

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TASBIT VOKHIDOV

Petitioner,

v.

GEORGE W. BUSH,

et al.,

Respondents.

Civil Action No. 05-0621 (PLF)

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 Tasbit Vokhidov 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 other detainees and certain U.S. Government personnel and foreign nationals 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: 0546

21 DEC 2004

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From: Director, Combatant Status Review Tribunals

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 090**

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 # 090 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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19 Dec 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 090

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 Sep 04
(2) Record of Tribunal Proceedings

1. A 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 and actively participated in the Tribunal proceeding. He made a sworn oral statement to the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. Additionally, exhibit R-3 was redacted to protect the identity of the translator.
- d. Exhibits R-3, R-4, R-5, and R-6 contain handwritten notes in the margins. These notes appear to be aids in directing the Tribunal to the source of the information in the Unclassified Summary provided to the detainee. These notes do not alter the evidence nor do they affect the legal sufficiency of the documents.
- e. The detainee requested one witness, a fellow detainee, who was permitted to testify.
- f. The Tribunal's decision that detainee # 090 is properly classified as an enemy combatant was unanimous.
- g. The detainee's Personal Representative was given the opportunity to review the record of proceedings and affirmatively declined to submit comments.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 090

2. The proceedings and decision of the Tribunal as recorded in enclosure (2) 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.



T. A. McPALMER
CDR, JAGC, USN

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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

03 November 2004

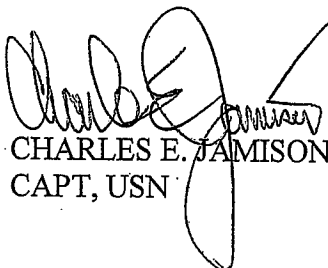
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 090

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#: 090

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 and Witness Testimony (U/~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Tribunal President's memo of 6 October 2004 (U)
(6) (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 28 October 2004, the Tribunal determined by a preponderance of the evidence that Detainee #090 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 or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners, 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 #: _____ 090

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 or Al Qaida forces, or associated 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 commenced this hearing on 28 October 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee is a supporter of the Taliban and/or Al Qaida; the detainee was recruited by the Islamic Movement of Uzbekistan (IMU), a foreign terrorist organization, to work in Tolidara, Tajikistan; the detainee was then transported by helicopter from Tajikistan to Afghanistan in January 2001; the detainee spent time at three offices of the IMU while in Afghanistan; the detainee received training on the Kalashnikov rifle and admitted carrying a Kalashnikov rifle and standing guard duty in Afghanistan; the detainee claims to be an IMU fighter who was expelled from Tajikistan, with other IMU members, by the Tajik government; and, after spending about nine months in Afghanistan, the detainee was captured by General Dostum's Northern Alliance forces in November 2001. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings and responded under oath and with the assistance of his Personal Representative to each of the allegations on the Unclassified Summary of Evidence. In sum, the detainee denied being an IMU fighter or fighting against the United States or its coalition partners. 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 also requested that [REDACTED] (ISN # [REDACTED]) be made available to testify on behalf of the detainee. The Tribunal President granted the detainee's request after finding the proffered testimony relevant and the witness

reasonably available (see Enclosure (5) to the CSRT Decision Report). Accordingly, ISN # [REDACTED] testified under oath at the Tribunal proceeding. In sum, he stated that he and the detainee thought they were being recruited to serve in the official Tajikistan army, not the IMU, and that he did not see the detainee in Afghanistan until after they both had been captured by the Northern Alliance. The witness's sworn testimony is summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-11 without comment. The Personal Representative presented no classified evidence and made no comments on the classified exhibits. The Tribunal then closed for deliberations and voting. After considering all of the classified and unclassified evidence, including the detainee's sworn testimony, 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-11 and D-a.

b. Sworn testimony of the following persons:

ISN # [REDACTED] – See Enclosure (3) to the CSRT Decision Report.

c. Sworn testimony of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

As noted above in paragraph 2, the detainee requested that ISN # [REDACTED] be made available to testify at the Tribunal hearing. The detainee asserted that ISN # [REDACTED] would testify that the detainee went to Tolidara, Tajikistan, to join the Tajikistan army – not to join the IMU. As noted above, the Tribunal President approved the detainee's witness request and the witness testified at the detainee's Tribunal.

