

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ISSA ALI ABDULLAH AL MURBATI,)	
<i>et al.</i>)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 04-CV-1227 (RBW)
)	
GEORGE W. BUSH,)	
President of the United States, <i>et al.</i> ,)	
Respondents.)	
)	
)	

DECLARATION OF JAMES R. CRISFIELD JR.

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

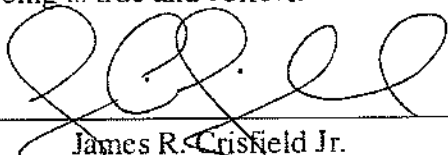
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Issa Ali Abdullah Al Murbati that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached

hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0202
11 October 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

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

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

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).

2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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9 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

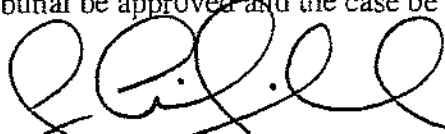
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004
(2) Record of Tribunal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

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

- a. The detainee was properly notified of the Tribunal process and affirmatively declined to participate in the Tribunal proceedings.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibit R-7 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. Note also that the Tribunal's reference to "Exhibit R-11" in paragraph 1(g) of enclosure (2) to their Decision Report appears to be a typo. The Tribunal was more likely referring to exhibit R-10
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings. He declined to submit comments to the Tribunal.

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

1 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet


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

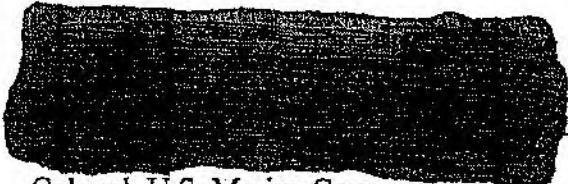
(U) TRIBUNAL PANEL: #8

(U) ISN#:

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

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

1. (U) This Tribunal was convened on 27 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 27 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee  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, 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, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #8

ISN #: 

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida. 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 voluntarily traveled from Bahrain to Afghanistan on 2 November 2001. The Detainee traveled to Afghanistan via Pakistan to fight the Jihad, to make himself a better person, and to have a 15,000 Dinar debt forgiven. Since he did not know how to use a Kalishnikov rifle, the Detainee went to Kandahar to find training. The Kandahar camp had been closed so he went on to Kabul, Afghanistan to find training. The Detainee was injured by a grenade while traveling to Khost, Afghanistan. The Detainee was affiliated with Abu Sayyef. During the interview process, the Detainee worked on a written statement. However, prior to the last interview, the Detainee received a letter from his attorney that told him not to talk to the military personnel without the attorney being present. The Personal Representative asked the Detainee if he wanted his already prepared written statement to be submitted and the Detainee didn't object. The Detainee however, chose not to sign the statement or attest to its accuracy. The Detainee called no witnesses and requested no unclassified or classified documents be produced.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-c and R-1 through R-13.
- b. Testimony of the following persons: None
- c. Written, unsigned statement from the Detainee.

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

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

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1 through 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. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence. Exhibit R-3 was the Terrorist Organization Reference Guide that provided information on the Abu Sayyaf Group (ASG).

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsigned written statement as taken by the Personal Representative. In sum, the Detainee's written statement indicates that he traveled to Pakistan for medical treatment. His passport (Exhibit D-c) contains a medical visa, issued on 28 October 2001 that was good for one month. According to the Detainee's statement, he entered Pakistan and was immediately arrested by the Pakistan police. The Pakistan police physically abused him and then questioned him. The Detainee was provided a copy of a written statement for him to sign, which he signed without reading it. While in Pakistani custody, he heard a loud explosion and he awoke in a hospital. The Detainee was told that a bomb had exploded. The Detainee alleges that he had told two different stories about his injuries because he was afraid. The first story of being injured in a bus accident in Khost, Afghanistan was false. Additionally, the Detainee states that while he traveled to the Philippines, he did so for recreational purposes only. The passport indicated that the travel to the Philippines was in 1999.

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

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

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. Although he did not actively participate, he had no objections to the Personal Representative entering a written statement for him. The Detainee was advised by his attorney not to participate in the process. As stated in Paragraph 2 above, the written statement was obtained in previous interviews with the Detainee but was not signed or verified by the Detainee for accuracy.
- 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, U.S. Marine Corps
Tribunal President

DETAINEE ELECTION FORMDate: 21 Sept 2004Start Time: 1400End Time: 1630ISN#: [REDACTED]Personal Representative: [REDACTED]
(Name/Rank)Translator Required? YES Language? ARABICCSRT Procedure Read to Detainee or Written Copy Read by Detainee? READ TO DETAINEEDetainee Election:

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

Personal Representative Comments:

Detainee [REDACTED] affirmatively declined to participate in the Tribunal. Detainee referenced a letter from his attorney that stated the attorney would represent him regarding his enemy combatant status and he was advised to not talk to us. Detainee spent two previous interview sessions working on a written statement, I will submit it into evidence as interview notes, as the Detainee didn't object when asked. However, he refused to sign them and attest to their accuracy.

Personal Representative: [REDACTED]

~~FOUO~~

Recorder Exhibit List

For

ISN [REDACTED]

#	Title	Support	Location (Paragraph)	Classification
R1	Unclassified Summary			UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 15 Sept 04	Exhibit R8		UNCLASSIFIED
R3	USDHS, Terrorist Org Ref Guide, dtd Jan 04, pg 3	3.a.4.		UNCLASSIFIED
R4	SIR, dtd 18 Dec 02	3.a.1. 3.a.2.	Subject	SECRET
R5	JTF-170 Knowledgeability Brief, dtd 13 Jun02	3.a.1. 3.a.2. 3.b.1	Subject/5.F. Subject 5.G.	SECRET
R6	SIR, dtd 8 Oct 02	3.a.3.	2.P.2.	SECRET
R7	FBI 302, dtd 09 Jun 02	3.b.1. 3.b.2. 3.b.3.	10. 8. 9.	FOUO/LES
R8	Results of Quarterly Review of Community Counterterrorism Tiers	3.a.4.	Page 2	SECRET//NOFORN
R9	CITF Assessment 10-JAN- 03	Summary		SECRET//NOFORN
R10	JTF GTMO Baseball Card	FYI		SECRET//NOFORN
R11	MFR SA [REDACTED] 24 September 2004	FYI		SECRET//NOFORN
	ADDITIONAL INFORMATION added on 27 Sept 04 per board request of 25 Sept 04			
R12	OARDEC INTEL RESPONSE dtd 25 Sep 04	R5, pg 3 and date R10		SECRET
R13	JT assessment	R7, pg 2		SECRET//NOFORN
R8	Results of Quarterly Review of Community Counterterrorism Tiers	R7 Page 2	Added page 3	SECRET//NOFORN

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (15 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL MURBATI, Issa Ali Abdullah.

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 Qaeda 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 an Al Qaeda fighter and participated in military operations against the United States or its coalition partners.
 - a. The detainee is associated with Al Qaeda:
 1. On November 2, 2001, detainee voluntarily traveled from Bahrain to Afghanistan.
 2. The detainee traveled to Afghanistan via Pakistan where he planned to fight in the *Jihad*.
 3. Detainee was a follower of Abu Sayyef; they met in the Philippines. They discussed getting money to Arabs in Afghanistan.
 4. Abu Sayyef Group is a known terrorist organization.
 - b. The detainee participated in military operations against the United States and its coalition partners.
 1. Detainee was injured by a grenade while traveling to Khowst, Afghanistan, and given treatment at a hospital.
 2. Detainee was told that if he went to war and fought the *Jihad*, he would be a better person and have his 15,000 Dinar debt forgiven, and eventually he traveled to Afghanistan.

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3. Al Murbati discovered that there was not training available in Kandahar, and since he did not know how to use a Kalishnikov rifle, he traveled to Kabul by taxi, after learning there was training there.

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

UNCLASSIFIED

Memorandum



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT

Date 09/15/2004

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
[REDACTED]

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [REDACTED]

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

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

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

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

FD-302 dated 06/09/2002

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, 09/15/2004

If you need additional assistance, please contact

[REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]



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

Terrorist Organization Reference Guide

January 2004

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Exhibit 460
K3

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Designated Foreign Terrorist Organizations¹

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

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

1. Abu Nidal organization (ANO)

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

Description

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

Strength

Few hundred plus limited overseas support structure.

Location/Area of Operation

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

External Aid

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

2. Abu Sayyaf Group (ASG)

Description

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

Activities

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

Strength

Estimated to have 200 to 500 members.

Location/Area of Operation

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

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

External Aid

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

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

Description

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

Activities

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

Strength

Unknown.

Location/Area of Operation

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

External Aid

Unknown.

In Response to (A) of the unclassified summary, this is false.

1. In Response to (A1) of the unclassified summary, this is false. I was not traveling to Afghanistan; I was traveling to Pakistani for medical treatment. This information is in my passport that you have in your possession.
2. In Response to (A2) of the unclassified summary, this is not true. I was working as a plumber and I fell and injured my back. The pain kept getting worse. Some people in the (NOUR) Light Mosque in Bahrain told me that I could go to Pakistan for treatment and I decided to go. I went to the Pakistani embassy and got a medical visa which stated the purpose of my visit was for medical reasons. I had planned to go to the Agha Khan hospital in Karachi Pakistan. I purchased a two-way plane ticket. I had my passport stamped at the airport in Pakistan for entry into the country. After my passport was stamped, someone tapped me on my back and asked to see my passport. This person was wearing civilian clothes. He told me that he was from the police so I handed him my passport. I was told to follow him. He took me to a small room and had me wait for a while. Then another group came in and took me to prison. The next day I was physically abused, they kicked and hit me with clubs, books, and clinched fists. The people hitting me didn't even talk; they just beat me without asking questions. After about 20 minutes, they took me to another room where there was an interrogator. This interrogator asked me why I came to Pakistan. I explained that I had come for medical reasons. The interrogator also asked if I was a member of Al Qaida or was associated with them. I said no. As I answered his questions and the interrogator pretended to write down my answers on the document in his hand. Then

interrogator gave me the document to sign and I signed it, even though I didn't read it. Three days later a new interrogator came to see me and he also asked me why I came to Pakistan. I told him for medical reasons. Then the interrogator asked me, "This document you signed; do you know what was written on it?" I said no, so the interrogator read it and had a linguist translate. The document stated that I went to Afghanistan via Pakistan. It stated I was going to Khost Afghanistan, and then back to Pakistan. The document also stated that the Pakistani authorities had caught me. They made up this story because the United States was paying \$5000 to capture terrorists. I signed this document because I was being beaten.

3. In Response to (A3) of the unclassified summary, this is false. I am not a member of Abu Sayyef. I don't know what this is. I did go to the Philippines as a tourist for 10 days. This is in my passport that you have. How is it possible that Abu Sayyef is willing trust anyone to come close to him if he is a big terrorist as the United States claims? I don't even know him, so how could this be possible? It is not. It doesn't even have to be Abu Sayyef; it could be anyone. For example, can anyone visiting Washington go and visit President Bush? The answer is no. Does President Bush just go to anyone in the street and say, "Go do something for me", after only knowing them for 10 days? I think not.

In Response to (B) of the unclassified summary, this is false.

1. In Response to (B1 through B3) of the unclassified summary, these are all false. There was a bomb that exploded while I was incarcerated in Pakistan. I was being moved from one prison to another and was handcuffed and blindfolded. There was a lot of trouble in Pakistan

during this time. I heard a loud explosion and when I awoke I was in a hospital. I was told that a bomb had exploded. They took me from the hospital to another prison where I stayed for about a month. Then they turned me over to US authorities. At first I was scared because of the abuse I had received by the Pakistani authorities. I thought it would be even worse, that you might even kill me. The Pakistanis had told me that if you think we are bad; wait till United States gets their hands on you. I was interrogated twice in the United States Embassy in Pakistan and I told two different versions of how I was injured that conflicts with what I just told you. During the first interrogation, I said I was on my way to Khost Afghanistan. I had just exited the bus when a bomb close by exploded and injured me. Then during the second interrogation, I said that my injury was caused by a bus accident. The interrogators asked me how come I said in the first interrogation that a bomb injured me and in the second interview I said I was injured in a bus accident. I became very afraid and confused; I didn't know what to say, this wasn't my story. I was scared and could not focus on the story. All I could remember was all the kicking and abuse by the Pakistani authorities so I was very scared. This was what the Pakistanis told me to say. They did this when they read me the documents I signed. They said tell this story to the Americans and I didn't remember it all. The Pakistanis told me I had better tell this story because I had already signed on the document and the Americans will think you are a terrorist and will behead you or imprison you for life.

PASSPORT

In the name of
His Highness the Amir of the State of Bahrain,
greetings to all whom this may concern.
It is requested of the officials of the State of
Bahrain and her representatives abroad,
and required of every other Authority that
acts in her name, and of the Foreign
Authorities who are concerned, to allow the
bearer of this passport freedom of passage
and to afford him every assistance and care
that may be needed.

