



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

Dated: 22 July 2005

Teresa A. McPalmer  
Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 901

9 FEB 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 308**

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 #308 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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2017

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25 Jan 05

MEMORANDUM

From: Assistant Legal Advisor  
To: Director, Combatant Status Review Tribunal  
Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN #308

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

Encl: (1) Appointing Order for Tribunal #12 of 29 Sep 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 elected to participate in the CSRT, by attending the CSRT and presenting a sworn statement with the assistance of his personal representative. *See* Exhibits D-a. The statement consisted of the detainee's responses to the allegations contained in Exhibit R-2. *See* Enclosure (3).
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. Note that some information in Exhibit R-4 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.
- e. Exhibits R-3, R-4 and R-9 contain handwritten notes in the margins. These notes appear to be aids in directing the Tribunal to the source of information contained in the Unclassified Summary provided to the detainee. These notes do not alter the evidence, nor do they affect the legal sufficiency of the evidence.
- f. The detainee did not request that any witnesses or documentary evidence be produced.
- g. The Tribunal's decision that detainee #308 is properly classified as an enemy combatant was unanimous.

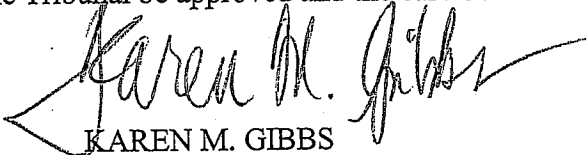
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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 308

- h. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.
2. The proceedings and decision of the Tribunal as reflected in Encl. (2) 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.

  
KAREN M. GIBBS  
CDR, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

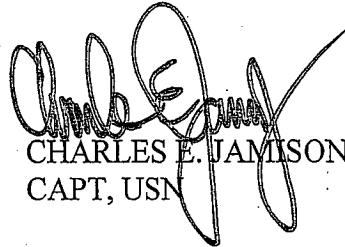
21 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 308

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 [REDACTED].

  
CHARLES E. JAMISON  
CAPT, USN

**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

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

(U) TRIBUNAL PANEL:   #12  

(U) ISN#:   308  

Ref: (a) (U) Convening Order for Tribunal #12 of 29 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/~~FOUO~~)  
(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 October 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 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #308 is properly designated 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 Qaida forces that are engaged in hostilities against the United States or its coalition partners, 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: \_\_\_\_\_ #12 \_\_\_\_\_  
ISN #: \_\_\_\_\_ 308 \_\_\_\_\_

**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 because he is a member of, or affiliated with, al Qaida forces that are engaged in hostilities against the United States and 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 unclassified evidence presented to the Tribunal by the Recorder alleged that the Detainee was associated with the Taliban and traveled to Afghanistan to fight the jihad. The unclassified summary also indicated that the Detainee admitted traveling to Afghanistan to join the Taliban and stayed at a Taliban farm in Kabul. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no documents be produced and made a sworn verbal statement with the assistance of his assigned Personal Representative. The Detainee, in his verbal statement, admitted that he did travel to Kabul, but did not go to fight the jihad or to join the Taliban. The Detainee stated that he was going to Pakistan because he had a problem with his eye and he was going to get it treated. He also wanted to see the religion of the Taliban for 10 days in Afghanistan and then after that, he was going to go back to Pakistan and have the operation. When he got to Kabul, the Taliban put him in jail because he had stated that he was a Saudi Arabian police officer and they believed that he must have been a spy.

**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-17.
- b. Testimony of the following persons: Sworn statement of the Detainee.

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

The Detainee requested no witnesses and requested no additional evidence be produced; therefore, no rulings on these matters were required.

#### 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 Enclosure (3) to the CSRT Decision Report. In sum, the Detainee testified that he did travel to Kabul, but did not go to fight the jihad or to join the Taliban. The Detainee stated that he was going to Pakistan because he had a problem with his eye and he was going to get it treated. He also wanted to see the religion of the Taliban for 10 days in Afghanistan and then after that, he was going to go back to Pakistan and have the operation. When he got to Kabul, the Taliban put him in jail because he had stated that he was a Saudi Arabian police officer and they claimed that he was a spy. The Detainee told the Taliban that he wanted to go home, but they were still treating him as a spy. He was taken to a bean farm under the control of the Taliban and then eventually led across the border and was turned over with others to the Pakistani authorities.