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 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. 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, with the assistance of his Personal Representative, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Personal Representative and the Tribunal members. In sum, the detainee indicated he did not know he was being recruited for the IMU, but thought he was being recruited for the Tajikistan army. Once he reported to the organization's base in Tajikistan, they took his passport and he could not leave. He was subsequently transported by a Tajikistan government helicopter to Konduz, Afghanistan. He wanted to leave Afghanistan, but the IMU in Kabul would not give him back his passport. They did, however, let him attend a madrassa in Kabul. After five months at the madrassa, where he stood guard duty with a Kalashnikov rifle, a teacher recommended he go to Mazar-e-Sharif, as that was a place from which he could get out of Afghanistan. Three months later, he was captured in Mazar-e-Sharif by Northern Alliance forces. He denied ever being an IMU fighter or fighting anyone. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

c. At the request of the detainee, [REDACTED] (ISN # [REDACTED]) also testified under oath at the hearing. He stated that he and the detainee thought they were being recruited to serve in the official Tajikistan army, not the IMU. He stated he did not know until after he arrived in Afghanistan that he was serving in the IMU. He also stated he arrived in Afghanistan the day after the detainee did, and did not see the detainee again until after they both had been jailed by Northern Alliance forces. The witness's sworn testimony is summarized in Enclosure (3) to the CSRT Decision Report.

The Tribunal found the detainee and the witness'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 or Al Qaida forces, or associated 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 Detainee Statement

Tribunal President: Sobit, I understand that you have asked for a witness?

Detainee: Yes.

Tribunal President: Your witness is here.

Detainee: Yes, he is in this place.

Tribunal President: We will bring the witness in after we talk to you. We would like to review the allegations on the Unclassified Summary, and then we will ask you questions, and then we will bring in the witness. We will ask the witness questions and then you may ask the witness questions. Do you understand?

Detainee: Yes.

Tribunal President: Sobit, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so.

Detainee: Well, previously I told the Personal Representative, and he can explain everything.

Tribunal President: Okay. Do you want to comment after the Personal Representative makes his responses?

Detainee: Whatever I told him earlier or before the Tribunal, I want him to explain everything.

Tribunal President: Would you like to make a Muslim oath?

Detainee: Yes, I do.

The Detainee was sworn using the Muslim oath.

Tribunal President: Personal Representative, would you please assist us with reading the allegations?

Personal Representative: Yes, ma'am.

3.a. The detainee is a supporter of the Taliban and /or Al Qaida.

Personal Representative: He said this is not true.

Detainee: Yes.

3.a.1. The detainee was recruited by the Islamic Movement of Uzbekistan (IMU) to work in Tolidara, Tajikistan.

Detainee: Yes, I was there.

Personal Representative: Yes, he was not aware that the organization was the Islamic Movement of Uzbekistan.

Detainee: Yes, I didn't know about it.

Personal Representative: He further said that he thought he was going to join the Tajik army as a member.

Detainee: Yes, in Tajikistan.

Personal Representative: And the man who lied to them about this was named [REDACTED]

Detainee: Yes.

Personal Representative: He is not aware of any Uzbekis in Tajikistan.

Detainee: I didn't know.

Personal Representative: Yes, and so when we referred to the Islamic Movement of Uzbekistan, he is not aware of them existing in Tajikistan.

Detainee: Yes, I did not know.

Personal Representative: And there were three people in this group who were lied to.

Detainee: There were three of us.

Personal Representative: Yes, and one of them will be a witness today.

3.a.2. The State Department lists the IMU as a foreign terrorist organization.

Personal Representative: He has no knowledge of this organization.

Detainee: When I went there, I did not know, and I was not aware.

Personal Representative: He first heard of the organization when he arrived in Afghanistan.

