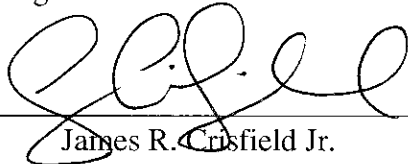




hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



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

OARDEC/Ser: 0198  
11 October 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

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

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

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

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

J. M. McGARRAH  
RADM, CEC, USN

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

**FOR OFFICIAL USE ONLY**

9 Oct 04

## MEMORANDUM

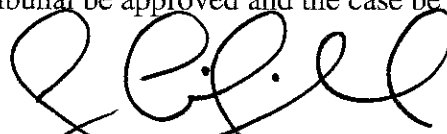
From: Legal Advisor

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 an unsworn 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).
  - 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

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

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 27 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 27 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 the Taliban 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 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 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 of the Taliban and that the detainee participated in military operations against the United States and its coalition partners. Those allegations are as follows:

1. The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.
2. Upon entering Afghanistan, detainee sought out Taliban members.
3. The detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three-month period.
4. The detainee was present in Kabul during the United States air campaign.
5. The detainee was injured in an aerial bombing attack near Khowst, Afghanistan.
6. The detainee was identified as a Yemeni mujahid who trained at al-Farouq training camp and was captured at Tora Bora, Afghanistan.

During the detainee's testimony to the Tribunal, he denied most allegations made against him, except the allegation that he sought out Taliban members and that he attended training, but not combat training. Yet during testimony, a Tribunal board member asked what type of training the detainee attended and the detainee responded that he received training with the Kalashnikov. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. After all matters were considered, the preponderance of evidence clearly showed that the



detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-17
- b. Testimony of the following person: none

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

The Detainee requested no witnesses be produced for the hearing.

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 Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to rely the detainee's testimony and looked 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 testimony. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that most accusations made against him alleging his status as an enemy combatant were false. He denied being a Taliban fighter, but confirmed that he sought out a Taliban member, but only to receive training. The detainee also confirmed that he received training with the Kalashnikov rifle. The detainee denied that he was a Taliban fighter, but that wounds inflicted on the detainee were received during an American bombing raid in Afghanistan. The Tribunal did not find the detainee's testimony persuasive and thus, 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 the Taliban.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

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

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee answered, "No."

[The Recorder read paragraph 3.a], "The detainee is a member of, or associated with, the Taliban."

Detainee: No.

[The Recorder read paragraph 3.a.1], "The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training."

Detainee: I'm not sure of the date, but the training was not for fighting.

Tribunal President: You will be given an opportunity to address each of these in just a moment. For now just let the Recorder read those to us, we have not heard them before.

[The Tribunal President asked if the Detainee wanted to make a statement under oath.]

Detainee: A lot of the statements here are incorrect.

Tribunal President: Would you like to make your statement to us under oath?

Detainee: You read and I'll tell you if it's wrong or right.

Tribunal President: Very well. Personal Representative would you like to go through these with the Detainee please.

Personal Representative: Concerning item 3.a.1, the detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.

Detainee: I don't know the date and the training was without fighting.

Personal Representative: Previously he discussed that the training is a type of preparation and is a religious obligation.

Detainee: I did not say that. I said training only.

Personal Representative: Concerning item 3.a.2, upon entering Afghanistan, detainee sought out Taliban members.

Detainee: Yes.

Personal Representative: Concerning item 3.a.3, the detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three month period.

Detainee: The trips were not as a courier and it was nine trips not ten.

Personal Representative: Concerning item 3.b, the detainee participated in military operations against the United States and its coalition partners.

Detainee: No.

Personal Representative: Concerning item 3.b.1, the detainee was present in Kabul during the United States air campaign.

Detainee: I was starting to leave.

Personal Representative: Concerning item 3.b.2, the detainee was injured in an aerial bombing attack near Khowst, Afghanistan.

Detainee: Yes.

Personal Representative: Concerning item 3.b.3, the detainee was identified as a Yemeni mujahid who trained at Al-Farouq training camp and was captured at Tora Bora, Afghanistan.

Detainee: No.

Personal Representative: And when we spoke, he reiterated that he was not mujahid.

Detainee: Yes.

Personal Representative: He never trained and was captured in Pakistan.

Detainee: Yes.

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

Detainee: No.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you travel to Afghanistan?

A. For training.

Q. What kind of training?

A. Anything.

Q. Any kind of training?

A. Nothing, just small things like the Kalashnikov.

Q. So, military training?

A. I don't know. Does everyone know this is military training?

Q. You said yes to the question about when you entered Afghanistan you sought out Taliban members? Why did you seek out Taliban members?

A. Just something for me. I take what I want and then leave.

Q. When you say take what you want, are you talking about the training you wanted?

A. Yes.

Q. And the Taliban was providing the training?

A. No, I didn't see them.

Q. You said you took nine or ten trips between Kabul and Kandahar if they were not for a courier, what were those trips for?

A. To search for training.

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

Detainee: No.

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.

Tribunal President



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**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (20 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal - ISMAIL, Sadeq Muhammad Sa'Id

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 Taliban fighter.
  - a. The detainee is a member of, or associated, with the Taliban:
    1. The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.
    2. Upon entering Afghanistan, detainee sought out Taliban members.
    3. The detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three month period.
  - b. The detainee participated in military operations against the United States and its coalition partners:
    1. Detainee was present in Kabul during the United States air campaign.
    2. Detainee was injured in an aerial bombing attack near Khowst, Afghanistan.
    3. The detainee was identified as a Yemeni mujahid who trained at al-Farouq training camp and was captured at Tora Bora, Afghanistan.

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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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**Personal Representative Review of the Record of Proceedings**

I acknowledge that on <sup>w</sup>28 September 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: 28 SEP 04

[REDACTED]

Lt Col. [REDACTED] USAF  
Personal Representative

ISN # [REDACTED]  
Enclosure (5)