

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FAHMI ABDULLAH AHMED,)
)
 et al.)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1194 (HHK)
)
)
 GEORGE W. BUSH,)
 President of the United States, *et al.*,)
 Respondents.)
)
)
 _____)

DECLARATION OF JAMES R. CRISFIELD JR.

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

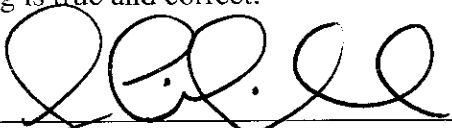
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each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

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Fahmi Abdullah Ahmed 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 names of other detainees and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 13 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0212
11 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

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

A handwritten signature in cursive script, appearing to read "J. M. McGARRAH".

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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11 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 #8 of 13 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process, elected to participate, and made an unsworn statement during the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with the provisions of references (a) and (b).
- d. The detainee requested that four witnesses be produced to testify at the Tribunal. He claimed that the witnesses would testify that he stayed with them during various times and that "he did not fight." The Tribunal President denied the request for all four witnesses. He determined that they were not reasonably available. Although the President's decision report lacks any analysis, a reading of the detainee's witness requests shows that he was only able to provide incomplete addresses for two of the witnesses; only a city and neighborhood for one of the witnesses; and no locating information for the fourth witness other than to say that he could be located through another witness. Perhaps if the President had provided an explanation for his decisions this would not be such a close call. Paragraph G(10) of enclosure (1) of reference (b) requires the Tribunal President to document the basis for witness availability decisions; to include efforts undertaken to procure the presence of the witness and alternatives considered to live testimony. The President failed to do that in this case. Nonetheless, looking at the scant locating information available to the President, I will give him the benefit of the doubt. There is no evidence that the President abused his discretion when making these determinations.

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

The detainee made no other requests for other evidence.

- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
 - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
 3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

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

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

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

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

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: #8

(U) ISN#: [REDACTED]

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

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

1. (U) This Tribunal was convened on 1 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 1 October 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-Qaeda, and supported them as they engaged in hostilities against the United States and/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).

[REDACTED SIGNATURE]

Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #8

ISN #: _____

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 supportive of, Al-Qaeda forces engaged in hostilities against the United States and/or 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 indicated that the Detainee was associated with Al-Qaeda. He was present on the front lines in Bagram, Afghanistan. He was identified by a senior Al-Qaeda facilitator as having been a resident at a safehouse in Kandahar, Afghanistan in 2000 (this individual also saw the Detainee at a safehouse located in Faisalabad, Pakistan in February 2002 with a group of Yemenis who had fled Afghanistan). Finally, the Detainee was identified by another individual, a senior Al-Qaeda operational planner, as having resided at a safehouse located in Kandahar in 2001. The Detainee chose to participate in the Tribunal process. He requested four witnesses, requested no unclassified or classified documents be produced, and made a sworn verbal statement. The Tribunal President found the requested witnesses not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Detainee, in his verbal statement, denied being an Al-Qaeda member and denied ever having been in Afghanistan. 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-22.
- b. Testimony of the following persons: None
- c. Sworn statement of the Detainee

UNCLASSIFIED//FOUO

ISN # _____
Enclosure (1)
Page 1 of 3

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>
Hussain Bashir	Not reasonably available	No*
Iz Aldin	Not reasonably available	No*
Shakeel Murat	Not reasonably available	No*
Izzat Nasser	Not reasonably available	No*

According to the Detainee, the requested witnesses could all be located in Pakistan. The Tribunal President, however, ruled that the U.S. Government would not be compelled to produce the witnesses for the Detainee because the witnesses were not reasonably available to be produced.

The Detainee requested no additional evidence be produced

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibit R-1 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. 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 testified that he was not a member of Al-Qaeda and in fact had never even been to 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.

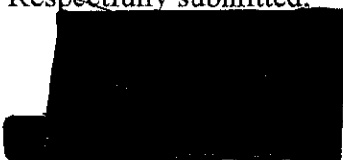
b. The Detainee understood the Tribunal proceedings. He asked some questions regarding his rights, which were answered to his satisfaction by the Tribunal President, and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant and was part of, or supportive of, Al-Qaeda forces engaged in hostilities against the United States and/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 Unsworn Detainee Statement

After the Tribunal President advised the Detainee of the hearing instructions, the Detainee asked if he would have a lawyer after this session.

