

Page 121  
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 and 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 held this hearing on 2 November 2004. The Recorder presented Exhibits R-1 through R-3 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates that: the detainee supported the Taliban and associated with Al Qaida; the detainee arrived in Afghanistan from [REDACTED] via Pakistan; the detainee traveled to Afghanistan for military training to prepare to fight; the detainee stayed at an Arab guesthouse in Kandahar; the detainee provided general information about an Al Wafa office in Kabul; Al Wafa has been designated as a terrorist organization; the detainee trained at Al Farouq; the detainee received weapons training for the Kalashnikov rifle, the PK rifle, and rocket-propelled grenade launcher; the detainee received mortar training while serving in the back lines; the detainee participated in military operations against the coalition; the detainee fought for the Taliban; the detainee fought at the front line against the Northern Alliance; the detainee was in Tora Bora during the U.S. air campaign; the detainee was injured by a bomb blast in Tora Bora; and the detainee was captured by Northern Alliance forces during his retreat from Tora Bora. The Recorder called no witnesses.

The detainee actively participated in the Tribunal proceedings. In an unsworn statement, the detainee responded to some of the allegations on the Unclassified Summary of Evidence. In sum, he stated he went to Pakistan to find a wife and for a change of environment. He also stated he went to Afghanistan before the war with the United States started. The detainee's unsworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence and called no witnesses.

UNCLASSIFIED//FOUO

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

30814

NOV00115

**UNCLASSIFIED//FOUO**

During the classified session of the Tribunal, the Recorder presented Exhibits R-4 through R-15 and commented on the evidence. The Personal Representative presented no classified evidence and made no comments on the classified exhibits. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-15 and D-a.
- b. Testimony of the following persons: None.
- c. 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**

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. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Exhibit R-3, the U.S. Department of Homeland Security *Terrorist Organization Reference Guide* dated January 2004, also provided no information pertinent to the detainee's status. Accordingly, the Tribunal had to look to other evidence to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

b. As noted in paragraph 2, above, the detainee made an unsworn statement at the hearing, addressing several, but not all, of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered a few questions posed by one of the Tribunal Members, but refused to answer any further questions. In sum, the detainee claimed that he traveled to Pakistan to get married and to have a change of environment. He denied any affiliation with Al Wafa, and also denied receiving mortar training. He also denied ever being in the Tora Bora region. When asked if he did not respond to allegations 3.a.3, 3.a.5, 3.a.6, and 3.a.7 on the Unclassified Summary of Evidence because those

**UNCLASSIFIED//FOUO**

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

30815

NOV00116

**UNCLASSIFIED//FOUO**

allegations were true, the detainee stated he would rather keep silent. A summarized transcript of the detainee's unsworn testimony is attached as Enclosure (3) to the CSRT Decision Report. The Tribunal found the detainee's testimony unpersuasive when considered together with the classified evidence. A discussion of the classified evidence is found in the CSRT Decision Report Enclosure (2).

**6. Consultations with the CSRT Legal Advisor**

The Tribunal consulted the CSRT Assistant Legal Advisor regarding allegations that an interrogator in the Khandahar prison hit the detainee in the arm until he falsely admitted receiving training on mortars (see Enclosure (3) to the CSRT Decision Report). 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 2 November 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 the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban and 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

30816

NOV00117