

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SAEED AHMED MOHAMMED )  
ABDULLAH SAREM JARABH, *et al.* )  
Petitioners, )  
v. ) Civil Action No. 04-CV-1194 (HHK)  
GEORGE W. BUSH, )  
President of the United States, *et al.*, )  
Respondents. )  
\_\_\_\_\_ )

**DECLARATION OF JAMES R. CRISFIELD JR.**

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

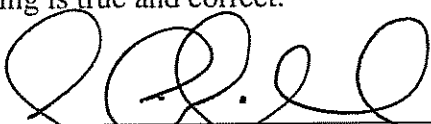
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Saeed Ahmed Mohammed Abdullah Sarem Jarabh that are suitable for public release. The portions of the record that are classified or considered law enforcement

sensitive are not attached hereto. I have redacted the names and addresses of the detainee's family and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 1 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser:  
30 September 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)  
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24 Sep 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004  
(2) Record of Tribunal Proceedings

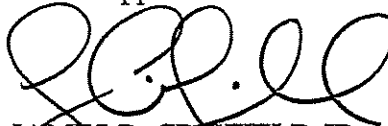
1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process, was present for the unclassified portion of the Tribunal, and made an unsworn statement.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-11 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested that one witness and two documents be produced. The witness requested by the detainee was the detainee's father. The detainee stated that his father would testify that he paid for the detainee's travel to Afghanistan. The Tribunal President determined that this testimony would be irrelevant to the sole question before the Tribunal. The documents requested by the detainee were copies of his round trip tickets from Yemen to Afghanistan on Yemeni Airlines and the record of a visa issued by the Iranian embassy in Sana'a, Yemen, that would show that he intended to return to Yemen. The Tribunal President denied these requests on the grounds of lack of relevancy. In light of the fact that none of the requested evidence would have any tendency to make it more or less probable that the detainee was part of, or supporting Taliban or al Qaeda forces, the President's relevancy determinations were correct.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]

- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN

UNCLASSIFIED



Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Marine Corps Reserve; President

[REDACTED], Colonel, U.S. Army; Member

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army; Member  
(JAG)

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

22 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

A handwritten signature in black ink, appearing to read "D. L. Taylor", is written above the typed name.

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).

(U) TRIBUNAL PANEL:     #8    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #8 of 13 September 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

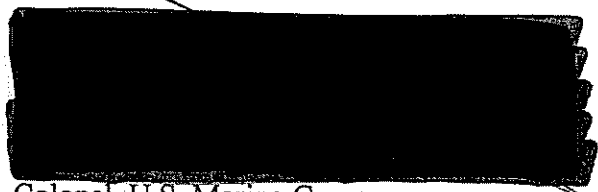
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 20 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 20 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly classified as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Al-Qaeda, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Marine Corps  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #8 \_\_\_\_\_  
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, Al-Qaeda. 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 evidence presented to the Tribunal by the Recorder indicated that the detainee traveled to Afghanistan in 2001, where he received military training and fought against the United States and the Northern Alliance while at Tora Bora. He is a member of Al-Qaeda. The detainee chose to participate in the Tribunal process. He requested one witness, requested two unclassified documents be produced, and made an unsworn verbal statement. The Tribunal President found the requested witness not relevant even if made reasonably available, and that alternative means of producing the witness's testimony were also not relevant. The Tribunal President denied the Detainee's request for the documents to be produced. The detainee, in his verbal statement, denied being a member of Al-Qaeda, and also denied engaging in hostilities against the Northern Alliance and the United States. 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 (3 pages), and R-1 through R-11.
- b. Testimony of the following persons: Unsworn statement of the detainee

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

As indicated by the Detainee session notes appended to Exhibit D-a, the Detainee requested the following witness be produced for the hearing:

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ISN # [REDACTED]  
Enclosure (1)  
Page 1 of 4

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	Not relevant	No*

\*The Detainee sought the testimony of his father to show that his father paid for the Detainee's travel to Afghanistan (although other evidence indicates that the Detainee stole the money from his father instead). The Tribunal President denied the request, reasoning that even if the Detainee's father testified as the Detainee said he would, this information sheds no light on the Detainee's activities while in Afghanistan nor as to whether the Detainee is properly classified as an enemy combatant.

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Round trip ticket from Yemeni Airlines	Not relevant	No*
Record of issued visa from Iranian embassy in Yemen	Not relevant	No*

\*The Tribunal President disapproved the request because these documents were not relevant to the Detainee's enemy combatant status; even if produced, these documents would not shed light on the Detainee's activities while in Afghanistan.

