

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RICHARD DEAN BELMAR, *et al.*

Petitioners,

v.

GEORGE W. BUSH,

President of the United States, *et al.*,

Respondents.

Civil Action No. 04-CV-1897 (RMC)

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:

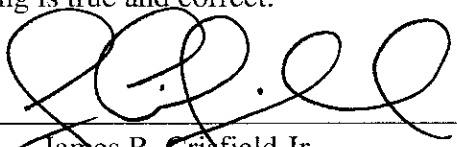
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Richard Dean Belmar 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 considered law enforcement sensitive as well as that which 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: 22 Nov 04



James R. Crisfield Jr.
CDR, JAGC, USN



**Department of Defense
Director, Combatant Status Review Tribunals**

OARDEC/Ser:0405
19 November 2004


FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

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

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

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


J. M. McGARRAH
RADM, CEC, USN

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

FOR OFFICIAL USE ONLY

UNCLASSIFIED

19 Nov 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 2004

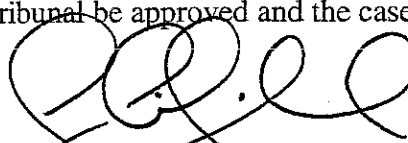
Encl: (1) Appointing Order for Tribunal #15 of 12 October 2004
(2) Record of Tribunal Proceedings

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 made an unsworn statement to the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments.

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

UNCLASSIFIED



Department of Defense
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

A handwritten signature in black ink, reading "Jm McGARRAH", is positioned above the typed name.

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

[REDACTED]

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #15

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #15 of 12 October 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/FOUO)

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 10 November 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]
Tribunal President Col, USAF

DERV FM: [REDACTED]
DECLASS: [REDACTED]

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: #13
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 the evidence presented to the Tribunal by the Recorder indicated that the detainee traveled from the United Kingdom to Afghanistan to flee criminal prosecution and receive military training. When he arrived in Afghanistan, he attended a terrorist training camp, received training on various weapons, served guard duty at the camp, and was in contact with Usama Bin Laden while at the camp. The unclassified summary further indicated that the detainee had an opportunity to fight against Northern Alliance forces and swore a bayat (oath) to Usama Bin Laden. The detainee chose to participate in the Tribunal process. He called no witnesses, requested no documents be produced, and made an unsworn verbal statement. The detainee, in his verbal statement, admitted that most of the allegations in the unclassified summary were true, but denied conducting guard duty, meeting Usama Bin Laden, or swearing an oath to him. He also claimed that he did not originally intend to partake in military training when he left the United Kingdom for 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-19.
- b. Unsworn statement of the detainee.

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

The detainee requested no witnesses; no rulings were required.

UNCLASSIFIED//FOUO

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

The Detainee requested no additional evidence be produced; no rulings 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 unsworn testimony. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he traveled from the United Kingdom to Afghanistan because he was in trouble with local authorities, not to receive military training. He traveled to Afghanistan using funds mostly given to him by "friends," and was persuaded to attend a military training camp while staying in a guesthouse in Kabul. He admitted attending the [REDACTED] camp and receiving the training listed in Exhibit R-1, but denied serving guard duty there. He said that his only contact with Usama Bin Laden occurred during a few visits that Bin Laden made to the camp. The detainee claimed that he was just part of the group listening to Bin Laden speak. He also stated that he never swore a bayat to Bin Laden. The detainee claimed that when he admitted to serving guard duty, meeting Usama Bin Laden, and swearing a bayat, he was "under pressure" from interrogators at the Bagram detention facility and was compelled to lie. He now says none of those statements are true (he was referring specifically to subparagraphs #3-(6)(7) and (10) of exhibit R-1). The detainee did not claim to have been tortured, but said he felt pressure based on what he saw interrogators doing to others, that he was sick with allergies, and that he was under a lot of stress due to everything that had happened recently in his life. He was specific in his assertion that this pressure occurred while in custody in Afghanistan, adding that one of the threats used against him was the possibility of being sent to Cuba, which the detainees had heard was a very bad place. The detainee also said in his unsworn statement that he was initially unaware that [REDACTED] was a terrorist training camp. He claimed that he became aware of this near the end of his training, but decided to finish up anyway, so the people at the safehouse wouldn't "diss" him and say that he wasn't man enough.

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

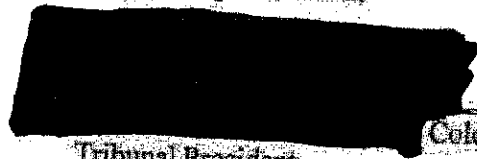
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- 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. He asked no questions regarding his rights, indicated that he understood the proceedings, and actively participated in the hearing.
- 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,



Tribunal President

Colonel, USAF

Summarized Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "yes".

