A: Very clear; yes, that's the only reason.

Q: And to get back at you, they accused you of being HiG to the Americans?

A: Where is the evidence of these allegations? Just one piece of evidence, anything? Actually, I don't know why all of this came on me; Taliban, al Qaida and HiG fight each other. How can one person do all three things?

Q: You said the Taliban put you in jail; why did they do that?

A: Because my personal enemy told them I was HiG.

Q: How long were you in jail before you escaped?

A: Two years or less; 18 or 19 months, maybe.

Q: And that's when you escaped to Pakistan until the Americans came?

A: Yes; I never came back until the Americans came.

Q: Do you have a family back home that you support?

A: There's no one; I was the only one to support my family; I don't know what they are doing over there now.

Q: You mentioned personal enemies; do you have a specific person in mind, or can you give us an example of one of your personal enemies?

A: I don't know now, but when I was in Kabul it was Daoud [David] Pansheri Massoud; he was the President of the Secret Police.

Q: And what was his position?

A: He was the President of the Central Secret Police in Afghanistan.

Q: You've been in Cuba how long?

A: Last year, after the holy month of Ramadan, about 15 to 16 months, and I was in Bagram 4 months before that.

Q: Very shortly the Tribunal Members will be reviewing classified data by ourselves, with no one around; during that time, we'll be reviewing papers about past interrogations you've had. Is there anything you can think of in these interrogations you wish to change or amplify, to better explain something we may see?

A: I don't know if an interpreter or linguist said anything wrong; I don't have anything to explain otherwise, because I told the truth. One thing new here today, was the allegation about storing weapons. Another thing new was about the leadership meeting I was absent at.

Q: To your knowledge, are there any other Detainees here that you knew while you were in Afghanistan?

A: I have given the name of someone I hope can give some evidence; he is here and he may know that 15 years ago I left everything behind; these accusations are only by mouth. Fifteen years ago, and now I have nothing to do with this now.

Q: So you weren't arrested with anybody else that's currently here, or you know no one in the camp that you knew in Afghanistan?

A: Nobody else was arrested with me. What kind of information do they have?

Q: I was looking for any friends or acquaintances you may have had, before you were taken into custody that would be here in Cuba now.

A: Which prison; American or Taliban?

Q: Here.

A: Those people, some I know now; I know one person that was arrested before me, and I gave the name to the Personal Representative.

Personal Representative: It's not obvious; I would have it.

Tribunal President: Would it be the in-camp witness he requested?

Personal Representative: OK, very good; (addressing the Detainee) was it Haji Nazrat Khan?

Detainee: Yes.

The Tribunal Member then continued his Questions of the Detainee.

Q: One last question or statement. You seem to be very, very cooperative.

A: I know I have no education, but I know what is wrong and right. The American presence on our side in Afghanistan is good for us.

Q: I wonder why you're still wearing an orange uniform, and are not wearing a white or tan uniform.

A: Yes, I've only been in this [color] two days.

Q: What color were you before?

A: White. I argued with some guys; one guy was bad, but I was bad too because I should've shut my mouth.

Q: One dispute, and you're in orange?

A: Yes, the military's very strict, but that is not a big problem. When I met the Personal Representative, ~~I was in white clothes; I never lied to you, and everything I say I have evidence~~ (for).

Tribunal President Questions to Detainee

Q: The dispute you recently had that caused you to change uniform colors; was it with other Detainees?

A: Yes, with another Detainee. He started it first, and he was bad, but I was bad, too. I should keep my mouth shut. It's hard when you're wrongfully imprisoned; sometimes I think of my kids and family, and get upset.

Q: I understand. You had requested two witnesses; one, the in-camp witness, we will hear from shortly when your Personal Representative presents his statement to us. The other witness is in Afghanistan, and unfortunately, we don't have him reasonably available today; I'm interested in knowing what information he may provide to this Tribunal, what he might say, or information he might provide on your behalf. Could you share with us what you think he would be able to provide today?

A: First of all, he would tell you about the house that Mullah Izat gave to me; I'm not accusing him, but he gave me the house. Since he gave it to me, I could not say if it belonged to the Taliban that ran off, or anyone else. All I can say to anybody, is that it is my house, and I can't find another excuse. He gave the house to me. If you were in Afghanistan and wrongfully accused someone, you would be looking for an enemy. The reason I say I am accusing him of this is because he knows he gave it to me.

The Tribunal President then thanked the Detainee for his statement and participation, and confirmed no other Tribunal Members had questions. He then asked the Detainee if he had any further information important to present at this time.

