

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

YUSEF ABDULLAH SALEH AL RABIESH,)
)
)
Petitioner,)
)
v.) Civil Action No. 05-1714 (RWR)
)
GEORGE W. BUSH, *et al.*,)
)
Respondents.)
_____)

DECLARATION OF TERESA A. McPALMER

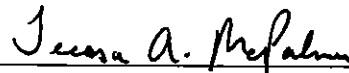
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Yusef Abdullah Saleh al Rabiesh that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: 22 December 2005



Teresa A. McPalmer
CDR, JAGC, U. S. Navy



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 320
10 November 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 109**

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 #109 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 black ink, appearing to read "J. M. McGARRAH".

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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SOUTHCOM (CoS)
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OARDEC (Fwd)
CITF Ft Belvoir

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9 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

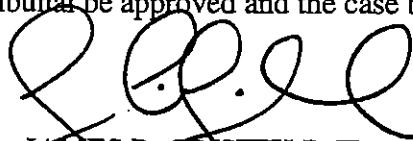
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 109Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and 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).
- d. The detainee requested no witness nor did he request any classified or unclassified documents be produced.

The detainee did not request any other evidence.

- e. The Tribunal's decision that detainee # 109 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

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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. Marine Corps Reserve; President

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army;
Member (JAG)

[REDACTED], Lieutenant Colonel, U.S. Air Force; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

22 October 2004

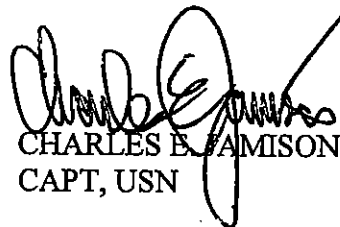
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 109

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: #12

(U) ISN#: 109

Ref: (a) (U) Convening Order for Tribunal #12 of 29 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/Witness Testimony (U/~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 9 October 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 9 October 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee #109 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 al Qaida, and was also part of or supporting the Taliban forces, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #12

ISN #: 109

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, or affiliated with, al Qaida and also was part of, or supporting, the Taliban forces 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 unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee was a Taliban fighter and participated in military operations against the coalition. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. The Detainee made a sworn verbal statement. In his verbal statement, the Detainee denied being a Taliban fighter and stated that he did not participate in military operations against the coalition.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-b and R-1 through R-7.
- b. Testimony of the following persons: Sworn statement of the detainee.

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

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

5. Discussion of Unclassified Evidence

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

a. The Recorder offered 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 look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and his preparatory notes for that testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In addition, the Detainee's sworn testimony notes are included as Exhibit D-b. After translation, this exhibit comprises now 11 total pages. In sum, the Detainee testified that he would attempt with all his might to prove that the accusations against him are not correct. There are things in there that are very wrong. It is taken from a fictional story about him. The Detainee claims the real story is that he traveled to Afghanistan in order to bring his younger brother back to Saudi Arabia. His brother had traveled to Afghanistan to join jihad and was fighting with the Taliban. While there, and by the time he was able to link up with his brother, the Taliban front lines had broken and the Northern Alliance had surrounded Konduz, preventing his brother and him from departing Afghanistan. Both he and his brother eventually were taken prisoner by the Northern Alliance.

c. The Tribunal weighed the Detainee's testimony but also noted that it was substantially contradicted by information contained in the classified exhibits. For this reason the Tribunal considered the Detainee's statement, in large part, not worthy of belief.

d. 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 requested or deemed necessary.

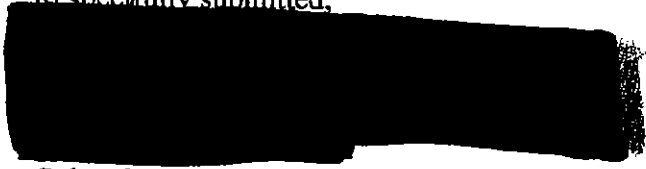
b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement***The Detainee was administered the Muslim oath.***

First I want to thank all of the Tribunal Members for giving me a chance to defend myself. It was important for me to show and prove the time period and how difficult it was for me. I didn't have much time. The things I had to prepare myself with are limited or not there at all. I will try, with all my might, to prove to you with logical evidence, those accusations against me are not correct. There are things in there that are very wrong. It is taken from a fictional story about me.

I have said this in Dostum's prison from the beginning. Additionally, the dates of my travel through Pakistan...

[Dostum's people] made me write the story in prison that was not true. When I told them the true story, I was tortured. I was forced to confess to the things they wanted me to say. That's what they wrote down and used against me.

I stayed with the same story, the untrue story in Kandahar, due to the torture on me and others. I also received torture in Cuba. I feared being tortured again, all the kinds of torture you could think of, like it was in the beginning.

A Saudi agent came, and I told him the whole truth, which makes me question why that was not presented to you from the beginning. No one knows, and you don't know this because of all the accusations that were made against me.