The Tribunal President advised that this was not a legal proceeding, but an administrative proceeding and therefore a lawyer was not needed. The Tribunal President also advised that depending on the outcome, the Detainee may or may not need a lawyer at a later date. The Detainee understood.

The Tribunal President advised the Detainee the witnesses he requested were not reasonably available, and would not appear before this Tribunal.

Detainee: I requested witnesses, but I want witnesses from you too. I want you to prove everything that has been said about me is true. Being in this place, I cannot provide any witnesses for anything. I could reference some points...

Tribunal President: Let me interrupt. It has already been identified by the Recorder, who represents the United States that she has called no witnesses to testify against you. These allegations on the unclassified summary are the only unclassified evidence that has been presented. You have the opportunity to tell us your story.

The Detainee made the following statement:

I was in Pakistan and explained, in detail, in many other interviews before this, what I was doing in Pakistan. I never went to Afghanistan, ever. You have to prove how you came to the conclusion that I am a member of the Taliban.

The Tribunal President advised the Tribunal Members are going to take and consider all the facts and determine if the Detainee is properly classified as an enemy combatant. The Tribunal President also explained that the Tribunal Members have not viewed any evidence prior to sitting down in order to maintain an open mind.

Good. I didn't realize that I was going to have to repeat my story again, but I am ready to repeat it.

I left Yemen almost 4 years ago. I left the city of Sana'a to go to Karachi, Pakistan. I went to do business. I was planning on dealing in textiles. I saved some money and I already had some money because I was already doing business in textiles. Most of the money I took to do business with was from my mother. It was \$3,500.00.

I got my plane ticket and visa from Yemen. The people who were in the textile business told me the best place to go for good quality things is Pakistan. I don't remember the date I arrived in Pakistan, but it is in my passport. You will see that there was only one trip to Pakistan in my passport. It will say the date I left Yemen. I have asked about my

passport in interrogations here before, and they said it is not here. There is another way to find out. Check with the Yemen International Airport, and you can easily find out the date I left Yemen from the airport authorities.

I left Yemen, went to Pakistan and went to a hotel. I stayed at the hotel for a few days. I wasn't familiar with Pakistan streets and environment, but the name of the hotel is very well known. After 3 days, as I was walking the big textile market, I met a person by the name of Hussein Bashir in one of the shops. He spoke to me in Arabic, lived in Saudi Arabia for 3 years and is about 28 years old. He told me he lived in Mecca for 12 years and his original nationality is Pakistani. He told me he would help me to the right places and introduce me to the right people to buy textiles. He told me not to buy right away and to be patient.

He [Hussein Bashir] was like a friend/advisor to me. I told him I was staying at the hotel and he told me he had a modest house and I should stay with him. I got my luggage from the hotel and went to his house. I stayed at his house for 6 months. Initially, I expected to stay 2-3 weeks at the most. My plan was just to buy textiles and go back to Yemen.

We, [Detainee and Hussein Bashir] traveled all over Pakistan, and he showed me all of the landmarks and sights in Pakistan. I found out later that he [Hussein Bashir] was using me for the money.

Hussein Bashir's mother passed away and he has 2 brothers and we [Detainee, Bashir and 2 brothers] used to sit outside. His father works in Saudi Arabia and I believe he is a driver. His father used to send him about 1000 Saudi Riyals a month. He [Hussein Bashir] used to drink whiskey and smoke hashish. He used to use me to buy whiskey and hashish. He was very smart about making me pay without letting me know he was pushing me to pay. I used to play the role of a generous person, so I used to give it to him.

We used to sit and stay up nights. We spent the whole 6 months going out, having fun, ladies. After that, I realized that half of my money was gone. I used to give him [Hussein Bashir] money in Rupees, Pakistan money, not dollars. He used to spend some money himself also.

