

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALI HUSAYN ABDULLAH AL TAYS)
 et al.)
 Petitioners,)
v.) Civil Action No. 04-CV-1194 (HHK)
GEORGE W. BUSH,)
 President of the United States, *et al.*,)
 Respondents.)
_____)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., 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:

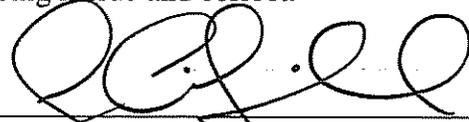
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

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 Ali Husayn Abdullah Al Tays that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached

hereto. I have redacted 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: 1 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser:
30 September 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

29 Sep 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

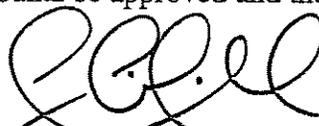
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal 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, was present for the unclassified portions of the Tribunal proceedings, and made an unsworn statement.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, and R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- 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

UNCLASSIFIED



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

27 September 2004

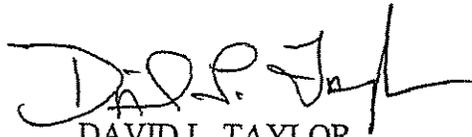
MEMORANDUM FOR DIRECTOR, CSRT

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.


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#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #5 of 17 Aug 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 (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 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 24 Sep 04 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 or affiliated with al Qaida and was also part of or supporting 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]

Col, 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 or affiliated with al Qaida and was part of or supporting 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 the evidence presented to the Tribunal by the Recorder indicated that the detainee voluntarily traveled from Yemen to Afghanistan in 2001 to receive weapons training. It further indicated that as he was traveling to Afghanistan he stayed at Al Nabrass, a known al Qaida safehouse frequented by Usama bin Laden. The detainee attended the Al Farouq training camp, where he received training on the AK-47 rifle, and then fled the camp to the Tora Bora mountains before being captured by Pakistani authorities. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no additional documents be produced. He made an unsworn verbal statement. The detainee, in his verbal statement, admitted traveling from Yemen to Afghanistan for military training, admitted staying in the Al Nabrass safehouse, and admitted attending the Al Farouq training camp, but denied ever traveling to the Tora Bora area.

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.
- c. Unsworn statement of the detainee.

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

The Detainee requested no witnesses; no rulings were necessary.

The Detainee requested no additional evidence be produced; no rulings were necessary.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 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 attended training in Afghanistan in for the purpose of learning how to protect himself from rival tribes in Yemen. He said that he would have returned to Yemen after his training. According to the detainee, similar weapons training in Yemen takes three years to get into, while in Afghanistan you only had to wait a few months. He said that he had only been in Al Farouq for a few days when he and his fellow trainees were told to leave in order to attend training in another place where "the training was better." He stated that he had no passport when arrested because he had turned it in at the safehouse. He claimed he was arrested by the Pakistani authorities while attempting to get to the Yemeni embassy in Pakistan. He also asserted that he had never heard of al Qaida or the Taliban before arriving at Guantanamo Bay, but later said that he knew that the Taliban ran the camp he was attending. He claimed there was no significance to the fact that the safehouse he stayed in was frequently used by Usama bin Laden. Overall, the detainee was combative, angry, and defiant during the course of his oral statement. The Tribunal panel found him to be evasive in his statements and in his answers to questions asked by Tribunal members. This detracted from his credibility as a witness on his own behalf.

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

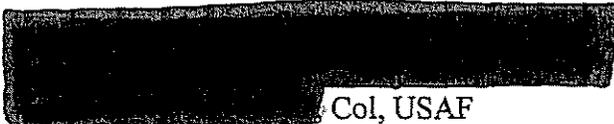
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- 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 indicated that he understood the process and asked no questions regarding his rights. 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 was part of or supporting the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Col, USAF
Tribunal President

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee said something but the Translator could not hear him. The Tribunal President told the Translator to ask the Detainee to speak up. The Detainee said he couldn't speak any louder than that. The Detainee told the Tribunal President to continue.

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

When asked by the Tribunal President if the detainee wished to make a statement to the Tribunal the Detainee asked: "Where did you get the information for all the accusations that were just read?"

Tribunal President: The information was gathered from classified sources.

