

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMEDOU OULD SLAHI,)
)
 Petitioner)
)
 v.) Civil Action No. 05-881 (RWR)
)
 GEORGE W. BUSH, *et al.*,)
)
 Respondents.)
 _____)

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, 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 Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

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 Mohamedou Ould Slahi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted. An OARDEC staff member redacted information that would personally identify U.S. Government personnel and foreign nationals in order to protect the personal privacy and security of those individuals. This staff member also redacted the names of foreign corporations to protect the personal privacy and security of individuals who work for those corporations.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 14 July 2005

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 851

29 JAN 2005

FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 760**

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

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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

~~FOR OFFICIAL USE ONLY~~

3787

19 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 760

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 #20 of 8 November 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 elected to participate. *See* exhibit D-a. The detainee also provided a sworn statement in question and answer format to the Tribunal. *See* enclosure (3). The Tribunal considered the sworn statement in its deliberations.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all 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 requested witnesses and evidence to rebut allegations as presented in the Unclassified Summary. *See* D-a. Subsequent to his request, the detainee withdrew his requests for evidence and witnesses. *See* enclosure (1).
- e. The Tribunal's decision that detainee #760 is properly classified as an enemy combatant was unanimous.

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

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 760

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



PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

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 Commander, U.S. Navy; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

15 December 2004

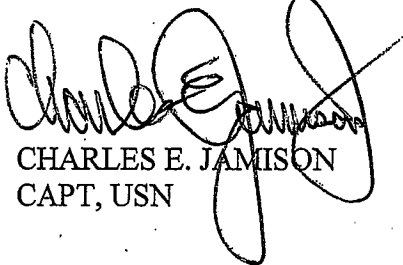
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN 760

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].



CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #20

(U) ISN#: 760

Ref: (a) (U) Convening Order for Tribunal #20 of 8 November 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 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) On 4 December 2004, the Tribunal determined by a preponderance of the evidence that Detainee #760 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 and 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).



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL: #20
ISN #: 760 **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 or supporting al Qaida forces and 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 Tribunal commenced this hearing on 19 November 2004. After the Personal Representative presented Exhibit D-a, the Detainee Election Form, to the Tribunal, the detainee requested that he be given an opportunity call witnesses on his behalf, a request he had not previously made through his Personal Representative to the Tribunal President. Based on the detainee's request, the Tribunal President put the hearing in recess pending resolution of the possible witness request. During the recess the Recorder modified Exhibit R-1, the Unclassified Summary of Evidence, deleting a number of allegations. After reviewing the modified Unclassified Summary of Evidence the detainee elected not to call any witnesses.

The Tribunal reconvened on 4 December 2004. The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. That exhibit, the Unclassified Summary of Evidence, indicates, among other things, that: The detainee is a member of the Taliban or al Qaida; the detainee admitted that he traveled to Afghanistan to wage Jihad; the detainee stated that his goal was to become a martyr by dying for Islam; the detainee trained at the [REDACTED] camp in Afghanistan where he took the alias of Abu Masab; and that the detainee received training on the Kalashnikov, Seminov, UZI, M-16, Makarov Pistol and RPGs while at the [REDACTED] camp. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings and then answered Tribunal members' questions. The detainee's sworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. In sum, the detainee testified that all the allegations on the Unclassified Summary of Evidence were correct, but that they were all from the 1990 to 1992 time frame. The detainee stated that

in recent years he has never been a member of the Taliban or al Qaida or taken any anti-American position. The detainee called no witnesses and presented no evidence.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-23, commenting that exhibits R-3 through R-5 support the Unclassified Summary of Evidence and Exhibits R-6 through R-23 added amplifying information. The Personal Representative presented no evidence but as requested by the detainee, did draw the Tribunal's attention to exhibits that provided pertinent information regarding the detainee's classification. Furthermore, the Personal Representative stated that during his first meeting with the detainee, the detainee read the CSRT Implementation Directive definition of enemy combatant and stated that the definition correctly applied to him as an enemy combatant. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-23 and D-a.
- b. Testimony of the following person: 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

As noted in Paragraph 2 above, the Tribunal President held the hearing in recess to allow the detainee to further review the Unclassified Summary of Evidence and determine if he would need to call any witnesses. After meeting with his Personal Representative, the detainee determined that in fact, he did not require any witnesses. After reconvening the Tribunal, the detainee confirmed that he elected not to call any witnesses on his behalf.

