



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 746

23 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 832**

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 #832 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

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3853

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19 Jan 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 # 832

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 #19 of 4 November 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. The detainee also made an unsworn statement in a question and answer format. See enclosure (3). The Tribunal considered the 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 exhibit R-5 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 #832 is properly classified as an enemy combatant was unanimous.

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.

Peter C. Bradford
PETER C. BRADFORD
LT, JAGC, USNR

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3854



Department of Defense
Director, Combatant Status Review Tribunals

4 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #19

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. Army; President

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

[REDACTED], Major, JAGC, U.S. Army Reserve; Member
(JAG)

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

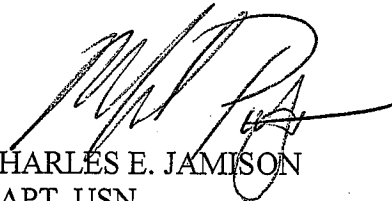
27 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 832

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].

for 
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: #19

(U) ISN#: 832

Ref: (a) Convening Order for Tribunal #19 of 04 November 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

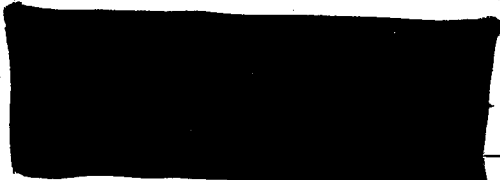
Encl: (1) Unclassified Summary of Basis for Tribunal Decision (U//~~FOUO~~)
(2) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) Summary of Detainee/Witness Testimony (U//~~FOUO~~)
(4) Copies of Documentary Evidence Presented (S//NF)
(5) Personal Representative's Record Review (U)

(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).

(U) The Tribunal has determined that Detainee #832 is properly designated as an enemy combatant as defined in reference (c).

(U) In particular, the Tribunal finds that this Detainee is a member of, or affiliated with, al Qaida and the Taliban, as more fully discussed in the enclosures.

(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. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #19
ISN #: 832

1. Introduction

As the Combatant Status Review Tribunal 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 and the Taliban. 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. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of the Taliban and associated with al Qaida. The Detainee is associated with Hizb-l Islami Gulbuddin. Hizb-l Islami Gulbuddin is a terrorist organization associated with al Qaida. The Detainee was the Chief of Border Department for the Taliban. The Detainee was the Taliban's Chief of Communication. The Detainee fought in the Russian jihad. The Detainee assisted in the exfiltration of al Qaida members from Afghanistan to Pakistan. The Detainee has passed messages to senior al Qaida members. The Detainee's name and phone number were discovered in a senior al Qaida member's house. The Detainee has participated in meetings with senior members of al Qaida and the Taliban. The Detainee chose to participate in the Tribunal process. The Detainee did not call any witnesses nor did he request that any classified or unclassified documents be produced and made an oral, unsworn statement. The Detainee, in his oral statement, denied being an al Qaida or Taliban member.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-15
- b. Testimony of the following persons: None
- c. Unsworn statement of the Detainee.

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

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

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Exhibit R-3 is the U.S. Department of Homeland security, "Terrorist Organization Reference Guide". 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 stated that he did work for the government of the Taliban. The Detainee stated that he was the Chief of the Border, in charge of border security about two and a half years before the Americans came. The Detainee stated that he was not helping nor did he know any al Qaida members. The Detainee stated that he did not belong to Hizb-L-Islami Gulbuddin. The Detainee stated that he worked for the U.S. government for 5 to 6 months and that the name of his point of contact was "Mark".

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 appropriate.

b. The Detainee understood the Tribunal proceedings. The Detainee asked no questions regarding his rights and actively participated in the hearing, as indicated in Exhibit D-a.

c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with al Qaida and the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: When you spoke about the witnesses, I did not understand that part.

Tribunal President: That your Personal Representative asked you whether you had any witnesses for this Tribunal.

Detainee: What for?

Tribunal President: It was an option if you wanted to address any of the issues on the unclassified summary of evidence.

Detainee: I don't know if I should present my witnesses here or in Afghanistan or where?

Tribunal President: That was an option we had. To be honest, we place a lot of weight on your oral statement.

Detainee: Basically, you should explain to me what would I need the witnesses for. I cannot have witnesses present here in Cuba.

Tribunal President: Most of the people that request witnesses do so to collaborate their story or to specifically address a point of the unclassified summary of evidence.

Detainee: I understand.

The Detainee elected not to take an oath but chose to make a statement.

Detainee: I speak but I don't swear.

Tribunal President: That's fine. You may begin.

Detainee: May I start now?

Tribunal President: Yes.

Detainee: In the name of Allah, the compassionate, the merciful. I am very happy to see you, that you took an oath in front of me and I the trust on that oath and if you don't do what you swear to, may Allah punish you.

