

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MUSAB OMAR ALI AL MUDWANI, )  
                                  )  
                                  *et al.* )  
                                  )  
                                  )  
Petitioners,                 )  
                                  )  
                                  )  
v.                             ) Civil Action No. 04-CV-1194 (HHK)  
                                  )  
                                  )  
GEORGE W. BUSH,             )  
President of the United States, *et al.*, )  
                                  )  
Respondents.                 )  
                                  )  
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**DECLARATION OF JAMES R. CRISFIELD JR.**

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

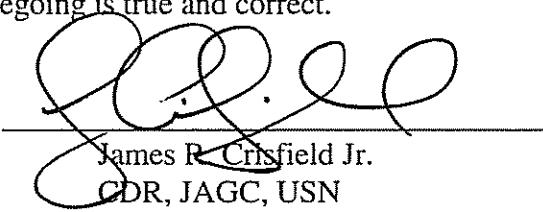
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Musab Omar Ali Al Mudwani that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached

hereto. I have redacted any personally identifying information regarding the detainee's family and 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: 5 Oct 04



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



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser:  
1 October 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

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

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30 Sep 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

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

Encl: (1) Appointing Order for Tribunal #6 of 13 September 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 made a sworn statement at the Tribunal.
- 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-4 and R-5 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. Grisfield 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. McGarrahan*

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

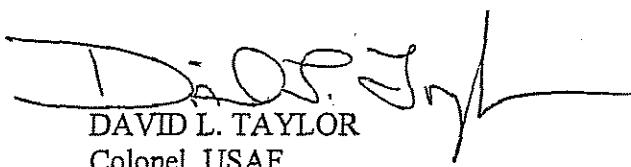
28 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.
2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

  
DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #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) Summary of Detainee Testimony (U/FOUO)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 23 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 or supporting 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 hearing was held on 23 September 2004. The Recorder presented the unclassified exhibits, including Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. It indicates, among other things, that the detainee was recruited in July 2001 to go to Afghanistan to train and fight; the detainee trained at the Al Farouq training camp near Kandahar, Afghanistan, for 25 days and learned to use various small weapons; the detainee saw Usama Bin Laden several times and at various training facilities during his time in Afghanistan; the detainee left the Al Farouq camp on a military bus with 25 other students and went to Kabul, which fell 3 days later; and, after the fall of Kabul, the detainee went to Pakistan, where he was captured by Pakistani police after a shoot-out on 11 September 2002. The Recorder called no witnesses.

The detainee participated actively in the Tribunal process. After being sworn, he responded to each of the assertions on the Unclassified Summary of Evidence, and then answered questions posed by the Personal Representative and the Tribunal. The detainee's sworn testimony is summarized in Enclosure (3) to the CSRT Decision Report. In sum, the detainee indicated he went to Afghanistan not to fight, but to check out the situation. He did receive small weapons training at the Al Farouq camp, which he attended for 25 days. The trainees were given the opportunity to leave after the 11 September 2001 attacks out of concern that there might be problems, so the detainee and approximately 25 others left on a civilian bus to Kabul. Three days after he arrived in Kabul, the city fell, so he made his way to Pakistan. He was arrested in Pakistan after the Pakistani police stormed the apartment he was staying in. The detainee called no witnesses and presented no other evidence.

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During the classified session of the Tribunal, the Recorder presented Exhibits R-4 through R-27. The Personal Representative presented no exhibits, but did comment on the evidence. The Tribunal considered both the unclassified and classified exhibits, and the detainee's testimony, in reaching its decision.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-27, and D-A.
- b. Testimony of the following persons: None.
- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

**5. Discussion of Unclassified Evidence**

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

- a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.
- b. The Recorder also offered Exhibit R-3 into evidence, which is an affidavit from the detainee's brother in Yemen. In the affidavit, the detainee's brother indicates the detainee went to Pakistan to study. The Tribunal considered this affidavit in reaching its decision regarding the detainee's status as an enemy combatant.
- c. The only other unclassified evidence the Tribunal had to consider was the detainee's sworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). As noted above in paragraph 2, the detainee testified that he went to Afghanistan to check out the situation, not to fight. He