5. Discussion of Unclassified Evidence

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

- a. The Recorder offered Exhibit R-1 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 other evidence to support the assertions in the Unclassified Summary of Evidence.

b. As noted in paragraph 2, above, the detainee provided sworn testimony, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee testified that all of the allegations on the Unclassified Summary of Evidence were correct, but that they concerned his fighting against the Soviets following their invasion of Afghanistan. The detainee stated he had no part of the Millennium bombing plot and since 1992 he has had no association with al Qaida or the Taliban or any of their associates. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

6. Consultations with the CSRT Legal Advisor

None.

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 and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida forces and 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,


Colonel, U.S. Army
Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that the Detainee understood and had no questions.

Making reference to the Detainee Election form, the Tribunal President confirmed the Detainee's participation, and that he had requested United States intelligence documentary evidence to be presented to the Tribunal on his behalf.

The Unclassified Summary of Evidence was then read in full to the Tribunal by the Recorder.

The Tribunal President then permitted the Detainee to present evidence, and advised him he had the assistance of his Personal Representative in doing so.

Detainee: First of all, there is a discrepancy between what we had before, and what has just been read (in the revised Unclassified Summary¹).

Tribunal President: What was the discrepancy?

Detainee: It didn't state before that I was a member of al Qaida or the Taliban.

Tribunal President: Personal Representative, would you please review the document he has and compare it to what was just read.

Detainee: I just want to make sure.

The Detainee then read aloud in English the four allegations as noted on the Unclassified Summary to the Tribunal, then made the following comments:

Detainee: This is all I have received.

Tribunal President: Personal Representative, do you see the statement on there, and could you explain the Unclassified Summary to him?

At this time, the Personal Representative and Tribunal President took a moment to explain the Unclassified Summary of Evidence to the Detainee; that there were four supporting comments to the charge that he (the Detainee) was a member of the Taliban or al Qaida. The Tribunal President then confirmed the Detainee understood the Unclassified Summary.

Tribunal President: At this time, this is where you have the opportunity to respond to each of the allegations, or you may make a statement; which do you prefer?

¹ A revised Unclassified Summary of Evidence was presented to the Detainee in a meeting prior to the Tribunal hearing.

Detainee: I want to first take an oath, if you would allow me to, Ma'am.

Tribunal President: Could you answer the question first; do you want to respond to each allegation?

Detainee: Yes.

Tribunal President: And you would like to make those statements under a Muslim oath?

Detainee: Yes.

The Muslim oath was administered to the Detainee by the Recorder, and the Detainee indicated he preferred to read each allegation aloud and respond himself without the assistance of his Personal Representative.

3.a1. The Detainee admitted that he traveled to Afghanistan to wage Jihad.

Detainee: That is correct. I went to Afghanistan in late 1990 and December 1991 to help fight against the Communists. I went again in February 1992 for the same reason. When the Communists lost in 1992, I left there for good and never went back. My whole purpose was only to help my Muslim brothers wage Jihad against the Communists, who invaded the country and forbade the practice of their religion. Ma'am, this one is very important because this says I am an enemy combatant against the United States, which doesn't fit. I would like to tell you that an integral part of the Islamic religion is to help oppressed people; they were oppressed where they couldn't freely practice their religion. No further statement to number one.

3.a2. The Detainee stated that his goal was to become a martyr by dying for Islam.

Detainee: This allegation is correct. I will give you an example; I think it is honorable if a U.S. citizen dies for a good cause wearing his uniform. For us, as Muslims, it is the same; to die for a good cause, to be honorable to die defending oppressed people. This belief is a part of my religion; I believe it, and I will continue believing it. That's all I have to say about number two; no more information.

3.a3. The Detainee trained at the [REDACTED] camp in Afghanistan where he took the alias of Abu Masab.

Detainee: Yes; I came as a very young man, and this is a correct allegation.

Personal Representative: Is this the one in Khost?

Detainee: Yes, exactly, the one in Khost.

Personal Representative: Ma'am, I was just reading from earlier notes that this was in Khost.

Tribunal President: Are you saying that [REDACTED] was in Khost, at the time you were in Afghanistan?

