

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MUHAMMAD ABD AL-RAHMAN
AL-SHUMRANT,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2249 (RMC)

DECLARATION OF TERESA A. McPALMER

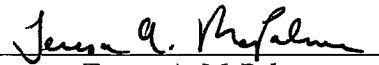
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Muhammad Abd Al-Rahman Al-Shumrant 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: 10 January 2006



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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0517

21 DEC 2004

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 195**

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 #195 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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19 Dec 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 195Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #15 of 12 October 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to be present at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-4, R-5, R-7, and R-8 was redacted. The FBI properly certified in exhibit R-2 that the redacted information contained in exhibits R-7 and R-8 would not support a determination that the detainee is not an enemy combatant. The Recorder states that he made the redactions in exhibits R-4 and R-5 to remove the detainee's ISN and the names of those involved in interviewing the detainee.
- d. The detainee requested no witnesses or other evidence.
- e. The Tribunal's decision that detainee # 195 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

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

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

MEMBERS:

[REDACTED], Colonel, U.S. Air Force; President

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

26 October 2004

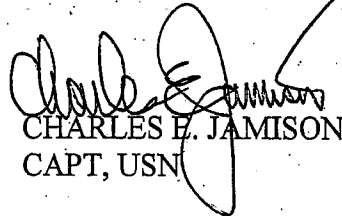
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 195

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED]


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #15

(U) ISN#: 195

Ref: (a) (U) Convening Order for Tribunal #15 of 12 Oct 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 18 Oct 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #195 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 supported the Taliban, 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).


Tribunal President, Colonel, USAF

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #15
ISN #: 195

1. Introduction

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

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of, or affiliated with, al Qaida and supported the Taliban. The detainee did not participate in the Tribunal process or request any witness or additional evidence be produced. The detainee did provide a written statement, which the Personal Representative presented as exhibit D-b. Exhibit D-b provided no usable evidence.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-b and R-1 through R-10.

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

The Detainee did not request any witnesses; no rulings were required.

The Detainee requested no additional evidence be produced; no rulings were required.

5. Discussion of Unclassified Evidence

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

- a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of

Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence.

b. Since the detainee did not participate in the Tribunal process, the Tribunal relied exclusively on classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

b. The detainee understood the Tribunal proceedings. The Personal Representative (PR) advised the detainee of his rights and read the unclassified summary of the evidence to him. The detainee then told the PR that he did not want to participate in the Tribunal proceedings but wanted to provide a written statement for the PR to present to the Tribunal, exhibit D-b. The detainee did not participate in the hearing.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Tribunal President

Colonel, USAF

Summarized Unsworn Detainee Statement given by the Personal Representative

[The detainee elected not to be present at this Tribunal.]

Personal Representative: I Mohammad Bin Abdul Rahman Al Shamrani, detainee in Cuba, No. 195. I tell you I don't believe in the American Justice Department and your Supreme Court. So judge me the way you like. I'm looking forward for god to judge between me and you.

AUTHENTICATION

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



Col, USAF.

Tribunal President

DETAINEE ELECTION FORM

Date 12-Oct-04

Start Time: 1000

End Time: 1030

ISN#: 195

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:

No witnesses. Declines to participate in tribunals.

Personal Representative: _____

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (27 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL SHUMRANI, Mohammad Al Rahman.

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 the Taliban and also participated in military operations against the United States and its coalition partners.
 - a. The detainee is associated with al Qaida and the Taliban:
 1. The detainee left Saudi Arabia for Bahrain on 15 June 2001.
 2. The detainee wanted to fight in Chechnya, but was told he would need military training that could best be obtained in Afghanistan.
 3. The detainee stated he attended a terrorist training camp.
 4. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.
 - b. The detainee participated in military operations against the coalition.
 1. The detainee stated that while he was fighting in Afghanistan, he tried to see Usama Bin Laden.
 2. The detainee was trained in the use of a Kalishnikov rifle and hand grenades.
 3. The detainee was given about two weeks training very close to the front.
 4. The detainee stated while at the front, he carried a Kalishnikov rifle with three 30-round magazines and a few grenades.

UNCLASSIFIED

Exhibit R1

1176 182

UNCLASSIFIED

5. The detainee operated a hand held two-way radio, which he used to request additional supplies (Tora Bora area).
 6. The detainee spent about five months at the front lines.
 7. The detainee stated that when he departed Tora Bora, he and his fellow fighters surrendered their weapons to the local tribes and walked across the border.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Memorandum



To : Department of Defense Date 09/23/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

The following documents relative to ISN 195 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/15/2003
FD-302 dated 05/21/2003
FD-302 dated 05/24/2003
FD-302 dated 05/29/2003

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

²See Executive Order 12958

Exhibit R2

1178 2

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/23/2004

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

UNCLASSIFIED

1179 282

أنا محمد بن عبد الرحمن الشمراني . المحتجز في كوبا برقم

195

أقول لكم أنني لا أصدقكم ولا أؤمن بكم ولا أصدقكم ولا أؤمن بكم
فأنا أؤمن بالله وأؤمن بدينه وأؤمن برسوله وأؤمن بآياته وأؤمن
بما جاء به من السماء وأؤمن بما بين يديكم

محمد بن عبد الرحمن الشمراني

1425 / 12 / 10 هـ

12 / 10 / 2004 م

Translation

I MOHAMMAD BIN ABDUL RAHMAN AL SHAMRANI'S
DETANEE IN CUBA NO 195
I TELL YOU I DON'T BELIEVE IN THE
AMERICAN JUSTICE DEPARTMENT AND YOUR
SUPREME COURT SO JUDGE ME THE
WAY YOU LIKE I'M LOOKING FORWARD FOR
GOD TO JUDGE BETWEEN ME AND YOU.

MOHAMMAD ABDOL RAHMAN
AL SHAMRANI
SIGNATURE

28/8/1425 H.
12/10/2004

Personal Representative Review of the Record of Proceedings


I acknowledge that on 20 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #195.

I have no comments.

My comments are attached.


Name

20 OCT 04
Date


Signature

Lieutenant Commander  USN

ISN #195
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

YUNIS ABDURRAHMAN SHOKURI,)
)
)
 Petitioner,)
)
 v.) Civil Action No. 05-0329 (PIF)
)
)
 et al.,)
)
 Respondents.)
)
 _____)

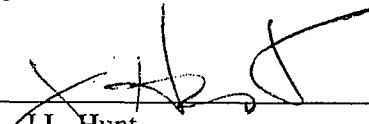
DECLARATION OF J.L. HUNT

Pursuant to 28 U.S.C. § 1746, I, Commander J.L. Hunt., 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 Yunis Abdurrahman Shokuri that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or are redacted. I have redacted information that would personally identify other detainees and certain U.S. Government personnel and foreign nationals 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: September 9, 2005



J.L. Hunt
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 740
23 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 197

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 # 197 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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18 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 197

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

Encl: (1) Appointing Order for Tribunal # 19 of 4 November 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of and actively participated in the Tribunal process. The detainee provided a sworn oral 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). Note that some information in exhibits R-3 through R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
 - d. The detainee did not request that any witnesses or evidence be produced.
 - e. The Tribunal's decision that detainee # 197 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



Department of Defense
Director, Combatant Status Review Tribunals

4 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #19

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

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

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

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

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

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

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

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #19

(U) ISN#: 197

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

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

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

(U) The Tribunal has determined that Detainee #197 is designated as an enemy combatant as defined in reference (c).