Detainee: I don't have a specific thing to say, but thank God you are smart, educated people. But I want to say something; please, I want the best knowledge of your judgment of the evidence in the Tribunal. The person, I gave the name, the President of the Secret Police, wrote a note to arrest me. He showed me the whole paper personally. He wrote on the paper to give an order to arrest me; he has connections with HIG, al Qaida and Taliban. When the police wrote the letter to another commander in Kabul, named Topan. Mr. Topan is with another commander now, but was with us to work for the former king. He told me and showed me this paper. Mr. Daoud wrote him to find me and arrest me. I didn't give much thought to it, because I said America would not turn a blind eye, and would look for evidence. Even the Americans, if they arrest me, will ask for the evidence. There's no evidence, and since I didn't do anything wrong, the Americans will release me after two or three days. He warned me not to go to the city, but I said I have nothing to hide. I heard that American laws and courts want evidence, and follow someone a long time before they arrest them; they will not just arrest people on the street. If I knew what I know now, I would've run again from Kabul or Afghanistan to somewhere else. The majority of Afghanistan is happy you are there. It's OK, and I'm smart enough to understand, but be careful of doing wrong things and not considering evidence seriously, because ~~people will get upset with you and not support you. Whoever is in charge in Afghanistan, let them know, that if anyone accuses anyone, to ask for evidence before you arrest them. These things happen all the time, and will not be good for the Americans' name. It would be hard to understand the people in the future if this continues. I know about American law, and human rights, and the nice, disciplined government, and I want them to succeed. They have the best system and the best government in the world. America helped build Saudi Arabia, and it is now built; Iran and Pakistan were also helped and rebuilt by America. That's my best wish and hope is that America helps to rebuild Afghanistan. We are starving and have no food, streets, homes~~

or schools; we need this from you. Please, help us. If we don't understand each other and do the wrong things, it will be bad and the country will not be built; it will be our problem. That's what I think, from my heart to you. I talk from my heart; I don't have any problem with that.

Tribunal President: We will certainly take everything that you have provided us today, and give it serious consideration as we make our decision.

Detainee: I don't ask this just because I wish to be released. I want you to help the people in Afghanistan, the majority. I know that any Tribunal [decision] I am ready for, because I did nothing wrong and I'm innocent. Afghans should be rebuilding themselves and dealing with these problems, nobody else. Thank you very much.

At this time, the Personal Representative presented the Witness statement (Exhibit D-b) to the Tribunal, and indicated he would read it aloud to the Tribunal. The Personal Representative requested the Witness attend personally, but the witness stated he was in poor health, and wished to present a statement instead. The statement was compiled from a question and answer session conducted by the Personal Representative.

Personal Representative Questions to Witness (Exhibit D-b)

Q: Do you know the Detainee?

A: Yes, I've known his father very well for a long time.

Q: Was the Detainee a member of HiG?

A: Yes.

Q: What were his duties with the HiG?

A: He was serving under Commander Khadar during the Russian jihad. I don't know what his specific duties were.

Q: Did the Detainee quit the HiG?

A: Yes. He got out of the HiG when the Taliban came to power. He went to join the Taliban, but they put him in jail for two years. He eventually made a hole in the wall, and escaped from jail.

Q: Why did they put him in jail?

A: I don't know.

Q: Where did he go after he escaped the Taliban jail?

A: I don't know for sure; he probably went home.

Q: Is there anything else you can tell me about the Detainee?

A: I've told you everything I know about him.

This concluded the presentation of the Witness statement, Exhibit D-b. The Tribunal President then explained the remainder of the Tribunal process to the Detainee. The Tribunal President again thanked the Detainee for his testimony prior to adjourning; at that time, the Detainee interrupted and stated the following:

Detainee: Sorry to all of you; forgive me for giving you a headache, and taking your time.

Tribunal President: Not at all. That's our responsibility; we were here for you today.

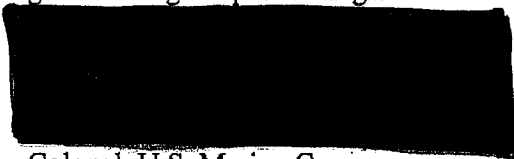
Detainee: Because we're all [supposedly] al Qaida here, we give you a hard time, all the time, and you work very hard for us. That's al Qaida's job; to give you a hard time. I just wanted to tell you something to [make you] laugh. Forgive me for saying this in front of you.

Tribunal President: Have a good day.

The Tribunal President then 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. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 11 Dec 2004

Start Time: 1300

End Time: 1343

ISN#: 1119

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

Translator Required? YES Language? PASHTO

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 wants to appear at the tribunal.

Detainee wants to make an oral statement.

Detainee requested and TP approved 2 witnesses:

- 1 in-camp witness: Haji Nasrat Khan (camp 4; ISN 1009)

- 1 out-of-camp witness: Mullah Hazet (District of Pahgman, Kabul AF)

The in-camp witness (1009) told me he did not wish to appear before the tribunal on account of his health, but would provide a statement for the tribunal (to be submitted as Exhibit D-b).

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (12 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - HAJI, Hamidullah.

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 al Qaida, and supported hostilities in aid of enemy armed forces.

a. The detainee is associated with al Qaida:

1. The detainee has long established ties to HIG.

2. HIG is a terrorist organization.

3. The detainee was reported absent from an HIG leadership meeting conducted after his capture.

4. The detainee controlled a cache of weapons, including Kalishinkov rifles, machine guns, RPG's and rockets.

5. The detainee was captured in the home of an al Qaida financier.

b. The detainee supported hostilities in aid of enemy armed forces:

1. The detainee reportedly led a group of 30 men who conspired to attack coalition forces in the vicinity of Kabul, Afghanistan.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

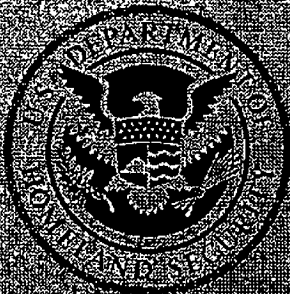
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EXHIBIT R-1

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

Terrorist Organization Reference Guide

January 2004

EXHIBIT R- 2

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U. S. BUREAU OF CUSTOMS AND BORDER PROTECTION

Purpose: The purpose of the Terrorist Organization Reference Guide is to provide the Field with a who's who in terrorism. The main players and organizations are identified so the CBP Officer and BP Agent can associate what terror groups are from what countries, in order to better screen and identify potential terrorists.

