

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MURAT KARNAZ, *et al.*)
)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1135 (ESH)
)
)
 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:

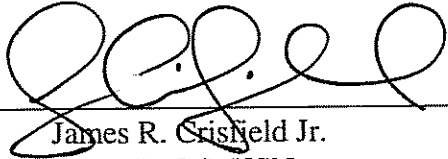
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Murat Karnaz 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 that would personally identify members of the detainee's family and 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: 15 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0215
15 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.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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14 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

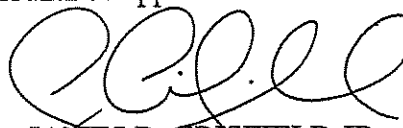
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal 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 a sworn statement at 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). Note that the Tribunal's several references to "Exhibit R-12" in paragraph 1 of enclosure (2) to their Decision Report appear to be typos. The Tribunal was more likely referring to exhibit R-19.
- 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 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

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

6 October 2004

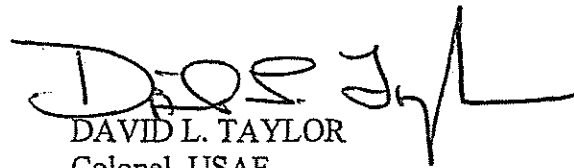
MEMORANDUM FOR DIRECTOR, CSRT

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.


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: #5

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 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)
(4) (U) Copies of Documentary Evidence Presented (S//NF))
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 30 September 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 30 September 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 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]
Colonel, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #5

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 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 evidence presented to the Tribunal by the Recorder indicated that the detainee is a member or ally of al-Qaida or its network and that the detainee participated in activities with a group that is part of al-Qaida network. Those allegations are as follows:

1. The detainee admitted he traveled from Frankfurt, Germany to Karachi, Pakistan (via plane), to Islamabad, PK (via plane), and to Lahore, PK (via bus) and unnamed village (vicinity of Peshawar, PK) and attempted travel back to Peshawar when he was arrested and brought into custody.
2. The timeline associated with the detainee is as follows: Became associated with an Islamic missionary group named Jama'at-Al-Tabliq in June 01, the United States is attacked on 11 September 01, travels to PK on 3 October 01, continues travels until his capture.
3. Detainee is a close associate with, and planned to travel to PK with, an individual who later engaged in a suicide bombing. Selcuk Bilgin possibly is the Elananutus suicide bomber.
4. The detainees stated he received free food, lodging and schooling from a NGO known to support terrorist acts against the United States while traveling in PK. He was sponsored by this NGO.
5. The detainee admitted that the school in Lahore, PK was run by this NGO, specifically the NGO President.

The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. He made a sworn verbal statement in which he attempted to explain the reasons for his trip to Pakistan and denied being a member of al Qaida.

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-24
- b. Sworn testimony of the detainee

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

The Detainee requested no witnesses; no rulings were required.

The Detainee requested no additional evidence be provided.

5. Discussion of Unclassified Evidence

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

a. The Recorder offered Exhibits R-1, R-2 and 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. Exhibit R-2 is an Affidavit of [REDACTED] Mrs. [REDACTED] is the detainee's mother and provided the detainee's background and confirmed the date the detainee departed Frankfurt, Germany to Pakistan. Exhibit R-3 is a sworn affidavit of Bernhard Docke, a lawyer retained for the detainee's Habeas Corpus case. The Tribunal found this information somewhat helpful in making its determinations, but considered the sworn testimony of the detainee. The detainee explained that he frequented a mosque in Bremen, Germany that was considered moderate in its views of Islam and tolerant of other religions; however, it also housed a branch of the Jama'at-Al-Tabliq (JT), a Muslim missionary organization, alleged to support terrorist organizations. The detainee stated that an Imam for JT advised the detainee to travel to Pakistan to immerse himself in the study of Islam. The detainee then purchased a ticket to Pakistan, and with this friend Selcuk Belgin, they began their travels. Upon checking in for the flight to Pakistan in Frankfurt, the detainee's friend, Mr. Belgin, was arrested. Mr. Belgin stated that he was arrested because he had outstanding warrants as a result of his dogs biting people. Mr. Belgin is the alleged Elalanutus suicide bomber. Once in Pakistan, the detainee testified that he traveled to Lahore to attend the JT Muslim school there and traveled to Peshawar, Pakistan for further studies. Upon his return from Peshawar to Lahore the Pakistan Police stopped the

