

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALIF MOHAMMED,)
)
)
Petitioner,)
)
v.) Civil Action No. 05-0885 (GK)
)
GEORGE W. BUSH, *et al.*,)
)
Respondents.)
_____)

DECLARATION OF DAVID N. COOPER

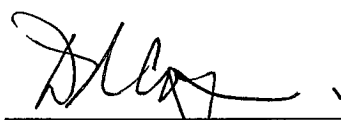
Pursuant to 28 U.S.C. § 1746, I, Lieutenant Colonel David N. Cooper, Judge Advocate General's Corps, United States Air Force Reserve, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Alif Mohammed that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: 10 August 2006



David N. Cooper
Lt Col, JAG Corps, USAFR



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 789

29 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 972**

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

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

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
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24 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 # 972

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 # 12 of 29 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 and actively participated in the Tribunal process. The detainee provided a sworn oral statement at the Tribunal hearing.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b).
- d. The detainee requested one witness Kushky Yar, Internment Serial Number (ISN) 971.¹ He proffered that this witness would testify that the detainee was not a Commander for the Wahid compound near Lejay, Afghanistan. While the Tribunal President did not make a determination that this witness was relevant, the proffer clearly indicated that this witness was relevant. The Tribunal President determined that the witness was reasonably available.

The detainee did not request any other witnesses or evidence.

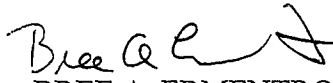
- e. The Tribunal's decision that detainee # 972 is properly classified as an enemy combatant was unanimous. In my opinion, reasonable tribunal members could determine that the detainee is an enemy combatant based on the evidence presented to the Tribunal. I can find no reason to disturb that determination.

¹ Note that enclosure (2) to the Tribunal Decision Report incorrectly refers to detainee #971 by another ISN. This is a clerical error that does not affect the legal sufficiency of the proceedings.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 972

2. The proceedings and decision of the Tribunal as reflected in enclosure (2) 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.


BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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. Marine Corps Reserve; President

[REDACTED] Lieutenant Colonel, JAGC, U.S. Army;
Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360


23 December 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 972

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].

FOR


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).

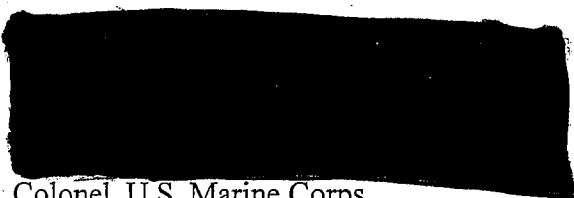
(U) TRIBUNAL PANEL: #12

(U) ISN#: 972

Ref: (a) (U) Convening Order for Tribunal #12 of 29 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//~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U//~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 21 November 2004 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 21 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #972 is properly designated as an enemy combatant, as defined in reference (c).
3. (U) In particular, the Tribunal finds that this Detainee was part of, or supporting, forces associated with the Taliban that are engaged in hostilities against the United States and 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. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #12
ISN #: _____ 972

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, forces associated with the Taliban that are engaged in hostilities against the United States and 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 unclassified evidence presented to the Tribunal by the Recorder alleged that the Detainee is associated with al Qaida and the Taliban. The Detainee served as a security guard and, supposedly, also a military commander for the Wahid (Abdul Wahid) compound near Lejay, Afghanistan. Abdul Wahid was the district chief of Baghran, Afghanistan during the Taliban reign. The Detainee participated in military operations against the United States and its coalition partners. Inhabitants of the Wahid compound ambushed U.S. forces and the Detainee used his phone to orchestrate an ambush on the U.S. forces. The Detainee was captured with a freshly fired AK-47, a bandoleer, and three full AK-47 magazines in his possession and was wearing a vest and an OD (olive drab) green jacket. The Detainee chose to participate in the Tribunal process. He called one witness, requested no documents be produced, and made a sworn verbal statement. The Tribunal President found the requested witness reasonably available and was produced for the Tribunal. The Detainee, in his verbal statement, denied being a commander for Abdul Wahid, but stated he was a metal worker only. He stated that he never had a telephone and that he cannot even write his name. The Detainee stated that when he was captured he told the soldiers that the AK-47 was not his and stated that his coat was not olive or OD, it was cashmere.

The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, and R-1 through R-11.
- b. Testimony of the following persons: Kushky Yar (Internment Serial Number (ISN) enclosed in Enclosure (2) to the CSRT Decision Report).
- c. Sworn statement of the Detainee.

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

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

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Kushky Yar	Reasonably available	Yes

The Detainee requested no additional documentary 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 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. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and the testimony of the witness. A summarized transcript of the Detainee's and the witness's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he is not associated with al Qaida or the Taliban. He claimed he did not work for Wahid, that he is only a metal worker only and never supported Wahid's forces or the Taliban or ambushed U.S. forces. The witness corroborated the Detainee's story.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

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 requested or deemed necessary.