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

(U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #19
ISN #: _____ 197

1. Introduction

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of the Moroccan Islamic Fighting Group, and affiliated with, al-Qaida and Taliban forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated the Detainee was associated with the Taliban and al Qaida. The Detainee traveled in June 2001 from Damascus, Syria, through Turkey and Iran, to Jalalabad, Afghanistan. Prior to helping form the Moroccan Islamic Fighting Group (GICM), the Detainee was involved with Jama'at Al-Tablighi. Jama'at Al-Tablighi is a Pakistan-based Islamic missionary organization that is being used as a cover to mask travel and activities of terrorists, including members of al Qaida. The Detainee was the head of the Military Commission of the GICM. The GICM is associated with and supported by other known terrorist groups, including the: Libyan Islamic Fighting Group (LIFG), Hizb-E Islami Gulbuddin (HIG), al Qaida, Egyptian Islamic Jihad (EIJ), Egyptian National Tarouat Salah, the Taliban and the Algerian Armed Islamic Group (GIA). The GICM allies itself with al Qaida and has supplied personnel for al Qaida for operations abroad. The GICM, with assistance from al Qaida, planned to carry out attacks against U.S. citizens in foreign countries. The Detainee associated with known al Qaida members. The Detainee is associated with a former Afghan-Arab linked to an al Qaida sleeper cell in Morocco. The Detainee obtained AK-47 rifles and a mortar from the Taliban. Members of the GICM trained in an area between Kabul and the front lines against the Northern Alliance, where they fired AK-47 Rifles. The Detainee left Jalalabad on foot in November 2001, when the city fell, and was arrested by the Pakistani Police on 19 December 2001 as he tried to cross the Afghanistan-Pakistan border. The Detainee chose to participate in the Tribunal process. The Detainee did not call any witnesses. The Detainee did not request any classified or unclassified documents be produced. The Detainee, in his oral statement, denied being a member of the Moroccan Islamic Fighting Group (GICM) or affiliated with al Qaida or the Taliban.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-22
- b. Testimony of the following persons: None
- c. Sworn statement of the Detainee.

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

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

5. Discussion of Unclassified Evidence

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

- a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.
- b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he did travel in June 2001 from Damascus, Syria, through Turkey and Iran, to Jalalabad, Afghanistan. The Detainee stated he was involved with Jama'at Al-Tablighi in Morocco but denies any knowledge of the Moroccan Islamic Fighting Group (GICM). The Detainee states he never received any military training. When asked about his affiliation with various terrorist organizations, the Detainee denied being associated with or supporting the Libyan Islamic Group, the Egyptian Islamic Jihad, the Egyptian National Tarouat Salah, al Qaida, the Taliban, or the Algerian Armed Islamic Group (GIA). The Detainee stated he did obtain AK-47s from the Taliban but they were for self-defense. The Detainee stated he did travel to Afghanistan for humanitarian work. The Detainee stated that he opened a Moroccan guesthouse in Afghanistan to protect Moroccans. The Detainee stated that they were not fighters and after the U.S. started bombing Afghanistan, the Moroccan guesthouse was vacated and locked, and everyone went their own ways. The Detainee went to Jalalabad, which he states was the closest city to Pakistan, but after Jalalabad fell, the Detainee escaped into the mountains. The Detainee

was subsequently arrested by the Pakistani police once in Pakistan and turned over to the U.S..

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal


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

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.
- b. The Detainee understood the Tribunal proceedings. The Detainee asked no questions regarding his rights and actively participated in the hearing, as indicated in Exhibit D-a.
- c. The Detainee is properly classified as an enemy combatant and is a member of the Moroccan Islamic Fighting Group (GICM), and affiliated with al Qaida and Taliban forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

Summarized Detainee Sworn Statement

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

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibits R-2 and R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.

The Detainee stated that would like to make his statement under oath.

The Recorder administered the Muslim oath to the Detainee.

Personal Representative: He will begin with an opening statement.

Detainee: The story of my life. I can start now by telling you that all of those accusations are false. If you like or if it is important to you, I can explain to you or tell you who Yunis is.

Tribunal President: Let me tell you first that is the only information that we have seen on you to this point. So anything that you think would be helpful to us please feel free to tell us.

Detainee: Good. In the name of merciful God, people in this detention facility have met with their lawyers who are American citizens. All of the lawyers advise them to not talk to the Tribunal. Not even personal information. Trusting myself, I know I'm not an enemy combatant. I'm not an enemy of anyone. I've never fought anyone. For that reason I'm speaking and I hope the Tribunal members will take this as the truth. After meeting with my Personal Representative, I had a lot to write and not a lot of time to prepare myself to give my statement. I've heard a lot of points, including my life in Morocco and leaving Morocco and traveling to Pakistan. I stayed for about six years in Pakistan. I was there for studying and humanitarian reasons. I left Pakistan and went to Yemen to study. For the same reason I went to Syria and stayed for three years. In the sixth month of year 2001, I went to Afghanistan to do humanitarian work. I spoke before about who is Bin Laden and

the truth of who are the Taliban and all those groups that were mentioned in the accusations and the incident of September 11th and me leaving Pakistan and being given to American forces. The last place was Kandahar and then later I was taken to Cuba. I have a lot of words to say and I don't know how to tell all 14 years of my life in one hour.

The Detainee began to retrieve the written notes that he had in his shirt pocket. The translator assisted the Detainee in getting the pages of his statement in numerical order to allow the Detainee to continue his statement.

Detainee: My name is Yunis Abdurrahman Shokuri. I was born in Morocco on 5/4/68. My family is very poor, made of nine males and five females. I studied middle school and high school in the same city in Morocco. In 1988, I decided to leave to and complete my studies somewhere else. My hope was to go to Europe and finish my studies there. I never had the chance to go but there was a chance for me to go to Pakistan. Pakistan had a special place in my heart from what I heard from the al-Tabligh (ph) groups about this country.

3.a.1. The Detainee traveled in June 2001 from Damascus, Syria through Turkey and Iran to Jalalabad, Afghanistan.

The first accusation was about al-Tabligh group. I still do not understand because we can split that accusation into two, so if you could repeat it to me please.

Personal Representative: I will repeat it for you.

Detainee: I'm sorry. I want number two.

Personal Representative: Okay, I'll read it in English first.

3.a.2. Prior to helping the Moroccan Islamic Fighting Group (GICM), the Detainee was involved with Ja'am al-Tabligh.

Detainee: It's not understood that point very well. I do not know that group at all. I have never heard of it at all. I dare anyone that would even find any evidence or any name or anything about this group against me. All the groups in the world have a newspaper or maybe a paragraph about them and some kind of newspaper about certain groups. Moroccan fighters, I've heard of them at all. I don't know who made that up. Most of this accusation is about this group and I do not know about this fighting group. I do not know them. The other one about the al-Tabligh group, I will give you a summary of the al-Tabligh and who they are.

Ja'am al-Tabligh was established in the country of India from the hands of one of the Indian Scientists, Sheik Kandaholi (ph). This happened about one hundred or one hundred and fifty years ago. It's an Islamic missionary group. It forbids violence against anyone. It asks for forgiveness and love for all the people. No discrimination against any religion. Islam is a message from God to all the people. Whoever is convinced of this religion, is

free to decide rather to take that religion or not take that religion. The way they are is that they have good manners that were brought by the prophet Mohammed, peace upon him, and all the other prophets also. It is a worth while group. In the past one hundred and fifty years no one has accused it of anything, violence or terrorism. All the people know their ideology and their idea. Violence or terrorism or hatred were not used by any members of this group or any of that group. Their numbers are in millions. Their slogan is that there is no politics in religion and religion has no politics. They understand the jihad, the jihad against self and the devil. Fighting is forbidden. Also another slogan is that the people of Adam or humanitarian to be peaceful and not fighters or killers. My relationship to that group is that I met them in my country (Morocco) in 1985. I was raised on the hands of the members of that group. After leaving Morocco, I had no connection to that group whatsoever. Especially in Pakistan, I did not know anyone from that group there. I do not know where they came up with this accusation that I have a connection in Pakistan. Even if something was made up about this group, the whole world would know that it's not true. I spoke about this in the interrogation multiple times. I told them that accusation is stupidity given by the Americans to the world, because the world knows the truth about those people. I want to notify you also that all the interrogations, which are over 150 times that I have been interrogated, I spoke the truth, the whole truth. I gave everything I have to the investigators or interrogators. All my advices that were given to the interrogators, even if they were useless, in my eyes, maybe to them it will be useful against those incidents that were happening in those days.