I will try hard to prove my story to you if the Tribunal Members and Judges would like me to.

I will make a comment about my name. My name is Yusef Abdullah Saleh Al Rubesh, R-U-B-E-S-H. I left Saudi Arabia with my family, my mother, father, sisters and brothers. Before I start telling you my story and how I got to Afghanistan, which led to me being here in Guantanamo I need to tell you about my brother and his story, which caused my travel.

One day, without telling anyone, my brother traveled to Afghanistan to join the jihad. This was very difficult for the whole family. He left without his parents knowing where he was traveling to. It was very difficult on my parents, who were very old and ill.

With time passing, my parents' health started deteriorating and they were emotionally tired. My father was diabetic and suffered from blood pressure. My mother had heart problems. That affected me, my sisters and my brothers. We went through the same suffering my parents were going through.

Months passed by and I made a decision to travel to Afghanistan. This was through him [my brother] calling us. I was able to find out where he was and the way to get to him without my parents knowing. I wanted to try to meet him, to bring him back with me. That is the door to my story.

I went there [Afghanistan]. I traveled during the 6th month of 2001, before 9/11/2001 and the war. [I traveled] from Saudi Arabia, to Bahrain and later to Dubai. I then traveled to Karachi, Pakistan and then to Quetta, Pakistan. All this travel was by air. It was local travel and everything was official and lawful.

Later, I traveled from Quetta to Kandahar, Afghanistan and then to Kabul, Afghanistan. All that travel was by land, going through checkpoints, through Kabul's borders.

My rental car was stopped and searched. Through the searching, some un-allowed substances were found on the driver. This led to his arrest. I haven't seen the driver since he was arrested.

Later, I was asked some questions, which led to.... a lot of problems, happened because they didn't speak my language. They searched me and found tapes, smokes and at that time I was shaved. Those reasons led to my arrest because, to them, they were crimes and I should be punished for them.

I didn't know Afghanistan was a religious extremist country. I was arrested and detained in Kabul in a prison that was separated. [Interrogations] didn't go well because of the language differences.

One day I was taken to interrogation and there was a new face, a person who spoke common Arabic. I told him my story and my brother's story and how I came to take him [my brother] back home. He [interrogator] told me he would release and help me if my story was true.

After a short period of time, he [interrogator] told me he got in contact with my brother. My brother was on the front lines in Northern Afghanistan. He [interrogator] gave me an address and told me to go there. The address was a Taliban government building in Konduz.

During that time, I spent 4-5 months in a Taliban prison. I traveled from Kabul to Konduz by airplane, before the attack of Kabul and before the travel was stopped. When I got to Konduz, I went to the address the interrogator gave me. I was told it wasn't possible for me to go to my brother because he was on the front lines and only soldiers were allowed to go there [the front lines]. I was a civilian with no military training, and I wasn't part of them [Taliban] or their groups, or any group at all.

I was allowed to write letters to him [my brother] and send them to him on the front lines. I stated I was his brother and I wanted to see him as soon as possible.

One day I was surprised that my brother came. I was also very surprised with what he said to me. The front line was broken and they [fighters/defenders] were all released to Konduz. This meant I was in a very difficult situation, and so was everyone else. I told my brother what happened and that I had come to take him back to our parents, but the situation got more difficult, impossible.

Things got much worse in the city we were in. We were surrounded and not able to leave, even if we wanted to. Konduz was now surrounded by the Northern Alliance. There were constant air attacks. An agreement was made with the Northern Alliance and the Taliban in Konduz. It was a promise that was recorded in the world news for people, the defending forces, a promise the fighters could leave the area. The Northern Alliance broke the promise.

It was time for us to get released, according to the agreement between them [Northern Alliance and Taliban]. I was part of the first group of people to be exchanged between them. My brother said we would go to Konduz through Mazar E Sharif, but we would not enter Mazar E Sharif, we would go on the side and go to Balkh then Herat. In Herat we would have to get vehicles and drive to Kandahar.

We left Konduz and were on the border of Mazar E Sharif. We entered and there was the Northern Alliance and we were stuck in the middle.

There was a second agreement made. I don't know if it was reported in the news or if it was a secret. The fighters would have to give up their weapons, would be returned to Balkh and they could get the weapons back in Balkh. I wasn't one of the defenders; I never had a weapon before.

American airplanes were flying over that neighborhood. We drove from that point to Mazar E Sharif. We entered the castle of Jhangi (Qualijenki prison). I can explain what happened on television if you would like.

The Tribunal President stated the Detainee should tell us whatever he thinks...

At the castle of Jhangi, there was a place to detain our group. We were taken, searched, handcuffed, seated and later the fighters, or defenders knew this was a deception because they broke the agreement and we were now POW's.

