

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RASHID ABD AL MUSLIH)
QA ID AL QA ID,)
Petitioner)
v.) Civil Action No. 05-454 (RMU)
GEORGE WALKER BUSH, *et al.*,)
Respondents.)

DECLARATION OF TERESA A. McPALMER

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

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director of the 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 Rashid Abd al Muslih Qa Id al Qa Id that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted in the attached documents. An OARDEC staff member redacted information that would personally identify U.S. Government personnel and foreign nationals in order to protect the personal privacy and security of those individuals. Finally, this individual removed pages 4 through 8 of Exhibit D-b, the untranslated statement of the detainee translated on pages 1 through 3 of Exhibit D-b, to protect information redacted in pages 1 through 3.

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

Dated: 15 July 2005

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0387

20 FEB 2005

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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 344

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 # 344 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)
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21 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 344

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 # 27 of 9 December 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of and actively participated in the Tribunal process. The detainee provided a sworn oral statement at the Tribunal hearing. He also provided a written statement to be read to the Tribunal by his Personal Representative.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-11 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested one witness, [REDACTED]. The detainee proffered that this witness, detainee [REDACTED] would provide information regarding their travel from Saudi Arabia, including the reasons for it and the timeline. The Tribunal President determined that this witness was relevant. However, the witness was hospitalized with a contagious disease and determined to be not reasonably available. In lieu of this testimony, the detainee requested that a transcript of detainee [REDACTED] Tribunal testimony be produced. This testimony was submitted to the Tribunal as exhibit D-c. In my opinion, the determination that detainee [REDACTED] was not reasonably available, and the substitution of detainee [REDACTED] testimony, was within the discretion of the Tribunal President and no corrective action is required.

During his testimony, the detainee also asked that the Tribunal look at medical records pertaining to his tooth as well as his behavior in confinement. The Tribunal President did

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 344

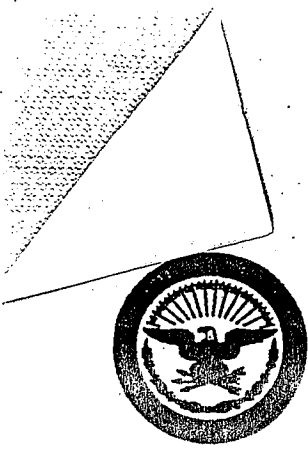
not treat this as a request for evidence. This should have been treated as a request for evidence, with a determination as to relevance and availability. Nevertheless, the detainee was not harmed by the failure to make a ruling. Neither medical records nor behavioral records have any relevance as to the detainee's status as an enemy combatant.

e. The Tribunal's decision that detainee # 344 is properly classified as an enemy combatant was unanimous. In my opinion, reasonable Tribunal members could have determined that the detainee is an enemy combatant based on the evidence presented to the Tribunal. I can find no reason to disturb this determination.

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

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #27

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

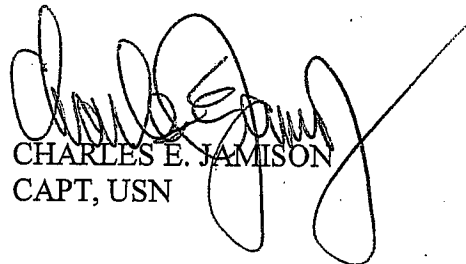
14 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 344

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: #27

(U) ISN#: 344

Ref: (a) Convening Order for Tribunal #27 of 9 December 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

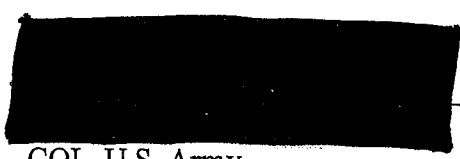
Encl: (1) Unclassified Summary of Basis for Tribunal Decision (U//~~FOUO~~)
(2) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) Summary of Detainee/Witness Testimony (U//~~FOUO~~)
(4) Copies of Documentary Evidence Presented (S//NF)
(5) Personal Representative's Record Review (U)

(U) This Tribunal was convened on 16 December 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

(U) The Tribunal has determined that Detainee #344 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida, 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).



COL, U.S. Army
Tribunal President

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

TRIBUNAL PANEL: _____ #27

ISN #: _____ 344

1. Introduction

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee The Detainee is associated with al Qaida. On 29 Sep 2001, the detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 03 Oct 2001. The Detainee traveled with two associates from Saudi Arabia. The Detainee and both of his traveling companions, [REDACTED] and [REDACTED] traveled to carry out charity work in conjunction with a Saudi charity, ((al-ighatha al-khairia)). Al Ighatha is a large Saudi NGO with field offices worldwide, many of which are staffed by or support terrorists or mujahidin. The NGO is Linked to al-Qaida and other extremist NGOs. [REDACTED] was on a list of al Qaida mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safehouses. The Saudi government designated [REDACTED] as a priority target and lists him on the "watch and arrest list" for travel to Afghanistan. The Saudi government designated detainee as a priority target and put him on a watch and arrest order. The Detainee was captured by Pakistani forces when he attempted to cross the border from Afghanistan.

The Detainee chose to participate in the Tribunal process. He called one witness, requested one document be produced, and made an oral, sworn statement. The Detainee, in his oral statement, denied being a Taliban member. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a thru D-c, R-1 through R-21
- 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 the following witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	not reasonably available	no*

* The Detainee proffered that the expected testimony of this witness would center on the reasons for and timeline of their travel. Additionally, this witness would state that they traveled in support of relief efforts and not for reasons of hostility. Therefore, based on this expected testimony the Tribunal President ruled that this witness would be relevant and was therefore approved. However, this in-camp witness became ill and was hospitalized with a contagious disease. The Detainee requested that the Tribunal be held as scheduled but that he would be allowed a document to submit in lieu of this witness' testimony.

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Copy of ISN [REDACTED] Tribunal Transcript	reasonably available	yes

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 had a wife and four children and worked for the Saudi Arabian government as a principal. The Detainee stated that he had a bachelor's degree in Geography and had been a teacher of Social Studies. He and his friend left Saudi Arabia headed for Iran to distribute money to Afghan refugees. The Detainee stated that first they went to Syria to get his friend's teeth fixed. Then from Syria, they flew to Iran. When they arrived in Iran, they were told that the refugees were actually in Afghanistan so they crossed the border and went to the

refugee camp near Herat. The Detainee said that they didn't do this with any organization, they did this on their own. They distributed the money and then tried to return to Iran but the border was closed. They stayed in the hotel for a month and a few days but then decided to try to leave the country by going to the Pakistani border. They went to Kandahar and then headed to the border crossing at Quetta, Pakistan. While the Detainee had a valid passport, he did not have a visa to enter Pakistan. When they arrived in Pakistan, they turned themselves in to the Pakistani police and were told that they would be taken to the Saudi Arabian embassy. Instead, the police took them to prison.

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. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



COL, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 and 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 stated that the detainee wants to participate and has requested one in camp witness. The in camp witness was [REDACTED]

Detainee: [REDACTED]

Tribunal President: Thank you. This witness we did approve, but due to his medical condition, he will not be here today. In lieu of the witness being here, you requested a piece of documentary evidence. This evidence was the transcript of the testimony provided during the unclassified portion of this particular witness. As such, this is approved and the Personal Representative will provide it to the tribunal during the classified portion of this hearing.

Rashid Abd Al Muslih Qa'id Al Qa'id, you may now present any evidence to the tribunal, and you have the assistance of your Personal Representative in doing so. Do you wish to present information to this tribunal, and would you like to make statement under oath?

Detainee: I want the P.R. to give it to you.

Tribunal President: And he's going to read it. Do you wish to take an oath, so, that when we ask you questions later, you can say that you answered them truthfully?

The Reporter administers the Muslim oath to the detainee.

The Personal Representative, per the request of the detainee, will present the tribunal with the written statement, and will read it aloud as well. It will be marked as Exhibit D-b.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. *The detainee is associated with Al Qaida.*

3.a.1. *On 29 September 2001, the detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 3 October 2001.*

Detainee: (As read from statement by the Personal Representative) The detainee wrote, I don't have any relation not far or up close with the Al Qaida or any another organization. The evidence for that, myself and other two persons traveled there. Our occupation is teachers for the public schools, which is under the Ministry of Education for the Saudi Government. We traveled for humanitarian purposes and we were still employed. We left for a short vacation just to deliver that mere mission. You can go back and check our job folders. You'll find that clear. Seventeen years I worked in an education field and never left al-Jouf regions throughout the past period of time, in seventeen years. How will I have connections with any organizations when I never left my job at all?

We did not intend to travel to Afghanistan, but we intended to go to Iran. Because we heard from news agencies that there are a lot of refugees on the Iranian border, we rushed to relieve them. We never traveled to Iraq as you pretense. That is not right. How can we travel to a country that Saudi Arabia doesn't have a diplomatic relations with? You know that is very good and you know what happened to Iraq in the past period of time. Iraq and its government was isolated. Also, you can check our passports. There is no Visa to go to Iraq. Our goal was to travel via Syria to get treatment for our teeth, which cost less than it does in Saudi Arabia. Plus, that way there's a shortcut to Iran and our city is close to Jordan and Syria, which costs less too. When we arrived in Iran, they told us that the refugees are inside the Afghanistan border. We were forced to enter Afghanistan. We had to use or passports both times entering and leaving Afghanistan through the Iranian borders. But, after we delivered contribution to the refugees in the village on the border of Iran and Afghanistan, we came back after three or four days. The Iranian border officials refused to give us permission to do so, alleging that the borders are closed. We tried many times, but no luck. My friend [REDACTED] called his brother to help us. We waited on the border in a hotel for one month and several days. I want you to know that we could cross the borders to Iran in an unlawful day. An offer was given to us from some clerks with the Iranian border police and also two smugglers. We preferred not to.

3.a.2. The detainee traveled with two associates from Saudi Arabia.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, I traveled with my two friends [REDACTED] and [REDACTED], yes. I traveled with them where I found that they had the same goal that I had, which was to deliver humanitarian aid to the needy, personally, according to our religion. It is more requital, especially in Ramadan. By doing this, I don't think that makes us members with al Qaida organization or any other organizations. Traveling to help refugees is a charge? It doesn't make sense.

3.a.3. The detainee and both of his traveling companions, [REDACTED] and [REDACTED] traveled to carry out charity work in conjunction with a Saudi charity, ((al-ighatha al-khairia)).

Detainee: (As read from statement by the Personal Representative) The detainee wrote, I don't have anything to do with that organization. Nor my friends. They work for the

Ministry of Education as teachers. But they do cooperate with two Saudi organizations inside Saudi Arabia in the boundary of al-Jouf region. These two organizations are under supervision of Internal Ministry of Saudi Arabia government. Their cooperation is in support of orphans inside and outside of Saudi, one named al-Harmain, is who [REDACTED] cooperates with, and the other named Islamic al-Igatha al Khairia, is who [REDACTED] cooperates with.

3.a.4. Al Ighatha is a large Saudi NGO with field offices worldwide, many of which is staffed by or support terrorists or mujahidin. The NGO is link to Al Qaida and other extremist NGO's.

Detainee: Response is same as point number three.

3.a.5. [REDACTED] was on a list of al Qaida Mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safehouses.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, from my personal knowledge, [REDACTED] has no relation with al Qaida or any other organization. My evidence is that he works for the Public Administration of the Ministry of Education for the Saudi Arabian government and he is still employed. You can check his folder. He has been employed for more than ten years and never has left the area. He never joined any military training, and he is under superintendent of his country. How can you accuse him of this untrue accusation? I know he is a good man and if he weren't, the government of Saudi Arabia would never put faith in him to educate their sons. And, in your allegation that his name is found on a computer belonging al Qaida, it is not right. Maybe there is a similar name to his name. You have to look to his incomplete and his mother's name too. When were people kidnapped from streets and cities and accused with false accusations. We are in the twenty first century and the laws forbid that.

3.a.6. The Saudi government designated [REDACTED] as a priority target and lists him on the "watch and arrest list" for travel to Afghanistan.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, If this accusation to brother [REDACTED] is correct, he will never have a passport. I want to tell you that my brother [REDACTED] crossed the border from Saudi Arabia to Jordan in an official way. If my brother [REDACTED] was on arrest list, the Saudi Government will never have let him go. He met with Saudi delegation in Cuba more than once and they never mentioned that to him. There is a diplomatic relation between Saudi Arabia and Afghanistan- there is no problem to any citizen to travel to Afghanistan for humanitarian purposes. I want you to know that Saudi Arabia deals with great precaution in the matter of issuing passports. There is no forged passports or selling them like in other countries.

3.a.7. The Saudi government designated the detainee as a priority target and put him on a watch and arrest order.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, this is not right. I left in an official way with a passport and if there was such thinking, they will arrest me at the border with Jordan. I met with a Saudi delegation three times in Cuba and they never mentioned that to me. Also, they said to me that there is nothing against you. You traveled to Afghanistan for a good purpose. Traveling to Afghanistan is not a crime. There are no forged passports or selling them like in other countries.

