


attached hereto. I have redacted any 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: 6 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

3 October 2004

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From: Director, Combatant Status Review Tribunal

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

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

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in cursive script, reading "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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OARDEC (Fwd)
CITF Ft Belvoir

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2 Oct 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 #6 of 13 September 2004
(2) Record of Tribunal Proceedings

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 voluntarily elected not to participate in the Tribunal proceedings. At the Tribunal, the detainee's Personal Representative made an unsworn statement on the detainee's behalf and at his request.

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 and R-4 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

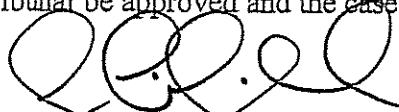
d. The detainee made no requests for witnesses or other evidence.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN

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Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED] Commander, JAGC, U.S. Navy; Member (JAG)

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

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve




HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

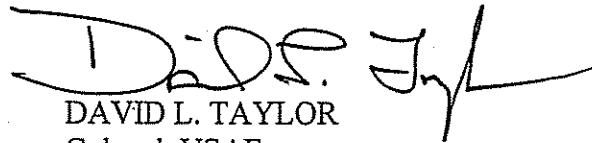
29 September 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 

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: #6

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #6 of 13 September 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) Statement of Detainee through Personal Representative (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 25 September 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, Al Qaida forces, 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).



Colonel, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #6
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of Al Qaida forces. 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 Tribunal held this hearing on 25 September 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates that the detainee: voluntarily traveled from Sanaa, Yemen, to Afghanistan; attended the Al Farouq training camp in August 2001; was captured with other members of his training squad from the Al Farouq training camp; and, advised that he should be considered a threat to the United States. The Recorder called no witnesses.

The detainee chose not to attend the Tribunal as reflected in the Detainee Election Form (Exhibit D-A); however, he did ask the Personal Representative to tell the Tribunal that nothing in the Unclassified Summary of Evidence is true.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-18. The Personal Representative presented no classified evidence. Both the Recorder and the Personal Representative commented on the classified exhibits.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-18 and D-A.
- b. Testimony of the following persons: None.

- c. Unsworn Statement of the detainee (through the Personal Representative):

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 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, the FBI redaction certification, provided no usable evidence. Because there was no other unclassified evidence for the Tribunal to consider other than the Personal Representative's denials of the assertions on the Unclassified Summary of Evidence on behalf of the detainee (see Enclosure (3) to the CSRT Decision Report), the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

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

- a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

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

- c. The detainee is properly classified as an enemy combatant because he was part of Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

SUMMARIZED STATEMENT BY PERSONAL REPRESENTATIVE ON
BEHALF OF THE DETAINEE

Although the detainee elected not to participate in the Tribunal process, as indicated on the Detainee Election Form (Exhibit D-A), he asked his Personal Representative to verbally provide information to the Tribunal. The information addresses each point on the Unclassified Summary of Evidence in order. To put the comments into context, the points from the Unclassified Summary of Evidence are provided below in *italics*. The following summarizes the Personal Representative's presentation of the detainee's information.

3.a. The detainee was associated with Al Qaida.

1. Detainee voluntarily traveled from Sanaa, Yemen to Afghanistan.

Personal Representative: It is not true. I am not associated with Al Qaida.

2. Detainee attended the Al Farouq training camp in August 2001.

Personal Representative: This is not true. I never attended any training at the Al Farouq training camp in August. I was in Afghanistan, but not at that training camp.

3.b. The detainee participated in military operations against the coalition.

1. Detainee was captured with other members of his training squad from the Al Farouq training camp.

Personal Representative: This is not true. I surrendered myself in Jalalabad, Afghanistan. I was alone. I went to the Afghani authorities because I wanted to go back to Yemen and I wanted their help in doing so. I was not with any member of any kind of training squad from Al Farouq.

2. If released, detainee advised that he should be considered a threat to the United States.

Personal Representative: This is absolutely false. It is outrageous. I never said such a thing as I would harm or threaten the United States.

Tribunal President: Personal Representative, do you have any other evidence to present to this Tribunal on behalf of the detainee?

Personal Representative: No, Ma'am.

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Tribunal Member: I have a question for the Recorder. I noted when you read allegation 3(b), you said, "The detainee was captured in the Tora Bora region with other members of his training squad from the Al Farouq training camp."

Recorder: Yes, Sir.

Tribunal Member #1: My copy and the other Tribunal Members' copies of the Unclassified Summary do not have "in the Tora Bora Region."

Tribunal Member #2: Correct. Also in 3(a)(1), "August 2001" was mentioned, but I don't have "August 2001," as well.

Tribunal Member #1: I just want to make sure what the detainee saw is what we have here.

Recorder: Sir, to clarify, I'd like to say 3(a)(1) says, "Detainee voluntarily traveled from Yemen to Afghanistan."

Tribunal Member: Okay.

Recorder: 3(a)(2) says, "The detainee traveled from Al Farouq training camp in August 2001."

Tribunal President: Hold on. Our copies read 3(a)(2), "the detainee attended the Al Farouq training camp in August 2001."

Recorder: That is correct Ma'am. I was in error.

Tribunal President: Okay.

Recorder: 3(b)(1), "The detainee was captured with other members of his training squad from the Al Farouq training camp." 3(b)(2), "If released, the detainee advised he should be considered a threat to the United States."

Tribunal Member: Personal Representative, is that what you and the detainee saw, too?

Personal Representative: Yes, Sir.

Tribunal President: The detainee responded to each one of those allegations?

Personal Representative: That is what I read. Yes, Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

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

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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.



Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 24 SEP 04

Start Time: 1030

End Time: 1115

ISN#: 

Personal Representative:  LCDR, USN
(Name/Rank)

Translator Required? YES Language? 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:

Does not wish to attend tribunal. Has asked to allow PR to read from session notes on the
detainees behalf regarding each of the items noted in the Summary of Evidence.

 LCDR USN

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (8 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - RABEII, Salman Yahya Hassan Mohammed

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 you are a member or associate of al-Qaida forces.
 - a. The detainee was associated with al-Qaida.
 1. Detainee voluntarily traveled from Sanaa, Yemen to Afghanistan.
 2. Detainee attended the Al Farouq training camp in August 2001.
 - b. The detainee participated in military operations against the coalition.
 1. Detainee was captured with other members of his training squad from the Al Farouq training camp.
 2. If released, detainee advised that he should be considered a threat to the United States.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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T RI 2541 EXHIBI

Memorandum

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

From : FBI GTMO
Counterterrorism Division
OSC [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/26/2002
FD-302 dated 08/19/2002

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

²See Executive Order 12958

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Γ RZ 2542 EXHIBIT

UNCLASSIFIED

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

If you need additional assistance, please contact On
Scene Commander [REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED] LCOR USN
Name

27 Sep 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)