When asked by the Tribunal President if the Detainee wanted to take an Oath, the Detainee declined and provided the following statement in response to specific points in the Unclassified Summary of Evidence:

[Paragraph 3.1: The Detainee is a citizen of the United Kingdom who traveled to Afghanistan to flee criminal prosecution and receive military training.]

Detainee: The first part of that is true, but the last part is not true. Military training was just a last minute thing it wasn't planned.

[Paragraph 3.2: The Detainee traveled from the United Kingdom to Kandahar, Afghanistan around July 2001, via the United Arab Emirates and Pakistan.]

Detainee: That is true.

[Paragraph 3.3: The Detainee stayed at a house in Kabul, Afghanistan and received training in the assembling and disassembling of the AK-47.]

Detainee: That is true.

[Paragraph 3.4: The Detainee traveled to a terrorist training camp around 21 July 2001.]

Detainee: That is true, but at the time I didn't know it was a terrorist training camp. I thought it was just a military training camp for Muslims.

[Paragraph 3.5: The Detainee received basic weapons, war tactics, and navigation training at a terrorist training camp.]

Detainee: That is true.

[Paragraph 3.6: The Detainee conducted guard duty with a Kalashnikov rifle at the front gate of a terrorist training camp.]

Detainee: That is not true. At the time I said that I was under a lot of pressure. The place I was in I feared for my safety. Having already received injuries, I was forced to say that. They put pressure on me and I feared for my safety.

[Tribunal President commented he would ask questions later to clarify the Detainee's last comment and told the Detainee to proceed with his statement.]

[Paragraph 3.7: The Detainee was in contact with Usama Bin Laden while at a terrorist training camp.]

Detainee: Not fully true. I saw him at a group meeting. There was a big group and he was far away. I had no contact with him. I said that because I was under a lot of pressure, the same reason as before I feared for my safety.

[Paragraph 3.8: The Detainee stated he had one opportunity to fight the Northern Alliance forces in Kabul, Afghanistan.]

Detainee: That is true.

[Paragraph 3.9: The Detainee was arrested by the Pakistani local authorities on 7 February 2002.]

Detainee: That is true.

[Paragraph 3.10: The Detainee swore a bayat (oath or promise) to Usama Bin Laden.]

Detainee: That is totally untrue. The reason is the same as others (the Detainee feared for his safety).

Summarized Answers in Response to Questions by the Personal Representative:

- Q: Did you want to explain any more regarding how you observed Usama Bin Laden in camp or what he was doing?
- A: He was just talking similar to what we are doing now but he was further away in a big group of people. There were two people sitting next to him and he was in the middle. He was speaking in Arabic so I didn't understand what he was saying.
- Q: Do you know why you were asked about swearing bayat by your interrogators or the significance of that question?
- A: Obviously they heard about people in the camp swore bayat. They told me they knew I swore bayat. They would say admit it or we will send you to Cuba and if I lied everything I said will be a waste. They told me they would do this and that to me and I wouldn't get any sleep and they would punish me. At the time, I thought Cuba was a very bad place and I would be tortured and raped. I was very afraid.
- Q: The reason you fled from the United Kingdom, how did that lead you to the military training?

- A: After I saw the Muslim country I stayed with some people that liked those kinds of things and they persuaded me to do it. It started with the assembly and disassembly of the Kalashnikov and from there they tried to persuade me. I said yes to get them off my back.
- Q: Would you like to explain to the Tribunal why you fled the United Kingdom?
- A: Because in the United Kingdom I had a problem. I was in trouble with the police on an assault charge. At the time, I thought it would be worse I thought it might be accessory to manslaughter. I was arrested and told to come back for a line-up. In that time, I decided I was out of there. I was also prompted to leave because of problems I had with my family. I figured what the hell, I would just go and start a new life somewhere else plus, it was a Muslim state and I am Muslim. I thought it would be better for me to be there to become a better Muslim. I wasn't practicing as well as I could have in England.

Summarized Answers in Response to Questions by the Recorder:

- Q: On point number one, you mentioned that part of it was true, you started out by saying the travel from the United Kingdom to Afghanistan was true and the second half wasn't. You went on to say the military training was a last minute thing without planning. Was it that military training that you said originally wasn't the true part of that statement? I just want to clarify if you did attend the military training.
- A: Yes, I did.
- Q: The second question is in regards to the swearing of bayat to Usama Bin Laden. You indicated that was done for the same reasons as the other answers you provided saying that it was said under pressure. Did you tell the interrogator that under pressure or did you swear the bayat under pressure?
- A: I didn't tell the interrogators it was something I kept inside. They move you a round and give you a lot of trouble. They put you in cold rooms and make you sit for twenty hours. They do stuff like that here too. I thought if I said that they would do that to me too.
- Q: That was your discussion with the interrogators?
- A: No, I didn't say that.
- Q: Okay, I am trying to figure out if you said that to them or you swore the bayat under pressure? What did you do under pressure?
- A: I didn't swear the bayat.

