

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Nasir Najr Nasir Balud Al Mutayri, *et al.* )  
 )  
 )  
 Petitioners, )  
 )  
 v. ) Civil Action No. 02-CV-0828 (CKK)  
 )  
 )  
 UNITED STATES OF AMERICA, *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:

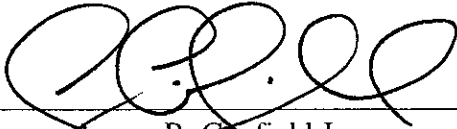
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Nasir Najr Nasir Balud Al Mutayri 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: 24 Sep 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 104  
19 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.

A handwritten signature in black ink, appearing to read "J. M. McGarrah".

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

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16 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 #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 was present for the unclassified portions of the Tribunal. Information described as "law enforcement sensitive" by originating agencies was handled the same as classified evidence pursuant to direction from the Secretary of the Navy.
- 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 through R-9 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.

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

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.  
CDR, JAGC, USN

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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:

████████████████████ Colonel, U.S. Army; President

████████████████████ Commander, JAGC, U.S. Navy; Member (JAG)

████████████████████ Lieutenant Colonel, U.S. Marine Corps; Member

A handwritten signature in cursive script, reading "J. M. McGARRAH".

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

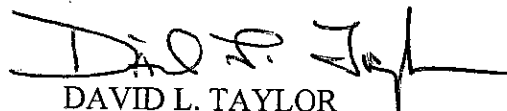
13 September 2004

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:   #4  

(U) ISN#:   [REDACTED]  

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) Summary of Detainee 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 27 August 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, or affiliated with, Taliban forces, or associated forces that are engaged in hostilities against the United States or its coalition partners, 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, USA  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #4 \_\_\_\_\_

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, Taliban forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. 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 Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. It indicates the detainee admitted to affiliation with the Taliban and admitted to traveling to Afghanistan to fight with the Taliban. It states he received weapons training in the use of hand grenades and the Kalashnikov rifle on the Karabatt line in Afghanistan. The Unclassified Summary of Evidence also asserts the detainee engaged in hostilities against the United States or its coalition partners. It states the detainee fought against Northern Alliance forces on the Karabatt line for six months and on the Kawajaqaar line for four months. The summary adds the detainee carried a Kalashnikov rifle and two grenades while on the front lines, and relinquished his weapon and surrendered to Northern Alliance forces at Mazar e-Sharif. Finally, the summary indicates the detainee was injured in the Qala-I-Jenghi prison uprising and eventually surrendered to Northern Alliance forces. The Recorder called no witnesses.

The detainee participated actively in the Tribunal process. He made a sworn statement addressing each of the points on the Unclassified Summary of Evidence. He denied being associated with the Taliban, stating the lines he served on were open to everyone and people serving on them could come and go as they pleased. He also denied traveling to Afghanistan to fight with the Taliban, stating instead he traveled for religious preparation, known as Rabat. The detainee admitted he carried a Kalashnikov rifle on the Karabatt line, but indicated all he did was clean, disassemble, and reassemble it. The detainee denied engaging in hostilities against Americans. He stated he went to Afghanistan and served on the lines about one year before the 11 September 2001 attacks, so he did not know who the U.S. allies were. He also stated that while he served on the Karabatt and Kawajaqaar lines, it was not to fight, but was for the purpose of Rabat. He admitted carrying the Kalashnikov rifle and grenades on the lines, but stated

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ISN # [REDACTED]  
Enclosure (1)  
Page 1 of 5

they were standard issue to men serving on the lines and they were not necessarily for fighting. He also stated he did turn in his weapons at Mazar e-Sharif, but not for the purpose of surrender. It was instead part of an agreement between [all those with] him and Northern Alliance forces, which stated if he turned in his weapon, he would be permitted to go on his way. Finally, the detainee indicated he was injured by accident in the courtyard of the Qala-I-Jenghi prison, and he surrendered to Northern Alliance forces after eight days because it was the only thing left to do. The detainee also elected to answer questions posed by the Personal Representative, the Recorder and Tribunal members. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee called no witnesses, but the Personal Representative did offer extensive notes of his interviews with the detainee as Exhibit DB to further explain the detainee's position.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: DA through DB, R-1 through R-19
- b. Testimony of the following persons: None
- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report