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ISN [REDACTED]  
Enclosure (1)  
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attended the Al Farouq camp for 25 days and received small weapons training. He was given the opportunity to leave Al Farouq after the 11 September 2001 attacks in the United States out of concern that there might be problems, so he and approximately 25 others left on a civilian bus to Kabul. Three days after he arrived in Kabul, the city fell, so he made his way to Pakistan. He was arrested in Pakistan after the Pakistani police stormed the apartment he was staying in. He testified that no one in his apartment tried to resist, and that the police thanked them for not resisting. He states that persons in the adjacent apartment resisted, and a gun battle ensued. The detainee stated that he never went to the front lines while he was in Afghanistan, and never had a weapon, except for when he was training at the Al Farouq camp. He specifically stated that there were no weapons in the apartment room where he was captured.

The Tribunal did not believe the detainee's story that he went to Afghanistan merely to check out the situation. The Tribunal believed he went to Afghanistan to train and fight, as asserted on the Unclassified Summary of Evidence and as evidenced by his attending the Al Farouq training camp shortly after his arrival in country. Furthermore, the detainee portrayed his escape to Pakistan as something that took a matter of days, when, in fact, he left his activities unaccounted for an entire year. After considering the unclassified evidence and testimony, and the classified evidence, the Tribunal concluded that the detainee is properly classified as an enemy combatant because he was part of or supporting Al Qaida forces. 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 was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He had no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant and was part of or supporting Al Qaida forces.

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ISN [REDACTED]  
Enclosure (1)  
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**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[Redacted]  
Colonel, U.S. Army  
Tribunal President

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Enclosure (1)  
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**Summarized Detainee Statement**

Tribunal President: Musad Omar, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present evidence to the Tribunal?

Detainee: I would like to clarify some things.

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

Detainee: Yes.

Tribunal President: Recorder will you please give him the oath?

**The Detainee was sworn using the Muslim oath. The Detainee testified to the Tribunal in substance as follows:**

Tribunal President: Musad Omar, you may begin.

Personal Representative: Madam President, the Detainee and I have talked previously. I have prepared questions so I can refresh the Detainee's memory.

Tribunal President: Okay. Would the Detainee like to respond to the unclassified summary in his hand first; or would the Detainee like the Personal Representative's questions first?

Detainee: Whatever you prefer. It is not a problem.

Tribunal President: The Detainee will go first, and then respond to the questions.

**A translated copy of the unclassified summary was handed to the Detainee for reference. The Detainee proceeded to address each point on the Unclassified Summary of Evidence in order. To put his comments into context, the points from the Unclassified Summary of Evidence are provided below in italics. The detainee's comments follow each point (summarized).**

***3.a. The detainee is an Al Qaida fighter.***

*1. In July 2001, Al Mudwani was recruited by two men, who identified themselves as former mujahid, to go to Afghanistan and train to fight.*

Detainee: First of all, the two men did not identify themselves to me. One of the men lived in the same neighborhood as me. The other man was his friend. They would talk to me, but they never said they were in Afghanistan before. In regards to going to Afghanistan to train how to fight; I went to see and observe the situation. Not for the

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purpose of fighting. There was no fighting going on at that time. I left before the events of 9/11.

*2. The detainee stated that he stayed at the Daftar Al-Taliban guesthouse for four hours, prior to going to Kandahar, where he stayed at the Madafat Al-Nibras guesthouse, where he was fed and given new clothes.*

Detainee: I was only given food. I was not given any new clothes. I was traveling so I already had my clothes with me. It was impossible that I would have gone there without clothes.

*3. The detainee stated after seven (7) days at the guesthouse in Kandahar, he traveled to the Al Farouq training camp, a known Taliban training camp.*

Detainee: This allegation is correct.

