

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

Dated: 16 August 2005

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 1039

~~FOR OFFICIAL USE ONLY~~

15 MAR 2005

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #555

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 #555 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 B. Wiegmann)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

~~FOR OFFICIAL USE ONLY~~

2806

UNCLASSIFIED

14 Feb 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #555

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 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 and elected to participate. *See* exhibit D-a of Record of Tribunal Proceedings. The detainee also provided the Tribunal with a sworn verbal statement in question and answer format. *See* enclosure (3) of Record of Tribunal Proceedings. The Tribunal considered the detainee's statement in its deliberations.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-4 through R-10 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 did not request that any witnesses or evidence be produced.

e. The Tribunal's decision that detainee #555 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 post-tribunal comments to the Tribunal. *See* enclosure (5) of Record of Tribunal Proceedings.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

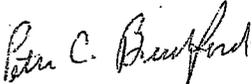
2807

UNCLASSIFIED

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #555

3. I recommend that the decision of the Tribunal be approved and the case be considered final.


PETER C. BRADFORD
LT, 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

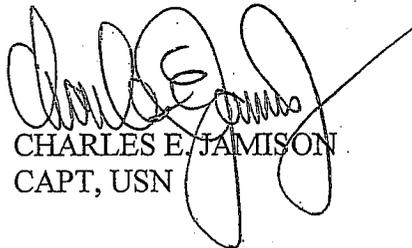
17 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander 555

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).

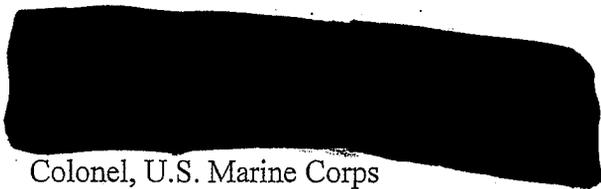
(U) TRIBUNAL PANEL: #12

(U) ISN#: 555

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 10 December 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 10 December 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #555 is properly designated as an enemy combatant, as defined in reference (c).
3. (U) In particular, the Tribunal finds that this Detainee was part of, or supporting, the Hezb-e-Islami Gulbuddin (HiG) group, an associated force engaged in hostilities against the United States and its allies, 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 #: _____ 555

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 was part of, or supporting, the Hezb-e-Islami Gulbuddin (hereafter, HiG) group, an associated force engaged in hostilities against the United States and its allies. 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 traveled to Afghanistan after 11 September 2001. He was identified as a "watchman" for the Taliban, and served on patrol for them. The Detainee was captured by the Northern Alliance in the vicinity of Ghazni, Afghanistan. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no classified or unclassified documents be produced, and made a sworn verbal statement. The Detainee, in his verbal statement, admitted traveling to Afghanistan after 11 September 2001 and being captured by Northern Alliance forces. He denied any affiliation with the Taliban, however, including serving them as a watchman at any time. He asserted that his primary reason to travel to Afghanistan was to earn money by getting involved in the drug trade. He also testified that he obtained permission to travel from Iran to Afghanistan not via a passport, but by a letter issued by the HiG group. The Detainee explained that one of his Afghan friends helped him to obtain this letter. The letter was partially false in that, even though the Detainee's name and picture were accurate, the letter falsely claimed that his Afghan friend was his brother and that he (the Detainee) was going to visit him in Afghanistan.

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-23.
- 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 witness or that any additional evidence be produced; therefore, no rulings on these issues 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 CSRT Decision Report Enclosure (3). In sum, the Detainee admitted traveling to Afghanistan after 11 September 2001 and being captured by Northern Alliance forces. He denied any affiliation with the Taliban, however, including serving them as a watchman at any time. He asserted that his primary reason to travel to Afghanistan was to earn money by getting involved in the drug trade. He also testified that he obtained permission to travel from Iran to Afghanistan not via a passport, but by a letter issued by the HiG group. The Detainee explained that one of his Afghan friends helped him to obtain this letter. The letter was partially false in that, even though the Detainee's name and picture were accurate, the letter falsely claimed that his Afghan friend was his brother and that he (the Detainee) was going to visit him in Afghanistan.