One person, a fighter, caused problems. The media was there also. Later, we were transferred to an underground building and stayed there for one night. The next morning, we were taken out two by two. We were handcuffed and seated in a big field. Everything was taken from us, even our clothes; we only had our underclothes on. We sat there for about 2-3 hours. There was a demonstration and then the Northern Alliance started shooting at us.

The Detainees or POWs did not have any weapons. We were handcuffed when the shooting started. The only people who had weapons were the Northern Alliance, and they were shooting at the detainees.

If I remained on the ground, sitting handcuffed, I would have got shot. I got shot and lost consciousness and my brother was killed. He was handcuffed when he was killed.

I did not carry a weapon and I never carried a weapon in this incident or the incident before.

At that time, there was more shooting and there was no resistance. There was shooting from the other side. A lot of Detainees got killed. Later on, airplanes started shooting. Finally, I found myself underground; I was unconscious when I was taken there.

After that, there was more suffering. I don't know if you know about it...maybe you don't need to know, but if you want to know, I am ready to tell you.

The Tribunal President stated the Tribunal is interested in anything the Detainee feels is important in their determination of his Enemy Combatant status.

Good, thank you very much. For that reason I am telling you, I never carried a weapon and I did not belong to any group and did not get any training. I did not support any side, group or organization. When this incident was over, we were transferred to Dostum.

In Dostum's prison, they were interrogating me. I was tortured there because I told them the truth, the truth I am telling you now. This truth, they did not agree with. They did not think and they did not want...I was forced to say what they wanted me to say.

During all the meetings and investigations, I tried to clarify my story to them. I am a civilian and I don't belong to the Taliban. I didn't ever carry a weapon. I told them [Dostum] the Taliban government detained me, I had just been released from the Taliban prison and I was not fighting against them.

They [Dostum] did not like that and started torturing me in every way possible. Every time I told the truth, they tortured me to the point I was convinced they wouldn't stop until I told them what they wanted to hear.

At that time, it was clear to me that I should use my dead brother's story, the one he told me before we met in Konduz. During this time, they agreed on that story and they stopped torturing me. Later, they wrote that story and forced me to swear on it.

During that time, I had to use the fake story to stop the torture and the pain they were forcing on me. My health was getting worse and worse. I was later given to the American forces and was transferred, in a very bad way, to the prison in Kandahar.

The treatment was the same as before. The torture remained the same. I am ready to tell you, but I feel bad telling you, the treatment by the Americans was not as good as it was with the Northern Alliance.

This is my story, the truth. I tried very hard to clarify it to you. I will tell some things to make you pay attention to some points. Today I told you the truth. I told you the Taliban government detained me for 4-5 months. I want to clarify the situation in the prison was not good. Today, Afghanistan is under your control. By time passing, it will be in your hands.

I will try very hard. I hope you will give me what I want...what I'm asking for. I hope you will get in contact with the officials to get information about this story, about my detention in Afghanistan. You will find out I am telling you the truth. I was detained by the Taliban and you will be sure I am innocent of those accusations. I never carried a weapon against you or your coalition. In my whole life, I have never carried a weapon.

According to my understanding, the information I request from you does exist and it's there with the officials in Afghanistan. Even if the government changed, I hope you will try to get to that information.

There are other points I want to clarify. When I left Saudi Arabia, I wanted to finish my studies and finish my labs before my travel. A person who wanted to leave or go to jihad or a person who wanted to die wouldn't want to finish his studies.

My second point, you will be able to get in contact with the Saudi government and ask if I belong to any organization or if I have any ideas, if I was detained or arrested before or even stopped.

This is the information I want you to pay attention to. This is what I have.

The Tribunal President thanked the Detainee for his testimony.

Questions by the Tribunal Members

Q: First, we extend our condolences on the death of your brother.

A: Thank you.

Q: Since the only information we have about you is what you've told us today, and the accusations here, it is necessary for us to clarify some things.

A: Go ahead.

Q: Did your brother make a free choice to go to Afghanistan?

A: Because my brother left with such a surprise, no one knows how he left or where he was going, we do not know if someone forced him or if he made that decision freely. According to the stories we heard, my brother went there because of the fatwa.

Q: Did you or any members of your family talk to your brother before you left for Afghanistan?

A: My brother's family or our family?

Q: Either.

A: I told you he left and he never told anyone.

Q: I mean when he was in Afghanistan and before you left. Did you hear anything from him at all?

A: I told you before, my brother called us once. I was able to find out where he was and the way to get him without my family knowing.

Q: Did he sound as though he wanted to be where he was or he wanted you to come get him and bring him home?

A: By his phone call, I couldn't tell what kind of situation he was in. I couldn't even change his mind about coming home. I couldn't tell if he was happy or unhappy at that point. Don't forget, he left without any family. He left Saudi Arabia because he had an idea.

Q: You told us how upset your family was when he left.

A: They were suffering because they didn't know what happened to him, if he was in Afghanistan. They didn't know.

