



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

OARDEC/Ser: 422

27 JAN 2005

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 328**

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 #328 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

**J. M. McGARRAH
RADM, CEC, USN**

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14 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN #328

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

Encl: (1) Appointing Order for Tribunal #15 of 12 Oct 2004
(2) Record of Tribunal Proceedings
(3) CSRT Record of Tribunal Proceedings dtd 15 Nov 04

1. A 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 elected to participate in the Tribunal by attending the CSRT, providing a sworn statement which responded to the summary of evidence contained in Exhibit R-1 to Encl. (2). In addition, the detainee provided additional statements, and responded to additional questions posed by his personal representative and by the CSRT. See Encl. (2) at Enclosure (3).
- b. The Tribunal was properly convened and constituted by enclosure (1).¹
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. Note that some information in Exhibit R-3 was redacted. The FBI properly certified in Exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- e. Exhibit R-3 contains handwritten notes in the margins. These notes appear to be aids in directing the Tribunal to the source of information contained in the Unclassified Summary provided to the detainee. These notes do not alter the evidence, nor do they affect the legal sufficiency of the evidence.

¹The CSRT originally determined that the detainee was not an enemy combatant. However, information requested by the Tribunal during its initial determination was finally made available for review before the legal sufficiency review was conducted. See Encl. (3). The CSRT, accordingly, reconvened to consider that evidence, and ultimately determined that the detainee is an enemy combatant. See Enclosure (1) to Encl. (2).

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 328

f. The detainee requested that Sabet Khan (ISN#289) be produced to support the detainee's claim that he was not a weapons instructor as alleged in Exhibit R-1 to Encl. (2). The CSRT approved the detainee's request. In addition, the detainee requested that his medical records be produced to prove that he had a stomach condition. The CSRT determined that the requested exhibit would not be relevant to the determination of whether the detainee was an enemy combatant. This determination was proper.

Specifically, references (a) and (b) clearly provide that the Tribunal has the discretion to determine what evidence it deems relevant, that it is "not bound by the rules of evidence such as would apply in a court of law," and that it "may consider any information it deems relevant and helpful to a resolution of the issues before it." As a corollary, the converse must be true that the Tribunal may refuse to consider any evidence it does not deem "relevant and helpful" to their determination.

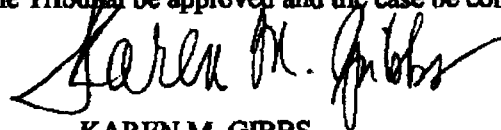
Notwithstanding the CSRT's finding, a review of the record here clearly reveals that a preponderance of the evidence supports the determination reached by the CSRT. Therefore, the denial of the detainee's request for his medical records did not prejudice the detainee.

g. The Tribunal's decision that detainee #328 properly classified as an enemy combatant was unanimous.

h. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.

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.



KAREN M. GIBBS
CDR, JAGC, USNR

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Department of Defense
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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. Air Force; President

██████████, Lieutenant Colonel, U.S. Air Force; Member
(JAG)

██████████, Lieutenant Commander, U.S. Navy; Member

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

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HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

08 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 328

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 [REDACTED].


CHARLES E. JAMISON
CAPT, USN

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(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #15

(U) ISN#: 328

Ref: (a) (U) Convening Order for Tribunal #15 of 12 October 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

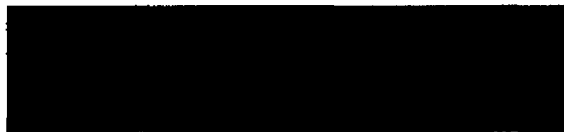
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U/FOUO)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) In a reconvened tribunal session on 24 Nov 04, the Tribunal determined, by a preponderance of the evidence, that Detainee #328 is properly classified 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, 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

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UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: _____ #5
ISN #: _____ 328

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this is properly classified as an enemy combatant as defined in reference (c). 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

This Tribunal was originally convened on 5 Nov 04. At that time, the Tribunal determined that ISN 328 should no longer be classified as an enemy combatant. Subsequent to that determination, the Combat Status Review Tribunal Intelligence Chief provided additional information to the Recorder regarding ISN 328. The Tribunal President reconvened the Tribunal to consider the new information as discussed in Enclosure (2).