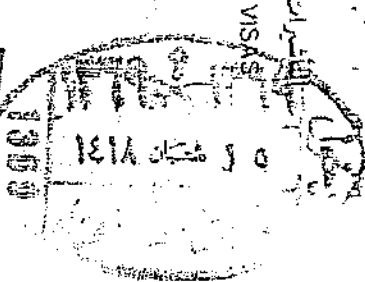
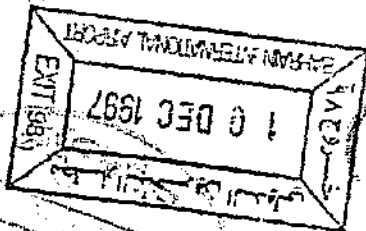
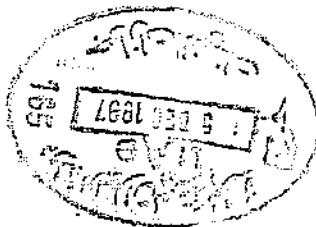
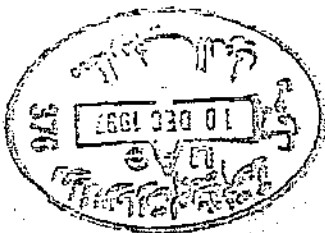
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Assistant Under Secretary for Immigration
and Passport Affairs

STATE OF RHODE ISLAND PASSPORT

٩٣٥٤٠٣
 اسم حامل الجواز
 عيسى علي عبدالله علي المرابطي
 925403
 BHR
 P
 NAME OF BEARER
 ISA ALI ABULLA ALI ALMERBATI
 NATIONALITY
 BANRAINI
 DATE OF BIRTH
 00-00-1965
 SEX
 M
 PLACE OF BIRTH
 MANAMA
 OCCUPATION
 EMPLOYEE
 DATE OF ISSUE
 00-11-1997
 DATE OF EXPIRY
 00-11-2002
 تاريخ الميلاد
 ١٩٦٥-٠٠-٠٠
 PERSONAL No.
 650016530
 تاريخ الاصدار
 ١٩٩٧-١١-٢٠
 تاريخ انتهاء الصلاحية
 ٢٠٠٢-١١-٢٠
 محل الميلاد
 المنامة
 موظف
 توقيع حامل الجواز
 HOLDER'S SIGNATURE

P<BHRISA<ALI<ABDULLA<ALICALMERBATI<<<<<<<<<
925403<<<58HR6500007M0211303650016530<<<<<06



10

OBSERVATIONS ملاحظات

STATE OF BAHRAIN

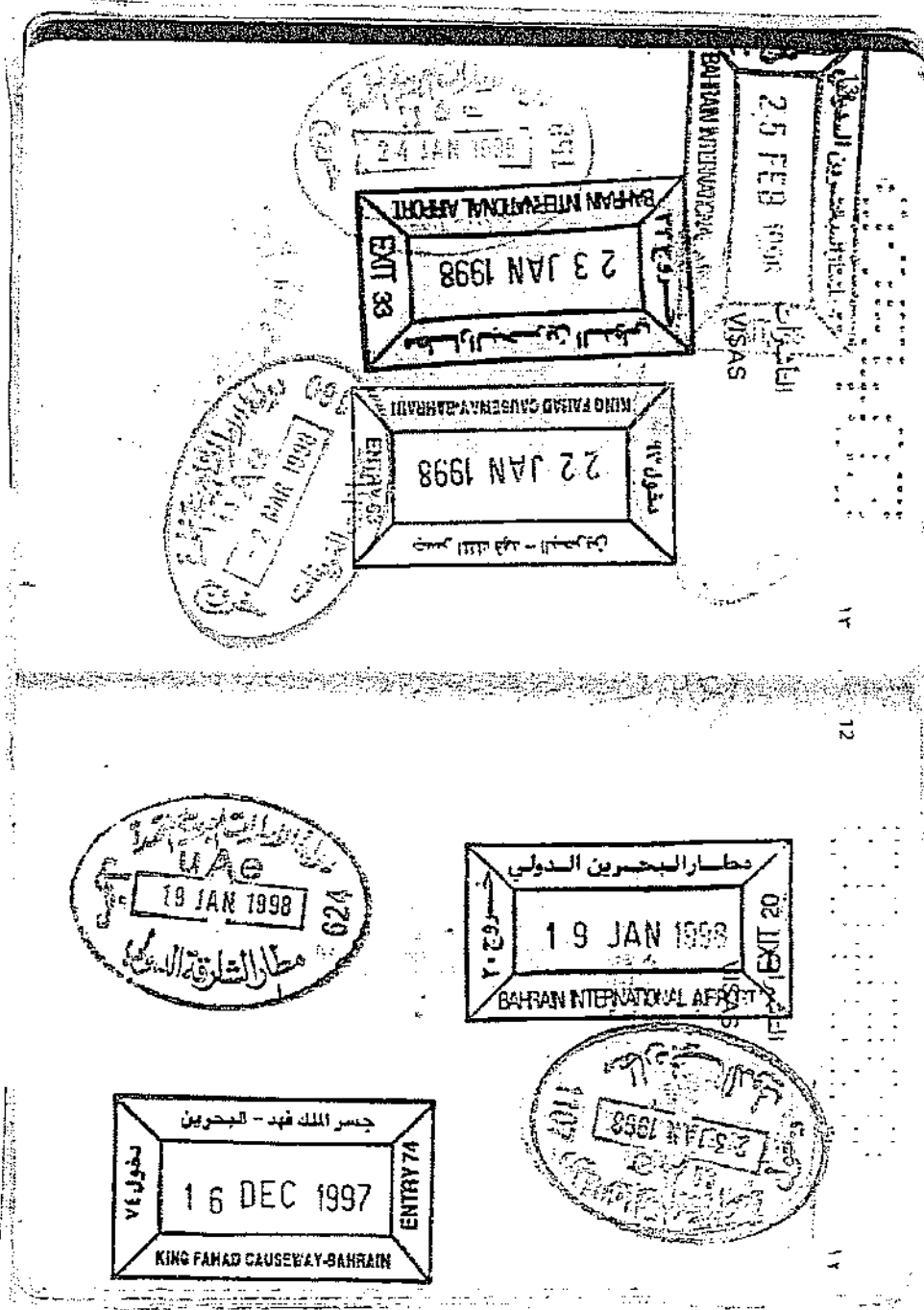


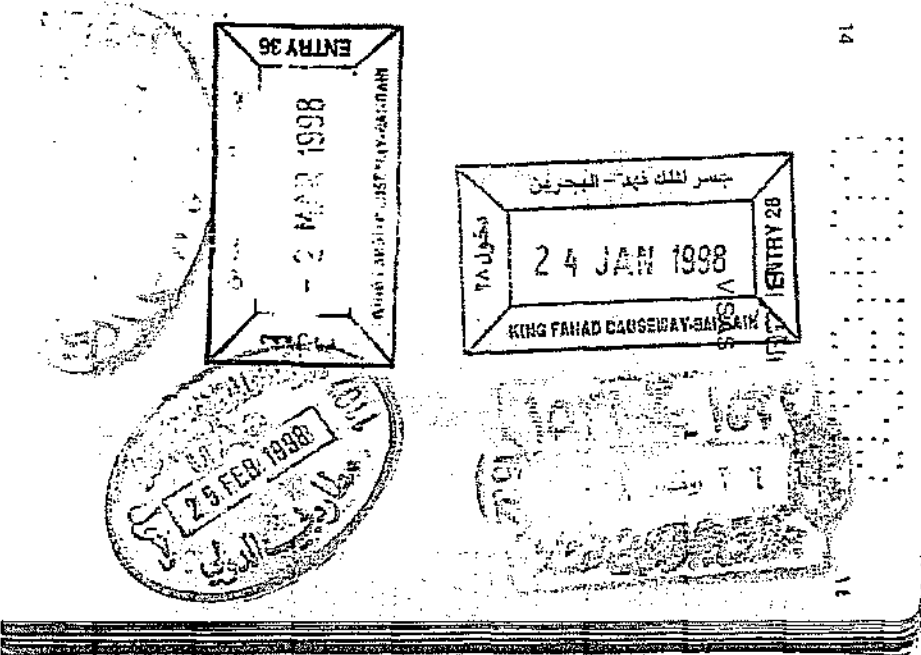
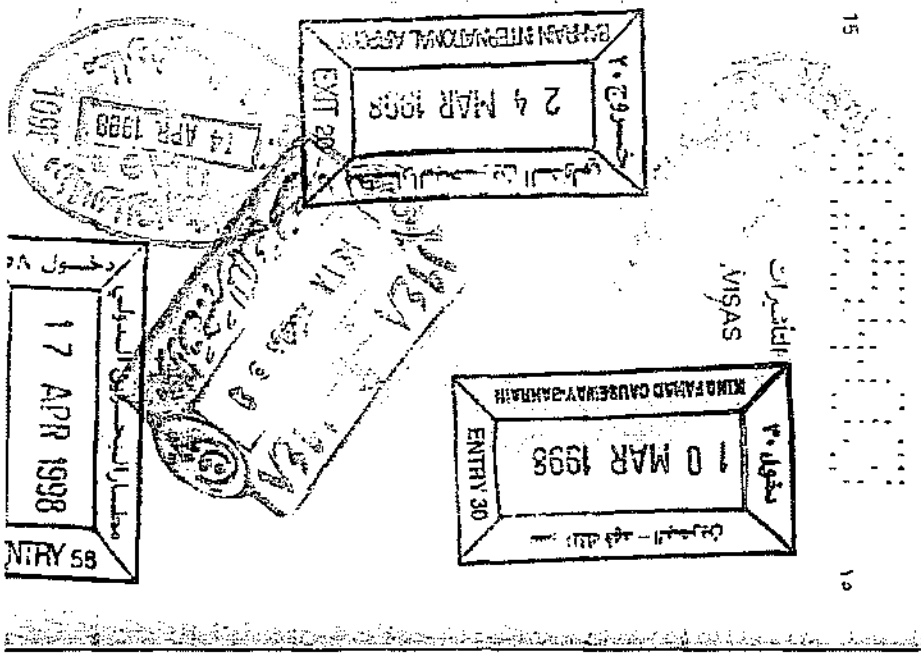
10 REVENUE

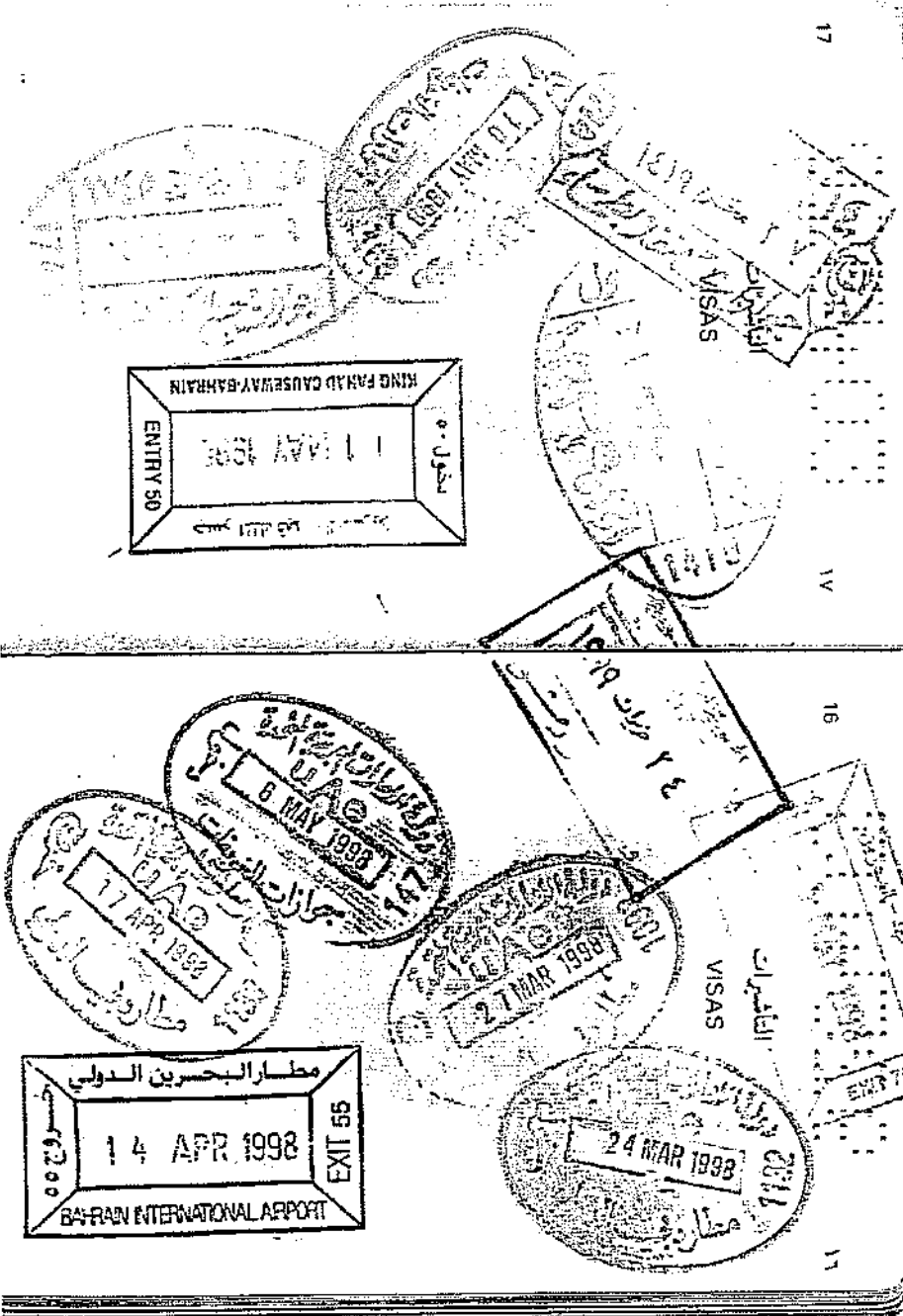
OFFICE

Previously travelled on	سابقاً
Passport No. 723192	جواز رقم 723192
Date 24/10/96	الموعد 24/10/96
Issued at Bahrain	المصدر البحرين