Detainee: Yes.

3.a.3. The detainee was then transported by helicopter from Tajikistan to Afghanistan in January 2001.

Detainee: I did not want to come to Afghanistan.

Personal Representative: Yes, he did not want to go and he did not know what the destination was.

Detainee: Well, they took away our passport, so I was kind of forced to go with them.

Personal Representative: And [REDACTED] was the man who took his passport. Men around [REDACTED] had guns.

Detainee: Yes.

Personal Representative: And it was clear if anyone asked questions, they would be shot.

Detainee: They told me not to ask too many questions. I was asking about my passport and they told me do not ask any more questions.

3.a.4. The detainee spent time at three offices of the IMU while in Afghanistan.

Detainee: Yes, I was there.

Personal Representative: And Konduz, Afghanistan was his first stop.

Detainee: Yes.

Personal Representative: And two days later he was taken to Kabul, and that is where he found out about the existence of the IMU.

Detainee: Yes.

Personal Representative: He wanted, but was unable, to leave Afghanistan.

Detainee: Yes.

Personal Representative: The closest he could get to escaping was to go to a madrasa in Kabul.

Detainee: Yes.

Personal Representative: And for 5 months, he tried to plan leaving Afghanistan.

Detainee: Yes. I wanted to run away.

Personal Representative: And the teacher at the madrasa, advised him that Mazir-e-Sharif was the place to go to get out.

Detainee: There was another gentleman that came, and he told me to go with him.

Personal Representative: And he spent 3 months in Mazir-e-Sharif trying to get home.

Detainee: Yes.

Personal Representative: And then that is where he was captured.

Detainee: Yes.

3.a.5. While in Afghanistan, the detainee received training on the Kalashnikov, and learned how to assemble and disassemble the rifle.

Detainee: I learned how to use the Kalashnikov in my hometown.

Personal Representative: Yes, he said that all males in the 10th grade in Tajikistan took a one-week camp.

Detainee: Yes.

Personal Representative: And part of that training was firing the Kalashnikov rifle.

3.a.6. The detainee admitted carrying a Kalashnikov rifle and standing guard duty in Afghanistan.

Detainee: That Kalashnikov did not belong to me, but since I was staying at the madrasa, I had to be a guard for the place.

Personal Representative: And this guarding was not as a soldier.

Detainee: It was only for the security of the madrasa. They told us there were a lot of thieves around the madrasa, so it was just for safety and we never even held the Kalashnikov in our hands. It was hanging by the door.

3.b.1. The detainee claims to be an IMU fighter who was expelled from Tajikistan, with other IMU members, by the Tajik government.

Detainee: I never said that I fought for the IMU and I am not part of the IMU. The only thing is I went to the office of the IMU was to get my passport. I did not go for any other reason.

Personal Representative: And he also said that he has never fought against the United States.

Detainee: Never. I never fought against any country.

Personal Representative: And he later learned that it was the Tajik government that provided the helicopter to take him from Tajikistan to Afghanistan.

Detainee: Yes.

3.a.2. After spending about nine months in Afghanistan, the detainee was captured by General Dostum's Northern Alliance forces in November 2001.

Detainee: Yes, that's correct.

Personal Representative: He said that was true.

Personal Representative: That summarizes our discussions from the unclassified evidence.

Detainee: Yes.

Tribunal President: Sobit, would like to add anything else to those comments?

Detainee: No, there is nothing.

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

Personal Representative: No, ma'am.

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

Recorder: No, ma'am.

Tribunal President: Do any Tribunal members have any questions for the detainee?

Member: Yes, ma'am. Who else were you captured with?

Detainee: When I was captured by the Afghans?

Member: By Afghans. By the Northern Alliance. General Dostum.

Detainee: It was early in the morning. We were in the room. There were three other people, two I did not know, but the other one was a doctor. Somebody knocked on the

door, and I opened it, and this person came and without saying anything, he just said, "Who are you?" I told him I was a Tajik, and then he arrested me.

Member: Did he arrest everyone?