I will complete my story. In the year 1990, I left Morocco and went to Pakistan. My sister and her husband accompanied me with my older brother. I went for immigration reasons. This immigration is the prophets way too, Prophet Mohammed peace be upon him, Prophet Moses peace upon him, and Prophet Abraham and Jesus peace upon him, they all immigrated, they went from one place to another. My reason was to finish my studies. For sure my family was stabled in Bashower (ph) city. I followed this group that my sister's husband worked for called the Humanitarian Committee. The Humanitarian Committee is based in Saudi Arabia to support the immigrants and orphans of Afghanis. After months I followed the same committee and after a year in 1991, my sister's husband passed away. I became responsible for the family. My brother went back to Morocco. After a period of time, in the beginning of 1993, my sister went back to Morocco also. In that time period I worked with another humanitarian committee called Islamic Humanitarian Charity. In 1994, I registered and studied at the Islamic University in Islamabad.

I had an idea and decided to finish my studies. In this time period 1993, both of my parents passed away. My relationship to Morocco was just my parents. My brothers have their own families and their own lives and situations. I didn't have anything in Morocco. No house, work, or anything. My situation at the University did not help me at all because my financial status was very difficult. The study hours of the program were very difficult because it went by hours and not by years. I had to find another way to finish my studies and I'd thought about Yemen a lot. The study there is more affordable. People always say that hearing is not always what you see. The situation there was not better the situation in Pakistan. I spent three months there. I registered officially in a Community College.

Even getting a visa was very difficult there. I decided to go to Syria because I heard that education in Syria is much better and studying there is much better and for sure that was true. But registering at the college was very difficult also. They had multiple programs but they had many, many religious instructors. During my stay in Syria, I worked as a student in a Mosque with an Imam. I worked as a merchant also doing trade and sell. The first I see in Syria people who are Muslims and Christians living in peace together following the same rules in the same country. Even the Sheiks or the chiefs of tribes were always forgiving, especially religious forgiving. They took importance on education. Educating the heart and the mind are very important. I benefited a lot in that field.

At the end of year of 1999, I married a young Algerian woman and this was strange that a Moroccan man married an Algerian woman. This was strange especially considering the number women of in Morocco. We have a lot of women in Morocco. Marriage there is much easier, getting married there is.

In 1994 there was an incident that happened in my life that changed it in many ways. It didn't happen to me personally but it happened to my brother who was living with me in Pakistan. When my brother returned to Morocco, he worked in the bureau office and all his work was in Pakistan. I have all official paperwork to prove that. When my brother returned to Morocco, I stayed there a period of time. The Moroccans arrested him. He was tortured in the prison and was put under surveillance. This caused my family to live in fear. During this time my parents passed away. So I told my brothers and sisters that I wanted to come to Morocco, they all advised me to not come back to Morocco, because they did not want problems. If I returned back there I would not have a house to live in and would be forced to live with my brothers. All my brothers said they didn't want me to return. For me, I decided to not go back to Morocco I did not want to put myself in an awkward situation to the government, to me, or to anyone else. Even then I did not have anything strange going on in my life. I was in Pakistan and I was registered at the Moroccan Embassy and through the Embassy I registered at the university. Everyone who went from Morocco to Pakistan was arrested. Any Moroccan that went to Pakistan who went back to Morocco was arrested and his passport was taken away from him and he was interrogated. So this caused me to cut all of my connections to Morocco. For that reason I preferred to marry a woman that wasn't Moroccan. In the year of 2001, my financial situation was very difficult. In Syria I couldn't find a job that would fit me. In the sixth month of 2001 I chose to travel to Afghanistan. At the beginning, I wanted to go to Pakistan but they were forcing all of the Arabs out. I heard all the charity organizations left Pakistan and went to Afghanistan. So, I thought that maybe I would find the same line of work that I was working before there. Especially charity work is a big thing in life. Helping the needy, the poor, and the Orphans. Especially in our religion, it's a duty. It's what God wants from us. So now I will answer why I traveled from Syria to Iran and then to Afghanistan.

3.a.1. The detainee traveled in June 2001 from Damascus, Syria, through Turkey and Iran, to Jalalabad, Afghanistan.

Detainee: I am very shocked that this travel is an accusation. My Moroccan passport allows me to travel to any place in the world, even Israel, which most passports are not allowed to travel. I traveled on an official visa. I chose that path because it was cheaper for me. I've never hear from any country to forbid that kind of travel. So I do not know how this travel could be an accusation against me. My travel to Afghanistan again was to find work and for sure when I got to Afghanistan I got stabled in Kabul city. Over there I found a house that belonged to Moroccans. So when I arrived to Pakistan I found a lot of Moroccans in that place. I felt very strange to travel to a country and find brothers that are willing to help others, especially people from Morocco. When I went there, I did not find employment. There was only charity organization there. They allow Saudis to work there. When I arrived there, my wife had a very strange disease, gas in the kidneys. I had never heard of that before. There was no treatment for that in Kabul. So I decided to leave. But exiting Afghanistan was not as easy entering Afghanistan. Entering Afghanistan is not like exiting Afghanistan. I tried with all my will and effort to leave but it was almost impossible. I was hoping for things to get better but I still wanted to leave as soon as possible. During that time I was active in something very simple. I can talk about it if you would like. I find it like a charity work and work that God likes according to me. But I do not know if your holiness would agree with this or not. When I arrived in Afghanistan, I found a group of Moroccan youth and they were all complaining about one thing. A lot of people want to use the Moroccans. How come a lot of people want to use them? We had to find a solution for this problem. We chose to open a guesthouse for the Moroccan to protect them from other ideas. We did not succeed in this a lot. The guesthouse only had 17 people. All of these people did not have a connection to anything that has to do with fighting. They were not fighters. They had no connection to and were not associated with any other group at all. Most of them were homeless or they did not have anyone. But they were convinced about the same thing that what happens in Afghanistan (incomplete thought).

I want to talk about a situation or a story. The people in the guesthouse had the same ideas about who the Taliban was and the truth about Bin Laden and other groups in Afghanistan. The group had a special program so no fingers were pointed or accused of anything from Arabs or anything like that.

I will start in the Moroccan house. This house had no enemies what so ever; it was not enemy to anybody. Far away some old accusations were put against it. They did not have any personal enemies and they were not enemies of any side. Even the Taliban and all the accusations they had against them. The leader of the Northern Alliance (inaudible) and all the militias belonging to that group, to Dostum (ph). This speaking of Afghan, this group in that guesthouse, the Moroccan house, died there fighting with the Taliban and anyone else was stupidity and there is no value and no benefits in fighting. In our religion of Islam, it teaches us to forgive other Muslims, forgive them. And the fighting between Muslims is forbidden. The fighting between Afghan, between themselves, lasted for about 20 years. There was value and no good came out of that fighting between those people. The best thing to do is sit somewhere far, far away from those people and what's happening in that country. That's what happened. Even our program in the guesthouse, we had a program about studying and education. We had another house outside Kabul, the

same house that was called Amal Jahadar (ph). It had no connection what so ever to fighting. I've never heard of that before. Jahadar (ph) is taken from the jihad against the inner self and against Satan, like I said before. If you want me to talk to you about the Amal Jahadar (ph) I can tell you the ideology and anything you would like about it. If you want to ask me about the fighters, the combatants or the fighters, I do not know anything about that. Something else also, something else was mentioned, like we had a camp or something and we shot Kalashnikovs?