4702 of 14



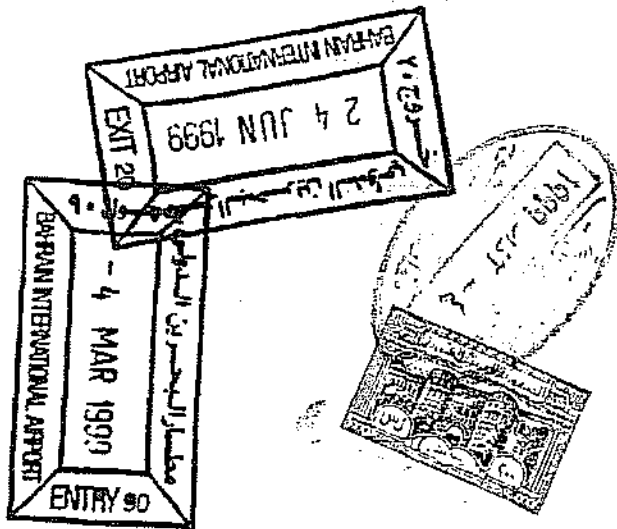




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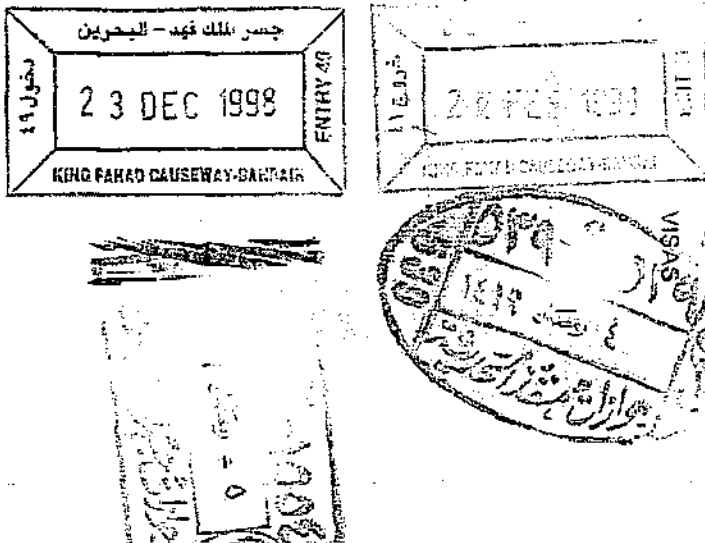
التأشيرات
VISAS



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التأشيرات
VISAS



Visit to
Philippines
↓

23

PHILIPPINES
DEPARTMENT OF
IMMIGRATION
AUG 9 0 1999
VISA
APPROVAL
197-PHILIPPINES 2000-107-204
197-PHILIPPINES 2000-107-204

24

22

29 MAY 2000
VISA
APPROVAL
197-PHILIPPINES 2000-107-204

76
1 NOV 2001
STATE OF SAUDI ARABIA
JEDDAH INT. AIRPORT PASSENGERS

29 AUG 1999
BAHRAIN INTERNATIONAL AIRPORT
EXIT 89

Medical Visa
to Pakistan ↓

25

ISLAMIC REPUBLIC OF
PAKISTAN

Visa. — S.No. VB386283
No. of Passport 925403
Visa No. 733/2001
Type of Visa Entry
Date of Issue 28-10-2001
Good for journey upto 27-11-2001
No. of visits allowed Single
Duration of each stay 1 month
Purpose of visit Medical Treatment
Also valid for Children
endorsement on the passport

Seal (Signature and Stamp)
Counsellor/100
Embassy of Pakistan

24

02 NOV 2001

10 DAY
ENTRY
VISAS

مفتي جسر الملك محمد
19 صفر 1421
ENTRY دخول

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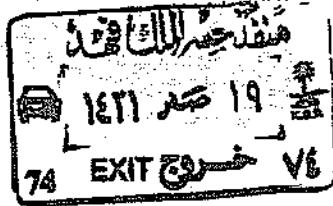
التأثيرات
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التأثيرات
VISAS



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مملكة البحرين
Ministry of Foreign Affairs
Kingdom of Bahrain

الفايزات
VISAS

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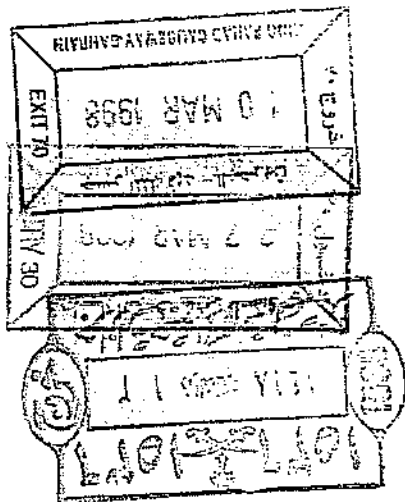
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مملكة البحرين
Ministry of Foreign Affairs
Kingdom of Bahrain

الفايزات
VISAS

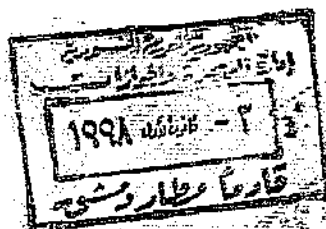
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التأشيرات
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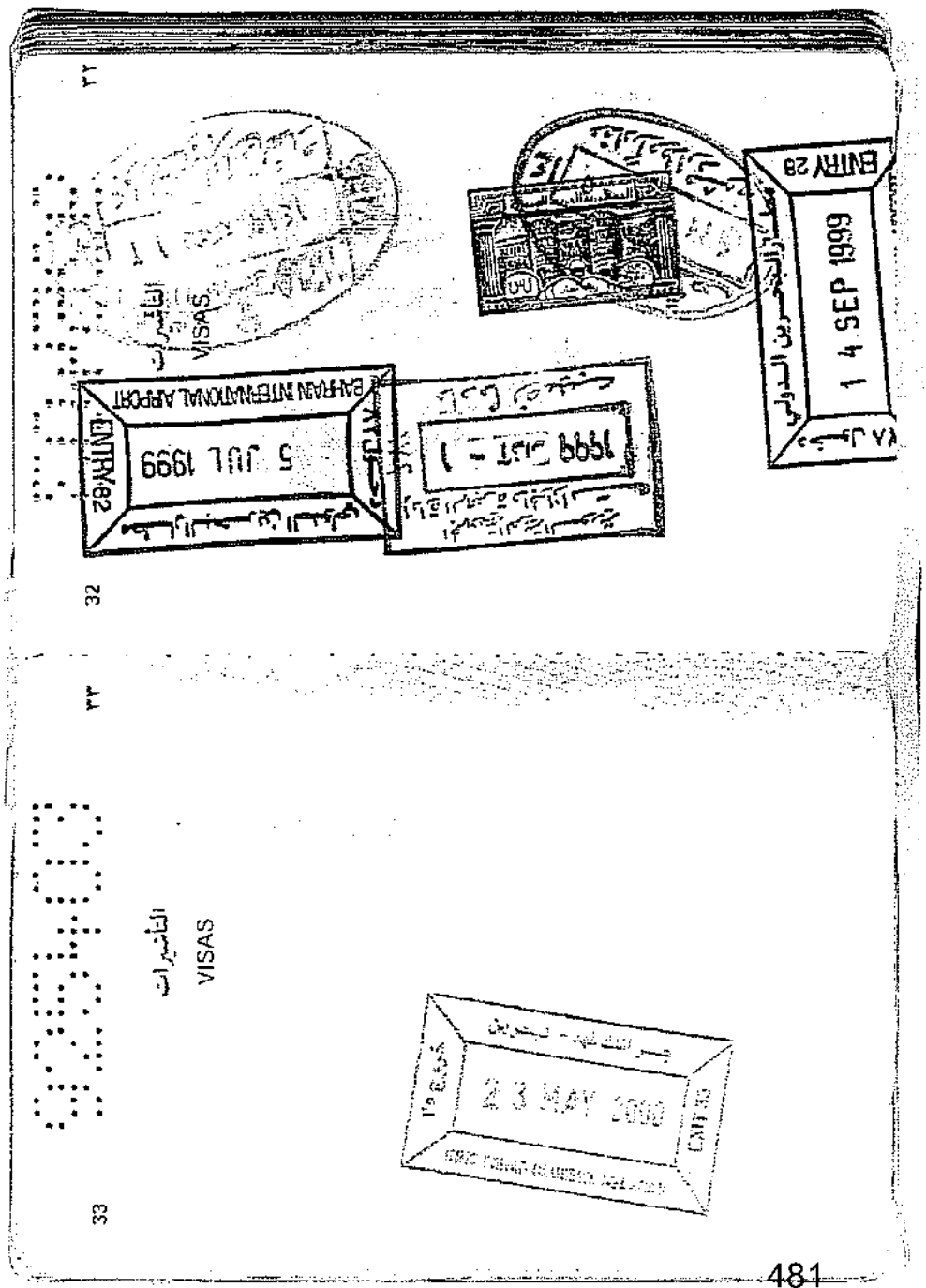


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ENTRY 29
14 SEP 1999
مطار البحرين الدولي

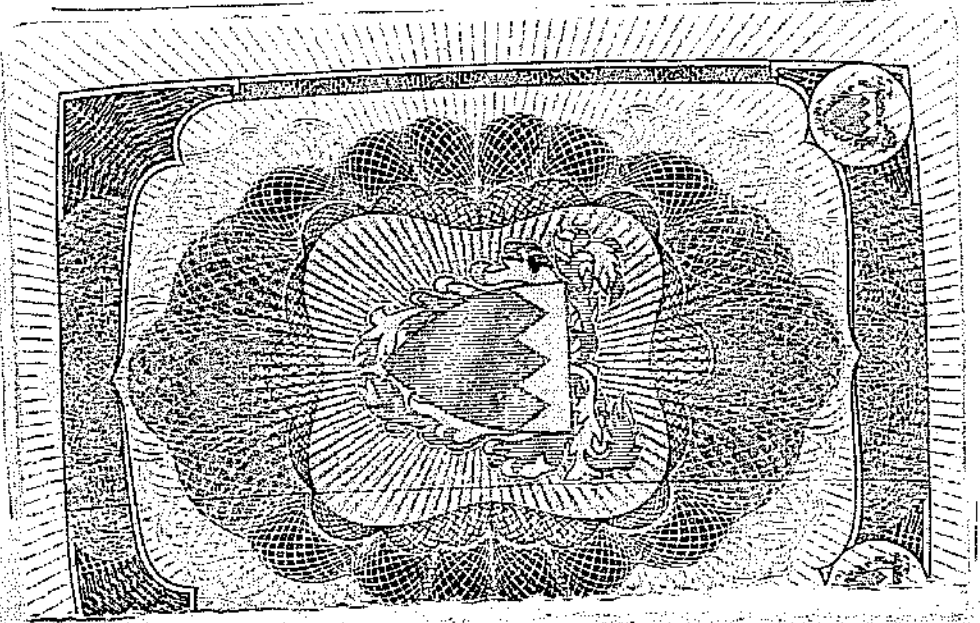
BAHRAIN INTERNATIONAL AIRPORT
ENTRY 62
5 JUL 1999
مطار البحرين الدولي

1
14 SEP 1999
مطار البحرين الدولي

905400

الفايزات
VISAS

23 MAY 2000
مطار البحرين الدولي



11
C 1010 R. A. S. A. 11 X V 7200
PASSPORT REGULATIONS 2.5

Bahrain Passports are issued and renewed by the Passport Directorate; Bahrain subjects resident abroad should submit their applications concerning passport renewal or additions, or in the case of loss, to the nearest Bahrain Consulate or any Authority which acts in the name of the State of Bahrain.

This passport is valid for travel to the countries named on page eight.

Bahrain Passports are issued for a period of five years, unless otherwise stated.

CAUTION

This passport is an important document, and care must be taken against its falling into the hands of any person who has no right to use it; and, if destroyed or lost, this should be reported immediately to the Passport Directorate; or if abroad, to the nearest Bahrain Consulate or any Authority which acts in the name of the State of Bahrain. No new passports are issued except after exhaustive inquiries.

Passport No.

925403




This passport contains 44 pages

رقم الجواز

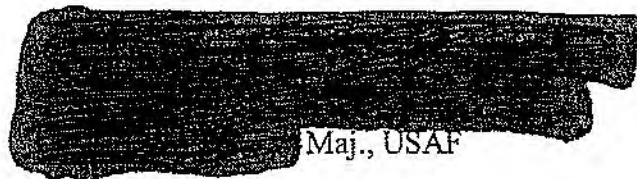
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Personal Representative Review of the Record of Proceedings

I acknowledge that on 30 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 


☒ I have no comments.