The unclassified summary of the evidence presented to the Tribunal by the Recorder indicated that the detainee was a Uighur fighter who traveled to Afghanistan and received weapons training at a Uighur training camp in Tora Bora. It further indicated that he was a weapons instructor at the camp for a period of time, then fled the camp when it was bombed by U.S. forces in October 2001. Finally, the unclassified summary stated that Pakistani forces captured the detainee and his Uighur group after they escaped Afghanistan through the Tora Bora Mountains. The detainee chose to participate in the Tribunal process. He called one witness, requested his medical records be produced, and made a sworn verbal statement. The Tribunal President found the requested witness reasonably available but found that the detainee's medical records were irrelevant. The detainee, in his verbal statement, admitted to traveling to Afghanistan to receive weapons training, denied being an instructor, and stated that his only enemy is the Chinese government. The Tribunal President's witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-17. (Note: Exhibits R-12 – R-17 are additional exhibits)
- b. Testimony of the following persons: Sabet Khan (Detainee #289).

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c. Sworn statement of the detainee.

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

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Sabet Khan (Detainee #289) reasonably available		yes

Toward the end of his sworn statement the detainee requested that the Tribunal review his medical records. He felt that these records would support his contention that he has a stomach condition that would have prevented him from serving as a weapons instructor at the training camp. The detainee had not previously requested these documents, so the Tribunal felt the request was untimely. Further, the Tribunal believed the detainee's claim that he suffers from a stomach condition and felt that further confirmation of this fact would not be helpful. Based on this belief, and on other evidence presented during the classified portion of the briefing (and discussed in Enclosure 2), the Tribunal President ruled that the detainee's medical records were irrelevant to the decision making process.

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 testimony of the witness. Summarized transcripts of the detainee's sworn testimony and the witness' statement are attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he traveled to Afghanistan to receive weapons training because he'd always been interested in military training and wanted to be a soldier. He went on to explain the historical background of the maltreatment visited upon the Uighur people by the People's Republic of China (PRC). He said that his enemy, and that of his people, is the PRC, and the goal of the Uighur people is to gain their freedom from the PRC. He said he has no animosity toward the U.S. and is not interested in being an enemy of the U.S. He also claimed that he had never been an instructor at the camp. He said that he developed a stomach problem and left the camp for a period of time. When he returned, he was still recovering, so volunteered to help in the camp kitchen and study a new language. He went on to say that when he was at the camp he saw no Arabs and only one Afghan, who was the camp cook. He said that he did not know who was attacking the camp in October 2001, but when the bombs started

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falling the Uighurs fled into the mountains and stayed there because they didn't know the way out. Eventually they spoke to some Afghans who showed them how to get to Pakistan. When they arrived in Pakistan they were turned over to Pakistani forces. Finally, the detainee testified that in some of his previous interviews, he had had a difficult time understanding the interpreter, but the current interpreter (who was present at this hearing) was doing a good job and he could understand him.

c. The witness (Detainee #289) testified that while he was at the camp from July through October 2001, he never saw Detainee #328 perform duties as a weapons instructor. He observed that Detainee #328 had a stomach problem, was helping in the camp kitchen, and was learning a new language. He admitted, however, that he was not present in the camp during the entire period that Detainee #328 was present in the camp.

d. All additional information submitted in the reconvened Tribunal session was of a classified nature. As such, neither the detainee nor his witness were present at the reconvened session.

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 CSRT Assistant Legal Advisor was consulted regarding the witness issue discussed above.

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 asked no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant as defined in reference (c) and is a member of, or affiliated with, al Qaida.

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8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Tribunal President.

Tribunal President

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Summarized Sworn Detainee Statement

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

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

[After the Personal Representative presented the Detainee Election Form the detainee asked:]

Detainee: What is the word "form"?

Tribunal President: The form describes what you discussed with the Personal Representative. It shows us that you wish to be here and that you wish a witness. And at anytime during this proceeding if you have a question about what is going on you may ask me. Does that answer your question about the form?

Detainee: Yes.