Personal Representative: It was number ten in the summary of evidence.

3.a.10. The Detainee obtained AK-47 rifles and a mortar from the Taliban.

Detainee: We had an AK-47 to protect ourselves. The mortar was not working. It was broken. It did not belong to me personally. It was not mine. I said it multiple times that I did not train and did have a personal weapon and did not need that at anytime. There is another thing after that.

Personal Representative: Would you like me read all of the accusations now?

Detainee: No, I'm stilling talking about...

Personal Representative: Another accusation or what?

Detainee: Something about the front lines.

Tribunal President: Perhaps number eleven.

3.a.11. Members of the GICM trained in an area between Kabul and the front lines against the Northern Alliance where they fired AK-47s.

Detainee: This is not true. The truth is that we had a house outside Kabul. It was a very big, vacant house. We found the place because we wanted to be outside the city. It was very far away from fighting alliances, about five hours and about half an hour away from the Kabul city. We did not see any fighters. We did not have fighters by us. We did not hear fighting. We did not see fighting at all. That weapon was to guard the place. There were all different kinds of animals living around that place. There were also, thieves, smugglers, and robbers. We took that weapon from the Taliban government. We did not buy it from the black market. In the ninth month (September), when the incident happened, they returned the weapon that was giving for us and it was not used to fight at all. Like I said before this place was to raise self. Especially for people who want to look at the sky and the stars and pray and meditate. Even the new people that came to the house, liked the weather and the sun. They never wanted to go to other places or to other camps. They stayed there because they liked the place. It was a very nice place. It had water and greenery, and a big garden. I do not know what's strange about being in a house. We only stayed two months in that place and then we left it. The same guesthouse,

we locked it after the incident of September 11th and every person went their way. There was no name left there with the name of Amal Jahadar (ph). It was not left there.

I can also talk about the situation of the Moroccan guesthouse after the incident of September 11th. After this strange incident which shocked the world, and the United States accused al Qaida and personally Usama Bin Laden, the manager at the Moroccan house met with everyone there. They decided to close the guesthouse. They advised everyone there to leave Afghanistan in anyway. It happened, the house was locked and everyone left at the end of September. I personally traveled to Jalalabad, which was the closest city to Pakistan or to exit Afghanistan. It is known by everyone in Afghanistan that Jalalabad has no connection to fighting in Afghanistan. After the Taliban government fell there, the rulers were tribal and so the situation there stayed stable. Something unexpected happened. One of those days, I do not know exactly when, maybe October, Kabul fell. A day before I was able to make my wife leave Jalalabad to Pakistan. What we decided was that on the next day I would follow her. Even though she only took a small amount of money, of Pakistani money, thinking that I would follow her the following day, I would be going to follow her and get the rest our... I was surprised the next day that Jalalabad fell. So all the roads and all the ways to Pakistan were stopped or they were cut. I was forced to escape with other people. The only way that was left was through the mountains. I stayed in a village there with Afghans. It was the month of Ramadan. I tried any and every way to leave the country. But all roads were very highly guarded. The person that was guarding those roads was an Afghani leader called [REDACTED] (ph). He was known to be a smuggler before. He is known for having raped a lot of women and killed a lot of people. It was impossible to put my life in danger and take those (inaudible) to fight this man. So on the twentieth of Ramadan, I tried anyway so I could meet with my wife before the holiday. One of the Afghans went with me. It took us about a week and we entered Pakistani land.

I will answer the point.

3.a.12. The Detainee left Jalabad on foot in November of 2001 when the city fell and was arrested by Pakistani police on 19 Dec 01 as he tried to cross Afghanistan and Pakistan border.

Detainee: That is not true because I was in Pakistan. I was in Pakistan for two days. After that I decided to go from one city to another but in the market somebody saw me and noticed that I was Arabic. He started talking to me and the police interfered and said you shall come with us, so I went with them to the police station. They told me that they don't have any problems with me. They just want to make sure that my citizenship is Moroccan or not and we will send you to the Embassy in Islamabad. So they put me in a small prison and they took me by a vehicle to another prison. There I found other Arabs. I asked them how and where they were arrested and they told me they were trying to leave Afghanistan and they were arrested. Then at night, we were transferred to another jail with a larger group of people. Later I found myself in another prison and over there I found a group of people who are with me in this place now. From that prison we were given to American

soldiers. With all this travel I've seen any fighting, an American airplane, the Northern Alliance, I haven't seen any of that. That's my story.

Personal Representative: Would you like to now go through each one of these evidences and get your response?

Detainee: Yes.

Personal Representative: I know you have already answered a lot of them but we can go through.

3.a.1. The Detainee traveled in June 2001 from Damascus (ph) Syria through Turkey and Iran to Jalalabad, Afghanistan.

Detainee: Yes.

Personal Representative: I believe you answered more than that. Is there anything else you would like to add to the point that you haven't already?

Detainee: No.

3.a.2. Prior to helping form the Moroccan Islamic Fighting group (GICM), the Detainee was involved with Ja'am al-Tabligh.

Detainee: I answered that question that I was with al-Tabligh group in Morocco and I did not have any connection to them when I left Morocco. And the second part of that question, the GICM, I've never heard of that group. Never heard of that group before. I want to tell the Tribunal Members that there are a lot of Moroccans in Afghanistan. I don't know exactly what they are talking about honestly.

3.a.3. Ja'am al-Tabligh is a Pakistan based Islamic missionary organization that has been used as cover mask travel and activities of terrorist including members of al Qaida.

Detainee: Answering that question, it's impossible. The al-Tabligh group don't allow any of their people to talk about violence, jihad, or hatred or anything to do with that. The world intelligence should know that. Security inside the al-Tabligh group is very strong. They don't allow anyone suspected of being a terrorist or anyone who is suspected of sitting with them. Even if he is in there and he says something that's wrong, they will tell him to leave the meeting. I do not know how to answer that.

3.a.4. The Detainee was the head of the Military Commission of the GICM which is the Moroccan Islamic Fighting group.

Detainee: Like I said before, I've seen training. I have knowledge at all of military training. I've never received the training. And I've never heard this fighter group. In my whole life I've never heard of it.

3.a.5. The GICM is associated with and supported by other known terrorist groups including the Libyan Islamic Fighting Group...

Detainee: Can I answer point by point? The Libyan Fighting Group, the whole world knows that group. There were enemies between them and us, many enemies. The house of Moroccan and that group were enemies of each other. The reason for that was that this group, the Libyan Islamic Fighting Group accused the Moroccan house of being an intelligence house. We used to make people aware of the all the groups and keep them away from all the groups. Those people had some Moroccans with them. So they would say things about us that were not true. How can someone who is an enemy of someone else be a supporter at the same time. How could that be possible?

Personal Representative: The next group is Hizb-E Islami Gulbuddin.

Detainee: This political party was active in Afghanistan between the civil war from 1992 to 1995. This party was finished so how can the Moroccan have a connection with that group?

Personal Representative: al Qaida.