bus he was traveling on and arrested him. The Pakistani Police asked the detainee about Mr. Belgin and his relation with the detainee and then turned him over to Americans who transferred him to Bagram Airbase for further travel to Guantanamo Bay, Cuba. Tribunal had to look to the detainee's sworn statement and 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 testimony and the affidavits submitted by the detainee's mother and habeas attorney. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). He denied being a member of al Qaida, but confirmed that he went to Pakistan to study the Koran at the advice of a Jama'at-Al-Tabliq Imam. The Tribunal found certain aspects of the detainee's testimony persuasive, but also turned to classified sources for further clarification.

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. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, USAF
Tribunal President

Summarized Sworn Detainee Statement

[When the Tribunal President described the Tribunal process to the Detainee, the Translator stated he needed a short recess. During the recess, the first Translator was replaced with another Translator for the Tribunal process. During the recess, the Tribunal President gave the Oath to the new Translator.]

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

Tribunal President: Do you have any questions concerning the Tribunal process?

Detainee: I will wait.

Tribunal President: If you have a question, you may ask it at that time.

[After the Recorder presented the Unclassified Summary and read paragraph 3.a.3: "Detainee is a close association with, and planned to travel to Pakistan with, an individual who later engaged in a suicide bombing. Bilgin possibly is the Elalanutus suicide bomber." The detainee asked the following question:

Detainee: Where are the explosives? What bombs?

[Recorder to Tribunal President:] Sir, I don't believe I can answer in this session.

Tribunal President: I certainly cannot answer because this is the first time I have seen this evidence. It is my understanding that anything remaining concerning this individual (Bilgin) is in the classified session.

Detainee: Should I answer the question now, or later?

Tribunal President: You will have an opportunity in a moment to address this in any matter you would like.

When asked by the Tribunal President if he wanted to make a statement, the detainee stated yes and provided his statement after electing to be sworn. The detainee testifies essentially as follows:

Detainee: I am here because Selcuk Bilgin had bombed somebody? I wasn't aware he had done that. My association with him is not as a terrorist. We exercised together at the gym and played sports. We both raised dogs, and because of this common interest, we became very good friends. Even though he was several years older than me, he was like a big brother. I wasn't aware he had done those things. I don't need friends like that. I am a Muslim from Germany. I didn't start praying until I was eighteen or nineteen years old. My parents are not Muslim and they don't pray. My religion is peaceful. No one

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has the right to kill anyone because they don't pray. If I were a terrorist, I wouldn't have needed to go to Pakistan. For example, if I killed people because they didn't pray, I would have started with my mother and father. They would be the first ones I would have killed, because they didn't pray. I love my mother and father more than anyone. I also have a lot of friends that don't pray. At the time I didn't pray, no one had the right to kill me because of it.

I never supported terrorists and I still don't support terrorism. I just want peace, to be a Muslim, and pray to God. That is the reason I wanted to study Islam from Jamayat Al Tabliq. Now I hear Jamayat Al Tabliq supports terrorism. I never knew that. The Muslims in Germany are peaceful people. They never talked about terrorist acts or that they support terrorism.

I have a lot of German friends that are Christians. If I supported terrorism and killing Christians, I could have done that in Germany. It would have been easier than traveling to Pakistan. My reason for going to Pakistan wasn't to kill anyone or learn about weapons, it was to study Islam. In Germany, Islam was only taught on weekends; therefore, it would take a few years to learn what would only take a month in Pakistan. Turkey and Saudi Arabia also had schools, but they also took longer. I didn't have any connections with any Muslims in Saudi Arabia. The Muslims I knew in Germany talked about the school in Pakistan. Although I didn't know them very well, I believed they studied Islam in Pakistan. That is the reason I went to Pakistan.