Detainee: Yes, Ma'am; that is very important. By waging Jihad against America, they took Kandahar as a headquarters. My Personal Representative wanted to make a point that the old version of the allegation against me, that I was with al Qaida and waging war against America, was not my case. When I came to Afghanistan, I couldn't choose the training camp; al Qaida and the Arabs ran the camps. I said, hey, I want to help. They said I could not until I had training. I said, OK, I'll take the training. They sent me to [REDACTED] camp for seven weeks. Like anybody else, I never heard of [REDACTED] before I got there. People who ran the camp suggested to me to take an alias because it wasn't good to take my name; they were afraid of people from Communist countries finding out. They were afraid people from Libya or ex-USSR, who were forbidden to wage Jihad, would find out, so I took an alias, and it was fine for me to take it. Ma'am, I would not have been approved to go to the front had I refused to take the training. It made sense for me to go through the training, which I paid no money for, and it was good. No further statement about number three.

3.a4. the Detainee received training on the Kalashnikov, Semenov, UZI, M-16, Makarov pistol and RPG's while at the [REDACTED] camp.

Detainee: This is correct. I just want to complete it; there were other weapons, but it's been a long time, maybe 14 years. Other Soviet weapons were involved with the training; for example, I don't see mortars here. I just want to let you know the training in [REDACTED], at my time, is well known. There were other weapons I don't remember. If I get a catalog of Russian weapons, I could point out what weapons I trained on. It is only my idea that it made sense they took those Russian weapons because they were very cheap and were everywhere. It made sense to train on weapons they possessed. Ma'am, I didn't design the program of [REDACTED]; I came and it was already designed for thousands of people who came for Jihad, including your country, who helped us with ammunition. For example, the mortar ammunition was made in the U.S.A. I remember 60, 80, and 120 mm rockets. I don't know what you call this. I want to add some more to this point. When I trained, I was bored. When I left Afghanistan, and came back the next year to go the front; when I came, they knew I was trained because they kept records. When I gave them my name (his alias), they sent me to the front, to Galdez, commanded by [REDACTED]. I was with an Arab group; they were fighting under an Afghani commander, but physically they were in separate places. The city of Galdez was in Communist hands, but after three weeks of surrounding, in February 1992, the Communists agreed to give the city up; to surrender. They arranged the surrender, and the majority had to stop firing. We didn't really fire one shot, except in training. At this point, we heard about Kabul being taken; we heard Kandahar and Jalalabad were under Communist control. Right after the break down of Communists, the Mujahiden

themselves started to wage Jihad against themselves, to see who would be in power; the different factions began to fight against each other. I decided to go back because I didn't want to fight against other Muslims, and found no reason why; nor today did I see a reason to fight to see who could be president or vice-president. My goal was solely to fight against the aggressors, mainly the Communists, who forbid my brethren to practice their religion. Ma'am, I was knowledgeable I was fighting with al Qaida, but then al Qaida didn't wage Jihad against America. They told us to fight with our brothers against the Communists. In the mid-90's, they wanted to wage Jihad against America, but I personally had nothing to do with that. I didn't join them in this idea; that's their problem. I am completely out of the line between al Qaida and the U.S. They have to solve this problem themselves; I am completely independent of this problem. As far as the timing, because this is vital and important to my case, my agenda, or Jihad, was against the Communists, not the U.S. or its allies. In the late 90's it was clear that al Qaida trained people as potential soldiers against the U.S. That is very important, and for the timing, I asked my PR if there were many witnesses, and to pick one witness, he suggested U.S. intelligence; it's his choice, and I accept this choice, because you trust your country more than anyone else for this information. I just want to emphasize this should be trivial that I went to Afghanistan, in this case. Your honor, as to the evidence, I have not much else to say. I confessed this, and I cannot see where the hostility against the U.S. fits.

Tribunal Member Questions to Detainee

Q: Where are you from?

A: I am from Mauritania.

Q: And a personal question if you don't mind me asking; how old are you?

A: I am 34 years old.

Q: How old were you when you first went to Afghanistan?

A: 20 years old.

Q: Where were you captured?

A: I turned myself in; that's a very good question, thank you. I turned myself in to the Mauritanian government, and they told me I was wanted. I told them I would come to them, and they said the American government wanted me. I was kidnapped and spent 8 months in Jordan; they tried to squeeze information out of me. I then went from Kandahar to Cuba. I turned myself in September 29, 2001, around 2300 hours.

Q: How long were you in Jordan?

A: Eight months.

Q: And you said after you left Afghanistan in the early 90's, you never went back again?

A: Never, never, never, never.

Q: Pakistan?