### **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 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 sworn testimony and the Personal Representative's notes of his interviews

with the detainee. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3), and the Personal Representative's notes of his interviews with the detainee are attached as Exhibit DB. The detainee began his sworn statement by responding to each of the points raised in the Unclassified Summary of Evidence. In sum, he denied being associated with the Taliban or traveling to Afghanistan to fight with the Taliban, stating instead he traveled for religious preparation, known as Rabat; he admitted he carried a Kalashnikov rifle on certain defensive lines, but indicated all he did was clean, disassemble, and reassemble the weapon; he denied engaging in hostilities against Americans and, because he went to Afghanistan about one year before the 11 September 2001 attacks, he did not know who the U.S. allies were; he stated that while he served on the Karabatt and Kawajaqaar lines, it was not to fight, but was for the purpose of Rabat; he admitted carrying the Kalashnikov rifle and grenades on the lines, but stated they were standard issue to men serving on the lines and were not necessarily for fighting; he stated he did turn in his weapons at Mazar e-Sharif, but only to secure safe passage as part of an agreement with the Northern Alliance; and he indicated he was injured by accident in the courtyard of the Qala-I-Jenghi prison, and he surrendered to Northern Alliance forces after eight days because it was the only thing left to do.

c. The detainee then answered questions posed by the Personal Representative. During the course of this questioning, he clarified the meaning of Rabat, indicating it means waiting and is a form of worship – a kind of practice. He stated there is a great reward in his religion for doing Rabat, and if someone dies while on one of the lines while doing Rabat, they are considered a martyr and go to heaven. He said Rabat is the opposite of Jihad because Rabat would be defending the line while Jihad would be attacking. He also explained his typical day on the line involved standing guard duty in one-hour shifts, eating, sleeping and praying. He indicated he did not take part in any of the fighting, but he did see some shooting where the Afghans were. He added when you go for Rabat, you are not doing it for a certain person, organization or country. You just go do it and return home. He said he was on the line in the north of Afghanistan when he heard about Massoud's injury and the 11 September 2001 attacks. Then the bombing started in Kabul, and eventually, close to where the detainee was stationed. Once that started, those doing Rabat decided to return to their home countries, so they went to Konduz, because most other places had fallen to Dostum or Massoud's forces. There were also Taliban in Konduz, as were the people who were doing Rabat. Then they reached an agreement with Dostum to allow them to go to Mazar e-Sharif. That was one of only two options given to them – Mazar e-Sharif or Bamiyan. Both of those were enemy locations, but Bamiyan was more dangerous because it involved Shiites, so they chose to go to Mazar e-Sharif. The condition was they had to turn in their weapons, which they did. They were then taken to the Qala-I-Jenghi prison, instead of being given the safe passage they were promised.

d. The detainee also agreed to answer questions posed by Tribunal Members (the Recorder had no questions). In response to these questions, the detainee reaffirmed he was not affiliated with either the Taliban or Al Qaida, and added the weapons training he received was given by an Arab leader. He said in choosing where to go for his Rabat, he

was given a paper in Kuwait telling him where to go. He said there were Pakistanis, Arabs and Afghans with him in Kabul, and in the north, there were also Uzbeks and Tajiks. The detainee stated the Afghans on the lines to which he was assigned were Taliban, but he was not affiliated with them. He said people on his line could come and go as they pleased, and the Taliban would go with the Taliban. The detainee also stated when he went to Konduz, he went with people doing Rabat. He said Konduz belonged to the Taliban, and it was the only place that hadn't fallen during the war. The detainee again clarified Rabat, indicating Rabat's purpose is not to defend something. He said scholars in Saudi Arabia said people fighting in Afghanistan – the Taliban and Massoud's people – were going outside the religion by fighting and that was not good. They are all Muslim brothers, and the scholars want peace. The detainee said he would have considered doing Rabat for Dostum's forces if there was a large group of people doing that, but Dostum didn't have a lot of allies – all he had was a small group of Afghans with him, so he didn't join Dostum.

e. The Personal Representative also submitted the detailed notes of his interviews with the detainee as Exhibit DB. The notes are generally consistent with the detainee's sworn testimony; the following points warrant mention. The detainee understood the people doing Rabat would discourage anyone from attacking, similar to U.S. forces in Kuwait, which keep the peace and prevent conflict. The detainee also indicated Rabat is considered an honorable deed and is encouraged because it brings one closer to Allah. He noted at the time he went to Afghanistan, the Taliban was the lawful government of Afghanistan and Dostum and Massoud were considered outlaws. He said the Taliban controlled 95% of Afghanistan, and most of the people followed them. He said the Saudi and Kuwaiti governments recognized the Taliban. He said if he knew Massoud and Dostum were allied with the U.S., he would not have gone to Afghanistan, because the United States helped Kuwait during the Gulf War and is a friend to Kuwait. Before 11 September 2001, the detainee was not aware of any problems between the United States and the Taliban. He was only aware of problems between the United States and Al Qaida, of which he is not a member. After 11 September, he thought the United States would only strike at Al Qaida in Afghanistan, not all of Afghanistan. He did not know Al Qaida was allied with the Taliban. As soon as he realized the United States was entering the fight against the Taliban, he did not want anything to do with that fight and tried to go home.

