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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: #12  
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 because he affiliated himself with the Taliban and al Qaida, which are engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee, a Bahraini citizen, admitted he traveled from Bahrain to Afghanistan on 13 September 2001. His purpose was to fight for the Taliban and die in jihad. At the time he departed Bahrain, the Detainee knew he would be fighting the Northern Alliance and the United States. When he arrived in Afghanistan, the Detainee requested and received directions from a Taliban representative to an office/guesthouse in Kabul, Afghanistan. At that Taliban office, the Detainee introduced himself and told the Taliban representative that he had come to fight. After November 2001, the Detainee traveled to the Pakistan border where he was arrested by Pakistani authorities and later turned over to U.S. authorities. The Detainee chose not to participate in the Tribunal process. The Detainee requested one off-island witness, Mohammed Salman Al-Khalifa. The U.S. Department of State contacted the witness through the Bahraini government and offered him the opportunity to testify on board Guantanamo Bay, by conference call or written statement. The witness elected to testify through written statement and submitted two documents for the Tribunal's consideration. The Bahraini government also submitted a document to the Tribunal. 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 through D-d, and R-1 through R-12.

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b. Testimony of the following persons: None.

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

The Detainee requested one witness. The following was introduced for the Tribunal's consideration:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Statement from Mohammed Salman Al-Khalifa	Relevant	Yes
2d Statement from Mohammed Salman Al-Khalifa	Relevant	Yes*
Certificate of "Good Conduct" from the Bahriani Interior Ministry	Relevant	Yes*

\*The Detainee requested testimony from the witness, which was produced. Apparently the witness, Mohammed Salman Al-Khalifa, took it upon himself to provide a second statement, the character reference, which was accepted by the Tribunal for consideration. The third document (also not requested but provided nonetheless) was the Good Conduct Certificate submitted on the initiative of the Bahraini Government that was also accepted and considered by the Tribunal.

#### 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. Exhibits R-2 and R-3 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Detainee declined to make a statement or to be present for the Tribunal. However, the Personal Representative did present two affidavits on the Detainee's behalf, discussed further below:

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1. Exhibit D-b, 11 November 2004, is a statement by the Detainee's friend (and perhaps cousin), Mohammed Salman Al-Khalifa, who is also the cousin of Salman Al-Khalifa. The author claims that he was very concerned about his cousin because he did not know where he was (although he believed he may have been in Pakistan or Afghanistan). The author further claims that the Detainee was not connected to any jihad groups against the United States and that the only reason he went to Pakistan and Afghanistan was to bring back his friend, Salman Al-Khalifa. While initially persuasive, the exhibit is contradicted by the Detainee's previous statements as indicated in Exhibit R-8, discussed more fully in Enclosure (2) to the CSRT Decision Report.

2. Exhibit D-c, 11 November 2004, was a second statement apparently from the same individual, Mohammed Suleiman Al-Khalifa, and is a character reference concerning the Detainee. It is not otherwise relevant to the Detainee's enemy combatant status.

3. Exhibit D-d is a Good Conduct certificate from the Kingdom of Bahrain's Interior Ministry, indicating that there is nothing adverse against the Detainee in Bahraini criminal records "till to date." The information given is somewhat contradictory, however. On one hand, the date of generation of the certificate is given as 09/11/2004. On the other hand, the date of issue is given as 02/06/2001 and the expiration date is 02/06/2006. However, further below, the certificate states that it is valid for three months from the date of issue, which would mean an expiration date of 05/01/2001. If the latter information is correct, however, this means that the Detainee's alleged acts postdate the expiration date of the certificate, making the certificate irrelevant. Read in the most favorable light to the Detainee, the certificate indicates that the Detainee has not broken any Bahraini laws and that the Bahraini government evidently does not consider the Detainee's alleged acts serious enough to deny him a "Good Conduct" certificate. While this exhibit is moderately persuasive, the United States government obviously has a different view, which has been formed by virtue of the exhibits discussed in Enclosure (2) to the CSRT Decision Report.

c. The Tribunal also noted an allegation of the Detainee, relayed through his Personal Representative, that he was tortured while detained in Kandahar, Afghanistan and that consequently he admitted to things that he did not do. In accordance with standard operating procedure, this allegation was forwarded to officials at the Criminal Investigation Task Force for further coordination with Joint Task Force Guantanamo, and for their investigation and disposition, as they deem appropriate. The Tribunal also notes, however, that none of the information presented to it for consideration was generated from the Detainee's detention in Kandahar.

d. The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence, including the Detainee's alleged al Qaida

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affiliation, 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 and no further medical or mental health evaluation was requested or deemed necessary.


b. The Detainee understood the Tribunal proceedings. The Detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a. After numerous interviews with his Personal Representative, and despite having given an earlier indication that he would participate in the Tribunal, the Detainee decided on the day of the Tribunal not to participate. There was no indication that he did not understand the process; rather, he related to his Personal Representative that communication he had received from his civilian attorney indicated that he was being advised not to participate and so the Detainee made his decision accordingly.

c. The Detainee is properly classified as an enemy combatant because he affiliated himself with the Taliban and Al Qaida, which are engaged in hostilities against the United States and its coalition partners.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Marine Corps  
Tribunal President

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