Detainee: I would like to talk on who is Bin Laden. I personally went to Afghanistan in 1990. I heard the name Bin Laden after the Gulf War. During this time, most people in Bishou (ph) were making us aware of this man. Almost telling us to stay away from this man. During that time, Bin Laden was nobody and everyone was accusing Usama Bin Laden of being Saudi intelligence agent or working for the Saudi government. And his wealth comes from the Saudi government, especially [REDACTED] (ph) the head of Saudi intelligence. After that, I heard that Bin Laden was stripped out of his Saudi citizenship and exiled from the kingdom. I was shocked that this would be a new game that the Saudi government would be playing with us. Especially during that time period there was fighting between Afghani's political parties and most people were taking a role of trying to bring peace between those political parties and bring them together.

Bin Laden was the only person who would leave Afghanistan and go to Sudan in a very strange way. He was supposedly to come in and try to bring peace between people but not leave the country and take all of his wealth and evacuate the country. When he got to Sudan, they received him like a hero. He became a close friend to Sudan's president and second person in charge in the Sudan. People were shocked. How could someone who was exiled, kicked out of their country to be third person in charge of Sudan? How could Sudan sacrifice a relationship with the world, Saudi Arabia for that person? Most people thought this man Bin Laden, was a double agent working for Saudi government. But he would not be a danger to anyone in anyway in these years.

Second, we heard that he would be leaving Sudan, going to Afghanistan and when the civil war between the political parties ended; he would leave Sudan and go to Afghanistan. Everyone was asking, what's the role of this man? Why did he come back? After that, we

heard about the terrorist thing that happened in Kenya and in Nairobi. A lot of Muslims were victims of those attacks. People were asking why did he do this? People were questioning why he migrated so many Arabs that were living in Pakistan and moved them to Afghanistan. All of this was because of Bin Laden. A lot of people lost their business, their job, they lost almost everything because of this strange (thing) that Bin Laden did. After that we heard about another terrorist attack on an American ship in Yemen. People were shocked about this lunatic attack and it was done in the name of Islam.

In every meeting that happened, people would say that Usama Bin Laden is dangerous to the people, he's dangerous to us, he's dangerous to everyone around him. The people that made that aware to people was the Moroccan house. They would advise people about Bin Laden. I was one of the people that was telling others that Usama Bin Laden is someone dangerous, someone who is a bad person, and a crazy person and that what he does is bad for Islam. How can he be the only person in the world to say that jihad is fighting Americans? How could he just make that up? We were very honest in what we said against Bin Laden. For that reason, we received a lot of threats. But that was not important to us. We kept saying bad things about Bin Laden and about al Qaida.

Personal Representative: The next group is the Egyptian... Are you done with Bin Laden?

Detainee: What is the next group?

Personal Representative: The Egyptian Islamic Jihad.

Detainee: I do not know that name.

Personal Representative: Okay, the next one is the Egyptian National Tarouat Salah.

Detainee: I do not even know the meaning of the name.

Personal Representative: The next one is the Taliban.

Detainee: The Taliban came about around 1995. A person in Pakistani Intelligence wrote a book about the Taliban. The Taliban is made up by the Pakistani Army or the Pakistani Intelligence. Their interest is to do whatever is beneficial for the Pakistani government. So, most to the accusations or most of the things were pointed at the Taliban government and they would ask, who is Mullah Omar, where does he get his money, and where does he get his support? People in Afghanistan who had knowledge about the Afghani situation would make us aware and tell us about those people. Speaking of the Taliban or Sheik (inaudible), there was fighting between Muslims. According to me and other people in the Moroccan house, fighting between Muslims was forbidden and killer and the victim will be in Hell. How can these people be that way? That's what I have.

Personal Representative: Okay, and the last group is the Algerian Armed Islamic Group.

Detainee: The Moroccan house was established about 2000, 2001 by this Algerian group that is pretty old, maybe since 1992. They were known to have terrorist attacks in Algeria. It is known by all people that this is a terrorist group that killed women, children, and even animals. In Algeria there was two groups. Algerian Intelligence were killing people in the name of Islam and this terrorist group was killing people in the name of Islam and Islam is innocent of killing on both sides. So I do not know what they mean by support from those groups. I don't know what they mean. Those 17 people at that guesthouse and they were supporting all those groups in the world, how could that be possible? Honestly, that's like one of the jokes that heard in this place.

Personal Representative: Okay, the next piece of evidence is number six:

3.a.6. The GICM allies itself with al Qaida and supplies personnel for al Qaida for operations abroad.

Detainee: The Tribunal know now my opinion of Bin Laden and terrorism. I have no connection what so ever with al Qaida and ask the Tribunal, what is the evidence that you have to prove that point. I've been here for three years. If they ask right now about my wife, which is the closest person to me, I do not know anything about it.

Personal Representative: Okay, the next one is number seven:

3.a.7. The GICM, with assistance from al Qaida, planned to carry out attacks against U.S. citizens in foreign countries.

Detainee: That doesn't need an answer.

3.a.8. The detainee associated with known al Qaida members.

Detainee: Who are those members? If you ask me about any person, I will honestly answer you. But if you tell me that I knew people, I do not know people. If you ask me about an actor or an actress in America, I could answer about that. I will even tell you what kind of clothes they wear. But, how can I answer this kind of question? I assure you that I do not know anyone from al Qaida.

3.a.9. The detainee is associated with a former Afghan Arab linked to an al Qaida sleeper cell in Morocco.

Detainee: Like I said before, I do not know anyone from al Qaida. I am not connected to any al Qaida people. None of my friends or family have any connection to al Qaida and I dare you bring any person from al Qaida that says I am connected to them.

Personal Representative: Okay, the next one, ten, I know you already answered. Would you like to add something briefly?

3.a.10. The Detainee obtained AK-47 rifles and a mortar from the Taliban.

Detainee: Like I mentioned before, the weapon was taken from an official, officially and it was turned to the government after two months. It was not fighting at all.

Personal Representative: Okay, number eleven (read bullet), I know you answered this one as well. Do you want to add anything to your answer?

3.a.11. Members of the GICM trained in an area between Kabul and the front lines against the Northern Alliance where they fired AK-47s.

Detainee: Like I mentioned before, this house was for self-improvement, meditation for people to relax and spend some good time. It was a beautiful house with a nice garden. It had no connection to fighting, training, or anything like that.

Personal Representative: Okay, and the last one, number 12 (read bullet).

3.a.12. The Detainee left Jalalabad on foot in November of 2001 when the city fell and was arrested by Pakistani police on 19 Dec 01 as he tried to cross Afghanistan and Pakistan border.

Detainee: I answered that.

Personal Representative: I know you already answered that.

Tribunal President: Does that conclude your statement?

Detainee: I hope so.

Tribunal President: We may have some questions for you. Would you be willing to answer some questions?

Detainee: Any questions.

Tribunal President: Personal Representative, do you have any questions for the Detainee?

Personal Representative: No ma'am.

Tribunal President: Recorder, do you have any questions for the Detainee?

Recorder: No ma'am.

Tribunal President: Do any Tribunal Members have any questions for the Detainee.

Tribunal Member's questions :

Q. Sir, do you have any enemies which would fabricate evidence against you?

A. Yes.

Q. Who are those enemies?

A. There is a person who is here called [REDACTED] (ph).

Q. How is this person your enemy?

A. I did not know him before and I hadn't heard of his name. I was shocked at when I came to Cuba there was a person in front of me called [REDACTED] (ph). This person was a spy in Afghanistan and was arrested in Afghanistan. He was tortured by al Qaida and detained in the Taliban prison. One day I was joking with him and laughing so I was shocked when I heard a very strange story from him. He told me, "I apologize, I am sorry. I've talked about you in the investigation." I was shocked and wanted to know what he said and what happened. He said that in Kandahar, he was interrogated, detained, and tortured and a female interrogator took her clothes off in front of him and doing very strange things in front of him. When he saw an album of pictures he told them that I looked like a man that was detained and tortured in Afghanistan. He mentioned a name that was (inaudible). It was a name that I haven't heard before. I was shocked and everyone that was standing by was shocked as well. He said that later in the interrogation, he spoke to them and said that what he said was not true. He said that he made a mistake in identity because the picture looked like another. He said that he told them that had given them the wrong information. I was shocked that during the whole year the interrogators were speaking to me about the same subject. I would tell them to go to that person and them because that's how that information came about. That's the first person.