f. While the Tribunal understands the detainee's motives for going to Afghanistan and recognizes he arrived there well before 11 September 2001, it is clear he actively supported Taliban forces after 11 September 2001. By his own admission, he served in northern Afghanistan in lines with or near Taliban forces, and his positions were meant to support the Taliban forces in their fight against the Northern Alliance. Furthermore, when he withdrew from those lines, he withdrew to a Taliban controlled city, Konduz, because all of the other cities had fallen to forces opposing the Taliban. He remained armed until a deal was brokered with the Northern Alliance to allow him to leave Konduz – only then did he lay down his weapons. Finally, when choosing where to go, he noted both Bamiyan and Mazar e-Sharif were enemy locations, but Mazar e-Sharif was considered less dangerous. The detainee's own testimony made it clear he had cast

his lot with the Taliban, even after the 11 September 2001 attacks. Accordingly, the Tribunal concluded the detainee meets the definition of 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**

The Tribunal consulted the CSRT Assistant Legal Advisor and the OARDEC Forward Chief of Staff regarding certain matters raised by Exhibit R-19, which are more fully discussed in paragraph 1.e. of Enclosure (2) to the CSRT Decision Report. As per instructions, the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO was notified of the matters on 30 August 2004.

#### **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 had no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, Taliban forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

#### **8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
COL, USA  
Tribunal President

Summarized Detainee Sworn Statement

Tribunal President: Nasir Najr Nasir Balud Al Mutayri, you may now present any evidence you have to the Tribunal. You have the assistance of your personal representative in doing so. Do you want to present any information to this Tribunal?

Detainee: In response to the evidence, I just want to defend myself.

Tribunal President: Okay. Would you like to make your statement sworn or unsworn?

Detainee: I would like to swear.

Tribunal President: The Recorder will swear in the detainee.

**The Recorder swore in the detainee.**

Tribunal President: Nasir Najr Nasir Balud Al Mutayri, you may begin your statement.

**The detainee was handed a translated copy of the Unclassified Summary of Evidence to use during the presentation of his statement. He then addressed each point on the Unclassified Summary of Evidence in order. To put his comments into context, the points from the Unclassified Summary of Evidence are provided below in italics. The detainee's comments follow each point (summarized).**

*3.a. Detainee is associated with the Taliban.*

*1. The detainee admitted to affiliation with the Taliban.*

I am not associated with the Taliban. The line that I was in was open to anyone, it wasn't just for Taliban. Anyone could come and go as they pleased. And no one in that line was related to the Taliban.

*2. Detainee admitted to traveling to Afghanistan to fight with the Taliban.*

That is not true. I traveled to Afghanistan for what is called preparation. It is called Rabat. That is why I traveled to Afghanistan.

*3. Detainee received weapons training in the use of hand grenades and the Kalashnikov rifle on the Karabatt line in Afghanistan.*

That is true. I did have a Kalashnikov and I was on that line, but all I did with the weapon was clean, disassemble, and reassemble it.

*3.b. Detainee engaged in hostilities against the US or its coalition partners.*

That is not true, I did not engage in hostilities against the Americans. I was there in Afghanistan on the Karabatt and Kawajaqaar lines about a year before the September 11<sup>th</sup> attacks. I did not know who were allies with the US.

*1. Detainee fought against Northern Alliance forces on the Karabatt line for 6 months and on the Kawajaqaar line for four months.*

I was on both of those lines for approximately one year, give or take two months. It was not to fight, but to do Rabat.

*2. Detainee carried a Kalashnikov and two hand grenades while on the front lines.*

They were standard issue on the front lines; they were not necessarily to use in hostilities or to fight. If you didn't get them, you left.

*3. Detainee relinquished his weapon and surrendered to Northern Alliance forces at Mazar e-Sharif.*

I did relinquish my weapon for peace and that was one of the conditions to be able to leave. But it was not a surrender; it was an agreement between me and the Northern Alliance forces to surrender my weapon and go on my way. It was not a surrender. It was an agreement.

*4. Detainee was injured in the Qala-I-Jenghi prison uprising and eventually surrendered to Northern Alliance forces.*

I was injured by accident in the courtyard of the prison. I was in the courtyard and people were shooting everywhere, and I was injured. After I was in the prison for 8 days it was normal to surrender. It was the only thing left to do. I was told I could leave and that's when I left.