Limitations (Gaps in Data): This Guide is based upon the information available to this office at the time that the report was prepared.

NOTE: This report is based upon information obtained from various open sources. No classified information was used in the preparation of this report.

For corrections, amendments, and suggestions, notify:

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Designated Foreign Terrorist Organizations

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Designated Foreign Terrorist Organizations¹

The following descriptive list constitutes the 36 terrorist groups that currently (as of 30 January 2003) are designated by the Secretary of State as Foreign Terrorist Organizations (FTOs), pursuant to section 219 of the Immigration and Nationality Act, as amended by the Antiterrorism and Effective Death Penalty Act of 1996. The designations carry legal consequences:

- It is unlawful to provide funds or other material support to a designated FTO.
- Representatives and certain members of a designated FTO can be denied visas or excluded from the United States.
- US financial institutions must block funds of designated FTOs and their agents and must report the blockage to the US Department of the Treasury.

1. Abu Nidal organization (ANO)

a.k.a. Fatah - the Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organization of Socialist Muslims

Description

Has carried out terrorist attacks in 20 countries, killing or injuring almost 900 persons. Targets include the United States, the United Kingdom, France, Israel, moderate Palestinians, the PLO, and various Arab countries. Major attacks included the Rome and Vienna airports in December 1985, the Neve Shalom synagogue in Istanbul and the Pan Am Flight 73 hijacking in Karachi in September 1986, and the City of Poros day-excursion ship attack in Greece in July 1988. Suspected of assassinating PLO deputy chief Abu Iyad and PLO security chief Abu Hul in Tunis in January 1991. ANO assassinated a Jordanian diplomat in Lebanon in January 1994 and has been linked to the killing of the PLO representative there. Has not staged a major attack against Western targets since the late 1980s.

Strength

Few hundred plus limited overseas support structure.

Location/Area of Operation

Elements relocated to Iraq in December 1998, where the group maintains a presence. Has an operational presence in Lebanon including in several Palestinian refugee camps. Authorities shut down the ANO's operations in Libya and Egypt in 1999. Has demonstrated ability to operate over wide area, including the Middle East, Asia, and Europe. Financial problems and internal disorganization have reduced the group's activities and capabilities.

External Aid

Has received considerable support, including safehaven, training, logistic assistance, and financial aid from Iraq, Libya, and Syria (until 1987), in addition to close support for selected operations.

2. Abu Sayyaf Group (ASG)

Description

The ASG is the most violent of the separatist groups operating in the southern Philippines. Some ASG leaders allegedly fought in Afghanistan during the Soviet war and are students and proponents of radical Islamic teachings. The group split from the Moro National Liberation Front in the early 1990s under the leadership of Abdurajak Abubakar Janjalani, who was killed in a clash with Philippine police on 18 December 1998. His younger brother, Khadaffy Janjalani, has replaced him as the nominal leader of the group, which is composed of several semiautonomous factions.

Activities

Engages in kidnappings for ransom, bombings, assassinations, and extortion. Although from time to time it claims that its motivation is to promote an independent Islamic state in western Mindanao and the Sulu Archipelago, areas in the southern Philippines heavily populated by Muslims, the ASG has primarily used terror for financial profit. Recent bombings may herald a return to a more radical, politicized agenda. The group's first large-scale action was a raid on the town of Ipil in Mindanao in April 1995. In April of 2000, an ASG faction kidnapped 21 persons, including 10 foreign tourists, from a resort in Malaysia. Separately in 2000, the group abducted several foreign journalists, three Malaysians, and a US citizen. On 27 May 2001, the ASG kidnapped three US citizens and 17 Filipinos from a tourist resort in Palawan, Philippines. Several of the hostages, including one US citizen, were murdered. During a Philippine military hostage rescue operation on 7 June 2002, US hostage Gracia Burnham was rescued, but US hostage Martin Burnham and Filipina Deborah Yap were killed during the operation. Philippine authorities say that the ASG had a role in the bombing near a Philippine military base in Zamboanga on 2 October that killed three Filipinos and one US serviceman and wounded 20 others.

Strength

Estimated to have 200 to 500 members.

Location/Area of Operation

The ASG was founded in Basilan Province and mainly operates there and in the neighboring provinces of Sulu and Tawi-Tawi in the Sulu Archipelago. It also operates

in the Zamboanga peninsula, and members occasionally travel to Manila and other parts of the country. The group expanded its operations to Malaysia in 2000 when it abducted foreigners from a tourist resort.