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. Additional comments on this issue are contained in Enclosure (2) to the CSRT Decision Report.

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 was part of, or supporting, the Hezb-e-Islami Gulbuddin (HiG) group, an associated force engaged in hostilities against the United States and its allies.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.

The Personal Representative presented the Detainee Election Form (Exhibit D-a) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibit R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President, referring to the Detainee Election Form, made the following statement:

Tribunal President: At this time I would like to make reference to the Detainee Election Form, which indicates that the Detainee has chosen to participate in this Tribunal, which is also evident because of his presence today. He would like to respond to each of the allegations on the Unclassified Summary. He is willing to take a non-Muslim oath. He would like to tell his story and then respond to questions. He has requested that no documentary evidence to be produced and he has requested no witnesses. Abdul Majid Muhammad, you may now present any evidence or information you have to this Tribunal and you have the assistance of your Personal Representative in doing so. Do you still wish to present information to this Tribunal?

Detainee: I wasn't a Taliban.

Tribunal President: Would you like to make your statement under oath as you indicated on the Detainee Election Form?

Detainee: Yes.

Tribunal President: Very well. Recorder, would you please administer a non-Muslim oath?

The Recorder administered a non-Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

Tribunal President: With the assistance of your Personal Representative, as necessary, you may begin.

3.1. The Detainee traveled to Afghanistan after 11 September 2001.

Detainee: In 2001 I traveled from Iran to Afghanistan. After the month of Ramadan, because of my dreams to become rich fast, I went there to trade narcotics. I am a very poor, poor person. I only went there because of the money and to make some money not for fighting or anything else. I wanted to serve myself. That was the only time I traveled by myself. I swear to God that I have no animosity against Americans or anybody else, I have not seen Taliban and I have not worked for the Taliban. All my life I never fought with anybody and I never picked up a gun. I was also serving in the Iranian military and I fled from there, so they were after me too, the Iranian government, and I wanted to obtain some money so I could pay my debts and buy my way out. You can buy your way out if you have money.

3.2. The Detainee was identified as a "Watchman" for the Taliban.

Detainee: All my life I've never done such a thing for the Taliban. Because the Taliban did not like Iranians and there was sixteen Iranians in Afghanistan that was captured by Taliban and were killed by the Taliban. That is why they do not like us. Iran has Shiite Muslims, Catholic Muslims and also Sunni Muslims. If the Taliban had known that I was Catholic, they would have killed me because the time when I was in Afghanistan things were kind of quiet. There was no problem or anything in that nation. Because there was no war there, I went to Afghanistan. That's it.

3.3. As a "Watchman," the Detainee was on patrol for the Taliban.

Detainee: No.

3.4. The Detainee was captured by the Northern Alliance in the vicinity of Ghazni, Afghanistan.

Detainee: Yes. I was captured in that area, I don't know if the name is Ghazni or not but I was captured there. I had Afghan clothes on and I was really dirty, so I went by the river to clean myself up. I took a swim and I came out. I put my Iranian clothes on and I pulled a cigarette out of my cigarette pack and I started smoking a cigarette. While I was smoking I saw four or five vehicles coming towards me they were all armed and one of them came a put a gun to my neck and said Arabi, Arabi, Arabi. They said that because the color of my skin was darker, usually Arabs have darker skin. They started speaking to me in Pashtu and they were also speaking a little bit of Farsi, they asked me if I was Arab and I told them, no, I'm from Iran. They told me that they would take me to Kandahar. On the way they showed me to everybody and they would say "He is Arab" and them some people would say "No he's not Arab, he's Iranian." When they brought me to Kandahar, they blindfolded me and they tied my hands and feet. They didn't give me any water or food. After two days they took me to the Americans.

Tribunal President: We may have some questions for you but does this conclude your statement?

Detainee: No, I have more things to say. Since I've been here for four years, I should talk. Since I've been here, nobody likes me here; everybody is against me here. All the Arabs don't like me and all of the other detainees do not like me because I am a Catholic. They tried to kill me a couple of times. I have some scars on my hands. I have been nice ever since I've been here. I have not harmed anybody, none of the detainees, and I have not done anything against the guards or anything like that. Living conditions are very hard here for me. I have nowhere to turn; it is kind of hard because they pressure me a lot. I humbly ask you to help me. I did not kill anybody, I did not do anything wrong, I just need your help.