**The detainee then provided additional details regarding how he was injured, summarized as follows:**

The other prisoners and I were outside in the courtyard with our hands bound. There was shooting all around, so I started running to the right of the building with a group of people who were fleeing in that direction. Then we all decided it would be safest to run back inside the prison. Between the area where I was and the prison, there was an open area, an area that provided cover, and an open area. While running across the first open area I was injured. After I was injured, they started shooting at the place where I was, and the bushes and stuff around me caught fire from the shooting. There was a person hiding in the bushes and he was burned. I knew I had the choice of dying right there or

continuing toward the house. There was a group of people who told me to lay low so I would not be shot, and then another round of shooting began. I fell to the ground and the group of people picked me up and took me inside. I was there for eight days and then I left. I was injured the second day before the uprising.

**The detainee then agreed to answer questions, indicating he would do so truthfully. The Personal Representative began the questioning, which is summarized as follows:**

Personal Representative: Nasir, can you explain for us please what Rabat is and what does it mean as a Muslim?

Detainee: Rabat means waiting. It's a form of worship, a kind of practice. There is a great reward in my religion for doing Rabat. If someone dies while on the line while doing Rabat they are considered martyrs and go to heaven. Rabat is the opposite of Jihad because Rabat is defending the line and Jihad is attacking the line.

Personal Representative: When you went to Afghanistan on the line, did you do any Jihad on the line, or was it only Rabat?

Detainee: It was only Rabat. When I got to the line it was during wintertime and it's known that in winter there is no fighting, no Jihad. It is the opposite of the summer because in the summer it is known for fighting. All I was doing was Rabat.

Personal Representative: When you were on the line on Rabat, what was a typical day like? What did you do on the line?

Detainee: My daily schedule. There was program to defend, like guard duty. In the morning we would have breakfast. We would check the schedule to see who was on guard duty for the day. There was someone responsible for us on guard duty. We would modify our schedules based on the duty schedule to know whether to go to bed early or late. There were two shifts of guard duty, a morning and a night shift. And that is the basic thing a person on Rabat does, guard duty. That is what their schedule revolves around. Usually it was one-hour shifts unless there was a shortage of people and I would do three or four-hour shifts. Anything else we did outside of guard duty was praying eating, sleeping, things like that. That was our typical day.

Personal Representative: Can you explain to me why you did Rabat on the line? You mentioned that it was a good deed for a Muslim to do, why were you there on that line for Rabat? What was your purpose?

Detainee: It says in Islam to go do Rabat and I wanted to do something that was considered good in my religion and also to earn wages.



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Personal Representative: So you are saying this is defensive and not offensive?

Detainee: No, there was no fighting or anything offensive. It is known there is little fighting in Afghanistan. It is a known fact.

Personal Representative: Did you observe any fighting in Afghanistan?

Detainee: Not directly, but I saw another line where I saw some shooting where the Afghans were.

Personal Representative: But you did not participate in that shooting?

Detainee: No, I did not.

Personal Representative: Did you go for Rabat for the Taliban? Were you serving for the Taliban while you were there?

Detainee: No. When you are doing Rabat, you are not doing it for a certain person or organization or country, you just go there, do Rabat, and return to your home. You do not do that for anybody in particular.

Personal Representative: Were you aware of any links between al Qaida and the Taliban?

Detainee: No, I was not aware.

Personal Representative: How long were you in Afghanistan before the September 11<sup>th</sup> attacks?

Detainee: Approximately one year.

Personal Representative: Were there any restrictions or anything when you traveled to Afghanistan from your own country?

Detainee: No, there were no travel restrictions.

Personal Representative: How did you hear about the news of 9/11?

Detainee: I was in the north of Afghanistan in a line directly opposite of Massoud's group. I heard from the people in Massoud's group the news that Massoud had been injured. And we started listening for more news from others. If I remember correctly, it was a Sunday and they said he was injured. So after a day or two, I heard about the news of September 11<sup>th</sup>. After that, all I heard was about the events of 9/11 and there was no more talk of Massoud.

ISN # [REDACTED]  
Enclosure (3)  
Page 4 of 10

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Personal Representative: What did you hear about who was behind September 11<sup>th</sup>?

Detainee: During the first week, they accused al Qaida.

Personal Representative: Were you expecting a big war?

Detainee: I did not know what was going to happen. I am not involved in politics, so I do not know, but I heard it on the news.

Personal Representative: What happened after the news of 9/11, approximately a month later?

Detainee: I heard the news that Kabul had been bombed and we were surprised and wondered why they bombed Kabul. After a few days there were more bombings.

Personal Representative: Where you were, were you bombed?

Detainee: Close to where I was, but not exactly. There were bombs every day, morning and night, different planes.

Personal Representative: What did you do when you realized they were bombing?

Detainee: During the first days, I dug a ditch to hide in.

Personal Representative: Did you stay on the line?

Detainee: We thought of leaving the line.

Personal Representative: Did you continue to stay and do Rabat on the line?

Detainee: They wanted to leave.

Personal Representative: Where did you want to go?

Detainee: Everyone was going to their own country.