### 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 primary unclassified evidence the Tribunal had to consider was the detainee's unsworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he was not a member of Al-Qaeda, and that he did not engage in hostilities

against the Northern Alliance or the United States, whether at Tora Bora or anywhere else. His sole reasons for going to Afghanistan were to teach the Koran to the less fortunate and to look for additional business opportunities in his father's gold and silver business.

c. The Tribunal also considered Exhibit R-3, an affidavit written on the Detainee's behalf by his brother. The Detainee, however, told a completely different story than did his brother, during the Detainee's initial testimony. Since his brother presumably would have no reason to lie, the Detainee's initial story was deemed to be not credible by the Tribunal. Upon being confronted with Exhibit R-3, the Detainee changed his story significantly during his subsequent testimony. The Tribunal determined that, even though the Detainee may have added some additional elements of truth, his overall testimony was still not credible because of the significant amount of information that was excluded from his testimony and because some of his statements were directly contradicted by other exhibits in the packet.

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**

The Tribunal consulted the CSRT Assistant Legal Advisor during the course of this hearing on the following matters: After the unclassified session was concluded, and as the classified session was about to begin, the Tribunal President discovered that Exhibit R-3, an affidavit on behalf of the Detainee written by his brother, had not been shown or provided to the Detainee. The Tribunal President recessed the Tribunal, consulted with the Legal Advisor, and subsequently directed that the Personal Representative ensure that the affidavit was translated and presented to the Detainee this same day. The Personal Representative, in conjunction with the Interpreter/Translator, complied and met with the Detainee later that day. The Detainee, after being made aware of Exhibit R-3, accepted the Tribunal President's invitation to comment upon it. The Tribunal President therefore reopened the unclassified session and allowed further testimony from the Detainee.

## **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.

b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing. He did ask questions concerning the "fairness" of the proceedings (e.g., "why are some people being released

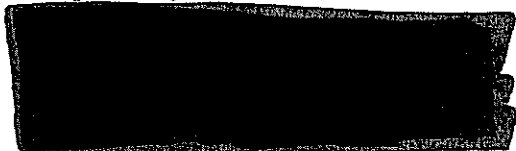
without even having had tribunals?”), which were satisfactorily answered by the Tribunal President.

c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, Al-Qaeda and was part of, or supporting, that organization.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps  
Tribunal President

**Summarized Unsworn Detainee Statement**

*When asked by the Tribunal President if he would like to present additional information to the Tribunal, the Detainee stated no, the Personal Representative can talk for him.*

Detainee stated that [of] the stuff he [the Recorder] said, just one thing is true and all the rest is false. The only true thing is the statement when he [Recorder] says about the training for one week. 3(a)1 is the only thing that is true in the Unclassified Summary. The rest is false.

*The Personal Representative made the following comments on behalf of the Detainee, addressing each point on the Unclassified Summary:*

- *3(a) The Detainee is a member of Al Qaeda.*

Concerning the allegation that the Detainee is a member of Al Qaeda, he [Detainee] is not a member of Al Qaeda.

- *3(a)1 The Detainee attended training for approximately one week at the Abu Abaida training camp near Jalalabad, Afghanistan.*

This training was actually in Kandahar, not Jalalabad. This was not military training; it was simply shooting for proficiency with friends.

- *3(a)2 The Detainee received weapons training on the Kalashnikov rifle while at the Abu Abaida training camp.*

He [Detainee] already knew how to fire the Kalashnikov from his home, in Yemen. He [Detainee] was in Afghanistan to teach the Koran.

- *3(a)3 The Detainee admits having contact with [an individual] whom he believes to be an al Qaeda member.*

This is not true. There is no way, if there were Al Qaeda in the area, for anyone to know they were there.

- *3(b) The Detainee participated in military operations against the coalition.*

He [Detainee] was not in Tora Bora. He [Detainee] was captured under false pretenses in Pakistan by the Pakistanis. In fact, he [Detainee] had made a decision to leave Afghanistan long before the war started. People in Afghanistan lied to him [Detainee] and told him [Detainee] they would help him [Detainee] go home but [instead] turned him [Detainee] over to Americans.

He [Detainee] never went to Afghanistan to fight and never carried any weapons. Because of the false pretenses under which he [Detainee] was captured, the Detainee is concerned about what country he will be released to, if released. [He] would like to know if he will have any say about which country he is released to if he is released someday.