3.a.8. The detainee was captured by Pakistani forces when he attempted to cross the border from Afghanistan.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, we were not arrested by Pakistani forces, but when we crossed Pakistan borders we gave our passports to the Pakistani police to give us a Visa. They promised to do that. They said that they would give us a ride to the embassy of Saudi Arabia. We were very happy. If we were accused by our government, we would never accept that. This is more proof that we are innocent from all charges that we have been charged with. Our government knows we are not criminals or terrorists. We never supported terrorist acts. Handing us to the Americans was not because of a charge to be criminals or terrorists but the reason behind is the money paid for every single head handed to the American intelligence. That is what happened truly, but we are very respectful people in our country. We work in an education field working hard to raise generations.

We want to emphasize that we have been kind to the people, and our history speaks for us. We don't agree with the killing of innocent peoples or attacking others because of their skin, religion, race, and color. As long as they are human beings they have the right to live. All religions forbid aggression to others, killing women, children, and old people. We hope that you on the board will look at our case in an objective and right justice. Particularly, you swear to do that. I want you to know that square deal is the basic of rule.

Personal Representative: That completes the detainee's statement.

Tribunal President: Is there anything else you'd like to add?

Detainee: No.

Tribunal President: At this time, we may have some questions for you. Will you be willing to answers the questions?

Detainee: Yes.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Did you actually get teeth worked on in Syria?

A. No, I didn't, but I was thinking on my way back to do that. But, they took care of my tooth here, and that is it.

Q. Did you drive a private automobile or take a train, or fly? How did you travel?

A. We traveled by car from Saudi Arabia to Jordan to Syria. Then, we took an airplane from Syria to Iran.

Q. Did you take any supplies or equipment with you?

A. No.

Q. Did someone pay for your travel?

A. I paid myself.

Q. As far as working for a charitable organization, what is it that you plan to do?

A. I have never been part of any charity organization. But my friends, the ones that traveled with me, as I said in my statement, they have some relation with two charity organizations. What I did was that I decided to do it by myself and I paid for it. There is no other side I have any relation with what I did.

Q. Why did the three of you choose Afghanistan?

A. Because, we heard that there were some refugees getting inside there.

Q. If the refugees were in Iran, why would you not go to Iran?

A. We heard from the news that the refugees are inside there, and we went to find out, but they are not, they are still in Afghanistan, but very close to the border of Iran.

Q. What subject do you teach in school?

A. Social (Studies).

Q. Can you describe what education you have? High school?

A. Bachelor's degree.

Q. In what subject?

A. Geography.

Q. While you were in Afghanistan, did you see any fighting at all?

A. No, we were on the border close to Iran.

Q. Where did you spend your nights? The follow up question, I'll give to you now is, did you stay in any homes and if so, were there any weapons in those homes?

A. No, I didn't see any.

Q. Where did you stay, specifically?

A. For three or four days, we were in a village close to a border with Iran. After we finished distributing the charities, we went back to the Iran border to get to Saudi Arabia. We found out that there's no way we can cross the borders. We spent a month and some days in a hotel.

Q. It says you were captured by Pakistani forces. This doesn't say where, the border is a big border; can you give me some insight where you were captured?

A. I don't like to say. I wasn't a criminal, or we didn't cross the border and (inaudible). I don't remember exactly where. All that I remember it's close to the city of Qota, because they took us to the Qota-i prison.

Q. I'm not sure where Qota-i is. Is it south? If you look at the border, there is a southern border and an eastern border with Pakistan. Is it the southern border or eastern border?

A. I'm not familiar with that area. It's my first time going there. All that I know is that they took us to the Qota-i prison and we stayed there for two months. In general, all this information, all these questions, you are asking me -- it is with the Pakistani officials.

Q. The two people that traveled with you, are they both kept here?

A. Yes.

Q. How long have you known [REDACTED] and [REDACTED]?

A. Three years, more than before I left.

Q. Do you have any military training?

A. Never.

Q. Do you speak or understand English?

A. No.

Q. Question #8, there was a statement that says we do not agree with the killing of innocent people. What about the killing of infidels?

A. I don't agree with killing. I live all my time with the kids at schools.

Q. And I just wanted to clarify one thing with question #3; he says he had nothing to do with the charity organizations. And the next sentence states, nor my friends, but then it says at the end of the statement he acknowledges that his friends did in fact work for the charity. I just want to understand if they did or didn't.

A. For myself, I don't have relations with any of them. I mentioned that during the interrogation. What I meant was that they didn't have any "official" relation with those two charities. Not as a job, they are teachers, and yes they dealt with them, not as a clerk working there. They work for the Saudi Arabian government. When they worked with those organizations there's no salary, it's all volunteer.

Q. Are you married?

A. Yes.

Q. Do you have children?

A. Yes.

Q. What ages are they?

A. I forget their birthdays, but I can tell you approximately. The older one, she's a girl, 11 years old, a son, 9 years old, another son, 6 years old, and a son, maybe 4 or 5 years old.

Q. As far as [REDACTED] and [REDACTED] please describe how often you saw them. For example, how close were you? Were you social friends? Did you see each other once a week, twice a week?

A. [REDACTED] I don't have that good of a relation; not that tight of a relation with him. I saw him twice. [REDACTED] I have some relation with him.

Q. Would you, for example... I know since you are a teacher, you see the other teachers on a professional basis, but with [REDACTED] if you have a social relationship, would you describe it? Is it fairly close? Would you discuss politics and ideology?

A. Never. We only talk about problems with the education system or if we have any problems. Where I live, there are a lot of farms; we talk about farming, or any family problems.

Q. You said you went to Afghanistan on 29 September 2001; I just wanted to ask when is school in session in Saudi Arabia?

A. Yes, it was in session.

Q. School is in session at that time? Were you not needed as a teacher?

A. At that time, I was the principal and I have an assistant, and I left him in charge of the school.

Q. When you were in Qandahar, or any other time, do you recall either [REDACTED], or [REDACTED] meeting with individuals that you didn't know?

A. No.

Tribunal President's questions.

Q. You indicated that the Saudi Government sponsored the school where you taught.

A. Yes.

Q. What type of screening did they do for their teachers? Do they perform background checks, that sort of thing?

A. There are three things that they check. Your license, what degree you have, in what subject; and there's a government piece of paper you have to present that tells whoever hires him that he is a good man, good behavior; and the third thing, every area (Saudi Arabia) there is somebody in charge to tell the government how this guy behaves in the community.

Q. Am I safe to assume that your wife didn't work?

A. She worked.

Q. I was just wondering, with the wife and four kids, I know in the United States, they don't pay teachers all that well, and I was curious whether they paid you well enough to have a surplus?

A. Do you want to know in dollars? The Saudi government, they pay \$4,000 (USD) a month.

Q. In Saudi money?

A. Yes. Do you want to know how much in Saudi money? In Saudi money, it's \$13,000.

Q. What type of assistance were you planning to provide the refugees?

A. Money, which can help them with their daily expenses.

Q. I'm just curious, I'm assuming that they needed things like food and clothes, and that sort of thing...

A. I'll give them the money, and they will go and do whatever. Buy clothes, food whatever is necessary for them.

Q. I noticed that you entered Afghanistan near the Iranian border, and then ultimately left Afghanistan near the Pakistani border. How did you get from the Iranian border to the Pakistani border? Where else in Afghanistan did you go?

A. I started at the border of Iran and Afghanistan by renting a car. Then, the same way, we rented a car from Afghanistan to Pakistan border.

Q. I guess my question is, did you go to any major cities or did you simply go along the border? How did you get from point A to point B in Afghanistan?

A. Yes, we passed Kandahar. We reached Kandahar at night and we spent the night there. There is lodging, food, and supplies there, like a motel. In the morning, we continued on to Pakistan.

Tribunal President: Personal Representative, do you have any other evidence or does the detainee have any other previously approved witnesses to present to this tribunal?

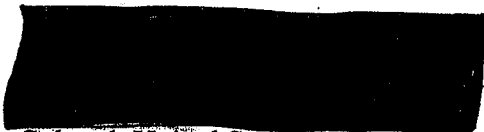
Personal Representative: Yes Ma'am, I have. As stated on the detainee admission form, I would like to submit the transcript of his witness's tribunal during the closed session.

Detainee: I want you to look at that statement from [REDACTED] my friend he gave before in his tribunal. Also, if it's possible, if you can look at my records when they took care of my tooth. Also, I want you, if it's possible, if you can, to look at my behavior while I have been here, with the detainees--or any other military confinement. That's what will prove to you, that I'm not violent, and I don't believe in violence, as they accuse me to me, a member of al Qaida.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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

A large black rectangular redaction box covers the signature of the Tribunal President.

Colonel, United States Army
Tribunal President

DETAINEE ELECTION FORMDate: 15 Dec 04Start Time: 0930End Time: 1015ISN#: 344Personal Representative: [REDACTED] LT COLTranslator Required? YES Language? ARABICCSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES**Detainee Election:**

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

Personal Representative Comments:

Detainee requests PR submit his written statement to the Tribunal in lieu of verbally addressing each point of evidence. Additionally, he will verbally respond to all questions asked.

Has indicated he will take the oath.

Detainee requested one (1) in-camp witness. In-camp witness is ISN [REDACTED]. This witness was approved but could not participate due to medical issues. Detainee requested that his Tribunal proceed without witness testimony.

Detainee requested as documentary evidence:

1. The transcript of testimony provided during the unclassified portion of ISN [REDACTED] Tribunal. The Detainee was a witness for ISN [REDACTED].
2. A written statement ISN [REDACTED] provided to the Tribunal in response to a Tribunal member question.

Detainee changed his mind during an interview just prior to his Tribunal.

Personal Representative: [REDACTED]

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (30 Sep 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL QA'ID, Rashid Abd Al Muslih Qa'id

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.

The detainee is associated with al Qaida.

1. On 29 Sep 2001, the detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 03 Oct 2001.
2. The detainee traveled with two associates from Saudi Arabia.
3. The detainee and both of his traveling companions, [REDACTED] and [REDACTED], traveled to carry out charity work in conjunction with a Saudi charity, ((al-ighatha al-khairia)).
4. Al Ighatha is a large Saudi NGO with field offices worldwide, many of which are staffed by or support terrorists or mujahidin. The NGO is Linked to al-Qaida and other extremist NGO's.
5. [REDACTED] was on a list of al Qaida mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safehouses.
6. The Saudi government designated [REDACTED] as a priority target and lists him on the "watch and arrest list" for travel to Afghanistan.
7. The Saudi government designated the detainee as a priority target and put him on a watch and arrest order.

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8. The detainee was captured by Pakistani forces when he attempted to cross the border from Afghanistan.

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

UNCLASSIFIED

~~Unclassified~~

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/29/2004

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

[REDACTED] or Intelligence Analyst (IA)

IA

~~Unclassified~~

ISN 344 Passport/travel dates

13May04

14 Apr 1998 exit SA
16 Apr 1998 exit Jordan
16 Apr 1998 enter SA
14 May 1998 enter Jordan
23 Feb 1999 entered SA
25 Mar 1999 enter Jordan
21 May 1999 enter Jordan
29 Sep 2001 exit SA
29 Sep 2001 enter Jordan
30 Sep 2001 exit Jordan
30 Sep 2001 enter SY
1 Oct 2001 exit SY Damascus airport
2 Oct 2001 enter IR
3 Oct 2001 exit IR at AF border

EXHIBIT R-3

PAGE 1 OF 1

**ISN 344 Statement
4 Dec 2004**

The detainee is associated with al Qaida.

1. On 29 Sep 2001, the detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 03 Oct 2001.

I don't have any relation, not far or close, with al Qaida, or another organization. The evidence for that, myself and other two persons traveled with. Our occupation is teachers in public schools, which is under Ministry of Education for the Saudi government. We traveled for humanitarian purposes and were still employed. We left for a short vacation just to deliver that mere mission. You can go back and check our job folders. You will find that clear. Since seventeen years I worked in an education field, never left al-Jouf region throughout the past period of time (17 years.) How will I have connection with any organization when I never left my job at all?

We did not intend to travel to Afghanistan, but we intended to go to Iran. Because we heard from news agencies that there is a lot of refugees on the Iranian Border we rush to relieve them. We never traveled to Iraq as you pretense – this is not right. (How can we travel to a country that Saudi Arabia doesn't have diplomatic relations with? You know that is very good and you know what happened to Iraq in the past period of time. Iraq and its government were isolated. Also, you can check [our] passports. There is no VISA to go to Iraq. Our goal was to travel via Syria to get treatment for our teeth, which cost less [than in Saudi Arabia.] Plus that way is a short cut [to Iran] and our city is close to Jordan and Syria, which cost less too. When we arrived in Iran, they told us that the refugees are inside Afghanistan border. We were forced to enter Afghanistan. We used our passports in both times entering and leaving Afghanistan from Iranian borders. But after we deliver contribution to the refugees in the village on the border of Iran and Afghanistan we came back after three or four days. Iranian [border officials] refused to give us permission to do so.

Alleging that the borders are closed, we tried many times but no luck. My friend [REDACTED] called his brother to help us. We waited on the border in a hotel for one month and several days. I want you to know that we could cross the border into Iran in an unlawful way. An offer was given to us from some clerks with Iranian border police and also from two smugglers. We preferred not to.

