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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: #5  
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 a member or associated with al-Qaida and is affiliated with the Taliban. 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 summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is associated with al-Qaida. Those allegations are as follows:

1. The detainee stated that he observed UBL on three separate occasions.
2. The detainee stated that he lived in the "Azam Afwan" guesthouse in the Wazie Akbar Khan area of Kabul during September 11, 2001 and that the cooks were all al-Qaida.
3. The detainee stated that he lived at the "Najim (Ejm) al Jihad" guesthouse in Jalalabad, AF when Usama Bin Laden visited the guesthouse during the 1<sup>st</sup> week of the US bombing campaign in AF.
4. The detainee attended the Camp Farouq and the Malek training camp where he received training on the Kalashnikov rifle, rocket propelled grenades, PK machine gun, mountain fighting and tactics, anti-aircraft weapons, heavy artillery, surface-to-air missiles, topography, and explosives during the late spring 2000.
5. The detainee was captured in Tora Bora.

During the detainee's testimony to the Tribunal, he denied most allegations made against him, except the allegation that he had attended training at Al Farouq. The detainee's testimony often contradicted statements he made to interrogators and he claimed that he admitted to being a member of al-Qaida during torture by US Forces in Afghanistan. The detainee stated that he has been tortured here in Guantanamo Bay and that his shoulder was broken as a result of torture. He further stated that he received

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immediate medical attention for his shoulder and that he was still receiving medication. The detainee stated that he would only provide his testimony if the President promised that the detainee would not be tortured. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. After all matters were considered, the preponderance of evidence clearly showed that the detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

**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-7
- b. Testimony of the following person: none

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

The Detainee requested no witnesses be produced for the hearing.

The Detainee requested no additional evidence be provided.

**5. Discussion of Unclassified Evidence**

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

a. The recorder offered Exhibit R-1 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. Accordingly, the Tribunal had to rely on the detainee's testimony and looked 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 testimony. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that most accusations made against him alleging his status as an enemy combatant were false. He denied being a member of or associated with al-Qaida, but confirmed that he attended Al Farouq to receive training in small caliber weapons and heavy artillery. The detainee testified that the previous admission that he was al-Qaida was made during torture and that he made that admission in an attempt to appease his torturers. The detainee denied that he was associated with the Taliban, or that he ever stayed in known al-Qaida or Taliban guesthouses. The Tribunal did not find the detainee's testimony persuasive and thus, turned to classified sources for further clarification.

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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:

- 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. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of or associated with al-Qaida and affiliated with the Taliban.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[Redacted Signature]

Tribunal President

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