When I went to the school in Lahore, I asked if I could study Islam. I was told they would have to ask their leader. His name was (inaudible). I was then told that the leader wasn't in Pakistan; therefore, I couldn't talk to him. I was given a room for the night and food. The next morning, before I left, I was given breakfast. It was the day the war started in Afghanistan with the Americans.

After I left Lahore, I visited Jamayat Al Tabliq in different mosques. In one of the mosques, Mohammad helped me study Islam. He told me he would get me free food. It wasn't really free food. About five people would buy food for the ten to twenty people that were there. The next day, someone else would buy the food the next day.

I don't remember the exact date, but I was in Pakistan four or five weeks before I was put in jail. At that time, I learned a lot about the Koran and how to pray. The Pakistani's pulled me off the bus to talk to me. They told me they wanted to check my citizenship paperwork. I didn't understand what they were saying because they were talking in their native language. They ended up taking me to a room and asking me questions. A man with a turban wanted to know what I was doing in Pakistan. He had asked if I was an American or a journalist. After I told him I was a Turkish citizen living in Germany, he telephoned someone. After asking me several more questions, he took me to a room and told me to relax. I was then told I could use my plane tickets to go home. I explained to them I had a Visa. I asked them why so many questions? I didn't do anything wrong in Pakistan. They told me there wasn't any problems, they just wanted to take me to the

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Enclosure (3)
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airport. Later that evening, I was told I had to sleep with the prisoners. I had no choice the police had guns. The next I knew I was put in chains and my eyes were covered. I was taken to a house and put in isolation for approximately one week. After I was interrogated, I was taken back to the underground jail. Later, Americans came and interrogated me. After two days, a mask was placed over my head and I was handed over to the Americans. I was put on a plane and taken somewhere. I was told it was Kandahar, but I wasn't sure. After a few months, they brought me to Cuba.

I didn't do anything wrong in Pakistan nor did I harm anyone in any country. I have never been to America, before or after 11 September. I didn't have any reason to go to Afghanistan. My Visa was issued in Germany to travel to Pakistan not Afghanistan.

(inaudible) told me Selcuk had blew up himself and someone else. I never knew about that and he had never done anything like that before. When I knew Selcuk, he was a good friend of mine. He exercised a lot; he was a nice guy. After Selcuk got married, we didn't spend much time together. He didn't go to the gym as often and I was busy studying art.

A few weeks after I started going to the Mosque to pray, I saw Selcuk at the mosque praying. I told him about my trip to Pakistan. He told me he thought going to Pakistan was a good idea and he wanted to go with me. I never knew he was a terrorist or that he thought about those kinds of things. I am not an expert in Islamic religion, but I know the Koran says if you kill yourself, you will go to hell. That is one reason why I can't support terrorism. Terrorists kill themselves and several others.

My family is in Germany. A terrorist attack could occur there anytime and my parents could be killed. I have never supported terrorism in anyway. I am smart enough to realize terrorism has nothing to do with Islam. I didn't know Jamayat Al Tabliq supported terrorism because that was never discussed and I never saw anything to indicate they did. I enjoyed living in Germany. I don't hate anyone because of his religion. I have never had problems with Christians or anyone else. Many of my German friends are Christians. We work and eat together.

I have never supported terrorism. I hate terrorist. I am here having lost a few years of my life because of Usama Bin Laden. His beliefs show Islam in the wrong way. I am not angry with Americans. Many Americans died on 11 September in the terrorist attack. I realize the Americans are trying to stop terrorism. I think it is very noble. All countries should do the same thing. Because Usama Bin Laden said he is a Muslim and he has killed many people, several Muslims were arrested. I am a Muslim, but I am not a terrorist. If I could prevent terrorism, I would. Islam is a peaceful religion. It should not be mixed up with terrorism. I don't know why Usama Bin Laden hates certain countries and other religions. Usama Bin Laden wants help from all Muslims. What he is doing has nothing to do with Islam. I am a Muslim, I am fasting, but I don't hate anyone because of his religion. There wasn't a war between America and Saudi Arabia. The

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Americans have a right to defend themselves after the attack by Muslims on 11 September. I am sure 11 September had nothing to do with Islam.