☐ My comments are attached.


Maj., USAF

30 SEPT 2004
Date

Signature

ISN 
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MUSA ABED AL WAHAB

Petitioner

v.

GEORGE WALKER BUSH, *et al.*,

Respondents.

Civil Action No. 05-520 (HHK)

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 record of proceedings before the Combatant Status Review Tribunal related to petitioner Musa Abed Al Wahab that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. An OARDEC staff member redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. This individual also redacted internee serial numbers because certain combinations of internee serial numbers with other information relates to sensitive internal and intelligence operations that is not suitable for public release.

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

Dated: 6 May 2005

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 614
13 JAN 2005

[REDACTED]
From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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

13 Jan 05

MEMORANDUM

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

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

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

Encl: (1) Appointing Order for Tribunal #15 of 12 October 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to 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 and R-7 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. Exhibits R-3, R-5, R-6, R-8, R-9, R-11 and R-12 contain handwritten notes in the margin. These notes appear to be aids in directing the Tribunal to the source of information in the Unclassified Summary provided to the detainee. These notes do not alter the evidence nor do they affect the legal sufficiency of the documents.
 - e. The detainee did not request that any witnesses or evidence be produced.
 - f. The Tribunal's decision that detainee # [REDACTED] 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.

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

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

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:

██████████ Colonel, U.S. Air Force; President

██████████ Lieutenant Colonel, U.S. Air Force; Member
(JAG)

██████████ Lieutenant Commander, U.S. Navy; Member

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

30 November 2004

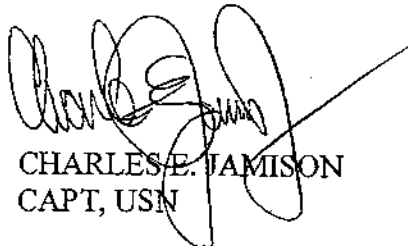
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.


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#: [REDACTED]

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

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

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 20 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al 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).



Color

Tribunal President

Colonel, USAF

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: _____ #15

ISN #: _____ [REDACTED]

1. Introduction

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee attended a known terrorist training camp from July to September 2001 and reported to Tora Bora with other Arab fighters after September 2001. The detainee chose not to participate in the Tribunal process. He called no witnesses and did not request any documents be produced. 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-18.
- b. Testimony of the following persons: none

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

The Detainee requested no witnesses so no ruling was required.

The Detainee requested no additional evidence be produced so no ruling was required.

5. Discussion of Unclassified Evidence

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

The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence.

Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

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 affirmatively stated to his Personal Representative that he was aware of the CSRT process. The detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a.

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

8. Dissenting Tribunal Member's report


None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Tribunal President

Colonel, USAF

DETAINEE ELECTION FORMDate: 25 Oct 2004Start Time: 1005End Time: 1015ISN#:  _____Personal Representative: , MAJOR, USAF
(Name/Rank)Translator Required? YESLanguage? ARABICCSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES**Detainee Election:**

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

Personal Representative Comments:Detainee does not want to attend tribunal.Detainee does not want to submit a written statement.Detainee does not want personal representative to make a statement.Personal Representative: 

UNCLASSIFIED

Combatant Status Review Board

TO: Tribunal Members

FROM: OIC, CSRT (22 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL WAHAB, Musa Abed

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. (U) 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.

The detainee is a member of al Qaida:

1. The detainee admitted he voluntarily traveled from Saudi Arabia to Afghanistan in 2001.
 2. The detainee was reported to have attended a known terrorist training camp from July to September 2001.
 3. Usama Bin Laden was also reported to be at the same camp during this same period.
 4. The detainee was reported to have been in Tora Bora, where Arab fighters were ordered to assemble after September 2001.
 5. The detainee hired a guide and made it to the Pakistan border where he was turned over to United States forces.
 6. The detainee was designated by the Saudi Ministry of Interior as a "high priority" detainee.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit R-1

Memorandum

UNCLASSIFIED



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT
Date 09/20/2004

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

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

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

FD-302 dated 03/24/2002

FD-302 dated 05/24/2003

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

²See Executive Order 12958

1 of 2

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/20/2004

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

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 2 NOV 04 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

☒ I have no comments.

☐ My comments are attached.

[REDACTED]
Name

2 Nov 2004
Date

[REDACTED]
Signature

ISN [REDACTED]
Enclosure (4)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ADIL KAMIL ABDULLAH AL WADI,

et al.

Petitioners,

v.

GEORGE W. BUSH,

President of the U.S., *et al.*,

Respondents.

Civil Action No. 04-CV-1227 (RBW)

DECLARATION OF JAMES R. CRISFIELD JR.

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


1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Adil Kamil Abdullah Al Wadi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached

hereto. I have redacted the names of family members of the detainee, and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals.¹ I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04



James R. Cristfield Jr.
CDR, JAGC, USN

¹The attached documents include an English translation of a letter written in a foreign language, which contains personal identifying information that I have redacted to protect the personal security of those individuals. The original letter is not included for public release, because I presently do not have the foreign language resources to make similar redactions in the original letter.



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0199
11 October 2004

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From: Director, Combatant Status Review Tribunal

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

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

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).

2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

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

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9 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004

(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #6 of 13 September 2004
(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that the Translator was allowed to essentially give expert testimony regarding the explanation of "azakat" to the Tribunal without being placed under oath (see page 14 of enclosure (3)). The oath administered to interpreters during the tribunal only states that they "will faithfully perform the duties of interpreter." Giving testimony is not one of the duties of an interpreter. Nonetheless, in my opinion this was a minor error that did not prejudice the detainee. I do not believe that any corrective action is necessary.


d. The detainee offered a letter from his brother into evidence. The detainee made no requests for witnesses or other evidence.

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

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

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

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

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

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

MEMBERS:

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

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

[REDACTED], Lieutenant Colonel, U.S. Marine Corps;
Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #6

(U) ISN#:

Ref: (a) (U) Convening Order for Tribunal #6 of 13 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)


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

1. (U) This Tribunal was convened 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 26 September 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee # is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Al Qaida forces, as more fully discussed in the enclosures.

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


Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #6
ISN #: _____

1. Introduction

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

2. Synopsis of Proceedings

The Tribunal hearing was held on 26 September 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. It indicates the detainee associated with Al Qaida, and traveled to Afghanistan via Iran in late September or Early October 2001. It also indicates the detainee participated in military operations against the coalition, and was a fighter at Tora Bora. Finally, it states he was captured by the Pakistani military after leaving Afghanistan. The Recorder presented no other substantive evidence and called no witnesses.

The detainee participated actively in the Tribunal process. He began by making an unsworn statement, denying that he was associated with Al Qaida or that he was a fighter at Tora Bora. He admitted traveling to Afghanistan in late September or early October of 2001, but denied being captured by the Pakistanis. He stated instead that he turned himself in to Pakistani authorities. He then answered questions posed by the Personal Representative and the Tribunal members. In sum, he testified he went to Afghanistan to help the refugees and the poor after seeing their plight on television. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee called no witnesses, but did offer into evidence a letter from his brother attesting to his charitable intentions for going to Afghanistan (Exhibit D-B). This letter was made available to the detainee after he requested in the Detainee Election Form (Exhibit D-A) that it be produced.

During the classified session of the Tribunal, the Recorder presented exhibits and commented on the evidence. The Personal Representative had nothing additional to offer and made no comments. The Tribunal considered both the unclassified and classified exhibits, as well as the detainee's unsworn testimony, in reaching its decision.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-A and D-B and R-1 through R-11.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

The Detainee requested no witnesses.

The Detainee requested that a letter from his brother be produced (see Detainee Election Form, Exhibit D-A). The Personal Representative obtained the letter and offered it into evidence for consideration by the Tribunal. The detainee requested no additional evidence.

5. Discussion of Unclassified Evidence

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsworn testimony and the letter the detainee offered into evidence from his brother. Regarding his testimony, the detainee denied he was a part of or supporting Taliban or Al Qaida forces. While he admitted going to Afghanistan in October 2001 after hostilities started, he stated he did so in order to help the refugees deal with the situation. He said he made all arrangements on his own, and went to Afghanistan via Iran. His first stop in Afghanistan was in Herat, where he took a couple of days to prepare for the rest of his journey. He then went to Kandahar in order to seek out the Red Cross, but found their office had been closed for a few days. He met an Arab in Kandahar, who took him around for 2 days so he could distribute money to the poor. After that, the detainee continued on to Kabul to again seek out the Red Cross. When he arrived in Kabul, again the Red Cross was closed, so the hotel manager took him to some poor families in the suburbs, where the detainee distributed some money. After that, the

city of Kabul fell, and the hotel manager said it was too dangerous to remain there and the detainee should go to Pakistan. The hotel manager provided a driver for the detainee, who drove him out of the city towards Pakistan. At some point, the driver turned around, and the detainee had to continue on his own. As he was walking along, an Arab man in a car came along with some other people and a guide driving them. The Arab offered the detainee a ride, and they continued toward Pakistan. They proceeded to an Afghan village, where some villagers took them in for some time before they continued on their way. Eventually, they made their way to the Pakistani border, where the detainee turned himself in to Pakistani authorities, thinking he would be okay because he had a visa and a passport and was "legal."

c. The Tribunal also considered the letter from the detainee's brother offered into evidence by the detainee. The letter, which was read into evidence in English and translated into Arabic by the Translator so the detainee could verify its contents, provided in the relevant part that the detainee went to Afghanistan to help the refugees and the poor.

As noted above, 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 CSRT Decision Report.

6. Consultations with the CSRT Legal Advisor

None.

7. Conclusions of the Tribunal

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


- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He had no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and was a part of Al Qaida forces.

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8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

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ISN # 
Enclosure (1)
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Summarized Detainee Statement

Tribunal President: Adil, you may now present any evidence you have to the Tribunal.

Detainee: I have nothing else but the letter.

Personal Representative: Right, but if you please we would like to go through the points. We talked about this earlier one by one so that the Detainee can give his side of the story.

Tribunal President: Okay.

Personal Representative: Then after that I would like to introduce and have the letter read.

Tribunal President: You will have the assistance of your Personal Representative with presenting the information. Adil, would you like to make your statement under oath?

Detainee: In Islam, we don't do this type of swearing.

Tribunal President: So that means no?

Detainee: Yes.

The Detainee elected to make an unsworn statement to the Tribunal. The Detainee testified to the Tribunal in substance as follows:

Detainee: Everything that I say now will be the truth. I will say just the truth.

Tribunal President: You may begin.

Personal Representative: As a reminder, the first letter "A" says that you are associated with Al-Qaeda.

Detainee: This is not true.

Personal Representative: 3(a)(1) says that the Detainee traveled to Afghanistan by way of Iran in late September or early October 2001.

Detainee: That is true.

Personal Representative: 3(b) says that you participated in military operations against the coalition.

Detainee: This is not true.

Personal Representative: Okay. 3(b)(1) says that you are a fighter at Tora Bora.

Detainee: This is not true.

Personal Representative: Okay, earlier you said that you had never heard of Tora Bora before this point.

Detainee: I don't know what is Tora Bora period. I heard about it from the guys here. But before that I did not know what that means, Tora Bora.

Personal Representative: Okay. And 3(b)(2) says that you were captured by Pakistani military after leaving Afghanistan.

Detainee: They did not capture me. I went and delivered myself to whatever they have there. Be it a police station or checkpoint. But I went and delivered myself. They did not capture me. I was very legal. I had my visa. I had my passport. I had all my papers to show I was legally there.

Personal Representative: Okay. In addition to this, there are two points. Please tell the Tribunal why you went to Afghanistan. The second will be the reading of the letter. Please talk in short sentences so the Translator can translate.

Detainee: Okay. Good. Can I talk now?

Tribunal President: Yes.

Detainee: My role for going to Afghanistan was to help the refugees and the poor who suffered from the war. The reason was because I saw it on the news that thousands of refugees going and leaving their country. The winter was approaching and the refugees were having very harsh times. All the newspapers and media were showing this. I did not see it with my own eyes, but I saw it on TV and in the newspaper everywhere. I want you to know that in Islam, we are encouraged; well actually it is the obligation of every Muslim to help others by doing charity work and doing whatever we can to help the poor and the needy. That year, it coincided with Ramadan period.

Personal Representative: Okay. Do you have anymore to say about the reason you went to Afghanistan?

Detainee: Nothing at all. Just what I just said. The reason was really just to help the refugees, the poor and the needy. That is all.

Tribunal President: Adil, does that conclude your statement?

Detainee: I don't know. What do you want me to tell you? Do you want me to tell you something else? Do you want me to go any further on this?

Tribunal President: We will ask you questions later.

Detainee: No problem.

Tribunal President: P/R, you said you had one other thing you would like to present?

Personal Representative: Yes, Ma'am. The second part is the reading of the letter by the Translator. A letter from the Detainee's brother, which supports his story about going for an impassioned trip to help the poor.

Tribunal President: Translator, would you read the letter please.

Personal Representative: Again, as a point, the Detainee requested one particular paragraph was of most importance. The rest of the letter will be read for completeness.

Detainee: That is true. That is good.

