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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #12  
ISN #: \_\_\_\_\_

**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 of, or affiliated with, the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information and testimony of a witness. 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 alleged that the Detainee had an association with the Taliban, was implicated in actions against coalition forces, and gained military experience from his service against the Russians. Specifically, the Detainee is said to have served \_\_\_\_\_ in Afghanistan when the Taliban was in power. During a raid conducted on his residence on 2 May 2003, the Detainee was apprehended in possession of assorted Taliban paraphernalia, items for making improvised explosives, and information about military posts. Additionally, he is believed to have provided weapons to the Taliban. A witness observed the Detainee discussing rocket attacks on coalition forces, as well as transporting the missiles for that purpose. He also is thought to have fired rockets at coalition forces. He gained this experience with weapons during the Russian Jihad.

The Detainee chose to participate in the Tribunal process and made a sworn verbal statement. He also called two witnesses that the Tribunal President found to be reasonably available, and these witnesses agreed to participate. The Detainee, in his sworn verbal statement, addressed all of the allegations in the unclassified summary of evidence (Exhibit R-1). Specifically, he corrected the statement about being \_\_\_\_\_

\_\_\_\_\_ He denied receiving formal military training during the Russian Jihad, and also denied all other allegations. He expressed his opinion that he hated the Taliban government as much as the Russians. He also stated that he was a carpenter during the Taliban regime and became \_\_\_\_\_ after the fall of the Taliban.

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The first witness, ISN [REDACTED] testified that he was "just a goat keeper," that the Detainee was a carpenter that he knew for maybe 2-3 years in Afghanistan and they met maybe 4-6 times. He never knew the Detainee to carry weapons. The second witness, ISN [REDACTED] testified that he saw the Detainee after the fall of the Taliban regime and he said the Detainee was not Taliban. He emphasized this by saying, "if he were, he wouldn't have got hired [REDACTED] ISN# [REDACTED] also stated that he never knew the Detainee to carry weapons.

Additionally, during the Tribunal hearing, the Detainee complained that he needed medical attention due to various ailments. He claimed that the source of these ailments was due to severe beatings he received over 2 days after being apprehended by U.S. forces in May 2003 in Afghanistan. On the Detainee Election Form (Exhibit D-a), and during his tribunal testimony, he claimed pain in his ribs, arms, abdomen and legs and he feared permanent damage to his testicles. He claims an X-ray or some other scan would reveal the extent of the damage but that he has not received one. He further stated that medical personnel have visited him in the past but they just have given him tablets that are ineffective. It appears he has made frequent requests for medical treatment. In any event, the Tribunal President directed the Personal Representative to contact the medical personnel in charge of the Detainee medical treatment to request that on their next visit, they provide the Detainee special consideration for any problems he may have been experiencing. Because this information including allegations of mistreatment and/or misconduct, it was also provided to the Criminal Investigation Task Force on 20 November 2004 for appropriate investigation, coordination with Joint Task Force Guantanamo, and disposition as appropriate. See additional comments concerning the Detainee's medical condition in Enclosure (2) to the CSRT Decision Report.

### 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-12.
- b. Testimony of the following previously approved witnesses:
  1. ISN# [REDACTED]
  2. ISN# [REDACTED]
- c. Sworn statement of the Detainee.

### 4. Rulings by the Tribunal on Detainee Requests for Evidence

The Detainee did not request any additional evidence or documents.

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**UNCLASSIFIED//FOUO****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 Exhibit 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 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 and the witnesses. A summarized transcript of the Detainee and witness's sworn testimony is attached as CSRT Decision Report Enclosure (3).

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 requested or deemed necessary, other than the matters discussed above in paragraph 2.

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

c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, the Taliban, which is engaged in hostilities against the United States and 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. Marine Corps  
Tribunal President

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