

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL MOHAMMED,)
)
 Petitioner)
)
 v.) Civil Action No. 05-345 (JDB)
)
 GEORGE WALKER 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 Abdul Mohammed that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted by an OARDEC staff member. This staff member also redacted information that would personally identify 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: 22 July 2005

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0442
89 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 112**

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 #112 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:

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18 Nov 04

MEMORANDUM

From: Legal Advisor
To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 112

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

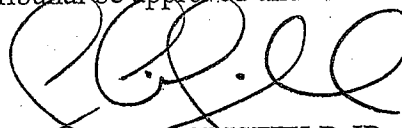
Encl: (1) Appointing Order for Tribunal #13 of 4 October 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # 112 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

UNCLASSIFIED

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Department of Defense
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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. Naval Reserve;
Member (JAG)

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

12 October 2004


MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 112

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]


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #13

(U) ISN#: 112

Ref: (a) (U) Convening Order for Tribunal #13 of 04 October 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 06 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 6 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #112 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 the Taliban, as more fully discussed in the enclosures.

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



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: #13
ISN #: 112

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 the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee traveled from his home in Saudi Arabia to Afghanistan via Syria and Iran after 11 September 2001. The Detainee received training on the use of AK-47 rifle while staying at a guesthouse in Konduz, Afghanistan. The Detainee participated in military operations against the coalition, carried a weapon on the battlefield and participated in military operations against the United States and its coalition partners while stationed on the front lines in the Khawajah Ghar region of Afghanistan. The Detainee was captured by Northern Alliance Forces near Mazar-e Sharif prior to 25 November 2001. The Detainee was present at, and wounded during the prison camp uprising at Mazur-e Sharif on 25-28 November 2001. The Detainee chose to participate in the Tribunal process. He did not request that witnesses be called, did not request documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied being an al Qaida member or participating in any military operations against the United States or its coalition partners.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-12.
- b. Testimony of the following persons: n/a
- c. Unsworn statement of the Detainee

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

The Detainee requested no witnesses and no additional evidence.

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 any other supporting unclassified evidence. Exhibit R-2 provided no usable 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 unsworn testimony. A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he felt the need to travel to Afghanistan to bring his brother home to Saudi Arabia. The Detainee indicated that he was a student and that he traveled to Afghanistan at his own expense and not to participate in military actions. In Konduz, Afghanistan, the Detainee stated that he stayed at a Taliban guesthouse where people could stay for free, but that he paid his own way while there with funds that he brought with him. He stated that he saw people with weapons there, but that he did not carry one. The Detainee made contact with his brother and thereafter began to make his way back to Saudi Arabia with his brother. Since there were hostilities going on, the Detainee stated that he could not return to Saudi Arabia the way he came into the country. Therefore, the Detainee and his brother then advanced toward the Northern Alliance to surrender to them. The Detainee claims that he was then taken into custody by the Northern Alliance and eventually turned over to American forces.

c. The Detainee did mention physical torture by the Afghani police, stating that if he did not respond as being from al-Qaida or the Taliban, that he would be tortured. After being transferred to Khandarhr, the Detainee alleges further torture, which he states is evident by his broken tooth. As for his treatment while a detainee at Camp DELTA in Guantanamo Bay, Cuba, although he has not been physically tortured, he feels there has been a threatening and psychological affect, by parting him from his brother (ISN [REDACTED]), which in his opinion is not less than physical torture. OARDEC Chief of Staff, Legal Advisors and CITF Liaison Officer to OARDEC have been advised.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal


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

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He 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 the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee understood the process but posed the following question:

You said that I have been advised that whatever follows in this Tribunal is going to affect me. You said that I am hereby advised that the following applies during the hearing.

The Tribunal President answered the Detainee and clarified how the Tribunal would be structured. The Detainee answered that he was satisfied with the answer by stating that everything was fine.

The Tribunal President informed the Detainee that she was aware that he would like to participate in the Tribunal process and would be speaking on his own behalf.

The Tribunal President asked the Detainee if he would like to make his statement under oath.

If the decision is going to be yes or no, go home, then I will swear. If it's going to be, take it to the next level and do this back and forth meetings and follow ups then I'm not going to swear.

The Tribunal President advised that until all the evidence was viewed the decision couldn't be made and that he could make his statement without being sworn.

I don't like to take the oath because it is very sacred.

The Personal Representative asked the translator to inform the Detainee that taking the oath now to affirm that what he is about to say is true in an effort to clarify why he was being asked to take the oath.