Q: When you talked to him on the phone, did you tell the other family members you had done this?

A: The family spoke with him too, but he never mentioned where he was. Because of that, they were very worried and their health started going down hill. How would I tell them? I wouldn't want to put my family in that situation by telling them where my brother was. I would've made their health situation even worse if I had told them.

- Q: Unfortunately, it sounded like he [your brother] wanted to be where he was.
- A: That's what happened.
- Q: Did you consider how much more upset your family would be if you left?
- A: I didn't tell them I was going because it will make their situation worse if they found out both of us...I was trying to solve the problem and heal the pain of my parents. I didn't want to make their pain worse.
- Q: You were hoping you'd be able to somehow convince your brother to come home to Saudi Arabia?
- A: Yes, because my family suffered. I think my brother didn't know how my family was suffering.
- Q: Tell me about the conversation you had with your brother when you saw him the first time, in Afghanistan.
- A: When we met, we hugged and saluted each other. I told him about my situation, what happened on the way to get to him and the situation of the family and what's happening to them. I saw the pain in his eyes. It affected him.
- He told me his story, and what happened to him. It's the story you have. The training, the one I used against me. That's his story. I told the truth before, but so I wouldn't get tortured I had to adopt his story. I explained it to you.
- Q: When you first saw your brother in Kandahar, was it before or after September 11th?
- A: I didn't meet my brother in Kandahar, I met him in Konduz.
- Q: Okay, a misunderstanding. Do you remember the time frame?
- A: I don't remember the time exactly, but it was a war...continuous attacks.
- Q: He was fighting on the side of the Taliban?
- A: Yes.
- Q: You mentioned when you tried to get to the front to visit him, they [Taliban] said you couldn't go because you weren't military?
- A: Yes.

- Q: How were you able to finally get there?
- A: I didn't go to the front lines; he came because the front line was broken. He came to me. I sent him letters before that.
- Q: He received them?
- A: Yes.
- Q: You said the story you first told the interrogators, the accusations are not true?
- A: It's an adopted story.
- Q: How long have you been telling this adopted story?
- A: I mentioned before to you in Kandahar and Cuba. I told the Saudi agent my true story.
- Q: When was that?
- A: Before, in the old prison, X-Ray. You know the situation in the old camp. Treatment was very bad. There were pictures on television about the camp, how they transferred us to interrogation, and how they treated us during interrogation.
- Q: So, you told the Saudi agent, or delegation, the story you told us?
- A: After I told the Saudi delegation, I was very comfortable and felt better after that. I'm surprised they didn't present that story to you today. I've said it to the investigators before.
- Q: Has anyone made any reference to that, from the time of the visit until now?
- A: After the Saudi delegate, I told them. I told them 3 or 4 months ago. The Saudi delegation came about 2 years and 4 months ago and gave a copy of that file to the officials.
- Q: Once again, to clarify, everything in the accusations is not true?
- A: The only things true are the dates of the travel. I traveled from Saudi Arabia to Bahrain to Pakistan.
- Q: Volunteering to help the Taliban?
- A: That's adopted. That's not my story.

- Q: Receiving training at one of the Taliban training camps?
- A: It happened to my brother. It's my brother's story.
- Q: Being issued weapons and being told to guard valleys? That is true or not true?
- A: For my brother because that's my brother's story.
- Q: Help me understand. At the time you left Saudi Arabia, you were a student?
- A: Yes.
- Q: Did you work at all?
- A: Yes.
- Q: What did you do?
- A: I was a student and I was working, also.
- Q: Doing what?
- A: In a mechanic shop, checking the electronics and computers in vehicles.
- Q: This money was for you and the family, or basically for you? You lived at home, correct?
- A: It was mine.
- Q: Enough money to pay for air travel through Afghanistan?
- A: I used the money that I got off of my motorcycle. I sold my motorcycle and used that money.
- Q: What kind of motorcycle?
- A: Suzuki 250.
- Q: Not a Harley?
- A: Harley?
- Q: Harley Davidson?
- A: No, it was a desert motorcycle.

Q: Were you the younger or older brother?

A: I'm older than my brother.

Q: Your younger brother, who was in Afghanistan, had a family? Wife, children?

A: No. He had his family, me and my parents.

Q: You said, when you were coming into Afghanistan, you were in a rental car with a driver.

A: Yes.

Q: Your car was stopped and your driver was searched and they found some kind of contraband.

A: Something that was forbidden, something he was not allowed to have, and that led to his arrest. It was a dark night and I didn't see exactly what they got from him. He was searched and I did not see him being arrested. The voices between the driver and the guards were getting louder as they were searching him. I know there was something not legal on him. Also they found tapes of songs on him, and I didn't mention that before. They found cigarettes or smokes on him too.

Q: You said you were searched also, and I thought you said the smokes were on you?