- *3(b)1 The Detainee was present with fighters in the Tora Bora region.*

*This point was addressed along with the other point, and never specifically addressed by the Personal Representative.*

Tribunal President: To answer your question about what country you would be released to, as a member of this Tribunal, I have no insight or involvement with that decision. That is at our State Department level. Additional information will be provided to you at a later date as we progress through this process and other processes you would be involved with.

Personal Representative: I would like to add, that as circumstantial proof [that] he [Detainee] is not a member of Al Qaeda, the Detainee's trip was funded by his father, not Al Qaeda.

#### Questions by Tribunal Members to Personal Representative

Q: Does the Detainee admit or deny attending training at Abu Abaida training camp?

A: The Detainee indicated he had already been trained in Yemen and was shooting for proficiency with friends. He [Detainee] didn't consider it training.

Q: These activities took place in Kandahar, as opposed to Jalalabad, because of the location of the camp, or was it somewhere different from the camp?

A: When I read the accusation, he [Detainee] indicated it was Kandahar, not Jalalabad.

#### Questions by Tribunal Members to Detainee

Q: When did you leave Afghanistan?

A: I don't remember the date, but maybe a month before the New Year. Maybe the 11<sup>th</sup> month.

Q: In 2001?

A: Yes.

Q: Can you describe for us, in greater detail, your journey from Afghanistan to Pakistan?

A: I was in a village with an Afghan individual. I stayed with him for a while there, about a month. And then we left through several roads through the mountains to Pakistan. There were Pakistanis there, and after a while, the Afghan left and I stayed. I talked with the Pakistanis. Some of the people in the village spoke Arabic so I spoke to them. I told them I wished to return to my home. They put us in jail and then Cuba.

Q: Why did you make the trip from Afghanistan to Pakistan at that particular time?

A: I wished to return to Yemen.

Q: It had nothing to do with the conflict between the Taliban and the Northern Alliance?

A: I made that decision before [that time].

Q: How long were you in Afghanistan?

A: Approximately 4 months. I don't remember the exact times, but around 4 months.

Q: And your primary activities while in Afghanistan were again, what, please?

A: Teaching the Koran.

Q: To whom did you teach it?

A: Afghan people in the Mosques. But that didn't really happen. The circumstances weren't favorable, so I just left.

Q: So, you did not teach people the Koran at all, or only for a brief period of time, or what?

A: A little bit.

Q: So, if you were not able to teach for the 4 months, what did you do instead?

A: I was trying to leave.

Q: Was there anyone preventing you from leaving?

A: Just the circumstances only.

Q: You indicated that your father funded your trip to Afghanistan? Or Pakistan?

A: Everything.

Q: And he thought your intent was to teach the Koran as well?

A: Yes.

**Questions by the Tribunal President to Detainee**

Q: When did you arrive in Afghanistan? I wasn't clear on that.

A: Around the 8<sup>th</sup> month, August. Seven, eight, nine, eight.

Q: Did you have a place to go, a person to meet, so you could start teaching the Koran in Afghanistan?

A: Just at any of the...there were mosques there, or any of the organizations there.

Q: Could one of them have had [an] opportunity to verify your story of your real reason to be in Afghanistan?

A: No.

Q: That is unfortunate. That would have been very key [to verifying your story]. If you were there in July or August, you had quite a bit of opportunity to teach the Koran in those two months, before things drastically changed later in September. Once you heard of the events of September 11<sup>th</sup>, and prior to things deteriorating so much in Afghanistan, why did you not leave then?

A: I couldn't leave. The borders were closed and the situation was chaotic.

Q: You're saying that you have never had any contact with any Al Qaeda members, to your knowledge?

A: Yes.

Q: When you were gaining marksmanship proficiency with the Kalashnikov, what were you using as targets?

A: Stones, rocks.



- Q: You made reference to being familiar with weapons in your home country in Yemen, what other weapons are you trained in?
- A: Handgun.
- Q: In Afghanistan, other than when you were shooting stones, did you have in your possession, any [other] weapons?
- A: No.
- Q: Normally, people traveling through Afghanistan, knowing it's a dangerous place, even before September 11<sup>th</sup>, admit that they have personal weapons. You did not?
- A: No, I didn't have anything.
- Q: How many mosques did you travel to and teach the Koran in?
- A: There weren't any mosques, I just taught as I walked down the road.
- Q: I'm confused. I thought you referred to mosques as being places to travel to and start your teaching.
- A: I said that I went to Afghanistan to teach [the] Koran, but the circumstances didn't really allow it, so I taught on the go, while traveling from place to place.
- Q: While you were on the go in Afghanistan, what places did you visit, besides Kandahar?
- A: Just Kandahar, there were different houses in Kandahar that I went to.
- Q: When you arrived from your home country, you flew into Kandahar, is that correct?
- A: No, I went to Iran. Tehran and Mashhad, Herat and then Kandahar.
- Q: The first place in Afghanistan that you arrived was Kandahar?
- A: Herat and then Kandahar.
- Q: When you traveled to Iran, how long did you stay?
- A: Probably 10-14 days.