2. The detainee traveled with two associates from Saudi Arabia.

I traveled with my two friends, [REDACTED] and [REDACTED] yes. I traveled with them where I found they have same goal that I have which was to deliver humanitarian aid to the needy, personally, according to our religion. It is more requital especially in Ramadan. By doing this, I don't think that makes us members with al Qaida organization or any other organizations. Traveling to help refugees is a charge - it doesn't make sense.

3. The detainee and both of his traveling companions, [REDACTED] and [REDACTED] traveled to carry out charity work in conjunction with a Saudi charity, ((al-ighatha al-khairia)).

I don't have anything to do with that organization. Nor my friends, they work for the Ministry of Education as teachers. But they cooperate with two Saudi organizations inside Saudi Arabia in the boundary of al-Juof region. Those two organizations are under supervision of internal ministry of Saudi Arabia government. Their cooperation is in support of orphans inside

and outside of Saudi, one named al-Harain [REDACTED] cooperates with and the other one named Islamic al-Igatha al Khairia which [REDACTED] cooperates with.

4. Al Ighatha is a large Saudi NGO with field offices worldwide, many of which are staffed by or support terrorists or mujahidin. The NGO is Linked to al-Qaida and other extremist NGO's.

[Same as #3 above.]

5. [REDACTED] was on a list of al Qaida mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safehouses.

For my personal knowledge, [REDACTED] has no relation with al Qaida or any other organization. My evidence is he works for the Public Administration at the Ministry of Education for Saudi Arabian government and he still employed. You can check his folder. He has been employed for more than ten years. Never left the area. Never joined any military training and he is under superintendent of his country. How do you accuse him by this untrue accusation? I know he is a good man and if he wasn't, the government of Saudi Arabia would never put faith in him to education their sons. And in your allegation that his name is found in a computer belonging to al Qaida it is not right. Maybe there is a similar name to his name you have to look to his incomplete and his mothers name too. When were people kidnapped from streets and cities and accused with false accusations. We are in the twenty first century and the laws forbid that.

6. The Saudi government designated [REDACTED] as a priority target and lists him on the "watch and arrest list" for travel to Afghanistan.

If this accusation to brother [REDACTED] is correct he will never have a passport. I want to tell you that my brother [REDACTED] crossed the border from Saudi Arabia to Jordan in an official way. If my brother [REDACTED] was on arrest list, the Saudi Government will never have let him go. He met with Saudi delegation in Cuba more than once and they never mentioned that to him. There is a diplomatic relation between Saudi Arabia and Afghanistan – there is no problem to any citizen to travel to Afghanistan for humanitarian purposes. I want you to know that Saudi Arabia deals with great precaution in the matter of issuing passports. There is no forged passports or selling them like in other countries.

7. The Saudi government designated detainee as a priority target and put him on a watch and arrest order.

This is not right. I left in an official way with a passport and if there was such a thinking, they will arrest me at the border with Jordan. I met with a Saudi delegation three times in Cuba and they never mentioned that to me. Also, they said to me that there is nothing against you. You traveled to Afghanistan for a good purpose. Traveling to Afghanistan is not a crime. There are no forged passports or selling them like in other countries.

8. The detainee was captured by Pakistani forces when he attempted to cross the border from Afghanistan.

We were not arrested by Pakistani forces. But when we crossed Pakistan borders we gave our passports to the Pakistani police to give us a Visa. They promised to do that. They said that they will give us a ride to the embassy of Saudi Arabia. We were very happy. If we were accused by our government we would never accept that. This is more proof that we are

innocent from all charges we have been charged. Our government knows we are not criminals or terrorists. We never supported terrorist acts. Handing us to the Americans [was not because of] a charge to be criminals or terrorists but the reason behind is the money paid for every single head handed to the American intelligence. That is what happened truly, but we are very respectful people in our country. We work in an education field working hard to raise generations.

We want to emphasize that we have been kind to the people and our history speaks for us. We don't agree with the killing of innocent peoples or attacking other because of their skin, religion, race, and color. As long as they are human beings they have the right to live. All religions forbid aggression to others, killing women, children, and old people. We hope that you [on the board] will look at our case in an objective and right justice. Particularly you swear to do that. I want you to know that square deal is the basic of rule.

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As the Tribunal President was stating the Convening Authority, the Detainee made the following unsworn statements:

I am not an enemy combatant. I never carried a weapon or fought against the United States.

The Tribunal President asked the Detainee to hold his comments and he will be provided an opportunity to present his information in a few minutes.

Do I have a right to reply to all of the words that have been said against me? I know that about court, that people can defend themselves.

The Tribunal President stated the Detainee would have a chance to reply, but there were some administrative steps that must be completed first.

As the Recorder started reading the Unclassified Summary, 3(a), the Detainee stated it was not true. The Recorder continued with the Unclassified Summary without further interruption.

Tribunal President: Referencing D-a, you chose to participate in this tribunal and you requested three witnesses. One is a Detainee and will be here later. You requested two non-detainee witnesses and stated they would testify about your travel to Pakistan and you used your work vacation to assist refugees fleeing Afghanistan. This Tribunal panel has determined those witnesses to not be relevant.

Detainee: How can they not be relevant when they are witnesses to the truth and they are relatives?

Tribunal President: Basically, we look for your actions and what you did in Afghanistan, in particular, and unless they were right there with you, they can't determine that.

Detainee: But they knew before...they knew I was going there.

Tribunal President: Unfortunately, that just shows intent.

Detainee: I also spoke to them on the telephone.

Tribunal President: As far as that statement, you are here today to provide us with your actions and we will accept that.

Detainee: I didn't have any activities in Pakistan; only the border with the refugees. I don't know anything about Afghanistan.

Tribunal President: Just for your knowledge, the only thing we have seen about you, so far, is the Unclassified Summary.

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ISN [REDACTED]
Enclosure (3)
Page 1 of 18

Exhibit D-c
2330

Detainee: I will tell you the information that I've told the investigators before, but the information that I do not know, I cannot provide you with that.

Tribunal President: That makes sense. You may now present any evidence you have to this Tribunal and you have the assistance of your Personal Representative in doing so.

Detainee: Will the witness be here?

Tribunal President: He'll be here later; we want to hear from you first. Do you want to present information to this Tribunal and would you like to make your statement under oath?

Detainee: For sure. Are you going to believe in my oath?

Tribunal President: Certainly. If you take an oath, we will consider what you say to be true.

The Detainee was sworn.

Summarized Sworn Detainee Statement

I want you to know, by taking this oath; I will be judged to the end if I lie.

The Personal Representative assisted the Detainee in his statement by reading the points on the Unclassified Summary to the Detainee.

- **3(a)1 The Detainee traveled to Afghanistan from Saudi Arabia in late September 2001 via Jordan, Syria and Iran.**

I never traveled to Afghanistan and we never intended to travel there. We wanted to travel to Iran. After September 11 and after watching the news, that large population of refugees were pushed to the Iranian borders, so we went there to help aid them.

We traveled by vehicle from Jordan to Syria and from Syria to Iran by plane because it was cheaper and it was close to our area, which is Joff. It's close to the Jordan/Syrian border. Also, I went for a dental appointment in Syria.

When we got to the Iranian/Afghanistan borders, we asked about the refugees and immigrants. We were told they were on the Iranian/Afghani border. We thought they were inside Iran's border, but when we got to the border, the custom's man told us that the refugees were inside Afghanistan's border. They told us to enter Afghanistan to help the refugees and immigrants there.

After we offered help in some villages on the Iran border, we returned to the borders after three or four days and the Iranians did not allow us to enter Iran. We asked them if the borders were closed or open and were told to come back in a few days and we'd be able to leave and enter, with no problems.

We tried multiple times to enter Iran, but we were not successful. It appears to be due to prejudice; we were Sunni and they were Shiite. You know the conflict between the Sunni and Shiite Muslims. The immigrants and refugees were all Sunni. If the refugees were Shiite, we would have been allowed to enter without problems.

After trying and failing multiple times, I called my brother to help us. My brother told me to wait on the borders. We waited in a hotel on the Iran/Afghan border for a month and a few days. We were forced to go through Pakistan; it was the only way left for us to go.

The border police were telling us to go in an unofficial way, by bribing them. Also, a lot of smugglers offered us the same thing, a way to cross the border in an unofficial way for a bribe, for money. We strongly refused because we entered officially and we wanted to leave officially. We refused because we never worked that way before. That's what we get for being honest.

After that, we were forced to go through Pakistan, hoping to get back to our country. We had no other intent.

- **3(a)2 The Detainee reportedly traveled with an individual identified as another Detainee.**

Yes, my partner in travel is detained, just like me. That does not mean he was involved in any problems or something bad. We will find, in this prison, a lot of innocents who have no connections to terrorist activities. The Pakistani Intelligence sold us to you, even though we offered them our official passports, with our true names, to get an official permit to enter the country, through the Pakistani officials in the border office.

We never sought unlawful ways, even though we were offered, we strongly refused them. We entered all the countries officially, with our official passports, with our true names. That's what happens when you tell the truth, the tax for telling the truth.

- **3(a)3 The individual's name or alias is included on a list of Al Qaeda Mujahidin found on files recovered during a raid of Al Qaeda safehouses.**

If it is wanted, any organization can find the same names, but it could be another person. That alone, is not enough proof to prove it is the same person. But, if you

provide complete evidence, a complete name, the mother's name, pictures and other documents on the accused person.

My friend does not have any connection to this organization or other organizations. We consider those accusations to be false and you have no evidence to support them.

Personal Representative: I would like to clarify a few points. Point 2 says the Detainee traveled with another person, who is a Detainee. Point 3 says the individual's name appears on a list. It is not the Detainee's name, but the individual's name that appears on the list.

Detainee: The reply was for my friend, my partner that traveled with me, not for me.

Personal Representative: It was not the Detainee's name on...

- **3(a)4 The Detainee is associated with Al Haramain.**

I did not have anything [to do] with Al Haramain, work wise, but I am a teacher and I work with administrative (inaudible) in Saudi Arabia. You can contact Saudi Arabia to verify this. I am still a teacher in Saudi Arabia and I work in the education field.

There was a cooperation with the humanitarian organization to adopt some of the orphans in Bangladesh and help some of the poor and needy in my city and the surrounding cities.

I would offer clothing and food to that program and some food to the people fasting during Ramadan, because their situation was difficult.

- **3(a)5 Al Haramain is a non-governmental organization (NGO) with ties to Islamic terrorism.**

Al Haramain is an official governmental organization, registered under the administration of the government in the Kingdom of Saudi Arabia. It is officially registered and included in the Humanitarian Aid Association, and under the Administration of Internal Affairs, led by the Minister of Internal Affairs.

I have knowledge that the United States apologized to the Kingdom of Saudi Arabia for accusing this humanitarian association for being a terrorist organization.

- **3(a)6 The Detainee is associated with Al Ighatha.**

See Below.

- **3(a)7 Al Ighatha is a non-governmental organization (NGO) with ties to Islamic terrorism.**

The sixth and seventh points are connected. These have never been mentioned before and I've never been asked about being connected to this organization.

I have no connection to that organization, either close or from a distance. I've never been told about this organization and I have no information about it.

You accusing me of being connected to this organization; it is false and you have no truthful evidence.

- **3(a) The Detainee is associated with Al Qaeda.**

I have no connection or association with Al Qaeda close or from a distance. My proof is that the person who traveled with me and I worked as teachers in governmental schools that belonged to the Ministry of Education of the Kingdom of Saudi Arabia.

We traveled for a humanitarian mission and we were not connected to our governmental jobs. We left work after taking a short vacation to help out with this humanitarian mission.

If you look at my work files, it will be clear. I've been working in the education field for 20 years. I've never left my country or my area the whole time. So, how can I have a connection to any organization if I've never left my work.

In my own country, I was never called for investigation or questioning for any reason whatsoever. That proves my innocence from any accusation or any suspicion.

Even the person I traveled with worked for approximately 17 years in the education field, and he's never been questioned by the security of my country and never left the country, to my knowledge.

This assures that we do not have any connections to any terrorist organizations. We were working for the humanitarian, in general, and it is

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our goal in life. We were taught truth, work, honesty with others and understanding.

An additional point I'd like to make is that we were never trained in the military to be viewed as enemy combatants or soldier combatants. How can a soldier be called a soldier if he never carried a weapon?

In the Kingdom of Saudi Arabia, thank God, we do not have mandatory military service. We were never forced to join the military; it is voluntary only. We never traveled to any country to train for the military.

When we were arrested in Pakistan, we didn't have weapons, papers, books, or letters to indicate that we are connected to these organizations or any organizations.

Leaving our country was done officially, using an official, not a fake passport with our real names. Passing those countries we passed was also done officially.

When it [border] was closed, we never sought unlawful ways, even though the ways were provided and were there. We were offered [unlawful entry] by the Iranian border police, for a bribe. Also there were a lot of smugglers that made the same offer, but we strongly refused them.

