


internee serial numbers with other information relates to sensitive internal detention and intelligence operations that is not suitable for public release.

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

Dated: 22 April 2005



Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 622

16 JAN 2005

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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

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13 Jan 05

MEMORANDUM

From: Assistant Legal Advisor
To: Director, Combatant Status Review Tribunal
Via: Legal Advisor *see*

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 2004

Encl: (1) Appointing Order for Tribunal #21 of 16 November 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 affirmatively declined to participate. The detainee did request that the Personal Representative make an oral statement to the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee affirmatively chose not to participate in the CSRT process but did request that his Personal Representative make an oral statement to the Tribunal about the allegations contained in the unclassified summary. A letter from the Personal Representative initially assigned to represent the detainee at Guantanamo Bay, Cuba, reflects the detainee's elections and is attached to the Tribunal Decision Report as exhibit D-b. The Tribunal was held *in absentia* outside Guantanamo Bay with a new Personal Representative who was familiar with the detainee's file. This Personal Representative had the same access to information, evidence, and witnesses as the Personal Representative from Guantanamo Bay. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit post-tribunal comments to the Tribunal.

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

2. The proceedings and decision of the Tribunal as reflected in enclosure (2) are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.


BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

16 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #21

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

[REDACTED] Major, U.S. Air Force Reserve; Member (JAG)


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

[REDACTED]

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosure (2).

(U) TRIBUNAL PANEL: #21

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #21 of 16 November 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) Copies of Documentary Evidence Presented (S/NF)
(3) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 22 November 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 associated with al Qaida in support of military operations against the coalition, 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 enclosure (1).

[REDACTED]
[REDACTED] Col, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #21
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 was associated with al Qaida in supporting military operations against the coalition. 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.

2. Synopsis of Proceedings

The Tribunal conducted the proceeding on 22 November 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence, Exhibit R-1, indicates, among other things, that the detainee is a member of al Qaida and participated in military operations against the coalition.

The detainee did not attend the Tribunal hearing and affirmatively declined to participate. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a) and the Guantanamo Personal Representative's affidavit (Exhibit D-b). The Personal Representative presented the detainee's statement (Exhibit D-c) that detainee requested the Tribunal consider. The Personal Representative called no witnesses.

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-9. The Personal Representative reviewed these exhibits by prior to their presentation to the Tribunal. The Personal Representative presented no classified exhibits. The classified exhibits support the assertions on the Unclassified Summary of Evidence and the Tribunal found the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-9, D-a, D-b and D-c.
- b. Testimony of the following persons: None.

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[REDACTED]
Enclosure (1)
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c. Statement of the detainee: read by Personal Representative from Exhibit D-c.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Recorder offered Exhibit R-1, the Unclassified Summary of Evidence, into evidence during the unclassified portion of the proceeding. 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 only conclusory statements without supporting unclassified evidence. The detainee's statement provides support for the allegations listed in the Unclassified Summary of Evidence. The detainee's statement indicated that he did train at the [REDACTED] paramilitary training camp and received training on light weapons, explosives and principles of topography. Further, he admits that he prepared false documents and received training from senior al Qaida operative on how to encode telephone numbers. The detainee was further implicated as proposing plans to senior al Qaida leaders on attacking subway trains in the United States. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

6. Discussion of the Classified Evidence

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-9. While some exhibits were more persuasive than others, most of the classified exhibits fully supported the assertions on the Unclassified Summary of Evidence and the detainee's statement and were persuasive. Based upon these facts the Tribunal found the detainee is properly classified as an enemy combatant.

7. Consultations with the CSRT Legal Advisor

None

8. Conclusions of the Tribunal

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

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and

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physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process but chose not to participate, as indicated in Exhibit D-a and Exhibit D-b.

c. The detainee is properly classified as an enemy combatant because he was associated with al Qaida in supporting military operations against the coalition.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large, dark, rectangular redaction covering the signature of the Tribunal President.

Colonel, U.S. Air Force
Tribunal President

DETAINEE ELECTION FORM

Date: 17 November 2004

Start Time: 1500 hrs

End Time: 1620 hrs

ISN#: [REDACTED]

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? ENGLISH

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 does not desire to participate in the Tribunal but requests PR to make an oral statement on his behalf. There are neither witnesses nor documentary evidence to present. Detainee was very respectful and spoke perfect English (lived in US and UK).