Q: Why so long?

A: It's not long.

Q: If your mission was to teach the Koran for 3 months in Afghanistan, you wasted ½ a month in Iran.

A: When I was in Iran, I was trying to decide between Azerbaijan and Afghanistan.

Q: What took you to Iraq? (NOTE: the Tribunal President thought the Detainee said "Iraq," when he had actually said "Herat," referring to a place in western Afghanistan").

A: Iraq?

Q: You went to Iran and then Kandahar, Afghanistan?

A: From Tehran, Iran to Mashhad, Iran and then from Mashhad to Herat and then from Herat to Kandahar.

Q: Herat.... I misunderstood. This was all by aircraft?

A: From Tehran to Mashhad in Iran, by bus. And to Afghanistan, it was by car.

Q: Okay, we're trying to put this all together so we can make a fact-based determination. Thank you for participating and answering our questions.

**Questions by Tribunal Members to Detainee**

Q: You mentioned considering traveling to Azerbaijan? What made you consider that as a possible place to go, as opposed to Afghanistan?

A: The same thing. My purpose was to teach Koran to the people who were coming to Azerbaijan.

Q: So, when you left Yemen, you had not decided which country you would finally end up in?

A: I had the choice, whatever I could get to first, I would go. My preference, my first choice was Azerbaijan.

Q: Did you have any contacts there that could help facilitate your travel to that country and help you begin your preaching there?

A: No, but I knew there were organizations there I could work with.

Q: Had you made any plans with those organizations prior to beginning your trip?

A: No.

Q: It seems that Azerbaijan would have been a safer place to teach and preach than Afghanistan, especially during those times.

A: That's true.

Q: What made you change your mind to go to Afghanistan if Azerbaijan was your first choice?

A: I was not able to obtain a visa to Azerbaijan.

Q: But you did attempt to do so?

A: Yes.

*The Tribunal reconvened. The Tribunal President stated the reason for the recess was due to the fact that the Tribunal President was concerned that the Detainee may not have had an opportunity to be familiar with Exhibit R-3, which is the unclassified piece of evidence identified as the Affidavit of [REDACTED] (the Detainee's brother). By taking the recess, the Personal Representative and the translator have provided the opportunity to Detainee to become aware of the information in the exhibit. We will now allow the Detainee an opportunity to comment upon the Exhibit R-3 and make any additional statements he would like to make.*

**Questions by the Tribunal President to Detainee**

Q: Have you had an opportunity to review the exhibit?

A: Yes.

Q: Would you like to make comments or a statement to counter the information or reinforce the information that is in the exhibit?

A: I talked to the Personal Representative and I said before that I wanted to state the true story earlier, about a year and 8 months ago. The circumstances didn't allow that. If someone needs to change their story, they were pressured. I just left it the way it was and even today, I was going to change the story and say something else, but I wasn't sure of what to do. I just thought, I'll just leave things as they are, and so I leave things as they are. Nothing is going to change. I don't want to disrupt anything.

And then, when the letter came today, I knew that now you know things more than I do. You know more things than I do. I even told the interrogators earlier that you know me better than I know myself. You already asked about me in Yemen, so...I waited for an opportunity where it would be open, people would see, people would hear, there would be lawyers...I was waiting for an opportunity like that to tell my story.

I asked the interrogators before, are these Tribunals going to be open to the public, are there going to be lawyers, are we going to be able to contact our families...

When I saw that everything was closed or silenced, so I was just saying the same story over and over again. But the real story is like I told the Personal Representative.

The first and main purpose of the trip was to teach the Koran; the small and simple things in the Koran.

The second thing was to look for things I could trade. Then I tried asking about gold because in Afghanistan, they have very primitive ways of extracting gold. It's cheaper to extract gold in Afghanistan because of the way they extract the gold. I was planning on selling it in India, through Pakistan, because in India, they have higher prices than the rest of the world for gold.