I have never received any military training. The Turkish Army wanted me in the military. I didn't go. I took a few years (inaudible). I don't like the Army. I like doing different jobs. I am not a terrorist and I have never supported terrorism. If any Muslim talked to me about terrorism, I would tell them to their face it was wrong. I would do everything I could to stop them. I don't have any proof to show you, but I didn't harm or kill anyone. I didn't steal anything from anyone.

I went to study in Pakistan at the wrong time. I wasn't aware there was a war going on in Afghanistan. I heard on the news Americans wanted to stop Usama Bin Laden with special teams and mortars or something. I didn't know the war had started. When I traveled to Pakistan the war hadn't started. Even if the war was going on in Afghanistan, it had nothing to do with Pakistan. For over twenty years Turkey has been at war with the PKK. I went to Turkey several times on vacation but knew there were problems, so I returned to Germany. I never saw any fighting in Pakistan. I was nineteen when I took my trip to Pakistan. It was probably the wrong time to go. I didn't know I would get arrested because of my skin color or because I was from Germany.

I hope you will judge me on the truth. I am not an enemy combatant. If I were, I would tell you. Enemy combatants go to jail in their own country. I would be much more comfortable in jail in my country, than I am here. I won't lie just to go to jail in my country. I want my freedom back because I am not a terrorist.

Tribunal President: Personal Representative do you have any questions for the detainee?

Personal Representative: No.

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

Recorder: Yes Sir.

Summarized Answers in Response to the Recorder

Q. You said you did not know that Selcuk Bilgin was a terrorist or involved in suicide bombings. Is that correct?

A. Yes.

Q. How long were the two of you friends?

A. We have been friends since I was sixteen. We were good friends until he got married in 2000. I never knew he experimented with bombs. He never talked about it. We just

exercised and raised dogs together. While we were in Germany, he never had anything to do with explosives. If he had something to do with explosives after my arrest, I'm sure the German government was aware of it. The German government can verify I wasn't in Germany at the time.

Q. Jamayat Al Tabliq supported you in your travels to further your studies in Islam. Did you know Jamayat Al Tabliq supported terrorism?

A. You asked me two questions right?

Recorder: Beginning with the statement the Jamayat Al Tabliq supported you.

Detainee: The Jamayat Al Tabliq in Germany is not the same as it is in Pakistan. In Germany, they talked about Islam in Pakistan and how beautiful it was over there. They also talk about the big school. They didn't help me go to Pakistan, but they did tell me a lot about the school. So, I decided to go.

Q. While at the school, you were supported with food and lodging?

A. I said before, they didn't support me with food. I slept there only one night. They gave me dinner and breakfast. Everything else I paid for myself.

Q. Are you aware that Jamayat Al Tabliq was associated with or supported terrorism?

A. I didn't know anything about it. I am not saying they aren't terrorists, maybe they are, but I wasn't aware of it.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you were in Germany, did the Jamayat Al Tabliq have an Imam or a Sheik?

A. The Jamayat Al Tabliq had a mosque, it is called (inaudible) there is a Imam but he is not a (inaudible). He stayed in a mosque and sat with other groups. There are two different groups in the mosque, the Jamayat Al Tabliq and another group. (inaudible)

Q. Did that Imam have the authority to issue Fatwas?

A. That Imam was young. I don't know if he issued Fatwas or not. I sat with him many times at the mosque and talked, but I never saw him issue a Fatwa.

Q. So you never heard of a Fatwa for Jihad at any of the mosque you prayed at in Germany?

A. I didn't hear anything about it.

Q. Did the Pakistanis say why they arrested you?

A. They told me at first they just wanted to check my citizenship and they asked me a few questions. They were very nice and said they just wanted to send me back to my country. They said they were going to take me to the airport, but they didn't. They put me in isolation, before turning me over to the Americans.

Q. Did you have something on you that they didn't like? Or did they just pull you off the bus because you looked German? Is that the only reason you can think of?

A. I'm not sure. I couldn't understand them. I looked Irish. They told me they wanted to see my citizenship paperwork. I was asked if I was American or British? I told them I was Turkish, but I lived in Germany. I was then asked if I had any cameras or if I was a journalist? After that, they drove me to another place. They asked me different questions than the Americans. The Americans asked me if I was a terrorist.