A: I had smokes with me also and music tapes, and I was shaved. All those things were not legal there. I did not know that.

I was not a religious person, I wanted to tell you that before. I'm not a religious person. You can ask my parents if I had a beard or if I was religious, or if I belonged to any group. You will know I am just a regular person.

Q: What songs are on your tapes?

A: Arabic music, Arabic songs.

Q: I was going to ask you the question about religion, but you answered it already. You seem to be very educated. In your testimony, you mentioned you didn't realize that Afghanistan, or the Taliban was a zealous religious country.

A: Yes.

- Q: You didn't realize things like tapes, smokes or being clean-shaven would cause you problems?
- A: I didn't know that until that happened.
- Q: Traveling the route you took to Afghanistan, you must have talked with people or the driver that took you to Afghanistan.
- A: I do not speak their language.
- Q: No one gave you any indication you would have problems if you went to Afghanistan?
- A: Yes, it did happen. The road my brother told me to take to Afghanistan, showed me how to get to the next point. When I entered Kandahar, I stayed with a person and he told me some of the things. He told me about the beards, and it would create a problem, not having one. If I can, hide my face in anyway, I should do it. He told me not to show my face to them, especially at the checkpoints.
- Q: The route you took, the one your brother provided information for...
- A: He showed me the people. The people showed me the road.
- Q: You got the information from the telephone call your brother made to you?
- A: Correct.
- Q: He gave you the names of several people?
- A: He showed me the route to travel and then he told me the names of the people I had to get in contact with.
- Q: Did he indicate if they were Taliban or Al Qaeda?
- A: He did not say. He only said they knew how to get me there [to my brother].
- Q: At any of these points, did they ask for your passport?
- A: I forgot one point. At my last check point, my passport was taken away from me.
- Q: Where was that?
- A: Kabul check point. It [my passport] remained with them.

Q: Was this after or before your arrest?

A: At the same time I was captured.

Q: They took the passport?

A: Yes.

Q: So, when you were released from prison 4-5 months later, you continued your journey without a passport?

A: I didn't belong to them [Taliban], I was not part of them. They do not trust me. They had no trust in me because of the shaving. They trusted my brother because he fights with them. They said my brother could come get my passport for me.

Q: Would they let your brother...at this time, you didn't know the front lines were breaking down?

A: No. If I had known, I wouldn't have gone there.

Q: Would it be reasonable to expect that your brother could come back to get your passport for you from the front lines?

A: Yes, for him it would be easy.

Q: He could leave the front lines, come back, you could pick up your passport and you could leave Afghanistan?

A: We agreed we would leave together, but the situation we were in made it impossible for us to leave. The situation did not allow it.

Q: In Saudi Arabia you were clean-shaven. You went to Afghanistan clean-shaven. Now you choose to grow a beard?

A: Naturally, I'm here, so I'm not listening to any more Arabic music. I'm not growing it for religious purposes. It is part of my religion, so it's normal. In the other country, I'm forced to grow a beard and if you don't grow a beard, you get punished for it. My country does not punish us for not growing a beard.

I smoked, I listened to music and I shaved. For that reason, I want you to call my parents and ask about my behavior before I left.

Questions by the Tribunal President

Q: In Afghanistan, you were arrested and held in prison for 4-5 months, correct?

A: Yes.

Q: This was by the Taliban government?

A: Yes.

Q: Did they, at any time, ask you to join their military forces?

A: How would they ask me to join them when they found all those things on me? They think I'm a suspect.

Q: We've had stories where they [Taliban] didn't ask individuals, they forced them into services. They were conscripted.

A: That didn't happen to me.

Q: I find it unusual. You, being a young, strong male and the Taliban government is in a conflict...a civil war, and now the United States is bombing them, and they don't want additional personnel? They let you run around the countryside without a passport after being released from prison?

A: If my brother did not show up there, I would still be detained in that prison. They [Taliban] didn't have any trust in me at all. I was treated like an enemy. I believe I would still be detained in that detention facility if my brother didn't show up there.

I would like to clarify a point.

Q: Please, go ahead.

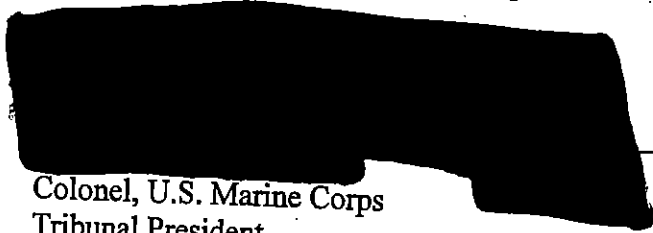
A: When they [Taliban] asked me about the story I adopted, I used the name Mohammad Abdullah Saleh, so in the future when the Judge [Tribunal President] looks at those stories, the name will not match my name because I was forced to say that.

Q: Is that an alias or just a made up name?

