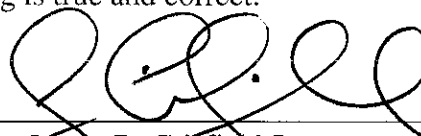


hereto. I have redacted any information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified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

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

Dated: 12 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



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

OARDEC/Ser: 0197
11 October 2004

FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH
RADM, CEC, USN

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

FOR OFFICIAL USE ONLY

8 Oct 04

MEMORANDUM


From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made an unsworn statement at the Tribunal.
 - b. The Tribunal was properly convened and constituted by enclosure (1).
 - c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-3 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.
 - d. The detainee made no requests for witnesses or other evidence.
 - e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
 - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD, JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Air Force; President

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

2 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

A handwritten signature in black ink, appearing to read "D.L. Taylor", is written over the typed name.

DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #5

(U) ISN#:

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) (U) Summary of Detainee/Witness Testimony (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 29 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 29 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of al-Qaida and associated with the Taliban as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]
[REDACTED] Colonel, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #5

ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of al-Qaida and associated with the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of the Taliban and that the detainee engaged in hostilities against the United States or its coalition partners. Those allegations are as follows:

1. The detainee admitted he decided, on his own, to travel to Afghanistan and assist the Taliban based on the Fatwas that were issued.
2. The detainee used primary travel routes to get to Afghanistan – Sa'naa, YM; Karachi, PK; Dubai, UAE; Quetta, PK; Kandahar, AF; Kabul, AF; and Konduz, AF.
3. Once in Konduz, the detainee traveled in Khoja Khar, AF. He trained on the AK-47 about one week and then moved onto the front line to fight against the Northern Alliance.
4. The detainee received first aid training and helped maintain a special clinic for Arabs.

The Personal Representative stepped through the allegations made against the detainee and the detainee confirmed most of the above. He confirmed that he was associated with the Taliban, confirmed that he answered a Fatwa to assist the Taliban and confirmed his travel route into Afghanistan. The detainee denied engaging in hostilities against US or coalition forces. He stated that he went to Afghanistan to visit and assist and stated that he did not know whom the Northern Alliance was. The detainee stated that he received medical training in Yemen prior to his arrival in Afghanistan, but also admitted to

receiving some medical training from the Taliban. The detainee confirmed that he treated not only Arabs, but also all people that were brought into the aid station he worked at near the front lines around Konduz, Afghanistan. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. After all matters were considered, the preponderance of evidence clearly showed that the detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-17
- b. Sworn statement of the detainee

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

The Detainee requested no witnesses be produced for the hearing.

The Detainee requested no additional evidence be provided.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to rely the detainee's testimony and looked to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's testimony. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). He denied being a Taliban fighter, but confirmed that he went to Afghanistan to assist the Taliban and that he received medical training from the Taliban. The detainee also confirmed that he received small arms training with the Kalashnikov rifle in Yemen prior to his arrival in Afghanistan. The Tribunal did find the detainee's testimony persuasive, but also turned to classified sources for further clarification.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

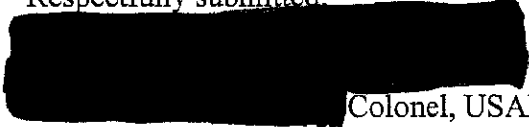
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

Summarized Detainee Statement

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

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

Tribunal President: Do you wish to make a statement to the Tribunal?

Detainee: Is traveling to Pakistan is that an accusation?

Tribunal President: It is a statement of what we believe or a fact of the events leading up to your capture.

Detainee: I left before the attacks.

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

Detainee: What do you mean by oath?

Tribunal President: Oath is a promise that you will tell the truth.

Detainee: What I told you was the truth. I don't understand the connection having traveled from Konduz to a small village of Konduz.

Tribunal President: That is what we are here for today. To decide whether that is relevant or not relevant.

Detainee: The village that I traveled to was where I did my medical training.

Tribunal President: Do you have anything else you would like to tell us?

Detainee: No.

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

Personal Representative: Yes sir. I can go over the things we discussed yesterday, if you would like.

Detainee: Go ahead.

Personal Representative: Concerning 3.a., (The detainee is associated with the Taliban), he said yes.

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Detainee: Yes.

Personal Representative: 3.a.1, (The detainee admitted he decided, on his own, to travel to Afghanistan and assist the Taliban based on the Fatwas that were issued.)

Detainee: Yes.

Personal Representative: 3.a.2, (The detainee used primary travel routes to get to Afghanistan – Sa'naa, YM; Karachi, PK; Dubai, UAE; Quetta, PK; Kandahar, AF; Kabul, AF; and Konduz, AF.) The list route is correct.

Detainee: Yes.

Personal Representative: 3.b., (The detainee engaged in hostilities against the United States or its coalition partners.)

Detainee: That's incorrect.