I told him [Hussein Bashir] that I needed to get a job because half of my money was gone. He said great and promised me a job. My visa, my stay in Pakistan expired. One day he told me there was a job. I didn't think about it. I just needed a job, any job. I needed to make back the money I lost. He took me to a house in Karachi by the sea on Rabia Basri Avenue. It was a big villa and the owner's name was Asadeen. He [Hussein Bashir] delivered me there, said good-bye and left.

I was to work for this gentleman [Asadeen] as a guard for this house. I stayed there 1½ years. After that, a problem happened in the house. Before that, he [Asadeen] used to

give me 2,000 Rupees a month. Then a problem happened inside the house that caused me to leave.

I contacted Hussein Bashir, [and] he came and picked me up and I went back to his house. I had accumulated a sum of money in this year and a half. I stayed with him for 3 weeks, but feared we would go back to what we were doing before.

At that time I wanted to stay residence [establish residency] in Pakistan. My stay in Pakistan was not legal at that time. This time, I didn't ask Hussein Bashir about a job, I asked him about being able to stay in Pakistan. I wanted to have official residency there so I could come and go with no problem. Hussein Bashir didn't know anything about this personally, but knew someone who did.

Bashir sent me to a person named Shaquille Murat in Lahore, Pakistan. I went to him and showed him a handwritten letter from Bashir, which explained what I needed and wanted, because I couldn't speak the Pakistani language very well. I could only speak a few words. He [Murat] took the letter, read it and didn't pay me too much attention.

In front of the house was a big cemetery and next to the cemetery were 3 restaurants that people could eat at. On the same avenue was the house of Shaquille Murat. He put me in a room on the upper floor with furniture. I lived in that room for 3 months and I used to give him 500 Rupees a month.

Shaquille Murat had the same problem...he used to use hashish and drink with friends. He didn't pay any attention to the matter I had come for. Since I didn't have a job and I wanted to save my money, I used to eat in the free restaurants. These restaurants belonged to a gentleman who had passed away and was buried in the cemetery. He was a very holy, spiritual gentleman. He was financing the restaurants for the poor people.

I spent 3 months there and after that I insisted on doing something about my residency or fix my visa. Murat told me he was going to send me to Faisalabad, Pakistan. Murat said there was a big Arabic community in this area and the Pakistani government would give visas and arrange papers for these people. Murat told me that I would have to bribe to get my visa. This is well known about the Pakistani government. They take bribes for everything.

I went to the address Murat gave me in Faisalabad. The gentleman's name was Issa Nassir and I had his phone number. I called him and he came and picked me up at a bus station in Faisalabad. I stayed with him for 2 months. He had family with him in the house, and it was very small, so I wasn't very comfortable in the situation. He didn't do anything for me, but was always saying to be patient and to wait.

I was leaving and planning to call my family, and then I met [REDACTED] who is also a prisoner here. He was speaking Arabic, and this was the first time I met him. When I heard him speak in Arabic, we introduced ourselves to each other. [REDACTED]

looked at me and asked what I was doing there. I was wearing jeans and a tight t-shirt. It wasn't really appropriate. I didn't have a beard at that time; I was shaven. In the picture they took when they captured me, you'll see that my head was shaved and my beard was shaved.

When I met [REDACTED] I told him I was not comfortable staying with that family in that small house. He told me it wouldn't be a problem. They were all university students and they all lived in a big house and if I wanted to join them, it wouldn't be a problem. I was very happy and went with him.

I went to the house and found a lot of students in the same age group as me. We introduced ourselves to each other.

I stayed in this house for only 2 weeks. This friend of mine, Ahmed, told me that he would check with people that might have connections with the government and see if they could help me fix my problem with my visa. As I said, I stayed 2 weeks and the Pakistani government came and captured all of us.

The people in that house were from different nationalities, but the majority was from Yemen. A few were from other nations. There was one from Saudi Arabia, one from Libya, one from Palestine, and one from Russia. The rest were Yemenis, the same as me.

I didn't have any relationships with anyone in that house. They [the other students] were trying to inspire me and to do the religious things, like look at my religion because most of the students were studying the Koran and all things related to religious studies. They were asking if I wanted to join them in the university. They realized that we weren't really in harmony together because I used to use drugs and hashish and things like that. I used to read magazines. Most of the time, I would stay in the back yard, so I was keeping my distance from them. Not because they were bad, but our minds were going in different directions. They had their way and I had mine. They were just different. When they realized that we weren't getting along or on the same path, they left me alone and didn't bother me much anymore. That's why I wasn't deeply associated with them until the day the Pakistani government came and captured us.