Detainee: I did not see who they arrested because they took me right away and removed me from the room.

Member: Okay. That's all I have right now, ma'am.

Member: Were there any fighters at the madrasa at all?

Detainee: They were very young boys.

Member: So what were you doing at the madrasa?

Detainee: We were learning religion. Islamic lessons.

Member: Weren't you much older than the other people attending the madrasa?

Detainee: Yes, I was older.

Member: Then why did they allow you to stay there?

Detainee: Because I did not know how to do the Islamic prayers. So I went there, I wanted to learn how to do pray. I wanted to learn the Islamic rules and prayers.

Member: Did you ever do any fighting against the Northern Alliance or General Dostum's forces?

Detainee: Prior to my arrest, I'd never seen them. When they arrested me, I came to know who they were. Until they arrested me, I never heard of them before, so I had nothing to do with them.

Member: The person that we are going to have as a witness a little later – how was he captured? Was he captured with you?

Detainee: He was arrested somewhere else.

Member: Was he arrested by General Dostum?

Detainee: I believe so.

Member: And he came to Afghanistan at the same time you did?

Detainee: Almost the same time. Maybe a day or two difference.

Member: So he wasn't on the helicopter with you?

Detainee: No, he was not.

Member: Did you get any type of military training at all in Afghanistan?

Detainee: The only thing they taught me was they showed me how to hold the Kalashnikov and how to fire it. But I knew that, because I learned it in my country.

Member: Who showed you that?

Detainee: It was a man. I don't remember his name.

Member: Was he part of the madrasa, or was he someplace else?

Detainee: I am not really sure if he was studying in the madrasa or not.

Member: So for the three months before you were captured, you were in Mazir-e-Sharif the whole time?

Detainee: Yes, I was.

Member: I have no further questions.

Detainee: Thank you.

Tribunal President: Help me to understand what the madrasa is?

Detainee: It is like a school, where you learn religious education.

Tribunal President: Where did you live while you were attending the madrasa?

Detainee: I was in the madrasa.

Tribunal President: Do you feel like you've ever joined any other organization, like Al Qaida or the Taliban, or any other terrorist organizations?

Detainee: I never heard of Al Qaida before. When I came here, I heard there was an Al Qaida group. In the interrogation, they asked me if I knew about Al Qaida, and I said I don't know. Then the interrogator explained it to me.

Tribunal President: What did you do when you were visiting the IMU offices. At one time, you said you went to get your passport and you went to two other offices. What did you do there?

Detainee: The President of IMU promised that he was going to return my passport, and that why I was waiting there.

Tribunal President: Okay. That was at the Konduz office, or was it at the Kabul office?

Detainee: I spent the night in (inaudible) while going to Kabul, and there was a family, they were Uzbek, who lived there.

Tribunal President: Okay. The question was, you went to each of these offices to try to get your passport. Which office was it that you stayed to get your passport?

Detainee: I went to the offices, but I did not get my passport.

Tribunal President: You said that you were recruited by someone. What was the man's name?

Personal Representative: [REDACTED]

Tribunal President: [REDACTED] What did he say to you to get you to go with him?

Detainee: He took away my passport. He promised me that once everything goes smoothly, we will work for him.

Tribunal President: And at that point you thought you were going to be working for the Tajikistan army?

Detainee: Yes, I was in Tajikistan. I was thinking the same thing.

Personal Representative: As a clarification, [REDACTED] first invited him to join the Tajik army.

Detainee: Yes.

Personal Representative: And then [REDACTED] took his passport and made other promises.

Tribunal President: Okay.

Detainee: Yes.

Tribunal President: Now I understand. Thank you. Do any other Tribunal members have any other questions?

Member: Just one follow-up. Where were you when you learned about the attacks on the buildings in the United States on September 11, 2001?

Detainee: I was in [REDACTED] office.

Member: In what country?

Detainee: Afghanistan.

Member: No further questions.

Detainee: Thank you.

Tribunal President: Personal Representative, do you have any other evidence or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: Yes, ma'am. [REDACTED]

Tribunal President: Okay. We are going to take a brief recess to allow the witness to come in.