Detainee: I have something to say. In the past I have had a problem with the Translators because they were using a Farsi Translator and I want to make sure that they understand the Translators have to do a better job. I had a Uighur Translator in the past that wasn't really good.

Tribunal President: I understand your concern and if you do not understand anything the Translator tells you about us please ask for clarification.

Tribunal President: The detainee has requested one witness. A witness by the name of Sabet Khan.

Detainee: Sabet Khan.

Tribunal President: Yes, I believe that is the correct name.

Tribunal President: We will take a short recess while the witness is brought into the hearing room.

[The witness was brought into the hearing room.]

Tribunal President: I would like the witness to state his name for the record.

Witness: My name is Sabet.

Tribunal President: Is this the witness that you requested?

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Detainee: Yes.

Tribunal President: I would like to ask the witness to take an oath. And as a reminder the oath is a promise to tell the truth. And we have a Muslim oath that we can administer to the witness. Will the witness take the oath?

Witness: It is not difficult to take an oath but because you do not trust this person that's why I was called to testify for him. I shouldn't have to take an oath.

Tribunal President: We require you to take an oath as a witness or at least promise that you will tell the truth.

Witness: The other day I told you I was going to tell the truth and I am still going to tell the truth.

Tribunal President: We are in a different place with a different detainee and I request that you take the oath for this hearing.

Detainee: I have been telling the truth and I will tell the truth.

Tribunal President: I'll take that as your promise to tell the truth then.

Tribunal President: For the detainee, you may ask this witness to testify for you in this hearing. Your Personal Representative may assist you if you wish.

Detainee: May I ask him a question right now?

Tribunal President: Yes.

Detainee: I would like for him to read the accusation again.

Tribunal President: I understand. Personal Representative will you assist?

Personal Representative: 3.a.4. (The detainee was a weapons instructor from May 2001 – October 2001.)

Detainee: Can I ask him a question again?

Tribunal President: Yes.

Detainee: Sabet, they are accusing me of being a weapons instructor from May 2001 – October 2001. During that time did you ever see me instruct other people on weapons? During that time did you see what I did do?

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Witness: I saw that he was sick during that time. He has a stomach problem and he was helping with the kitchen work and helping the cook. He was also studying the language.

Detainee: I have no more questions for the witness.

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

Personal Representative: No sir.

Tribunal President: Recorder do you have any questions for the witness?

Recorder: No sir.

Tribunal President: Does the board have any questions for the witness?

Summarized Answers in Response to Questions by the Tribunal Members

Q. How long was the witness with the detainee? From what month to what month and year?

A. (Witness) How much time?

Q. Yes.

A. (Witness) I have testified for the person that was not a weapons instructor it is not about how much time I spent with this person.

Q. My question is that you are testifying that the detainee was not a weapons instructor from May 2001 – October 2001, so I would like to know were you with the detainee during that entire time?

A. (Witness) I am not sure of the exact date. I was there in July of that year.

Tribunal President: One last opportunity for the detainee to ask any other questions of this witness before we recess.

Detainee: No more questions.

Tribunal President: That concludes our need for the witness so we will take another recess while the witness is returned.

Tribunal President: [To Detainee]: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

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

Detainee: I would have taken the oath if I didn't have a witness since I had a witness I will promise to tell the truth.

Tribunal President: You may proceed with any statement you would like to make to us.

Detainee: I would like for my Personal Representative to read the accusations and I will make a statement to them.

Personal Representative: 3.a.1. (The detainee traveled to Afghanistan via Pakistan to receive training at a Uighur training camp in Tora Bora.)

Detainee: It is true that I went from Pakistan to Afghanistan but I don't know about Tora Bora. I went there just for training. I was interested in training.

Personal Representative: Would you like to add anything else to that point?

Detainee: The accusations sounds like I had a goal to go to Tora Bora. I went to Afghanistan to train. It was not my goal to go to Tora Bora. The Uighur place to train was in Tora Bora that is why I went there.

Personal Representative: 3.a.2. (The detainee arrived at the Uighur Tora Bora training camp in November 2000.)

Detainee: That is true I arrived there in November 2000.