Personal Representative: So you were going to stop doing Rabat and leave?

Detainee: It was over. There was no more Rabat, so I was going to go home.

Personal Representative: So what happened when you tried to go home?

Detainee: I went to Konduz, because most places had fallen to Dostum or Massoud. When we went there, we were surrounded and confined to that area. There was an agreement between Dostum and the people who were surrounded.

ISN # [REDACTED]  
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Personal Representative: These people were the ones that were on Rabat?

Detainee: Everyone who was in that area. There was an agreement between them and Dostum. The Taliban was there in Konduz while we were there and were still there when we left. So all the people who left were people doing Rabat. Afghans, Arabs, Pakistanis.

Personal Representative: Were you able to leave Konduz? What happened?

Detainee: We got in cars and left and went to Mazar e-Sharif. Those were the terms of the agreement.

Personal Representative: Explain the agreement. You were surrounded by Massoud?

Detainee: One of the Afghans came to the group and talked to one of the Arabs doing the Rabat and said there were two options: a place called Bamiyan or Mazar e-Sharif. Both were enemies, but one was worse than the other. The first option involved Shiites. The second involved Dostum's people, and they were a better option than the Shiites to our group because they were less dangerous. So that is where we decided to go, but under the condition that we give up our weapons. We gave up our weapons and they took us to the prison.

Personal Representative: So they were going to give you safe passage if you gave up your weapons?

Detainee: That was the agreement for everyone.

Personal Representative: You said they took you to the castle?

Detainee: Yes.

Personal Representative: And that was the Qala-I-Jenghi prison?

Detainee: Correct.

Personal Representative: You were there for one day?

Detainee: I spent the night there and the second day we started leaving. The first day we were treated badly.

Personal Representative: Were you aware of any plans for an uprising at the prison?

Detainee: No, not at all.

Personal Representative: Did you have any weapons?

Detainee: No, we had already relinquished the Kalashnikov and the two hand grenades we had.

Personal Representative: Do you know what caused the commotion, how it started?

Detainee: No, I did not know.

**The Personal Representative had no more questions, and the Recorder had no questions. The Tribunal then questioned the detainee as summarized below.**

Tribunal Member: In regards to the unclassified summary, just to confirm, you were not a member of the Taliban or affiliated with the Taliban?

Detainee: No, never.

Tribunal Member: And that also applies to Al Qaida?

Detainee: No, never.

Tribunal Member: On point 3.a. of the Unclassified Summary of Evidence, it talks about the weapons training. From whom did you receive the weapons training?

Detainee: Just individual Arabs. There was a leader of the Arabs who were on that line, and he was the one giving that training.

Tribunal Member: When you went for your Rabat, how would you decide which side you would defend?

Detainee: I was originally coming from Kuwait and I had a paper telling me where to go. When I got to Afghanistan, I met an individual at the airport at Kabul and he took me to where I ended up.

Tribunal Member: Were there any Taliban on the lines with you?

Detainee: There were Pakistanis in Kabul. There were Arabs and Afghans too. And in the north, there were also Uzbeks and Tajiks, other groups.

Tribunal Member: But no Taliban?

Detainee: There were. The Afghans are the Taliban.

Tribunal Member: So when you were talking about Afghans before, you were talking about Taliban?

Detainee: Yes, the Afghans on the line were Taliban.

Tribunal Member: So on the lines you were assigned, there were Taliban as well?

Detainee: Yes. But I was not affiliated with them. Like I said before, anyone could come and go as they pleased. And whoever was with the Taliban would go with the Taliban, and whoever wasn't wouldn't.

Tribunal Member: Earlier, you mentioned when you when to the lines it was winter and you did not expect fighting in the winter.

Detainee: Yes, and it's known that in the nature of the Rabat that its during the wintertime.

Tribunal Member: But you said that you were on the lines for 10 months, so you must have known that there was fighting in the summer, why did you not leave?

Detainee: They were in Kabul during the winter and during the summer they went to the north. And the fighting that was happening in the summer did not concern me, that was between the Taliban and whoever was fighting. Me being an Arab, I can only take instruction from the leader of the Arabs.

Tribunal Member: When you went to Konduz, you went with the group of people who were also doing Rabat?

Detainee: Yes, that was the same group.

Tribunal Member: And that was from the lines in the north?

Detainee: Yes, Konduz was the closest place to the north.

Tribunal Member: Did Taliban also come with you to the north?

Detainee: Konduz belonged to the Taliban and it was the only place that hadn't fallen in the war.

Tribunal President: You stated that one month after 9/11, you were on the line with guard duty, but the fighting was close enough that you could see it.

Detainee: The fighting between who?

Tribunal President: You didn't say. You simply said the fighting was not on your line, but you could see the fighting on the other line.