Tribunal President: We have come here with an open mind to make a determination of whether or not you have been properly classified as an enemy combatant. Using your statement and all of the evidence, only then after we have reviewed everything will we make our determination, and we will make it in a just and fair manner. If we determine that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made, or to another country yet to be determined. If we do confirm your status as an enemy combatant I will explain what would follow after that. Basically you would be eligible for an Administrative Review Board here. So we can learn more about you and your situation, we do have some questions for you.

Detainee: Today.

Tribunal President: Yes. If we may we will start with the Personal Representative. Do you have any questions for the Detainee?

Personal Representative: No, sir.

Tribunal President: Recorder, do you have any questions for the Detainee?

Recorder: No, sir.

Tribunal President: I think the Tribunal Members do have some questions, though.

Tribunal Member's questions

Q. Good afternoon. Thank you for coming to speak with us today. If your plan to travel to Afghanistan from Iran had gone exactly how you wanted it, what should have happened?

A. I haven't thought about it.

- Q. Did you have a goal? You were going to go to Afghanistan for a period of time and then go back to Iran? What was your plan?
- A. I only went there to work and to make some money. I was trying to go back to Iran because I have a family, a wife and kids back home in Iran.
- Q. Did you have a job before you left Iran?
- A. Yes, I was a well digger. It was very hard, tough job. A couple of times I went under the water and got scared so I thought about starting some other kind of work.
- Q. Were you hired by a local government to dig wells? Is that how you got the job?
- A. No, I did it on my own. I did it to put food on the table because I had four or five people to feed.
- Q. There was somebody who would pay you for that?
- A. Yes. Not a lot, just a little. Just enough to eat and survive for a while.
- Q. How long did you work as a well digger?
- A. For about seven or eight years.
- Q. Did you do anything else to support yourself? Do you have any other skills?
- A. Before that I used to work in somebody's house as a server. He was a drug dealer.
- Q. Is that how you first got involved in the drug situation?
- A. It started when I was working for a bad guy and I took a vacation from home and my mother passed away. When my mom passed away they took me to a psychiatric hospital because I was abnormal. When I got out of the hospital I found a friend and he told me that he was working in narcotics trading and stuff like that. He told me that he would work with me, since it was the first time that I found a friend, at the age of eighteen.
- Q. How old are you now?
- A. Twenty-eight.
- Q. You were doing that for also seven to eight years?
- A. Yes.
- Q. Was it just buying and selling or did you have a problem with using it also?

A. I was selling and sometimes I was using it myself. They just gave me small amounts so I could distribute. Like in the parks or by the theatres. Because of this I was arrested two times.

Q. Did you get to go to jail for that?

A. Yes, in Iran.

Q. What kind of drugs were these?

A. Opium and...

Translator: There are two other ones. I don't have the proper English names for them. It was Hashish and Opium and there was one more.

Q. Does he know the English word for it, maybe?

A. Opium and Hashish.

Translator: And what else?

A. Opium and Hashish.

Q. That's all?

A. That's all.

Q. Before coming here did you consider yourself addicted to using drugs, as in you couldn't stop, or wasn't it that bad?

A. A little bit. My plan was to get rich and then I would put it behind me and leave it aside. I would not touch it anymore. I didn't want anything else, just money. I just wanted to make a good life for myself.

Q. Before going to Afghanistan when you did, had you ever been there before?

A. No.

Q. Did someone help you to figure out how to get there without getting caught by the border guards and things like that?

A. Before that, yes, I used to have some Afghan friends and they were Afghans in Iran and they told me about Afghanistan. They told me that I could go to Afghanistan and work there and make money and all these things. I was a simple person; I fell for their stories and I went there.

Q. Is Ghazni a place near the border or kind of far away from there?

A. It is close to Baluchistan.

Q. You went from your home city or village in Iran to Ghazni, Afghanistan? That was your travel?

A. I was passing through Ghazni from Herat, which is a city in Afghanistan. I was traveling and I wasn't staying in one place for a long time.