A: I only changed the first name. My name is Yusef Abdullah Saleh.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Detainee Election Form

Date/Time: 4 Oct 04
Start/End Time: 1030 - 1125

ISN#: 109

Personal Representative: LtCol [REDACTED]
[Name/Rank]

Translator Required? Yes

Language? Arabic

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: No witnesses requested.

Will attend Tribunal

Will present sworn oral and written statement

[REDACTED]

PERSONAL REPRESENTATIVE

EXHIBIT D-A

* يعطى المشيئة التي أود أن ألفه إن شأناكم إليها *

أن اليوم أخبركم حقيقة وأخبركم أن الحكومة هنا البان قد رجستني لمدة ٤ إلى خمس شهور وأخبر أن أميناً لم أن الأحوال لم تكن جيدة في المسجونين واليوم أفخافنفسنا نحن بسيطرتكم وزمام الأمور بسيدكم هناك . نأنا أسعى جاهداً أن أطلب عنكم بصدق وأرجو أن تلبوا طلبنا هذا أرجوكم أن تتصلوا بالجهات الرسمية المسؤولة وتحصلوا على معلومات بخصوص هذا الأمر (لا أضر بصحبي هناك) عند إذن سيستبين لديكم أني سمعت حقا قد سجنتم في أفخافنفسنا (عنه الطالبان) واستشركو حتى آمن برأيتنا من هذه التهم والتي لم أعمل الصلاح فذكرهم وأنت لم أعمل الصلاح قط في حياتي كلها . و حسبني ففهم أن هذه الحوادث التي أطلبها منهم هي متفرقة وهو بموده (ويقينا) عند السلطان في أفخافنفسنا وأصل منك . بذل الجهد للوجود لها ●
إلا إذا كنت تتذكرو من سجن في أفخافنفسنا ^{عنه} حكومة طالبان استواد الصورة تتضح لهم نسينا قضيتنا التي لم أتم إلا أفخافنفسنا من أجل أننا أفسدنا الطالبان أو أختارنا صديقهم ولو كنت كذلك لها سجنتم . وشكركم بين .

أدرا نفسي :- كنت صديقا لك أجمال الصفاء والبر والثناء والنسب لأن قبل سفرنا وهكذا الأهل لا يقوم به إنسان ذاهب إلى بلاد الجهاد أو إلى الملوك

EXHIBIT D-B

د أن أريد كلاً من بعضكم هذه اللجنه (التي هي على إتاحة الفرصه فاعلى من الضموري أن أذكر وأبين لكم مسأله هامة وكما كانت ضيقه وكلمه بنسبة لي . والأهم أنيات - المتفرقة في حدوده جداً وقد تكون معدومه . ولقد كنت سئسها جاهداً أن أكتب البراهين المنطقيه والدجج السليمة . بأن أحوالنا هذه التهم المرفوعة لدى غير صحبته أفضوها عنى بشدة . لأنها مأخوذة من قصه غير نقيمه بنسبة لي . قد قلتها في سجت دستكم بدنياً . يستاء البعض بها أو لا وهم . بسفرهم إلى باكستان . ومن المستحيل أن يكون سفرهم إلى إيريندي أو غير قانوي بل كان سفراً غيراً نونياً ولم يصحبه أي أعمال مدنيه لهم تكن تدونهم قد وضعت حفرة في سفريها إذ أدوله بل كان خلافاً لجميعه بلديين . والذي جعلني أحوال هذه القصه في دستكم الغير حقيقيه . فلو أنني لما قلت لهم قصتي الحقيقية تحرضة للكرهين من جنود دستكم فاضطرت أن أتمرد لهم لجايريدونا وكتبوا ذلك وأكذبتوني أن أجمع بالله . بقيت كما هذه القصه الغير حقيقيه في قلبها وذلك لما كانت فيها هذا الكذب وكذلك في كوربا خوفاً من أن ألقى ما لقيت من قبل من الكذب . حتى جاء الوفاء للصعود في فاطماتنا المرحوم وأخبرهم بكامل الحقيقه .

أدرا نفسي
عالم يكن هناك عندنا الصغار من السعويدي أي أعماله واليه

EXHIBIT D-B

EXHIBIT D-B

I want to start my statement by Thanking this tribunal (court) for giving me this opportunity to defend myself but its important that I mention and clear to you that I had little and limited time to prepare myself for this. And available possibilities were very limited or nonexistent. But I will try hard to prove to you my innocent legitimately and rational reason. I state that those accusations made against me are not true and I banish them from me. Because it was taken from a story that is not true when it comes to me. I said the story in jail Dostem in the begining. My travel to pakestan was impossible NOT to be official and lawful; My travel was legal and lawful and it was not follwed by anything not legal. Travel was allowed between the two countries. What made me tell this story in Dostem jail which was a false story is that when I told them my true ^{status} story I was tortured by Dostem soldiers and I was forced to tell them what they wanted to hear and I was forced to finger print on the story. I stayed with the false story in kande har because of torturing and also in Cuba where I got tortured even more. Untill the Saudie delegation arrived and he unconcerned me and I told them the whole truth.
My studies.