Personal Representative: 3.b.1, (Once in Konduz, the detainee traveled to Khoja Khar, AF.)

Detainee: Yes

Personal Representative: 3.b.1. Continued, (He trained on the AK-47 about one week and then moved onto the front line to fight against the Northern Alliance.)

Detainee: That is true but I went there just to visit.

Personal Representative: He told me he was not sure what the Northern Alliance was.

Detainee: The Northern Alliance is Afghanis.

Personal Representative: Four months after the 9/11 attacks he was in prison.

Detainee: Yes I was.

Personal Representative: From the 9/11 attacks until the time he was in prison, he was in Konduz working in a medical clinic.

Detainee: Yes.

Personal Representative: 3.b.2, (The detainee first aid training and helped maintain a special clinic for the Arabs.)

ISN [REDACTED]
Enclosure (3)
Page 2 of 4

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Detainee: It was not just for Arabs it was for all the people.

Personal Representative: He said this medical training occurred before the 9/11 attacks.

Detainee: I took the training in Yemen. Anything I didn't learn in Yemen, I picked it up in Afghanistan.

Personal Representative: He said he knew how to fire the AK-47 from Yemen.

Detainee: Yes.

Personal Representative: He shot the AK-47 one-month before the 9/11 attacks.

Detainee: Yes.

Personal Representative: Khoja Khar is in Konduz.

Detainee: Yes it is.

Personal Representative: The clinic there was run by Arabs primarily to help Afghanis.

Detainee: The clinic was run by students.

Tribunal President: Is there anything you would like to add to that statement?

Detainee: No.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you were in Afghanistan who gave you the medical training that you didn't already have?

A. I don't want to talk about all of this, you can take a copy from my file and all the information is in there.

Tribunal President: You have the right not to answer any question, but we are giving you the opportunity to tell us your story, first hand, rather than us reading it in some one else's' report. Would you like to answer questions for us?

Detainee? No, I don't want to.

AUTHENTICATION

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

[REDACTED]

Col, USAF

Tribunal President

Recorder Exhibit List
For
ISN [REDACTED]

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	Redaction of National Security Information		UNCLASSIFIED
R3	FBI 302 dtd 20 May 02	3.a.1 3.a.2 3.b.1 3.b.2	FOUO/LES
R4	Form 40 dtd 06 Aug 03	3.b.1	FOUO/LES
R5	IIR 2 340 6093 02 dtd 04 Jan 02	3.b.1	SECRET
R6	IIR 2 340 6139 02 dtd 31 Jan 02	3.b.2	SECRET
R7	IIR 2 340 6682 02 dtd 15 Mar 02	3.a.1 3.a.2	SECRET
R8	IIR 6 034 0312 03 dtd 01 Oct 01		SECRET
R9	IIR 7 739 0112 03 dtd 30 Nov 01		SECRET//NOFORN
R10	Knowledgeability Brief dtd 17 May 02	3.a.1 3.a.2 3.b.1 3.b.2	SECRET
R11	SIR dtd 29 Jun 03	3.b.1 3.b.2	SECRET//NOFORN
R12	JTF GTMO CG MFR dtd 01 Oct 04	Draft	SECRET//NOFORN
R13	CITF-CDR MFR dtd 07 May 04		SECRET//NOFORN
R14	Enemy Combatant Review Checklist		SECRET//NOFORN
R15	JTF GTMO Baseball Card		SECRET//NOFORN
R16	JTF GTMO Baseball Card		SECRET//NOFORN
R17	Travel Routes to Afghanistan	3.a.2	SECRET//NOFORN

Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (23 September 2004)

SUBJECT: Summary of Evidence for Combatant Status Review Tribunal – Al Warafi, Muktar Yahya Najee

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 associated with the Taliban and engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is associated with the Taliban.
 1. The detainee admitted he decided, on his own, to travel to Afghanistan and assist the Taliban based on the Fatwas that were issued.
 2. The detainee used primary travel routes to get to Afghanistan – Sa'naa, YM; Karachi, PK; Dubai, UAE; Quetta, PK; Kandahar, AF; Kabul, AF; and Konduz, AF.
 - b. The detainee engaged in hostilities against the United States or its coalition partners.
 1. Once in Konduz, the detainee traveled to Khoja Khar, AF. He trained on the AK-47 about one week and then moved onto the front line to fight against the Northern Alliance.
 2. The detainee received first aid training and helped maintain a special clinic for Arabs.
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.

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/22/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/20/2002

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

²See Executive Order 12958

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UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/22/2004

If you need additional assistance, please contact

[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED]
Intelligence Analyst [REDACTED]
[REDACTED]

-2-

UNCLASSIFIED

Personal Representative Review of the Record of Proceedings

plw
I acknowledge that on ~~2~~ October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

Date:

[REDACTED]

Lt Col. [REDACTED] USAF
Personal Representative

ISN # [REDACTED]
Enclosure (5)