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Detainee: The fighting between the Taliban and Massoud's group is the fighting I could see. Occasionally they would attack each other. It had nothing to do with my group.

Tribunal President: If the fighting would have proceeded to your line, would you have shot your weapon?

Detainee: Of course, it's natural to defend myself. I want to clarify the difference between fighting and Rabat. There is a big difference between an Afghan Jihadist and an Arab Rabatist.

Tribunal President: The group that you were defending against - your opponent, was that the Northern Alliance?

Detainee: They didn't have any stations directly opposite where I was. The Northern Alliance had stations opposite the Taliban on the line, but not where I was.

Tribunal Member: If forces were to come your way that would have caused you to defend yourself, would they have been Northern Alliance forces?

Detainee: I do not understand.

Tribunal Member: For the Rabat in Afghanistan, who or what were you defending Afghanistan from?

Detainee: Rabat is not defending something. You go there, earn your wages, learn how to meditate, pray and learn patience. It is not your purpose to be defending something. The scholars in Saudi Arabia said that the people who were fighting from the Taliban and Massoud's people were going outside the religion by fighting and it was not a good thing, it was a bad thing. They still consider them all brothers because they are all Muslim, so they wanted to have peace. Rabat wasn't to be there to defend against someone. They didn't want the Taliban to be fighting against Massoud's people, because they are Muslim as well.

Tribunal Member: The piece of paper that you had from Kuwait going to Afghanistan for Rabat, if that had you do Rabat for Massoud, the Northern Alliance forces, would you have had a problem doing that?

Detainee: If there was a large group of people doing it, I would have joined. Dostum's people did not have a lot of allies, so there was only a small number of Afghans with him, that's why I didn't join him. If he had a large number of people following him, I would have joined him.

**The Tribunal members had no further questions.**

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Tribunal President: Nasir Najr Al Mutayri, do you have any other evidence to present now that the Tribunal is completed?

Detainee: There is no evidence, but are my words clear? Is everything that I said understood?

Tribunal President: Do you think there is a miscommunication based on the questioning?

Detainee: No, I just want to make sure that everything is clear.


Tribunal President: I believe it is clear.

**A brief discussion followed with the detainee regarding how he would be notified of the findings. That concluded the statement of the Detainee.**

**AUTHENTICATION**

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

  
COL, USA  
Tribunal President

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DETAINEE ELECTION FORM

*Ready  
for final  
interview  
11 Aug 04*

Date: 11 Aug 2004

Start Time: 1353 hrs

End Time: 1525 hrs

ISN#: [REDACTED]

Personal Representative: [REDACTED]  
(Name/Rank)

Translator Required? YES Language? MODERN 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 will make a sworn oral statement and will not call any witnesses. The detainee indicated that he understood the CSRT process.

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Personal Representative: [REDACTED]



**UNCLASSIFIED**

**Recorder Exhibit List  
For  
ISN [REDACTED]**

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	Request for Redaction for National Security Information	UNCLASSIFIED
R3	FM 40 [REDACTED] Sep 02	FOUO//LES
R4	FM 40 [REDACTED] Sep 02	FOUO//LES
R5	FM 40 [REDACTED] 02 Jan 03	FOUO//LES
R6	FM 40 [REDACTED] 09 Jan 03	FOUO//LES
R7	FM 40 [REDACTED] 06 Oct 03	FOUO//LES
R8	FM 40 [REDACTED] 05 Jan 04	FOUO//LES
R9	FM 40 [REDACTED] 10 Mar 04	FOUO//LES
R10	ECRC [REDACTED]	SECRET//NOFORN
R11	CITF Commander Memo 10 Mar 04	SECRET//NOFORN
R12	JTF GTMO CG Memo 24 Jan 04	SECRET
R13	IIR 6 034 1XXX 03	SECRET//NOFORN
R14	IIR 6 034 1557 03	SECRET//NOFORN
R15	Analyst Support Package	SECRET//NOFORN
R16	MFR [REDACTED] 19 Mar 02	SECRET
R17	MFR [REDACTED] 16 Mar 02	SECRET
R18	JTF GTMO Baseball Card	SECRET//NOFORN
R19	Detainee Mail Review	SECRET//NOFORN

**Combatant Status Review Board**

9 August 2004

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – Amtiri, Nasser Najiri

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 associated with the Taliban.
  - a. Detainee is associated with the Taliban.
    1. The detainee admitted to affiliation with the Taliban.
    2. Detainee admitted to traveling to Afghanistan to fight with the Taliban.
    3. Detainee received weapons training in the use of hand grenades and the Kalashnikov rifle on the Karabatt line in Afghanistan.
  - b. Detainee engaged in hostilities against the US or its coalition partners.
    1. Detainee fought against Northern Alliance forces on the Karabatt line for six months and on the Kawajaqaar line for four months.
    2. Detainee carried a Kalashnikov and two hand grenades while on the front lines.
    3. Detainee relinquished his weapon and surrendered to Northern Alliance forces at Mazar e-Sharif.