When the Pakistani authorities captured us, there were 2 civilian Americans with them. In that house I had only one good friend and we used to get together all the time. His name was [REDACTED]. We shared the same vision and he has the same opinions. He used to use hashish with me.

When the Pakistani authorities captured us, they delivered us to Lahore [Pakistan]. In Lahore, some civilian Americans interrogated us. I had only 1 interrogation with them and it was the same with the other detainees. After that, we were delivered to Islamabad. The 2 people who I mentioned, the one who took me to the house and the one I was friends with, they are both detainees here. One is [REDACTED] and the one who brought me to the house is [REDACTED]. These 2 guys are present in this camp.

ISN# [REDACTED]
Enclosure (3)
Page 4 of 11

We stayed 1 week in Lahore and then they took us to Islamabad. We stayed there for 2 months and I had 2-3 interrogations and I believe it was the same for all other detainees.

After the 2 months, we were delivered to the Islamabad airport. The airplane took us to Bagram. The American government received us from the Islamabad airport. It was an American military airplane and the soldiers were Americans. We arrived at the military base in Bagram and stayed there 2 or 3 months. I was interrogated about 4 or 6 times. Then they took us to Kandahar and it was the same thing; American airplane with American soldiers. Again, we were received by Americans. We stayed in a small camp with wires, at the Kandahar airport. After 2 or 3 weeks, we walked from the camp to a plane and they took us to Cuba.

I have a letter from my mother stating that I left for business and I believe you have this letter in the prisoner's letters file. In that letter, my mother said that if she knew I went to do something other than to do textile business, she would never have let me go.

When I was captured the first time, I was only 22 years old, I think. I'm not sure about my date of birth.

Money was part of my belongings when I was captured. I think I had about \$1,900.00 and I think it's here in Cuba. This is all of my story.

The Personal Representative stated that when he met with the Detainee, they went over each item in the Unclassified Summary and the Detainee stated that each one of them is not true and they are false allegations.

Questions by Tribunal Members

- Q: You have given us a very detailed story. You have a good memory for detail.
- A: I can't remember most dates, but I've told my story, the same story 30-50 times.
- Q: Where did you learn to speak English?
- A: In this camp.
- Q: Prior to coming to the camp, did you know English?
- A: No, just letters and alphabet in school.
- Q: What is the level of your education?
- A: Middle school, but if you want my life story, I can give it to you.

Q: No thank you [laughter].

Q: The highest level of middle school is equivalent to 8 years? More than that?

A: For us, elementary school is 6 years, middle school is 3 years and high school is another 3 years. I stopped in the middle school, but I didn't finish middle of it. I wasn't fit for studying, so it wasn't the right thing for me. I studied a little bit of English in middle school, but I wasn't good at it; I couldn't absorb it. I only knew the letters and alphabet. Things like, excuse me, I'm sorry, how are you.

Q: From the time you left Yemen until the time you were captured in Pakistan, how long was that?

A: I believe it was close to 2 years or a little more.

Q: Your visa to stay in Pakistan was good for 1 year?

A: It was only for 3 months.

Q: So, all the time over 3 months you were in Pakistan without official permission, like you told us?

A: Yes, that is true.

Q: Who was in charge of the last house you stayed in with [REDACTED] and [REDACTED]?

A: His name was Issa.

Q: What do you know about Issa?

A: I do not know anything.

Q: Did he have any other responsibilities, besides managing the house?

A: He didn't stay in the house. I had heard of him but I don't know him. I saw him only once or twice, talking to the students at the house. He just comes to the door, talks to them and leaves. The guy who was in charge inside the house was a cook. He was a Pakistani man. His name was Jabran.

Q: Did you ever hear of anyone else who was in charge of the house? Anyone else to whom the house belonged?

A: No. The only thing I know is that Issa is in charge of the house and the Pakistani cook was in charge inside the house.