Also, another thing we used to trade back in Yemen, like my brother said, was the trade of honey. That was very weak compared to gold.

So, when we were captured, we were forced to say the things that I said earlier, either by the Pakistanis or the Americans in Kandahar. They forced us to say the things I said, even here in Cuba, also.

The story that is with the Personal Representative is summarized and that is the true story. Like I told the Personal Representative, when I went to Iran, I went into Afghanistan, I didn't know anyone so when I went to Afghanistan, I found the people who were responsible for the borders, and those are the Taliban. They spoke Arabic. They took me to Herat to a county or government building, or office. In the office, one of the people there spoke Arabic; he asked about me, and what I needed. I talked to him and he told me they were going to send me to a person in Kandahar, whose name is Abdul Malek.

So, I spoke to the owner of the vehicle who took me to Kandahar and took me to the street and the house where Abdul Malek was. I stayed with Abdul Malek in Kandahar for about 1 ½ months. I talked to him about what I was doing; teaching the Koran, charity and trading things.

We [Detainee and Abdul Malek] used to go into some of the mosques and used to just look at the people there and get an idea of how we were going to teach. Then we went to a place near Kandahar where there were poor people and we just observed them.

There was some teaching, but it wasn't consistent.

The gold is in the north of Afghanistan, so we [Detainee and Abdul Malek] went to Kabul and a house there so we could ask about the gold issue. So, we learned some things. It is present in northern areas, in a place called Takhar. The people extract it from the rivers. I knew that the price was less than the price in the rest of the world by about a quarter. About a quarter of the price.

There was a problem with the gold there. It was in a place where there was a lot of war and a lot of killing. The people there had no hope. At that time, the state of the country changed; the killing and the fighting started.

Like it says in the paper [Affidavit, Exhibit R-3], I would call them [my family] almost every week. After that, I decided to return home.

Abdul Malek had a friend called Fallulah Mahmoud (phonetic) and he called him so he would take me to Pakistan. When we went to Pakistan, we went to Jalalabad and in Jalalabad we stayed with Fallulah Mahmoud. After that, from Jalalabad we went to Pakistan. From the main road we were leaving. There is a point there, a Pakistani point. Not the first one, but the fifth one. They [the Pakistanis] stopped us and they kept us with them. I was by myself.

After that, they took me to a prison where there were plenty of Arabs. Before the prison with the Arabs, I was in a Pakistani prison for about a month. After that, they took me to the prison with the Arabs and they took all of the Arabs and turned us over to the Americans. That's the story.

**Questions by Tribunal Members to Detainee**

Q: You understand that nobody here in the Tribunal is forcing you to either say things or to not say things? Is that clear to you?

A: My emotional state right now, I'm nervous. I didn't want to say anything...the story before. Even just the mental state, being in a prison, you can't say everything you want to say.

I'm telling you, I'm talking to you right now and I'm scared that you might take me to Romeo Block or any of the other blocks you take people to.

Q: That is not our purpose here. Our purpose here is to get to the truth.

A: That is the truth.

Q: None of the members of the Tribunal had any access to any information concerning you until the Tribunal began here this morning. Therefore, the only information we have concerning you, to your benefit, comes from you, your Personal Representative, or, in this case, your brother. Naturally then, we are unsure as to whether to believe what you told us this morning, or to believe what you are telling us now.

A: No. This is the truth.

Q: Why should we be convinced?

A: I don't know because this is the truth.

Q: Why did you not volunteer this information this morning?

A: I thought of saying it while I was here this morning, but the reason, what I'm scared of still applies now.

Q: Do you still deny assisting the Taliban or Al Qaeda in any way?

A: I never [did].

Q: You were never at Tora Bora?

A: No.

Q: Is there anything else you wish to modify from your story this morning?

A: This is the story. There is nothing else.

**Questions by the Tribunal President to Detainee**

Q: Earlier this morning, you indicated that you had a concern about what country you would be repatriated to, had you had the opportunity for release. As I stated, when I was explaining the process for the Tribunal and possibly the Administrative Review Board, if released, you would be sent back to your home country of Yemen. Is there concern that you would prefer not to be sent back to Yemen?

A: No, nothing.

Q: If it were determined that you are not an enemy combatant, you would want to go home to your home country?

A: Yes.

Q: Is your brother older or younger than you?

A: Older.

Q: How many brothers do you have?

A: I have 16 brothers and sisters.

Q: Have any of your brothers traveled to Afghanistan to teach the Koran or to sell honey?

A: No.