*4. The detainee stated that he received training on the Kalashnikov rifle, pistol, BEKA, RPG, and the Magnoona. The detainee stated that he only trained for twenty-five (25) days because the camp closed due to the U.S. bombing campaign.*

Detainee: I trained on the Kalashnikov rifle, that is correct. The pistol, that is correct. The BEKA, that is correct. The RPG, I just saw it. I never received training on the RPG. The Magnoona is the Kalashnikov. The only difference is that it has an additional metal piece. Like a base that you rest the Kalashnikov on. It has an extra piece on there. I only received training for about twenty to twenty five days. There was no bombing. It was the first day of the events of 9/11. The people at the camp said if anyone wanted to leave, we were free to leave. There might be problems and there might be bombings; so if you don't want any problems, just go. If you want to stay, then you can stay. I did not want any problems, so I just left because my objective was not to fight when I went there.

*5. The detainee stated that he saw Usama Bin Laden (UBL) several times and at various training facilities during his time in Afghanistan and last saw Bin Laden in Khowst about a month before the fall of Kabul.*

Detainee: I only saw Bin Laden once at that training camp. Bin Laden was visiting the training camp and I saw Bin Laden from about thirty, to forty, to fifty meters away. He was very far away. The second time I saw Bin Laden was in Khowst during the events. Bin Laden would pass through all the villages to see the people. Bin Laden also passed in front of us, but there were many people present at the time. They were all civilians. The various training camps is not correct. I received training in one place only. It is correct that I did see Bin Laden a second time in Khowst. It was one month before Kabul fell, that was correct. All and all, it was only two times I saw Bin Laden.

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Enclosure (3)  
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*3.b. The detainee participated in military operations against the coalition.*

Detainee: This is not true. I did not even go to any of the front lines.

*1. The detainee stated that he left Al Farouq on a military bus with twenty-five (25) other students from Al Farouq and went to Kabul.*

Detainee: I left the training camp on a regular truck from Al Farouq to Kandahar. It was about a two or three hour ride. Then I completed the trip from Kandahar to Kabul on a civilian bus. Twenty-five of my friends were in the same group. They were not Taliban.

*2. The detainee stated he went to Kabul and three days after his arrival, Kabul fell.*

Detainee: This is correct.

*3. After the fall of Kabul, the detainee went to Pakistan where he was captured by the Pakistani police, after a shoot-out, on September 11, 2002.*

Detainee: The police stormed the house around eight o'clock in the morning. There were two apartments. The apartment I was in, there was no shoot-out or any resistance. But we surrendered immediately. They have my fingerprints. You can look at them if you want to verify this. The Pakistani police, they have everything. The Pakistani police thanked the group I was in the apartment with for not resisting and they never charged us with anything. The resistance was in the apartment next to us in the same building. That is all I have.

Tribunal President: Musab Omar, does that complete your statement?

Detainee: Yes, that is what I have.

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

Personal Representative: Yes, Ma'am. I do, but not quite as many because the detainee has covered most of our conversation. When you were in Yemen prior to leaving, you were given a ticket to go and observe the cultural conditions under the Taliban in Afghanistan.

Detainee: Yes, under the Taliban - how the Muslims were doing under the Taliban. There were rumors that these were evil or bad people. In Islam, you cannot judge another Muslim unless you see it with your own eyes. As for myself, the expenses were covered by someone that was doing good. So I said I did not have anything to lose. I planned to go for one month. I had a visa for one month only. I wanted to see how things were and come back home. When the events happened, I still had a few days left on the visa. The roads were closed and I could not leave.

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Personal Representative: When you left camp and went to Kabul for three days, what was the purpose for being in Kabul?

Detainee: Kandahar was very crowded. So I thought I would go to Kabul because it was bigger. After I left Kabul, I was going to go to Khowst because it was close to the border. My intention was to leave for Pakistan. Khowst was safer. There was no fighting going on there.

Personal Representative: While in Pakistan, you were waiting in the apartment with several others. What were you waiting for?

Detainee: We were waiting for things to calm down and to become stable. We were also waiting for the Pakistani police to stop searching everywhere because our visas had expired. We could not move around legally. So we stayed until we could maybe get to the Yemeni embassy, but we couldn't. The police were searching everyone. There was no negotiation or talking. They would just arrest people. So we stayed at the apartment until we could find the closest opportunity. We did not even have enough money for the tickets.

Personal Representative: I have no further questions.