c. 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

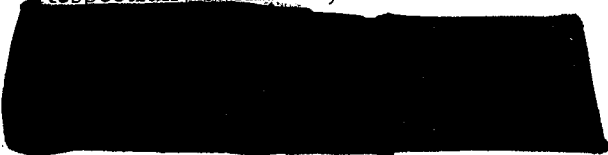
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.
- 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 because he is a member of, or affiliated with, al Qaida 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,



Colonel, U.S. Marine Corps  
Tribunal President

**Summarized Sworn Detainee Statement**

*The Detainee requested that the Personal Representative make a statement on his behalf, and the Detainee would add information if he needed to.*

*The Personal Representative, along with the Detainee, addressed each point of the Unclassified Summary.*

- **3(a)1 The Detainee, a Saudi Arabian citizen, traveled to Kabul, Afghanistan, in July 2001 to fight the jihad.**

Personal Representative: The Detainee admits he did travel to Kabul, but did not go to fight the jihad. When he got to Kabul, the Taliban put him in jail because he was a Saudi police officer...

Detainee: They asked me if I was a fighter, I said no, I just came to see your religion.

Personal Representative: ...and they claimed that the Detainee was a spy.

- **3(a)2 The Detainee admitted traveling to Afghanistan to join the Taliban.**

Personal Representative: This is much like point 1. Yes, the Detainee traveled to Afghanistan...

Detainee: I was going to Pakistan because I had a problem with my eye and I wanted to get it treated. I wanted to see the religion of the Taliban for 10 days and then after that, I was going to go back and have the operation. That's when they captured me and put me in jail, as stated in the previous answer.

Personal Representative: Yes, although he admitted to traveling to Afghanistan, the Detainee never admitted he went there to join the Taliban. He did not go to join the Taliban.

- **3(a)3 The Detainee stayed in a Taliban bean farm in Kabul.**

Personal Representative: The Detainee admits he was on a farm. The Taliban had taken him out of jail, and he was given no choice.

The Detainee told the Taliban that he wanted to go home, but they were still treating him as a spy. He was brought to this farm by the Taliban.

Detainee: They were telling me they were going to take me to my family. There were a whole bunch of people together. They said, start moving,

and we'll take you to your country and we started walking at night. We stayed at the farm for 15 days and then we were to go to Pakistan and then back to my hometown. I was crying.

Personal Representative: The Detainee made the point, that he did not want, did not like the idea, and has no idea what happened, but did not go and did not want to fight America. The Detainee was traveling through Tora Bora with a number of other people.

Detainee: I was told I would go through Tora Bora to my hometown.

Personal Representative: Because the Detainee believed he was being treated as a spy, the Taliban shared very little information about where they were going, except to tell him they were bringing him back to his family. Instead, he was turned over with the others to the Pakistani authorities to a Pakistani jail.

**Tribunal Members Questions to Detainee**

Q: You mentioned you had a problem with your eye. What was the problem?

A: I was in a car accident in Saudi Arabia. I had 27 fractures in my head and something was wrong with my pupil. I heard that the medicine in Pakistan, especially for the eyes, was the best in the world.

Q: Was your vision impaired?

A: I have a loss of eyesight.

Q: Can you see us now?

A: Yes, I can.

Q: Did you have someone help you get all the way to Pakistan if you could not see well?

A: No, I didn't have anybody.

Q: It must have been quite a challenge to travel to a strange country, where you had never been before, when your vision was not 100%.

A: There were some people that spoke Arabic.

Q: They told you where to go and how to get there?

A: Yes, they did.

Q: Did you have the treatment in Pakistan?

A: I never went to the hospital. I went to the Taliban and when I came back I was going to the hospital.

Q: Because you went to Afghanistan first, you didn't have the opportunity to get the treatment, right?

A: Yes. Could you repeat that question?

Q: Because you went to Afghanistan first...

A: I did not go to Afghanistan, I went to Pakistan. From Pakistan, I went to Afghanistan.

Q: When you went to Pakistan the first time, were you able to get the treatment then?

A: I never went to the hospital?

Q: Why was that?

A: I wanted to see the Taliban religion first and then come back again and take care of my eye.

Q: Even though your eye was bothering you that much, you chose not to get it fixed first?

A: Just out of curiosity, I wanted to find out about the Taliban first and then come back and take care of my eye.

Q: How long did they keep you in jail for being a spy?

A: I don't know exactly, but approximately 2-2 ½ months.

Q: Then they released you and took you to the farm?