External Aid

Largely self-financing through ransom and extortion; may receive support from Islamic extremists in the Middle East and South Asia. Libya publicly paid millions of dollars for the release of the foreign hostages seized from Malaysia in 2000.

3. Al-Aqsa Martyrs Brigade (al-Aqsa)

Description

The al-Aqsa Martyrs Brigade comprises an unknown number of small cells of Fatah-affiliated activists that emerged at the outset of the current *intifadah* to attack Israeli targets. It aims to drive the Israeli military and settlers from the West Bank, Gaza Strip, and Jerusalem and to establish a Palestinian state.

Activities

Al-Aqsa has carried out shootings and suicide operations against Israeli military personnel and civilians and has killed Palestinians who it believed were collaborating with Israel. At least five US citizens, four of them dual Israeli-US citizens, were killed in al-Aqsa's attacks. The group probably did not attack them because of their US citizenship. In January 2002, al-Aqsa claimed responsibility for the first suicide bombing carried out by a female.

Strength

Unknown.

Location/Area of Operation

Al-Aqsa operates mainly in the West Bank and has claimed attacks inside Israel and the Gaza Strip. It may have followers in Palestinian refugee camps in southern Lebanon.

External Aid

Unknown.

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assassinations. In May 2000, the group killed two security guards during a botched armed robbery attempt of an armored truck carrying an estimated \$2 million, and in November 2000, members assassinated a Spanish policeman in a possible reprisal for the arrest that month of several GRAPO leaders in France. The group also has bombed business and official sites, employment agencies, and the Madrid headquarters of the ruling Popular Party.

Strength

Fewer than two-dozen activists remaining. Police have made periodic large-scale arrests of GRAPO members, crippling the organization and forcing it into lengthy rebuilding periods. In 2002, Spanish and French authorities arrested 22 suspected members, including some of the group's reconstituted leadership.

Location/Area of Operation

Spain.

External Aid

None.

49. Harakat ul-Jihad-I-Islami (HUJI) (Movement of Islamic Holy War)

Description

HUJI, a Sunni extremist group that follows the Deobandi tradition of Islam, was founded in 1980 in Afghanistan to fight in the jihad against the Soviets. It also is affiliated with the Jamiat Ulema-I-Islam Fazlur Rehman faction (JUI-F) and the Deobandi school of Sunni Islam. The group, led by chief commander Amin Rabbani, is made up primarily of Pakistanis and foreign Islamists who are fighting for the liberation of Kashmir and its accession to Pakistan.

Activities

Has conducted a number of operations against Indian military targets in Kashmir. Linked to the Kashmiri militant group al-Faran that kidnapped five Western tourists in Kashmir in July 1995, one was killed in August 1995, and the other four reportedly were killed in December of the same year.

Strength

Exact numbers are unknown, but there may be several hundred members in Kashmir.

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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-islami. 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.

Name: Haji Nasrat Khan (ISN 1009)

Interview conducted 3 Dec 2004

I told Haji Nasrat Khan that Haji Hamidullah (1119) had asked him to be a witness for him at 1119's tribunal. I asked 1009 if he knew 1119 and would he willing to be a witness for him. He told me that he did know him, but that he (1009) was in poor health and ~~that~~ did not want to personally attend the tribunal. He asked me to write down what he said and provide that to the tribunal as his testimony.

Q: Do you know Haji Hamidullah?

A: Yes. I know his father very well and for a long time.

Q: Was Haji Hamidullah a member of the HIG?

A: Yes.

Q: What were his duties with the HIG?

A: He was serving under Commander Qader during the Jihad against the Russians. I don't know what his specific duties were.

Q: Did Haji Hamidullah quit the HIG?

A: Yes. He got out of the HIG when the Taliban came to power. He went to join the Taliban, but they put him jail for 2 yrs. He eventually made a hole in the wall and escaped from the jail.

Q: Why did they put him in the jail?

A: I don't know.

Q: Where did he go after he escaped the Taliban jail?

A: I don't know for sure...he probably went home.

Q: Is there anything else you can tell me about Haji Hamidullah?

A: I have told you everything I know about him.

As given to Personal Representative on 3 Dec 2004.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 15 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1119.

I have no comments.

My comments are attached.

Major [REDACTED] USAF
Name

15 Dec 2004
Date

[REDACTED]
Signature

ISN #1119
Enclosure (5)

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
)	
BINYAM AHMED MOHAMMAD, <i>et al</i>)	
)	
Petitioners,)	
)	
v.)	No. 1: 05CV00765 (EGS)
)	
GEORGE WALKER. BUSH, <i>et al.</i> ,)	
)	
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 (OARDEC) at U.S. Naval Base Guantanamo Bay, Cuba. 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 Binyam Ahmed Mohammad that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. An OARDEC staff member redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. The OARDEC staff member also redacted internee serial numbers because certain combinations of

internee serial numbers with other information relates to sensitive internal detention and intelligence operations that is not suitable for public release.