I have two letters with me, and I had approximately 20 letters that indicate that our visit was official, true and that we went for humanitarian reasons to help the refugees at the border. After a search last year by the administration here in prison, they never gave back the letters. All those letters will prove the truth. Those [the 2 letters] are new letters because if they were old, I wouldn't have them, they would have been taken. Those letters prove our innocence, our humanitarian aid, which is the reason for our travel.

I called my brother from Iran's border and asked him to do whatever was necessary for the Iranian officials to allow us to return to our country, through Iran.

There is no reason for Pakistani's to give us to the United States. This board needs to know the truth.

The whole reason was that we were exchanged for money, that's why they refused to let us to return through their country and we were not allowed to call our embassy to help us go back to our country, even though we had official passports and we entered the country officially.

All Saudi humanitarian organizations are registered and included in the Ministry of Internal Affairs of Saudi Arabia because they are governmental, so why are they called a non-governmental organization?

ISN [REDACTED]
Enclosure (3)
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There is no reason for us to be arrested and kept away from our families and children for this long period of time. We've done no crimes. When have people ever been arrested with no accusation and then later were given false charges, which have no truth to them? The truth is very clear.

For your information, I personally was supposed to be released with that group of Saudis that were released about a year and a half ago. The investigators told me my name was with them, in newspapers. That's more proof of my innocence and that I'm telling you the truth.

The Detainee read excerpts from a letter he received from his brother.

"Dear Brother,

It's hard for us with you being away from the family. It's sad to hear that you are imprisoned and they detained you while you were doing your duty for your Muslim brothers in Al Ighatha camp. May God listen to your hardship and release you."

The Detainee read excerpts from a letter he received from his uncle.

"Looking at your situation as a whole, you are in a prison better than us, My God, because you went to help aid the poor and the needy on the borders of Afghanistan. That's what God has caused. God is well and everything will be well because the reason you went there was for Him for a purely humanitarian reason. May God have your destiny."

Personal Representative Questions to Detainee

Q: How long have you known about Al Haramain?

A: It's a very well known organization in Saudi Arabia and outside too. It's not a secret organization; it's a governmental organization.

Q: You told me, in our interview, about two children from Bangladesh.

A: Yes, I adopted them, at my house.

Q: You adopted them through Al Haramain?

A: Yes.

Q: How long ago was that?

A: Six or seven years before my arrest.

Q: Also, for clarification from our interview, did you tell me you are still employed as a teacher from Saudi Arabia?

A: Yes, that's true.

Q: You're still being paid?

A: Right now?

Q: Or your family.

A: I do not know anything about that situation. I've been away from my family for three years. They are supposed to [pay me] because I'm still assigned to work.

Tribunal Members Questions to Detainee

Q: Will you provide us with some additional information about your background?

A: Can you clarify?

Q: Of course, I will ask.

A: Go ahead.

Q: In Saudi Arabia, tell us about your family, about your wife, how many children...

A: My children?

Q: How many?

A: I have four children, two girls and two boys.

Q: That's including the two children you adopted from Bangladesh?

A: Yes. I'm not the only one who adopted them, my whole family adopted those children. My sister, brother and mother did too.

Q: Your usual occupation is a teacher?

A: Correct.

Q: What areas did you teach? What grades did you teach?

A: I teach art, but I can teach any other subject as well. I have the authority to teach any field that is open.

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- Q: You were predominately a teacher of secular subjects, not religious subjects?
- A: Correct. If other fields were open, like math, science or religion, I'd have no problem teaching that because I took an oath to honestly do my job as a teacher.
- Q: You told us you traveled to the Iranian border in order to help refugees, and you did this as part of a governmental organization.
- A: No, it was personal.
- Q: It was a family, personal decision and not directed by the government or by Al Haramain?
- A: I was never under control of that organization, but as I mentioned before, I cooperated with them in my country, but not outside my country. It was a personal thing for me and my family.
- Q: Your traveling partner was doing the same thing?
- A: Yes, that's true.
- Q: You told us that you traveled openly with your official passport and under your own name.
- A: Yes, you have my passport with you.
- Q: That was my next question. You had your passport with you when you were arrested in Pakistan?
- A: For sure. I'd never leave my country without my official passport. That's my only proof of travel.
- Q: You told us that you didn't want to travel unofficially into Pakistan.
- A: Yeah, I refused.
- Q: How did you then get into Pakistan? Did you obtain a visa or did you cross at a border point?
- A: I passed through a checkpoint. They took my passport and that's where I was put in prison with no reason
- Q: You were arrested when you tried to get into Pakistan?

ISN [REDACTED]
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- A: It was official, too.
- Q: Do you remember that date?
- A: It's in Arabic. It was the 8th month, 28th day, year 1024. It was about 3 days before Ramadan. I don't know the Latin calendar.
- Q: You said that you were sold for money by the Pakistanis. How do you know this?
- A: That's true.
- Q: How do you know that? Did you see them...
- A: I heard from the people over there. They have seen...
- Q: While you were in prison in Pakistan?
- A: When I was handed over.
- Q: Do you know how much?
- A: I don't know, but they were saying from \$5,000 to \$8,000. It's a hard truth when human beings are sold and bought. That makes us go all the way back, when humans had no value. It's a shame for all human beings, in general, and all the people who believe in human rights.
- Q: Did you pay for your own travel from the money you made as a teacher, or did someone else give you money to travel?
- A: I am a worker; I get about 11,000 Riyals a month.
- Q: You described that when you tried to return from Afghanistan to Iran, you believed it was discrimination on the difference between the two religious groups.
- A: There is no other explanation for it, except that. I left officially, with an official passport, and I was going back officially, with an official passport.
- There is information about what Iranians do in Mecca, an incident in a hatch.
- Q: You stayed in a house or in a hotel in Afghanistan before you left...
- A: No, I stayed at a hotel on the border.
- Q: Do you remember the name of the city or the town?

ISN [REDACTED]
Enclosure (3)
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- A: Custom Islam Kallah (phoenetic).
- Q: Who do your adopted children stay with?
- A: I adopted them through the Al Haramain organization. They are the ones...I adopted them by providing financial support. The connection between us is the Al Haramain organization. I think they are in an orphanage.
- Q: They do not physically live with the family?
- A: No, they are adopted, but they are in their country. I financially support those two children.
- Q: When you crossed from Afghanistan to Pakistan, were you near the Iranian border?
- A: Yes, we passed through the borders.
- Q: So, you walked down the Iranian border until you reached Pakistan?
- A: No, in a taxi.
- Q: How were you going to assist the refugees?
- A: By giving them money.
- Q: That's all you intended to do, just hand money to the refugees?
- A: It's very difficult to take things with you. The easiest thing is money. You know that Afghanistan was not stable at that time. There were smugglers and problems, so money was the easiest thing to give.
- Q: There were thousands of refugees. You were going to hand money out to these thousands of refugees?
- A: I wish I was able to help them all; I only helped a small amount of them.
- Q: How much vacation did you ask for to do this humanitarian work?
- A: I took 7-10 days of vacation.
- Q: Your route from Saudi Arabia went through Syria and Jordan and into Iran?
- A: What are you wanting to clarify?

- Q: I wanted to verify. Was that your route? Saudi Arabia, Syria, Jordan and then Iran?
- A: Saudi Arabia, Jordan, Syria, then Iran. From Saudi Arabia to Jordan by vehicle. From Jordan to Syria by car also, and from Syria to Iran, by airplane.
- Q: Did you say you stopped in Syria to have your teeth fixed?
- A: Yes, for two days.
- Q: Was this planned before you left Saudi Arabia? Do they not have dentists in Saudi Arabia?
- A: It was all planned; the humanitarian aid and to also fix my teeth.
- Q: Do they not have dentists in Saudi Arabia?
- A: Dentistry in Syria is very well known. We have doctors in bigger cities, but not many where I'm from. We usually go to Jordan or Syria for treatment; it's close to the border.
- Q: Did you respond to any fatwa to assist the refugees?
- A: No, it was without fatwa, but my religion and my belief told me to help the poor. I do not need fatwa to help the poor.
- Q: Do you believe in jihad?
- A: No, I don't have any information about jihad.

Tribunal President's Questions to Detainee

- Q: I'm assuming when you left Saudi Arabia, you had a visa to go into Iran?
- A: No, you don't need a visa; you only need a passport.
- Q: Did you anticipate having a problem going into Pakistan? Does it require a visa?
- A: No, the opposite. If I faced problems it would have been in Iran, not in Pakistan. The relationship with Saudi Arabia and Pakistan are better than the relationship between Saudi Arabia and Iran.
- Q: I thought you said your brother was trying to help you on the Iranian border.

A: Yes, in the old letters I used to receive, my wife told me that she mentioned my brother tried to help me. How my brother sent someone from the embassy to help me at the borders. It took a long, long time and I was afraid. I spent all of my money and the situation was getting more difficult and I was forced to go a different way...through Pakistan.

Q: Your travel partner is also a teacher?

A: Yes, he's not just a teacher, he's a school principal also. He was a teacher, but now he's a principal.

Q: How well do you feel you know him?

A: I know him through teaching. There was no relationship between us, just as teachers.

Q: It was only a professional relationship?

A: Yes.

Q: You were probably not aware of what he did outside of teaching, then?

A: No, I know he's a good person. If he wasn't a good person, I wouldn't have chosen to travel with him. He is a good man and he has a family, just like me.

Q: Thank you for participating today. Is there anything else you'd like to share with us?

A: I hope for the Tribunal members and everyone here to have mercy on me and my family. The only thing I have done is to try to help the poor. I hope you have mercy on me, do your best and do justice. I hope that justice will prevail.

The Personal Representative called the Witness, Rashid Abd Al Muslih Al Qaid.

The Tribunal President explained the process for questioning the witness to the Detainee.

The Witness was sworn.

When given the opportunity to ask questions of the witness, the Detainee asked his Personal Representative to question the witness.

Personal Representative's Questions to the Witness

Q: How long have you known [REDACTED]?

A: About 3 years before leaving to help the refugees.

Q: Are you a school principal?

A: Yes.

Q: Did [REDACTED] work at your same school?

A: No.

Q: Did you know him from another school?

A: Yes, he works in another school.

Q: How did the two of you meet?

A: Through teaching.

Q: Did you know each other very well?

A: There is no strong relationship between us; we met twice.

Q: Whose idea was it to go help the refugees?

A: It was our idea.

Q: Was there a lot of news in Saudi Arabia about the refugees?

A: Yes, I heard it on a radio station.

Q: Were there a lot of people from Saudi Arabia that went to help?

A: I don't know.

Q: Was school in session when you decided to go help?

A: Yes.

Q: You also took a vacation, to go with [REDACTED]?

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- A: Yes.
- Q: Both of you had official passports to go?
- A: Yes.
- Q: The part of Pakistan that you wanted to help...why did you choose that place?
- A: I don't understand the question.
- Q: What made you decide to go to the refugee camps in that part of Pakistan?
- A: In Pakistan?
- Q: In Afghanistan, on the border.
- A: Because I heard there were refugees there on the radio, and we went to Iran.
- Q: How did the two of you want to help the refugees?
- A: With humanitarian work.
- Q: Food, clothing, money...?
- A: Money.
- Q: Did you carry money with you?
- A: Yes.
- Q: Did you actually go into the refugee camps at any time?
- A: Yes.
- Q: And you gave away the money you could?
- A: Yes.
- Q: The two of you were together the whole time during your travels?
- A: Yes.
- Q: How long did you plan on staying in the refugee camp to help?
- A: Three or four days to give the money out.

ISN [REDACTED]
Enclosure (3)
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Q: You were planning on being away from Saudi Arabia for how long?

A: Until our mission was finished.

Q: A month, two months, three months...?

A: No, less than 10 days, but the mission was three or four days.

The Detainee and the witness started talking back and forth, without allowing time for translation. The Tribunal President advised both to stop the cross-conversations and allow translation.

Detainee: They asked you [Witness] if we were going to stay there for 2-3 months for our humanitarian mission. I don't think the Witness understood the question. It should be repeated to him.

Q: How long did you plan on helping out at the refugee camp? How many days?

A: Until the money was gone; three or four days. I understood the question to mean after leaving Saudi Arabia, how long were we planning to stay.

Q: While at the refugee camp, is that when the Iranian border closed?

A: Yes, after a period of time we returned and that's when we found out it was closed.

Q: The two of you were on the border of Pakistan/Afghanistan. Were you on a small piece of Afghanistan or not? Close to or into Afghanistan?

A: We were on the border of Iran, trying to enter Iran.

Q: Did you ever go into Afghanistan? Either one of you?

A: The mission was on the border of Iran, but inside Afghanistan.

Q: How far into Afghanistan did either of you go?

A: Directly on the borders, close to Iranian villages.

Personal Representative: I bring this up to the Tribunal because of the evidence of going into Afghanistan.

Q: How do you view [REDACTED] as a person? With respect? Kindness? What kind of person is he?

A: A humanitarian person who has no connection to any terrorist organizations.

Tribunal Member's Questions to the Witness

Q: Why did you choose the travel route through Jordan and Syria to Iran?

A: Because our city is very close to the Syrian border and also because we were both seeking dental treatment. I was planning, on my return trip, to go to the same doctor for dental work. The cost of treatment is cheaper in Syria and Jordan, as well.