Yes. I understand that. If you are going to let me go home, I will take the oath. If not, I will not take the oath. All the information and statements that I am going to make to the Tribunal are true and nothing but the truth. Once you make the final decision that you are ready to let me go home, I will take the oath.

Addressing the third point of the Unclassified Summary the Detainee was prepared to make his statement but first asked the Tribunal to confirm that:

If I tell my story and make a statement that I will not be subjected to any torture or any mistreatment when I go back to my cell.

The Tribunal confirmed that everything done in the Tribunal was administrative in nature and there was no punishment value.

I made that statement because during my interrogation, I was forced to say certain things to avoid torture.

The Tribunal President confirmed that there would be no torture as a product of what he says to the Tribunal.

The Detainee read part three of the Unclassified Summary.

This is based on information possessed by the United States. Is that information based on my information or from somebody else? I'm trying to find out if the information that based your decision on me as an Enemy Combatant; was it from information from me or somebody else.

The Tribunal President stated that the only information that the board has seen is what is in the Unclassified Summary.

I'm saying this because during the interrogation, my name, number, and picture... all that information should have been my name but it was somebody else's. That happened and I spoke with the interrogators a number of times and the same thing still existed. The name, number, and picture of the wrong individual were still there but they (the interrogators) referred me. They took me to another camp and had some kind of an I.D. The I.D. and the picture did not match me.

The Tribunal President informed the Detainee that all they could do was base their decision on what was viewed in the Tribunal that day.

I am concerned that they have taken my name and my number, the other Detainees over there they don't know the picture that was shown to them rather it was my picture or somebody else's picture. They are saying that such and such individual is number such and such and that's his picture. In reality it was not my picture and people (other Detainees) say oh yes, that's him.

Any information that was given to the interrogator that you based all these accusations on is information from me but I was being threatened and tortured. Whatever information, that was given to the interrogator was under duress. It was physical torture and psychological as well. My brother is here with me here in camp. Whenever they wanted to get some information from me they go to my brother or separate us or create movement. They separated two brothers for a period of two years. The letters I used to get from back home were never given to me and that affected me psychologically. The thing you based your judgment on to arrive at this evidence and these accusations are not accurate.

The Detainee's response to paragraph 3.a of the Unclassified Summary.

I never attend, known, or seen anybody from the al Qaeda organization. I never even associated myself with them.

The Detainee responses to paragraph 3a.1 and 3a.2.

1. Yes I did leave after September 11th. My departure had nothing to do with the attacks or anything political that was happening. My whole purpose for going to Afghanistan was to meet my brother who was there and convince him to go back to Saudi Arabia. My intent was to go to Afghanistan before September 11th but what delayed me was taking my final at the university. I had my final exam on the 23rd of September. After I took my on exam after the 23rd of September that's when I left to go to Afghanistan which was after the attack. Therefore, my leaving Saudi Arabia and going to Afghanistan had nothing to do with what was happening on the 11th of September. To summarize, my goal and main purpose is to bring my brother back to Saudi Arabia from Afghanistan. My delay was because of my final examination at the university.
2. I didn't even know about this guest house until I was faced with all these accusations. I went to that guest house because there was available space at the hotels or some place where I could either rent a house or rent a room. The taxi that took me that place told me that the Taliban made the house and specified that the house was free for anybody that wanted to come to it. As far as I am concerned I was at the guest house and was paying for all my food and drinking and all expenses and it was like I was a guest. I did not have any training on weapons in the guest house. I saw someone who was an Afghani and I asked him what he was carrying and I was told it was a Kalishnakov (audio)(2099).

The Detainee responses to paragraph 3b

I am a civilian and I did not participate in anything that has to do military or anything else.

The Detainee responses to paragraph 3b.1; 3b.2; 3b.3; 3b.4

1. I never carried any weapon in my lifetime. I never went anywhere on the battlefield.
2. The fact that I am a civilian I was never able to go to the front lines or anyplace where they were fighting. I didn't have positions on the front line or on the back line or anywhere. I met my brother in the city Khawajah Ghar but it's not a battlefield.

3. I was not detained or captured but I went there myself to turn myself over. So they could take me to safer places where I could exit Afghanistan. It was during the time specified here (25 to 28 November 2001).
4. I went to Northern Alliance and found myself being tied down and taken with other detainees. You are talking about the uprising. They called it an uprising and it's not; it's some kind of massacre. I was even wounded when I was there. I was even wounded when I was there.