If anyone could prove that I was a member of the Hizb-I Islami Gulbuddin or if I had any involvement with that organization, then I am guilty. If anyone could prove that I reported to any al Qaida leaders or if I had any connections with al Qaida, I am guilty again. If anyone could give you proof that I helped al Qaida or members in any way to go from Afghanistan to Pakistan then I am guilty as charged.

I did the job that was given to me by an American. I went to Pakistan and I tried very hard. Anything I did in Pakistan, Mark is a witness. Mr. Mark.

I did work for the government of the Taliban, I confessed it and I will confess again. I don't see anything wrong with it. The charges that you are telling me that I was in charge of the border. I was, but that was before the Americans came to Afghanistan.

I don't want to make it too long because for the past two and one-half years, we were speaking with the interrogators about the ten charges. The interrogators were telling me that I was with al Qaida and I was trying to tell them that I was not. They did not give me any benefit from what I told them and I don't think without making this longer, that I will get any benefit in the future.

The things are against me now are because I helped the government of Afghanistan and I helped the United States of America. I don't know that much where you can be charging me about helping al Qaida or to be a Hizb-I Islami Gulbuddin or that I did anything against the Americans. I don't know about these charges.

Now I am detained here and I think I will be detained here for a long time to come. There will be a time when you realize that keeping me here or what benefits I have for you or what benefits for you if my enemies are charging me with wrong accusations. You will all realize in the future. If this is guilt, that you give me a job to go find out about al Qaida, I tell you that yes, I went and I wanted to find out about al Qaida for you.

There are lots of good people and bad people that are in Kwest. You asked all of the bad people and did not ask any of the good people in Kwest about me. This Tribunal, I think that probably in 10 years time will be finished. I think it will never be finished.

I am here for this Tribunal for you to decide if I am guilty. You will tell me for how many years I will be here and if I am not proven guilty you should tell me that someday I might go home.

If you are here to decide to make a judgment about me or against me, I want you to use your humanity towards another human being. That is all I want from you. I'm sorry for taking your time and I'm sorry if I said something wrong.

Tribunal President: You covered some of the points on the unclassified summary, do you want to address each one with your Personal Representative?

Detainee: I don't want, but if you want, I don't have any problem with it. If she has any proof then she could interrogate.

Tribunal President: Let me tell you at this point, this unclassified summary of evidence is the only piece of evidence that this Tribunal panel has seen about you. We look at two things when we come into a Tribunal. One of the things that we look at is the information that the Recorder presents to us (unclassified summary of evidence), and the second thing is your statement. We may have some questions for you at this time. Will you be willing to answer our questions?

Detainee: Yes.

Tribunal Members' Questions to Detainee

Q: One of the allegations here, sir, is that your name and phone number was discovered in a senior member al Qaida's house?

A: Like whom?

Q: At this point that is the only information that we have. Based on that information, do you have any reason to believe that it may be true?

A: First, I don't believe my telephone number was found in anybody's house. Second, even if it was found, you provided the telephone number. The American made it up because everybody wants to be connected to one person or one group.

Q: Are you saying that you worked for the United States?

A: I think my file is full of these kinds of things.

Q: Do you have a point of contact that you actually made contact with while working for the United States?

A: I said previously that his name was Mark and that he was an American.

Q: And when was this?

A: Five to six months prior to my capture.

Q: And you were specifically doing what with this person named Mark?

A: I think that you are trying to make me tell you what's already in all my files. If you want, I will do it. If you want to give me something to do again, I'll try.

Q: So you'll give me the information to this Mark person?

A: Yes. After that Mark was gone from Kwost and after Mark left the job our connection was with another individual by the name of Nasir to Mark.

Q: Do you know what organization Mark worked for in the US?

A: I don't know but he was working in the province of Kwost.

Tribunal Members' Questions to Detainee

Q: Is it ever OK for a Muslim not to tell the truth?

A: No. For an infidel and for a Muslim, it's no good to tell a lie.

Q: Do you know any al Qaida members?

A: No. I swear to Allah that I don't know members of al Qaida. I heard the name al Qaida and I heard the name Bin Laden but I do not know.

Q: Have you ever worked with the organization Hizb-I Islami Gulbuddin?

A: I never did. If anyone can prove that I did work for that organization, then I am guilty.

Q: Have you ever belong to any organization or charity group?

A: At the time of the Jihad, at the time of the refuge, I belonged to a group called Haraket-e-Inqlab-e-Islami.

Q: Was this the Jihad against the Russians?

A: This was during the time of the refuge. The wounds on my body don't mean that I was part of Gulbuddin and the Jihad against the Russians. At that time I was a young boy, but I wish I fought against the Russians.

Q: I understand. I was trying to find out when did you belong to the organization.

A: That was during the time when President Rabani was in power of Afghanistan. That was long before the Taliban come.

Q: Do you have the spelling of the charity group?

A: Haraket-e-Inqlab-e-Islami.