Q: What about the cost of travel? Was that the most efficient way to travel to Iran?

A: I don't know the other ways, but because Syria is close, it's cheaper.

Q: Did you see the same dentist that [REDACTED] saw?

A: Yes, I went with [REDACTED] to the same doctor, but I did not get treated there. I was waiting to return to get treated.

Q: We've been told your name appeared on a list of Al Qaeda Mujahidin fighters in a raid on a safehouse. Do you know about this? Is this true?

A: It's not true. I'm shocked about the accusations.

Detainee: I think he answered this question completely and he has said enough about this question. This is about me, and he [Witness] is just a witness.

Witness: I can talk about it. It's no problem. All the evidence [REDACTED] has provided to the Tribunal proves that I have no connection to any organizations. How can an educational person, who spent their whole life teaching, who never carried a weapon in Saudi Arabia or outside be Al Qaeda? I think this is just an accusation. It is not the truth and it will now be proven. I know myself better than anyone else knows me.

I hope you do justice now on this point and on other points. Be fair.

Q: Do you know anything about an organization called Al Ighatha?

A: I do not know anything about the organization and I have no connection to that organization or any other. Our mission was a personal, humanitarian mission.

Q: Do you or [REDACTED] belong to Al Haramain?

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A: I have no connection to Al Haramain. [REDACTED] cooperated with them inside the city.

Tribunal President: Thank you for participating. You are excused.

Witness: I hope you will be fair with this case and away from other influences. If you can prove he's [Detainee] Al Qaeda, present him to a hanging.

As the Tribunal President was explaining the ARB process, the Detainee wanted a definition of "threat". The Tribunal President advised it was someone that could harm us or our interests.

Detainee: I am not capable of that. That's not part of my interests...Coalition forces or others. I have been detained for no reason up to this minute.

AUTHENTICATION

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


[REDACTED]
Colonel, United States Army
Tribunal President

ISN [REDACTED]
Enclosure (3)
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Personal Representative Review of the Record of Proceedings

I acknowledge that on 20 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #344.

 I have no comments.

My comments are attached.

 Lt Col, USAF
Name

21 Dec 04
Date


Signature

ISN #344
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ADEL FATTOUGH ALI ALGAZZAR,)
)
 Petitioner,)
)
 v.)
)
 GEORGE W. BUSH, *et al.*,)
)
 Respondents.)
 _____)

Civil Action No. 05-0270 (JR)

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 Adel Fattough Ali Algazzar 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: 18 November 2005

Teresa A. McPalmer

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 780

27 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 369**

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 #369 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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2350

27 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 # 369

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 #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 elected to participate.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-4, R-5, and R-6 were redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

d. The detainee requested that a report from Egyptian interrogators provided to an American interrogator named [REDACTED] be produced. For reasons outlined in enclosure (2), the Tribunal President found the documents relevant, and requested their production. The Tribunal subsequently determined that the documents were not reasonably available. In my opinion, the Tribunal acted properly in its determination that the documents were not reasonably available. Additionally, the detainee requested a copy of detainee's polygraph records. For reasons outlined in enclosure (2), the Tribunal found the polygraph records relevant, and considered the record in its deliberations.

e. The Tribunal's decision that detainee #369 is properly classified as an enemy combatant was unanimous.

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

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 369

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

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



Department of Defense
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

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

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

MEMBERS:

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

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

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

A handwritten signature in cursive script, reading "J. M. McGARRAH".

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

30 November 2004

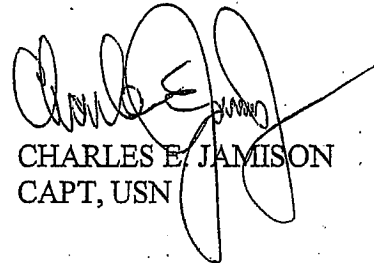
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 369

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#: 369

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

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

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 29 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #369 is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, USAF

Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL: #15
ISN #: 369 **1. Introduction**

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee was a member of the Lashkar-E-Tayyiba (LeT) which is an armed wing of the Pakistan-based religious organization identified as being anti-US. The detainee was injured in Afghanistan during a US bombing campaign. The unclassified evidence also claimed the detainee is a member of an Egyptian terrorist organization called Al Wa'ad and that the detainee was part of the plot to assassinate President Mubarek in 1995.

The detainee chose to participate in the Tribunal process. He did not call any witnesses but requested two documents be produced. The detainee made a sworn verbal statement. The Tribunal President ordered the documents requested by the detainee to be produced and the Recorder complied during the closed hearing because the documents were determined to be classified. The detainee, in his verbal statement, denied he was a member of LeT or Al Wa'ad. The detainee claimed his injuries were received while in Afghanistan adding he had only been in the country 2 hours before being wounded. The detainee stated he was never involved in a plot to assassinate President Mubarek. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-20.
- 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 no ruling was required.

The Detainee requested the following additional evidence be produced:

Evidence	President's Decision	Produced?
Report from Egyptian Interrogators provided to an American Interrogator named [REDACTED] on 24 Sep 04.	Refer to Enclosure 2, Classified Summary of Basis for Tribunal Decision (S/NF)	Refer to Enclosure 2
Copy of detainee polygraph results.	Refer to Enclosure 2, Classified Summary of Basis for Tribunal Decision (S/NF)	Refer to Enclosure 2

The documents were classified and therefore the ruling by the Tribunal President is addressed in Enclosure 2.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1, R-2 and R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Exhibit R-3 is a Terrorist Organization Reference Guide produced by the US Department of Homeland Security that provided detailed information on the Lashkar-E-Tayyiba (LeT) organization. Accordingly, the Tribunal had to look primarily to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Tribunal also considered 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 testified that he visited an LeT camp in January 2001 for 2 days but was never a member because only Pakistani citizens could join LeT. While at the camp, he did not receive any training. He was only there to observe the camp, which was well known by the Pakistani public as being sponsored by the Pakistani government. He later learned from a BBC broadcast that LeT had been listed as a terrorist organization. Thereafter, he did not visit LeT camps. The detainee explained traveling to Afghanistan as a volunteer of the Red Crescent Society for the purpose of assisting refugees. He further described being wounded by an American bombing raid just 2 hours after entering Afghanistan. He stated he was unconscious until he awoke in a hospital without his papers, money or other belongings.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

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

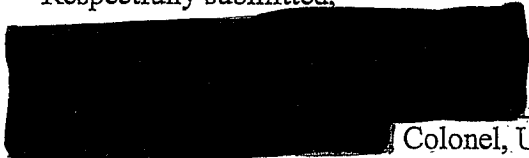
b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

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

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

Tribunal President: Would you like to make your statement under oath?

Detainee: Yes.

[The detainee was sworn using his own oath.]

Tribunal President: You may now proceed.

Detainee: First I am grateful that you are giving me the chance to defend myself. I apologize for my weak English; if I need help I will ask the interpreter for help. I am disappointed with this Tribunal because if I am in a court and you accuse me of anything I should be allowed to know what the accusations are and to see the evidence. You tell me that these accusations are unclassified but there are other classified accusations. How can I defend myself if I don't know what the evidence is about the other accusations? Maybe the accusations are right maybe there wrong. If they are correct I will admit to them if they are wrong I will deny them. But what I understand is I have no choice. But this is the process.

Tribunal Member: If I can clarify a little bit before you start. These are all the accusations. What we will get in the classified session is in theory evidence to support these accusations, but there are no other accusations against you besides what is listed here.

Detainee: I understand that but what I mean is if you say I am an enemy combatant and you say you have evidence, I don't get to see it. Then I will stay here.

Tribunal President: You understand this is an administrative review not a trial or a criminal court?

Detainee: Yes I understand.

Detainee: I am also disappointed and frustrated at the same time because you are now using my cooperation against me. I gave you the information you need against me now.

You didn't know anything about it until I gave it to you. I don't understand this. The interrogators used to tell us to be cooperative, assist us and then we will release you. So, they asked me many questions about many things. If I knew anything I would tell them, if I didn't I would tell them I didn't know. Now that I have given them the information they needed, and it is not against the United States, they are using it against me. This is not fair it is not justice.

Anyhow, because I have no choice and I am here and I am cuffed, I have to be. Okay, let's discuss the accusations.

Detainee: 3.a.1. (Detainee became a member of the Lashkar-e-Tayyiba (LT) in 2000.) I am not a member of that organization. I never said in any interrogations that I was a member. I met some of these people but that does not mean I am a member. Suppose now that I have met you. You are in the American Army; this doesn't mean I am in the American Army. Yes I met some of them. I told my interrogator everything about this organization, but I don't know why anybody said that I was a member of this organization. For your knowledge this organization is a Pakistani organization. The Pakistani Intelligence has assisted this organization. By their own rules only Pakistani nationals are allowed to join the LT organization. I know you have a lot of cooperation with the Pakistani Government, you can ask them this.

Tribunal Member: I assume you are not Pakistani. What is your nationality?

Detainee: I am Egyptian.

Detainee: 3.a.2. (The LT is the armed wing of the Pakistan based religious organization, Markaz-ud-Dawa-wal-Irshad. LT is also an anti-U.S. terrorist organization.) Let me give you a small history lesson about Pakistan. This will help you to understand. In 1947 Pakistan separated from India. It used to be one country and they had a large revolution and separated. They went to the United Nations to solve the fight. The United Nations decided by the end of 1947 that the area of Kashmir should belong to the Pakistan Government, because about 85% of this area was Muslim. India refused because this area is a very strategic location for India. Since that time three or four large fights have occurred between the two countries because of this area. Pakistan had the assistance of many organizations to help the Pakistani Army fight against India for freedom of this area. So, LT is one of the organizations, which was established by the Pakistani Government. This organization has more than 4,000 offices in Pakistan. They are working out in the open not hiding. All the financial affairs, all the military affairs, such as weapons and ammunition is controlled by the Pakistani Army. The Pakistani Army gives this organization everything to fight in Kashmir against India. So if you consider this organization a terrorist organization then you should consider the Pakistani Government a terrorist country. I think this is not correct and Pakistan is your strong hand in that area. I will mention this now and again at the end. LT is the biggest enemy against Al-Qaida and Taliban. They are against them because when Taliban came to Afghanistan, LT already had a camp in Afghanistan. The Taliban came, closed the camp

and threw them out of Afghanistan. Another reason for this animosity is because in the Islamic belief there are four sects. Taliban is following one sect or scholar called Apohanifa and LT is following another scholar named Ipnhanpal. Maybe more than a thousand years ago the two sects were enemies and because of that LT is against Al-Qaida and Taliban. I know if anybody from LT went to Afghanistan even for a visit they would be immediately discharged from the organization. I don't know how you can consider this organization against the United States. I am not defending them because I am not a member. I am just telling you their history and maybe it will help in your decision.

3.a.3. (The detainee admitted being present at the LT-controlled major training facility in Northern Pakistan referred to as ██████████ in January 2001. ██████████ was created to facilitate the training and movement of Pakistani Muslim guerilla fighters.) This is correct. I visited the camp for two days. I didn't train there. I was an Egyptian Officer I don't need any kind of training. I visited the camp after I was invited by the LT. It is not actually a camp it is a joke. It's not a camp it is several tents on the top of a mountain. They take people from the streets and give them training on the Kalashnikov AK-47 then send them to Kashmir to fight. About 95% of them are killed crossing the border by India. If you want to visit this camp you can go to Pakistan and ask anybody and they will tell you where it is. It is not a secret camp. The Pakistani Government established this camp. Anybody can visit there it is an open camp.

Personal Representative: You said quite a bit with me about this. I'll read what you said. A little a bit is repetitive but I will read what you said to me.

Detainee: Yes.

Personal Representative: I visited the camp for two days. I did not receive any training at the base. It was not a secret camp. The Pakistan Intelligence Government created the camp. They provided everything, food, water, arms, and all the supplies. They trained people there to fight in Kashmir. Because I am not Pakistan they wouldn't let me train anyway. If the camp is a terrorist camp, then the point could be made that the Pakistan Government is a terrorist organization. I went to Pakistan for Dawa. When I reached Lahur, Pakistan, I found the organization Lashkar-e-Tayyiba an open public organization sponsored by Pakistan. I went to the office to get to know them and they were happy for my visit because I was an Arab. I went to a Mosque in Pakistan to lecture. I went to the camp for two days to see how things were running. I went back down and lectured the people. I then heard on the BBC radio from London that the government had classified Lashkar-e-Tayyiba as a terrorist organization. I was surprised so I quit.

Detainee: Right. Kashmir is a national crisis. The Pakistanis consider this their land. They go and fight the Indians even if they are the same religion, just for the land. As the Representative told you I heard it on the BBC radio, I think in February 2001, that they considered the Lashkar-e-Tayyiba a terrorist organization. I was surprised really because

it is a Pakistani organization. But I told myself there was no reason to be associated with anybody who is considered a terrorist organization whether they are or not.

