

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMED ABDUL RAHMAN,

Petitioner,

v.

GEORGE W. BUSH,

et al.,

Respondents.

Civil Action No. 05-0359 (GK)

DECLARATION OF J. L. HUNT

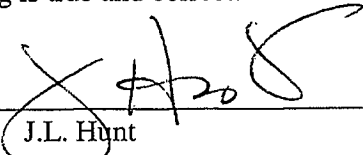
Pursuant to 28 U.S.C. § 1746, I, Commander J. L. Hunt, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals

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 Mohammed Abdul Rahman that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or are redacted. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: September 9, 2005



J.L. Hunt
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 612
13 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 894**

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 #894 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~~

13 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
 FOR DETAINEE ISN # 894

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

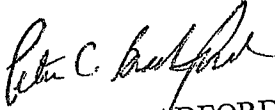
Encl: (1) Appointing Order for Tribunal #7 of 13 September 2004
 (2) Record of Tribunal Proceedings

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 and elected to participate.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-4 through R-6 was redacted. The FBI properly certified in exhibits R-2 and R-3 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.
- d. The Tribunal's decision that detainee #894 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
 LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #7

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, JAGC, U.S. Navy; Member (JAG)

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

08 December 2004

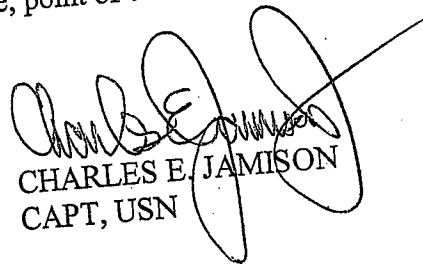
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 894

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

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

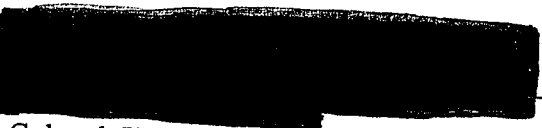
(U) TRIBUNAL PANEL: #7

(U) ISN#: 894

Ref: (a) (U) Convening Order for Tribunal #7 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/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee 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 6 November 2004, the Tribunal determined by a preponderance of the evidence that Detainee #894 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, Taliban and Al Qaida forces, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #7
ISN #: _____ 894

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 was part of or supporting Taliban and Al Qaida forces that are engaged in hostilities against the United States 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 Tribunal held this hearing on 6 November 2004. The Recorder presented Exhibits R-1 through R-3 during the unclassified portion of the Tribunal. Exhibit R-1, the Unclassified Summary of Evidence, indicates, among other things, that: the detainee is associated with Al Qaida and the Taliban; the detainee traveled to Afghanistan in 1998 and remained living in Afghanistan until 2001; the detainee stayed at an Algerian guesthouse on multiple occasions in Jalalabad, Afghanistan; the detainee stayed at a guesthouse that is associated with individuals who have trained at Al Qaida camps; and, the detainee associated with several terrorists. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings. He stated under oath that the allegations on the Unclassified Summary of Evidence are untrue and that he did not want to respond to them because he has no relation to them. He then answered questions posed by Tribunal members. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence and called no witnesses.

During the classified session of the Tribunal, the Recorder presented Exhibits R-4 through R-15, and the Personal Representative presented no classified exhibits. Both the Recorder and the Personal Representative commented on the classified exhibits. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-15 and D-a.
- b. Testimony of the following persons: None.
- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

The detainee requested no witnesses.

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 Exhibits R-1 through R-3 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. Exhibits R-2 and R-3 are FBI redaction statements, which provided no useful information. Accordingly, the Tribunal had to look to other evidence to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

b. As noted in paragraph 2, above, the detainee made a sworn statement at the hearing. When provided the opportunity to respond to each of the allegations on the Unclassified Summary of Evidence, the detainee declined, simply stating that the accusations were untrue and that he had no relation to them. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee stated that he traveled from Italy to Pakistan to find a wife and get off of his drug habit. He then went to Afghanistan, for only about one month, when conditions in Pakistan became dangerous for Arabs. He stated that he never stayed at a guesthouse, but instead rented his own residence while in Afghanistan. He also stated that he had never received any weapons training, and that he was not a member of the Taliban or Al Qaida. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In weighing all of the evidence, the Tribunal found the detainee's testimony unpersuasive when considered together with the classified evidence. 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

None.

7. Conclusions of the Tribunal

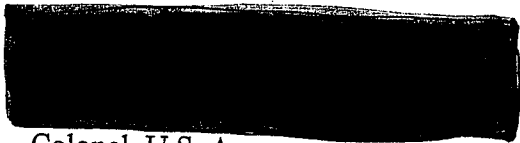
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- 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 and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban and Al Qaida forces that are engaged in hostilities against the United States or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R1 through R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

Tribunal President: Muhammad, you may now present any evidence you have to the tribunal. You have the assistance of your Personal Representative in doing so. Do you want to present any information to this Tribunal?