I don't have any negative behavior with the Saudie government.
negative behavior ↑

I want to bring your attention to some of subjects.

Today I told you the truth and I told you that the Taleban detained me for 4 to 5 months and I would like to clear to you that the situation was not good in jail and today Afghanistan is under your control and the time course is in your hand there. Please contact the authority side and get the information regard this matter (matter of my detention there) that I was in jail and you'll have the prove with you that I was detained in Afghanistan by the Taliban and you'll be sure of my innocent and innocent of those accusations and I never carried a weapon against you or your coalition forces, in my whole life I have never carried a weapon and according to my understanding the information I requested from you is provided assuredly by the Afghany authorities and I ask of you to try hard to get it. After obtaining that information you will understand that I did not go to Afghanistan to join the Taliban or fight with them if I was I would not be detained by them. And they suspected me

1) My studies. I wanted to finish my studies and finish exams before traveling and a person finishing his studies does not go to jihad or to die.

ذكر هذه الرحلة الجوية كانت بطرق سليمة وأعمال قانونية

أعطيت عنوان هذا نص للمحقق الذي عاينته وكان هذا العنوان عبارة عن مبنى حكومي لطيران في قندوز

فصيت من أربعة إلى خمسة مشهور في سجن طالبان

لأنني مدني ولست متدرب عسكرياً ولا أنني لهم ولجماختهم ولا الذي جماره على الرافلات

في استطاعة أن أكتب له بعض الرسائل وأرسلها له في الخط الأول والتي فيها أشياء أخوة وأنني أريد أن أراه بنفسه وحتى
هكذا

تفاجئت بقومه وقوله أن الخط قد انكسر وأن الكاد انجاز إلى قندوز ولقد يقضي أنني في مشرق والبيع كذا

في هذه المرحلة وبعد تدهور الأحوال وزيادة تشتت صفوف أصبح عصبي برحمتي من أنني غير مسلح مع مصير أخري
والأخرون من المدافعين في قندوز وبعد الاتفاقية سلم الجميع نضسه لقوان الصغار وكنت أنا وأخيما من هؤلاء

لا خلال جلسات التحقيق التي قاموا بها جماعة وشم حاولت بعبارة أن أوضح لهم قصتي وأنني مدني ولست تابع
لقوات طالبان وأنني لم أهد الصلاح في العلاقات وأخبرتكم بأن حكومة طالبان قد سجنني وأنني قد خرجت

من سجن طالبان هو خذ وأنا أنني لا أجاد يكتم ولا كني لم تعجبهم الحقيقة وبدون يتعزبن بمسئلات الوسائل
الطريق ولوا إرادة المحكمة أن أبين لهم بعض الطرق التي استخدمتها مع التعذيب أقول

وكما أشرت على قولي الحقيقة في أرو فلي بالتعذيب حتى وصله إلى غيابه أنهم لي يوقفوا التعذيب حتى أقول
ما يريدون ويعاذا الوقت. كسبت قصتي أنني القليل والتي أخبرتني بها قبل هذه الأحداث عندما التفتينا في قندوز.

في هذه الأثناء رضوا من هذه القصة التي المتبناه والتي منها يوقف التعذيب لأن بعد ما كتبوا هذه القصة
المتبناه وإخبارهم إياي عن ذلك أنا أبعث عليهم

* نقلني لسجن قندهار. يستغني بعد أن أقول أن المعاملة عند الأخرين نالتم كنت أفضل مما سبق

* All these air travel were done in a correct and legal.

* I gave address from the same investigator I met before and the address made of a governmental building of Taliban in Kanduz.

* I spend four to five months in Taliban jail.

* I'm a civilian and never been trained in a military and I don't belong to their group or any other group, never did.

* I was able to write a letter to him to my brother front lines that I wanted to see him as soon as possible.

* I was shocked when he arrived and said that the front lines were broken and everyone has left to Kanduz which means that I was in logjam and everyone else too.

* At this point and after deterioration of the situation there my fate was put against my will and unarmed with the fate of my brother and I was taken with the defenders in Kanduz after an agreement everyone turned themselves in to the Northern alliance and I was one of those people.

* Through the investigations by the Western groups I tried hard to clear to them my story and that I was a civilian and I did not belong to the Taliban forces and I did not carry a weapon, never did.

29
30 I told them that the Taliban government detained
31 me and I was released lately and that I'm not
32 against you but they did not like the truth
33 and they tried all the torture methods with
34 me (if the court would like me to explain
35 some of the torture methods they used on me
36 I could explain) and everytime I told the
37 truth they tortured me and the only way
38 to stop the torture was to tell them what
39 they want ~~to~~ me to say at this time and I
40 I was forced to use my brothers story as if
41 it was my own to stop the torture and
42 they did stop but they wrote the story. My
43 dead brother's story and I was forced to
44 testify it.