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

Recorder: No, Ma'am.

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

Tribunal Member: Are you an Al Qaida fighter?

Detainee: No, never. I never followed them, I never stood on the lines, nothing.

Tribunal Member: When you received weapons training at Al Farouq, who gave the training? Were they Taliban or Al Qaida?

Detainee: Arabs. It had to be Arabs because I do not understand the language of the Taliban.

Tribunal Member: Do you know what the association of the Arabs were?

Detainee: They said they were just people that were giving the training. They did not have any affiliation with anyone. Talk about politics was forbidden in the camp.

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Tribunal Member: If you were going to Afghanistan to observe the cultural conditions, why then get all the training on weapons?

Detainee: When I got to Afghanistan, I was with Pakistani people. They moved me to Dafter Al-Taliban. I did not know the situation. So I went to Dafter Al-Taliban. They took me in, then told me to go to Al-Nibras. They were Taliban. I did not know their language and what they were talking about. So they took me to Al-Nibras. I could not leave. They took my passport, money and everything. They said just sit there. I told them based on what, and they said just sit there. After a week, I kept insisting on asking what was going on and why I was there. We got on a bus and they took us to the camp. They told us that anyone who goes into Afghanistan goes through the camp. Since I was there I had to get the training. There was no fighting, nothing.

Tribunal Member: When you were leaving the Al Farouq camp, the twenty-five people you were with?

Detainee: These were other people who refused to just sit along with me.

Tribunal Member: Okay. Were those people carrying weapons?

Detainee: No.

Tribunal Member: When you turned yourself in to Pakistani police, were there any weapons in your apartment room?

Detainee: The people who resisted had weapons in that apartment.

Tribunal Member: Your room did not have any weapons?

Detainee: My room did not have any weapons.

Tribunal Member: When you were going through Pakistan to go back home, were you doing so on your own accord, or were you following orders from another person?

Detainee: It was me, but I was getting advice from the Pakistanis. I did not know the area and I had no money. So I would ask around and they would help me.

Tribunal Member: The people that you were arrested with in Pakistan, were they all from the Al Farouq camp with you?

Detainee: No, I did not meet them until I went to Pakistan. They were all from Yemen with expired passports. Same situation as mine. The Pakistanis rounded up all the people like me that had issues or problems with their visa. We were all put in one place.

Tribunal Member: Was that before or after they stormed the apartment?

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Enclosure (3)  
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Detainee: How do you mean?

Tribunal Member: When you went to the apartment where you were staying, did you do that on your own or did the Pakistanis send you to that apartment?

Detainee: I went there on my own. A Pakistani family told me to go to that place.

Tribunal Member: How many people were staying in those two apartments?

Detainee: Five or six people and a Pakistani family.

Tribunal Member: Were any of those people from Al Farouq?

Detainee: No, not at all.

Tribunal Member: Did you have your passport at that time?

Detainee: Yes. I took it from the Pakistani (sic) government.

Tribunal Member: Where and how did you get your passport?

Detainee: The Pakistani police, when they stormed the house they took the passport, money and everything we had.

Tribunal Member: I thought you said earlier when you went to Al Farouq, they took all your papers, money, everything so you couldn't leave?

Detainee: After I left Al Farouq, they gave me everything back. I said that and wrote that down in the interrogations.

Tribunal Member: Who did you stay with in Kabul after leaving Al Farouq?

Detainee: After I left Al Farouq during the bombings, there were places or houses you could go to. Anyone that had a place to stay or hide, I would stay with them.

Tribunal Member: How did you know what houses to go to stay?

Detainee: I went with the group of twenty-five and the driver was asking. The driver knew where to go.

Tribunal Member: When you were in Kabul, did you have a weapon?

Detainee: No.

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Enclosure (3)  
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Tribunal Member: Did any of the people you were with in Kabul have weapons?

Detainee: We did not stay in Kabul, all of us together. After we got to Kabul all of us got separated. Five went here. Three went there. Everyone just went their own way.

Tribunal Member: Were the houses you stayed in Kabul, were they also housing fighters?

Detainee: No. They were civilian houses of people who were afraid of the bombing.