- Q: You told us in your story that you had never been to Afghanistan?
- A: I never went to Afghanistan.
- Q: To your knowledge, were any of the fellow students in the house in Afghanistan?
- A: I didn't hear of anything like that.
- Q: No one ever spoke of going, if they had gone and come back? Anything like that?
- A: No.
- Q: Besides the time you worked as a guard for a year and a half that you told us about, how did you sustain yourself? How were you able to live in Pakistan?
- A: My main problem, my main focus was how could I leave from the airport? It is easy for anybody to stay in Pakistan if you have the right papers.
- Q: I know you mentioned that you used to eat in the free restaurants. You could not have done that all the time.
- A: I was thinking if I could fix my papers, I would get an official job. I didn't think of staying in Pakistan and eating free. I am from a middle class family in Yemen and was never comfortable eating for free or have anyone hand me things. I was never comfortable with that.
- Q: Besides the time you worked as a guard, did you have any other source of income when you were in Pakistan?
- A: No.
- Q: You just relied on the money you brought with you from Yemen?
- A: Yes.
- Q: It was sufficient?
- A: I was never thinking of using the money I brought with. I was always thinking of getting a job, but because of my visa situation, I couldn't really get a job. When I needed to drink and eat, I had to use the money I brought with me.
- Q: It was enough for the 2 years you were in Pakistan?
- A: I didn't understand.

Q: Besides what you earned as a guard, the rest of your money was sufficient for being in Pakistan for 2 years?

A: I didn't come to Pakistan to stay. I only came to buy textiles and go back, but I was forced to stay when my money was gone. That's why I wanted to work and make up my money again. Then I would buy the textiles I came for and go back to Yemen. That was the plan.

In general, I really like Pakistan. It is a very nice country. I liked it very much. It is a lot better than Yemen. It had nice streets and buildings with designs. I liked it much better than Yemen.

Q: If you liked Pakistan better than Yemen, had you gotten a job in Pakistan, why would you want to go back to Yemen?

A: If I found a job with a decent salary in Pakistan, I wouldn't go back for a while. Job opportunities are limited and salaries are very limited. If I could make up my money I brought with me, that would be a very good thing. I'd then go back to my country in the official and legal way.

Q: You are familiar with the evidence that was read to you, and you told us it was false?

A: Yes.

Q: There are 2 parts here where it says that 2 senior Al Qaeda people have identified you as being in Afghanistan.

A: No, I don't know that person at all. It is possible he saw me someplace without me knowing it was an Al Qaeda place or something like that. I don't know anything about Al Qaeda members or anything Al Qaeda. If this person said he saw me in Afghanistan, it is wrong because I have never been to Afghanistan.

I have one question. Is it the same person who saw me in Pakistan that saw me in Afghanistan?

Q: We honestly don't know, at this point. It appears, from the way the summary is written, that it was different individuals.

A: Good, but I absolutely never went to Afghanistan. The person who said they saw me in Pakistan, I never met any members of Al Qaeda, so, if it happens that he saw me or I saw him, how did he know I'm an Al Qaeda member?

From what I knew, all the people in the house were students at the university. It wasn't my job or my responsibility to ask every student if they were a member of Al Qaeda. I wasn't supposed to do that.

I don't think this was translated correctly. I don't want to go and be involved in other guys' lives and be nosy about their lives. It is not my job. All I knew is that they were students at the university. I don't ask them what else they do. That's not my job or occupation.

Q: Have you ever received any military training?

A: No, ever. Not in my country or any other country. I have one question.

Q: When I am finished, you can ask it. So, you are not familiar with any kind of weapons?

A: No, but the only thing is that my dad has a personal weapon and I've mentioned that in all interviews. My father was an officer in the Army. It was normal and fine that he had his weapon with him.

Q: How long did he serve?

A: All his life. He worked with the military all his life.

Q: Did you need to clarify something that was said earlier?

A: No, I don't need to clarify anything about my country, no. As you said, you said I could defend myself, and that's what I did. I don't know the rules in America if someone is defending himself. I don't know if it's enough or not. I don't know. Are you done? Can I ask now?

Q: Yes, go ahead.