3.a.4. (Detainee voluntarily traveled from Pakistan to Afghanistan after September 11, 2001.) This is correct. I traveled, I don't remember the date, it was in Ramadan I think the end of November 2001. I was working with the Saudi Red Crescent. They have a large camp at the border between Pakistan and Afghanistan. This camp was built for the refugees. They gave them medicine, tents, food and clothes. The Red Crescent is considered the brother of the Red Cross. They are one team but Red Crescent works in Islamic countries and the Red Cross works in Christianity countries. So, I crossed the border to help the refugees in Afghanistan and two hours later an American raid occurred. I saw a light and heard a voice and then I lost consciousness. When I woke up I was in a Pakistani hospital. I lost my coat, my passport, my money, everything. And I lost my leg also. Then I found my self in Pakistani custody. I spent seven days in this hospital and then the Red Crescent came to the hospital and told me I was in Pakistani custody and they were going to take me to their hospital. I was in this hospital for about twenty-five days. Pakistani Army Officers and even the Governor visited me. The city is called Quetta. I talked to them about Lashkar-e-Tayyiba and they told me not to speak to anybody about that, don't tell anybody our secrets. One night the Governor and some people from the Pakistani Intelligence came to the hospital. They told me they had a meeting yesterday and decided to move you from this hospital to a large modern hospital with good facilities and surgeons to take care of my leg. I still had my leg I lost it here in Cuba. They took me in an ambulance and then I found myself with you. The American forces took me to Kandahar for eleven days and then I came to Cuba.

3.a.5. (The Egyptian government has stated that detainee is a member of the Egyptian terrorist organization Al Wa'ad and was part of the plot to assassinate President Mubarek in 1995.) This has got to be a very big joke. I was in Egypt from 1995 to 2000. I didn't leave Egypt until August 2000. The attempt occurred in 1995, which means I stayed there for five years after this attempt. Do you think I would stay there for five years if I were involved in such a thing? Besides that in January 2004, the Egyptian Government sent a delegation to Guantanamo. They met me twice here. After the interview they sent a report to the CIA. They mentioned in the report that I am not a member of any organization either in Egypt or outside Egypt and that I was not involved in the assassination attempt. They said I should be released at once because I was innocent. This report is in my file. I was told about the report from the Egyptian delegation and from my interrogator [REDACTED]. After the delegation left the island, [REDACTED] stood up when I entered the room, shook my hand, said thank you and said I would be released.

Personal Representative: You said one more thing. Everything else was exactly from the notes I took. They said you had no part in the assignation attempt and that the plot and attempt actually took place in Ethiopia.

Detainee: Yes. The assignation attempt did not take place in Egypt it was in another country called Ethiopia in Africa. I was in Egypt during this time.

The other two accusations: 3.b.1. (The detainee was injured during a U.S. bombing campaign. He was wounded by shrapnel in the leg.) 3.b.2. (While being treated for his leg wound, the detainee was captured by the Pakistani Intelligence Service, then turned over to U.S. forces.) I have already answered them. I was wounded in the American campaign and I was arrested in Pakistan. I was unconscious after my injury and when I woke up I was in Pakistan. I now I am here.

Detainee: In conclusion about my defense. If you have unclassified evidence against me I have evidence I am not guilty. I am innocent and should not have stayed here one day. The best evidence is the polygraph. In April 2004 a team came from Washington D.C. came and gave me a polygraph test. After they finished, the [sic] polygrapher's name was [REDACTED] he shook my hand and thanked me for being honest. He said I should leave here on the first flight. This is the best evidence that I am innocent. The other evidence is the Egyptian delegation report. They said I should be released at once. I think my country knows me better than anyone else. Also my interrogator [REDACTED] You can read his recommendation that I should be released at once. My fourth piece of evidence. Suppose I am a member of Lashkar-e-Tayyiba as you said. According to your definition of an enemy combatant; an enemy combatant is a member of Al-Qaida or Taliban or other organizations, which support these two organizations. As I told you before Lashkar-e-Tayyiba is against these two organizations, but I am not a member. My fifth and last piece of evidence. My God and your God knows better than you and I. He knows that I am innocent and I will ask you in the Day of Judgment about everything. Thank you very much.

Tribunal President: Does this conclude your statement?

Detainee: Yes.

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

Personal Representative: No sir.

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

Personal Representative: No sir.

Tribunal President: Do the Tribunal Members have any questions for the detainee?

Summarized Answers in Response to Questions by the Tribunal Members

Q. You said prior to your capture the only time you were in Afghanistan was two hours prior to the raid?

A. Yes.

- Q. Where in Pakistan did you start from that day?
- A. A small village between the border of Pakistan and Afghanistan. It is called Chamen. It is a very small village. Actually there is Chamen, Pakistan and Chamen, Afghanistan.
- Q. Where were you when the raid occurred?
- A. I was near the camp.
- Q. On the road?
- A. Yes.
- Q. Were you in a vehicle?
- A. When I crossed the border I took a taxi. Not a taxi...it doesn't have a name in English. I went to the first village. Its name is Bulac.
- Q. You said you were working with the Red Crescent, so were you an employee?
- A. No a volunteer.
- Q. Were you identified by any insignia?
- A. No. There are many volunteers working in this organization.
- Q. When you went into Afghanistan did you have your papers with you?
- A. Yes.
- Q. Where did you lose them?
- A. After my injury, I told you I was unconscious, when I woke up I was in Pakistan and I didn't have my coat. My passport, money and papers were in my coat.
- Q. Why did you originally go to Pakistan?
- A. Missionary work, spreading the religion.
- Q. So as a missionary?
- A. Yes, I studied religion in Egypt. I can talk to people about their religion and guide them to the correct way.

- Q. Were you on your own or did a certain Mosque sponsor you?
- A. No, I was on my own.
- Q. You went from Egypt to Pakistan in 2001?
- A. 2000. My route was from Egypt to Saudi Arabia from there I went to Iran and from Iran I entered Pakistan.
- Q. I think you said you left Egypt in August 2000?
- A. Yes.
- Q. When you went to the camp, were you just observing or as a former Army Officer were you giving training or advise?
- A. No, just observing.
- Q. While you were at the camp did you see in Pakistani military officer or soldiers?
- A. No they wear their own clothes its not uniforms, they are civilians.
- Q. You mentioned after you went to the camp, you came down from the camp and you talked about the camp to people?
- A. No I went to the Mosque and lectured about their religion. The camp as I told you is famous. If you go to Pakistan you will find the offices of Lashkar-e-Tayyiba. Their ads are in the streets, supermarkets and everywhere.
- Q. You said you heard on the BBC around February of 2001 that LT was now considered a terrorist organization so you stopped...
- A. Yes I heard it on the radio that the Britain Government issued a report about terrorist organizations, about twenty of them, and one of them was Lashkar-e-Tayyiba.
- Q. So after February of 2001, you had no contact with them at all?
- A. Never.
- Q. So when you actually went to Afghanistan, you said at the end of November beginning of December, that's the only time you ever went to Afghanistan.
- A. Yes sir.

- Q. When you were in the hospital and they took you to the Red Crescent hospital, why do you think the Governor and the Intelligence people would come and visit you?
- A. I don't know how to describe to you that they were very happy with me. The Governor himself, everyday, would bring food and clothes and even ice cream and chocolates to me.
- Q. Why you were in the hospital?
- A. Yes. He told me I would stay in the hospital until I could walk again and then I could go home or stay in Pakistan. He said I was their guest, but he was a very big liar.
- Q. What was your association with the Red Crescent before you departed to Afghanistan? How did you become a volunteer?
- A. After the American attacks I was like everybody else, watching TV and seeing what happened to Afghanistan. There was about two million Afghani civilians that were scared of the war and going to Pakistan. Because of that Pakistan closed the border. Other people would cross the border illegally. It is not really a border. It's just a dessert. In the middle of the dessert there is a gate on a road. On the right and left there is nothing you can cross where you want. Even at the gate they don't stamp you. There is just one soldier from Pakistan and one soldier on the other side from Afghanistan.
- Q. And you were leading into how that led to your association with the Red Crescent.
- A. After that I traveled from Lahur to Quetta where there is a Red Crescent office.
- Q. Were you required to register with the Red Crescent as a volunteer?
- A. Yes, I went there and met the man in charge. I told him I wanted to help in these refugee camps. This is part of humanity and part of my religion. It is not only for the Muslims. If I know, even you in a critical situation, I have to help you, whether you are of my religion or not.
- Q. Because of your prior experience in the Egyptian Army did they consider you more of a leader or organizer of humanitarian aid or were you just a ...
- A. The Red Crescent doesn't know that I was in the Egyptian Army. I left the Army in 1990.

Q. Do you have any theories about why the Governor and the Pakistani Intel folks would sell you out and turn you over to the Americans? Did they think you were something else? Any ideas why they would be so nice to you and then turn you over?

A. Come on man you know what happened. In Pakistan you can buy people for \$10.00. So what about \$5,000.00.

Q. So they sold you?

A. Yes.

Tribunal President: Do you have any other evidence you wish to present to this Tribunal?

Detainee: No.

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: 29-Sep-04

Start Time: 1500

End Time: 1700

ISN#: 369

Personal Representative: 
(Name/Rank)

Translator Required? YES Language? ARABIC

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



Detainee Election:

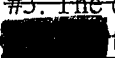
- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive


Personal Representative Comments:

Detainee has requested to participate in tribunal. Detainee has two requests:

#1. Would like a report from Egyptian Interrogators that visited him that states they found him innocent and not apart of any terrorist organizations. A copy of that report was given to:

#2. The detainee's American Inteerogater  who he met with on Sep. 24th, 2004 at 0830.  told him his file went to Washington and he does not deserve to be here.

#3. The detainee would like a copy of his polygraph submitted because the Polygraph Tester and  told him "he should be the first guy to leave here".

Personal Representative:  LCOR, USN

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (20 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal –
ALGAZZAR, Adel Fattough 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 Al-Qaida and/or Taliban associated forces that are engaged in hostilities against the United States or its coalition partners.

a. The detainee is a terrorist fighter:

1. Detainee became a member of the Lashkar-e-Tayyiba (LT) in 2000.
2. The LT is the armed wing of the Pakistan based religious organization, Markaz-ud-Dawa-wal-Irshad. LT is also an anti-U.S. terrorist organization.
3. The detainee admitted being present at the LT-controlled major training facility in northern Pakistan referred to as ██████████ in January 2001. ██████████ was created to facilitate the training and movement of Pakistani Muslim guerilla fighters.
4. Detainee voluntarily traveled from Pakistan to Afghanistan after September 11, 2001.
5. The Egyptian government has stated that detainee is a member of the Egyptian terrorist organization Al Wa'ad and was part of the plot to assassinate President Mubarek in 1995.

UNCLASSIFIED

Exhibit R-2369

UNCLASSIFIED

b. The detainee participated in military operations against the coalition.

1. The detainee was injured during a U.S. bombing campaign. He was wounded by shrapnel in the leg.
2. While being treated for his leg wound, the detainee was captured by the Pakistani Intelligence Service, then turned over to U.S. forces.

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 09/17/2004
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
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 369 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 03/29/2002
FD-302 dated 10/02/2002
FD-302 dated 04/21/2003

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

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/17/2004

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

unclassified



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

Terrorist Organization Reference Guide

January 2004

2373
Exhibit 83

19. Lashkar-e-Tayyiba (LT) (Army of the Righteous)

Description

The LT is the armed wing of the Pakistan -based religious organization, Markaz-ud-Dawa-wal-irshad (MOI) - a Sunni anti-US missionary organization formed in 1989. The LT is led by Abdul Wahid Kashmiri and is one of the three largest and best-trained groups fighting in Kashmir against India; it is not connected to a political party. The United States in October 2001 announced the addition of the LT to the US Treasury Department's Office of Foreign Asset Control's (OFAC) list - which includes organizations that are believed to support terrorist groups and have assets in US jurisdiction that can be frozen or controlled. The group was banned, and the Pakistani Government froze its assets in January 2002.

Activities

The LT has conducted a number of operations against Indian troops and civilian targets in Kashmir since 1993. The LT claimed responsibility for numerous attacks in 2001, including an attack in January on Srinagar airport that killed five Indians along with six militants; an attack on a police station in Srinagar that killed at least eight officers and wounded several others; and an attack in April against Indian border-security forces that left at least four dead. The Indian Government publicly implicated the LT - along with JEM - for the 13 December attack on the Indian Parliament building. The LT is also suspected of involvement in the 14 May 2002 attack on an Indian Army base in Kaluchak that left 36 dead. Senior al-Qaeda lieutenant Abu Zubaydah was captured at an LT safehouse in Faisalabad in March 2002, suggesting some members are facilitating the movement of al-Qaeda members in Pakistan.

Strength

Has several hundred members in Azad Kashmir, Pakistan, and in India's southern Kashmir and Doda regions. Almost all LT cadres are foreigners - mostly Pakistanis from madrassas across the country and Afghan veterans of the Afghan wars. Uses assault rifles, light and heavy machineguns, mortars, explosives, and rocket-propelled grenades.

Location/Area of Operation

Based in Muridke (near Lahore) and Muzaffarabad. The LT trains its militants in mobile training camps across Pakistan-administered Kashmir and had trained in Afghanistan until fall of 2001.

