

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: 60
20 August 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 192**

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 #192 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, USNR

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

~~FOR OFFICIAL USE ONLY~~



Department of Defense
Director, Combatant Status Review Tribunals

6 August 2004
Ser0038/ajs

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #4

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. Navy; Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Marine Corps; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
U.S. Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

16 August 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 192

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].

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

DAVID L. TAYLOR
Colonel, USAF

19 Aug 04

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 192

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

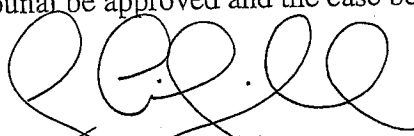
Encl: (1) Appointing Order for Tribunal #4 of 6 August 2004
(2) Record of Tribunal Proceedings

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 voluntarily elected not to participate in 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 the information in exhibit R-2 was partially redacted by the Federal Bureau of Investigation. Although no certification letter is included among the exhibits admitted at the Tribunal, I have confirmed with the Recorder that the FBI did issue a proper certification letter stating that none of the redacted information would 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 # 192 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.

A handwritten signature in black ink, consisting of several loops and a final flourish.

James B. Crisfield Jr.
CDR, JAGC, USN

UNCLASSIFIED

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

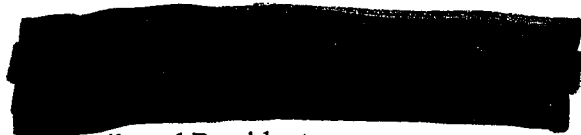
(U) TRIBUNAL PANEL: #4

(U) ISN#: 192

Ref: (a) (U) Convening Order for Tribunal #4 of 6 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) Copies of Documentary Evidence Presented (S//NF)
(4) (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 12 August 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #192 is 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).



Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #4 _____
ISN #: _____ 192 _____

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 Saudi Arabia to Afghanistan to train for Jihad. The detainee trained at [REDACTED] a known al Qaida training camp. The detainee both trained with a Kalishnakov (AK-47) rifle and received physical training at [REDACTED]. The detainee traveled to the front lines of Tora Bora in order to fight the Northern Alliance. The Recorder called no witnesses.

The detainee elected not to participate in the Tribunal process. He communicated his desire not to participate to his Personal Representative prior to the proceedings, and his decision was recorded on a Detainee Election Form dated 10 August 2004 and signed by his Personal Representative. The detainee did not ask his Personal Representative to present anything in his behalf. The Personal Representative did indicate that the detainee appeared to understand the process, but had an extremely skeptical attitude; did not believe in the process; and would not be in attendance at the Tribunal nor request any witnesses.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-12
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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 Tribunal found the following unclassified evidence persuasive in making its determinations:

The bulk of the evidence pertaining to the detainee's status came from an FBI interview of the detainee dated 02/13/2002 (Exhibit R-2). It indicates the detainee traveled from Saudi Arabia to Afghanistan for the purpose of Jihad. After arriving in Afghanistan the detainee then traveled to [REDACTED] a known al Qaida camp, where he received training on the Kalshnikov rifle and physical training. Later, the detainee fought the Northern Alliance at Tora Bora, and had a working knowledge of the tactical procedures and front line positions of the Taliban.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations:

The Air Force Office of Special Investigations interview dated 22 April 2004 (Exhibit R-3), though providing background information on the detainee, was not considered relevant in determining the detainee's status as an Enemy Combatant.

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

c. The detainee is properly classified as an enemy combatant because he 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,



Tribunal President

Detainee Election Form

Date/Time: 10 Aug - start 1355
Start/End Time: - 1435

ISN#: 192

Personal Representative: Lt Col [REDACTED]
[Name/Rank]

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Detainee HAD AN extremely SKEPTICAL ATTITUDE.
Does NOT BELIEVE in the system.
Will NOT BE in attendance at TRIBUNAL,
Hence, NO WITNESSES.

[REDACTED]

Personal Representative

[REDACTED]
Tribunal after
assigns
President
[REDACTED]
10 Aug 04
1020
Assign
Col [REDACTED]

UNCLASSIFIED

Recorder Exhibit List

For

ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI 302 [REDACTED] 13 Feb 02	UNCLASSIFIED
R3	FM40 [REDACTED] 22 Apr 04	UNCLASSIFIED
R4	IIR 6 034 0045 02 25 Feb 02	SECRET
R5	CITF Commander Memo 14 May 04	SECRET/NOFORN
R6	JTF GTMO CG Regional Team Assessment 14 May 04	SECRET
R7	JTF GTMO Baseball Card	SECRET/NOFORN
R8	IIR 7 739 3268 02 30 Aug 02	CONFIDENTIAL
R9	IIR 6 034 0241 02 7 Apr 02	SECRET
R10	IIR 6 034 0241 02 7 Apr 02	SECRET
R11	IIR 2 340 6138 02 8 Jan 02	SECRET
R12	IIR 2 340 6165 02 14 Jan 02	SECRET

UNCLASSIFIED

Combatant Status Review Board

8 August 2004

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – Detainee Ibrahim Sulayman Muhammad Al Rubaysh

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 a member of Al-Qaida and associated with the Taliban. He engaged in hostilities against the United States or its coalition partners.

a. The Detainee was a Taliban fighter and Al Qaida member.

1. The Detainee traveled to Afghanistan to train for JIHAD.
2. The Detainee trained at the [REDACTED] a known Al Qaida training camp.
3. Detainee trained with a Kalishnakov rifle and received physical training at [REDACTED]

b. He engaged in hostilities against the United States or its coalition partners.

1. Detainee traveled the front lines in Tora Bora in order to fight the Northern Alliance.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

1164

EXHIBIT

R-1

Personal Representative Review of the Record of Proceedings

¹⁴ [REDACTED]
I acknowledge that on 13 August 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #192.

I have no comments.

My comments are attached.

[REDACTED]
Name

14 AUG 04
Date

[REDACTED]
Signature