A: They did not release me, but they took me there.

Q: So, you went to the farm...were you allowed to move about freely?

A: No, I was not.

Q: What did they ask you to do for them while you were there?

- A: They said to stay here, do nothing and don't move around. If you wanted to go out and use the bathroom, you would find a tree and go behind a tree.
- Q: They didn't ask you to help with any of the farming duties?
- A: No, they did not.
- Q: Were there other people there who were working?
- A: There wasn't anybody working there. I saw everybody just sitting there.
- Q: How could there be a farm when no one is working?
- A: I do not know; all I saw was a lot of trees.
- Q: Were there soldiers there guarding the people?
- A: There were some people there who had Kalashnikovs. They were moving back and forth. They did not speak with us.
- Q: They were supposed to prevent you from leaving?
- A: Yes, because you can't move without them seeing you.
- Q: Was there any military training that happened at the farm?
- A: No.
- Q: How long were you at the farm?
- A: Approximately 15 days.
- Q: What happened after that?
- A: After the 15 days, they took me to Tora Bora and into Pakistan. Sometimes they had us walk and sometimes they carried us with vans or trucks.
- Q: Can you describe the circumstances of how you were captured?
- A: Which one, the Pakistani or the Afghani?
- Q: I didn't know there was more than one. You were apprehended in Pakistan, after going through Tora Bora?
- A: Yes.

Q: Please describe your capture.

A: There were groups of people. You don't know who they are, whether they are Arabs or different nationalities. We arrived in Pakistan and they gave us some bread to feed us, they killed a cow for us, after we ate, they let us sleep. In the middle of the night they woke us up and said we had to move now.

We were taken to a mosque and divided us up into groups of 10. They said they'd take each group of 10 and deliver them to their families. They took a whole bunch of people and when our turn came, we were put in a car with Pakistani soldiers who were carrying all kinds of weapons. From there, they took us directly to the prison.

Q: You were in prison for a time and then given to the Americans?

A: I stayed in prison approximately 6 days.

Q: Did you have your passport and money with you when you were taken by the Pakistanis?

A: No.

Q: What happened to your passport?

A: When they told us to move in the middle of the night, I forgot them. I left without them. They told me to keep moving and they'd bring all of my belongings. I told them I didn't have my passport and money, and they told me to keep moving and they'd bring my money and passport to me.

Q: Did you have any weapons with you when you were making your journey?

A: No.

Q: When you were in jail in Pakistan, did any embassy representatives visit you?

A: Yes. They came to visit me when I was in the hospital.

Q: When did you go to the hospital?

A: I went to Pakistan in a bus.



**Tribunal President Questions to the Detainee**

Q: This was after you had been captured?

A: The bus flipped over and they took me to the hospital.

**Tribunal Members Questions to the Detainee**

Q: Was this before you went to jail?

A: In prison.

Q: So, after you left the jail?

A: While I was in prison. They were moving us from one prison to another prison. I was on the bus sleeping. I heard people firing at the bus and I got hit with a bullet in my arm and broke my arm. The bus turned over, and they just kept moving us. From that point, they took me to Pakistan and took me to the hospital there.

Q: You were shot in the arm? What other injuries did you have?

A: That was it.

Q: In the Pakistan hospital, they fixed your arm?

A: Yes, they fixed it and put it in a cast.

Q: Did they fix your eye at the same time?

A: No, they did not.

Q: How long were you in the hospital?

A: I do not recall, but my guess would be approximately 7 days.

Q: That is where the embassy representative came to visit you?

A: Yes.

Q: Can you tell us how the conversation went between the two of you?

A: I don't recall, but what I remember is he asked my name, which part of Saudi Arabia I was from, where I was captured. That's all I recall.

Q: When you finished your stay in the hospital, they took you back to jail?

A: They took me to a prison in Pakistan. From the Pakistani prison, I was turned over to the States.

Q: What did they accuse you of doing at that time?

A: They did not accuse me of anything.

Q: When you first came into the custody of the Americans, did they tell you why you were there?

A: They didn't say anything to me and there were no accusations.

Q: How long was it before somebody explained why you were there?

A: I don't recall. I was taken by plane to a prison that belongs to the States and from there they brought me to Cuba. I explained my situation and my story to them. The interrogator in Afghanistan told me not to worry and not to fear anything because I was going back to my family and my home.

I was put on a plane and I thought I was going back to my family. Instead, they brought me here. They started interrogating me again, and I kept telling them the same story.