Detainee: What can I do if the information is classified and it's all lies.

Tribunal President: You can tell us your version of the truth.

Detainee: I can't figure out where you got the information that I escaped to Tora Bora.

[Tribunal President asked if the Detainee wanted to make a statement under oath]

Detainee: You have all the statements.

Tribunal President: Would you like to make a statement to this Tribunal under oath stating you will tell the truth?

Detainee: You have the truth.

[The Personal Representative asked and was granted permission by the Tribunal President to speak to the Detainee.]

Personal Representative: They have not seen any information prior to this. This is your opportunity to explain your side of the story, if you would like to do so.

Detainee: How is it that you are holding a meeting and you haven't looked at the statements?

Tribunal President: The purpose of this Tribunal is to give a neutral look at the evidence and to make a decision as to whether or not you have been properly classified as an enemy combatant.

UNCLASSIFIED / FOUO

[The Translator began translating what the Tribunal President stated and was interrupted by the Detainee.]

Detainee: Read the first one.

Tribunal President: Very well, we will proceed with his statement, un-sworn.

[The Tribunal President then asked the Translator to read the unclassified summary starting with the first one.]

[The Translator read 3.a.1. "The detainee voluntarily traveled from Yemen to Afghanistan to receive weapons training for use in a tribal war in Yemen in 2001."]

Detainee: Is that the accusation?

Tribunal President: That is a statement of evidence.

Detainee: Why are the Americans asking me about this? Why is it their business?

Tribunal President: You have been classified as an enemy combatant against the United States. This is the evidence we are using to determine whether that classification is correct or not.

Detainee: Regarding number one; it is not the United States business and it shouldn't be the Yemeni government's business. Logically it does not make sense to include that into evidence.

Tribunal President: Go to number two.

Detainee: Since you asked and I answered you, why don't you answer me. Tell me what business is it of the Americans or the Yemeni government?

Tribunal President: We are here to ask questions not answer them.

Detainee: If it doesn't concern you then why classify me as an enemy combatant?

Tribunal President: I didn't say it didn't concern me.

Detainee: Being an enemy combatant, does that mean I went against the United States?

Tribunal President: You have been classified by the United States as an enemy combatant.

Detainee: We will discuss this one point at a time. In regards to number one, being classified as an enemy combatant, what kind of evidence do you have?

ISN # [REDACTED]
Enclosure (3)
Page 2 of 8

UNCLASSIFIED / FOUO

UNCLASSIFIED / FOUO

Tribunal President: This is the unclassified summary of evidence we have read to him.

Detainee: Number one is the most important part because it determines if I am staying here or leaving. I still don't understand why you are concerned with that. If this does or doesn't concern you, why treat me as an enemy combatant?

Tribunal President: Our reasons are not an issue here, what is an issue is the facts.

Detainee: You either misunderstood or you are accusing me of something I never did. Why are the Americans concerned about them? This is the most important question to me.

Tribunal President [referring to 3.a.1.]: Is it true or not?

Detainee: It's true, but is that reason enough to classify me as an enemy combatant?

Tribunal President: Individually it is not but in compilation with the rest it may be.

Detainee: We will look at all the items here and see what you people come up. So, the first of the seven points is what helped classify me as an enemy combatant?

Tribunal President: "Yes."

Detainee: Explain to me each of these seven points and if you don't have an answer, just say you don't have an answer.

[One of the Tribunal Members asked the Tribunal President if he could try and explain the process to the Detainee.]

Tribunal Member: Let me try to explain what we are doing here. Your interrogators and others that work for the United States have decided that you are an enemy combatant. We are an independent group that is supposed to look at all the evidence. We look at the evidence that your accusers give us and we listen to what you say. Then we decide whether your accusers are right and you should be classified as an enemy combatant or if they are wrong we should send you home. So, we might look at number one and say, "you're right that doesn't have anything to do with you being an enemy combatant," and ignore it. But before today we haven't looked at any of this evidence or heard anything you had to say. We don't know anything about this case until right now when we look at it all.

Detainee: How do you classify me as an enemy combatant if you don't know what the interrogator said? You haven't looked at the file yet.