Q. Did they ask you if you were al Qaida or Taliban?

A. No. The first time I was asked about al Qaida or the Taliban was by the Americans, in Pakistan.

Q. How long were you in Pakistan?

A. I went there on the third of October. I was arrested during the first days of Ramadan. I know this because I was fasting. Maybe it was the third or fourth day of Ramadan.

Tribunal President: Near the middle of November, the third week.

Q. Did you have your Visa with you when the Pakistanis captured you?

A. Yes. I had it. They may have thrown it away, but I have proof. You can ask the German government. I got my Pakistani Visa from the Pakistani Embassy in Germany. I mentioned during my arrest that my Visa was still good. They said they knew it.

Q. The Pakistanis told you they knew?

A. Yes. They told me they had my passport and citizenship paperwork.

Q. As far as you know, the Pakistanis still have it?

A. Yes.

Q. When you were back in Germany, and talking about Jamayat Al Tabliq. Did you ever become a member of that organization?

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A. No, I wasn't a member. Even though I went to Pakistan, I didn't become a member. I lived with them for a few weeks in different mosques.

Q. When you got to Pakistan, they only let you stay in their school for one night?

A. It was not a school. It was a special (inaudible) protected place. When you went through the gates, the place was large. There was a mosque, a school, and a big library. I didn't study there. They just gave me a room to stay in for one night. It was a big hutta with several rooms. I went to the office to see about studying, but they told me they couldn't help me. After that, I went to the Mosque to pray. While I was there, I went to the office, the hutta and the mosque.

Q. After that, you moved on and went to different mosques around Pakistan?

A. Yes.

Q. You lived with other people and it was a communal living arrangement. One person would buy food one day and someone else would buy food the next day depending on who had money?

A. Pakistan is not an expensive country. Food is very cheap. Two or three people would buy fresh bread and other items. They would store the food until it was gone, then someone else would go buy some more. Everyone bought food.

Q. How many other guys were with you?

A. Ten, sometimes thirty. Never less than ten.

Q. You spent one night at the hotel in the school and the rest of the time

Detainee: Now I remember the name of it. Jamayat Al Tabliq School was called Mosul Center. The leaders name was Kaz A (inaudible).

Q. After that one night, the rest of the time, before being taken by the Pakistani authorities, you were moving around the country?

A. Yes, I moved to different mosques until I was arrested. I went to several mosques. I enjoyed seeing different things. I would go to the market, and I enjoyed watching what they did with the cobras. I also studied.

Q. So, you were sightseeing when you weren't studying?

A. I'm not sure what you call it. I would study some and go to the market. In Pakistan, several people who practiced Kung Fu. I saw Ninja and Kung Fu gyms. It was

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interesting because I didn't get to see those things in Germany. I was only nineteen; I couldn't sit in the mosque twenty-four hours a day.

Tribunal member: I would like to talk about Mr. Bilgin for a minute:

Q. You said you were good friends for a while until he got married. You didn't see him very often?

A. Everything about him, from his clothing to his car changed. His wife was very jealous. I didn't see much of him after his marriage because he stopped going to the gym and I started studying and working. Three times a week I worked at a factory and twice a week I went to school. I didn't have much time to go home and relax. I would go from work to the gym. When I got home, it was time to go to sleep. I had to get up early the next morning. On weekends I would go to the mosque. He didn't like to work. His wife worked.

Q. How often did you see him during that time period? Once a week, once a month, or less than that?

A. Sometimes I saw him twice a week, sometimes twice a month.

Q. Just if you ran into him at the gym or something like that?

A. Sometimes at the gym. Usually if I saw him, it was at the gym.

Q. When you decided you were going to Pakistan to study, you saw him in the mosque after you made that decision and you talked to him about it?

A. Yes, I think I saw him on a Friday prayer. He had started going to the mosque to pray. He said he also made the decision to go to Pakistan to study the Koran. He didn't tell me that day, but the next day, during the weekend.