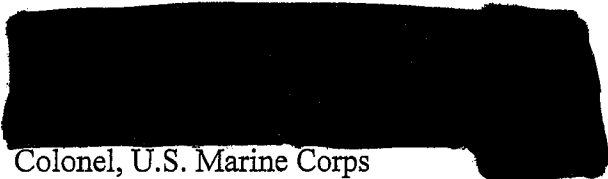
b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The Detainee is properly classified as an enemy combatant because he was part of, or supporting, forces associated with the Taliban 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. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 15-Nov-04

Start Time: 0900

End Time: 1030

ISN#: 972

Personal Representative: 
(Name/Rank)

Translator Required? YES Language? PASHTU

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 participate in Tribunal. Has one Detainee witness, YAR, Kushky ISN-971. This witness can testify that the detainee was NOT a Commander for the Wahid (Abdul Wahid) compound near Lejay, AFG.

Personal Representative: 

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and asked if he understood the process to which the Detainee responded:

Detainee: I am very happy that my Tribunal eventually takes place. You seem to be very nice gentlemen. You are very nice men and the government appointed you. You are very intelligent people as I look at you and I am happy for that.

Tribunal President: Thank you. We want you to know that we have taken an oath to be sure that we carry out our responsibilities in determining whether or not you have been properly classified as an Enemy Combatant.

Detainee: I saw the whole thing and I enjoyed it. I saw honesty. He (the Recorder) was giving the oath and you guys took the oath. That was good.

Tribunal President: Very good. We'll go ahead and continue at this time. Personal Representative, please provide the Tribunal with the Detainee Election Form.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents.

At the conclusion of the Recorder's description of the contents of Exhibit R-1 the Detainee began to speak. The Tribunal President then informed him that there were a couple of other administrative matters that needed to be addressed and he would then be allowed to make his statement.

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President went on to confirm that the Detainee requested to have one witness participate in the Tribunal on his behalf.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

Tribunal President: Alif Mohammed, you may now present any information or evidence you have to this Tribunal and you have assistance of your Personal Representative in doing so. Do you still wish to present information to this Tribunal?

Detainee: First, God bless you over my eyes. It's an Afghani expression.

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

Detainee: I can take an oath from one of the four holy books: the Quran, Bible, Torah, and the fourth one David's book. The things that I know I can give information about, as long as I know about them.

Tribunal President: Very good. We have a Muslim oath prepared and the Recorder can administer the oath to you if you like.

Detainee: Yes, yes, I understand this.

Tribunal President: Recorder, please administer the Muslim oath to the Detainee.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Thank you. Alif Mohammed, you may begin.

Detainee: God bless you. I have a witness. If I had worked with Abdul Wahid at his compound you can cut my hands here (making a gesture to his wrists). I work with metal. I am a metal worker, a tinsmith. Eight years I have worked with Sahad Jhun (ph) at the time when the Russians were in Afghanistan.

Personal Representative: May I ask you (the Detainee) a question?

Detainee: Yes.

Personal Representative: When we met I took notes regarding each point. Could we go over each one now? I'll read my notes and then you can add more to it. Is that agreeable?

Detainee: Yes, go ahead.

Personal Representative: That way we can cover each point.

3.a.1 The Detainee was a security and military commander for the Wahid (Abdul Wahid) compound near LeJay, Afghanistan.

Detainee: No, I was not. I was a metal worker. I worked with metal.

Personal Representative: Also, when we met he told me that he was not. It was during the Russian conflict. During the Russian conflict Sahar Juhn (ph) was his commander for eight years.

Detainee: Yes, that is true.

Personal Representative: He was not a commander for Abdul Wahid.

Detainee: No, I was not. Abdul Wahid is my enemy. He killed my nephew. Sangen (ph) was his name. He killed him and his wife both.

Personal Representative: That's right.

Detainee: His wife was pregnant and he killed that baby too. He is not a Muslim at all.

Personal Representative: He (apparently his nephew) also said to me that he would never get involved with him (apparently Wahid). I was never in any compound near LeJay, Afghanistan but Wahid had a castle in LeJay.

Detainee: Yes, he had one and he forced people to build that for him. Yes, he forced people.

Personal Representative: Is there anything else you would like to say about number one, about you being a commander?

Detainee: No, I don't have anything else to say.

Personal Representative: Let's go on to the second one, if you will.

3.a.2. Abdul Wahid was the district chief of Baghran, Afghanistan during the Taliban reign.

Detainee: At the time of Taliban he was nothing. He didn't have any job. He was just wandering around. He was not a commander of Baghran at that time.

Personal Representative: He also told me that the Taliban did not want to work with him. During the Taliban government he had no position. During the Russian conflict he was...

Detainee: At the time of Russia he had a little group behind him but at the time of Taliban he didn't have anything.

Personal Representative: He also told us during our conversation that the Taliban was looking for him. He was scared of the Taliban. They were looking for Abdul Wahid.

Detainee: Yes, a lot of people complained to the Taliban government that he had been cruel to us. He has confiscated our land and he is killing people.

Personal Representative: Is there anything else you would like to say about Abdul Wahid?

Detainee: This is done.

3.b.1. U.S. Forces were ambushed by inhabitants of the Wahid compound.