I have answered all the accusations and evidence and I have some more points I would like to bring to your attention. Repeating the same thing, my goal for going to Afghanistan was to bring home my brother from Afghanistan to Saudi Arabia. Nobody received me there and nobody sent me from Saudi Arabia. Again, I paid all my expenses, from my own finances. I did not speak against the United States or its Coalition partner or any other organization against the United States. When I looked at the definition of an Enemy Combatant, it didn't say anything to me about me because I am not an Enemy Combatant. If I am tortured after this Tribunal I will just withdraw all these statements; I will deny them. I am just giving you all this information based on the fact you that are telling me that there will be no torture and not on the interrogations.

The Tribunal President confirms that the Detainees statement has concluded and asks if he is willing to answer questions from the Tribunal regarding his statements.

If it's pertaining to my situation, yes.

The Tribunal President confirms that neither the Personal Representative nor the Recorder has further questions for the detainee.

Tribunal Member questions

Q. How old is the Detainee?

A. Approximately 25 years old.

Q. What was your occupation in Saudi Arabia before you traveled to Syria to Afghanistan?

A. I was a student at the university.

Q. Did you travel with anyone when you went to find your brother?

A. Yes I did.

Q. Who were they?

A. I was accompanied by a guy named [REDACTED].

Q. Was he a Saudi as well?

A. Yes.

Q. And why was he traveling to Afghanistan?

A. I believe he went there to find out what was going on in Afghanistan.

Q. Was he attempting to join the fight against the Northern Alliance or the U.S. forces?

A. I don't believe so. I felt he was an ordinary guy. I never felt he was that type of guy to go over there and fight.

Q. How long did it take to travel?

A. I went Syria as well, which one are you talking about?

Q. Traveling from Syria to Afghanistan.

A. No more than three days.

Q. How did he travel?

A. I took the plane from Syria to Iran.

Q. The detainee stated that he paid for his travel out of his own expenses, is that correct?

A. Yes that is correct.

Q. How much money did he have with him when he left from Saudi to Syria to Afghanistan.

A. I don't recall. It's been three years. I don't recall. I had enough money to go from Saudi Arabia, Syria to Afghanistan and then come back with along with my brother. Enough for two guys.

Q. Who provided him with that money?

A. My own personal funds.

Q. From a job that he had or his family.

A. The university gives me a monthly allowance, 150 Saudi Riyals. And any odds and ends jobs that I could do. Whatever money I earned from that I saved.

Q. What was name of his University?

A. Al-Imam Mohamed ibn Saud Islamic University.

Q. Did he have a passport in his possession when he traveled?

A. Yes.

Q. What country issued it? From Saudi Arabia?

A. Yes.

Q. And that was with the name that he told us today?

A. The name that's in the Unclassified Summary is missing one of the family names... [REDACTED] (ph 3012). Maybe they have it recorded in the passport department, maybe they didn't. Some documents carry last name (audio)(3042) other documents did not.

Q. You told us that you were going to attempt to bring your brother back from Afghanistan. Why was your brother in Afghanistan?

A. I don't know why my brother went to Afghanistan but my brother is here in the detention and anybody can ask him.

Q. You told us that you believe that your identity has been mistaken by us.

A. Yes.

Q. Who do you think we are confusing you with?

A. Maybe with somebody else that has bigger beard, larger beard, I don't know.

Q. Who is that person's name, if he knows it?

A. I never looked the pictured very closely but if you bring that picture again I can identify if it's the same guy or not.

Q. Just to be clear. The brother that he went to bring back from Afghanistan is the same that is in the camp with him?

A. Yes.

Q. He denies knowledge of al Qaeda. Has he ever met al Qaeda members or (audio)(3189) al Qaeda associates ?

A. Never. I never met anybody that said to me he was from the al Qaeda.

Q. In the guest house that he was staying in, were any of the other guests in that house in possession of weapons?

A. Earlier I saw an Afghani guy with a (audio)(3239) Kalishnikov AK47. In Afghanistan, any place you go, houses, market you will find people are carrying guns.

Q. How much did he pay to stay at this house?

A. As I indicated earlier, everything that I paid for my food my stay came from my own funds. I was buying my food and cooking there and coming and going, it's open to anybody.