A: In regard to my country, terrorism does not start just like that. I'm supposed to start being a terrorist in my country originally. My government is supposed to have cases or a file for me already and they will have all the information about me and what I did before and all the information about my life. This is known in every country. The government knows everything about their nationals. If I had any training or if I was a terrorist, or did bad things in my life. If you talk to them, they will give it to you and you will see.

All of my life in my country I lived a delinquent life. Go ask my government, they will give you all the necessary information.

Q: Did you keep in touch with your family while you were in Pakistan?

A: Yes.

Q: They knew about your visa problems? Couldn't they help you with that?

A: I didn't explain the situation to them. My mom had big aspirations for me to be a businessman. I can't tell my mom that all the money I brought with me I spent on drinking, buying hashish and I can't tell her that.

Q: Can you tell me about how much money you brought into Pakistan with you?

A: \$3,500.00

Q: You still had a little bit to make up when you got captured? You were still trying to get that money back?

A: That is true, yes.

Questions by Tribunal President

Q: How did you injure your leg? [The Detainee has a brace on his left foot and is on crutches.]

A: I was walking and I fell down.

Q: I hope it heals quickly for you and you are back on both feet.

A: Thank you very much.

Q: Do you have anything else you'd like to add?


A: I know in this session the lawyers are not allowed, but can I look for a lawyer myself for other sessions or Tribunals?

Q: Have you been in contact with a lawyer up to this point? Do you have legal representation?

A: I don't know. I was surprised when the Personal Representative told me that I have a lawyer.

The Personal Representative stated that his notes indicated that the Detainee does not have a lawyer.

The Detainee stated that is true, he told the Personal Representative that he did not have a lawyer, but today a letter was read to him mentioning that he had a lawyer.

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The Recorder stated that Exhibit R-22 is an affidavit titled Anon v. Bush #04-CV-1194-HHK. Those papers are part of the 144-page exhibit. The part that pertains to the Detainee is part of the Unclassified Summary.

Detainee: Does this mean I have a lawyer?

Tribunal Member: I will explain some of this to you. From the way we view the exhibit, it appears your family, or someone on your behalf has asked the American courts to force the United States government to justify why you are here. That is the action they have brought in the court system. You do have a lawyer representing you, as well as other detainees who are here, but his name is not given to us.

Tribunal President: That is separate from this proceeding. This refers to a legal proceeding that will take place in the U.S. Courts and the Tribunal today is an Administrative hearing, not a legal process. I will explain more about the Tribunal process as we continue.

Detainee: Can I make a phone call after these proceedings?


Tribunal President: That is up to the normal routine, what is normally allowed in Camp Delta. I cannot answer that.


Detainee: Just know that I have been here for 3 years and have [not] been in touch with my family. I don't think this is just and it's not right for the American legal system to not allow people to talk to their families. It is a very small right that is allowed to all detainees around the world. I have a mother, brothers and sisters and I am the man of the house because my father is now out of our house.

Tribunal President: I understand and what you are telling us will be noted. We are here today to determine your enemy combatant status, and that alone is what we focus our attention on today.

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

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DETAINEE ELECTION FORM

Date: 23 SEP 04

Start Time: 1800

End Time: 1930

ISN#: [REDACTED]

Personal Representative: [REDACTED] LCDR, USN
(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 has requested 4 non-detainee witnesses.

#1. Hussain Bashir who is the 1st guy he met in PK. He stayed with Hussain Bashir for 6months.

He can be reached through witness:

#2. Iz Aldin who he stayed with for 1 1/2 years after staying with Hussain. Iz Aldin can be located at Street Rabia Busri, city of Khrachi, PK. After staying with Iz Aldin, he went back and stayed with Hussain Bashir for another 3 weeks then went a stayed with witness:

#3. Shakeel Murat who he stayed with for 3 months. Shakeel Murat can be located in Lahor PK, Tata Del Bar. After 3 months he went and stayed with witness:

#4. Izzat Nasser who he stayed with for 2 months and was arrested there. Izzat Nasser can be located at BiLal Street, Faisalabad, PK.

ISN [REDACTED] has said all the mentioned witnesses can testify that he did not fight.