Q. You said earlier that you were traveling by yourself?

A. Yes.

Q. How long were you in Afghanistan before you got captured?

A. Fifteen days. One five.

Q. One five? Fifteen days? During the time you were there, did you meet people and start your drug business or did you plan to buy and sell drugs?

A. No, I did not see anyone.

Q. What did you do for fifteen days?

A. I was with the driver, he was waiting for his car and I was with him. I was just waiting for work.

Q. During that whole time you never saw any Taliban people? They never came to confront you or ask you who you were and where were you going and things like that?

A. No I did not come across any Talibs. I didn't know anything about the Talibs until I came here. So I learned here more about Talibs and Osama Bin Laden. Prior to that I did not have too much knowledge about them. I didn't know what Talibs looked like, what kind of people they were or who Osama Bin Laden was.

Q. Did you know there was a war going on in Afghanistan when you were traveling there?

A. I knew, but from what I heard from the Afghans they told me that the fighting had stopped and that there was not too much fighting going on. That is why I started my travel.

Q. For the two weeks that you were there, did you have money to support yourself? How did you eat, how did you find lodging?

A. I had a little money. I was just buying bread. Only bread and nothing else and I was sleeping in the car.

Q. This was money you brought with you from Iran?

A. Yes.

Q. Did you travel with a passport when you were in Afghanistan?

A. No I only had a letter from the HiG group, which is Hezb-e-Islami Gulbuddin.

Q. What did that letter say?

A. That was just to pass through the border. That was to show the guards on the border so they would let me go through the border.

Q. From Iran to Afghanistan?

A. Yes.

Q. How does one get a HiG card to do that?

A. I did not obtain it myself; an Afghan person did it for me. I just went to their office and gave them my picture with five thousand in Iranian money, which is not too much in dollars, I don't know exactly, and they will give it to you. He told them he was getting it for himself, the Afghani person, and all you have to tell them is that you're Afghani, living in this place and basically give them the money and they will give it to you.

Q. Did the letter have your real name or real picture on it or not?

A. Yes, it was my real name on the letter.

Q. But not the picture?

A. Yes, my picture. He told them that he was my brother.

Q. So, the name and the picture were correct but your reason for going there was not correct? Am I right?

A. Yes, I was going in the wrong direction.

Q. Was the letter supposed to be for going out of Afghanistan?

A. That was just to get into Afghanistan. From Iran to Afghanistan.

Q. Did it say how long you would be allowed to stay?

A. No it does not have an indication or anything saying that you are an Afghan and that you are going to Afghanistan. Afghanistan is not like other countries where they ask you questions. Where are you going, why are you going?

Q. Did you have to use the letter at the border to get by the guards or you didn't even really need it?

A. No I just gave the guard a little money and he let me pass. A little bribery.

Q. You were in Afghanistan for two weeks. You're going from Herat to Kabul and you're with a driver and you're eating bread and your sleeping in your car. What else are you doing during this time?

A. Yes, because I didn't have too much money and I couldn't stay in a guesthouse or eat good food. That would have cost me more money and I didn't have the money, so I was trying to do whatever I could to survive.

Q. You said you went in the month after Ramadan?

A. Yes, it was after Ramadan.

Q. That means it was pretty cold. Correct?

A. Yes. There was still snow on the ground. I had warm clothes with me. A jacket and everything.

Q. It was okay to sleep in the car like that?

A. It wasn't comfortable but I had to do it. I had no choice.

Q. You said earlier that you did not serve as a "Watchman" for the Taliban. Do you know what a "Watchman" is?

A. Yes, somebody who watches and somebody who guards maybe watch over something. Since I had served the military of Iran for ten months prior.

Q. In the time you left Iran to go to Afghanistan, were you still in your period of service to the Iranian military?

A. After my mom passed away I ran away from the service. I did not serve anymore after that. The Iranian government is still after me.

Q. Because of that?

A. I don't have an older brother and anyone else in my family.

Q. How much longer were you supposed to have served with the Iranian military?

A. Eighteen months.

Q. Eighteen and you served ten out of eighteen or you have eighteen more to go?

A. Yes that's true. I served for ten months and I only had eight more months. Since my mother passed away I couldn't do it anymore. If that situation didn't happen then maybe I would have finished my term.