Q. Did he actually go to Pakistan with you?

A. No, I mentioned before we had dogs. Selcuk had a lot of dogs. The dogs are only loyal to their owners. If the dogs get loose in the city, they are likely to harm someone. One day, Selcuk's dogs escaped and one of them bit somebody. In Germany, if a dog bites someone, the owner is liable. I didn't know it, but Selcuk hadn't paid anything. When we were at the Frankfurt airport, passport control, the German police checked their computers and told Selcuk he had to pay the fine. I don't remember the amount he owed. Selcuk was told he had to pay it before he could leave Germany. Selcuk asked me if I had the money to pay the bill? I told him I didn't. They kept his passport and took him to another room. The police asked me if I was going to stay with Selcuk, or if I was going to leave. I said I was leaving. That was the last time I saw Selcuk. At that time, I didn't know he was involved in terrorism.

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Q. Did you ever travel to Afghanistan when you were in Pakistan?

A. I never went to Afghanistan. I didn't even think about it. If I were going to Afghanistan, I would have got a Visa while I was in Germany. If you had my passport, you verify I had a two month Visa for Pakistan. I didn't have a Visa for Afghanistan.

Q. How long did you intend to stay in Pakistan?

A. When I left Germany, I planned on staying a month, or maybe a little longer. Since things with the school didn't work out in Pakistan, it took a bit longer. I was there for about four or five weeks. I was planning on returning to Germany because I had gotten married in Turkey, and I wanted to take my wife to Germany for another ceremony.

Tribunal President: You got there on the third of October, and you were detained approximately on the third or fourth day of Ramadan. That would have been about the twentieth of November. So, that was almost two months that you were in Pakistan. Ramadan started on the sixteenth of November that year.

A. I said before I don't remember the exact time. I may have made a mistake by about one or two weeks.

Tribunal President: It's okay, I understand.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: I want to know if I have to stay here, or if I can go home?

[The Tribunal President explained the process to the Detainee]

Detainee: If I go back home, I will prove that I am innocent. If I learn of any terrorist groups or plots, I will notify the German authorities to show them I don't support terrorism, so I can sleep well.

Q. Personal Representative, do you have any other evidence to present to this Tribunal?

A. No, Sir.

[The Tribunal was reconvened by the President to state for the record the Translator's name and to explain the Translator had taken the Oath during the recess when he took over. The Oath was taken outside of the Tribunal room, because at the time, the press and the Detainee were in the Tribunal room.]

AUTHENTICATION

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

[REDACTED]

Col, USAF

Tribunal President

DETAINEE ELECTION FORM

Date: 28 Sep 04

Start Time: 0805

End Time: 0845

ISN#:  _____

Personal Representative:  MAJOR, USAF
(Name/Rank)

Translator Required? IN CASE Language? TURKISH/ENGLISH

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? NO

Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

Detainee wants to participate and make an oral statement.

Detainee did not request any witnesses.

Detainee speaks sufficient English but occasionally uses translator for words that he does not understand.

Personal Representative: 

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (22 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal: KARNAZ, Murat

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 he is a member of or an ally of the Al Qaida or its network.
 - a. The detainee is a member or ally of Al Qaida or its network:
 1. The detainee admitted he traveled from Frankfurt, Germany to Kurachi, Pakistan (via plane), to Islamabad, PK (via plane), and to Lahore, PK (via bus) an unnamed village (vic of Peshawar, PK) and attempted travel back to Peshawar when he was arrested and brought into custody.
 2. The timeline associated with the detainee is as follows: Became associated with an Islamic missionary group named Jamayat Al Tabliq in June 01, US is attacked on 11 September 01, travels to PK on 3 October 01, continues travels until his capture.
 3. Detainee is a close associate with, and planned to travel to PK with, an individual who later engaged in a suicide bombing. Bilgin possibly is the Elalanutus suicide bomber.
 - b. The detainee participated in activities with a group that is part of the Al Qaida network.
 1. The detainee stated he received free food, lodging and schooling from an NGO known to support terrorist acts against the United States while traveling in PK. He was sponsored by this NGO.
 2. The detainee admitted that the school in Lahore, PK was run by this NGO, specifically the NGO President.