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

Dated: 22 April 2005



Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 622

10 JAN 2005

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From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)

SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

~~FOR OFFICIAL USE ONLY~~

13 Jan 05

MEMORANDUM

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

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 #21 of 16 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 affirmatively declined to participate. The detainee did request that the Personal Representative make an oral statement to the Tribunal.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal substantially complied with all provisions of references (a) and (b).

d. The detainee did not request that any witnesses or evidence be produced.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

f. The detainee affirmatively chose not to participate in the CSRT process but did request that his Personal Representative make an oral statement to the Tribunal about the allegations contained in the unclassified summary. A letter from the Personal Representative initially assigned to represent the detainee at Guantanamo Bay, Cuba, reflects the detainee's elections and is attached to the Tribunal Decision Report as exhibit D-b. The Tribunal was held *in absentia* outside Guantanamo Bay with a new Personal Representative who was familiar with the detainee's file. This Personal Representative had the same access to information, evidence, and witnesses as the Personal Representative from Guantanamo Bay. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit post-tribunal comments to the Tribunal.

UNCLASSIFIED

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

2. The proceedings and decision of the Tribunal as reflected in enclosure (2) 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.


BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

16 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #21

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

[REDACTED] Major, U.S. Air Force Reserve; Member (JAG)


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 Enclosure (2).

(U) TRIBUNAL PANEL: #21

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #21 of 16 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) Copies of Documentary Evidence Presented (S/NF)
(3) (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 22 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 associated with al Qaida in support of military operations against the coalition, 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 enclosure (1).

[REDACTED]
[REDACTED] Col, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #21
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 was associated with al Qaida in supporting military operations against the coalition. 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.

2. Synopsis of Proceedings

The Tribunal conducted the proceeding on 22 November 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence, Exhibit R-1, indicates, among other things, that the detainee is a member of al Qaida and participated in military operations against the coalition.

The detainee did not attend the Tribunal hearing and affirmatively declined to participate. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a) and the Guantanamo Personal Representative's affidavit (Exhibit D-b). The Personal Representative presented the detainee's statement (Exhibit D-c) that detainee requested the Tribunal consider. The Personal Representative called no witnesses.

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-9. The Personal Representative reviewed these exhibits by prior to their presentation to the Tribunal. The Personal Representative presented no classified exhibits. The classified exhibits support the assertions on the Unclassified Summary of Evidence and the Tribunal found 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-9, D-a, D-b and D-c.
- b. Testimony of the following persons: None.

UNCLASSIFIED//~~FOUO~~

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

c. Statement of the detainee: read by Personal Representative from Exhibit D-c.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Recorder offered Exhibit R-1, the Unclassified Summary of Evidence, into evidence during the unclassified portion of the proceeding. 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 only conclusory statements without supporting unclassified evidence. The detainee's statement provides support for the allegations listed in the Unclassified Summary of Evidence. The detainee's statement indicated that he did train at the [REDACTED] paramilitary training camp and received training on light weapons, explosives and principles of topography. Further, he admits that he prepared false documents and received training from senior al Qaida operative on how to encode telephone numbers. The detainee was further implicated as proposing plans to senior al Qaida leaders on attacking subway trains in the United States. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

6. Discussion of the Classified Evidence

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-9. While some exhibits were more persuasive than others, most of the classified exhibits fully supported the assertions on the Unclassified Summary of Evidence and the detainee's statement and were persuasive. Based upon these facts the Tribunal found the detainee is properly classified as an enemy combatant.

7. Consultations with the CSRT Legal Advisor

None

8. Conclusions of the Tribunal

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

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and

UNCLASSIFIED//~~FOUO~~

ISN

Enclosure (1)
Page 2 of 3

4784

physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process but chose not to participate, as indicated in Exhibit D-a and Exhibit D-b.

c. The detainee is properly classified as an enemy combatant because he was associated with al Qaida in supporting military operations against the coalition.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Air Force
Tribunal President

DETAINEE ELECTION FORM

Date: 17 November 2004

Start Time: 1500 hrs

End Time: 1620 hrs

ISN#: [REDACTED]

Personal Representative: [REDACTED]
(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 does not desire to participate in the Tribunal but requests PR to make an oral statement on his behalf. There are neither witnesses nor documentary evidence to present. Detainee was very respectful and spoke perfect English (lived in US and UK).

Personal Representative: [REDACTED]
LCDR USN MAJ USAF
22 NOV 04

Exhibit: D-a

An initial interview was held with detainee Binyam Ahmed Mohammad (ISN [REDACTED]) on 18 Nov 04

[REDACTED] The detainee spoke the language of the linguist and understood the linguist.

[REDACTED] The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.

[REDACTED] The detainee was advised that I am not an attorney nor his advocate, but will assist him in the CSRT process if he chooses to participate.

[REDACTED] The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.

[REDACTED] The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.

[REDACTED] The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.

[REDACTED] The detainee confirmed that he understood the process as explained to him and did not have any questions.

[REDACTED] The detainee affirmatively chose not to participate in the CSRT process (and does not want me to present information on his behalf) (but requested that I present the following information on his behalf):

I affirm that the information above is complete and accurate to the best of my knowledge.