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (20 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AHMED, Fahmi Abdullah

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 associated with al Qaida.
 - a. The detainee is associated with al Qaida:
 1. The detainee is Yemeni and was captured by Pakistani authorities in Faisalabad, Pakistan.
 2. The detainee was identified by a senior al Qaida operational planner as having been a resident at a safehouse located in Kandahar, Afghanistan in 2001.
 3. The detainee was identified by a senior al Qaida facilitator as having been a resident at a safehouse located in Kandahar, Afghanistan in 2000. This individual also saw the detainee at a safehouse located in Faisalabad, Pakistan in February 2002 with a group of Yemenis who had fled Afghanistan.
 - b. The detainee participated in military operations against the United States or its coalition partners.
 1. The detainee was present on the front lines in Bagram, 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

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14. Respondent Rumsfeld is the Secretary of the United States Department of Defense. Pursuant to either the November 13, 2001 Military Order or the President's authority as Commander in Chief and under the laws and usages of war, Respondent Rumsfeld has been charged with maintaining the custody and control of Detained Petitioners.
15. Respondent Hood is the Commander of Joint Task Force-GTMO, the task force running the detention operation at Guantánamo. He has supervisory responsibility for Detained Petitioners.
16. Respondent Cannon is the Commander of Camp Delta, the United States facility where Detained Petitioners are presently held. He is the immediate custodian responsible for Detained Petitioners' detention.

STATEMENT OF FACTS

17. Detained Petitioners seek to enforce their right to a judicial determination of whether there is a factual basis for Respondent's determination that they are "enemy combatants."
18. Aside from an unsupported assertion that all detainees at Guantánamo Bay are enemy combatants, Respondents have not advanced any justification for the arrest, transportation and continued incarceration of Detained Petitioners.
19. In particular, Respondents have not produced any evidence that Detained Petitioners had any link to al Qaeda, or any other organization or persons involved in the terrorist attacks on September 11, 2001, or in any other terrorist attack on the United States or its citizens.
20. Nor have Respondents produced any evidence that Detained Petitioners were members of the Taliban armed forces or that they were involved in armed conflict by the Taliban against the United States.
21. Respondents have not produced any information concerning the circumstances of the seizure of Detained Petitioners whatsoever. The limited information available indicates that some, if not all, of Detained Petitioners were seized by Pakistani police in Pakistan in 2001 about 2002. Whether the Pakistani police provided Respondents with any

information to justify the classification of Detained Petitioners as enemy combatants is not known to counsel for Detained Petitioners, but known by Respondents, who have refused to disclose any information concerning the circumstances of Detained Petitioners' arrest, transfer, transportation or detention.

22. The limited information available indicates that Detained Petitioners traveled to Pakistan for reasons unrelated to any activities of al Qaeda or the Taliban, and they were not members of either organization. On the information and belief of the families of Detained Petitioners, Detained Petitioners traveled to Pakistan for educational, business or missionary reasons, and remained there for those purposes until they were arrested by Pakistani police as part of a dragnet seizure of Yemeni citizens.
23. On information and belief of the families of the Detained Petitioners, the Detained Petitioners are not, nor have they ever been, enemy aliens, lawful or unlawful belligerents, or combatants of any kind. Nor have they ever been "enemy combatants." They are not "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in an armed conflict against the United States there." *Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 2639 (2004).

Petitioner [REDACTED]

24. In 1999, Petitioner [REDACTED] departed Yemen for Pakistan to find work. See Ex. A [REDACTED] Declaration) at ¶ 2. In Pakistan he established a trading business. See Ex. A at ¶ 3.
25. Petitioner [REDACTED] was arrested in Pakistan by Pakistani police some time after the war in Afghanistan began. See Ex. A at ¶ 5. The Pakistani police had been arresting many Yemenis in the region and handing them over to the United States military. See Ex. A at ¶ 5.