Translator: In the name of Allah, the most compassionate and the most merciful. Dear brother Adil Kamil, Allah protects you. Greetings and peace upon you. We received your letter and we thank Allah that you are fine and in good health. We are all certain that you will be back to us soon, God willing. Everyone knows that you went there to help refugees and the poor. This is a noble act. Allah will compensate you for it and help you because of it, God willing. You mother, Wife, daughter, father, all of your brothers and sisters all say hello. Everyone is in good health and all miss seeing you. Thanks to Allah, you brother [REDACTED], went this year to Al-Haj. Your Wife sends you her greetings and is waiting for your return impatiently. We contacted the foreign ministry of Bahrain and they are very concerned about your case and promised us to contact the American authorities to return you to your country. I am attaching to this letter a letter from your daughter, [REDACTED]. She wrote it herself. We wanted to send it to you because she loves you so much. At the end if you need anything, please write to me. Again my greetings and those of the family. And if with Allah willing, we will see you soon in Bahrain. Your Brother, [REDACTED]

Tribunal President: Does that conclude the letter?

Detainee: Yes.

Tribunal President: P/R, would you like to submit the letter into evidence?

Personal Representative: Yes, Ma'am. I'd like to submit this. It will be marked as exhibit "D-B." Collectively the letter and the translation. I am handing the Tribunal President the exhibit.

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

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

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

Recorder: No, Ma'am.

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

Tribunal Member: Yes, Ma'am. When you traveled to Afghanistan, where in Afghanistan did you travel to?

Detainee: I went to the city of Herat. From Herat, I went to Kandahar. From Kandahar, I went to Kabul. From Kabul, I went back to Pakistan.

Tribunal Member: When you were in Afghanistan, what type, if any, people did you meet or associate with?

Detainee: I did not get what you meant by contacted. Do you mean contacted my Wife back home?

Tribunal Member: No, no. When you were in Afghanistan, the people you met and were with in Afghanistan. Who were they?

Detainee: Really I did not meet a whole lot of people. I met some Afghanis and only one Arabic person.

Tribunal Member: To the best of your knowledge, none of these were Taliban or Al-Qaeda people?

Detainee: I encountered only the people in the hotel; the cab drivers; the people if I wanted to go make phone calls. That is all I met.

Tribunal Member: When you traveled to Afghanistan, how did you travel? Was it by plane and how did you pay for it?

Detainee: It's simple. I went and I got my ticket from the travel agency in Bahrain. I went to Afghanistan through Iran. That's all.

Tribunal Member: So you did it all on your own accord or all yourself?

Detainee: Yes, that is true.

Tribunal Member: In the unclassified summary where it talks about the Detainee was a fighter at Tora Bora, were you in that region of Afghanistan?

Detainee: First of all, I don't know where this place is. Second of all, I really did not know Afghanistan very well. That was my first time going there. All I knew of Kabul was from the TV and the media because that is what was focused on.

Tribunal Member: When you went from Kabul to Pakistan, how did you go there and who were you with?

Detainee: I was in the hotel when Kabul fell. The owner of the hotel spoke very good Arabic. He told me that the area had become very dangerous. His advice to me was to leave and go to Pakistan. I told the owner I did not know where to go or how to get there. The owner told me that he would bring someone who could take me out in the car. That person took me in the car and on the way, I saw a lot of people and a lot of cars. Everyone was fleeing the area. I did not know where I was going, but there were lots of villages in which we stopped. We did not stop in any cities. There were all villages. We were passing through lots of villages here and there. Then the driver stopped on the road and told me just to continue this way and I would get to Pakistan. It was not a paved road, but a dirt road. So I started walking even without knowing where I was or the area and I had a briefcase with me. On my way, I met this person named Omar. He had a car. Omar had an Afghani guy who was driving the car for him. Omar saw my clothes and my features, which looked familiar to him, so he stopped. Omar asked me where I was going. I told him that I really don't know. I am just leaving. I don't know where I am going but I am headed outside to go out. Omar offered for me to go with him. I went with Omar and the Afghani driver. We went to a village. In that village, the people took care of us. They received us and we stayed there. We left that village with the knowledge and directives of the people of that village. They showed us the way and they told us the ways and the roads to get to Pakistan. This is a summary of how things happened.

Tribunal Member: These folks who you traveled with or going through Pakistan with, did anyone have any weapons?

Detainee: Do you mean like the guide and the Afghani driver?

Tribunal Member: Yes.

Detainee: No, they did not have any weapons.

Tribunal Member: Did you ever have a weapon?

Detainee: No, I don't carry weapons.

Tribunal Member: When you turned yourself in to the Pakistani military, were you alone or with that group?

Detainee: No. There were three of us. Me and two other people. I said that delivering ourselves to the authorities was the best thing to do. It was our only chance. We could not go back to Afghanistan.

Tribunal Member: When did you go to Afghanistan? Before or after the September 11th, 2001 attacks in the United States?

Detainee: After. I went solely because what I saw on TV and in the media. Basically because of the situation of the refugees and what happened to the people after the war.

Tribunal Member: So had the conflict with the US already begun?

Detainee: Yes, I believe so. There was war and the refugees were leaving.

Tribunal Member: So you knew the US bombing had already started?

Detainee: Yes, I believe so because in the papers they all talked about war. On the TV also.

Tribunal Member: Are you from Bahrain? Are you a Bahraini citizen?

Detainee: Yes.

Tribunal Member: What do you do in Bahrain?

Detainee: I am an employee.

Tribunal Member: Employee of what?

Detainee: I work for the Government. Do you want to know which ministry I work for?

Tribunal Member: Yes.

Detainee: I work in the Defense Ministry. I have to make it clear. I am a civilian employee with Ministry of Defense, not a military person.

Tribunal Member: Have you ever had any military training?

Detainee: No, never.

Tribunal Member: Did you receive any military training when you went to Afghanistan?

Detainee: As you know, my stay in Afghanistan did not even get to be two weeks. I did not even stay two weeks there.

Tribunal Member: So from the time you entered Afghanistan until the time that you turned yourself in; that was only two weeks?

Detainee: No. All that I know is I entered Afghanistan in very short period of time before the fall of Kabul; from what I recall. When I went to Kabul, I stayed there only a few days, then Kabul fell.

Tribunal Member: How long between the time Kabul fell and the time you turned yourself into the Pakistani authorities? How long was that?

Detainee: All that I remember was that it was the period of Ramadan. So that is why because we were fasting and we could not walk for long periods of time or things like that. That's what I really remember.

Tribunal Member: Just a few minutes ago you said you were only in Afghanistan for two weeks. So now I am confused about how long you were actually there. Can you tell me how long you were in Afghanistan?

Detainee: It is very hard for me to remember precisely because it has been three years now. All what I remember really was it was near the beginning of Ramadan. I know that for sure.

Tribunal Member: So you went to Afghanistan near the beginning of Ramadan?

Detainee: No. I went there before Ramadan. Maybe two or three weeks before Ramadan. I am not sure. But that frame of time.

Tribunal Member: So you went to Afghanistan two or three weeks before Ramadan; then you turned yourself in to the Pakistani authorities about the beginning of Ramadan?

Detainee: No, that is not true. I left Kabul in the beginning of Ramadan. So how could I have surrendered at the same time?

Tribunal Member: When did you turn yourself into the Pakistani authorities? Was it during Ramadan or after Ramadan?

Detainee: At the end of Ramadan, yes a little bit after that. I remember now that we celebrated the end of the fasting in one of the villages.

Tribunal Member: Did your employer, the Bahraini Defense Minister, allow you to go to Afghanistan to help the refugees?

Detainee: I was on my vacation. I did not present any official demand for me to go help. We don't have such a thing to ask for official permission to go do things like that.

Tribunal Member: How long was your vacation?

Detainee: Two months.

Tribunal Member: Did you make arrangements with an organization in Afghanistan to help them ahead of time?

Detainee: No, I did not do any contacts before leaving with any international organization. But my intention was to go there and contact the Red Cross who is experienced in those things.

Tribunal Member: How long were you in Herat?

Detainee: I was in transition. From Iran, Herat is the closest city where there are taxicabs and drivers who transport people where they need to go.

Tribunal Member: So you came across the border in a taxi?

Detainee: Yes. The checkpoint or border point between Iran and Afghanistan.

Tribunal Member: How long were you in Herat?

Detainee: I don't remember exactly. Should have been around two days, no more than that. I just wanted to give myself a day to continue on.

Tribunal Member: What did you do in Herat?

Detainee: I was trying to get in touch with some refugees, but I did not see any in that area.

Tribunal Member: Where was the Red Cross in Afghanistan?

Detainee: When I got to Kandahar I went to the hotel and I saw the office of the Red Cross. I went to their office but was told it had been closed for a few days.

Tribunal Member: Where did you stay in Herat?

Detainee: I really don't know what the name of that area is, but I believe it is in the city.

Tribunal Member: Was it a hotel or guesthouse?

Detainee: I stayed in a very small, old hotel.

Tribunal Member: Was it mostly Arabs staying there?

Detainee: I did not see any Arabs, but I saw some Afghanis.

Tribunal Member: Were any of the people armed at the place you were staying?

Detainee: No. Nobody was armed.

Tribunal Member: How did you travel from Herat to Kandahar?

Detainee: I traveled on the bus that you pay. It's public bus, so anyone can take it.

Tribunal Member: Why did you go to Kandahar?

Detainee: Because I wanted to go to Kabul. The hotel manager told me that I had to go to Kandahar and from there I could get to Kabul.

Tribunal Member: How long did you stay in Kandahar?

Detainee: I really don't remember exactly, but I believe it was a bout a week or a little bit over.

Tribunal Member: What did you do in Kandahar?

Detainee: When I got there I remember going to a communications office there. I got in touch with my family and informed them I was doing fine. When I was at the communications office, I saw a person that looked like an Arab standing nearby. I greeted the person and we started talking. It turned out this person was an Arab. He asked me my reason for coming to Afghanistan and I told him I was there to help the poor and do some good with the refugees.

Tribunal Member: So what else? Did you do anything with this person?

Detainee: Yes, yes. Remember I told you that when I went to the Red Cross office, it was closed. This person told me since I wanted to help the poor and needy, that he could show me where some of those people lived in the Kandahar area. For about two days, this person made rounds with me in his car. I transferred some money into Pakistani currency. The person was with me and I gave the poor people some money. After that, the person excused himself because he had other things to do.

Tribunal Member: What was the name of that person?

Detainee: I really don't remember but I think you have it written in my file somewhere.

Tribunal Member: I have not seen anything of your file.

Detainee: No, I gave them the name of this person before. I don't recall the name now, but I am sure I gave them this name before.

Tribunal Member: Why did you go to Kabul?

Detainee: It is the capitol of the country. Most of the organizations, offices, administrations, things like this are in the capitol city. So this was the right place for me to go.

Tribunal Member: But you just mentioned the Red Cross was in Kandahar. Why did you not just stay in Kandahar and assist the Red Cross there?

Detainee: As I told you, it was closed. Remember?

Tribunal Member: Yes, but you said it was going to open back up in a few days. Since you were there a week anyway, why didn't you just wait for a few more days for the Red Cross to open back up?

Detainee: No. I told you I was told the office had been closed for a few days. I did not know how much longer the office was going to be closed up.

Tribunal Member: Was the man that escorted you around in Kandahar to visit the poor people, was he associated or part of the Taliban or an Al-Qaeda member?

Detainee: No. I did not talk to him about this subject at all.

Tribunal Member: How did you get from Kandahar to Kabul?

Detainee: As I told you the same way with hired cars and cabs.

Tribunal Member: Where did you stay in Kabul?

Detainee: In a small hotel.

Tribunal Member: Was it an Arab hotel?

Detainee: No, it was all Afghanis. The administrator was Afghani. The people were Afghanis.

Tribunal Member: Were there any people who were armed there?

Detainee: No, because this hotel was in the middle of a very busy market. Everything was right there.

Tribunal Member: What did the Red Cross say when you talked to them?

Detainee: Where?

Tribunal Member: In Kabul.

Detainee: As I told you, the administrator of the hotel spoke Arabic. Remember I told you that? The administrator told me the Red Cross office was closed there also. I told the administrator the reason I was there in Kabul was to help the refugees, poor and needy people. So the administrator offered to show me people areas outside the city where people were in need of help. Like in the suburb areas.

Tribunal Member: So did he show you those people?

Detainee: Yes, that is true. He did.

Tribunal Member: What did you do?

Detainee: I went and gave money to families living in poor small houses and things like that. Not to individuals.

Tribunal Member: When you left through the mountains to Pakistan, did you see many people armed with weapons?

Detainee: No. We were going through the small villages. I saw normal, regular people, but I saw no arms or weapons.

Tribunal Member: Did you see any fighting at all in the mountain area on the way out of Afghanistan?

Detainee: No, I did see anything.

Tribunal Member: Are you a member of Al-Qaeda or the Taliban? Did you help them in any way?

Detainee: No, I did not have anything to do with them. I really don't know this Taliban or Al-Qaeda. I do not know anyone in those organizations.

Tribunal President: Why would you go to Afghanistan when you knew there was fighting there and it was dangerous?

Detainee: The area I went to, there was no fighting or war in that area. My intention was when I went, I wanted to inquire and see. If there was fighting or if it was dangerous, I was going to go back home. The area I went to first was peaceful and there was no fighting going on.