///Signed // [REDACTED]
[REDACTED] Major, USAF
Personal Representative [REDACTED]

18 Nov 04

Exhibit D-4787

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (10 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal –MOHAMMAD, Binyam Ahmed

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 al Qaida or the Taliban.
 - A. The detainee is associated with al Qaida or the Taliban.
 1. The detainee is an Ethiopian who lived in the United States from 1992 to 1994, and in London, United Kingdom, until he departed for Pakistan in 2001.
 2. The detainee arrived in Islamabad, Pakistan, in June 2001, and traveled to the [REDACTED] training camp in Afghanistan, to receive paramilitary training.
 3. At the [REDACTED] camp, the detainee received 40 days of training in light arms handling, explosives, and principles of topography.
 4. The detainee was taught to falsify documents, and received instruction from a senior al Qaida operative on how to encode telephone numbers before passing them to another individual.
 5. The detainee proposed, to senior-al Qaida leaders, the idea of attacking subway trains in the United States.
 6. The detainee was extracted from Afghanistan to Karachi, Pakistan, where he received explosives and remote-controlled-detonator training from an al Qaida operative.
 7. The detainee met with an al Qaida operative and was directed to travel to the United States to assist in terrorist operations.

UNCLASSIFIED

8. The detainee attempted to leave Pakistan for the United States but was detained and interrogated by Pakistani authorities, revealing his membership in al Qaida, the identities of Mujahidins he knew, and his plan to use a "dirty bomb" to carry out a terrorist attack in the United States.

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.

PERSONAL REPRESENTATIVE NOTES FROM ISN [REDACTED] INTERVIEWS

PR:	[REDACTED]
3 or 4 digit ISN:	[REDACTED]
Date:	18 Nov 04
Start Time:	1500
End Time:	1620

PR NOTES FROM INITIAL INTERVIEW WITH DETAINEE [REDACTED] (Binyam Ahmed Mohammed)

During the initial interview on 18 Nov 04, detainee elected to NOT participate in the Tribunal. He had no witnesses or documentary evidence but requested that his Personal Representative provide statements made during the initial interview. Those statements follow:

- Detainee informed PR that the interrogators told him that the tribunals were a "pass by" to get to the courts. He stated that he had no evidence on him (plans, materials, weapons, etc.) when captured and was interrogated by the British Secret Service (M6) who said that he was not accused of anything. He told me he made statements while being (mentally and physically) tortured while in Pakistani jails. Detainee admitted items 3A1-4 on the UNCLASS summary of evidence, but stated he went for training to fight in Chechnya, which was not illegal. The detainee stated that the other items were rubbish or made under duress. He further stated that he traveled before 11 Sep 2001, which means he had different plans other than going to fight America. After 9/11, there was no way out of AF other than the groups who could get him out of AF, through PK, and back to Britian (namely al Qaida). Finally, detainee stated that his plane ticket at time of capture was a ticket from Karchi to Zur4ich to England, so how could he have plans to carry out attacks in the United States.

[REDACTED]
[REDACTED] Major USAF
Personal Representative [REDACTED]

Exhibit D-C

Personal Representative Review of the Record of Proceedings

I acknowledge that on 23 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

23 NOV 04
Date

[REDACTED]
Signature

[REDACTED]
Enclosure (3)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL AL-RAHIM GHULAM RABBANI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-1607 (RMU)
)	
GEORGE W. BUSH, <i>et al.</i> ,)	
)	
Respondents.)	
<hr/>		

DECLARATION OF TERESA A. McPALMER

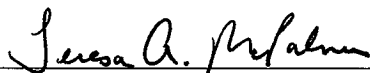
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Abdul al-Rahim Ghulam Rabbani that are suitable for public release. The portions of the record that are classified or considered law enforcement-sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: 13 December 2005



Teresa A. McPalmer
CDR, JAGC, U. S. Navy



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 623

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16 JAN 2005

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 1460**

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 # 1460 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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

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4793

13 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1460

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 # 21 of 16 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 affirmatively declined to participate.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee # 1460 is properly classified as an enemy combatant was unanimous.
- f. The detainee affirmatively chose not to participate in the CSRT process and did not request that his Personal Representative present evidence or make a statement to the Tribunal about the allegations contained in the unclassified summary. A letter from the Personal Representative initially assigned to represent the detainee at Guantanamo Bay, Cuba, reflects the detainee's elections and is attached to the Tribunal Decision Report as exhibit D-b. The Tribunal was held *in absentia* outside Guantanamo Bay with a new Personal Representative who was familiar with the detainee's file. This Personal Representative had the same access to information, evidence, and witnesses as the Personal Representative from Guantanamo Bay. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit post-tribunal comments to the Tribunal.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1460

2. The proceedings and decision of the Tribunal as reflected in enclosure (2) 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.


BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

16 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #21

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

[REDACTED], Major, U.S. Air Force Reserve; Member (JAG)

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

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosure (2).

(U) TRIBUNAL PANEL: #21

(U) ISN#: 1460

Ref: (a) (U) Convening Order for Tribunal #21 of 16 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) Copies of Documentary Evidence Presented (S/NF)
(3) (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 23 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #1460 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is associated with al Qaida in support of military operations against the coalition, 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 enclosure (1).


Tribunal President, Col, USAF

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #21
ISN #: 1460

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 associated with al Qaida in supporting military operations against the coalition. 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.

