

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Atag Ali Abdoh Al-Haj, *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 Atag Ali Abdoh Al-Haj 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 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: 15 Sep 04

  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 040  
20 August 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, USNR

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

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19 Aug 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 Order of 29 July 2004

Encl: (1) Appointing Order for Tribunal #2 of 2 August 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 and voluntarily elected not to participate in Tribunal proceedings.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with all provisions of references (a) and (b). Note that exhibits R-2 and R-3 have been partially redacted. Based on the location and extent of the redactions it is safe to conclude that none of the redacted information could support a determination that the detainee is not an enemy combatant.

d. The detainee made no requests for witnesses or other evidence.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

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. Cristfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

2 August 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #2

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; President

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

[REDACTED], Lieutenant Colonel, U.S. Air Force; Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
U.S. Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

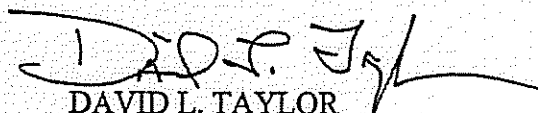
MEMORANDUM FOR DIRECTOR, CSRT

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.

  
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:     #2    

(U) ISN#:     [REDACTED]    

Ref: (a) Convening Order for Tribunal #2 of 2 August 2004 (U)  
(b) CSRT Implementation Directive of 29 July 2004 (U)  
(c) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened on 04 August 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) The Tribunal has determined, by a preponderance of the evidence, that Detainee # [REDACTED] is designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee has been a supporter of the Taliban 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).

[REDACTED]  
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: \_\_\_\_\_ #2  
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 supporter of 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 evidence presented to the Tribunal by the Recorder indicated that the detainee admitted to voluntarily traveling from Yemen to Afghanistan (AF), associating with Taliban members in a guesthouse in Kandahar, where he stayed for 2-3 weeks, and traveling to Kabul where he stayed in another Taliban guesthouse for an additional week. He was issued a Kalashnikov rifle and spent a month manning the front lines at Bagarah, AF. He spent six months or so working in a rear echelon area hospital, acting as a nurse, and assisting wounded Taliban soldiers. being affiliated with the Taliban, associating with al Qaida-affiliated individuals, and purchasing a Kalashnikov rifle. Further, he was observed on the front line and during the retreat in Afghanistan. He was captured along with Taliban members in Mazar e-Sharif. The detainee chose not to participate in the Tribunal process. He asked for no witnesses nor submitted any documentary evidence through his personal representative.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, D-b, R-1 through R-12

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

The Detainee requested no witnesses; no rulings were necessary.

The Detainee requested no additional evidence be produced; no rulings were necessary.

ISN # \_\_\_\_\_  
Enclosure (1)  
Page 1 of 3



## **5. Discussion of Unclassified Evidence**

The Tribunal found the following unclassified evidence persuasive in making its determinations: Exhibit R-3, which indicates that the detainee provided evidence that, after traveling to the "front line," he "saw what was going on and decided to serve the Taliban in any manner..." Exhibit R-2 indicates that the detainee admitted working at a hospital for 6 months as a nurse's aide, helping to care for wounded Taliban fighters (including a man whose leg was removed).

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: Portions of Exhibit R-1. Although paragraph 3b states that "the detainee "participated in military operations against the coalition," he denies firing his issued Kalashnikov rifle against coalition forces and there is insufficient unclassified evidence to the contrary.

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. Although the detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a, there is no reason to believe he did not understand his rights. The Tribunal President queried the detainee's Personal Representative on the record and was informed that the detainee had been fully informed of his rights in accordance with the standard procedure followed by all Personal Representatives. Additionally, the Tribunal considered Exhibit D-b, in which the Personal Representative provided the essence of a statement that the detainee asked to him to make on his behalf.

c. The detainee is properly classified as an enemy combatant because he has been a supporter of the Taliban.


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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Marine Corps  
Tribunal President

ISN #   
Enclosure (1)  
Page 3 of 3

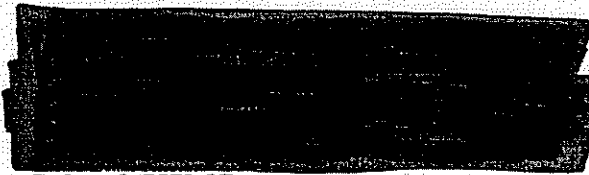
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Statement On Behalf of The Detainee Given By The Personal Representative

Shortly after my arrival to Kabul, within one week I went into the hospital. I stayed in the hospital for roughly six months prior to my departure from Afghanistan. I never actively fought against the US or coalition forces during my time in Afghanistan.

AUTHENTICATION

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



Colonel, USMC  
President, CSRT

ISN # [REDACTED]  
Enclosure (3)  
Page 1 of 1

UNCLASSIFIED

1803

Detainee Election Form

Date/Time: 31 JUL 04

3 Aug 04  
Rec'd to  
Schedule  
Tribunal  
no participant

ISN#: [REDACTED]

Personal Representative:  
[Name/Rank]

PR6 [REDACTED]

Col Taylor  
3 Aug

Translator Required? YES

Language? MODERN AFGANIC

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

[REDACTED]  
Will Hand  
as 1st Pres

Detainee Election:

- Wants to Participate in Tribunal *Elected not to participate at follow-up interview*
- Affirmatively Declines to Participate in Tribunal *←*
- Uncooperative or Unresponsive

Personal Representative Comments:

Individual states he was in hospital but could not remember name of hospital in Kabul or doctor. Will try to remember prior to next interview. Will need to schedule follow-up interview prior to final.

[REDACTED]

Personal Representative

*Please see attached notes for follow-up meeting (20 minutes)  
2 AUG 02 (1700-1745)*

*Interview Time: 55 min.*

EXHIBIT D-a

Notes for Follow-up Interview with ISN# [REDACTED]

During initial interview, detainee stated that he was in hospital in Kabul. But he could not remember the name of the hospital or the doctor that treated him.

The follow-up interview was meant to get more information on the hospital or the doctor. I also planned to go over the evidence that is presented against him again and to verify his intention his desire to make an oral statement.

Combatant Status Review Board

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL-HAJ, Riyad Atiq Abdu

1. Under the provisions of the Department 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 he was a fighter for the Taliban supporter.

a. The detainee is a Taliban supporter:

1. The detainee voluntarily traveled from Yemen to Afghanistan.

2. When he arrived in AF, the detainee was picked up in a car by a group of Taliban and driven to Kandahar.

3. Once in Kandahar, the detainee stayed at a Taliban guesthouse for 2 to 3 weeks.

4. Upon arriving in Kabul, the detainee stayed in another Taliban guesthouse, known as Kabul House, for a week.

5. The detainee admitted he agreed to serve the Taliban.

b. The detainee participated in military operations against the coalition.

1. The detainee was posted on the front line in Bagarah for a month, where he carried a Kalashnikov.

2. While the detainee was posted on the front line in Bagarah, he carried a Kalashnikov rifle.

4. The detainee has the opportunity to contest his determination 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.

Exhibit R1

This exhibit recounts the statements made by Detainee ISN # [REDACTED] to me during interviews:

1. The detainee stated that he did not fight against US forces or its allies.
2. Soon after his arrival to Kabul, ~~he~~ he was in a hospital for approximately 6 months until his departure from Afghanistan.

[REDACTED]

MAJ,  
USAF

**Personal Representative Review of the Record of Proceedings**

I acknowledge that on 10 August 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]

Name

11 AUG 04  
Date

[REDACTED]

Signature

ISN # [REDACTED]  
Enclosure (5)