Q: The interrogations were, that you went to help the Taliban?

A: Not to help the Taliban. They asked me if I knew the Taliban, and I said I didn't know the Taliban. I explained the situation the way I explained it here.

Q: Have you ever had any weapons training at any time in your life?

A: Only when I was working for the police department in Saudi Arabia.

Q: How long did you have that job?

A: I don't recall, approximately 5-6 years, I'm not sure. I forgot.

Q: What responsibilities did you have as a Saudi police officer?

A: In the Red Cross.

Q: You were guarding people who worked there?

A: I was sitting in the office. All the people that came there with bodily injuries, I asked them how they sustained those injuries. I asked about the location where

the injury took place, I'd contact the authority in that particular region and the interrogator would come over and interrogate the person.

If this guy had done something wrong, they [interrogators] would take him to that location and interrogate him further, and deal with him at that location.

I explained this to the interrogators here, in Cuba.

Q: Did you do the same duties for 5 or 6 years, or did you do other things also?

A: I was a driver.

Q: For important people, or for what?

A: I used to work one day, and have two days off, so instead of wasting my time I used to work for a taxi on my time off. This is how I was earning money.

Q: As a police officer, you had a responsibility to maintain proficiency on weapons?

A: All they did was give us information on pistols and how to use them. Every six or seven months they would let us fire off 20 rounds or so. That's all we would do.

Q: As a police officer, you were required to carry a pistol with you at all times?

A: No, I was not carrying a pistol. If you wanted to have a gun, you were required to clean it and submit a report. I didn't want to deal with that, so that's why I didn't have a pistol.

Q: Are there any other weapons they trained you how to use?

A: Yes.

Q: What weapons were those?

A: The Kalashnikov, [and] a Saudi made rifle; I don't know the name of it.

Q: So, it was pistol, Kalashnikov, and the Saudi rifle?

A: Yes.

Q: When the Taliban arrested you for being a spy, did you tell them you were familiar with these weapons?

A: No, I didn't.

Q: Did they know you had experience as a police officer?

A: They had no idea.

Q: When you were a police officer, did you carry special identification that showed you had that job?

A: No.

Q: You didn't have police ID?

A: They didn't give me one.

Q: When the Taliban asked what you did, what did you tell them?

A: I told them I was in the police force.

Q: So they did know you were a policeman?

A: They asked me if I was a fighter with the mujahadin. I said I'm not a fighter. They asked what I did in Saudi Arabia and I told them I was with the police force. That's when they told me I was a spy.

Q: Did they ask you to do anything for them, perhaps train some of their people on police skills?

A: No.

Q: Have you ever had treatment on your eye, after all this time?

A: No.

Q: Not even while you've been here?

A: I gave up. I'm going to wait until I go back to Saudi Arabia and I'll treat myself there.

Q: What city in Saudi Arabia were you a policeman?

A: Sakaka al-Jouf.

Q: Is that a small town or big town?

A: Small town.

Q: Does it cost much money to get to Afghanistan?

A: It doesn't cost much, roughly 1000 Saudi Riyals, or less.

Q: Did anyone help you pay to go to Afghanistan?

A: Nobody helped.

Q: Do you have any other family members in the police force?

A: No.

Q: Do you have to know anyone to get a job with the police? Do you have to be friends with anyone, or can anyone become a police officer?

A: Anybody can register to become a member of the police department.

**Tribunal President Questions to Detainee**

Q: Did you have to take vacation from the police force to travel to Pakistan?

A: No, I was let go from the police department a long time ago.

Q: How long ago, before you traveled to Pakistan?

A: Four months prior.

Q: What did you do after you were released from the police force?

A: I was a driver and a horse trainer.

Q: You were going to pay for your operation with the money you earned from working in Saudi Arabia?

A: Yes.

Q: How long did you anticipate the travel and the operation would take before you would be able to return to Saudi Arabia?

A: I was thinking it wouldn't take any longer than 40 days, including the time for the operation.

My wife had just had a baby and I took her to her family. In Saudi Arabia, when a woman is ready to have a baby, she is sent to her family for 40 days. Afterwards, she is taken back home. Since she was ready to have a baby and it

was going to take 40 days, I would leave my wife and family and go to Pakistan, have the operation and come back.

When I came back, I would pick her up from her family. I told this to the interrogator and it's in my file.