2. Synopsis of Proceedings

The Tribunal conducted the proceeding on 23 November 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence, Exhibit R-1, indicates, among other things, that the detainee is a member of al Qaida and participated in military operations against the coalition.

The detainee did not attend the Tribunal hearing and affirmatively declined to participate. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a) and the Guantanamo Personal Representative's affidavit (Exhibit D-b). The Personal Representative called no witnesses.

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-9. The Personal Representative reviewed these exhibits prior to their presentation to the Tribunal. The Personal Representative presented no classified exhibits. The classified exhibits support the assertions on the Unclassified Summary of Evidence and the Tribunal found 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-9, D-a, and D-b.
- b. Testimony of the following persons: None.

c. Statement of the detainee: None.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Recorder offered Exhibit R-1, the Unclassified Summary of Evidence, into evidence during the unclassified portion of the proceeding. 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 only conclusory statements without supporting unclassified evidence. The information supporting this indicates that the detainee is a member of al Qaida, that he was part of a planning cell for attacks against U.S. forces, that he was an established al Qaida facilitator, that he was associated with Khalid Shaykh Mohammed for three years, and that he operated multiple safe houses in Karachi, Pakistan. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

6. Discussion of the Classified Evidence

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-9. All of the classified exhibits were persuasive and fully supported the assertions on the Unclassified Summary of Evidence and the detainee's statement. Based upon these facts the Tribunal found the detainee is properly classified as an enemy combatant.

7. Consultations with the CSRT Legal Advisor

None

8. Conclusions of the Tribunal

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

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process but chose not to participate, as indicated in Exhibit D-a and Exhibit D-b.

c. The detainee is properly classified as an enemy combatant because he was associated with al Qaida in supporting military operations against the coalition.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Air Force
Tribunal President

DETAINEE ELECTION FORMDate: 17 November 2004Start Time: 0950 hrsEnd Time: 1020 hrsISN#: 1460Personal Representative: [REDACTED] MAJOR, USAF
(Name/Rank)Translator Required? YES Language? ARABICCSRT 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 does not desire to participate in the Tribunal. There are neither witnesses nor documentary evidence to submit. Detainee was respectful and fully understood the process.

Personal Representative: [REDACTED]

An initial interview was held with detainee Abu Rahim Moulana Gulam Rabbani (ISN 1460-1450) on 17 Nov 04

22 Nov 04

The detainee spoke the language of the linguist and understood the linguist.

The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.

The detainee was advised that I am not an attorney nor his advocate, but will assist him in the CSRT process if he chooses to participate.

The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.

The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.

The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.

The detainee confirmed that he understood the process as explained to him and did not have any questions.

The detainee affirmatively chose not to participate in the CSRT process (and does not want me to present information on his behalf.) (but requested that I present the following information on his behalf:).

I affirm that the information above is complete and accurate to the best of my knowledge.

///Signed ///
Major, USAF
Personal Representative #97

17 NOV 04
17 Nov 04

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (10 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – GULAM RABBANI, Abu Rahim Moulana


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 al Qaida and participated in military operations against the United States and its coalition partners.
 - A. The detainee is a member of al Qaida and participated in military operations against the United States and its coalition partners:
 1. The detainee was a member of al Qaida and was a facilitator for Khalid Shaykh Mohammad for three years.
 2. The detainee was a member of a ten-to-twelve-member al Qaida cell planning "car bomb" attacks against U.S. forces.
 3. The detainee was a well known Karachi-based al Qaida facilitator who had transported many al Qaida members from safehouses to the Karachi apartment and would bring money for them to purchase food and would bring clothes, suitcases and other travel gear for the al Qaida members preparing to leave.
 4. When captured, the detainee was carrying documents that led authorities to two additional al Qaida safehouses where al Qaida members were found and arrested.
 5. The detainee either operated or resided at six al Qaida safehouses in Karachi with a senior al Qaida lieutenant.
 6. The detainee knew and associated with senior al Qaida operatives.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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48031

Personal Representative Review of the Record of Proceedings

I acknowledge that on 24 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1460.

 I have no comments.

My comments are attached.



Name

24 Nov 04

Date



Signature

ISN #1460
Enclosure (3)



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 429

16 JAN 2005

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 1461

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 #1461 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:

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

~~FOR OFFICIAL USE ONLY~~

4806

14 Jan 05

MEMORANDUM

From: Assistant Legal Advisor

To: Director, Combatant Status Review Tribunal

Via: Legal Advisor *SLC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1461

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 # 21 of 16 November 2004
(2) Record of Tribunal Proceedings

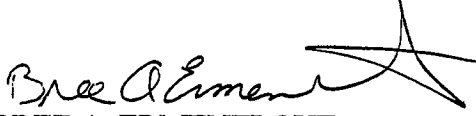
1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee affirmatively declined to participate in the Tribunal process and did not request that his Personal Representative present evidence or make a statement.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee # 1461 is properly classified as an enemy combatant was unanimous.
- f. The detainee affirmatively chose not to participate in the CSRT process and did not request that his Personal Representative present evidence or make a statement to the Tribunal. A letter from the Personal Representative initially assigned to represent the detainee at Guantanamo Bay, Cuba, reflects the detainee's elections and is attached to the Tribunal Decision Report as exhibit D-b. The Tribunal was held *in absentia* outside Guantanamo Bay with a new Personal Representative who was familiar with the detainee's file. This Personal Representative had the same access to information, evidence, and witnesses as the Personal Representative from Guantanamo Bay. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit post-tribunal comments to the Tribunal.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 1461

2. The proceedings and decision of the Tribunal as reflected in enclosure (2) 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.


BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

16 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #21

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

[REDACTED] Major, U.S. Air Force Reserve; Member (JAG)

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

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #21

(U) ISN#: 1461

Ref: (a) (U) Convening Order for Tribunal #21 of 16 November 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

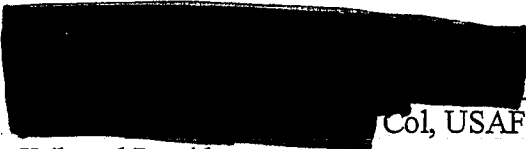
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U/~~FOUO~~)

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 17 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #1461 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, and participated in military operations against the United States and 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).


Col, USAF

Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #21 _____
ISN #: _____ 1461 _____

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 affiliated with and supported 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 Tribunal conducted the proceeding on 17 November 2004, recessed and reconvened the same day. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence, Exhibit R-1, indicates, among other things, that the detainee: is a senior al Qaida operative, that he ran an al Qaida guest house, that he knew and associated with a Karachi-based al Qaida facilitator, that he met with senior al Qaida facilitator Khalid Shaykh Mohammed, and that he was captured by Pakistani authorities in September 2002 in Karachi, Pakistan. The Recorder called no witnesses.

The detainee did not attend the Tribunal hearing and affirmatively declined to participate. He also did not provide the Personal Representative with any statements or evidence to present on his behalf. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a) and Guantanamo Personal Representative affidavit (Exhibit D-b). The Personal Representative presented no evidence and called no witnesses.

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-7. These exhibits had been reviewed by the Personal Representative prior to being presented to the Tribunal. The Personal Representative presented no classified exhibits.

After the Tribunal read all of the classified exhibits, the Tribunal requested additional information. The Tribunal was reconvened on 17 November 2004 and in response to the Tribunal's request, the Recorder offered into evidence classified Exhibit R-8, after giving the Personal Representative an opportunity to review the documents. Neither the

Recorder nor the Personal Representative had any comments on the additional documents. After considering the unclassified and the classified 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-8, D-a and D-b.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Recorder offered Exhibits 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. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

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 chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

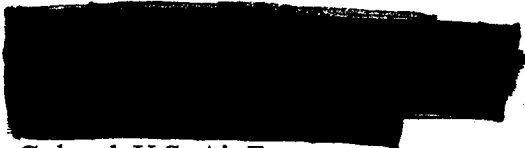
b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process but chose not to participate, as indicated in Exhibit D-a and Exhibit D-b.

c. The detainee is properly classified as an enemy combatant because he was affiliated with and supported al Qaida.

9. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Air Force
Tribunal President

DETAINEE ELECTION FORM

Date: 13-Nov-04

Start Time: 1300

End Time: 1420

ISN#: 1461

Personal Representative: 
(Name/Rank)

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Detainee has elected NOT to participate in Tribunals. He has NO witness request.

Personal Representative:  LAN/XXX

An initial interview was held with detainee RABBANI, Abd Al Rahim Ghulam (ISN-1461) on 13-Nov-04.

[REDACTED] The detainee spoke the language of the linguist and understood the linguist.

[REDACTED] The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.

[REDACTED] The detainee was advised that I am not an attorney nor his advocate, but will assist him in the CSRT process if he chooses to participate.

[REDACTED] The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.

[REDACTED] The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.

[REDACTED] The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.

[REDACTED] The detainee confirmed that he understood the process as explained to him and did not have any questions.

[REDACTED] The detainee affirmatively chose not to participate in the CSRT process and does not want me to present information on his behalf.

I affirm that the information above is complete and accurate to the best of my knowledge.

[REDACTED]
LCDR, USN
LCDR, NC, USN

13 NOV 04
Date

Exhibit 15D-b

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (09 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – RABBANI, Abd Al Rahim Ghulam

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 al Qaida and participated in operations against the United States and its coalition partners.

The detainee is a member of al Qaida and participated in military operations against the United States and its coalition partners:

- ✓ 1. The detainee is a senior al Qaida operative.
 - ✓ 2. The detainee and another al Qaida member ran an al Qaida guesthouse.
 - ✓ 3. The detainee knew and associated with a Karachi-based al Qaida facilitator.
 - ✓ 4. The detainee met with senior al Qaida facilitator Mukhtar, also known as, Khalid Shaykh Mohammed.
 5. The detainee met with Usama Bin Laden on six or seven occasions.
 6. The detainee moved Mujahidin between Afghanistan and Pakistan.
 - ✓ 7. The detainee was detained by Pakistani authorities on 09 September 2002, in Karachi, Pakistan.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.


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Ex: R-1

Personal Representative Review of the Record of Proceedings


I acknowledge that on 22 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #1461.

 have no comments.

My comments are attached.


Name

22 NOV 04
Date


Signature