Q: Why you? Why did you choose to go to Afghanistan?

A: It is my fate.

Q: Do your brothers not have the same faith? (NOTE: the Tribunal President mistakenly thought the Detainee had said "faith" instead of "fate").

A: It wasn't their fate. If it were their fate, they would have been [there].

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps  
Tribunal President

ISN# [REDACTED]  
Enclosure (3)  
Page 11 of 11

DETAINEE ELECTION FORM

Date: 16Sep04

Start Time: 10:00

End Time: 11:20

ISN#: [Redacted]

Personal Representative: [Redacted]  
(Name/Rank)

Translator Required? YES                      Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

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**Detainee Election:**

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

Calm and polite. Witness or documentary evidence from foreign country. Will take Muslim oath.

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Personal Representative: [Redacted]



UNCLASSIFIED//FOUO  
Detainee Session Notes

**Initial Session:** The information is based on the first session a Personal Representative (PR) has with an assigned detainee. The PR will be sure to have the required documents IAW the CSRT PR Training Guide Para. B. 5).

PR:	44
3 or 4 digit ISN:	[REDACTED]
Date:	16Sep2004
Start Time:	10:00
End Time:	11:20

Initial Session

The following actions must be completed and the information accrued forwarded to the OIC, CSRT through the Chief of Staff.

Detainee's participation election (as reflected on the Detainee Election Form you will also provide to the OIC, CSRT through the Chief of Staff):

Will attend Tribunal and make statements under oath.

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Detainee's demeanor/attitude while explaining the CSRT process (ex. Eager to listen, distrustful, non-responsive, etc.):

Polite and calm. Asked many questions. There is a recurring theme where detainees are wondering why people are being released without going through a tribunal.

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Explain detainee's witness and/or documentary evidence requests:

Detainee claims to have gone to AF for 3 months to teach the Koran. As evidence he says his father will testify that he gave him \$300 in US currency to make the trip. His father is a gold dealer/jewelry shop owner and deals in US currency. Location data for Father:

[REDACTED]  
Home, [REDACTED] phone [REDACTED]

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Also Yemeni Airlines sold him a round trip ticket. This ticket was lost in AF, but the airline can provide a copy. The Iranian embassy in Sanaa Yemen also issued him a Visa that shows he was planning on returning to Yemen.

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UNCLASSIFIED//FOUO  
Detainee Session Notes

Notes from Follow-up to Session 1 (if required)

PR:	
Date:	
Start Time:	
End Time:	

Annotate any changes to detainee's original election. If No Change, indicate No Change:

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Briefly annotate purpose for Follow-up Session 1 and what occurred:

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Notes from Final Session

PR:	44
Date:	19-Sep-04
Start Time:	0900
End Time:	0927

Annotate any changes to detainee's original election. If No Change, indicate No Change:

None

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Annotate the purpose for the Final Session and what occurred:

Advised that witness and documentary evidence was deemed not relevant. Reveiwed statements for Tribunal. Detainee is very interested in what country he may be repatriated and whether he has a say in this.

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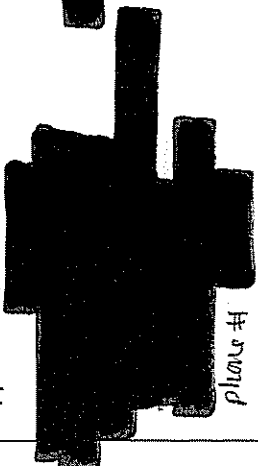
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Home Address



PHONE #

BUSINESS ADDRESS



PHONE #

our E-mail - skip

IRANIAN EMBASSY  
HUDDA STREET  
Sanaa YAMEN

His ticket purchased from YAMEN AIRLINES  
under either of the following names

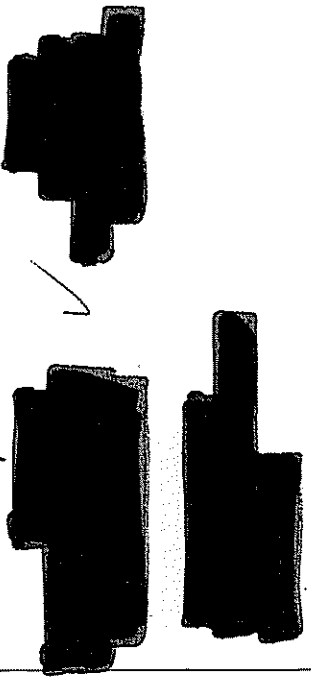
He left YAMEN in the 7th month  
of the Mohammadian calendar  
شهر رجب (JAMAD THANI)