The second person is this Iraqi person here. His name is [REDACTED] (ph). This man is also a spy and was arrested in Afghanistan. He spent time in the detention facility in Kabul at the hands of the Taliban. I saw him first at the camp in Kabul. In the American military camp in Kabul. I spent about two months there. There was no conversation done between us, or any kind of relationship between us. When we came to Cuba, about a whole year we met at the same detention facility. This man with other groups of Iraqis made up a way or a solution, a very stupid solution, to how to leave this place. They are Shiites and all the Arabs that are here are Sunni. Those Arabs are enemies of America and those Shiite Iraqis were all friends of Americans. Those people did very strange things to cause problems and conflicts between Sunnis and Shiites. They cursed the Prophet wife, peace upon him and friends of the prophet, peace upon them, and religious scientist in general...

Q. If I could interrupt you, all I was interested in was what enemies you had. I appreciate your answer but it's getting a little more detailed then I really need it.

A. He's not an enemy with me, but I'm explaining to you how this came about.

This man, when they put me close to him. He started to curse other young people in the prison and those people were cursing him back. In about a month, he told me that he saw my picture in the investigation and he told them, "I do not know this man and this is the end of our investigation." But when this happened, the cursing between the group and him, he told me, he started to threaten me that he would accuse me of the same things he had accused [REDACTED] (ph) of. He threatened me with that.

Tribunal President: I want to thank you for participating today in this Tribunal. Is there anything else that you would like to present to us?

Detainee: I just want to make a small statement. Me (inaudible), the only way I know the United States is through movies from Hollywood or through cartoons. I'm a big fan of a lot of their singers. I was shocked, the first time I saw an American soldier was at Kandahar Air Base. This was the first time I had ever seen an American man. I do not want to talk about all the pain that I suffered. From the first moment that I was sent from Kandahar to Afghanistan or given by the Pakistani government or forces to the American forces, I spent five months in Kandahar. Maybe two years and five months in this place. All this I really do not want to think about the time. A lot of people investigated me and I've seen a lot of strange things. I wanted to mention some things that I think are important in this Tribunal.

If this Tribunal thinks of me as an Enemy Combatant I find that very strange and funny at the same time. I've never fought anyone and have never even had the interest to fight anyone. I'm not an enemy of anyone. I don't have an interest to be enemy of anyone in the future. I do not allow for anyone to call me an Enemy Combatant when I don't consider them to be enemies. I want to mention things that have happened to me in Cuba...

Tribunal President: Let's take a brief recess. We need to do that. Would you like some water or anything?

Detainee: Yes.

The Tribunal took a short recess and reopened after four minutes had passed.

Tribunal President: I'm sorry but we did need to take a recess. Please continue.

Detainee: When I came to Cuba, after two months of interrogation, I was offered something very strange. I do not know, I was talking to someone and I do not know what side they were from but it seemed to be that they are from International Terrorist Department of Defense. They asked me to work with them as an agent. To me, that was very strange. I refuse to work as a spy for any country in the world or for whatever was offered. I meant that but not as a spy. I agreed to do this on the basis of one reason. I felt

it was religious obligation to fight Bin Laden. At that time, I was willing to put my life in danger just to get rid of that man Usama Bin Laden. The interrogators didn't take that seriously. After two years and five months that I have stayed here, I found that I was very weak person. Especially that I am an ill person. I am sick from top to bottom. At that time I was willing to do anything. Not for the United States or America honestly, but for the humanitarian issue. Especially, after I found my brothers being tortured in Kandahar and here. Especially after I have seen a person who was 105 years old that was pulled by the military and treated the worse way. Other similar aged people who were 85, 95 years old and sick people also who are here. They do have their own procedures but I was not able to do all that. How could all of these people suffer and not Bin Laden? A person who is willing to sacrifice his own life to get rid of an American enemy Usama Bin Laden how could he be an Enemy Combatant?

Also in Kandahar something strange happened. When I got to Kandahar I made responsible for the tent, which could hold 55 people and twice it has happened that a guard that came into the tent and he dropped his keys in the tent. The people were able to take those keys and do whatever they want. But twice I have taken those keys and given them back to the guard. Also, a soldier dropped his knife, which contained a spoon, fork, utensils, and can opener and people who did not care would have been able to do something with the knife. But, I took that knife and I gave it to the guard. We would always talk to the young people and tell them how the United States had justice and equality is not like Pakistan or other countries. Some of the young people were tortured and interrogated and were not well treated but when I spoke to them, I convince them that America is a country that goes by laws and is a just country. The truth is that the United States is the greatest country in this world. The United States has brought security to the world through all these operations like WWI and WWII. The United States has brought security to this world. So, I was shocked to see some of the American soldiers and how they act in front of people. I am even shocked at the American government.

When I first saw myself in Kandahar, it was like I was in a cinema or a movie. I saw a movie in 1996 called "The Siege". The movie was about terrorists carrying out terrorist attacks in the United States. This comes from being accused of that. The CIA and FBI were not successful in finding that terrorist group and the United States Army interfered and gathered all the people of Arabic decent and put them in a land cage or camp just like it happened in Kandahar. I was shocked, thinking am I in that movie or on a stage in Hollywood? Is this happening? Sometimes I laugh at myself and say when does that movie end?

I put my voice with the voices of people who condemn this kind of treatment. The victim of this is not the American government but the American citizens. That's the truth.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no previously approved witnesses to present to the Tribunal and closed the open session.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 22 Nov 04

Start Time: 0900

End Time: 1100

ISN#: 197

Personal Representative: MAJOR [REDACTED]

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Will speak to each piece of evidence.
 Requests PR read each piece of evidence one at a time so detainee can respond to each.
 Has indicated he will take the oath.
 Detainee did not request any witnesses.
 Detainee did not request any documentary evidence.

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (16 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – SHOKURI, Yunis Abdurrahman

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 a terrorist organization that was supported by al Qaida and the Taliban and participated in military operations against the United States or its coalition partners.
 - a. The detainee was associated with the Taliban and al Qaida:
 1. The detainee traveled in June 2001 from Damascus, Syria, through Turkey and Iran, to Jalalabad, Afghanistan.
 2. Prior to helping form the Moroccan Islamic Fighting Group (GICM), the detainee was involved with Jama'at Al-Tablighi.
 3. Jama'at Al-Tablighi is a Pakistan-based Islamic missionary organization that is being used as a cover to mask travel and activities of terrorists, including members of al Qaida.
 4. The detainee was the head of the Military Commission of the GICM.
 5. The GICM is associated with and supported by other known terrorist groups, including the: Libyan Islamic Fighting Group (LIFG), Hizb-E Islami Gulbuddin (HIG), al Qaida, Egyptian Islamic Jihad (EIJ), Egyptian National Tarouat Salah, the Taliban and the Algerian Armed Islamic Group (GIA).
 6. The GICM allies itself with al Qaida and has supplied personnel for al Qaida for operations abroad.
 7. The GICM, with assistance from al Qaida, planned to carry out attacks against U.S. citizens in foreign countries.
 8. The detainee associated with known al Qaida members.