Detainee: What has been said is not true.

Tribunal President: Mohammad, would you like to answer or respond to the allegations that are in the Unclassified Summary of Evidence?

Detainee: I have nothing to say. All that has been said is not true. I have told my story five hundred times. I went to Pakistan for drugs. I was sick and I wanted to heal myself, so I went to Pakistan.

Tribunal President asked the detainee if he would like to make his statement under oath. The detainee replied he would and the Recorder administered the Muslim oath to the detainee. The Personal Representative then asked if the detainee wanted him to read the accusations so that he could respond to each one.

Detainee: I really don't want to respond to each one. All that I am saying is this. I went to Pakistan to get married and relax and to get out of what I was in.

Tribal President: Mohammad, is there anything else?

Detainee: That is all. This is my story.

Personal Representative: I could read the allegation and you can respond, or you can say what you would like to. Yes or No.

Detainee: I cannot respond to this because I have not relation to this evidence. So how could I respond to this?

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You said you went to Pakistan to find a wife?

A. Yes.

Q. Do you speak Pashtu?

A. No, I don't. I can speak a little bit.

Q. Where were you living before you went to Pakistan?

A. I was living in Italy.

Q. Did you get a Pakistani visa in order to travel?

A. Yes, I did.

Q. Have you ever traveled to Afghanistan? Why?

A. Yes, I did. There was a campaign against Arabs in Pakistan. I was a little scared, and so I went to Afghanistan for a little bit, then came back.

Q. When you came back into Pakistan, is that when you were captured?

A. No. I stayed there for a while. I was planning on going back to Europe, but I was unsuccessful.

Q. Where in Afghanistan did you stay?

A. In the place you just said, Jalalabad.

Q. When you were captured, did you have your passport with you?

A. No. I didn't have it.

Q. Where was it?

A. It was in another place and I couldn't get to it, so you can say that I lost it.

Q. While you were in Afghanistan, did you have any weapon training?

A. No.

Q. When did you go to Afghanistan?

A. I don't remember.

Q. Was it after the attacks on the World Trade Center in 2001?

A. I really don't know if it was before or after. All that I can tell you is that I was there just a short time.

Q. When were you captured? Where?

A. I don't remember. It was a border town. I don't remember the name.

Tribunal President's questions.

Q. Can you give us a general idea of how long you stayed in Afghanistan?

A. I didn't stay long.

Q. Was it one day, one week, one month?

A. Around one month, or more than that.

Q. How did you pay for you trip back and forth from Pakistan to Afghanistan?

A. I had my own money.

Q. Were you working in Pakistan?

A. No.

Q. Are you a member of Al Qaida or the Taliban?

A. No.

Q. Have you ever fought with Al Qaida or the Taliban?

A. No, I didn't fight with the Taliban or Al Qaida.

Q. Did you stay in a guesthouse when you were in Afghanistan?

A. No.

Q. Where did you stay while you were in Afghanistan when you were there for a month?

A. I was renting a house.

Q. You paid to stay in this house?

A. Yes, of course.

Q. Were there any soldiers or fighters at the house?

A. How could somebody stay in my house? My wife was there.

Q. You had your family there with you?

A. Yes.

Q. Were there other people staying there?

A. No. There was nobody.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the unclassified session of the Tribunal.

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 covers the signature of the Tribunal President.

Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 2 Nov 2004

Start Time: 1000 hrs

End Time: 1020 hrs

ISN#: 894

Personal Representative: MAJOR [REDACTED]
(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:

Wants to participate and make an oral statement. Denied all charges but doesn't wish to elaborate. May answer questions.

Witnesses Requested : 0

Follow-up Required: No

Personal Representative: [REDACTED]

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (19 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – RAHMAN, Mohammed Abdul

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 detainee is associated with al Qaida and the Taliban.

The detainee is associated with al Qaida and the Taliban:

1. Detainee traveled to Afghanistan in 1998 and remained living in Afghanistan until 2001.
 2. Detainee stayed at an Algerian guest house on multiple occasions in Jalalabad, Afghanistan.
 3. Detainee stayed at a guest house, which is associated with individuals who have trained at al Qaida camps.
 4. The detainee associated with several terrorists.
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.

Memorandum



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

Date 10/14/2004

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 894 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 02/12/2003

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

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/14/2004

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

Memorandum



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

Date 11/05/2004

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.

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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 894 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 02/10/03
FD-302 dated 02/13/03

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, 11/05/2004

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

[REDACTED] IA [REDACTED]

Personal Representative Review of the Record of Proceedings

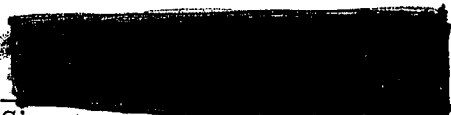
I acknowledge that on 9 November 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #894.

I have no comments.

My comments are attached.


Name

9 Nov 2004
Date


Signature

ISN #894
Enclosure (5)