Q: What did you do under pressure?

A: Under pressure I said I swore the bayat.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Did you pay for your own travel to Afghanistan or did somebody pay for it?

A: Some of it I paid for and some people paid for some of it.

Q: Who are the people that helped you?

A: Some of it was taken by a collection. I don't know exactly how they collected the money for me, and they gave it to me.

Q: When you said they, is that a group that you knew or a place you visited or what, I don't understand who actually did the collection?

A: It was a few people I knew.

Q: When you got to Afghanistan you said you stayed at someone's house for a while. Did you have to pay for that or did they just let you stay and take care of you?

A: That was free. Muslims are charitable people. They talked to me and gave me a house to stay in.

Q: Were they the same people that said why don't you go to military training?

A: Yes.

Q: Do you know the name of the camp where you went for the training?

A: At the time, no. Now I do. It was [REDACTED]

Q: The people that raised the money for you, were they from your mosque or just people that were interested?

A: Friends.

Q: What mosque did you attend when you were in Britain?

A: Regent Park and (inaudible).

UNCLASSIFIED / FOUO

- Q: Do you remember who the Imam was there?
- A: At Regent Park they had four or five Imam's (inaudible).
- Q: Did you have any interaction with Abu Qatada while you were in Great Britain?
- A: I saw him. I went to Friday prayer and he was there and would give a talk before the prayer. The whole point of the Friday prayer is the long talk and we all pray together. It was in Arabic and it wasn't in a mosque. I preferred to go to the mosque but sometimes I woke up late and he did Friday prayer later. Because I missed the one in the mosque, I would go to that one. I just wanted to catch the prayer I didn't really care about the talk.
- Q: His Friday prayers were usually in a community center or someplace where people...
- A: Youth clubs. I went maybe three times.
- Q: So, you heard Abu Qatada speak three times?
- A: I didn't speak to him.
- Q: You went to his talks?
- A: Yes.
- Q: You stated you had one opportunity to fight the Northern Alliance forces. What happened with that?
- A: That happened when Kabul was taken. I stayed in the house with other people. Someone came in and said he saw the fighting. Everyone got their stuff together and said they were going to fight in the middle of the night. I made up an excuse and stayed behind. I didn't go to Afghanistan to fight.
- Q: It was an opportunity presented but you didn't actually take part?
- A: I didn't take a part.
- Q: How did you get to Kabul to Pakistan and arrested by the Pakistanis?
- A: That is a long complicated story. I traveled from place to place sneaking around and stayed in different houses. Eventually I got out and went to Pakistan. I was arrested in a house with other people.

ISN [REDACTED]
Enclosure (3)
Page 5 of 8

UNCLASSIFIED / FOUO

UNCLASSIFIED / FOUO

- Q: Was that done in a group or your own initiative to get out of Kabul and make your way to Pakistan?
- A: It was done in a group but it was also my own initiative. I wanted to go to get out. That was the destination of most of the people that were in the same situation.
- Q: How many people were with you in the house when you were arrested?
- A: Approximately sixteen. I would have been the seventeenth one.
- Q: At what point did you figure out that the camp you were training in was actually a terrorist training camp?
- A: Near the end of the training time someone told me it was ran by Usama Bin Laden. At the time I was close to graduation and I figured I might as well just graduate. If I didn't and went back to the people I stayed with they would diss me and say I wasn't a man and I couldn't handle the training.
- Q: About when was it that you graduated, do you remember?
- A: Sometime late September.
- Q: September 2001?
- A: Yes.
- Q: What was going to be your goal after you graduated? If the war hadn't started, what was your plan?
- A: I had two plans. Maybe I would go back home because I went on a spending spree and I was running low on money. Or, I would stay in Afghanistan and hope someone would give us some more money and a long-term place to stay. We had two options. I wanted to go back home. That was the option I picked.
- Q: When you say we, were there a couple of you traveling together?
- A: A friend of mine.
- Q: Were you going to look for employment in Afghanistan or set up a home there?
- A: Set up a home. Employment is another thing to talk about I had to establish myself first.
- Q: On three points in the Unclassified Summary you stated that they were untrue because you were being pressured. I would like you to expand, for the record,

ISN [REDACTED]
Enclosure (3)
Page 6 of 8

UNCLASSIFIED / FOUO

UNCLASSIFIED / FOUO

who these people were and what conditions that you felt being pressured into stating these things or at least confirming certain aspects.

A: The conditions at Bagram Air Base weren't very good. I saw a lot of things they did to people that they thought weren't telling the truth or were withholding information. That scared me. I was also sick and I suffered from allergies. I was sick everyday and under a lot of stress from the whole Afghanistan situation. I lost all my belongings, my money, and my friend. All this played a part.

