

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FAIZ MOHAMMAD AHMED)
AL KANDARI, *et al.*)
Plaintiffs,)
v.) Civil Action No. 02-CV-0828 (CKK)
UNITED STATES OF AMERICA,)
et al.,)
Defendants.)
_____)

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 Faiz Mohammed Ahmed Al Kandari 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 family members of detainees as well as certain U.S. Government personnel in order to protect the personal security of those

individuals.¹ 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: 22 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN

¹ I have also removed a document written entirely in a foreign language because I do not have a translator to assist in redacting personally identifying information.

22 Oct 04

MEMORANDUM

From: Legal Advisor

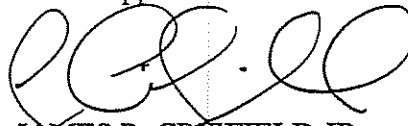
To: Director, Combatant Status Review Tribunal

Subj: ADDENDUM 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 2004

Encl: (1) Col. [REDACTED] memo of 21 Oct 04
(2) Maj. [REDACTED] memo of 15 Oct 04

1. Based on the information in enclosure (2) the Tribunal President has concluded the proceedings.
2. The proceedings of the Tribunal are legally sufficient and no further 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

MEMORANDUM FOR RECORD

21 Oct 04

From: President, Tribunal Team #5

TO: Director, Combatant Status Review Tribunals

SUBJECT: Detainee [REDACTED] Witness Approval by Convening Authority

Ref: Convening Authority Memorandum of 5 Oct 2004 (OARDEC/Ser: 0179)

1. On 25 Sep 04, Detainee [REDACTED] requested two witnesses to testify on his behalf during his Combatant Status Review Tribunal. Based on the detainee's proffer of how these detainees would testify, I denied the detainee's request, ruling that the testimony of the two witnesses would be irrelevant to the question of whether Detainee [REDACTED] is properly classified as an enemy combatant. The detainee subsequently elected not to participate in his hearing, so the hearing was held *in absentia* on 29 Sep 04.

2. On 5 Oct 04, the Convening Authority returned the record of proceedings for Detainee [REDACTED] to my tribunal panel after finding that one of the two witnesses, [REDACTED] was a relevant witness¹. The panel was ordered to make a determination of reasonable availability for this witness. As part of this process, the detainee's Personal Representative was directed to meet with the detainee and obtain information needed to locate this witness. At this meeting, the detainee told his Personal Representative that he did not want to participate in his Tribunal. After conversing with the detainee, the Personal Representative informed me that Detainee [REDACTED] does not wish to appear before the Tribunal or call his witness.

3. Based on the above information, I first find that the detainee no longer wishes to call [REDACTED] as a witness for his Tribunal. Therefore, the question of whether the witness would have been relevant or reasonably available is moot. Alternatively, I find that the witness is not reasonably available since the detainee refused to provide his Personal Representative with information necessary to locate him.

4. The decision of Tribunal Panel #5 of 29 Sep 04 stands. The panel has determined that Detainee # [REDACTED] is properly classified as an enemy combatant.

Respectfully submitted,

[REDACTED] Tribunal #5 Member, for,
[REDACTED] Col, USAF
Tribunal #5 President

¹ In his 15 Oct 04 Memorandum for Record, the Personal Representative of Detainee [REDACTED] states that the Convening Authority "authorized the two requested witnesses." This statement is incorrect. Please refer to Referenced Memorandum from Convening Authority.

Date: 15 October 2004

MEMORANDUM FOR RECORD

TO: CSRT Legal Advisor

FROM: PR23

SUBJECT: Detainee [REDACTED] Witness Approval by Convening Authority

1. On 25 September 2004, detainee [REDACTED] requested two non-detainee witnesses to testify he was not a member of Al Qaida. The first witness was his father and the second witness was Sheik Mohammed Wali Allah Arrahmani. On 26 September 2004 the Tribunal President denied both witness requests because they did not have first hand knowledge of his activities in Afghanistan. On 27 September 2004, detainee [REDACTED] was notified of the Tribunal president's decision and he elected to not participate in the Tribunal. A Tribunal was conducted for this detainee on 29 September 2004 and the results were forwarded to the Convening Authority for approval.
2. On 13 October 2004, the CSRT Legal Advisor was notified that the Convening Authority disagreed with the Tribunal President's decision and authorized the two requested witnesses. On 15 October, I meet with detainee [REDACTED] to inform him of the decision of the Convening Authority. Based on this decision, I inquired if he would like to participate in the Tribunal and call his witnesses. Detainee [REDACTED] stated he did not want to participate in the Tribunal and explained other detainees had spoke with attorneys and were told to not appear before the Tribunal or to speak to the Personal Representative. He stated he did not believe the Tribunals were real and he was electing wait until an attorney represented him. He also stated he though this was a trick to get him to talk. He was firm in his decision and the interview was terminated.
3. Despite the new information, detainee [REDACTED] still does not wish to appear before the Tribunal or call the approved witnesses.