Tribunal Member: How did you get from Kabul to Pakistan?

Detainee: I went from Kabul to Khowst. To the Pakistani border.

Tribunal Member: How did you travel? What means?

Detainee: Buses,

Tribunal Member: How did you get the money to travel?

Detainee: The bus drivers were helping out the people that needed to go somewhere.

Tribunal Member: Earlier you said all the roads were closed and that was why you could not leave. How were you able to travel on the roads?

Detainee: Inside of Afghanistan. From Kabul to Khowst, Afghanistan, it was internal. We didn't go through official roads, we went through the mountains.

Tribunal Member: Were you on foot going through the mountains?

Detainee: Sometimes with the cars, sometimes with walking.

Tribunal Member: Who were you traveling with when you went through the mountains?

Detainee: A group of Arabs, Afghans, Pakistanis and other people.

Tribunal Member: Was this Tora Bora mountains?

Detainee: No, Khowst. I stated it before in detail. If you would like for me to go more into detail, I will tell you.

Tribunal Member: Yes, please tell me how you got out.

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Enclosure (3)  
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Detainee: From Khowst to a place called Zurmat. From Zurmat to a place called Bormal (phonetic). After that, a place right on the border, a small village. Then to a place called Bennam (phonetic). This was the first place in Pakistan. That is how I got to Pakistan.

Tribunal Member: How did you know to go to these places?

Detainee: There were Afghanis and Pakistanis helping out people.

Tribunal Member: Were any of these Afghans and Pakistanis fighters?

Detainee: No, no, no. The people were just helpers. They were people who lived there. People who lived in one place would take us to the next place and go back home.

Tribunal Member: Why would these people help you?

Detainee: They were Muslims.

Tribunal Member: Have you always told the same story since you have been detained?

Detainee: I have told the same story from Pakistan to the prison that was underground. The Americans were there underground. Then in Bagram, I said the same thing. And here, after over one hundred interrogations, I have said the same thing. The interrogators thank me.

Tribunal Member: Did you ever carry weapons or fight against the Northern Alliance or the United States?

Detainee: No. I have never fought against Afghans or Americans.

Tribunal President: In your statement, you said the two men who recruited you were friends of yours. Were they members of the Taliban or Al Qaida?

Detainee: No, no, no. They were not friends of mine. One of them lived in the same place I was living. He saw me everyday when I would walk to school. The second guy was the first guy's friend.

Tribunal President: Do you know if those two people that recruited you were members of Al Qaida or Taliban?

Detainee: No. They were against the Al Qaida. They would warn me not to get into anything political.

Tribunal President: Those two men wanted you to go to Afghanistan to view what was going on, to see the new Government? Can you explain that further?

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Detainee: There were rumors coming to Yemen that Afghanistan had a racist Government. It was Muslim by name. They said there were no Muslims except for the people in Afghanistan - that anyone not Afghani was not a Muslim. But those two people said this statement was not true. Afghanistan was fair. That black people like white people - Islam rules all of Afghanistan. Islam ruled over everyone; the poor, the rich, the powerful, the weak. There is poverty and hunger. So the two men told me to go and see the situation and come back and talk to the people - tell them if yes it is true and it is a Muslim place. Then if anyone could offer help to the Afghan people with medical, teaching, learning, with money. Things like that.

Tribunal President: Why was it important for you to go to Afghanistan? What were you going to do there? What did you feel like you were going to do there?

Detainee: I just wanted to go. Curiosity, nothing more. I did not know the results would turn out like this.

Tribunal President: When you received the training on the weapons, were you forced to take the training?

Detainee: They just took me. I did not know anything. I did not know the language. I did not know the people. I did not know anything. Without my passport, or money or my tickets, I could not do anything. So I just did what they wanted so I could get my stuff back. If I went and did not do anything, they may have accused me of spying. So I just took the training on the Kalashnikov and pistols. It seemed normal. We have these things in Yemen. It is not a big deal.

Tribunal President: Why didn't you try to leave before getting to the camp?