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Page 1 of 2

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Exhibit 

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9. The detainee is associated with a former Afghan-Arab linked to an al Qaida sleeper cell in Morocco.
 10. The detainee obtained AK-47 rifles and a mortar from the Taliban.
 11. Members of the GICM trained in an area between Kabul and the front lines against the Northern Alliance, where they fired AK-47 Rifles.
 12. The detainee left Jalalabad on foot in November 2001, when the city fell, and was arrested by the Pakistani Police on 19 December 2001 as he tried to cross the Afghanistan-Pakistan border.
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.

Memorandum



To : Department of Defense Date 11/10/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

The following documents relative to ISN 197 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/12/02
FD-302 dated 01/13/03
FD-302 dated 07/11/03

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

²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/10/2004

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

[REDACTED] IA [REDACTED] ([REDACTED]) [REDACTED]

Personal Representative Review of the Record of Proceedings


I acknowledge that on 29 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #197.

I have no comments.

My comments are attached.

Maj  USAF
Name _____

29 Nov 2004
Date


Signature _____

ISN #197
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMED AHMED ALI AL-ASADI,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2197 (HHK)

DECLARATION OF DAVID N. COOPER

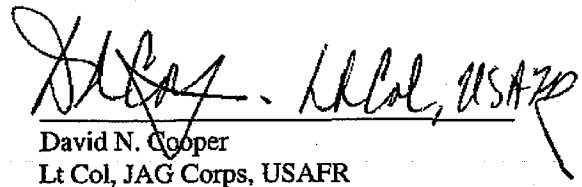
Pursuant to 28 U.S.C. § 1746, I, Lieutenant Colonel David N. Cooper, Judge Advocate General's Corps, United States Air Force Reserve, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Mohammed Ahmed Ali Al-Asadi 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: 11 October 2006


David N. Cooper
Lt Col, JAG Corps, USAFR



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

OARDEC/Ser: 412

30 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 198**

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 #198 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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22 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 198

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 #7 of 13 September 2004

(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and chose to participate in the Tribunal process. During the Tribunal, the Recorder stated that he would like a closed session to present classified information to the Tribunal. At this point the detainee stated that he no longer wished to make a statement. The detainee asked instead that his Personal Representative relay their earlier conversations concerning the Unclassified Summary to the Tribunal.

b. The Tribunal was properly convened and constituted by enclosure (1). Note that some information in exhibit R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. Additionally, some information contained in exhibits R-4 and R-5 was redacted. It is clear that the information redacted, Internee Serial Numbers, would not support a determination that the detainee is not an enemy combatant.

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

d. The detainee requested no witness nor did he request any classified or unclassified documents be produced.

e. The Tribunal's decision that detainee # 198 is properly classified as an enemy combatant was unanimous.

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.


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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 198

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. GRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #7

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

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

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

MEMBERS:

[REDACTED] Colonel, U.S. Army; President

[REDACTED], Commander, JAGC, U.S. Navy; Member (JAG)

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

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

15 November 2004

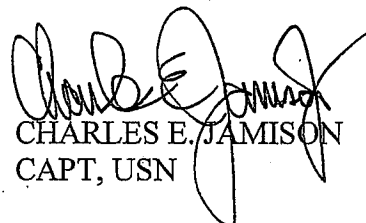
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 198

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #7

(U) ISN#: 198

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

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

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

2. (U) On 1 November 2004, the Tribunal determined by a preponderance of the evidence that Detainee #198 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, Taliban forces, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Colonel, U.S. Army
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #7
ISN #: _____ 198

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Taliban forces. 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 held this hearing on 1 November 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee is a member of the Taliban; the detainee traveled to Afghanistan in March 2001 to fight the Jihad; the detainee stayed at Taliban safe houses; the detainee's travel to Afghanistan was arranged by the Taliban; the detainee stayed at the Taliban embassy in Pakistan; the detainee was issued a Kalashnikov at the "AMR" center; the detainee was a guard at the "AMR" center for the Taliban; the detainee was in Afghanistan during the U.S. bombing campaign; the detainee fled to the Tora Bora Mountains in December 2001; and the detainee, along with a large group of Arabs who had fled Afghanistan, was arrested by the police in Pakistan. The Recorder called no witnesses.

The detainee initially participated actively in the Tribunal proceedings. When asked questions regarding the Tribunal process, the detainee stated that he understood and had no questions. Following the Recorder's request for a closed session to provide classified evidence relevant to the detainee's status, the detainee stated he no longer wished to make a statement. He stated that there remained no reason for him to participate, since he could not see all the evidence against him. He did, however, indicate that the Personal Representative had information available from their meetings to respond to some of the allegations (as outlined on the Detainee Election Form, Exhibit D-a). When the detainee was provided an opportunity to directly respond to each of the nine allegations in Exhibit R-1, the detainee answered "I don't have any response" to every allegation. The detainee also would not answer any questions posed by the Tribunal. The Tribunal President gave the detainee multiple opportunities to testify, all of which he declined. What unsworn testimony the detainee did provide, together with the detainee's statements read into the

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ISN# 198
Enclosure (1)
Page 1 of 3

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record by the Personal Representative, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence and called no witnesses.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-9 without comment. The Personal Representative presented no classified evidence, but did comment on the classified exhibits. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-9 and D-a.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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 Tribunal considered the following unclassified evidence in making its determinations:

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

b. As noted in paragraph 2, above, the detainee allowed the Personal Representative to make a statement on his behalf, which the Personal Representative did by reading comments from the Detainee Election Form (Exhibit D-a). Afterwards, the detainee declined to answer questions posed by the Tribunal Members. In sum, the

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Enclosure (1)
Page 2 of 3

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detainee felt that he could not defend himself unless he was granted access to the classified evidence. The Personal Representative stated that he never fought against the U.S., and that he was with the Taliban before they fought the U.S. or the Northern Alliance. He also stated that he was not a guard at the Omer camp, but just one of the people who was sitting around and waiting. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). The Tribunal found the detainee's testimony unpersuasive when considered together with the classified evidence. A discussion of the classified evidence is found in the CSRT Decision Report Enclosure (2).

6. Consultations with the CSRT Legal Advisor

None.

7. Conclusions of the Tribunal

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and participated in the hearing whenever he deemed it in his best interests to do so.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

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ISN# 198
Enclosure (1)
Page 3 of 3

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process.

Tribunal President: Mohammed Ahmed, do you understand this process?

Detainee: (responded by nodding head) Yes.

Tribunal President: Do you have any questions concerning the Tribunal process?

Detainee: (responded by shaking head) No.

Tribunal President: Can you please respond by saying yes or no?

Detainee: No (referring to the previous question).

The Personal Representative submitted the Detainee Election form (Exhibit D-A) into evidence.

Tribunal President: I would like to make note that on the Detainee Election form, the Personal Representative made the responses to the Unclassified Summary. Is that correct?

Personal Representative: Yes, ma'am.

Tribunal President: Mohammed Ahmed, will these responses also be stated again during the Tribunal?

Detainee: The Personal Representative will speak about these.

Personal Representative: The summary of our interview notes are included in his Detainee Election Form, but he has decided this morning that he would like to make a statement.

Tribunal President: Mohammed Ahmed, is that satisfactory to you?

Detainee: Yes.

The Recorder submitted the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder submitted Exhibit R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President: Mohammed Ahmed, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: I do not wish to make a statement because there's no use in making a statement or defending myself.

Tribunal President: Would you like the Personal Representative to review the information that is on the Detainee Election Form? These are statements that you may have made to him during an interview. These statements look like they are responses to some of the allegations.

Detainee: I have many statements and evidence and information that I could present, but there is no use in presenting them because you have classified information that I cannot see or look at to defend myself against them. There is no point me saying anything.

Tribunal President: Mohammed Ahmed, this is an opportunity for you to respond to the allegations that are being presented right now. We have not had the opportunity to look at the classified information. This Tribunal is obligated to review all of the evidence that is presented to us; that includes any statements or responses that you may have to the Unclassified Evidence.