Personal Representative: 3.a.3. (The detainee received training on pistols, AK-47, and two types of rifles while at the Uighur Tora Bora training camp.)

Detainee: That is true I trained. When I was a little kid I was interested in training as a soldier. I wanted to be a soldier. It didn't matter if it was in Afghanistan or in China. If they had accepted me in the Chinese military I would have loved to have gone there and trained because I love to do it. I want to get my freedom from this communist country I want to get my independence, that's the reason I trained. The reason I trained on those weapons was so I could get my freedom. I understand that my country is a brutal communist country. I believe all the world knows now what my goal and all the Uighur's goals are.

Personal Representative: Can you elaborate on or explain what that goal is?

Detainee: The Uighur people have been under a lot of pressure for the last fifty years from the communist Chinese. We have been suffering. The pressure is getting worse everyday. It is not acceptable. The Chinese government keeps coming up with new

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policies against the Uighurs. The Uighur people have no rights or no freedom we have nothing. I would like for you to read about it. I left my home country a long time ago.

Tribunal President: I understand but I would like to get back to the unclassified summary of evidence.

Detainee: Okay.

Personal Representative: 3.a.4. (The detainee was a weapons instructor from May 2001 – October 2001.)

Detainee: I have never been a weapons instructor. I had a witness for that. I was also captured with 18 other Uighur people that can testify to that. While in the Kandahar prison they treated me for four months for my stomach. After I arrived here I was treated for another six or seven months. The medical records can verify that. I was also learning the Farsi language during that time.

Personal Representative: 3.a.5. (The detainee was at the Uighur Tora Bora training camp when it was bombed by US/coalition forces in October, 2001.)

Detainee: That's true I was there. If I knew the place was going to be bombed I wouldn't have been there. Who wants to stand under a bomb? I was there to get training against the Chinese government then you bombed me. This is your fault.

Personal Representative: 3.a.6. (The detainee evaded in the Tora Bora Mountains before being captured by Pakistani Security Forces along with a group of other Uighur fighters.)

Detainee: That's true but we ran to the Tora Bora Mountains but we didn't run from one place to another. We stayed in the mountains. We stayed there because we didn't know the way out. When we found a way out we ended up in your hands.

Personal Representative: We talked about you wanting to learn so you could fight the Chinese and not against America.

Detainee: The Chinese people have tortured and pressured the Uighur people really bad. The Uighur people are trying to go all over the world now. One sixth of the world's population is in China. They are a threat to the whole world. If I have such a large enemy why would I go and fight with another enemy. You know how powerful the Chinese are now. Because the Chinese are so large the Uighurs can't do anything about it. We need support from the United Nations or the United States. In the future if something were to happen then I would have used my training to fight. I trained because the Chinese torture the Uighurs and I could use it in the future. Because I have such a large enemy that should be evidence enough of why I trained. We need to find a friend to fight with us not find another enemy.

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Tribunal President: Does this conclude your statement?

Detainee: If you want to hear about the Uighurs suffering it is very long.

Tribunal President: I understand. We would like to ask some questions if you have completed your statement.

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

Personal Representative: No sir.

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

Personal Representative: No sir.

Tribunal President: Do the Tribunal Members have any questions for the detainee?

Personal Representative: Yes sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Who did you travel to Afghanistan with?

A. One person took me to Afghanistan his name is Salahaden.

Q. He was your guide?

A. Yes, he showed me the way.

Q. So you weren't part of an organized group of Uighurs that went to Afghanistan?

A. When I went to Afghanistan I didn't know there was a group of Uighur people there.

Q. Back in your homeland are you a part of any of the Uighur resistance movements?

A. When I left I was really young. I was doing some kind of small business and just having fun. I didn't belong to any movements.