His route was as follows

Sanaa  $\rightarrow$  Dubai  $\rightarrow$  TEHRAN  
He used IRANIAN AIRLINE

From TEHRAN  $\rightarrow$  MASH HED  
He used THE BUS

✓ Interpreter Notes



✓  
Iranian airline ticket may be either of the two <sup>below</sup>  
or

OR

✓

Left in the 8<sup>th</sup> which  
arrived in the 6<sup>th</sup> month  
or June

Samec → Dubai → Tehran  
IRANIAN airline

Tehran → Mashhad  
Bus

FRANÇON Emb - Saraca  
✓ → عتي - + ليه

Saraca

Hadda St.

Combatant Status Review Board



TO: Personal Representative

FROM: OIC, CSRT (3 September 2004)

Subject: (U) Summary of Evidence for Combatant Status Review Tribunal - JARABH, Saeed Ahmed Mohammed Abdullah Sarem

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee was a member of al Qaida and engaged in hostilities against the United States or its coalition partners.
  - a. The detainee is a member of al Qaida:
    1. The detainee attended training for approximately one week at the Abu Abaida training camp near Jalalabad, Afghanistan.
    2. The detainee received weapons training on the Kalishnikov rifle while at the Abu Abaida training camp.
    3. The detainee admits having contact with whom he believes to be an al Qaida member.
  - b. The detainee participated in military operations against the coalition.
    1. The detainee was present with fighters in the Tora Bora region.
4. (U) The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

# مذكرتي

١ : المجلس الشخصي

من : OIC, CSRT

الموضوع : خلاصة الادلة المقدمه هيئه مراجع وضع  
المعتقل السيد احمد محمد عبد الله صاهم جالان

① تحت شروط المذكوره من وزير لقوات البحرية من  
٢٩ تموز عام ٢٠٠٤ ضد ادرات هيئه  
مراجع وضع المعتقل للاعتداء المقاتليه العقلية  
في القاعدة البحرية في جرانغا موي في كونا فندي  
حكمت لجنة المراجع بتصفيت المعتقل كعدو حقائل

② العدو حقائل يعرف كخوف لان عضواً ساعد او  
عاند لقوات الهلبان والقاعده اذ انه قوات  
تنظيم وحويده طاه في قتالهم ضد لولايات المتحدة  
الاخريه وخلفائهم ويصن هذا التعريف اي  
شخص ارتكب عملاً حربياً وقام بدعم مباشر  
لقوات مسلحه معاديه .

③ قد قررت حكومة لولايات المتحدة سابقاً ان  
المعتقل عدو حقائل هذا التقرير مبني على  
معلومات مقتناه لدى لولايات المتحدة وهي  
توسيع الى ان المعتقل كان عضواً في قوه  
(او وجهه) معاديه للولايات المتحدة وهو حقائل  
عدو ضد لولايات المتحدة وخلفائهم .

PR14

# [redacted]  
16 SEP 84  
Start: 1000  
Stop: 1120

Said Ahmed Mohammed  
Abdullah Sarim

Comments on evidence

3a. D Kowalek not Faldah had Ak-A7 training  
Teaching Koran in AF. Already knew Ak from  
Yemen. Wanted to shoot for proficiency,  
3 days of training.

2 ↑ Planned on staying 2-3 months.  
Dadoun + god should have seen US @ for  
trip.

[redacted]

phone

[redacted]

phone

[redacted] 3 Father.

Can track Kowalek in street or mosque.  
No records because he was using  
54 for teaching.

Yemeni Airlines may have record.  
Left in 2401. Route of flight

Sana'a to Doha to Tehran then driving  
Yemeni Airlines American Airlines

Visa from American Embassy in Sana'a Yemen.  
on Hadda Street. UNCLASSIFIED



③ Not true. Does not know Al Qaeda people from others.

b.

④ Not in Tora Bora. Captured by PK after they told him he could go home through PK. Facing the war. Wanted to leave before started.

Wants to participate will take oath

Final  
Start 0900  
Stop 0927

Never went to fight & did not carry weapons.

Can he choose another country if he is released!

R3 Translation and reading

24 SEP 04  
Start: 1530  
Stop: 1554

The first story he was forced to tell.

In Kandahar PK he was forced to tell this story to interrogators. Then to Herat by force of gunning. says wife is not true! Abdul Malek got shot him in Kandahar. Then travelled to Kabul. Does not know address. Left with friend of Abdul Malak, Fudullah Mahmoud, to Jalalabad. Would have told truth only in public forum. Does not feel safe here to speak.