[REDACTED] Maj, USAF
Personal Representative #23

2741
Enclosure (2)



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0179
5 October 2004

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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

Encl: (1) CDR J. R. Crisfield ltr of 4 October 2004 (w/enclosures)

1. The record of proceedings for the subject detainee is returned to Tribunal Panel #5. The Tribunal President is directed to make a determination of the reasonable availability of the first witness requested by the detainee, [REDACTED]. If the witness is not reasonably available and cannot provide evidence as an alternative to live testimony, then the Tribunal will return their original report, along with a statement from the President regarding his determination on reasonable availability, to the Legal Advisor for review in accordance with reference (b). If the witness is reasonably available or can provide evidence as an alternative to live testimony, then the Tribunal will re-convene to consider the witness's testimony or other evidence, deliberate, and vote on whether the detainee shall continue to be classified as an enemy combatant.

2. If any members of Tribunal Panel 5 are not available to attend further proceedings, the OARDEC Forward Commander is authorized to assign new members to the Panel for purposes of this Tribunal provided that such new members have been previously assigned to a Tribunal panel by the Director. Any Tribunal members who were not present for the original Tribunal proceedings will listen to the audiotapes of those proceedings prior to deliberation and voting.

3. Prior to re-convening, the Personal Representative will notify the detainee of the President's decision regarding the witness and allow the detainee the opportunity to attend the proceedings at which the witness testifies, if he so chooses.

J. M. McGARRAH
RADM, CEC, USN

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2742

4 Oct 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 #5 of 17 August 2004
(2) Record of Tribunal Proceedings

1. A 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 the Tribunal proceedings.
- 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 exhibits R-3, R-4, R-5, and R-6 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 two witnesses be produced to testify at the Tribunal. The Tribunal President denied the requests.

The first requested witness was the detainee's father. The President's justification for determining that the first requested witness was not relevant was that he would only testify as to the detainee's motive for leaving Kuwait. The President determined that the detainee's motive for leaving Kuwait was not relevant to whether or not he was an enemy combatant. The President also determined that since it was unlikely that the witness's information came from first-hand observation, then his testimony was irrelevant. This decision was faulty for three reasons. First, the detainee's proffer for this witness was more than simply that he could testify to the detainee's motive for traveling from Kuwait to Afghanistan. According to the detainee, his father could also testify to, "the details of my trip and all the things I did." Certainly, the detainee's activities while in Afghanistan would be relevant to the Tribunal's decision. Second, even if the only substance of the witness's testimony would be the detainee's motive for leaving Kuwait, this testimony would still be relevant under the circumstances. The President innocently confused two variations on the relevance of motive. While a detainee's motive for joining or supporting al Qaeda is irrelevant to a determination of their status as an enemy combatant, a detainee's motive for traveling to Afghanistan could be relevant to

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

determining what they did there once they arrived. In other words, if the detainee had claimed that he was forced to join al Qaeda, then his motive would be irrelevant to the Tribunal's purpose. In this case, however, the detainee claimed that he was not a member of al Qaeda. Under these circumstances, the detainee's motive for traveling to Afghanistan is relevant. If a witness testifies under oath that the detainee's motive for going to Afghanistan was to do something other than join al Qaeda, that evidence could have some tendency, however slight, to make it less likely that the detainee joined al Qaeda in Afghanistan. Third, there is no basis in references (a) or (b) for requiring first hand knowledge of a matter in issue before being allowed to testify about it at the Tribunal. Reference (b) states that the Tribunal is not bound by the rules of evidence and the Tribunal is "free to consider any information it deems relevant and helpful." It may consider hearsay evidence. Indeed, the evidence considered persuasive by the Tribunal is made up almost entirely of hearsay evidence recorded by unidentified individuals with no first-hand knowledge of the events they describe. There should not be a double standard for the Government's ability to present hearsay and the detainee's ability to present hearsay evidence. The witness is relevant to the Tribunal's decision.¹

With regard to the request for the second witness, the Tribunal President determined that the witness was not relevant based on the detainee's failure to provide a proffer of the witness's expected testimony. Due to the lack of information about this witness's testimony, the President had no choice but to deny the request.