Q. So you went to Afghanistan on your own just because you liked being a soldier and you wanted to train?

A. Yes.

Q. Do you know who ran the camp?

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- A. A person named Abdul Hak
- Q. But did a certain group run the camp? Was it just a Uighur camp?
- A. It was all Uighur.
- Q. Did you have to pay to get training there?
- A. No.
- Q. So you just show up and walk in the gate and they will train you?
- A. The person I traveled with told me this was the place I could get trained and I went there.
- Q. How did they know you were not a spy from China?
- A. You are right, they may think I was a spy that's why we never spoke openly. We would just train. I didn't trust them and they didn't trust me because I know how the Chinese spies work. I didn't know any other people's business.
- Q. Were there any Arabs in the camp?
- A. No.
- Q. Were there any Afghanis in the camp?
- A. There was one Afghani just for the cooking.
- Q. After your group went into the mountains how did you get captured?
- A. That night when the bombing started we ran into the mountains. The next morning we looked for each other. The eighteen of us found the monkey's house and we stayed there until we could find away out.
- Q. We have heard the monkey story, but after you left the monkey's house and kept going how did the Pakistanis capture you?
- A. We stayed at the monkey's house for a while because we didn't know how to get out. We saw some people walking by and because I knew the Farsi language I asked them where they were going? They said they were on their way to Pakistan and we followed them. When we arrived in Pakistan they treated us very nice. Then the second day they turned us into the Pakistani police.
- Q. Where were you trying to go? Where did you want to end up?

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- A. We first wanted to find a safe place and then we would decide where we wanted to go.
- Q. You said there was one Afghani and he was the cook at the camp. And you said you were a cook also once you got sick?
- A. That's true I was learning the language and I would ask him questions to learn the language.
- Q. How did you get supplies to the camp?
- A. Two guys brought all the supplies.
- Q. Were they Uighurs or Afghanis?
- A. Uighurs.
- Q. Did they stay at the camp or just bring supplies and leave?
- A. They would just drop off the supplies and leave.
- Q. Who provided the training at the camp Abdul Hak or whom?
- A. Abdul Hak would train sometimes but there was another guy who did all the training but he got killed from the first bomb.
- Q. Did you know who was bombing the camp and if so how?
- A. I didn't know who was bombing the camp, I found out later.

Tribunal President: Do you have any other evidence to present to this Tribunal such as documents or any other information?

Detainee: I have nothing else for this unclassified session but I want you to read through my classified files. That will show that I was never a weapons instructor and the medical files will explain that.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: No sir.

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AUTHENTICATION

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



Tribunal President

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DETAINEE ELECTION FORM

Date: 4 Nov 2004

Start Time: 1330 hrs

End Time: 1430 hrs

ISN#: 328

Personal Representative: [REDACTED]
(Name/Rank)

Translator Required? YES Language? Uighur

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 participate in the Tribunal. Detainee will make an oral statement. The detainee
would like a witness, ISN 289. He will be able to testify that he was not a weapons instructor.

Detainee is a Uighur and claims that he was not part of the Taliban.

Witness name is Sabet Hkan.

Personal Representative: [REDACTED]

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Exhibit D-a

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (14 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MOHAMED, Ahmed.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaeda 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 Uighur fighter.
 - a. The detainee is a Uighur fighter:
 1. The detainee traveled to Afghanistan via Pakistan to receive training at an Uighur training camp in Tora Bora.
 2. The detainee arrived at the Uighur Tora Bora training camp in November 2000.
 3. The detainee received training on pistols, AK-47, and two types of rifles while at the Uighur Tora Bora training camp.
 4. The detainee was a weapons instructor from May, 2001 – October, 2001.
 5. The detainee was at the Uighur Tora Bora training camp when it was bombed by US/coalition forces in October, 2001.
 6. The detainee evaded in the Tora Bora mountains before being captured by Pakistani Security Forces along with a group of other Uighur fighters.
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.

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Exhibit R-1

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Memorandum



To : Department of Defense Date 09/14/2004
Office of Administrative Review
for Detained Enemy Combatants
[REDACTED]

From : FBI GTMO
Counterterrorism Division
[REDACTED] 9/14/04

Subject: REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [REDACTED] 328DP

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 328 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 07/14/2003

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

²See Executive Order 12958

Memorandum from [REDACTED]
Re: REQUEST FOR REDACTION, 09/14/2004

If you need additional assistance, please contact On
[REDACTED]

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #328.

☒ I have no comments.

☐ My comments are attached.

[REDACTED]
Name

27 Nov 2004
Date

[REDACTED]
Signature

ISN #328
Enclosure (5)

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