The hearing recessed at 1355. The hearing re-opened at 1400. All parties present prior to recess were again present, together with the witness and two guards.

Tribunal President: [REDACTED]? Is that correct?

Witness: Yes.

Tribunal President: Do you understand that you are here as a witness for Sobit?

Witness: Yes.

Tribunal President: And that this is not your Tribunal?

Witness: I understand.

Tribunal President: This Tribunal will ask you questions, and also Sobit will ask you questions. And you will be allowed to make any statement that you would like. Do you understand?

Witness: Yes.

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

Recorder: No, ma'am.

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

Personal Representative: Yes, ma'am.

Tribunal President: [REDACTED], would you like to take the Muslim oath?

Witness: Yes.

The Witness was sworn using the Muslim oath.

Tribunal President: Thank you. Personal Representative, you may proceed.

Personal Representative: How long have you known Sobit?

Witness: Since I was a child.

Personal Representative: And can you tell us about [REDACTED] and him inviting you to join the Tajik army?

Witness: Yes. We met [REDACTED] at the train, and he offered us a job to work for the Tajik army. So we would work for the Tajik army and we will get a military I. D. and also money. We agreed. That's it.

Personal Representative: And when did you realize that you weren't going to be joining the Tajik army?

Witness: Me, personally, I found out in Afghanistan. In Afghanistan I found out.

Personal Representative: How did you get to Afghanistan?

Witness: Is that question for me or Sobit?

Personal Representative: For you.

Witness: Who's Tribunal is that?

Tribunal President: This is Sobit's Tribunal.

Witness: Okay, I am here as Sobit's witness, so those questions are not relevant to me.

Tribunal President: And you are not compelled to answer these questions, but it may help us to understand Sobit's story.

Witness: Okay, I am a witness for Sobit, not for myself.

Tribunal President: So, do I understand that you do not want to answer that question?

Witness: Okay. Any pertaining to myself, I am not going to answer. But if it is relevant to Sobit's case, I will answer it.

Tribunal President: Personal Representative, do you want to re-word your question?

Personal Representative: Did you travel with Sobit to Afghanistan.

Witness: No.

Personal Representative: Yet you arrived in Afghanistan at about the same time?

Witness: I arrived the next day.

Personal Representative: Did you stay together in Afghanistan?

Witness: We were in jail together.

Personal Representative: Where were you in jail together?

Witness: Sheberghan. There is a jail there.

Personal Representative: That's all I have.

Tribunal President: Do any of the Tribunal members have questions for the witness?

Member: I have one. Were you captured with Sobit?

Witness: No.

Member: No. That's all I have, ma'am.

Member: You found out that you were IMU when you arrived in Afghanistan. Was Sobit also IMU?

Witness: I didn't see Sobit in Afghanistan. I only saw him in jail.

Member: Do you know if he was IMU, like you?

Witness: No, I don't know.

Member: Did you and Sobit try to go back to Tajikistan once you learned that you weren't going to be joining the Tajik army?

Witness: When I found out, I didn't see Sobit anymore.

Member: No further questions.

Tribunal President: When was the last time you saw Sobit?

Witness: Where?

Tribunal President: When was the last time you saw Sobit, before coming here?

Witness: In Tajikistan.

Tribunal President: And where were you at that time?

Witness: In Lajar.

Tribunal President: Is Lajar a city?

Witness: It is a military base where [REDACTED] took us.

Tribunal President: Okay, was [REDACTED] the person that invited or encouraged you and Sobit to join the army?

Witness: Yes.

Tribunal President: And how did you know [REDACTED]?

Witness: We just met him in the train.

Tribunal President: Did you ever see Sobit receive any military training in Tajikistan or Afghanistan?

Witness: No.

Tribunal President: Sobit indicated that his passport was taken away from while he was at the military base. Can you tell me about that story?

Witness: I don't know how he lost his passport or how it got taken from him.

Tribunal President: Was your passport taken away from you while you were at the military base?