Detainee: The camp is away from the city, about two hours in an isolated location. It was between mountains. There were Afghan guards all around. I did not know my way around, I did not know what was going on. I just went where the people were going.

Tribunal President: When it was time for you to leave the camp, did you have to have permission to leave; or did a group of people decide to leave?

Detainee: There was a group that decided to leave and I was one of them.

Tribunal President: Why didn't this group try to leave before they received the training?

Detainee: We thought things were normal and we did not think there was anything going on. Then when the events of September 11<sup>th</sup> happened, we did not want any problems. So we left. A lot of people stayed.

Tribunal President: How did you support yourself while at the camp or in Kabul?

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Detainee: In the camp, there was food and drinks. Everything was at the camp's expense.

Tribunal President: Okay. When you were not at the camp, how did you support yourself?

Detainee: I had a little bit of money with me from Yemen.

Tribunal President: You said earlier when you went to the camp, your passport and money was taken away from you.

Detainee: They didn't take everything from us. They wouldn't take everything from us. We had a little bit left over or either the guards would give us a little bit back. Some of them did a little bit of good. Some of the people wanted to do good, so they would give some back. The Afghans liked the Arabs, so they would give us a little bit of food, a little bit of money. Families, I mean.

Tribunal President: So the people that gave you money were just Muslims, or were they Taliban, or Al Qaida?

Detainee: No. They were families or farmers or something like that. When we walked from Kabul to Khowst, they could tell who was an Arab. They recognized strangers not from the area. So they would give a little something to help. Sometimes you would go to buy something and the person would tell you that you did not have to pay for it - just go.

Tribunal President: When you were arrested in Pakistan, how did you get from the Pakistani police to the Americans?

Detainee: The Pakistani authorities handed us over to the Americans.

Tribunal President: Did you ever have the opportunity to talk with Usama Bin Laden?

Detainee: No. I did not want to and I never had a chance to. Not just anyone got to meet him. Just someone who was important, not just anyone can go in and just meet with Bin Laden. You had to be asked for, or someone important.

Tribunal President: Did you know anyone who met Usama Bin Laden?

Detainee: No. All the people there were like me. All the people I knew where amateurs. Nothing like Bin Laden.

Tribunal President: How did you find out about the events of 9/11?

Detainee: Of course we were going to hear about it. We are in an age where we have the news and reports.

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Tribunal President: Did someone tell you about it? Did you read about it? Did you hear about it on the radio?

Detainee: No. People talked in the camp. People had radios.

Tribunal President: Was this after the events or before the events that you heard about it?

Detainee: After.

Tribunal President: Musab Omar, do you have any other evidence to present to the Tribunal?

Detainee: That is all I have. Other than I really hope you look at the evidence with consideration and fairness. I am sure of my statement and what I have said. I challenge anyone else to come and tell me anything else about what I have said.

Tribunal President: Personal Representative, do you have any other evidence or does the Detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No, Ma'am.

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

**AUTHENTICATION**

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

[Redacted]  
Colonel, U.S. Army  
Tribunal President

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DETAINEE ELECTION FORMDate: 21 September 2004Start Time: 0755End Time: 0840

ISN#: \_\_\_\_\_

Personal Representative: [REDACTED] LTC, US ARMY  
(Name/Rank)Translator Required? Y Language? ARABICCSRT 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 confirm most data, providing clarification on some points.

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Personal Representative: [REDACTED]

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**Combatant Status Review Board**

TO: Tribunal Member

FROM: OIC, CSRT (8 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – Al Mudwani, Musab Omar Ali

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 the detainee was a member of Al Qaeda and participated in military operations against the coalition.
  - a. The detainee is an Al Qaeda fighter:
    1. In July 2001, Al Mudwani was recruited by two men, who identified themselves as former mujahid, to go to Afghanistan and train to fight.
    2. The detainee stated that he stayed at the Daftar Al-Taliban guesthouse for four hours, prior to going to Kandahar, where he stayed at the Madafat Al-Nibras guesthouse where he was fed and given new clothes.
    3. The detainee stated that after seven (7) days at the guesthouse in Kandahar, he traveled to the Al-Farouq training camp, a known Taliban training camp.
    4. The detainee stated that he received training on the Kalashnikov rifle, pistol, BEKA, RPG, and the Magnoona. The detainee stated that he only trained for twenty-five (25) days because the camp closed due to the U.S. bombing campaign.
    5. The detainee stated that he saw Usama Bin Laden (UBL) several times and at various training facilities during his time in Afghanistan and last saw Bin Laden in Khowst about a month before the fall of Kabul.
  - b. The detainee participated in military operations against the coalition.
    1. The detainee stated that he left Al-Farouq on a military bus with twenty-five (25) other students from Al-Farouq and went to Kabul.