A: Never; no Bosnia, no Chechnya; I just went back to finish my studies until I turned myself in; I had a big family to feed. I had 100 mouths to feed.

Q: You said when you were discussing the allegation before, you'd fight anyone oppressing Muslims; would you consider what the U.S. was doing in Afghanistan there in 2001, would that warrant you to go fight?

A: First of all, I told myself before that I don't think that the U.S. forbids Muslims to practice their religion; in the U.S. there are many Muslims, why should I fight?

Q: Why do you think you get such special treatment here at Guantanamo?

A: Your government captured me for the wrong reasons; they thought I was part of the millennium plot. This was the Algerian who tried to smuggle explosives from Canada into the U.S. in December 1999; in Jordan, they made me crazy to admit I had something to do with it. Because there was so much pressure and bad treatment, I admitted to this. Your intelligence later realized it was not true and a mistake, and this was a form of redemption. Furthermore, I am the most honest Detainee in the whole of this camp; I gave all the information and every bit of information I knew of; I challenge them to prove I have not provided good information.

Q: You mentioned you traveled to Canada; what were some of your travels after you left Afghanistan up until your arrest?

A: When I came back in February 1992, I went to Germany to study in Glicht. In August 1993, I went on holiday for two or three weeks to my country. Then I stayed in Germany, and I didn't travel until May 1998 when I went to Saudi Arabia for Haaj, because every Muslim should go for this duty once in his life, and I went with my wife.

Q: After Haaj, did you go back to Germany?

A: Oh yes, I used to live in Germany, so after about one month I went back. On September 16, 1998, I went to Canada because I wanted to immigrate there because of unemployment in Germany; I was really only in Germany for my studies. I wanted other options or another shot, goodbye Germany, and wanted to go to a place where I could exercise my trade. I am an electrical engineer. I stayed in Canada in one week, and finished my immigration papers and went back to Germany. In November 1999, I

learned from German immigration I had to leave, and they wouldn't prolong my visa. That's bad, but at least I could go to Canada and start a new life. I was hosted by a friend of mine, a college or study mate, by the name of [REDACTED]

Q: What year was that? When did you go back to Canada?

A: November 26, 1999. Because I learned Germany wouldn't prolong my visa, I went to Canada and was hosted by my friend. Then this Algerian guy, in December, tried to smuggle the explosives into the U.S. The police came for a lot of reasons, mainly because they were watching friends of [REDACTED]. Furthermore, I am the cousin of the right hand of Osama bin Laden, who has \$25 million on his head. But those facts were known to the intelligence community, and they said, look at this guy, he has been to Jihad, and he is the cousin of the right hand of Osama bin Laden; they said that's him, that's him. I said, yes, I have been to Afghanistan, but I have nothing to do with this sh_t, in good English, and I couldn't believe it. The guy that was captured would not cooperate with American authorities; obviously later on he decided to cooperate after September 11, which helped my case, too. I also want to tell you I took several polygraphs, which I passed perfectly.

Q: When did you go back to Mauritania?

A: I went back to Mauritania January 21, 2000; ask me why.

Q: Why?

A: Because that was not a good life; wherever I went I had people right behind me at the market watching my butt, I said what the heck? That is not the life I want to live; I wanted to live a productive and peaceful life. I am a Muslim, and I believe in Jihad, but I'm not ready to kill innocent people for it. I said hey man, you can keep your country for yourself, so I went back to my country; that's why.

Q: So your understanding is that you were arrested because they thought you were part of the Millennium plot?

A: Yes; that was clear, and that's what my government told me.

Q: Was [REDACTED] involved in the plot?

A: No; he was not.

Q: Was he arrested?

A: No; I was also not arrested.

Q: Why was the intelligence watching him?

A: Because of his friends; he has very bad friends, such as [REDACTED] and some Arabs that I don't know, because my time in Canada was very short. [REDACTED] was the guy from the same country who was the one who was recruited to Jihad and introduced to [REDACTED]; that was very, very bad.

Q: How do you know all that?

A: Because I read it in the papers and the interrogators told me.

Q: Can I get your response to the very first allegation that you are a member of the Taliban or al Qaida?

A: The Taliban; I have nothing to do with them whatsoever. Al Qaida, I was a member in Afghanistan in 91 and 92. After I left Afghanistan, I broke all my relations with al Qaida.

Q: And you've never provided them money, or any type of support since then?

A: Nothing whatsoever.