Q. Did he find his brother in Afghanistan?

A. Yes I did.

Q. What was he doing when he found him?

A. I went to Khawajah Ghar and my brother was informed that I was there and he came to see me.

Q. What was your brother doing?

A. I do not know. When he came to me he did not have any weapons on him or anything.

Q. When his brother came to him; what did they then do?

A. We talked about the two of us going back to Saudi Arabia. My brother agreed with me, our decision was to go back to Saudi Arabia.

Q. When did they leave for Saudi Arabia?

A. When we were captured, arrested, our plan was to by Ramadan to be in Saudi Arabia.

Q. So you convinced you brother to return with to Saudi Arabia with you when you first met with him?

A. Yes I did. I explained to him that we should go back to Saudi Arabia and I felt that my brother was in agreement with me.

Q. Was his brother free to go at that time?

A. Yes he was ready to go.

Q. You told us that you turned yourself over to the Northern Alliance?

A. I did so they could take me back to Saudi Arabia.

Q. And his brother was with him?

A. There was a whole bunch of people there and I thought my brother was there but I did not see him.

Q. Was the man he traveled with, [REDACTED] (ph 3577), still with him?

A. I believe so.

Q. And again, he has no explanation as why his brother was in Afghanistan? Is he unable to tell us.

A. He left Saudi Arabia, I didn't even know he left Saudi Arabia to go to Afghanistan. I say I believe I believe because I want to give you an accurate picture of what my statements are. I cannot say my brother went to Afghanistan unless I was sure that's why he went there. So I do not know why he went there.

Q. I'm trying to understand why he wanted his brother to return to Saudi from Afghanistan? Why did he want him to return?

A. Because the whole family, my Mom and Dad and everybody else were sad that my brother had left the country and went to Afghanistan so I wanted to mediate his return to bring peace to the family.

Q. How did you communicate with your brother prior to your arrival in Afghanistan?

A. My brother used to call and speak with the family.

Q. Is your brother younger or older than you?

A. Younger.

Q. How long was your brother in Afghanistan before you arrived in Afghanistan?

A. I can tell you when he left Saudi Arabia but when he went to Afghanistan, I don't know. How long he stayed there, I don't know. Before I left from Saudi Arabia I believe it was about a year and a half.

Q. To clarify, you had stated that your brother had gone to Afghanistan, because why?

A. I don't know. He never told me.

Q. While studying in school, were you aware of the Taliban and al Qaeda?

A. At the university there was nothing there that discussed al Qaeda or Taliban. From what I read in the paper, magazines, radio, T.V. I have an idea that there is something called al Qaeda and Taliban.

Tribunal President questions

Q. The only thing I have to ask you is, since you raised the issue of being tortured. Can you tell us who? Who tortured you?

A. During torture I had my eyes masked.

Q. Was that since you arrived in Cuba?

A. Yes. I don't understand. When I was first captured; it was the Afghani police there. They were threatening me and torturing me. If I didn't say that I was from al Qaeda or Taliban I was tortured. I went to Khandarhr and was tortured there. The guy was speaking English saying al Qaeda? Taliban? al Qaeda? Taliban? Evidence of the torture is that they broke my tooth which was fixed here.

Q. And your treatment here, physically, you have been treated fairly well?

A. Once I arrived here, things were a little bit better. There was no torture or things like that but, because of what happened in the past I was dwelling on the fact that, are these people treating me good and they are going to come back and torture me again? I was thinking that anything I told the interrogator in Khandarhar and Afghanistan to just save myself torture. If that's what's going to happen here, I will lie to these people as well. When I spoke the truth here, I was subjected to physical torture which I mentioned earlier in the Tribunal.

Q. Let me clarify, he was subjected to physical torture here?

A. Physical torture didn't happen to me. There was threatening and psychological affect, by parting me from my brother which is not any less than physical torture.

Q. I have just one question about his travel to Afghanistan. Were you not concerned about your own personal safety going there?

A. I didn't have any fear whatsoever because the way that went to Afghanistan was all legal, I had my passport which was stamped and there was nothing to fear.

Q. Could you not leave Afghanistan the same way you entered Afghanistan since you had your passport? Or was it because your brother was with you? What was the problem?

A. I wanted to go back the same way, but the area was in such an uproar and everybody was fighting, we go to turn ourselves in so we could be assured safe return to Saudi Arabia.

Q. So the circumstances prevented you from doing that?

A. The reason is because we were captured and put in jail. I wanted to spend Ramadan with my family but ended up spending it in jail.

The Tribunal President confirms that the Detainee had no other evidence.

