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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 and is part of, or supporting, Al Qaida, or other forces 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 unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee was associated with forces engaged in hostilities with the United States or its coalition partners. The Detainee traveled to Afghanistan in August 2001 and received weapons training at the Al-Farouq training camp. The Detainee attempted to gain more training at another camp near Jalalabad, Afghanistan and then eventually was captured near the Pakistan border. The Detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. The Detainee made a sworn verbal statement. The Detainee, in his verbal statement, denied that he was associated with forces engaged in hostilities with the United States or its coalition partners and was forced to tell this story that he had been so associated. He admitted traveling to Afghanistan with a friend but it was during school break. The Detainee denied receiving weapons training and stated that he and his friend only observed another individual disassemble and reassemble a Kalashnikov rifle. The Detainee stated that after his capture Afghan and American soldiers tortured him.

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-13.
- b. Testimony of the following persons: Sworn statement of the Detainee.

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UNCLASSIFIED//FOUO**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 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 sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he was not associated with forces engaged in hostilities with the United States or its coalition partners. He claimed that he is not associated with al Qaida, and if he were an enemy combatant, he would not have bought a round trip airline ticket to return home because he would have continued to fight. The only reason for his original statements is because when he was captured, interrogators in Kandahar, Kabul and Bagram, Afghanistan tortured him. The Detainee stated that he did not carry any weapons and did not participate in any fighting against the coalition. Because of the torture he received when he was originally captured, he claimed he had to admit to things that he did not do to stop the torture.

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:

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a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.

b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant and is part of, or supporting, Al-Qaida, or other forces engaged in hostilities against the United States or its coalition partners.

d. The Detainee stated that after he was captured, interrogators in Kandahar, Kabul and Bagram, Afghanistan tortured him. Because of the torture he claimed he received when he was originally captured, he claimed he had to admit to things that he did not do. The Detainee's allegations were not limited to occurrences within Afghanistan. The CITF liaison to OARDEC, OARDEC Chief of Staff, and the OARDEC legal advisor have been notified of the allegation outlined above, as documented in Exhibit R-3.

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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