External Aid

Collects donations from the Pakistani community in the Persian Gulf and United Kingdom, Islamic NGOs, and Pakistani and Kashmiri businessmen. The LT also

maintains a Web site (under the name of its parent organization Jamaat ud-Oaawa), through which it solicits funds and provides information on the group's activities. The amount of LT funding is unknown. The LT maintains ties to religious/military groups around the world, ranging from the Philippines to the Middle East and Chechnya through the MOI fraternal network. In anticipation of asset seizures by the Pakistani Government, the LT withdrew funds from bank accounts and invested in legal businesses, such as commodity trading, real estate, and production of consumer goods.

20. Lashkar I Jhangvi (LJ) (Army of Jhangvi)

Description

Lashkar I Jhangvi (LJ) is the militant offshoot of the Sunni sectarian group Sipah-I-Sahaba Pakistan (SSP). The group focuses primarily on anti-Shia attacks and was banned by Pakistani President Musharraf in August 2001 as part of an effort to rein in sectarian violence. Many of its members then sought refuge with the Taliban in Afghanistan, with whom they had existing ties.

Activities

LJ specializes in armed attacks and bombings. The group attempted to assassinate former Prime Minister Nawaz Sharif and his brother Shabaz Sharif, Chief Minister of Punjab Province, in January 1999. Pakistani authorities have publicly linked LJ members to the kidnap and murder of US journalist Daniel Pearl in early 2002. Police officials initially suspected LJ members were involved in the two suicide car bombings in Karachi in 2002-against a French shuttle bus in May and the US Consulate in June - but their subsequent investigations have not led to any LJ members being charged in the attacks. Similarly, press reports have linked LJ to attacks on Christian targets in Pakistan, including a grenade assault on the Protestant International Church in Islamabad in March 2002 that killed two US citizens, but no formal charges have been filed against the group.

Strength

Probably fewer than 100.

Location/Area of Operation

LJ is active primarily in Punjab and Karachi. Some members travel between Pakistan and Afghanistan.

External Aid

Unknown.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 06 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #369.

I have no comments.

My comments are attached.


Name

06 Nov 04
Date


Signature

ISN #369
Enclosure (5)



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 854

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 433

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 # 433 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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2378

19 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
 FOR DETAINEE ISN # 433

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 at the Tribunal hearing.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-12 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested witnesses and documentary evidence.

Witnesses Requested

Exhibit D-a to the Tribunal Decision Report reflects that the detainee asked his Personal Representative for two unnamed witnesses. He subsequently requested that a fellow detainee, Interment Serial Number (ISN [REDACTED]) testify.

The Unclassified Summary, Enclosure (1) to the Tribunal Decision Report indicates that the ^{Detainee} witness requested four witnesses who were determined to be not reasonably available:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 433

4. [REDACTED]

The Tribunal Decision Report does not indicate who these witnesses are or their proffered testimony. Without providing this information, the Tribunal President found the witnesses relevant. While the witnesses were relevant, the Afghanistan government did not respond to requests from the Department of State. Under the circumstances, the Tribunal President determined that the witnesses were not reasonably available and that no alternative means of obtaining the testimony was available. In my opinion, based on the non-responsiveness of the Afghanistan government, this decision was not an abuse of discretion by the Tribunal President and no corrective action is needed.

The Unclassified Summary also addresses the detainee's request for ISN # [REDACTED]. The Tribunal President determined that this witness was relevant. The Tribunal Decision Report states that the witness was reasonably available but declined to testify. Although not noted in the Tribunal Decision Report, by declining to testify, ISN # [REDACTED] became reasonably unavailable. This minor omission does not affect the legal sufficiency of the proceedings and no corrective action is needed.

Documentary Evidence Requested

During his interview with his Personal Representative, the detainee requested that questions be sent to the Police Station in Mazar Sharef. The Tribunal President failed to address these questions and it is unclear whether the questions were determined to be relevant or were even sent. While the Tribunal President should have addressed this issue, the non-responsiveness of the Afghanistan government precludes the possibility that any response could have been obtained. Under these circumstances, the Tribunal President's failure to comment on the detainee's request constitutes harmless error.

The detainee also requested a piece of paper that was given to him in 1998 from the United Nations that stated he was under the protection of the United Nations while in Pakistan. The detainee stated that he had seen a picture of this paper in the possession of one of the interrogators in Guantanamo Bay. The Personal Representative unsuccessfully attempted to locate this document. Therefore, the Tribunal President made the determination that the document was not reasonably available. The Tribunal President failed to determine the relevancy of the paper. Even if we assume that the facts as stated by the detainee are true, the document would have no bearing on the detainee's status as an enemy combatant. In my opinion, no corrective action is required.


During his sworn testimony, the detainee indicated that he had asked his father to provide him with 1) his selective service paper and 2) statements from witnesses who would confirm aspects of his story. The detainee did not ask the Tribunal or his personal representative to contact his father. In my opinion, the Tribunal President acted correctly in not treating this as a formal evidence request and no corrective action is necessary.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 433

The detainee did not request any additional witnesses or evidence.

- e. The Tribunal's decision that detainee # 433 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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

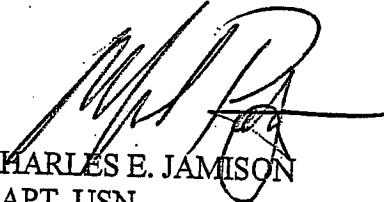
MEMORANDUM FOR DIRECTOR, CSRT

27 December 2004

FROM: OARDEC FORWARD Commander ICO ISN 433

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

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

For 
CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #19

(U) ISN#: 433

Ref: (a) Convening Order for Tribunal #19 of 4 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 on 3 December 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

(U) The Tribunal has determined on 3 December 2004 that Detainee #433 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this Detainee is a member of, or affiliated with, 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 #: 433

1. Introduction

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida and the Taliban. The Detainee was a Taliban Group Commander. The Detainee recruited soldiers for the Taliban. The Detainee conscripted fighters. The Detainee was the Director of Intelligence for the Taliban at Mazar-E-Sharif, Afghanistan. The Detainee was the chief of the Taliban's Interrogation Office at Mazar, Afghanistan. The Detainee chose to participate in the Tribunal process. He called five witnesses, requested one document be produced, and made an oral, sworn statement. The Tribunal President found that four of the requested witnesses were not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The fifth requested witness, while reasonably available and deemed to be relevant by the Tribunal President, was not willing to testify on the Detainee's behalf. The Detainee, in his sworn, oral statement, denied being a Taliban member. The Tribunal President's evidentiary and witness rulings are explained below.






3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-16
- 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 four witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	(not) reasonably available	no*
	(not) reasonably available	no*
	(not) reasonably available	no*
	(not) reasonably available	no*
	reasonably available	no**

* The Tribunal President deemed that the Detainee's request for these witnesses were relevant to the Detainee's status as an enemy combatant. The Department of State was contacted on 9 November, with follow-up attempts made on 22 November and 30 November. As of 3 December 2004, the Department of State had received no response from Afghanistan as to the status of these witness requests. Therefore, the Tribunal President made the determination that based on the attempt to contact and lack of response; the witnesses were not reasonably available.

**The Tribunal President determined that this witness, based on his proffered testimony would be relevant to the Detainee's status as an enemy combatant. The Personal Representative met with the witness on 3 December 2004 and the witness elected not to testify on the behalf of the Detainee.

The Detainee requested one document be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Copy of a UN document	not reasonably available	no*

* The Detainee had asked the Personal Representative to produce a document that was given to him in 1998 from the UN that stated he was under the protection of the UN while he was in Pakistan. The Detainee stated that he had seen a picture of this paper (with a picture of him and his wife) when he talked to an interrogator since he has been at GTMO. The Personal Representative attempted to locate this document in the Detainee Property section and the S2 section. Neither of the two offices could produce this document. Therefore, the Tribunal President made the determination that based on the attempt to locate, this document was not reasonably available.

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 all of the allegations were false. The Detainee stated that he had enemies in detention with him that made up things about him. He was not a leader or a group commander; he was simply a taxi cab driver. The Detainee was an immigrant who ran from the Iraqi army to Iran, to Pakistan and finally to Afghanistan. Once in Afghanistan, he drove his taxi, helping whoever could afford to pay the fare. The Detainee stated that he did not recruit anyone; he couldn't even speak the language. How could he have possibly held high ranking positions if he doesn't even speak the language. After four years in Afghanistan and three years in Cuba, he can't even put together enough words in Farsi to make a sentence, let alone read and write it. The Detainee stated that the Director of Intelligence for the Taliban is here in Cuba. He didn't know the laws of the Koran or the country, why would they (the Taliban) give him these high positions. When questioned further about this UN document that could not be produced, he stated it was to request asylum since he was a refugee from Iraq.

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. He asked no questions regarding his rights and actively participated in the hearing.

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

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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Enclosure (1)
Page 4 of 4

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 and 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: According to the D-a election form, you asked for three witnesses and some information from a police station. The Tribunal deemed that they could be relevant to your case. We contacted our Department of State on 9 November 2004 and also had follow-ups on the 22nd and the 30th of November to get the information. As of today there was no response to these witness from the government in Afghanistan. Therefore with the lack of response, these witness are not reasonably unavailable. If this information does come across at a later date, the Tribunal will consider whether to reopen your tribunal case.

You had also requested a piece of paper referencing U.N. protection that you have, and that you indicated that you seen a picture of this piece of paper when you were being interrogated here at Gitmo.

Detainee: I don't remember what paper it was.

Personal Representative: He said, it was a piece of paper that was given to him in 1998. I did not find the document.

Detainee: Yes, I did see it during interrogation. It is there I saw it myself.

Tribunal President: The Personal Representative did look for it and didn't find it anywhere on the island. We will take your statement that the paper exists. The last witness that you asked for yesterday, he has declined to testify on your behalf.

Detainee: I spoke with him and he said he would come to the tribunal, and tell you what he heard and seen. That then shows you the relationship between the Shiite and Sunni's. I am a Shiite and he is a Sunni and there is hatred, if I had known he was a Sunni I would not have invited him to my house. He deceived me and told me he was a Shiite that is why we don't have a relationship.

The Detainee took the Muslim oath.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.1. The detainee was a Taliban Group Commander.

Detainee: I was not a leader or a group commander for the Taliban. I am a taxicab driver. All the witnesses that gave you this evidence were Sunni's. In the beginning they didn't say all these accusations. After we had a problem they were cursing each other and were causing problems here. They also sued me. They complained that I was a commander of the Taliban. I cannot be with the Taliban for more than one hour if I was with them. I don't know their religion; if I stayed with them I didn't know their prayers. If they found out I was a Shiite, they would take my wife and kids and imprison me. If they put me in prison they will execute me. When I speak it is with an accent and they will know I am a Shiite. They know all the people that are coming from Iraq are from the south and are all Shiite's. The Taliban used to give me my food. I asked the interrogators to ask the neighbors about my situation on how I used to get my food. The guy I asked to be my witness here today, he was going with me too, but nobody here at this camp wants to see me get out. They curse me when they pray, they say to God "Kill him don't send him to his family." How could I be a commander of a group of people if I don't have food for myself? Taliban gave even my food to me; they were helping because I was an immigrant there. I was helping the women and children by giving them rides from one village to another village. Not just women and children but anyone willing to pay me money since I had a taxi. I was also transporting wheat, chopped wood. How could I be a commander? When they first caught me (and) five brothers and the commander who caught me was an Afghani. I am an Iraqi immigrant and I had my wife and kids with me. They came to my house and took me from the house. The American interrogator told me it was nothing more than procedures that they have to follow. They were going to interrogate me and ask me some questions; then let me go back to the village. From that point they took me to Qandahar, and they interrogated me further, the same interrogator said they asked about me in Mazar-e-Sharif and they were sure about all the information, and these are the steps and I have to follow and I have to go to Cuba. That interrogation was done about a year ago. The answer came from Washington that I was to be released. During that time there was problems with other Iraqi people and the Yemeni kind. The stopped talking to me in the cells about me, after that they signed a document stating that anything they said about me was a lie. The individual who squealed on me was a drug addict; he came to my house in Mazar-e-Sharif and said he was my brother, that he is an immigrant just like me. He said help me I am very hungry, I didn't have any food and so I borrowed money to give it to him. He came back a second time and I helped him out again. I heard he was a drug addict and had a bad reputation. I told him and kicked him out, he held a grudge against me. We both had the same interrogator, they asked him about me and he said he didn't have any information about me.

3.2. The detainee recruited soldiers for the Taliban.

Detainee: As far as the Taliban is concerned, they thought it was nothing more than a Jihad. All the people of Afghanistan, they were using guns. How is it possible that I don't know the language, the people, and I had no money; how can I recruit the people? Did I advertise on the radio? That point doesn't make any sense at all.

That drug addict made up all these allegations. I am talking about the witness I requested for today. He was living with me and when I had money, I would bring my food home and share with him. If I wanted to recruit anybody, I would have recruited him to the Taliban. I am afraid of the Taliban.

3.3. The detainee conscripted fighters.

Detainee: Which fighters are you talking about? This guy you are talking about is a drug addict or if it was a different individual and if was an Arab, they were saying killing me is a blessing. The Arabs went to Afghanistan so they can kill the Shiite's. How is it I am being accused of being with Taliban or al Qaida? I have no connection with these people, and I myself am afraid of the Arabs. The Afghani's may not know that I am Shiite but the Arabs do.