Tribunal President: But you said earlier in your statement, that the news said the US was bombing in Afghanistan. So before you left Bahrain, you said you knew there was fighting and the US was bombing.

Detainee: Yes, you are right. I knew. But I knew also that a lot of international organizations, like the Red Cross, were busy helping out. On top of that, we are obligated as Muslims to help even if it is in bad conditions. Especially other Muslims. We have to help. Afghanistan was the area that needed the most help.

Tribunal President: What was your plan? Which city did you plan to go to first?

Detainee: Where?

Tribunal President: In Afghanistan?

Detainee: It was Kabul.

Tribunal President: Did you expect to spend your entire two-month vacation in Kabul?

Detainee: Yes, my vacation request was put in before I went to Afghanistan. I had a job back in Bahrain.

Translator: I don't think he understood the question. May I re-phrase it to him and ask again?

Tribunal President: Yes, please do so. Thank you.

Detainee: No, when I requested my vacation a while back I was not really planning to go to Afghanistan. I had a few things to do and take care of in Bahrain. But these problems with these things in Afghanistan just happened in coincidence. I had planned my vacation way before anything happened in the United States.

Tribunal President: The day that you left Bahrain to go to Afghanistan, was it your plan to spend the two months helping the refugees?

Detainee: No.

Tribunal President: How long did you plan to stay there to help the refugees?

Detainee: My intention was to stay two or three weeks and then come back to Bahrain.

Tribunal President: Did you ever work for the Red Cross?

Detainee: No. I was a volunteer in a humanitarian organization for a short period of time.

Tribunal President: Do you remember the name of the organization?

Detainee: It's called A-L-A-S-L-A-H organization. It is very well known in Bahrain for helping the poor.

Tribunal President: That is an organization that is founded in Bahrain, but goes out to other countries to help?

Detainee: No. All the work of this organization was in Bahrain. It did not help outside of Bahrain.

Tribunal President: So the work that you did with this organization, was it in Bahrain or Afghanistan?

Detainee: It was in Bahrain.

Tribunal President: In your statement, you said that you were given money to give to the poor. Who gave you the money?

Detainee: No, that was my money. I have to give it as an azakat.

Translator: I think I need to explain what azakat is so that you understand.

Tribunal President: Yes, please do. Thank you.

Translator: Azakat in Islam is every year during Ramadan, if you have money on top of the taxes you pay; you are obligated to give the money to the needy and the poor. Everybody gives that money, every year. The more you give, the more God will quadruple that for you. So Muslims are encouraged and eager to give a lot of money every year.

Tribunal President: Okay. Thank you. How much money did you give?

Detainee: It was about twenty five hundred Bahraini dinars.

Tribunal President: Translator, can you please translate to the Detainee what you explain to me earlier about the money.

Translator: Speaking in Arabic to Detainee about his explanation of azakat.

Detainee: That is true what he said, but some people try to put a percentage of their money. Usually it comes to exactly two and a half percent of all your net worth.

Tribunal President: Did you give money to an organization?

Detainee: No. I did not.

Tribunal President: Only to the poor?

Detainee: Yes.

Tribunal President: How were to the poor all identified to you? Were they in one location? Were they in a church or a particular place?

Detainee: As I told you before, I met the Arabic person and he took me around in his car. We went to house of people that needed help. That was how I did it.

Tribunal President: Okay.

Detainee: In Kabul, the manager of the hotel took me around too. Remember I told you that earlier. That is how I did the same thing.

Tribunal President: Did you provide money to refugees in other city other than Kabul?

Detainee: I went only to Kabul and Kandahar. Those were the only place I know.

Tribunal President: You gave money to refugees in Kandahar?

Detainee: As I told you, remember I gave only to the poor. I did not see any refugees in Kandahar area. If you remember, I told you that. So I maybe gave to the poor, but I did not see any refugees.

Tribunal President: So you gave money to the poor in Kandahar?

Detainee: Yes.

Tribunal President: Does any of the other Tribunal members have any other questions.

Tribunal Members: No, Ma'am.

Tribunal President: Adil, do you have any other evidence to present to this Tribunal?

Detainee: I don't have any other proof or evidence. All what I have is my biography. Everybody knows me in Bahrain. I am a very correct person. I have never had any problems with the Government or anything.

Tribunal President: Anything else?

Detainee: I have no proof. I have been here for two years. I don't have anything.


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

Personal Representative: No, Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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



COL, US Army
Tribunal President

DETAINEE ELECTION FORMDate: 23 Sep 04Start Time: 1315End Time: 1416ISN#: [REDACTED]Personal Representative: [REDACTED] L/COL, USAF
(Name/Rank)Translator Required? YES Language? ARABICCSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES-----
Detainee Election:

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

Personal Representative Comments:

Detainee will participate.Detainee requests no witnesses.Detainee requested letter from his brother, is in hands of interrogators here at Delta.[REDACTED]
Personal Representative:

~~FOUO~~

Recorder Exhibit List
For
ISN ~~XXXXXXXXXX~~

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Request for Redaction for National Security Information dtd 15 Sep 04		UNCLASSIFIED
R3	Knowledgeability Brief dtg 302356ZJAN02	3.a.1 3.b.2	SECRET
R4	FBI 302 dtd 24 May 03	3.b.1	FOUO/LES
R5	JTF GTMO Baseball Card		SECRET//NOFORN
R6	JTF GTMO Memo dtd 11 Nov 03	Summary	SECRET
R7	CITF Memorandum dtd 10 Jan 03	Summary	SECRET//NOFORN
R8	AFSI Form 40 dtd 12 Dec 02		SECRET
R9	IIR 6 034 1014 03		SECRET//NOFORN
R10	MFR dtd 17 Jul 02		SECRET
R11	MFR dtd 09 Apr 02		SECRET

~~FOUO~~

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (16 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL WADI, Adil Kamil Abdullah

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 Qaeda 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 an associate of al Qaeda.
 - a. The detainee associated with al Qaeda:
 1. The Detainee traveled to Afghanistan via Iran in late September or early October 2001.
 - b. The detainee participated in military operations against the coalition.
 1. The Detainee was a fighter at Tora Bora.
 2. Detainee was captured by the Pakistani military after leaving 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

Memorandum



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

Date 09/15/2004

From : FBI GTMO
Counterterrorism Division
[REDACTED] 1/15/04

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [REDACTED]

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

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

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

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

FD-302 dated 05/24/2003

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, 09/15/2004

If you need additional assistance, please contact On
Scene Commander [REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

①

In the name of Allah, the most compassionate,
the most merciful


Dear brother Abdel Kamel Allah protect you,
greetings and peace upon you.

We received your letter and we thanked Allah
that you are fine and in good health.

We are all certain that you will be back to us
soon God willing.

Everyone knows that you went there to help
the refugees and the poor, and this is a noble
act Allah will compensate you for it and
help you because of it God willing.

Your mother, wife, daughter, father, all your
brothers and sisters all say hello, and
everyone is in good health and all miss
seeing you.

Thank to Allah your brother  went
this year to al-Haj.

Your wife sends her greetings and is waiting
for your return impatiently.

EXHIBIT

D-B

②
We contacted the foreign ministry of Bahrain and they are very concerned about your case, and promised us to contact the American ~~authorities~~ authorities to return you to your country.

I'm attaching to this letter a letter from your ^{daughter} ~~son~~ [redacted] she wrote it ~~his~~ self, and we wanted to send it to you because she love you so much.

At the end if you need any thing please write me again my greetings and those of the family, and if with allah willing we will see you soon in Bahrain.

your brother

Personal Representative Review of the Record of Proceedings

I acknowledge that on 28 September 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

☒ I have no comments.

☐ My comments are attached.

[REDACTED]
Name

29 Sep 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MURAT KARNAZ, *et al.*

Petitioners,

v.

GEORGE W. BUSH,

President of the United States, *et al.*,

Respondents.

Civil Action No. 04-CV-1135 (ESH)

DECLARATION OF JAMES R. CRISFIELD JR.

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

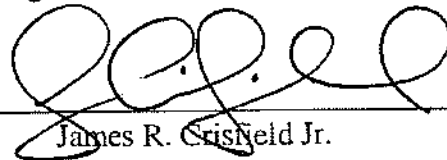
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Murat Karnaz that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted information that would personally identify members of the detainee's family and certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other

information become classified under applicable classification guidance.

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

Dated: 15 Oct 04

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0215
15 October 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH
RADM, CEC, USN

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

~~FOR OFFICIAL USE ONLY~~

14 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that the Tribunal's several references to "Exhibit R-12" in paragraph 1 of enclosure (2) to their Decision Report appear to be typos. The Tribunal was more likely referring to exhibit R-19.
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #5

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened on 30 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 30 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of al-Qaida as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]
Colonel, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #5

ISN #: [REDACTED]

1. Introduction

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

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member or ally of al-Qaida or its network and that the detainee participated in activities with a group that is part of al-Qaida network. Those allegations are as follows:

1. The detainee admitted he traveled from Frankfurt, Germany to Karachi, Pakistan (via plane), to Islamabad, PK (via plane), and to Lahore, PK (via bus) and unnamed village (vicinity of Peshawar, PK) and attempted travel back to Peshawar when he was arrested and brought into custody.
2. The timeline associated with the detainee is as follows: Became associated with an Islamic missionary group named Jama'at-Al-Tabliq in June 01, the United States is attacked on 11 September 01, travels to PK on 3 October 01, continues travels until his capture.
3. Detainee is a close associate with, and planned to travel to PK with, an individual who later engaged in a suicide bombing. Selcuk Bilgin possibly is the Elananutus suicide bomber.
4. The detainees stated he received free food, lodging and schooling from a NGO known to support terrorist acts against the United States while traveling in PK. He was sponsored by this NGO.
5. The detainee admitted that the school in Lahore, PK was run by this NGO, specifically the NGO President.

The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. He made a sworn verbal statement in which he attempted to explain the reasons for his trip to Pakistan and denied being a member of al Qaida.

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-24
- b. Sworn testimony of the detainee

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

The Detainee requested no witnesses; no rulings were required.

The Detainee requested no additional evidence be provided.

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 is an Affidavit of [REDACTED] Mrs. [REDACTED] is the detainee's mother and provided the detainee's background and confirmed the date the detainee departed Frankfurt, Germany to Pakistan. Exhibit R-3 is a sworn affidavit of Bernhard Docke, a lawyer retained for the detainee's Habeas Corpus case. The Tribunal found this information somewhat helpful in making its determinations, but considered the sworn testimony of the detainee. The detainee explained that he frequented a mosque in Bremen, Germany that was considered moderate in its views of Islam and tolerant of other religions; however, it also housed a branch of the Jama'at-Al-Tabliq (JT), a Muslim missionary organization, alleged to support terrorist organizations. The detainee stated that an Imam for JT advised the detainee to travel to Pakistan to immerse himself in the study of Islam. The detainee then purchased a ticket to Pakistan, and with this friend Selcuk Belgin, they began their travels. Upon checking in for the flight to Pakistan in Frankfurt, the detainee's friend, Mr. Belgin, was arrested. Mr. Belgin stated that he was arrested because he had outstanding warrants as a result of his dogs biting people. Mr. Belgin is the alleged Elalanutus suicide bomber. Once in Pakistan, the detainee testified that he traveled to Lahore to attend the JT Muslim school there and traveled to Peshawar, Pakistan for further studies. Upon his return from Peshawar to Lahore the Pakistan Police stopped the

bus he was traveling on and arrested him. The Pakistani Police asked the detainee about Mr. Belgin and his relation with the detainee and then turned him over to Americans who transferred him to Bagram Airbase for further travel to Guantanamo Bay, Cuba. Tribunal had to look to the detainee's sworn statement and 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 testimony and the affidavits submitted by the detainee's mother and habeas attorney. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). He denied being a member of al Qaida, but confirmed that he went to Pakistan to study the Koran at the advice of a Jama'at-Al-Tabliq Imam. The Tribunal found certain aspects of the detainee's testimony persuasive, but also turned to classified sources for further clarification.

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. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of 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 the Tribunal President described the Tribunal process to the Detainee, the Translator stated he needed a short recess. During the recess, the first Translator was replaced with another Translator for the Tribunal process. During the recess, the Tribunal President gave the Oath to the new Translator.]

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

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

Detainee: I will wait.

Tribunal President: If you have a question, you may ask it at that time.

[After the Recorder presented the Unclassified Summary and read paragraph 3.a.3: "Detainee is a close association with, and planned to travel to Pakistan with, an individual who later engaged in a suicide bombing. Bilgin possibly is the Elalanutus suicide bomber." The detainee asked the following question:

Detainee: Where are the explosives? What bombs?

[Recorder to Tribunal President:] Sir, I don't believe I can answer in this session.

Tribunal President: I certainly cannot answer because this is the first time I have seen this evidence. It is my understanding that anything remaining concerning this individual (Bilgin) is in the classified session.

Detainee: Should I answer the question now, or later?

Tribunal President: You will have an opportunity in a moment to address this in any matter you would like.

