

UNCLASSIFIED//FOUO

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: #7  
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 was part of or supporting Taliban or 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 7 October 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. Exhibit R-1 is the Unclassified Summary of Evidence. It indicates, among other things, that the detainee voluntarily joined the Taliban; that the detainee received training on various weapons; that the detainee was assigned an AK-47 and a 7.62mm PK; that the detainee agreed to fight with the Taliban; that the detainee received money from Usama Bin Laden; that the detainee's name was recovered on a list of probable Al Qaida operatives; that the detainee fought against coalition forces for approximately nine months, firing his weapon at coalition forces; that the detainee manned an anti-aircraft gun during combat; and that the detainee was present at Tora Bora during the U.S. air campaign. Exhibit R-2 is the FBI request for redaction of National Security Information dated 22 September 2004. The Recorder called no witnesses.

The detainee participated actively in the Tribunal process and made an unsworn verbal statement for the Tribunal's consideration. In sum, the detainee denied all of the allegations against him and asserted that he has never been to Afghanistan. Furthermore, the detainee states that any prior statements he has made admitting to the allegations were the result of torture or threats that he would never leave Cuba. 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.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-17. The Recorder offered no comments on the classified evidence. The Personal Representative had nothing additional to offer and made no comments. The

UNCLASSIFIED//FOUO

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

30402

NOV00100

Page 01

**UNCLASSIFIED//FOUO**

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 R-1 through R-17.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

**5. Discussion of Unclassified Evidence**

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

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

b. The detainee made an unsworn statement at the Tribunal. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee testified that all the allegations against him were false. He stated that many of his statements to interrogators that he has made in the past were not true and were the result of torture. He further stated that interrogators told him unless he admitted to the allegations against him he would never leave Cuba. The detainee's unsworn testimony is summarized in Enclosure (3) to the CSRT Decision Report. When considered in conjunction with the classified evidence, the Tribunal found the detainee's testimony unpersuasive.

As noted above, the Tribunal also relied on classified evidence in reaching its decision, and found the classified evidence persuasive in establishing that the detainee is properly

**UNCLASSIFIED//FOUO**

ISN [REDACTED]  
Enclosure (1)  
Page 2 of 3

30403

NOV00101

UNCLASSIFIED//FOUO

classified as an enemy combatant. 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 Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations of torture raised by the detainee during his unsworn testimony. As per instructions, the OARDEC Forward Chief Of Staff, and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 7 October 2004.

**7. Conclusions of the Tribunal**

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings and actively participated throughout.
- c. The detainee is properly classified as an enemy combatant and was part of or supporting Taliban or Al Qaida forces.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Army  
Tribunal President

UNCLASSIFIED//FOUO

ISN   
Enclosure (1)  
Page 3 of 3

30404

NOV00102