3.4. The detainee was the Director of Intelligence for the Taliban at Mazar-e-Sharif, Afghanistan.

Detainee: I have no answer to that, the director of intelligence you have him here. How can I be the director of intelligence, if I speak, they don't understand me and if they speak, I don't understand them. I don't know how to read or write in their language. If I were in charge or the director of intelligence, why would I ask the interrogator to testify and be a witness? These accusations are impossible and are made up. The Afghani people or the Pashtu cannot reach that high position as director of intelligence. Why would they give that to me?

3.5. The detainee was the chief of the Taliban's Interrogation Office at Mazar, Afghanistan.

Detainee: The director of intelligence was imprisoned, he gave some kind of kickback to Mullah Abdul Salam and he paid off Dustom when he got out of prison and some of his guards were still in prison. He was fully aware of Koran, and he is Pashtu and speaks Pashtu, Farsi, and Arabic better than me. These people use the Sharia against me, who am I to use the Sharia against them. I didn't even pray when they picked me up and put me among the Arabs in Qandahar. If the chief of the police went to do a job, the head of the interrogation department becomes the chief of police. Why would they give me this high position? They had some other prisoners right now in Sherbergan, and they were asking me if the chief interrogator was in prison with me or not. If I had something to do with him, I am asking the director of intelligence to be my witness. It was be pretty stupid of me to ask somebody to be my witness if I had been the director of intelligence. When the chief interrogator comes to my house and he was with Mullah Abdul Raouf and he speaks Pashtu, Farsi and Arabic; he also knows the Koran and the Sharia. There are Koran laws and it is very hard to put someone in this position that doesn't know the laws of the country and rules of the Koran. If there are some Afghani's here, you can ask them if there is an Arabic guy in Afghanistan that held a very high position. If the answer was yes, they placed Arab or an Iraqi in a high position, then he will ask you to keep him here in the prison for the rest of his life.

Nobody will get that position unless he is well connected. You have the director of intelligence here. I told that to the interrogator name [REDACTED] here. She laughed and said, "Yes." So why are you accusing me? The Afghani people from the Mazar-e-Sharif and from the village came to interrogate me. The United States came for the Arabs and they went to the investigation to ask about me. I went to Qandahar. They sent me letters and said they wanted to visit me to see if they can get vacation for me. They were afraid I only received eight letters. My wife and kids stayed in Mazar-e-Sharif and the people were giving them bread. My wife wrote to me and told me not to worry about them. They got a card from the Red Cross. They are giving us bread and the people were helping us. I was living by myself over there and helping the Northern Alliance. When Mazar-e-Sharif fell, I was with the Northern Alliance. The New Government gave me a paper (letter) that did not interfere with my life. I sat with Mouan Dostum, he asked me for money and I told him I didn't have any. So there was a problem between Massoud and Dostum. The Massoud people were saying that we know he is an immigrant and didn't have any money. The people of the village said "If you need money we would take a collection." If he doesn't pay me the money, I will turn him over, and he didn't say, "I will turn him over to the Americans, I will sell him to the Americans." The same Kamel Mouan Dostum, he is the administrative person for Dostum. He advertised on the radio, anybody that finds an Arabic or informs about an Arab will get 3000 dollars. I was among the people living there for two months with out any problems. This is the money that brought me here and I left my family back there. The neighbors were giving me the bread. The interrogators were asking in Qandahar and I didn't have any problem there. I gave the telephone numbers to the American people on 3 January 2002. I had the telephone of the company that has the car, there were two cars and the price of the two cars was eight hundred dollars. You can check on that, I repaired the cars. I fixed it and turned around and sold it and bought another car. Before that I used to own a shop for the outside connection or calls because I couldn't speak their language. I had to hire an Afghani man and he was there working for three months and he was stealing. Three months later I sold that shop. I became a partner with an older man; we were selling Benzene. Before that when I was in Pakistan, you had a telephone number for one of my people. He is in the United States in New York, he is in a mission organization for the Shiite and he is the head of that organization. For three days my wife and daughter didn't eat the food. I asked an Iraqi guy, he is a Imam or Mullah, I asked him if I could contact my relatives. After I requested that, I was kind of shy to call my relative and my wife called and when she talked to him, she cried and told him that we are hungry; he sent us 350 to 400 dollars. I fled Iraq, I didn't go for Jihad. I was living in Iran for over a year. I was selling vegetables in the street and there I couldn't communicate with the people, Even though the market was for Iraqi's, when an Iranian came to buy from me I cannot sell him anything because I can't understand him. I had a very hard time, the people that was supposed to take me to Iran and they left me there. I gave their name and address to the interrogators. I sent a letter to my father so they can write their statement and send it over here. I am an immigrant, a Shiite and I had a hard time. I contacted my father and asked him to send me my documentation (selective service paper), and also get the testimony of other witness to how I was living. I haven't heard anything; the interrogators are delaying those things.

Tribunal President: Does that conclude your statement.

Detainee: If you have any questions I am ready for you now.

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

Personal Representative: Yes Ma'am, do you speak any languages such as Farsi, Persian or Dari?

Detainee: I don't speak any other language; What ever I learned of the Farsi I learned it in Afghanistan. I have been here for three years and you can look in my file that I can't live with these people. I lived with the Afghan and I speak Farsi. Three years in prison and four years in Afghanistan, a total of seven years, I cannot make up one full statement. As far as reading and writing that is impossible.

Personal Representative: How did you get customers for your taxi?

Detainee: There is a place for the taxis and people went there were the taxis were. I don't work inside the cit. There is a special parking spot for the all taxis just for the village. Everyone knows where that parking is. It was like a pickup, I could carry wheat, wood and other items. I would take the people from one location in the morning and bring them back in the afternoon. I worked many jobs, but the interrogators picked on one or two jobs. They didn't tell you I opened up a small shop selling watermelons and I lost a lot of money. How could I be the director of intelligence and selling watermelon in the street? Why is it that the interrogator didn't tell you the director of intelligence is here in the prison? What business of it is mine? The people and the Taliban were wearing a long robe and turban on their head, so I wore the turban. I even grew a long beard, if I didn't have a long beard I couldn't walk down the streets. The beard is just like a visa. When I was in Mazar-e-Sharif there was a British family living there. Why didn't they bring that British family here? They were living off the Taliban, him and his wife. He was also an immigrant in Afghanistan. You didn't bring him here, and he still may be there. You brought me here despite the fact all the people testified in my favor; even the American that was there, heard the testimony of the other people. Don't worry about anything you will get back. They tried to get me out and for some reason or another I haven't gotten out yet. The interrogator told me, we have a lot of names of Afghani's, and that they interrogated them. Anybody that goes to the director of intelligence would have to sign a register, if you go there as a person who is being accused, they will write down your accusations. If you get one Afghani or Arabic witness, all they have to say is this guy interrogated me. If you can get one witness against me, you can put me at camp five for the rest of my life. The Taliban fell but the people are still there.

Tribunal President: Does the Recorder have any questions for the detainee?

Recorder: Yes Ma'am, A few moments ago you said you asked your father for documents for selective service in your country. The question is what country?

Detainee: al Basara Aumqusar (ph)

Recorder: Did you receive any military training? Did you carry a weapon in Afghanistan?

Detainee: No, it was in Iraq.

The Personal Representative and the Recorder had no further questions.

Tribunal President: Do any of the Tribunal Members if they had any questions for the Detainee.

Tribunal Members' questions.

Tribunal Members: Yes Ma'am, Sir I have some very specific questions and I would appreciate if you give a concise answer.

Q. You are a native of Iraq?

A. Yes, Sir.

Q. When did you go to Afghanistan?

A. In 1998.

Q. You were arrested approximately how long after that?

A. In 2002.

Q. You speak what languages?

A. Arabic.

Q. Apparently you speak a little bit of other languages?

A. Farsi and English.

Q. How long were you a soldier in Iraq?

A. In 86 at the police department in al Basara, 87 I went to the Army, then I escaped and they put me in jail, 89 I left the prison then I escaped again. There was a decision from the interior minister that stated anybody that was in the Army from the police department would have to be expelled from the Army. I left and got a piece of paper from the Army. I went to the police department in al Basara and they took the paper that I got from the Army and they put it on a piece of paper and signed it and stamped it. I took it to the selective service.

Q. Have you ever fought in any battles?

A. No.

Q. Why do people here want to see you stay here?

A. Because they are my enemy, they are my enemy religiously. I am a Shiite and they are Sunnis, the Sunnis oppose the Shiites.

Q. In Afghanistan, were people friendly to you there?

A. Yes, they were very friendly.

Q. Why did you select Afghanistan to go to?

A. I didn't select Afghanistan to go to. After my relatives sent me money, there were two Iraqi guys that told me they would take me to a village via Afghanistan since there was not a place to stay. I didn't know it was a police department and I left my wife and daughter outside and I explained to him my story and there was no Iraqi guy there. They said there were no hotels for the families since we are strangers here. They told me to leave my wife and daughter inside and I was to stay outside with the guards and they will find a house for us. Three days later they found a house for me. They took me to the immigration department and every month I filled out a petition and they give me food. All these petitions I filled out, you can check out. In Qandahar they already asked about me.

Q. Where did you intend to go from Iraq, if you didn't intend to go to Afghanistan?

A. I was in Iraq for one year and two months. Other Iraqi people convinced me that there were some United Nations people that will give us a monthly income, along with medication and housing arrangements. I was convinced and I went with them. I filled out some petition and they gave me documentation, but they didn't help me with anything at all. There were other Iraqi families there; they were paying some families some monthly income and food. I knew it would take me some time; I was really starving so I couldn't stay there. I called my relatives and he gave me the money. I was in Pakistan for approximately 2 ½ months. You have the telephone number of my relative; you can ask them about in 1998. The woman that talked to you and you sent her the money in Karache and that is the Shiite Missionary Organization.

Tribunal Member: Personal Representative and Interpreter was there a prepared translated statement for the detainee to read during the interview? And did he read it?

Personal Representative: Yes, He was reading it.

Tribunal Member: Was it obvious that he was reading it?

Interpreter: Yes, he was looking at the paper and reading the next allegations.

Q. Didn't you make a statement earlier that you couldn't read?

A. I couldn't read Farsi.

Q. You can read and write in Arabic?

A. Yes.

Q. Why didn't you stay in the Iraqi Army?

A. The government was against us. We wanted to be in the police department so we didn't have to fight.

Q. How long did you train in the Iraqi Army?

A. 45 days for training.

Q. Who gave you the piece of paper from the United Nations and why?

A. The United Nations in Pakistan.

Q. Why did they give this to you?

A. They gave it to all the immigrants.

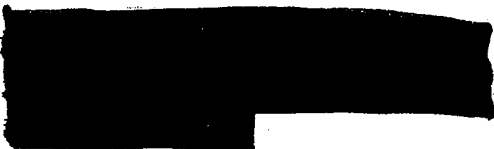
Q. What was the purpose?

A. There was no place for me to stay.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

DETAINEE ELECTION FORMDate: 2 Nov 2004Start Time: 0840End Time: 1025ISN#: 433Personal Representative: [REDACTED] Major, USAF
(Name/Rank)Translator Required? YES Language? ARABICCSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES**Detainee Election:**

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

Personal Representative Comments:

The detainee was briefed on the CSRT process and he elected to participate in his Tribunal. He will attend the Tribunal and will make a statement. He requested 2 witnesses and also that some questions be sent to the Police Station in Mazar Sharef. He also mentioned a piece of paper that was given to him in 1998 from the UN that stated he was under the protection of the UN while he was in Pakistan. He stated that he had seen a picture of this paper (with a picture of him and his wife) when he talked to an interrogator since he has been at GTMO.

(note: As of 02 Dec 04, the Department of State has not received a reply from Afghanistan in response to the inquiry regarding Detainee #433's witnesses. Also, a check of Detainee Property and the S2 office at GTMO have not been able to verify that a UN document exists. During the Final interview with #433 on 2 Dec 04, he stated that since he could not have his out-of-camp witnesses testify, he would like Detainee # [REDACTED] to be his witness. The Tribunal President ruled that [REDACTED] would be relevant in this case. Detainee [REDACTED] declined to be a witness during a witness interview on 3 Dec 04.)

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (22 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – SADKHAN, Jawad Jabber

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.

The detainee is associated with al Qaida and the Taliban:

1. The detainee was a Taliban Group Commander.
 2. The detainee recruited soldiers for the Taliban.
 3. The detainee conscripted fighters.
 4. The detainee was the Director of Intelligence for the Taliban at Mazar-E- Sharif, Afghanistan.
 5. The detainee was the chief of the Taliban's Interrogation Office at Mazar, Afghanistan.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

2398

UNCLASSIFIED

Memorandum



To : Department of Defense Date 11/18/2004
 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 433 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/16/2002

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

²See Executive Order 12958


UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 11/18/2004

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

Personal Representative Review of the Record of Proceedings

I acknowledge that on 09 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #433.

 I have no comments.

My comments are attached.

Major 
Name _____

09 Dec 2004
Date


Signature