The detainee made no other 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 of the Tribunal are not sufficient and corrective action, as described below, is required.

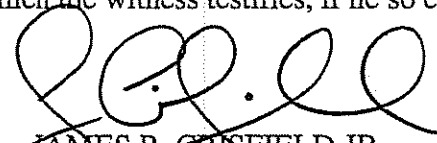
3. I recommend that the Record of Proceedings be returned to the Tribunal President with direction to make a determination of the reasonable availability of the first witness requested by the detainee, [REDACTED]. If the witness is not reasonably available, then the Tribunal should return their original report, along with a statement from the President regarding his determination on reasonable availability, to the Legal Advisor. If the witness is reasonably available, then the Tribunal should re-convene to consider the witness's testimony. If any members of the Tribunal panel were not present for the original Tribunal proceedings they should listen to the audio tapes of those proceedings prior to deliberations and voting. Prior to re-convening, the Personal

¹ Exhibit R-2 is a list of interrogatories answered by the detainee's family that discusses, in part, the detainee's motives for traveling from Kuwait to Afghanistan. I would have recommended that the introduction and consideration of this exhibit cures any prejudice from the Tribunal President's denial of the first witness request but for the fact that the Tribunal stated in its decision report that, "The information in the questionnaire was unsworn and provided no usable evidence."

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

Representative should notify the detainee of the President's decision and allow the detainee the opportunity to attend the proceedings at which the witness testifies, if he so chooses.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN

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Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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. Air Force; President

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

[REDACTED], Lieutenant Commander, U.S. Navy; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

30 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.


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #5

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 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 (Not Used)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened 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 29 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] 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 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]
[REDACTED], Colonel, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #5
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 is a member of, or affiliated with, al-Qaida. 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 summary of evidence presented to the Tribunal by the Recorder indicated that the detainee:

- a. Traveled to Afghanistan to participate in Jihad.
- b. Has family ties to an al-Qaida cell that killed a U.S. soldier in Kuwait.
- c. Recruited personnel to participate in the Jihad in Afghanistan and arranged their travel.
- d. Had resided at a guesthouse with known al-Qaida operatives while in Pakistan.
- e. Received weapons training at the Khaldan Training camp in Afghanistan where Usama bin Laden personally provided religious instruction and training.
- f. Received additional training at the al Farouq training camp to include explosives. Usama bin Laden was also at this camp along with individuals who were involved in the 11 September 2001 attacks.

The detainee chose not to participate in the Tribunal process. He had requested two witnesses. The Tribunal President found the requested witnesses not to be relevant to the Tribunal process. 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 and R-1 through R-16.

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

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	Not Relevant	No*
Sheik Mohammed Ali Allah Arrahmani	Not Relevant	No*

* The Tribunal President denied both witness requests. [REDACTED] is the Detainee's father. The Detainee indicated that the father would know the reason why the Detainee had left Kuwait. The President considered the request but since the reason for the Detainee leaving Kuwait was not a factor in the Detainee's enemy combatant determination, the President ruled that the witness' testimony was not relevant to the Tribunal's decision so the request was denied. The Detainee failed to provide any relevancy justification for his witness request of Sheik Mohammed Ali Allah Arrahmani, so the Tribunal President denied the witness request.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations. 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 was the response to a questionnaire that had been provided to the Detainee's family. The information in the questionnaire was unsworn and provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

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. The Personal Representative spent 45 minutes explaining the process to the Detainee. The Detainee originally indicated that he wanted to participate. However, after the Tribunal President denied his witness request, the Detainee changed his mind and chose not to participate in the Tribunal process, as indicated in Exhibit D-a.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, USAF
Tribunal President

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DETAINEE ELECTION FORM

Date: 24 Sept 2004

Start Time: 1800 hrs

End Time: 2030

ISN#: [REDACTED]

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

On 24 Sept 2004, detainee [REDACTED] indicated that he would participate in the Tribunal and he requested to call 2 non-detainee witnesses. The Tribunal President denied his witness request on 26 Sept 2004 and ruled that they were not relevant. (See Attached Witness Relevancy Request documentation) On 27 Sept 2004, detainee [REDACTED] was notified of the Tribunal president's decision and he elected to not participate in the Tribunal. He also stated that he did not want me to call witnesses, make statements or present evidence on his behalf.