Q. You were serving in the Iranian military when your mother passed away?

A. Yes.

Q. How long after she passed away did you run away from the military?

A. I served for ten months and when my mother passed away then I didn't go anymore.

Q. How much time was there in between the time you ran away from the military and the time you went to Afghanistan?

A. About three or four years.

Q. So they didn't come and get you during that whole time?

A. Yes they sent me a couple of letters to my home address and whenever I saw a police car or something I used to hide myself around. They were sending me letters all the time from the court.

Q. What kind of military training have you had?

A. Simple stuff. How to use a weapon, how to march and also some security work and stuff like that.

Q. What kind of weapons did they teach you to use?

A. AK-47.

Q. Did you ever have to fight in combat?

A. No. I don't like it. I wasn't a good soldier. I was always getting punished for not being a good soldier. They were punishing me because I didn't like it, that's why I'm not good at it. I was working in (inaudible). In the island of Abulzad (ph), Iran.

Q. Is that in the Persian Gulf somewhere?

A. No, it was a very peaceful and quiet place there. There was no fighting or anything going on there. We were just working and getting (inaudible). The only reason I joined the service was because I like the military clothing and I went for the clothing.

Q. Did you get promoted in rank?

A. No, I was just zero.

Q. So, you were in Afghanistan and you said you were washing your clothes in a river the day you were captured? Is that right?

A. Yes.

Q. In the snow? In the freezing cold?

A. Yes. I guess if you have to when you're stinking pretty bad, then you have no other choice and you have to do it.

Q. That was when the soldiers came up to you. Was that the first time you had seen soldiers while you were in Afghanistan?

A. I was out of the water.

Q. I know. When they were coming towards you and you saw soldiers with weapons, was that the first time since you had been in Afghanistan that you had seen soldiers?

A. Yes, it was my first time. I didn't know who they were, who they belonged to or what they wanted to do with me. I wasn't bothering anybody; they just came and arrested me.

Q. Do you speak any other language besides Farsi?

A. Just Farsi.

Q. And English too.

A. Yes a little bit.

Q. Which language did the soldiers speak to in?

A. A little bit of Farsi and a little bit of Pashtu.

Q. When you talked back to them in Farsi, they must have realized you were not an Arab.

A. (Inaudible) all they cared about was the money they were getting for selling me. For five dollars.

Q. For five dollars?

A. Yes.

Q. Did they try to make you pay them money also?

A. No.

Q. How did they treat you during the time they had you?

A. They tied my hands behind me. They picked me up and they threw me in the car. They weren't treating me good. They didn't give me food and they didn't give water. They beat me a lot. They hit me with a weapon on my lip.

Q. You're pointing to a scar on your lip? Is that what you're trying to show us?

A. My hands were tied. When they hit me I had a cut on my lip.

Q. Why did they hit you?

A. I asked for food and they told me there was no food for me.

Q. Did they ever try to get you to perform duties for them, to be a soldier for them?

A. No.

Q. Did they ask you to be a guard?

A. They didn't ask me any other questions. Nothing else.

Q. They didn't want you to stand watch over their camp or anything like that?

A. No, my hands were tied and I was blindfolded.

Q. How long was that for? Was that on the way to Kandahar?

A. Four or five days.

Q. That's when you went to the Americans?

A. Yes. When I got to Kandahar then I got things because Americans treated me better. All the time that I've been here nobody has done anything bad to me here. I'm good with everybody. I treat everybody like family. Only the detainees treat me bad.

Q. Even here in this camp?

A. Yes in camp [REDACTED] and in camp [REDACTED] they tried to kill me.

Tribunal Member: Let the record show the Detainee is showing scars on his chest.

Q. How did you get those scars?

A. Four or five people jumped me at night at camp [REDACTED] They were wearing white clothes.

Q. They were detainees?

A. Yes. In camp [REDACTED] they are free to walk around. They got me in here so nobody will bother me too much because before they use to bother me a lot. They used to spit at me, throw urine at me and say bad things to me and that's why they brought me here.

