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## 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 forces, or 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 held this hearing on 5 November 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee worked for [REDACTED] Afghanistan, in December 2001; a senior Taliban commander, and Al Qaida supporter, in Gardez frequently visited [REDACTED] compound; [REDACTED] has claimed to be on a jihad against the United States and instructed his men they must do the same; the detainee admitted to being on a jihad; [REDACTED] with the assistance of others, was responsible for rocket attacks against United States forces from firing positions on Laywan Mountain; the detainee was instructed to fight to the death when American forces raided the [REDACTED] compound on 11 December 2002, but surrendered instead; and, just prior to the U.S. forces raid on the [REDACTED] compound, the detainee instructed his compatriots to all provide the same false story if captured. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings and responded under oath to each of the allegations on the Unclassified Summary of Evidence. In sum, the detainee admitted that he worked for [REDACTED] and carried an AK-47 with him at all times, but denied being a member of the Taliban or Al Qaida or fighting U.S. or coalition forces. 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 presented no other evidence.

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During the classified session of the Tribunal, the Recorder presented Exhibits R-4 through R-17 (Exhibit R-3 was not offered into evidence) without comment. The Personal Representative neither presented classified exhibits nor made any comments on the classified evidence. 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, R-2, R-4 through R-15, and D-a. The Recorder did not offer Exhibit R-3 into evidence.

b. Testimony of the following persons: None.

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 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, the FBI redaction certification, provided no usable evidence. 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 a sworn statement 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; admitted he worked for [REDACTED] and carried an AK-47; denied any knowledge of a senior Taliban commander/Al Qaida supporter visiting [REDACTED] compound; denied

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being on a Jihad or fighting against the United States, claiming he only worked as a [REDACTED] admitted he previously said [REDACTED] was responsible for rocket attacks against U.S. positions in Afghanistan, but clarified he does not know for sure if they were against U.S. positions or personal enemies of [REDACTED] admits he told U.S. interrogators in Afghanistan that he was ordered to fight to the death when U.S. forces came to capture him, but says he made the admission under fear of death; and denied ever telling his compatriots to lie. The Tribunal found the detainee's testimony unpersuasive when considered in conjunction with the classified evidence. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

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

The Tribunal notified the CSRT Assistant Legal Advisor regarding the detainee's allegations that U.S. personnel in Afghanistan forced him to admit things that weren't true by stripping him of all of his clothes, beating him, and threatening to turn dogs loose on him (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 5 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 forces, or 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,

[REDACTED]  
Colonel, U.S. Army  
Tribunal President

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