Detainee: Some of the statements that I have presented are available with the Personal Representative. Some of them are. If you have a closed classified session after this and you wish to call me to answer those allegations, then I will.

Tribunal President to Personal Representative: Okay, then why don't we go through the responses to some of these allegations or any statements that you may have seen, that you may have received from Mohammed during an interview.

Detainee: I can't respond to allegations like this. You have to give me all of the allegations that you have. I need to see everything that you have against me, so that I am able to answer all of them.

Tribunal President: Personal Representative, with your assistance in going through the allegations on the Unclassified Summary, and then Mohammed, you can respond to each of those allegations if you wish to do so.

3.1. The detainee traveled to Afghanistan in March 2001 to fight the Jihad.

Detainee: I don't have any response.

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3.2. *The detainee stayed at Taliban safe houses.*

Detainee: I don't have any response.

3.3. *The detainee's travel to Afghanistan was arranged by the Taliban.*

Detainee: I don't have any response.

3.4. *The detainee stayed at the Taliban embassy in Pakistan.*

Detainee: I don't have any response.

3.5. *The detainee was issued a Kalashnikov at the "AMR" center.*

Detainee: I don't have any response.

3.6. *The detainee was a guard at the "AMR" center for the Taliban.*

Detainee: I don't have any response.

3.7. *The detainee was in Afghanistan during the U.S. bombing campaign.*

Detainee: I don't have any response.

3.8. *The detainee fled to the Tora Bora Mountains in December 2001.*

Detainee: I don't have any response.

3.9. *The detainee, along with a large group of Arabs who had fled Afghanistan, was arrested by the police in Pakistan.*

Detainee: I don't have any response.

Tribunal President: Mohammed Ahmed, would you like to add anything to the comments or the allegations that were read?

Detainee: Add what evidence?

Tribunal President: Any other comments or evidence or any explanation to...

Detainee: Like I said, I do have statements and information and evidence. But, if there is classified information that I cannot see, then there is no use.

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Tribunal President: That is correct, there is classified evidence that you are not able to see. But, this is your opportunity to make a statement based on the allegations that were presented to you during your interview. If you choose not to make any comments, then we will go on with the Tribunal process.

Detainee: I don't have anything, but the Personal Representative has some statements, if he would like to present them.

Tribunal President: Personal Representative, would you present the statements that were on the Detainee Election Form?

Personal Representative: Yes ma'am. I did want to just say that during our interviews, Mohammed Al Asadi had been very cooperative and I think he exhibited very good behavior during those interviews. He explained that he had never fought against the U.S., but that he was with the Taliban before they fought against the U.S. or the Northern Alliance. He believed that one point of evidence for him would be to confirm that the dates of his travels would show that he had traveled from Yemen approximately four months prior to September 11th. From Yemen to Pakistan. That's that I would like to add.

Tribunal President: Personal Representative, do you have any questions for the Detainee?

Personal Representative: No, ma'am, I do not.

Tribunal President: Recorder, do you have any questions for the Detainee?

Recorder: No, ma'am.

Tribunal President: Do any Tribunal members have any questions for the Detainee?

Tribunal Member: Yes, ma'am. How did you get from Yemen to Pakistan?

Detainee: I don't have any responses to any questions.

Tribunal Member: I have one question for the Personal Representative. When you were going through, there was one additional thing on the Exhibit D-A that you didn't read and I just wanted to confirm that statement.

Personal Representative: Yes sir. I would like to add that with regard to the Unclassified Evidence in bullet six, Mohammed did mention that he was not a guard at the AMR camp, but that he was just one of the people who was there waiting.

Tribunal Member: You mentioned that he said, "confirm that dates of his travel from Yemen to Pakistan, four months prior to 9/11." Did he suggest how we confirm that?

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Personal Representative: Yes, sir. If I recall from my notes, he suggested that we get his passport, but it was not on file for his case.

Tribunal Member: Did he tell you that he had his passport when he arrived here?

Personal Representative: No, sir.

Tribunal President: Mohammed Ahmed, can you tell me what the AMR camp was?

Detainee: I clarified it to the Personal Representative.

Tribunal President: Personal Representative, did he clarify what the AMR camp was? What kind of camp it was?

Personal Representative: We brought up the question regarding the AMR camp and we were told by way of the translator that it was Omer not AMR. That was the extent to our discussions, I did not ask him about the camp.

Tribunal President: I understand.

Tribunal President: Was it your impression, Personal Representative, that there was a misspelling?

Personal Representative: It is my impression that it was a pronunciation or spelling issue, but in conferring with the Recorder, we were never able to pin down specifically what the difference was.

Tribunal President: Any other Tribunal Members have any other questions?

Tribunal Member: Again, for the Personal Representative. Going back to the question one of other Tribunal Members mentioned. Did the Detainee ask you to or ask us to obtain his passport as a document to be presented to the Tribunal?

Personal Representative: Sir, he brought the fact that he believed the dates in the passport would confirm that he had traveled to Pakistan before September 11th. So, I went to the area that holds the property, but they did not have a record of his passport.

Tribunal Member: Did he suggest that we should have his passport, or did he say it might be some place else? Did he give any idea of where the passport was?

Personal Representative: No sir. That was the extent of our discussion.

The Tribunal President confirmed that the Personal Representative had no further evidence or previously approved witnesses to present to the Tribunal.

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The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

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DETAINEE ELECTION FORM

Date: 26 October 2004

Start Time: 0840

End Time: 0930

ISN#: 198

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

Translator Required? YES Language? ARABIC - MODERN

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 #198 was briefed on the CSRT process and he has elected to participate in his Tribunal. He will make a verbal statement. When asked if he could think of any witnesses to support his case, he replied no. The detainee acknowledged that he understood me through the interpreter and he was very eager to listen to my explanation of the CSRT process. He appeared very thoughtful and was respectful with his questions and statements. I read the unclassified evidence to the detainee and then the detainee elected to read the translated (Arabic) version as well. Detainee #198 explained that he never fought against the US. He explained that he was with the Taliban before they fought against the US or Northern Alliance. He believes that one point of evidence for him would be his time of travels and he would like us to confirm the dates and time of travel from Yemin to Pakistan, which he says was approximately 4 months prior to Sept 11, 2001. With regards to unclassified evidence bullet 6, detainee #198 stated that he was not a guard at the "Omer" camp (not "AMR") but just one of the people who was sitting around waiting.

In the final interview, the detainee elected to attend Tribunal but to not make a statement

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (07 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL ASADI,
Mohammed Ahmed Ali

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of the Taliban.

The detainee is a member of the Taliban:

1. The detainee traveled to Afghanistan in March 2001 to fight the Jihad.
 2. The detainee stayed at Taliban safe houses.
 3. The detainee's travel to Afghanistan was arranged by the Taliban.
 4. The detainee stayed at the Taliban embassy in Pakistan.
 5. The detainee was issued a Kalishnikov at the "AMR" center.
 6. The detainee was a guard at the "AMR" center for the Taliban.
 7. The detainee was in Afghanistan during the U.S. bombing campaign.
 8. The detainee fled to the Tora Bora Mountains in December 2001.
 9. The detainee, along with a large group of Arabs who had fled Afghanistan, was arrested by the police in 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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Exhibit R-1

Unclassified

Memorandum



To : Department of Defense Date 10/05/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

The following documents relative to ISN 198 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/20/2002

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

²See Executive Order 12958

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Exhibit R-2

Unclassified

unclassified

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/05/2004

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

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 04 November 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #198.

I have no comments.

My comments are attached.



Name

4 NOV 2004

Date



ISN #198
Enclosure (5)

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