Q. Are there any other Catholic detainees that you know or you the only one that you know of?

A. I'm the only one. They don't like it because I shave my beard and when I pray I do it kneeling down.

Q. Has anyone ever talked to you about being with the Taliban or working with the Taliban before?

A. No, nobody.

Q. During all the time you were interrogated no one accused you or asked you about being with the Taliban?

A. Yes, they did ask me a couple of times but since I wasn't a Taliban and didn't know anything or anybody (inaudible). I don't know anybody and nobody knows me.

Q. Have you been visited by the Iranian delegation since you've been here?

A. No.

Q. If you were to be released where would you want to go and what would you want to do?

A. Anywhere as long as I can be free, I just don't want to be in jail because I'm very tired.

Q. How long have you been Catholic?

A. All my life.

Q. Your family is Catholic also?

A. My mother.

Q. Do you remember when you received First Communion and Confirmation?

A. I go to the church.

Q. You get all the sacraments at the church?

A. I didn't go a lot maybe once or twice a month something like that.

Q. Do you have a Godfather?

A. Yes.

Q. What is your Confirmation name?

A. I do not understand that question. I am Catholic.

Q. You have a Godfather?

A. Godfather. (Inaudible)

Q. No Godfather, someone who stands, a regular human being that stands with you, to help you, protect you?

A. In Farsi they call it Kashish. In English I guess they would call it a minister.

Q. What was the name of the Catholic Priest in your church?

A. His name was Issa.

Q. The time that you spent here, three plus years, you have been through a lot of interrogations, you have said many things, you've been asked a lot of questions. Is there anything that you have said in those past interrogations that you would like to change or to clarify?

A. No I don't have anything to change. I don't want to change anything.

Q. Okay, so whatever we read pretty much in the classified portion will be pretty much the way it is then?

A. Yes.

Tribunal President's questions

Q. Through your travels in Afghanistan did you have any encounters with the Taliban?

A. No.

Q. Had you heard of the al Qaida organization?

A. Not in Afghanistan but after I was captured and brought here to Cuba then I found out about it and knew what it was.

Q. What is your attitude toward the United States?

A. America has no problem with me and I don't have any problem with them.

Q. Is there anything else that you feel is important that you would like to bring to our attention today?

A. No, I don't have anything.

The Tribunal President confirmed with the Personal Representative that he had no further evidence and that the Detainee had no previously approved witnesses to present to the Tribunal.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

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: 7 DEC 04

Start Time: 1550

End Time: 1650

ISN#: 555

Personal Representative:  C, US ARMY

Translator Required? YES Language? FARSI

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 will attend. He will take a non-Muslim oath. He will respond to each allegation as read to him by the PR. He will also tell his story and respond to questions. He has not witnesses. He does speak some English.

Personal Representative: 

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (3 December 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MUHAMMED, Abdul Majid

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 the Taliban.
 - a. The detainee is a member of the Taliban.
 1. The detainee traveled to Afghanistan after 11 September 2001.
 2. The detainee was identified as a "Watchman" for the Taliban.
 3. As a "Watchman," the detainee was on patrol for the Taliban.
 4. The detainee was captured by the Northern Alliance in the vicinity of Ghazni, Afghanistan.
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.

2831

UNCLASSIFIED

Exhibit R1

UNCLASSIFIED

Memorandum



To : Department of Defense Date 12/03/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
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 marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². 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 555 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/09/02
FD-302 dated 05/19/02
FD-302 dated 06/06/02
FD-302 dated 07/04/02
FD-302 dated 07/07/02
FD-302 dated 10/10/02
FD-302 dated 10/25/02

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

UNCLASSIFIED

Exhibit

2832 pg 1 of 2

R2

UNCLASSIFIED

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 12/03/2004

If you need additional assistance, please contact Asst. Gen.
Counsel [REDACTED]

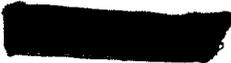
[REDACTED] or IS [REDACTED]

Personal Representative Review of the Record of Proceedings

I acknowledge that on 13 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #555.

I have no comments.

My comments are attached.

LTC  USA

Name

13 Dec 04
Date

Signature 