**Recorder Exhibit List**  
**For**  
**ISN [REDACTED]**

#	Title	Supports	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Redaction Certification	Exhibit 11	UNCLASSIFIED
R3	Affidavit of [REDACTED]	Habeas	UNCLASSIFIED
R4	Knowledgeability Brief, 20 Feb 02	3.a.1. 3.a.2. 3.a.3.	SECRET
R5	IIR 6 034 1172 03	3.a.4.	SECRET//NOFORN
R6	Enemy Combatant Review Checklist	3.a.1. 3.a.2.	SECRET//NOFORN
R7	JTF GTMO Regional Team Assessment	Summary	SECRET//NOFORN
R8	CITF Memorandum 9 April 2004	Summary	SECRET//NOFORN
R9	DOD JIF MFR 24 April 2002	Common Equipment	SECRET//NOFORN
R10	JTF GTMO Baseball Card	FYI	SECRET//NOFORN
R11	FBI 302 5/27/03	ISN Comment	FOUO//LES

## Combatant Status Review Board

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/20/2004

If you need additional assistance please contact  
Assistant General Counsel [REDACTED]  
[REDACTED] or Intelligence Analyst  
[REDACTED]

Affidavit of [REDACTED]

Comes now, [REDACTED] under oath, and makes the following declaration in Sana'a, Yemen:

I am the brother of Saeed Ahmed Al-Sarim who is being held in Guantanamo Bay.

My father is [REDACTED]. He sells the famous honey from Yemen, and also runs a store. My mother is a housewife. There are five boys and four girls. Saeed is the fourth boy. I am his older brother, two years older than him.

I am a teacher of Islamic education in a government school. My older brothers both work in the store.

Saeed is 29 years old. Growing up, he loved football, and is a particular fan of Alnasr, which is a team in Saudi Arabia. He is a very good footballer.

He was also very keen on studying in school. His favorite subject was math.

He was always afraid as a child. When someone would come to beat him up he would always come to me to have me defend him.

Saeed always wanted to be a businessman. He would buy and sell honey and other things.

We were both married on the same day, in a joint wedding. Saeed's wife is [REDACTED] and they have two daughters, [REDACTED] (who is seven years old) and [REDACTED] (who is four).

My brother was normal when it came to religion – he was not strict. He would shave.

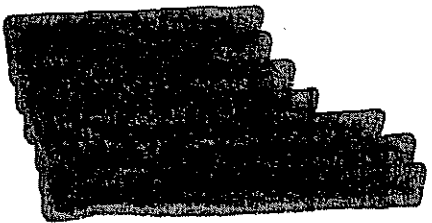


EXHIBIT R2

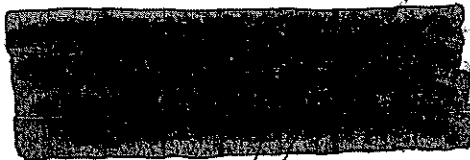
He went to Pakistan to see what kinds of honey they had there sometime in late 2001. He did not take his wife and children because he expected to be home soon. He used to call home to the family from there once or twice a week. He said that he had seen some honey, and that he would be coming home soon.

To my knowledge, he was never in Afghanistan, and our understanding is that he was arrested in Pakistan, in a Mosque while he was praying.

We learned on the internet that he was in Guantanamo, because his name showed up there. Later, we received letters from him. In his letters he insisted that he was innocent of any crime, and did not do anything wrong. He said, do not be afraid, because he has not done anything.

This has been very difficult on his wife and children. The children are always saying is my father coming tomorrow? The youngest child waits every day by the door, saying her father is coming right now, but he never does come. It has been three years since they have used the word "father" to anyone, which hurts them a great deal. Every day her grandfather gives the youngest money and she goes to buy something for her father, but in the end she has to eat it as he is not there.


Signed this 10<sup>th</sup> day of April, 2004, in Sana'a, Yemen.



Witnessed:

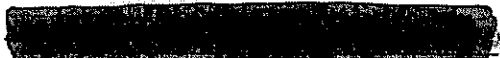

A handwritten signature in black ink, written over a horizontal line.

### Personal Representative Review of the Record of Proceedings


I acknowledge that on 21 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 

I have no comments.

My comments are attached.

  
Name  
  
Signature

21 SEP 04  
Date

ISN #   
Enclosure (5)