When asked by the Tribunal President if he wanted to make a statement, the detainee stated yes and provided his statement after electing to be sworn. The detainee testifies essentially as follows:

Detainee: I am here because Selcuk Bilgin had bombed somebody? I wasn't aware he had done that. My association with him is not as a terrorist. We exercised together at the gym and played sports. We both raised dogs, and because of this common interest, we became very good friends. Even though he was several years older than me, he was like a big brother. I wasn't aware he had done those things. I don't need friends like that. I am a Muslim from Germany. I didn't start praying until I was eighteen or nineteen years old. My parents are not Muslim and they don't pray. My religion is peaceful. No one

has the right to kill anyone because they don't pray. If I were a terrorist, I wouldn't have needed to go to Pakistan. For example, if I killed people because they didn't pray, I would have started with my mother and father. They would be the first ones I would have killed, because they didn't pray. I love my mother and father more than anyone. I also have a lot of friends that don't pray. At the time I didn't pray, no one had the right to kill me because of it.

I never supported terrorists and I still don't support terrorism. I just want peace, to be a Muslim, and pray to God. That is the reason I wanted to study Islam from Jamayat Al Tabliq. Now I hear Jamayat Al Tabliq supports terrorism. I never knew that. The Muslims in Germany are peaceful people. They never talked about terrorist acts or that they support terrorism.

I have a lot of German friends that are Christians. If I supported terrorism and killing Christians, I could have done that in Germany. It would have been easier than traveling to Pakistan. My reason for going to Pakistan wasn't to kill anyone or learn about weapons, it was to study Islam. In Germany, Islam was only taught on weekends; therefore, it would take a few years to learn what would only take a month in Pakistan. Turkey and Saudi Arabia also had schools, but they also took longer. I didn't have any connections with any Muslims in Saudi Arabia. The Muslims I knew in Germany talked about the school in Pakistan. Although I didn't know them very well, I believed they studied Islam in Pakistan. That is the reason I went to Pakistan.

When I went to the school in Lahore, I asked if I could study Islam. I was told they would have to ask their leader. His name was (inaudible). I was then told that the leader wasn't in Pakistan; therefore, I couldn't talk to him. I was given a room for the night and food. The next morning, before I left, I was given breakfast. It was the day the war started in Afghanistan with the Americans.

After I left Lahore, I visited Jamayat Al Tabliq in different mosques. In one of the mosques, Mohammad helped me study Islam. He told me he would get me free food. It wasn't really free food. About five people would buy food for the ten to twenty people that were there. The next day, someone else would buy the food the next day.

I don't remember the exact date, but I was in Pakistan four or five weeks before I was put in jail. At that time, I learned a lot about the Koran and how to pray. The Pakistani's pulled me off the bus to talk to me. They told me they wanted to check my citizenship paperwork. I didn't understand what they were saying because they were talking in their native language. They ended up taking me to a room and asking me questions. A man with a turban wanted to know what I was doing in Pakistan. He had asked if I was an American or a journalist. After I told him I was a Turkish citizen living in Germany, he telephoned someone. After asking me several more questions, he took me to a room and told me to relax. I was then told I could use my plane tickets to go home. I explained to them I had a Visa. I asked them why so many questions? I didn't do anything wrong in Pakistan. They told me there wasn't any problems, they just wanted to take me to the

airport. Later that evening, I was told I had to sleep with the prisoners. I had no choice the police had guns. The next I knew I was put in chains and my eyes were covered. I was taken to a house and put in isolation for approximately one week. After I was interrogated, I was taken back to the underground jail. Later, Americans came and interrogated me. After two days, a mask was placed over my head and I was handed over to the Americans. I was put on a plane and taken somewhere. I was told it was Kandahar, but I wasn't sure. After a few months, they brought me to Cuba.

I didn't do anything wrong in Pakistan nor did I harm anyone in any country. I have never been to America, before or after 11 September. I didn't have any reason to go to Afghanistan. My Visa was issued in Germany to travel to Pakistan not Afghanistan.

(inaudible) told me Selcuk had blew up himself and someone else. I never knew about that and he had never done anything like that before. When I knew Selcuk, he was a good friend of mine. He exercised a lot; he was a nice guy. After Selcuk got married, we didn't spend much time together. He didn't go to the gym as often and I was busy studying art.

A few weeks after I started going to the Mosque to pray, I saw Selcuk at the mosque praying. I told him about my trip to Pakistan. He told me he thought going to Pakistan was a good idea and he wanted to go with me. I never knew he was a terrorist or that he thought about those kinds of things. I am not an expert in Islamic religion, but I know the Koran says if you kill yourself, you will go to hell. That is one reason why I can't support terrorism. Terrorists kill themselves and several others.

My family is in Germany. A terrorist attack could occur there anytime and my parents could be killed. I have never supported terrorism in anyway. I am smart enough to realize terrorism has nothing to do with Islam. I didn't know Jamayat Al Tabliq supported terrorism because that was never discussed and I never saw anything to indicate they did. I enjoyed living in Germany. I don't hate anyone because of his religion. I have never had problems with Christians or anyone else. Many of my German friends are Christians. We work and eat together.

I have never supported terrorism. I hate terrorist. I am here having lost a few years of my life because of Usama Bin Laden. His beliefs show Islam in the wrong way. I am not angry with Americans. Many Americans died on 11 September in the terrorist attack. I realize the Americans are trying to stop terrorism. I think it is very noble. All countries should do the same thing. Because Usama Bin Laden said he is a Muslim and he has killed many people, several Muslims were arrested. I am a Muslim, but I am not a terrorist. If I could prevent terrorism, I would. Islam is a peaceful religion. It should not be mixed up with terrorism. I don't know why Usama Bin Laden hates certain countries and other religions. Usama Bin Laden wants help from all Muslims. What he is doing has nothing to do with Islam. I am a Muslim, I am fasting, but I don't hate anyone because of his religion. There wasn't a war between America and Saudi Arabia. The

Americans have a right to defend themselves after the attack by Muslims on 11 September. I am sure 11 September had nothing to do with Islam.

I have never received any military training. The Turkish Army wanted me in the military. I didn't go. I took a few years (inaudible). I don't like the Army. I like doing different jobs. I am not a terrorist and I have never supported terrorism. If any Muslim talked to me about terrorism, I would tell them to their face it was wrong. I would do everything I could to stop them. I don't have any proof to show you, but I didn't harm or kill anyone. I didn't steal anything from anyone.

I went to study in Pakistan at the wrong time. I wasn't aware there was a war going on in Afghanistan. I heard on the news Americans wanted to stop Usama Bin Laden with special teams and mortars or something. I didn't know the war had started. When I traveled to Pakistan the war hadn't started. Even if the war was going on in Afghanistan, it had nothing to do with Pakistan. For over twenty years Turkey has been at war with the PKK. I went to Turkey several times on vacation but knew there were problems, so I returned to Germany. I never saw any fighting in Pakistan. I was nineteen when I took my trip to Pakistan. It was probably the wrong time to go. I didn't know I would get arrested because of my skin color or because I was from Germany.

I hope you will judge me on the truth. I am not an enemy combatant. If I were, I would tell you. Enemy combatants go to jail in their own country. I would be much more comfortable in jail in my country, than I am here. I won't lie just to go to jail in my country. I want my freedom back because I am not a terrorist.

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

Personal Representative: No.

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

Recorder: Yes Sir.

Summarized Answers in Response to the Recorder

Q. You said you did not know that Selcuk Bilgin was a terrorist or involved in suicide bombings. Is that correct?

A. Yes.

Q. How long were the two of you friends?

A. We have been friends since I was sixteen. We were good friends until he got married in 2000. I never knew he experimented with bombs. He never talked about it. We just

exercised and raised dogs together. While we were in Germany, he never had anything to do with explosives. If he had something to do with explosives after my arrest, I'm sure the German government was aware of it. The German government can verify I wasn't in Germany at the time.

Q. Jamayat Al Tabliq supported you in your travels to further your studies in Islam. Did you know Jamayat Al Tabliq supported terrorism?

A. You asked me two questions right?

Recorder: Beginning with the statement the Jamayat Al Tabliq supported you.

Detainee: The Jamayat Al Tabliq in Germany is not the same as it is in Pakistan. In Germany, they talked about Islam in Pakistan and how beautiful it was over there. They also talk about the big school. They didn't help me go to Pakistan, but they did tell me a lot about the school. So, I decided to go.

Q. While at the school, you were supported with food and lodging?

A. I said before, they didn't support me with food. I slept there only one night. They gave me dinner and breakfast. Everything else I paid for myself.

Q. Are you aware that Jamayat Al Tabliq was associated with or supported terrorism?

A. I didn't know anything about it. I am not saying they aren't terrorists, maybe they are, but I wasn't aware of it.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you were in Germany, did the Jamayat Al Tabliq have an Imam or a Sheik?

A. The Jamayat Al Tabliq had a mosque, it is called (inaudible) there is a Imam but he is not a (inaudible). He stayed in a mosque and sat with other groups. There are two different groups in the mosque, the Jamayat Al Tabliq and another group. (inaudible)

Q. Did that Imam have the authority to issue Fatwas?

A. That Imam was young. I don't know if he issued Fatwas or not. I sat with him many times at the mosque and talked, but I never saw him issue a Fatwa.

Q. So you never heard of a Fatwa for Jihad at any of the mosque you prayed at in Germany?

A. I didn't hear anything about it.

Q. Did the Pakistanis say why they arrested you?

A. They told me at first they just wanted to check my citizenship and they asked me a few questions. They were very nice and said they just wanted to send me back to my country. They said they were going to take me to the airport, but they didn't. They put me in isolation, before turning me over to the Americans.

Q. Did you have something on you that they didn't like? Or did they just pull you off the bus because you looked German? Is that the only reason you can think of?

A. I'm not sure. I couldn't understand them. I looked Irish. They told me they wanted to see my citizenship paperwork. I was asked if I was American or British? I told them I was Turkish, but I lived in Germany. I was then asked if I had any cameras or if I was a journalist? After that, they drove me to another place. They asked me different questions than the Americans. The Americans asked me if I was a terrorist.

Q. Did they ask you if you were al Qaida or Taliban?

A. No. The first time I was asked about al Qaida or the Taliban was by the Americans, in Pakistan.

Q. How long were you in Pakistan?

A. I went there on the third of October. I was arrested during the first days of Ramadan. I know this because I was fasting. Maybe it was the third or fourth day of Ramadan.

Tribunal President: Near the middle of November, the third week.

Q. Did you have your Visa with you when the Pakistanis captured you?

A. Yes. I had it. They may have thrown it away, but I have proof. You can ask the German government. I got my Pakistani Visa from the Pakistani Embassy in Germany. I mentioned during my arrest that my Visa was still good. They said they knew it.

Q. The Pakistanis told you they knew?

A. Yes. They told me they had my passport and citizenship paperwork.

Q. As far as you know, the Pakistanis still have it?

A. Yes.

Q. When you were back in Germany, and talking about Jamayat Al Tabliq. Did you ever become a member of that organization?

A. No, I wasn't a member. Even though I went to Pakistan, I didn't become a member. I lived with them for a few weeks in different mosques.

Q. When you got to Pakistan, they only let you stay in their school for one night?

A. It was not a school. It was a special (inaudible) protected place. When you went through the gates, the place was large. There was a mosque, a school, and a big library. I didn't study there. They just gave me a room to stay in for one night. It was a big hutta with several rooms. I went to the office to see about studying, but they told me they couldn't help me. After that, I went to the Mosque to pray. While I was there, I went to the office, the hutta and the mosque.

Q. After that, you moved on and went to different mosques around Pakistan?

A. Yes.

Q. You lived with other people and it was a communal living arrangement. One person would buy food one day and someone else would buy food the next day depending on who had money?

A. Pakistan is not an expensive country. Food is very cheap. Two or three people would buy fresh bread and other items. They would store the food until it was gone, then someone else would go buy some more. Everyone bought food.

Q. How many other guys were with you?

A. Ten, sometimes thirty. Never less than ten.

Q. You spent one night at the hotel in the school and the rest of the time

Detainee: Now I remember the name of it. Jamayat Al Tabliq School was called Mosul Center. The leaders name was Kaz A (inaudible).

Q. After that one night, the rest of the time, before being taken by the Pakistani authorities, you were moving around the country?

A. Yes, I moved to different mosques until I was arrested. I went to several mosques. I enjoyed seeing different things. I would go to the market, and I enjoyed watching what they did with the cobras. I also studied.

Q. So, you were sightseeing when you weren't studying?

A. I'm not sure what you call it. I would study some and go to the market. In Pakistan, several people who practiced Kung Fu. I saw Ninja and Kung Fu gyms. It was

interesting because I didn't get to see those things in Germany. I was only nineteen; I couldn't sit in the mosque twenty-four hours a day.

Tribunal member: I would like to talk about Mr. Bilgin for a minute:

Q. You said you were good friends for a while until he got married. You didn't see him very often?

A. Everything about him, from his clothing to his car changed. His wife was very jealous. I didn't see much of him after his marriage because he stopped going to the gym and I started studying and working. Three times a week I worked at a factory and twice a week I went to school. I didn't have much time to go home and relax. I would go from work to the gym. When I got home, it was time to go to sleep. I had to get up early the next morning. On weekends I would go to the mosque. He didn't like to work. His wife worked.