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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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I, [REDACTED] of [REDACTED], Germany being duly sworn, depose and state as follows:

1. I am the mother of Murat Kurnaz and a citizen of Turkey.
2. I was born on February 2, 1958 in Turkey. I married [REDACTED] born on July 24, 1955. In 1971 we immigrated to Germany and we have lived for 32 years in Bremen. My husband has worked for 25 years at a factory of Daimler-Chrysler in Bremen. We have 4 children: [REDACTED] born on November 11, 1978, living in Bremen, married, mother of [REDACTED], who is 4 years old [REDACTED] born on March 19, 1982, who lived in our household till October 2001; [REDACTED] born on March 12, 1989; and [REDACTED] born on February 2, 1996. Due to the German laws of citizenship my children inherited the Turkish citizenship of their parents. I take care of the children and the house, and my husband is working and earns net 1.700 € per month. This is our family income.
3. Murat went to elementary school at Glockenschule in Bremen. After 4 years he changed to the Parsevalstrasse junior high school in Bremen which he completed. Murat attended a vocational school for a year and started a vocational training as a shipbuilding engineer.
4. Murat had a very normal childhood. He had German, Italian and Turkish friends. He loved his dog and dreamed of becoming a farmer one day. He was absolutely peaceful and solved all of his problems without violence. When he was 18 the Turkish Government

wanted him to serve in the Army. Murat asked to be allowed to defer military service, and this was allowed. He never got any military training.

5. All members of my family are Muslims. We practice our faith in a very tolerant way, and we have never dictated to our children the way of that they should live. Nobody wears orthodox clothes. We fully accept the German way of living.

6. In the summer of 2001 Murat had a Muslim marriage with [REDACTED] in Turkey. He had planned an additional big wedding ceremony for the beginning of 2002. [REDACTED] received a visa for her visit in Germany. However, Murat left Germany on October 3, 2001 and has never been able to come back.

7. As he had got older, like many children, Murat had become more serious in his interest in his religion, and he told us he wanted to study the Koran at a school in Pakistan. Many Muslim children do this, because it is a cheap place to do such studies, although we were worried about him going there. He left Bremen on October 3, 2001 to go to Karachi, Pakistan. He planned to come back after a few weeks' study. However, he apparently got arrested and we were later told that he was in US custody at Guantánamo.

8. Murat wrote to us more than one time saying that he never left Pakistan and did not do anything wrong. He expressed the hope that he would be released soon. The last card was written in Guantánamo in March 2002 and arrived with us in Bremen in May 2002. Since that time I have received no further correspondence from my son and I am very

concerned and worried about his mental and physical status. He has been a good son and he would not want me to be worrying like I do.

9. I have been desperate to find out what is happening to my son, and try to find out I have written several letters and got in contact with the German State Department, the Embassy of the United States of America in Berlin, the Turkish Consulate and the International Red Cross. Nobody has been able to help me, or give me concrete information. The US Ambassador suggested that I ask the Turkish State Department, but Turkey told me, regretfully, that they lacked any information, and the German State Department told me, also with regret, that it was powerless given Murat's Turkish citizenship.

10. To the best of my knowledge, Murat has been in Guantánamo since January 2002. No charges have been levelled against my son. He has apparently not been brought before a judge since he was detained.

11. In May 2002, I contacted German attorney, Bernhard DOCKE, of Bremen. He agreed to represent the interests of my son Murat as best he could from Germany.

12. I am quite certain, based on the messages I have received and from everything I know of him, that my son wants my assistance and support and would want me to take appropriate legal action on his behalf. Consequently, I wish to act as his "next friend."

13. In this capacity, I have retained and hereby request and authorize Bernhard DOCKE, attorney, or those he has associated with (including Michael RATNER, the Center for

Constitutional Rights (CCR) in New York, and lawyers associated with CCR including Clive STAFFORD SMITH and Joe MARGUILES), to act on my own and my son's behalf and to take whatever legal steps they consider to be in our best interests.

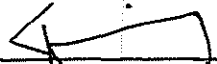
14. I know the facts deposed to herein to be true of my own knowledge.