ISN # [REDACTED]
Enclosure (3)
Page 3 of 8

UNCLASSIFIED / FOUO

930

UNCLASSIFIED / FOUO

Tribunal Member: The government has classified you as an enemy combatant. We are going to look at the files to see if we believe it or not. If we don't believe it, we will say they are wrong and that you shouldn't be an enemy combatant.

Detainee: That means at this point and time, you have no response to question number one.

Tribunal Member: Correct, we are not here to answer questions. We are here to look at all the evidence.

Detainee: Fine.

[The Translator read 3.a.2.: "While awaiting transportation from Kandahar to Al-Farouq, the detainee stayed at Al-Nabrass, an Al-Qaida safe house."]

Detainee: That's true.

[The Translator read 3.a.3.: "The Al-Nabrass safe house was frequented by Usama Bin Laden."]

Detainee: What difference does it make?

Tribunal President: We don't know at this time.

Detainee: What difference does it make, if it was Usama Bin Laden or somebody else?

Tribunal President: It shows a connection to the Al-Qaida organization.

Detainee: What difference does it make if Usama Bin Laden visited our place?

Tribunal President: It's understood, go to number four.

[The Translator read 3.a.4.: "The Detainee attended the Al-Farouq training camp in 2001."]

Detainee: That's true.

[The Translator read 3.a.5.: "At the Al-Farouq training camp, the detainee received training on the AK-47 rifle."]

Detainee: That's true.

[The Translator read 3.a.6.: "The Detainee fled the Al-Farouq training camp to the Tora Bora Mountains in September 2001."]

Detainee: That's false.

[The Translator read 3.a.7.: "Pakistani Authorities held the detainee at the Pakistan/Afghan border when attempting to flee the Tora Bora region in October 2001."]

Detainee: That's false.

[Tribunal President asked if the Detainee had any other evidence to present to the Tribunal]

Detainee: I would like for you to answer me when I ask you a question.

Tribunal President: I will answer any questions you have about the process, but I will not answer any of the questions you have asked so far.

Detainee: That's the most important thing, if you were going to answer me. My leaving Yemen and going to Afghanistan has nothing to do with Al-Qaida or fighting.

Summarized Answers in Response to Questions by the Recorder

Q. At what time and under what circumstances did you leave Al-Farouq?

A. They took us from there and I didn't know where we were going. They took me to another place to finish my training.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why were you in Afghanistan, just for training?

A. That concerns the first part of the evidence.

Q. Why didn't you receive training in Yemen?

A. You mean from the Yemeni government?

Q. No, just in the country of Yemen?

A. I am confused.

Q. Why did you have to go to Afghanistan?

A. That concerns part one of the unclassified evidence.

Q. Having said that, you went there to receive weapons training, correct?

UNCLASSIFIED / FOUO

- A. Yes. In Yemen it is hard to get training and it takes so long, about three years. In Afghanistan it takes only two months.
- Q. Do you know who Al-Qaida or the Taliban are?
- A. No.
- Q. When you left the mountains from Afghanistan and went into Pakistan were you carrying weapons?
- A. I had heard of the Taliban but never Al-Qaida until I came to Cuba.
- Q. Did you know that the Taliban were in control of Afghanistan when you went there?
- A. I also knew that Al-Masood was in control of certain areas.
- Q. Did you know that Al-Masood's forces were fighting against the Taliban?
- A. I didn't know until I got to Afghanistan.
- Q. Did you know that some of the people trained at Al-Farouq were fighting against Al-Masood?
- A. No.
- Q. In Al-Farouq did you learn how to use weapons?
- A. The AK-47.
- Q. Explain how you were captured or arrested.
- A. The money was mine, I turned myself over.
- Q. To whom?
- A. Pakistani Police.
- Q. Where?
- A. I don't recall.
- Q. Was it in Al-Farouq, or the mountains, was it?
- A. Inside Pakistan. I didn't have a passport and was looking for the Yemeni

UNCLASSIFIED / FOUO

embassy.

