

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: #20
ISN #: 312

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 and associated forces that are engaged in hostilities against the United States or 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 Tribunal conducted this hearing on 9 December 2004. The Recorder presented Exhibit R-1 and R-2 during the unclassified portion of the Tribunal. The principal exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee is associated with the Taliban or al Qaida; the detainee traveled from Syria to Afghanistan in 2001; the detainee's father is a veteran Mujahidin fighter; the detainee trained at [REDACTED] training camp in 2001; the [REDACTED] training camp was a basic training facility for Jihadists against the coalition; while at [REDACTED] the detainee trained on the Kalishnikov rifle, pistols, light weapons, grenades, and the Bika weapons system; the detainee admitted to traveling through the Tora Bora Mountains in Afghanistan; the detainee was in Kabul, Afghanistan when it was defeated; and, after the fall of Kabul, the detainee fled to Jalalabad and subsequently to Pakistan, where he was arrested. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings. He submitted a written statement, Exhibit D-b, and then answered Tribunal members' questions. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee called one witness.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-24, commenting that Exhibits R-3 through R-8 supported the Unclassified Summary of Evidence and Exhibits R-9 through R-25 provided amplifying information. The Personal Representative presented Exhibits D-c and D-d, providing brief comments.

After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

UNCLASSIFIED//~~FOUO~~

ISN #312
Enclosure (1)
Page 1 of 3

30652

NOV00109

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-24, and D-a through D-d.
- b. Testimony of the following person:

ISN [REDACTED] (See Enclosure (3) to the CSRT Decision Report).

- c. Sworn 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's one witness request, for his father, [REDACTED] was approved. See Enclosure (5) to the CSRT Decision Report.

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, the FBI redaction certificate, provided no useful information. Accordingly, the Tribunal had to look to other evidence to support the assertions in the Unclassified Summary of Evidence.

b. As noted in paragraph 2, above, the detainee submitted a written statement and provided sworn testimony, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee denied being a member of the Taliban or al Qaida. He asserted that his father drew him to Afghanistan from Syria. He further stated that he had no knowledge of his father's activities while he was in Afghanistan and desired to return to Syria to complete his studies. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

UNCLASSIFIED//~~FOUO~~

ISN #312
Enclosure (1)
Page 2 of 3

30653

NOV00110

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations made by the detainee in his written statement and in his testimony that Pakistani officials in the presence of U.S. officials tortured him, and in a U.S. facility. He also claims that U.S. soldiers abused him. 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 11 December 2004. These allegations, on behalf of both detainee and his father, have previously been reported on 22 November 2004, following the father's Tribunal.

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 the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida forces and associated forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN #312
Enclosure (1)
Page 3 of 3

30654

NOV00111