Q: You thought you'd have enough time to travel to Pakistan, get the operation, but before getting the operation, you'd go to Afghanistan?

A: I went to Pakistan, but I wanted to see the religion of the Taliban. I wanted to go to the Taliban for 10 days, go back to Pakistan and have the operation and then I was captured and imprisoned.

Q: Did you think of traveling to Afghanistan after you had the operation?

A: No.

Q: I'm wondering why you did not have the operation in Pakistan first and then travel to Afghanistan to observe the Taliban religion.

A: I said before I have the operation, I'll go find out about the religion and then I'll come back.

Q: Thank you for your testimony.

A: I swear by God to tell the truth.

**Personal Representative's Questions to Detainee**

Q: During our meeting, you stated that the Taliban in Kabul arrested you?

A: I don't know which one is Kabul and which one is not.

Q: In Afghanistan, the Taliban arrested you?

A: Yes.

Q: That's when they found out you were with the Saudi police, and said you were a spy. Did they make any accusations against you?

A: No, they did not.

Q: When you were first arrested, did the Taliban take your money and your passport?

A: Yes, and they returned it back to me.

Q: They turned it back to you at the bean farm, or later?

A: While we were moving towards Tora Bora.

Q: This is one of the reasons you believed they were taking you back to your family?

A: Yes.

Q: Did you get the eye injury the same time you had all the head fractures?

A: Yes, at the same time.

Q: Did that happen after you left the Saudi police?

A: Before I left the police. Sixteen years prior.

Q: Sixteen years prior?

A: Yes.

Q: So, your eye...you were allowed to still do day-to-day things with your bad eye?

A: Yes.

Q: You decided, since your wife was going to have a baby, that would be a good time to get your eye fixed?

A: Yes.

Q: When did you decide to see the Taliban religion?

A: When I was ready to go have my eye taken care of, I said before I do that, let me go to Afghanistan and see the Taliban's religion and then come back.

Q: Did you not go from Saudi Arabia to Afghanistan, then Pakistan? Why didn't you do that?

A: No.

Q: Went to Pakistan first...

A: From Saudi Arabia, to Bahrain to Pakistan to Afghanistan. I told the interrogator that too.

Q: That's fine. I'm just trying to determine if, while you were in Pakistan, you decided to see the Taliban?

A: Yes.

Q: When you were in Pakistan, did you have a doctor's appointment to get your eye fixed in the hospital?

A: No.

**Tribunal Members Questions to the Detainee**

Q: Why did you leave the police force?

A: I don't recall. The salary was very little. Working on my own, I made a lot more money.

Q: Previously, you said you were let go from the police department.

A: I said I left.

**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



**DETAINEE ELECTION FORM**

Date: 14 October 2004

Start Time: 1300 hrs

End Time: 1400 hrs

ISN#: 0308

Personal Representative: [REDACTED], MAJOR, USAF  
(Name/Rank)

Translator Required? YES Language? ARABIC

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

**Detainee Election:**

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

**Personal Representative Comments:**

Detainee desires to participate in the Tribunal; however, he would like his Personal Representative to answer Tribunal questions regarding the evidence. No witnesses or documentary evidence is required. Please cancel the follow-up interview—it is not required.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personal Representative: [REDACTED]

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**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL NUSAYRI, Adil Uqla Hassan.

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 detainee is associated with the Taliban.
  - a. The detainee is associated with the Taliban:
    1. The detainee, a Saudi Arabian citizen, traveled to Kabul, Afghanistan, in July 2001 to fight the jihad.
    2. The detainee admitted traveling to Afghanistan to join the Taliban.
    3. The detainee stayed in a Taliban bean farm in Kabul.
4. 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.

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Exhibit 21

pg 1 of 1

# Memorandum



To : Department of Defense  
Office of Administrative Review  
for Detained Enemy Combatants,  
Col. David Taylor, OIC, CSRT

Date 09/21/2004

From : FBI GTMO  
Counterterrorism Division,  
Office of General Counsel,  
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 308 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 10/24/2002

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<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958


Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/21/2004

If you need additional assistance please contact  
Assistant General Counsel [REDACTED]  
[REDACTED] Intelligence Analyst (IA)

[REDACTED], or IA [REDACTED]

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 19 January 2005 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #308.

 I have no comments.

My comments are attached.

, Lt Col, USAF

Name PERSONAL REP TEAM LEAD

19 Jan 05  
Date

  
Signature

FOR MAJ 