Q. Did you have any weapons with you?

A. No.

Q. Why do you think you were handed over to the Americans?

A. I turned myself over so they would send me to the proper embassy; instead they turned me over to the American forces.

Q. Can you tell me how you got to Afghanistan, the mode of travel and who paid for it?

A. I paid for the trip. I took the plane from Yemen to Pakistan.

Q. Then from Pakistan to Afghanistan?

A. I took the bus.

Q. Where in Pakistan did you stay?

A. In a hotel.

Q. How long were you in the hotel?

A. A few days.

Q. Did you have any trouble getting across the border? Did you go straight to Al-Farouq?

A. No.

Q. Explain how you got there.

A. From the safe house to the camp, I took a bus. There were no problems taking the bus. Because of this I was classified as an enemy combatant.

Q. What happened to your passport?

A. It's in Kandahar at the guesthouse. If I had it with me I wouldn't have turned myself in and I wouldn't be here.

Q. Did you give your passport to some one in Kandahar? How did you lose it?

ISN # [REDACTED]
Enclosure (3)
Page 7 of 8

UNCLASSIFIED / FOUO

UNCLASSIFIED / FOUO

A. I didn't lose it or give it to no one. When you arrive you are suppose to hand it over to some one.

Q. Someone in the government?

A. No, in the house where I was staying.

Q. So, you gave your passport to some one in the house where you were staying in Kandahar?

A. Yes.

Q. Why did you want to get training?

A. If you read the evidence, the information is in there. There were so many problems in Yemen, tribal problems, to protect myself.

Q. So, after your training you planned on returning to Yemen to protect yourself?

A. Yes.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

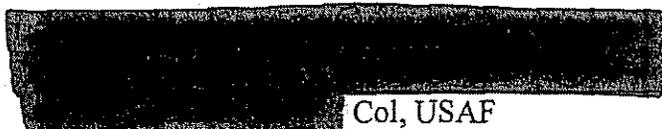
Detainee: What kind of evidence are you looking for?

Tribunal President: Are there any other statements you would like to make to explain your actions?

Detainee: No.

AUTHENTICATION

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


Col, USAF
Tribunal President

ISN # 
Enclosure (3)
Page 8 of 8

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (15 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal- AL TAYS, Ali Husayn Abdullah

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 an al Qaida fighter.
 - a. The detainee is a member of al Qaida:
 1. The detainee voluntarily traveled from Yemen to Afghanistan to receive weapons training for use in a tribal war in Yemen in 2001.
 2. While awaiting transportation from Kandahar to Al Farouq, the detainee stayed at Al Nabrass, an al Qaida safehouse.
 3. The Al Nabrass safehouse was frequented by Usama Bin Laden.
 4. The detainee attended the Al Farouq training camp in 2001.
 5. At the Al Farouq training camp, the detainee received training on the AK-47 rifle.
 6. The detainee fled the Al Farouq training camp to the Tora Bora Mountains in September 2001.
 7. Pakistan Authorities held the detainee at the Pakistan/Afghan border, when attempting to flee the Tora Bora region in October 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

UNCLASSIFIED

936
Exhibit RI

UNCLASSIFIED

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

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/15/2004
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [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, GTMO:

FD-302 dated 05/16/2002
FD-302 dated 05/24/2003

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

²See Executive Order 12958

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/15/2004

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

Memorandum



To : Department of Defense Date 09/23/2004
 Office of Administrative Review
 for Detained Enemy Combatants
 Col. David Taylor, OIC, CSRT

From : FBI GTMO
 Counterterrorism Division
 OSC [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 ISN⁴ [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/29/2002

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

²See Executive Order 12958

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/23/2004

If you need additional assistance, please contact
Assistant General Counsel (011-5399-3415),
[REDACTED] or Intelligence Analyst [REDACTED]
Intelligence Analyst [REDACTED]

UNCLASSIFIED

Detainee Election Form

Date/Time: 22 Sep 04
Start/End Time: 1415 / 1500

ISN#: [REDACTED]

Personal Representative: [REDACTED] Major, USAF
[Name/Rank]

Translator Required? YES

Language? Arabic

CSRT Procedures Read to Detainee or Written Copy Read by Detainee? NO

Detainee Election:

Wants to Participate in Tribunal

Affirmatively Declines to Participate in Tribunal

Uncooperative or Unresponsive

Personal Representative Comments:

Detainee wants to participate and make an oral statement.
Detainee did not request any witnesses.

[REDACTED]

Personal Representative

Personal Representative Review of the Record of Proceedings

I acknowledge that on 25 September 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.

[REDACTED]
Name

25 SEP 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)