15. I was instructed by the authorising Notary about the legal consequences of a false affidavit. I do hereby state in lieu of oath that my statement is accurate.

Sworn by the Deponent at New York on this 7 day of March, 2004

_____ 

Before me:

_____ 

SHAYANA D. KADIDAL, Esq.
Notary Public, State Of New York
No. 02KA6095022
Qualified In New York County
Commission Expires June 30, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MURAT KURNAZ,)
 Detainee, Camp Delta;)
)
 [REDACTED])
 as Next Friend of MURAT KURNAZ)
)
)
 Petitioners,)
)
 v.)
)
)
 GEORGE W. BUSH,)
 President of the United States)
 The White House)
 1600 Pennsylvania Ave., N.W.)
 Washington, D.C. 20500;)
)
 DONALD RUMSFELD,)
 Secretary, United States)
 Department of Defense)
 1000 Defense Pentagon)
 Washington, D.C. 20301-1000;)
)
 ARMY BRIG. GEN. JAY HOOD,)
 Commander, Joint Task Force - GTMO)
 Guantánamo Bay Naval Station)
 Guantánamo Bay, Cuba; and)
)
 ARMY COL. NELSON J. CANNON,)
 Commander, Camp Delta,)
 Guantánamo Bay Naval Station)
 Guantánamo Bay, Cuba)
)
 Respondents.)
 All sued in their official and individual)
 capacities.)

AFFIDAVIT OF BERNHARD DOCKE

I, **BERNHARD DOCKE**, of [REDACTED], Germany being duly sworn, depose and state as follows:

1. I am an attorney and partner of the law firm Dr. Heinrich Hannover und Partner, Bremen. I have been retained by [REDACTED] to act on her behalf and on behalf of her son Murat Kurnaz, who is presently detained by the United States military at Camp Delta, Guantánamo Bay Naval Station, Cuba (Guantánamo). I got engaged on May 27, 2002. Annexed hereto is a copy of my designation as attorney for [REDACTED] and her son Murat.

2. After Murat Kurnaz left Germany in October 3, 2001 to go to Pakistan, the Prosecutors Office in Bremen started an investigation to try to learn whether Mr. Kurnaz was involved in illegal activities they thought that he might have traveled to Pakistan to get in contact with the Taliban and take part in the conflict with US forces. The German General Prosecutor took over, and after months of intensive investigations he came to the conclusion that there was no indication that Mr. Kurnaz was involved or in contact with any terrorist groups. According to the Prosecutors Office Mr. Kurnaz has no prior convictions.

3. I was in correspondence and talks with the German State Department of Germany, the Turkish Embassy, the International Red Cross and the Prosecutor's Office. Nobody could give me details on the place, date, and circumstances of Mr. Kurnaz' arrest nor specific reasons for the ongoing detention, because the US authorities would provide no such information.

4. The family of Murat Kurnaz has no current information about his health. The last card they received was dated March 2002. No mail from Mr. Kurnaz has been delivered since that time. The family is very worried and is suffering under the uncertainty.

5. Apart from the information discussed above, I have received no other communication concerning Mr. Kurnaz' detention at Guantánamo.

6. Consistent with the family's wishes, I have discussed the case with Clive Stafford Smith, and authorize him, Joe Margulies, Michael Ratner, any member of the Center for Constitutional Rights, or their assigns to take whatever action they deem suitable on Mr. Kurnaz' behalf. Mr. Kurnaz' mother wishes to act as his "next frined" and has specifically authorized such an action on her son's behalf.

7. I was instructed by the authorising Notary about the legal consequences of a false affidavit. I do hereby state in lieu of oath that my statement is accurate.

Sworn by the Deponent at New York on this 7 day of March, 2004

[Handwritten Signature]

Before me:

[Handwritten Signature]

SHAYANA D.KADIDAL, Esq.
Notary Public, State Of New York
No. 02KA6095022
Qualified in New York County
Commission Expires June 30, 2007

Personal Representative Review of the Record of Proceedings

I acknowledge that on 3 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.

Date: 4 OCT 04



Maj. [REDACTED] USAF
Personal Representative

ISN # [REDACTED]
Enclosure (5)