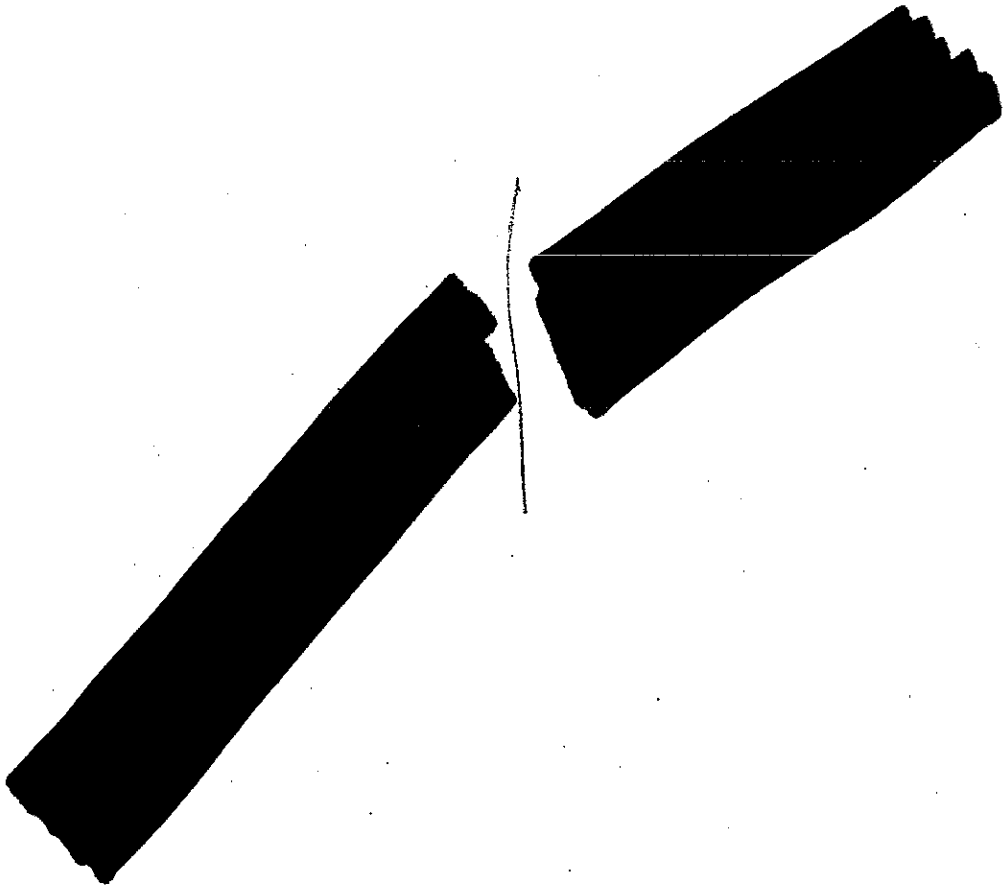
April 2002 via the ICRC. See Ex. S at ¶¶ 6-7. They learned that he was a prisoner in Guantànamo. Petitioner [REDACTED] reported that he was safe and well, and he asked his family to pray for him. See Ex. S at ¶¶ 7-8. His family is very concerned about Petitioner [REDACTED] well being, and his mother's health has worsened. See Ex. S at ¶¶ 10-12.

59. On information and belief, Petitioner [REDACTED] is not and was never a member of al Qaeda or the Taliban armed forces. See Ex. S at ¶ 13. To the best of Petitioner [REDACTED] knowledge, no charges have been brought against Petitioner [REDACTED] and he has not been brought before any court or tribunal while in detention. See Ex. S at ¶ 15.

Petitioners [REDACTED]
Fahmi Abdullah Ahmed, [REDACTED]

60. To date, neither the United States government, nor the government of Yemen have provided any information regarding the circumstances surrounding the arrest and detention of Petitioner [REDACTED], Petitioner [REDACTED], Petitioner Fahmi Abdullah Ahmed, Petitioner [REDACTED], or Petitioner [REDACTED].

61. These Detained Petitioners are incarcerated and held in Respondents' unlawful custody at Guantànamo. See Ex. U (Authorization of [REDACTED]), Ex. V (Authorization of [REDACTED]), Ex. W (Authorization of [REDACTED]), Ex. X (Authorization of [REDACTED]), and Ex. X (Authorization of [REDACTED]).



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Personal Representative Review of the Record of Proceedings

I acknowledge that on 08 October 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]
[REDACTED] LCDR, USN

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Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)