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

1. A 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 process. The detainee requested his Personal Representative to provide information on his behalf.

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

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-4, R-5, R-6, and R-7 was redacted. The FBI properly certified in exhibits R-2 and R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant.

d. The detainee requested one witness. The Tribunal found the witness to be relevant and submitted a request to the U.S. State Department to locate the witness in Bahrain. Bahraini authorities located the witness and the witness elected to provide a letter to the Tribunal on the detainee's behalf. In fact, he submitted two letters and these were considered by the Tribunal and included in the Record of Proceedings as exhibits D-b and D-c. The Bahrain Interior Ministry also provided a "Certificate of Good Conduct" for the detainee (exhibit D-d). The Personal Representative presented these documents on behalf of the detainee.

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 did not submit comments to the Tribunal.

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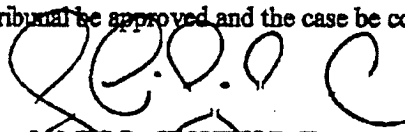
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g. It should also be noted that the detainee stated that he was tortured when captured in Afghanistan. The Tribunal took note of this allegation and in accordance with standard operating procedures forwarded the allegation to officials at the Criminal Investigative Task Force for investigation. The Tribunal also noted that none of the information relied upon when making its decision originated from the detainee's capture in Afghanistan.

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

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