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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #19
ISN #: [REDACTED]**1. Introduction**

As the Combatant Status Review Tribunal Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and/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. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with the Taliban or al Qaida. The Detainee worked at a U.S. military base in Kabul, Afghanistan. The Detainee assisted a member of a terrorist organization, Hezb-E-Islami Gulduddin, who had plans to plant a bomb at a U.S. military base in Afghanistan. Hezb-E-Islami Gulduddin is a known terrorist organization that has long established ties to al Qaida. The Detainee provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member Hezb-E-Islami Gulduddin. The Detainee provided photographs of a U.S. military base in Afghanistan to a member Hezb-E-Islami Gulduddin. The Detainee provided computer media containing a template of the security badge used at a U.S. military base in Afghanistan and digital images of personnel involved with security at the aforementioned base. The Detainee stole his work computer and transferred the information to computer media for the purpose of providing it to a member Hezb-E-Islami Gulduddin. The Detainee applied for a visa to the United States under a different name. The Detainee chose to participate in the Tribunal process. He called one witness, requested no documents be produced, and made an oral, sworn statement. The Tribunal President found the requested witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Detainee, in his sworn, oral statement, denied being part of the Taliban or al Qaida. 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:

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- a. Exhibits: D-a, R-1 through R-15
- b. Testimony of the following persons: none.
- c. Sworn statement of the Detainee.

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

The Detainee requested one witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Mr. [REDACTED]	not reasonably available	no*

* The Tribunal President deemed that the Detainee's request for this witness was relevant to the Detainee's status as an enemy combatant. The Department of State was contacted on 9 November, with follow-up attempts made on 22 November and 29 November. As of 1 December 2004, the Department of State had received no response to the status of this witness request. Therefore, the Tribunal President made the determination that based on the attempt to contact and lack of response, the witness is not reasonably available.

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 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 stated that he worked for [REDACTED] in downtown Kabul, Afghanistan, not at a military base. The Detainee said that he had worked for the company for about six months, first as [REDACTED]. The Detainee had heard that [REDACTED] was a commander of Hezb-E-Islami Gulbuddin (HIG) and controlled the road between Kabul and Jalalabad but that he never assisted him in

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any way; he just saw [REDACTED] at the office in Kabul. [REDACTED]

He contends that he was allowed to take his computer home for a computer course that he was enrolled in. Further, the Detainee stated that he did apply for a visa with his family but never used a different name. The Detainee claims that [REDACTED] approached him at his work with allegations that he was working for someone. The Detainee said he got scared and ran away, later contacting his father in Jalalabad. His father returned with the Detainee to his workplace and the Detainee was then placed into custody. The Detainee said that he was beaten and tortured and because of this, he told an American [REDACTED] and Afghans that he had provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member of HIG. The Detainee was unclear when he reported this abuse but thought that it was about a year and a half ago.

As noted above, the Detainee made an allegation of physical mistreatment while he was in detention in Kabul, Afghanistan at the hands of his Afghani captors and American interrogator. The Tribunal made inquiry of the Detainee to note his statements about such alleged mistreatment. The Tribunal President has caused these allegations to be reported to the chain of command.

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 appropriate.
- 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 a member of, or affiliated with al Qaida and/or associated forces that are engaged in hostilities against the United States or its coalition partners.

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8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

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