Personal Representative: [REDACTED]

Date: 25 September 2004

MEMORANDUM FOR RECORD

TO: CSRT President For Detainee [REDACTED]

FROM: PR#23

SUBJECT: Detainee [REDACTED] Witness Relevancy Request

1. Detainee [REDACTED] requested two non-detainee witnesses to testify that he is not a member of Al Qaida. The first witness is his father and immediate family. The detainee wrote, "They know the reason I left Kuwait to go to Afghanistan and the details of my trip and all the things I did." The detainee provided the following contract information for his family:

FATHER:

[REDACTED]
Kuwait: [REDACTED]

Phone: [REDACTED]

2. Detainee [REDACTED] also requested to call Sheik Mohammed Wali Allah Arrahmani as a witness. He claimed that his address is in a personal book that was with him at the time of his capture. Interrogators in Baghram told him that this book was delivered to the US forces. I contacted the Camp Delta Military Police Investigation Office where detainee personal effects are kept and they had no personal effects listed for Detainee [REDACTED] in their possession. However, if this witness request is approved, the Detainee's family might be able to contact this witness.
3. Detainee [REDACTED] provided this request in writing. The Detainee's hand written witness request along with the associated translation are attached for reference.

[REDACTED]
[REDACTED] Major, USAF
Personal Representative #23

Witnesses:

1. My family - My father. [REDACTED]
[REDACTED]

KUWAIT: [REDACTED]
[REDACTED]

Phone: [REDACTED]

Reason: They know the reason I left KUWAIT to go to AFGHANISTAN and the details of my trip and all the things I did.

2. CHEIK MDHAMED WALI ALLAH ARRAHMANI: His address is in my personal book that was with me at the time of my capture and was taken from me by the Afghani forces, and then delivered to the U.S. forces. I was informed of this by the American interrogators in Bagram.

Military Police Investigator - Other

MEMO FOR RECORD

TO: PR-23

SUBJECT: WITNESS REQUEST FROM ISN # [REDACTED]

DATE: 26 SEP 2004

ISN# [REDACTED] has requested 2 witnesses. The first is his father who the detainee states knew the details of his trip. However there is no indication that his father knew this information from first hand observation but most likely from what either the Detainee or others had told him were the details of his trip. Unless the father has first hand knowledge of the trip, then the information would be not be relevant and the request for this witness is denied.

The second witness is for Sheik Mohammed Ali Allah Arrahmani but no reason for being requested was provided. Again, unless they have first hand knowledge of what the Detainee did during his trip, the information would be not be relevant and therefore the request for witness is denied.

[REDACTED]
Colonel, USAF
Tribunal President

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (21 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL KANDARI,
Faiz Mohammad Ahmed

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 is a member of al Qaida.

a. The detainee is a member of al Qaida:

1. The detainee traveled to Afghanistan and provided religious instruction at the al Farouq training camp in the September 2001 timeframe.
2. The detainee has family ties to an al Qaida cell that killed a U.S. soldier in Kuwait.
3. The detainee recruited personnel to participate in the Jihad in Afghanistan and arranged their travel, as well as his own, from the United Arab Emirates to Pakistan.
4. Once in Pakistan, the detainee and the others he had recruited resided at a guesthouse with known al Qaida operatives.
5. The detainee later traveled into Afghanistan and received weapons training at the Khaldan training camp. Usama Bin Laden personally provided religious instruction and trainee at this camp.

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6. The detainee then received further training, including with explosives, at the al Farouq training camp. Usama Bin Laden was also present at this camp, as were individuals who were involved with the 11 September 2001 attacks.

7. The detainee was in the Tora Bora mountain region in October or November 2001.

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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7. Fayiz Mohammed Ahmed Al Kandari



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**QUESTIONS FOR THE FAMILY OF
Faiz Mohammed Ahmed Al Kandhari**