4. Detainee was injured in the Qala-i-Jenghi prison uprising and eventually surrendered to Northern Alliance forces.

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.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 6, 2004

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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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.

<sup>1</sup>Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

EXHIBIT R2

**FINAL INTERVIEW NOTES**

**13 and 26 August 2004**

**0755-0950 hrs**

**Name:** Nasser Najiri Amtiri

**Pronunciation:** Nah-Sir Nah-Jeer El-Mit-Terry

Detained asked that these notes be submitted to the Tribunal and included in the record. They are a summary of what he said during our meetings on 13 and 26 Aug 2004 in response to the unclassified summary of evidence.

**A: Detainee is associated with the Taliban**

**A1: The Detainee admitted to affiliation with the Taliban**

- He did not go to Afghanistan for Jihad (to fight), he went there for Re-batt (waiting)
  - In Islam Re-batt is encouraged to prevent the enemy from attacking. He and others went to the Karabatt line in large numbers to mass on the boarder and wait
  - The intent was to discourage anyone from attacking
  - During Re-batt, Muslims learn patience and how to use weapons, Re-batt is akin to Defense, where as Jihad is Offensive
  - Detainee claims, "Mohammed said that people who die waiting (Re-batt) are martyrs also and go to heaven."
  - Detainee stated that Re-batt is like the US bases in Kuwait, the soldiers are sent there to wait and train to keep the peace and prevent conflict
  - In Islam, Re-batt is an honorable deed and is encouraged
    - Re-batt brings you closer to Allah, similar to fasting but better – 1 hour of Re-batt is like several days of fasting
- He was in Afghanistan for Re-batt approximately one year before the 9/11 attacks
  - At that time, the Taliban was the legal government of Afghanistan, Dostum and Mossoud were considered outlaws
  - Taliban controlled 95% of Afghanistan, the majority of the people followed them
  - The Taliban was recognized by the Saudi and Kuwaiti governments along with other countries
  - Where the Taliban ruled, it was safe and there was justice, people attested to that there was peace
  - When he left for Afghanistan, the Kuwait government did not have any restrictions on travel to Afghanistan, it was allowed. They never said anything.
- He went to Afghanistan for Re-batt and to help keep the peace for his fellow Muslims
  - His purpose for Re-batt was to help his fellow Muslims, not because he was a member of the Taliban, or wanted to join the Taliban, but because he loves Allah and wanted to do a good deed
  - He was told that Re-batt was only available for Afghanistan and that Mossoud and Dostum were criminals

- If he knew Mossoud and Dostum were allied with the United States, he would have not gone, the United States helped Kuwait in the Gulf War and is a friend to Kuwait
- Arabs participating in Re-batt were not obligated to participate in Jihad
- Detainee asked why can't there be peace between the Farsi (Mossoud), Uzbek (Dostum) and Pastu (Taliban)
  - Mossoud and Dostum did not have a lot of allies, just their tribes
  - Mossoud had kicked out the Russians, so he believed he was better to rule Afghanistan, the Afghanistan people wanted the Taliban and they were more popular
  - Mossoud told the Arabs and the Pakistani's to get out of Afghanistan, this was a fight between him and the Taliban
  - No one paid attention to Mossoud because he was considered a criminal
- The Taliban respected the Arabs and Pakistanis and welcomed them to stay and help, but they were not obligated

**A2: Detainee admitted to traveling to Afghanistan to fight with the Taliban**

- He did not admit to traveling to Afghanistan to fight (Jihad), he went there for Re-batt. He claims the translators have been misinterpreting.
- Before 9/11, he wasn't aware of problems between the Taliban and the United States
  - Only aware of problems between Al Qaida and the United States
  - He does not belong to Al Qaida, he is not a member
- After 9/11, he wanted to get out of Afghanistan
  - He tried to flee, but was caught by Dostum's (Northern Alliance) group
- The Sunday before 9/11, he heard the news in the media that Mossoud was killed
  - This was very big, because he was one of the Taliban's main enemies (i.e., Dostum and Mossoud)
- He was following the news about Mossoud's death when he heard the news about the 9/11 attacks
  - Media reports said that the United States threatened to fight UBL and Al Qaida in Afghanistan
  - He thought the United States would just fight against Al Qaida, not everywhere
  - He thought it would be like when he heard the news that Al Qaida blew up the US embassies in Africa, he thought the US would only strike Al Qaida, not all of Afghanistan
  - He was not aware of any connection between Al Qaida and the Taliban
- Approx 1 month after the 9/11 attacks, the United States began attacking everywhere in Afghanistan -- all the lines and borders
  - He realized that this was going to be a big war against all of Afghanistan and he did not want to participate in it and decide it was time to flee country
- He did not know the Taliban were allied with Al Qaida