45 I was transferred to kandejar jail and later
46 to the Americans who treated us just like
47 we were treated before.

29
30 Before I start telling you my story and how I got to
31 Afghanistan which lead to me being at GTMO, I need to tell
32 you my short story and the reason to travel.

33
34 One day, without telling anyone, my brother traveled to
35 Afghanistan to join what he thought it was a holy war
36 this was difficult to the whole family especially on
37 my parents because they are very old and it effected
38 their health and lead to them having high blood pressure
39 and diabetic, and heart, problems and it also effected
40 my sisters and brothers. after few months I decided to
41 travel to Afghanistan after my brother's phone call
42 which I was able to know where he was staying at and
43 which ways to take to get to him without my
44 parents knowledge and I would try to meet him
45 so I can bring him back and that was the beginning
46 to my story.

47
48 I traveled in about in June of 2001 and it was before
49 9-11-2001 (September 11 and the war) from Saudiq
50 Arabia to Bahrain and later to Dubai and to Karachi
51 Pakistan and later to Kuta Pakistan all this by air
52 travel from Kuta to Kandahar Afghanistan
53 and later to Kabul Afghanistan by land travel.
54 At a checkpoint by Kabul's doors using a rental car
55 was stoped for search during the search they found
56 that the driver had some illegal things on him which

lead to his arrest. I haven't seen the driver since then. After that they asked me some questions which led to some misunderstanding because of the language differences and after that they ^{the police} searched me and found some tapes in my grasp and some cigarettes and at the time I was clean shaved and all this led to my arrest. All there were crimes there and they would punish me for it. I was detained in an isolated cell and two Taliban officials investigated with me but it was not done in a good matter because of the language difference. One day someone new investigated with me who spoke the standard arabic so I told him my story and my brothers' story and that I came to Afghanistan to bring back my brother and he told me that if my story is true he would release me and that I would be released after a short time period he contacted my brother in the front lines and he gave me his address in north of Afghanistan so I can get to him. I have spend few months in jail so after I left and traveled from kabol to kunduz and this was before the attack and before air travel was stopped. When I arrived at the address that was given to me, I was told that it was not possible to travel to the front lines to see my brother and that only soldiers were allowed there but I was able to write to him. My final days I was shocked that my brother came and I told him why I came and that I want to take him back with me. The matter there was getting worse and the area we were in was surrounded and we couldn't leave and kunduz was now surrounded by the

Page number	Date	Subject

North alliance or (Northern party) and the continuance air strikes against us. There was a treaty (agreement) made by the Northern party and the Taliban in Kandahar and this treaty was reported in the news, world news to assure the defending forces in Kandahar more. The treaty gave hope for them to leave. The Northern party (Northern alliance) disordered the treaty and my brother and I were with others in Mozar Shareff (Jenki palace) and I'm sure of what happened next they reported the incident in a television program. My brother was killed in that incident and I was hand cuffed and detained and I never carried any weapons and I never joined any groups and I never received any training or even thought of supporting any organization or party. Others and I were transferred to Sheberkan City (city of the Northern Alliance/Dustem) to a prison where they interrogated me and tortured me there because I told them the truth and I was forced to adopt or use my brother's story and due to all the torturing and suffering that I was exposed to I had to use my brother's story to stop all this and in result my health deteriorated but this was a beginning to a new suffering after transferring to the custody of the United States forces and our transfer was done by a horrible way by the USA forces and the treatment we got from USA forces was equal to the treatment we got in Kandahar and similar torture.

UNCLASSIFIED

Combatant Status Review Board

TO: Tribunal Members

FROM: OIC, CSRT (24 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL RABIESH, Yusef Abdullah Saleh.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a Taliban fighter and participated in military operations against the coalition.
 - a. The detainee is a Taliban fighter:
 1. The detainee decided to go to Afghanistan after reading the Fatwas calling on Saudis to help the Taliban with money or service.
 2. The detainee left Saudi Arabia around May or June 2001 to travel to Afghanistan via Pakistan.
 3. The detainee received Kalishnikov, PK, and grenade training at a Taliban training camp in Talukan, Afghanistan.
 - b. The detainee participated in military operations against the coalition.
 1. The detainee and others were issued arms and told to guard two valleys near the front lines.
 2. The detainee surrendered to Northern Alliance soldiers at Konduz.
 3. Detainee was present during the prison uprising in Mazir-E-Sharif
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.

UNCLASSIFIED

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Exhibit R-1

Personal Representative Review of the Record of Proceedings

I acknowledge that on 12 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #109.

I have no comments.

My comments are attached.

 Lt Col, USAF

Name

12 Oct 04
Date


Signature