Q. How often did you see him during that time period? Once a week, once a month, or less than that?

A. Sometimes I saw him twice a week, sometimes twice a month.

Q. Just if you ran into him at the gym or something like that?

A. Sometimes at the gym. Usually if I saw him, it was at the gym.

Q. When you decided you were going to Pakistan to study, you saw him in the mosque after you made that decision and you talked to him about it?

A. Yes, I think I saw him on a Friday prayer. He had started going to the mosque to pray. He said he also made the decision to go to Pakistan to study the Koran. He didn't tell me that day, but the next day, during the weekend.

Q. Did he actually go to Pakistan with you?

A. No, I mentioned before we had dogs. Selcuk had a lot of dogs. The dogs are only loyal to their owners. If the dogs get loose in the city, they are likely to harm someone. One day, Selcuk's dogs escaped and one of them bit somebody. In Germany, if a dog bites someone, the owner is liable. I didn't know it, but Selcuk hadn't paid anything. When we were at the Frankfurt airport, passport control, the German police checked their computers and told Selcuk he had to pay the fine. I don't remember the amount he owed. Selcuk was told he had to pay it before he could leave Germany. Selcuk asked me if I had the money to pay the bill? I told him I didn't. They kept his passport and took him to another room. The police asked me if I was going to stay with Selcuk, or if I was going to leave. I said I was leaving. That was the last time I saw Selcuk. At that time, I didn't know he was involved in terrorism.

Q. Did you ever travel to Afghanistan when you were in Pakistan?

A. I never went to Afghanistan. I didn't even think about it. If I were going to Afghanistan, I would have got a Visa while I was in Germany. If you had my passport, you verify I had a two month Visa for Pakistan. I didn't have a Visa for Afghanistan.

Q. How long did you intend to stay in Pakistan?

A. When I left Germany, I planned on staying a month, or maybe a little longer. Since things with the school didn't work out in Pakistan, it took a bit longer. I was there for about four or five weeks. I was planning on returning to Germany because I had gotten married in Turkey, and I wanted to take my wife to Germany for another ceremony.

Tribunal President: You got there on the third of October, and you were detained approximately on the third or fourth day of Ramadan. That would have been about the twentieth of November. So, that was almost two months that you were in Pakistan. Ramadan started on the sixteenth of November that year.

A. I said before I don't remember the exact time. I may have made a mistake by about one or two weeks.

Tribunal President: It's okay, I understand.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: I want to know if I have to stay here, or if I can go home?

[The Tribunal President explained the process to the Detainee]

Detainee: If I go back home, I will prove that I am innocent. If I learn of any terrorist groups or plots, I will notify the German authorities to show them I don't support terrorism, so I can sleep well.

Q. Personal Representative, do you have any other evidence to present to this Tribunal?

A. No, Sir.

[The Tribunal was reconvened by the President to state for the record the Translator's name and to explain the Translator had taken the Oath during the recess when he took over. The Oath was taken outside of the Tribunal room, because at the time, the press and the Detainee were in the Tribunal room.]

AUTHENTICATION

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

[REDACTED]

Col, USAF

Tribunal President

ISN # [REDACTED]
Enclosure (3)
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Date: 28 Sep 04

Start Time: 0805

End Time: 0845

ISBN#:

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

Translator Required? IN CASE Language? TURKISH/ENGLISH

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? NO

Detainee Election:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Wants to Participate in Tribunal |
| <input type="checkbox"/> | Affirmatively Declines to Participate in Tribunal |
| <input type="checkbox"/> | Uncooperative or Unresponsive |

Personal Representative Comments:

Detainee wants to participate and make an oral statement.

Detainee did not request any witnesses.

Detainee speaks sufficient English but occasionally uses translator for words that he does not understand.

Personal Representative: [REDACTED]

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (22 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal: KARNAZ, Murat

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 or an ally of the Al Qaida or its network.
 - a. The detainee is a member or ally of Al Qaida or its network:
 1. The detainee admitted he traveled from Frankfurt, Germany to Kurachi, Pakistan (via plane), to Islamabad, PK (via plane), and to Lahore, PK (via bus) an unnamed village (vic of Peshawar, PK) and attempted travel back to Peshawar when he was arrested and brought into custody.
 2. The timeline associated with the detainee is as follows: Became associated with an Islamic missionary group named Jamayat Al Tabliq in June 01, US is attacked on 11 September 01, travels to PK on 3 October 01, continues travels until his capture.
 3. Detainee is a close associate with, and planned to travel to PK with, an individual who later engaged in a suicide bombing. Bilgin possibly is the Elalanutus suicide bomber.
 - b. The detainee participated in activities with a group that is part of the Al Qaida network.
 1. The detainee stated he received free food, lodging and schooling from an NGO known to support terrorist acts against the United States while traveling in PK. He was sponsored by this NGO.
 2. The detainee admitted that the school in Lahore, PK was run by this NGO, specifically the NGO President.

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EXHIBIT **R1**

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

UNCLASSIFIED

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MURAT KURNAZ,
Detainee, Camp Delta;
[REDACTED]
as Next Friend of MURAT KURNAZ

Petitioners,

v.

GEORGE W. BUSH,
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500;

DONALD RUMSFELD,
Secretary, United States
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000;

ARMY BRIG. GEN. JAY HOOD,
Commander, Joint Task Force - GTMO
Guantánamo Bay Naval Station
Guantánamo Bay, Cuba; and

ARMY COL. NELSON J. CANNON,
Commander, Camp Delta,
Guantánamo Bay Naval Station
Guantánamo Bay, Cuba

Respondents.

All sued in their official and individual capacities.

AFFIDAVIT OF [REDACTED]

UNCLASSIFIED

EXHIBIT

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R2

I, [REDACTED] of [REDACTED], Germany being duly sworn, depose and state as follows:

1. I am the mother of Murat Kurnaz and a citizen of Turkey.
2. I was born on February 2, 1958 in Turkey. I married [REDACTED] born on July 24, 1955. In 1971 we immigrated to Germany and we have lived for 32 years in Bremen. My husband has worked for 25 years at a factory of Daimler-Chrysler in Bremen. We have 4 children: [REDACTED] born on November 11, 1978, living in Bremen, married, mother of [REDACTED], who is 4 years old [REDACTED] born on March 19, 1982, who lived in our household till October 2001; [REDACTED] born on March 12, 1989; and [REDACTED] born on February 2, 1996. Due to the German laws of citizenship my children inherited the Turkish citizenship of their parents. I take care of the children and the house, and my husband is working and earns net 1.700 € per month. This is our family income.
3. Murat went to elementary school at Glockenschule in Bremen. After 4 years he changed to the Parsevalstrasse junior high school in Bremen which he completed. Murat attended a vocational school for a year and started a vocational training as a shipbuilding engineer.
4. Murat had a very normal childhood. He had German, Italian and Turkish friends. He loved his dog and dreamed of becoming a farmer one day. He was absolutely peaceful and solved all of his problems without violence. When he was 18 the Turkish Government

wanted him to serve in the Army. Murat asked to be allowed to defer military service, and this was allowed. He never got any military training.

5. All members of my family are Muslims. We practice our faith in a very tolerant way, and we have never dictated to our children the way of that they should live. Nobody wears orthodox clothes. We fully accept the German way of living.

6. In the summer of 2001 Murat had a Muslim marriage with [REDACTED] in Turkey. He had planned an additional big wedding ceremony for the beginning of 2002. [REDACTED] received a visa for her visit in Germany. However, Murat left Germany on October 3, 2001 and has never been able to come back.

7. As he had got older, like many children, Murat had become more serious in his interest in his religion, and he told us he wanted to study the Koran at a school in Pakistan. Many Muslim children do this, because it is a cheap place to do such studies, although we were worried about him going there. He left Bremen on October 3, 2001 to go to Karachi, Pakistan. He planned to come back after a few weeks' study. However, he apparently got arrested and we were later told that he was in US custody at Guantánamo.

8. Murat wrote to us more than one time saying that he never left Pakistan and did not do anything wrong. He expressed the hope that he would be released soon. The last card was written in Guantánamo in March 2002 and arrived with us in Bremen in May 2002. Since that time I have received no further correspondence from my son and I am very

concerned and worried about his mental and physical status. He has been a good son and he would not want me to be worrying like I do.

9. I have been desperate to find out what is happening to my son, and try to find out I have written several letters and got in contact with the German State Department, the Embassy of the United States of America in Berlin, the Turkish Consulate and the International Red Cross. Nobody has been able to help me, or give me concrete information. The US Ambassador suggested that I ask the Turkish State Department, but Turkey told me, regretfully, that they lacked any information, and the German State Department told me, also with regret, that it was powerless given Murat's Turkish citizenship.

10. To the best of my knowledge, Murat has been in Guantánamo since January 2002. No charges have been levelled against my son. He has apparently not been brought before a judge since he was detained.

11. In May 2002, I contacted German attorney, Bernhard DOCKE, of Bremen. He agreed to represent the interests of my son Murat as best he could from Germany.

12. I am quite certain, based on the messages I have received and from everything I know of him, that my son wants my assistance and support and would want me to take appropriate legal action on his behalf. Consequently, I wish to act as his "next friend."

13. In this capacity, I have retained and hereby request and authorize Bernhard DOCKE, attorney, or those he has associated with (including Michael RATNER, the Center for


Constitutional Rights (CCR) in New York, and lawyers associated with CCR including Clive STAFFORD SMITH and Joe MARGUILES), to act on my own and my son's behalf and to take whatever legal steps they consider to be in our best interests.

14. I know the facts deposed to herein to be true of my own knowledge.

15. I was instructed by the authorising Notary about the legal consequences of a false affidavit. I do hereby state in lieu of oath that my statement is accurate.

Sworn by the Deponent at New York on this 7 day of March, 2004

Before me:


SHAYANA D. KADIDAL, Esq.
Notary Public, State Of New York
No. 02KA6095022
Qualified In New York County
Commission Expires June 30, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MURAT KURNAZ,
 Detainee, Camp Delta;
 [REDACTED]
 as Next Friend of MURAT KURNAZ

Petitioners,

v.

GEORGE W. BUSH,
 President of the United States
 The White House
 1600 Pennsylvania Ave., N.W.
 Washington, D.C. 20500;

DONALD RUMSFELD,
 Secretary, United States
 Department of Defense
 1000 Defense Pentagon
 Washington, D.C. 20301-1000;

ARMY BRIG. GEN. JAY HOOD,
 Commander, Joint Task Force - GTMO
 Guantánamo Bay Naval Station
 Guantánamo Bay, Cuba; and

ARMY COL. NELSON J. CANNON,
 Commander, Camp Delta,
 Guantánamo Bay Naval Station
 Guantánamo Bay, Cuba

Respondents.
 All sued in their official and individual
 capacities.

AFFIDAVIT OF BERNHARD DOCKE

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I, **BERNHARD DOCKE**, of [REDACTED], Germany

being duly sworn, depose and state as follows:

1. I am an attorney and partner of the law firm Dr. Heinrich Hannover und Partner, Bremen. I have been retained by [REDACTED] to act on her behalf and on behalf of her son Murat Kurnaz, who is presently detained by the United States military at Camp Delta, Guantánamo Bay Naval Station, Cuba (Guantánamo). I got engaged on May 27, 2002. Annexed hereto is a copy of my designation as attorney for [REDACTED] and her son Murat.
2. After Murat Kurnaz left Germany in October 3, 2001 to go to Pakistan, the Prosecutors Office in Bremen started an investigation to try to learn whether Mr. Kurnaz was involved in illegal activities they thought that he might have traveled to Pakistan to get in contact with the Taliban and take part in the conflict with US forces. The German General Prosecutor took over, and after months of intensive investigations he came to the conclusion that there was no indication that Mr. Kurnaz was involved or in contact with any terrorist groups. According to the Prosecutors Office Mr. Kurnaz has no prior convictions.
3. I was in correspondence and talks with the German State Department of Germany, the Turkish Embassy, the International Red Cross and the Prosecutor's Office. Nobody could give me details on the place, date, and circumstances of Mr. Kurnaz' arrest nor specific reasons for the ongoing detention, because the US authorities would provide no such information.

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4. The family of Murat Kurnaz has no current information about his health. The last card they received was dated March 2002. No mail from Mr. Kurnaz has been delivered since that time. The family is very worried and is suffering under the uncertainty.

5. Apart from the information discussed above, I have received no other communication concerning Mr. Kurnaz' detention at Guantánamo.

6. Consistent with the family's wishes, I have discussed the case with Clive Stafford Smith, and authorize him, Joe Margulies, Michael Ratner, any member of the Center for Constitutional Rights, or their assigns to take whatever action they deem suitable on Mr. Kurnaz' behalf. Mr. Kurnaz' mother wishes to act as his "next friend" and has specifically authorized such an action on her son's behalf.

7. I was instructed by the authorising Notary about the legal consequences of a false affidavit. I do hereby state in lieu of oath that my statement is accurate.

Sworn by the Deponent at New York on this 7 day of March, 2004

Benjamin Al

Before me:

SHAYANA D. KADIDAL, Esq.
Notary Public, State Of New York
No. 02KA6095022
Qualified In New York County
Commission Expires June 30, 20 07

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 3 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

☒ I have no comments.

☐ My comments are attached.

Date: 4 OCT 04


Maj. [REDACTED] USAF
Personal Representative

ISN # [REDACTED]
Enclosure (5)