Q: Ever recruited for them?

A: No, not at all; no trying to recruit for them.

Q: You said that you were pressured to admit you were involved in the Millennium plot, right?

A: Yes.

Q: To whom did you make that confession?

A: To the Americans.

Q: And what do you mean by pressure?

A: Your honor, I don't wish to talk about this nature of the pressure if I don't have to.

Tribunal President: You don't have to; we just want to make sure that you were not tortured or coerced into saying something that wasn't true. That is the reason he is asking the question.

A: You just take from me I am not involved in such a horrible attack; yes I admit to being a member of al Qaida; but I am not willing to talk about this. The smart people came to me and analyzed this, and got the truth. It's good for me to tell the truth, and the

information was verified. I said I didn't have anything to do with this. I took and passed the polygraph, and they said I didn't have to speak of this anymore. They said please don't speak of this topic anymore, and they haven't opened it up to this topic for a year now.

Q: So no U.S. authorities abused you in any way?

A: I'm not willing to answer this question; I don't have to, if you don't force me to.

Tribunal President Questions to Detainee

Q: When did you go back to your home country from Canada?

A: It was January 21, 2000.

Q: What had you been doing in your country since January?

A: Good question; I was working for a company named [REDACTED].

Q: What did they do?

A: It was a company that deals with medical equipment that what we call in Mauritania a scanner, they inject people with a bottle; it's not as advanced as an MRI. They deal with this and in controlling medical equipment such as oxygen equipment, so that people would stay alive.

Q: And what did you do for that company?

A: They also had an internet service provider, a small one. In my country, if you work for a company, you touch everything; sometimes they sent me to the hospital to repair equipment, but most of the time, I was repairing the computers and installing software, and fixing and developing the service.

Q: Is that what you learned in school?

A: Yeah; like I said I am an electrical engineer, and microelectronics. In July 2001, I left the company to go to another company called [REDACTED]. This is a French word for fish. This company was a company of people from my tribe, and they gave me more money to join them. They wanted to develop the business and to use me; I was just setting up my office, because they didn't know what to do with me at first. They had many electronic devices and electrical machines they wanted me to take care of. I had just set up my office and installed the AC, and September 11th happened. Then America went crazy looking for leads; and I was the cousin of the right hand of Osama Bin Laden, and oh, get him. And in my country you don't need any evidence to arrest anybody, and need no jurisdiction to extradite anybody.

Q: Did you have to have permission or authority to leave al Qaida? I need to understand if you could walk away from an organization like that.

A: That is a good question. If you joined Jihad, at least when I was, you are a de-facto al Qaida member. They made me swear that you are here to take orders and to follow Osama, and do nothing against Islam. There is no money that they pay you, and it's just benevolent work. It is so, OK, but Jihad stopped in Afghanistan, so I went to go back to study because Communism was gone. Nobody told me I had to stay, so I left. Nonetheless, my cousin tried many times to get me back, and called me a lot, and I was like, hey, I want to work a little bit. I didn't want to tell him to forget me, because they would be against me, and they would hunt me down. Do you understand my point? If you provide information they will hunt you down, but if you just go away and try to break contact, there is just no contact. The only contact was my cousin who tried desperately to get me back, but he couldn't, because I told him mom was sick, and had problems here, etc.

Q: How much time do you feel like you devoted to al Qaida?

A: I trained 7 weeks with al Qaida, and I was 3 weeks fighting in the front. That makes 10 weeks total devoted with al Qaida.

Q: And they've invested money and time in training you, so you walked away, but they attempted to get you back; do you think that's all they're going to do?

A: Al Qaida is 10,000 people, and they cannot control all of those people. You must have the passion to go back to them, and if you don't have the passion, and you don't hurt them, it's sort of OK; that's my thinking, or my feeling on that. But if you said I'm going to say every name they trained, that would be bad; very bad.

Q: Have they ever provided you any other funding or support?

A: Why should they provide me any support when I work for the allies? I don't see why.

Q: Did you ever work for some of the non-governmental agencies; NGO's?

A: No, never.

The Tribunal President thanked the Detainee for his participation, and asked if he had any more questions or statements.

Detainee: I want to thank you very much, for asking the questions that helped me remember.

Upon informing him he (the Detainee) would be notified of the results of the proceedings, the Detainee asked the following question:

Detainee: Madam, when would that be?