Q: Specifically, at Bagram detention facility when you say they, were they Americans or Afghanis, who?

A: Americans.

Q: Have you described this treatment at any other time than here?

A: No, it was something I kept in.

Q: I would like to review for the record that those points that you mentioned that you felt were provided under pressure. Number six, regarding your guard duty with the Kalashnikov rifle by the front gate at a terrorist camp and just to confirm you never actually performed guard duty at any of the camps?

A: No (inaudible).

Q: Number seven where you stated that you were in contact with Usama Bin Laden at the training camp, you have since clarified again for the record that you just saw him at a distance and heard him speak.

A: Yes.

Q: I also believe you said the part about the bayat that you never actually swore one; you just admitted to that under pressure, is that correct?

A: Yes, that is correct.

Q: At what time did you decide to travel to Pakistan to get out of Afghanistan?

A: It was a long time. It was after 11 September. It was a difficult situation. I didn't have enough money, I wasn't with my friend, and I didn't have my belongings with me. I wanted to find my way back to Kandahar, find my friend, and get some money.

Q: You mentioned your friend a number of times and that you lost him. Can you give us his name and how you lost him?

ISN- [REDACTED]
Enclosure (3)
Page 7 of 8

UNCLASSIFIED / FOUO

3842

UNCLASSIFIED / FOUO

A: His name was Rasheed Ramadani.

Q: I assume when you say he was lost, do you know if he was killed, injured, or captured?

A: He was killed.

Q: I believe from the timeline that we have heard here, 11 September occurred while you were at the training camp is that correct?

A: Yes.

AUTHENTICATION

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


Tribunal President

COL USAF

UNCLASSIFIED / FOUO

ISN 
Enclosure (3)
Page 8 of 8

DETAINEE ELECTION FORMDate: 06 Nov 04Start Time: 0910End Time: 0940ISN#: [REDACTED]Personal Representative: [REDACTED] Major, USAF
(Name/Rank)Translator Required? YESLanguage? ENGLISHCSRT 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 [REDACTED] spoke fluent English and he acknowledged that he understood me. I briefed the CSRT process to him and he acknowledged that he understood it. He was very cooperative and asked intelligent questions during the interview. He elected to participate in his Tribunal.

Detainee [REDACTED] did not have any witnesses to call on his behalf and when asked about possible evidence to support his case, he could think of none. I reviewed the unclassified summary of evidence with him and he stated that he would have to think about whether or not he will make a statement during the Tribunal.

Personal Representative: [REDACTED]

UNCLASSIFIED//FOUO

Exhibit D-a

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (02 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – BELMAR, Richard Dean

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 the Taliban and al Qaida forces.

The detainee is associated with the Taliban and al Qaida forces.

1. The detainee is a citizen of the United Kingdom who traveled to Afghanistan to flee criminal prosecution and receive military training.
2. The detainee traveled from the United Kingdom to Kandahar, Afghanistan around July 2001, via the United Arab Emirates and Pakistan.
3. The detainee stayed at a house in Kabul, Afghanistan and received training in the assembling and disassembling of the AK47.
4. The detainee traveled to a terrorist training camp around 21 July 2001.
5. The detainee received basic weapons, war tactics, and navigation training at a terrorist training camp.
6. The detainee conducted guard duty with a Kalishnikov rifle at the front gate of a terrorist training camp.
7. The detainee was in contact with Usama Bin Laden while at a terrorist training camp.
8. The detainee stated he had one opportunity to fight the Northern Alliance forces in Kabul, Afghanistan.
9. The detainee was arrested by the Pakistani local authorities on 07 February 2002.
10. The detainee swore a bayat (oath or promise) to Usama Bin Laden.

UNCLASSIFIED

Exhibit R-3845

UNCLASSIFIED

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.

UNCLASSIFIED

Memorandum



To : Department of Defense Date 10/27/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 12/21/02

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

²See Executive Order 12958

UNCLASSIFIED

Exhibit

R2

PAGE 1 of 4
3847

UNCLASSIFIED

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 10/27/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED],
[REDACTED] or Intelligence Analyst (IA)

IA [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

Memorandum



To : Department of Defense Date 11/03/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 12/13/2002

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

²See Executive Order 12958

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/03/2004

If you need additional assistance, please contact
Asst. Gen. Counsel [REDACTED]
[REDACTED] or Intelligence Analyst (IA)

IA

UNCLASSIFIED

UNCLASSIFIED//FOUO

Personal Representative Review of the Record of Proceedings

I acknowledge that on 12 November 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

12 NOV 04
Date

ISN [REDACTED]
Enclosure (5)

UNCLASSIFIED//FOUO