**A3: Detainee received weapons training in the use of hand grenades and the Kalashnikov rifle on the Karabatt line in Afghanistan**

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- These were standard issue weapons on the front line. He was issued them 1 year before the 9/11 attacks
  - He was taken to the front lines in the north (Kawajagaar line).
  - There they gave him very basic training on the Kalashnikov (how to shoot it, and how to take it apart and clean it)
  - He never fired the weapons or used the hand grenades
- He only guarded the lines, he didn't fight
  - On the line there was Arabs, Afghans and Pakistani
  - The fighting was between the Afghans and Dostum/Mossoud
  - He witnessed the fighting, but did not participate, he just guarded the line (Re-batt)
  - On the line, there was a lot of praying and learning, no news about who was allied with who – he didn't know Mossoud's allies
- Did you attend Al Qaida training camps?
  - No, I never attended any training camps

**B: Detainee engaged in hostilities against the US or its coalition partners**

**B1: Detainee fought against the Northern Alliance forces on the Karabatt line for six months and on the Kawajagaar line for four months**

- He did not participate in Jihad, he participated in Re-batt
- These are not exact times, but approximations – give or take a few months. He guarded these two lines for 1 year, before the 9/11 attacks as discussed above.
- When he realized the United States was entering the fight against the Taliban, his Re-batt was over
  - He wanted nothing to do with this fight and tried to go home.

**B2: Detainee carried a Kalashnikov and two hand grenades while on the front lines**

- This is true, the Kalashnikov and grenades were standard issue for the front lines. However, he went there for Re-batt and was there a year before 9/11. He never intended to fight against Americans.
- Did you know the Taliban were allied with Al Qaida?
  - No never, for the month after the 9/11 attacks, he thought the fight would be between Al Qaida and America, not all over and not against the Taliban
  - He did not know the Taliban were allied with Al Qaida

**B3: Detainee relinquished his weapon and surrendered to Northern Alliance forces at Mazar-e-Sharif**

- True, he withdrew from Kawajagaar line in the north when he realized the US was fighting in all of Afghanistan, he withdrew to Konduz
- While in Konduz, he was surrounded by Mossoud and Dostum's troops and he was air attacked by US aircraft
- He only had two directions to flee

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- Bamian, this was control by a Shia group that was an enemy of the Taliban
- Mazar e-Sharif, which belonged to Dostum
- The group he was fleeing with made an agreement with Dostum, Dostum would allow them to flee the country if they surrendered their weapons.
  - Although Dostum was considered to be an outlaw, he was known to be a man of his word
  - He surrendered his weapon because he wanted peace and wanted to go home
  - Instead of taking him to the boarder, Dostum's forces took him to Qala-i-Jenghi castle and put him in a basement

**B4: Detainee was injured in the Qala-i-Jenghi prison uprising and eventually surrendered to Northern Alliance forces**

- He was at Qala-i-Jenghi castle for 1 day, Dostum's forces took him there after he surrendered his weapons at Mazar-e-Sharif so he could go home
- Dostum's people at the prison took everything (money, shoes) and tied his hands behind his back
  - The conditions were bad and the food was bad
  - People in his group began to think that Dostum was going to betray them
- At the prison he was taken outside to a yard, they were taking people there 1 at a time
  - He does not know why they took him outside, there were a lot of people outside in the yard
- When he had been outside for approximately 5 minutes, he heard a loud commotion (gunshots, yelling, etc) and Dostum's security began to fire upon the people outside in the yard
  - That was confirmation that Dostum's had betrayed the group of Arabs trying to flee -- he wasn't going to take them to the boarder.
  - He tried to run and hide with a group of young people that were in the yard
  - At first he ran away from the castle, but quickly decide it would be better reverse direction and attempt to find cover in the castle.
  - While running to hide in the castle, he was shot twice in the leg, that was how he was injured
  - After he was shot, he was carried into the castle by someone in the yard
- He had no prior knowledge of the uprising at the castle, and he had no weapons while he was at the castle, he had voluntarily surrendered them
- To this day, he is not sure how it started

**If you are returned home, will you go back to Afghanistan? What will you do?**

- No! I want to get married and live a normal life and have children and raise them
- Should he go back to Kuwait, they will restrict anyone from traveling to Afghanistan and he will gladly agree



**Personal Representative Review of the Record of Proceedings**

I acknowledge that on 30 August 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

30 Aug 2004

Date

[REDACTED]

Signature

ISN # [REDACTED]  
Enclosure (5)