1. Please provide Al Kandhari's biographic information: given name, other names he is known as, date of birth, place of birth, home address.
2. Please provide the family's information: father, mother, brothers, sisters, wife (include date of marriage), and children.
3. Did Al Kandhari tell his family that he was going to travel to Afghanistan or Pakistan? If so, what did he say?
4. Why did Al Kandhari say he was leaving Kuwait to go to Afghanistan/Pakistan?
5. Did Al Kandhari say he was going to travel with any one or meet anyone upon his arrival in Afghanistan/Pakistan?
6. Do you know how Al Kandhari traveled to Afghanistan/Pakistan?
7. How was the trip funded?
8. What Mosques did Al Kandhari attend while in Kuwait?
9. Did he mention any specific Imams?
10. What social groups did Al Kandhari associate with while in Kuwait?
11. Was Al Kandhari associated with any type of Non Governmental Organization (ie. Al - Wafa) while in Kuwait?
12. Did Al Kandhari travel with anyone to Afghanistan/Pakistan?
13. Did he say if he was supposed to meet anyone in Afghanistan/Pakistan?
14. Did Al Kandhari contact the family (call / send mail) from Afghanistan or Pakistan? If mail sent, are you willing to provide copies to U.S government representatives?
15. Why did Al Kandhari travel to Bosnia? When?
16. Did he travel with anyone? Who?
17. Why did Al Kandhari travel to Bahrain? When?
18. Are there family members in Bahrain?

19. Did Al Kandhari say why he went to Afghanistan in 1997 and again in 2001?
20. Did Al Kandhari travel to any other countries? Why and When?

ANSWER TO THE QUESTIONS FOR THE FAMILY OF
FAIZ MOHAMMED AHMED AL KANDHARI

1. Name : Faiz Mohammed Ahmed Al Kandhari
No other names :
Date of birth : [REDACTED] 1975
Place of birth : Kuwait
Home Address : [REDACTED]
2. Father Name : [REDACTED]
Mother Name : [REDACTED]
Brothers Names : [REDACTED]
Sisters Names : [REDACTED]
- Wife name : Not married
Children Name : N/A
3. Yes, he did tell us about his trip to Afghanistan, and he said that he want to go to Afghanistan to contribute some money to make a small project (digging a well) for the poor people, for the sake of his sick mother, who has a serious sickness (cancer) and to have more blessing from God on her behalf, so he went there to assist and to help refugees and poor people in Afghanistan.
4. He says that he is leaving Kuwait to go to Afghanistan for charity work.
5. No, we are not aware that he might meet anyone upon his arrival to Afghanistan.
6. Yes, he traveled by Airplane to Pakistan and then to Afghanistan.
7. The family funded his trip.
8. He normally goes to the mosque in the neighborhood.
9. No, he did not mentioned any specific Imam.
10. He participate to work with Salwa Charitable Committee.
11. No, he wasn't associated with any type of non-governmental organizations such as Al Wafa while he was in Kuwait except the Salwa Charitable Committee.
12. He did not traveled with anyone to Afghanistan.
13. No, he did not say that he supposed to meet anyone in Afghanistan or in Pakistan.
14. Yes, he did call several times by phone, he did not sent any mail from there.
15. He traveled to Bosnia for charitable work, in 1994.

16. To the best of our knowledge, he did not traveled with anyone.
17. He did traveled to Bahrain with us as a family long time ago when he was about 13 years old to visit close friends to us there.
18. There is no family members in Bahrain but very close friends, like relatives.
19. Yes, he went to Afghanistan in 1997 and 2001 for charitable work.
20. He did traveled with us many times to European countries for tourism and also to Saudi Arabia with us and sometimes alone to visit the Holy Mosque and Mecca, we have no specific dates to these journeys.

الجمهورية العربية السورية
دولة الكويت

الرقم المدني: ٢٧٥٠٦١٣٠٠٣٨٦



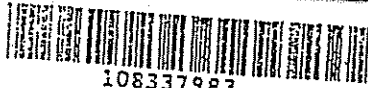
الاسم
فأيز محمد أحمد
الكندي



المنشأه كويتي
البلد [Redacted]
تاريخ انتهاء الصلاحيه: ٢٠٠٣ / ٨ / ٧



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State of Kuwait

Civil ID Card

Civil No. 275060300286
Name Fayez Mohammed Ahmed Al Kandari
Nationality Kuwait
Date of birth [REDACTED] 1975 Sex Male
Expiry Date 7/8/2003

Overleaf:

Civil No. of the concerned party 275060300286
Nationality No. 68510
Address [REDACTED]
Avenue [REDACTED]
Building/ Plot [REDACTED] Type of Unit [REDACTED]
Unit No. -- Floor --
Tel. No. [REDACTED] Blood Group B +

Personal Representative Review of the Record of Proceedings

I acknowledge that on 29 September 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

29 Sept 2004
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)