The Detainee states that if you check back in Saudi Arabia and check you will find that there is nothing to classify me as an Enemy Combatant. You can check my file at the university where I was studying to find that all the dates I told you about... I was there and doing my final exam on September 23rd.

The Tribunal President thanks the Detainee for his participation in the Tribunal. The Personal Representative had no other evidence and the Detainee had no previously approved witnesses to present to the Tribunal.

All that I said is very plain and very clear. Anyone who wants to accuse me otherwise is the one who is supposed to be here. What you brought for Unclassified these are not accusations or evidence. Looking at paragraph three, the first word on the third line where it says "indicates", means that there is no evidence.

The Tribunal President determines that all the Unclassified evidence has been presented and concludes the session.

About the Classified information, what if there some that are not true? Maybe you got it from unreliable sources.


The Tribunal President confirms that the Tribunal has yet to view the Classified evidence and that all evidence will be considered.

I suggest that any individual that you talk to, with information about me, is to go back and speak to individual because there was a mix up.

The Tribunal President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal.

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

DETAINEE ELECTION FORM

Date: 30-Sep-04

Start Time: 0800

End Time: 1000

ISN#: 112

Personal Representative: 
(Name/Rank)

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

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

Personal Representative Comments:

Detainee has elected to participate in Tribunals. He would like to speak for himself regarding all points on the Summary of Evidence report. He would like 24hrs to prepare a written statement. Request follow-up meeting on 01OCT04 after 1400. May proceed to tribunal after if wish.

Personal Representative:  LCDR USN

~~FOUO~~

Recorder Exhibit List
For
ISN [REDACTED]

#	Title	Summary	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	Redaction of National Security Information		UNCLASSIFIED
R3	FBI 302 dtd 20 Mar 02	3.a.1 3.a.2 3.b.1 3.b.2 3.b.3 3.b.4	FOUO//LES
R4	Form 40 dtd 20 Jan 04	3.a.1 3.a.2 3.b.2	FOUO//LES
R5	Baseball Card of 112		SECRET/NOFORN
R6	Baseball Card of 121		SECRET/NOFORN
R7	Knowledgeability Brief dtd 03 Feb 02	3.a.1 3.a.2 3.a.3	SECRET
R8	EC Checklist		SECRET //NOFORN
R9	JTF GTMO-CG MFR dtd 28 Feb 04	3.a.2 3.b.2	SECRET
R10	CITF - CDR dtd 5 Feb 04	3.a.1 3.a.2 3.b.1 3.b.3 3.b.4	SECRET/NOFORN
R11	Primary Travel Routes	3.a.1	SECRET/NOFORN
R12	IIR 6 034 0701 02 dtd 4 Sept 02	3.b.2	SECRET

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Combatant Status Review Board

TO: Tribunal President

FROM: OIC, CSRT (17 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – Al-Khaldi, Abdul Aziz Sa'ad.

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 Qaeda 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 associated with al Qaeda and participated in military operations against the United States and its coalition partners.
 - a. The Detainee is associated with al Qaeda:
 1. The detainee traveled from his home in Saudi Arabia to Afghanistan via Syria and Iran after 11 September 2001.
 2. The detainee received training in the use of the AK-47 rifle while staying at a guesthouse in Konduz, Afghanistan.
 - b. The Detainee participated in military operations against the coalition.
 1. The detainee carried a weapon on the battlefield.
 2. The detainee participated in military operations against the United States and its coalition partners while stationed on the front lines in the Khawajah Ghar Region of Afghanistan.
 3. The detainee was captured by Northern Alliance Forces near Mazar-e Sharif prior to 25 November 2001.
 4. The detainee was present at, and wounded during the prison camp uprising at Mazar-e Sharif on 25-28 November 2001.
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

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Exhibit **R1**
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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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Memorandum



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT
Date 09/17/2004

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 112 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 03/20/2002

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

²See Executive Order 12958

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Exhibit **R2**

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/17/2004

If you need additional assistance, please contact Assistant
General Counsel [REDACTED]
[REDACTED] or Intelligence Analyst [REDACTED]

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Personal Representative Review of the Record of Proceedings

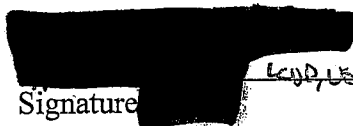
I acknowledge that on 7 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #112.

I have no comments.

My comments are attached.

 LCDR, USN
Name

07 Oct 04
Date

 LCDR, USN
Signature