Personal Representative: [REDACTED]
LCDR USN MAJ USAF
22 NOV 04

Exhibit: D-a

An initial interview was held with detainee Binyam Ahmed Mohammad (ISN [REDACTED] on 18 Nov 04

[REDACTED] The detainee spoke the language of the linguist and understood the linguist.

[REDACTED] The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.

[REDACTED] The detainee was advised that I am not an attorney nor his advocate, but will assist him in the CSRT process if he chooses to participate.

[REDACTED] The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.

[REDACTED] The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.

[REDACTED] The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.

[REDACTED] The detainee confirmed that he understood the process as explained to him and did not have any questions.

[REDACTED] The detainee affirmatively chose not to participate in the CSRT process (and does not want me to present information on his behalf) (but requested that I present the following information on his behalf):

I affirm that the information above is complete and accurate to the best of my knowledge.

///Signed // [REDACTED]
[REDACTED] Major, USAF
Personal Representative [REDACTED]

18 Nov 04

Exhibit D-4787

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (10 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal –MOHAMMAD, Binyam Ahmed

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 associated with al Qaida or the Taliban.
 - A. The detainee is associated with al Qaida or the Taliban.
 1. The detainee is an Ethiopian who lived in the United States from 1992 to 1994, and in London, United Kingdom, until he departed for Pakistan in 2001.
 2. The detainee arrived in Islamabad, Pakistan, in June 2001, and traveled to the [REDACTED] training camp in Afghanistan, to receive paramilitary training.
 3. At the [REDACTED] camp, the detainee received 40 days of training in light arms handling, explosives, and principles of topography.
 4. The detainee was taught to falsify documents, and received instruction from a senior al Qaida operative on how to encode telephone numbers before passing them to another individual.
 5. The detainee proposed, to senior-al Qaida leaders, the idea of attacking subway trains in the United States.
 6. The detainee was extracted from Afghanistan to Karachi, Pakistan, where he received explosives and remote-controlled-detonator training from an al Qaida operative.
 7. The detainee met with an al Qaida operative and was directed to travel to the United States to assist in terrorist operations.

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8. The detainee attempted to leave Pakistan for the United States but was detained and interrogated by Pakistani authorities, revealing his membership in al Qaida, the identities of Mujahidins he knew, and his plan to use a "dirty bomb" to carry out a terrorist attack in the United States.

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.

PERSONAL REPRESENTATIVE NOTES FROM ISN [REDACTED] INTERVIEWS

PR:	[REDACTED]
3 or 4 digit ISN:	[REDACTED]
Date:	18 Nov 04
Start Time:	1500
End Time:	1620

PR NOTES FROM INITIAL INTERVIEW WITH DETAINEE [REDACTED] (Binyam Ahmed Mohammed)

During the initial interview on 18 Nov 04, detainee elected to NOT participate in the Tribunal. He had no witnesses or documentary evidence but requested that his Personal Representative provide statements made during the initial interview. Those statements follow:


- Detainee informed PR that the interrogators told him that the tribunals were a "pass by" to get to the courts. He stated that he had no evidence on him (plans, materials, weapons, etc.) when captured and was interrogated by the British Secret Service (M6) who said that he was not accused of anything. He told me he made statements while being (mentally and physically) tortured while in Pakistani jails. Detainee admitted items 3A1-4 on the UNCLASS summary of evidence, but stated he went for training to fight in Chechnya, which was not illegal. The detainee stated that the other items were rubbish or made under duress. He further stated that he traveled before 11 Sep 2001, which means he had different plans other than going to fight America. After 9/11, there was no way out of AF other than the groups who could get him out of AF, through PK, and back to Britian (namely al Qaida). Finally, detainee stated that his plane ticket at time of capture was a ticket from Karchi to Zur4ich to England, so how could he have plans to carry out attacks in the United States.


[REDACTED]
Major USAF
Personal Representative [REDACTED]

Exhibit D-C


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Personal Representative Review of the Record of Proceedings

I acknowledge that on 23 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 


 I have no comments.

My comments are attached.


Name

23 NOV 04
Date


Signature


Enclosure (3)