Tribunal President: I don't know exactly how long it will take. We've noticed it takes anywhere from 3-4 weeks, but sometimes 4 months. We should hear something pretty soon.

The Tribunal President resumed explaining the Tribunal process to the Detainee; the Detainee interrupted briefly to consult privately with his Personal Representative.

Personal Representative: Ma'am, that (discussion with the Detainee) was a comment about being returned to another country instead of his home country; I told him the State Department would work all those issues out at a later date.

Tribunal President: (to the Detainee) If I'm understanding your comments to your Personal Representative, you do not want to return to your home country?

Detainee: No, because I'm threatened because of the amount of the information I've provided to the United States, I would be hunted down and I would be killed. I want to be provided security.

Tribunal President: We'll make note of that; is there a particular country you are interested in going to? Not to say that we make that decision, someone else would make that decision, the PR is correct, but we'll put it on the record.

Detainee: United States.

Tribunal President: You want to go to the United States?

Detainee: I do.

Tribunal President: OK; that is now made a part of this record, and the State Department will take note of this request.

The Tribunal President read the remainder of the hearing instructions to the Detainee, to include the description of the Administrative Review Board process.

Detainee: (for the Administrative Review Board) To contact my family, I need encouragement, because I am having problems contacting my family. For example, a couple of my letters were over a year old, so how is it possible to handle this in a reasonable way?

Tribunal President: We'll make note of that, and talk to the people that are responsible for the process of handling and receiving mail; that's not part of our responsibility, but we'll certainly pass that along to the people that will be handling that.

Detainee: You understand my point?

Tribunal President: Yes, I do. You said you had a lot of family, though, about 100 members?

Detainee: Yes, I do. They can write all at once, and it would be like they can hit you with mail. But the mail gets stuck somewhere, and it's not convenient if I am going to prepare myself for another board, and the letters comes seven months after the decision of the board; that is not very ideal.


Tribunal President: That is correct, and we'll pass that information on.

Detainee: Thank you, Ma'am.

The Tribunal President thanked the Detainee for his participation and adjourned the open session.

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: 13 Nov 04

Start Time: 0945

End Time: 1115

ISN#: 760

Personal Representative:  LT COL

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:

- Will speak to each piece of evidence. Detainee will read and speak from both the English and the translated copy of the Summary of Evidence.

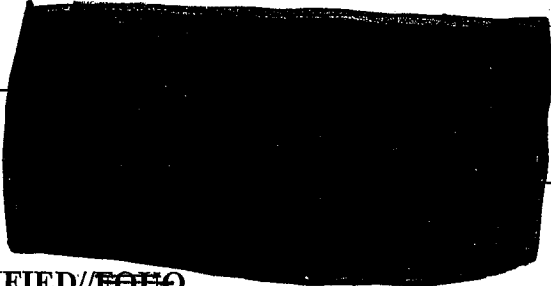
- Has indicated he will take the oath.

- Detainee requests U.S. Intelligence Documentary Evidence be presented at his tribunal.

- The requested evidence pertains to any such documents that may show the dates and locations of the activities listed in detainee's Unclassified Summary.

- Detainee also requests information showing he freely provided the vast majority of the information in his file.

- Since U.S. Intelligence documentation would most likely be classified, any such information will need to be presented at the closed tribunal session.

Personal Representative: 

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (27 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – SLAHI, Mohamedou Ould

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 the detainee is a member of the Taliban or al Qaida.

The detainee is a member of the Taliban or al Qaida.

1. The detainee admitted that he traveled to Afghanistan to wage Jihad.
 2. The detainee stated that his goal was to become a martyr by dying for Islam.
 3. The detainee trained at the [REDACTED] camp in Afghanistan where he took the alias of Abu Masab.
 4. The detainee received training on the Kalishnikov, Seminov, UZI, M-16, Makarov Pistol and RPGs while at the [REDACTED] camp.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

3808

1 of 1
R/

Memorandum



760

To : Department of Defense Date 10/28/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [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 760 have been redacted by the FBI and provided to the OARDEC:

- FD-302 dated 10/14/02
- FD-302 dated 03/09/03

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

²See Executive Order 12958

1.72

R2

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 10/28/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED]
[REDACTED] or Intelligence Analyst (IA)

IA

Personal Representative Review of the Record of Proceedings

I acknowledge that on 10 December 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #760.

I have no comments.


My comments are attached.



Name

10 DEC 04

Date


Signature

ISN #760
Enclosure (5)