Tribunal Members' Questions to Detainee

Q: When you worked for the Taliban, what did you do? How did you support the Taliban?

A: I was sitting in an office and working in an office.

AUTHENTICATION

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

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORMDate: 23 Nov 04Start Time: 08:30End Time: 09:00ISN#: 832Personal Representative: [REDACTED] MAJ., USAFTranslator Required? YES Language? PASHTUCSRT 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 speak to each piece of evidence.
Detainee requests PR read each piece of evidence one at a time and he will respond to each.
Detainee will not take the oath.
Detainee did not request any witnesses.
Detainee did not request any documentary evidence.

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (16 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – OMARI, Mohammad Nabi.

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, associated with al Qaida, and has participated in hostilities against the United States or its coalition partners.

- The detainee is a member of the Taliban and associated with al Qaida:
 - 1. The detainee is associated with Hizb-l Islami Gulbuddin.
 - 2. Hizb-l Islami Gulbuddin is a terrorist organization associated with al Qaida.
 - 3. The detainee was the Chief of Border Department for the Taliban.
 - 4. The detainee was the Taliban's Chief of Communication.
 - 5. The detainee fought in the Russian jihad.
 - 6. The detainee assisted in the exfiltration of al Qaida members from Afghanistan to Pakistan.
 - 7. The detainee has passed messages to senior al Qaida members.
 - 8. The detainee's name and phone number was discovered in a senior al Qaida member's house.
 - 9. The detainee has participated in meetings with senior members of al Qaida and the Taliban.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Memorandum



To : Department of Defense Date 11/15/2004
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 832 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 10/31/02

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

²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 11/15/2004

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

IA



3. 2
U.S. Department of Homeland Security
U.S. Customs and Border Protection
Office of Border Patrol

Terrorist Organization Reference Guide

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Location/Area of Operation

Pakistan and Kashmir. Trained members in Afghanistan until fall of 2001.

External Aid

Specific sources of external aid are unknown.

50. Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B) (Movement of Islamic Holy War)**Description**

The mission of HUJI-B, led by Shauqat Osman, is to establish Islamic rule in Bangladesh. HUJI-B has connections to the Pakistani militant groups Harakat ul-Jihad-i-Islami (HUJI) and Harak ul-Mujahidin (HUM), who advocate similar objectives in Pakistan and Kashmir.

Activities

HUJI-B was accused of stabbing a senior Bangladeshi journalist in November 2000 for making a documentary on the plight of Hindus in Bangladesh. HUJI-B was suspected in the July 2000 assassination attempt of Bangladeshi Prime Minister Sheikh Hasina.

Strength

HUJI-B has an estimated cadre strength of more than several thousand members.

Location/Area of Operation

Operates and trains members in Bangladesh, where it maintains at least six camps.

External Aid

Funding of the HUJI-B comes primarily from madrassas in Bangladesh. The group also has ties to militants in Pakistan that may provide another funding source.

51. Hizb-I Islami Gulbuddin (HIG)**Description**

Gulbuddin Hikmatyar founded Hizb-I Islami Gulbuddin (HIG) as a faction of the Hizb-I Islami party in 1977, and it was one of the major mujahedin groups in the war against the Soviets. HIG has long-established ties with Bin Ladin. In the early 1990s,

Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar offered to shelter Bin Ladin after the latter fled Sudan in 1996.

Activities

HIG has staged small attacks in its attempt to force US troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration (ATA), and establish a fundamentalist state.

Strength

HIG possibly could have hundreds of veteran fighters to call on.

Location/Area of Operation

Eastern Afghanistan (particularly Konar and Nurestan Provinces) and adjacent areas of Pakistan's tribal areas.

External Aid

Unknown.

52. Hizb ul-Mujahidin (HM)

Description

Hizb ul-Mujahidin, the largest Kashmiri militant group, was founded in 1989 and officially supports the liberation of Kashmir and its accession to Pakistan, although some cadres are proindependence. The group is the militant wing of Pakistan's largest Islamic political party, the Jamaat-i-islami. It currently is focused on Indian security forces and politicians in Kashmir and has conducted operations jointly with other Kashmiri militants. It reportedly operated in Afghanistan through the mid-1990s and trained alongside the Afghan Hizb-I-Islami Gulbuddin (HIG) in Afghanistan until the Taliban takeover. The group, led by Syed Salahuddin, is made up primarily of ethnic Kashmiris. Currently, there are visible splits between Pakistan-based commanders and several commanders in Indian-occupied Kashmir.

Activities

Has conducted a number of operations against Indian military targets in Kashmir. The group also occasionally strikes at civilian targets in Kashmir but has not engaged in terrorist acts elsewhere.

Personal Representative Review of the Record of Proceedings


I acknowledge that on 02 December November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #832.

☒ I have no comments.

☐ My comments are attached.

Maj  USAF
Name

2 Nov 04
Date


Signature