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EXHIBIT R-1

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2. The detainee stated that he went to Kabul, and three days after his arrival, Kabul fell.
3. After the fall of Kabul, the detainee went to Pakistan where he was captured by the Pakistani police, after a shoot-out, on September 11, 2002.
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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# 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  
[REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
MUSAB OMAR ALI AL-MADOONEE (ISN [REDACTED])

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

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

FD-302 dated 11/03/2002  
FD-302 dated 11/10/2002

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<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

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

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EXHIBIT 3 R-2

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]

Affidavit of [REDACTED]

Comes now, [REDACTED], under oath, and makes the following statement in Sana'a, Yemen:

I am eighteen years old. I am a student in my last year of school. My brother, Musaab Omar Al-Madhwani, is in Guantanamo Bay. He is about 23 years old now.

My father is a pharmacist. It is not like being in America, where they make a lot of money. Here, it is a very small shop and my father works hard but is not rich. My mother is a housewife. There are four boys and one girl in the family. Musaab is the third boy, and I am the youngest. Of my other two brothers, one works selling petrol, and the other is a pharmacist. They are not wealthy. None of the family is.

Musaab has always been a very popular child in our family, and he is my favorite brother. He used to help me with everything growing up, particularly in school. He graduated from the business school, and he would help me understand business. Anything I needed he would try to get for me.

My brother was not very religious, although he would go to Mosque.

Musaab always wanted to be a pharmacist, and the family had planned to open a pharmacy for him.

My brother went to Pakistan, and he called from Karachi on July 29, 2001. He had decided to go there to study. He used to call about every two months from Pakistan, and the last time he called was on August 30, 2002. He used to ask about the family, and tell us about how he was studying there. He never said anything about going to



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EXHIBIT R-3 925

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Afghanistan. I understand that my brother was arrested in Pakistan, although I have no reason to believe that he committed any crime.

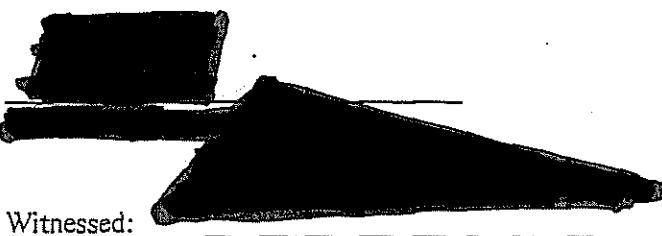
We next heard about him when we got a letter from the Red Cross in January 2003 saying that he was in Guantanamo Bay. We have received some letters from my brother from Guantanamo Bay, although they have been censored. He would try to assure us that he was alright, and he would ask us to pray for him that he would leave the prison soon, since he had done nothing wrong.

The last letter we received was on July 29, 2003.

My brother's situation has made my mother very depressed, not eating and crying. Whenever anyone mentions his name she will cry, and she continually thinks that she was seeing him in front of her, imagining him. My father is also depressed. I am also very sad because I love my brother a great deal. Everyone in the family loves him, and desperately wants him to come back.

I know that my brother would want me to take whatever steps I could on his behalf and I wish to act as his next friend in court.

Signed this 10<sup>th</sup> day of April, 2004.

A large rectangular area of the document has been completely redacted with black ink, obscuring a signature. Below this redacted area, the word "Witnessed:" is printed in a standard font, followed by a horizontal line for a signature.

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

I acknowledge that on 26 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.

Name

Signature

26 Sep 04  
Date

ISN  
[REDACTED]  
Enclosure (S)

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