Witness: Yes.

Tribunal President: Do you why they took your passport away from you?

Witness: They told us that when basic training is over, we will return your passport.

Tribunal President: What type of training did you and Sobit receive while you were at the military base?

Witness: We did not have any training.

Tribunal President: How long were you there at the military base?

Witness: Two weeks.

Tribunal President: What did you do for the two weeks that you were there?

Witness: Who?

Tribunal President: You and Sobit.

Witness: I did not understand the question.

Tribunal President: What did you and Sobit do for the two weeks you were at the military base?

Witness: Just work.

Tribunal President: What type of work did you do?

Witness: I collected wood.

Tribunal President: Collecting what?

Witness: Wood. Fire wood.

Tribunal President: Sobit, was that part of military training to collect wood?

Detainee: No, I did not collect wood.

Tribunal President: What did you do the two weeks you were there?

Detainee: There was wood in the house and we would break them to burn it in the fire.

Tribunal President: Sobit, would you like to ask your witness any questions?

Detainee: No, I do not.

Tribunal President: Do any Tribunal members have any questions.

Members: No, ma'am.

Tribunal President: We will take a brief recess while the witness is taken out of the room.

The hearing recessed at 1415. The hearing re-opened at 1422. All parties present prior to recess were again present. The witness and the two guards are now absent.

Tribunal President: Sobit, do you have anything else that you would like to add?

Detainee: No, thank you. I do not.

Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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

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

Colonel, U.S. Army
Tribunal President

Detainee Election Form

Date/Time: 2 SEP 04

Start/End Time: 0940-1115

ISN#: 090

Personal Representative:
[Name/Rank]

Lt Col



Translator Required? YES

Language? Russian / Tajik is better

CSRT Procedures 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:

has a witness: Polite & calm.



Personal Representative

Unclassified

Combatant Status Review Board

31 August 2004

TO: Personal Representative

FROM: OIC, CSRT

Subject: Summary of Evidence for Combatant Status Review Tribunal – Vakhidov, Sobit Abdumukit Valikhonovich

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 supporter of the Taliban and/or al-Qaida.

a. The detainee is a supporter of the Taliban and/or al-Qaida:

1. The detainee was recruited by the Islamic Movement of Uzbekistan (IMU) to work in Tolidara, Tajikistan.

2. The State Department lists the IMU as a foreign terrorist organization.

3. The detainee was then transported by helicopter from Tajikistan to Afghanistan in January 2001.

4. The detainee spent time at three (3) offices of the IMU while in Afghanistan.

5. While in Afghanistan, the detainee received training on the Kalashnikov, and learned how to assemble and disassemble the rifle.

6. The detainee admitted carrying a Kalashnikov rifle and standing guard duty in Afghanistan.

b. The detainee participated in military operations against the coalition.

1. The detainee claims to be an IMU fighter who was expelled from Tajikistan, with other IMU members, by the Tajik government.

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2. After spending about nine (9) months in Afghanistan, the detainee was captured by General Dostum's Northern Alliance forces in November 01.

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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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 6, 2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN 090

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.

¹Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

²See Executive Order 12958

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MEMO FOR RECORD
TO: PR #44
FROM: TRIBUNAL # 6

6 October 2004

SUBJECT: ISN # 090 Request For Witnesses/Documents

The Tribunal reviewed the request from Detainee #090 to contact Detainee # [REDACTED] to have him appear at the Tribunal as a witness. The Detainee indicated Detainee # [REDACTED] would testify that Detainee #090 went to Tolidara, Tajikistan to join the Tajikistan Army, not to join the Islamic Movement of Uzbekistan (IMU), a foreign terrorist organization.

The Tribunal has determined Detainee #090 witness request is deemed relevant, reasonable and is approved.

[REDACTED]
COL, USA,
Tribunal President

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Enclosure (5)

Personal Representative Review of the Record of Proceedings


I acknowledge that on 29 October 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #090.

I have no comments.

My comments are attached.


Name

29 OCT 04
Date


Signature

ISN #090
Enclosure (6)