Detainee: No, he didn't have people. When I was there, I didn't hear even one shot. He didn't have anybody there at that time.

Personal Representative: When we met, he said, "I did not participate." I swear to God I did not use one bullet. He never ambushed any U.S. forces.

Detainee: That night I was watering the land and three people came to me and said, "Raise your hands," and they arrested me.

3.b.2. During initial contact during ground operations the U.S. forces reported the Detainee had a satellite phone in his possession.

3.b.3. The Detainee used his phone to orchestrate an ambush on the U.S. forces.

Personal Representative: The second and third ones say that the U.S. forces reported that he had a satellite phone at his position and he used that phone to orchestrate an ambush.

Detainee: I swear to God that I don't have a telephone. I never had a telephone. I can't even write my name. You can ask people. I am illiterate. I'm just a tinsmith.

Personal Representative: That's what he said to me as well.

Detainee: I can't write my name. You can ask people. There were no schools in our area. I didn't go to school. My dad had some cattle and he was a farmer so I worked with him.

3.b.4. The Detainee was captured with an AK-47, bandoleer, and 3 full AK-47 magazines.

Detainee: There's a water resource and about 74 houses around this water spring. The soldiers told me that we found a Kalashnikov there in the desert, [and they asked me] "Is that yours?" I told them no, this is not mine.

Personal Representative: When we met, he said actually, when I was captured I was swimming and washing in a canal. His clothes were next to the canal. They searched it and there was only scissors, cigarettes, tobacco, and hashish. There were no weapons near his clothes.

Detainee: Scissors, cigarettes, matches and some hashish, I'm not lying to you. These are the things that I had in my possession.

Personal Representative: And then he said that they did not find weapons with him.

Detainee: I swear to God that they have not found any weapons from me. I had scissors, two matches, some hashish and a container for snuff.

Personal Representative: Also, he told me that took him to the Wahid castle. They told me they found the weapons in a place at the top of the canal.

Detainee: They took me to Wahid's camp and there is no one in that camp. Wahid has moved. Only two people are there. Salhajidi (ph) and Inladin (ph) are there and there was a cow. One of them was taking care of the cows and the other one is a servant.

Personal Representative: He also discussed with me that they accused him of owning the weapons. He had told them that he had surrendered his weapons before he was captured, thirteen months before to Mullah Abdul Lula (ph), a leader of the tribe. The weapons were turned over to the government.

Detainee: I had one gun and I gave it to Mullah Abdul Lula (ph). It was a straight gun. Karzai came to power, he is Pashtun; we are all Pashtuns. He asked people to surrender their weapons, so we all surrendered our weapons. Some people gave the government their cars too, if they had cars. I have one long gun at home. This is like an old type of gun and the Americans saw it and gave it back to me. It takes a powder. They didn't tell me anything. They just left it back there.

3.b.5. When captured, the Detainee had a freshly-fired AK-47 in his possession, as well as 3 loaded magazines, a vest, and was wearing an OD green jacket.

Detainee: It's not a vest. It's a coat. I bought it for 750 dinar. I bought it from Muhammed Zia (ph) the shopkeeper. He is alive and my coat is here. The government has my coat. Go see my coat. It's not olive or OD. If you ask that shopkeeper, if he sold Alif a coat, he would tell you, yes, I sold him the coat. If he doesn't say it, you can cut my hands.

Personal Representative: When we met, he told me that when he was captured he did have a vest and he did have a green jacket. He told me he did have a green jacket, but he did not have an AK-47 or magazines.

Detainee: I have my clothes here. I have my coat here. I have my vest here. They brought it here from Baghran to Cuba and now they are here in Cuba.

Personal Representative: Do you want to say anything else about these accusations?

Detainee: I swore earlier and I swear again. I am not associated with al Qaida. I am not associated with Taliban. I have not worked for Wahid. I am a metal worker. I work with metal. You bring the equipment and I will make anything for you. I will make a sickle right here in front of you. I can make a knife, an ax, this is not a lie, I can make everything you want me to make. Ask Karstii Al (ph) I make a lot of things for him. I'm left handed. I work like hell when I love a guy.

We were very happy in our town when Americans came to Afghanistan. They brought some peace. The amount of death and killing was reduced so we took good care of them. They came to our town three times. We killed a sheep, six chickens, and a goat for them. We took good care of them. We cooked a lot of food and they were so happy. You talk to

them. You know about our religion. We have respect for the Bible, the Tora and the four books. We believe in them. They are not communist. They are not Russians. They believe in God. When they marry we have the (inaudible). They cut their nails, they clean their bodies, they are good people so we are happy for them. They are not like Russians that don't believe in God. It has been a long time ago that it was predicted that Afghans and Americans will get together with Pashtuns and we all become Muslims and fight the Chinese and Farsi speaking people and the Russians and we will win. Professor Khafar (ph) is an old man. He is my teacher and he told me that there are two dry ditches, and the water will come to those ditches. The water will run again. Americans will come and we will all unite and defeat Russians. This was predicted by my teacher. I have great respect for them. They're (Americans) always welcome. We are happy for them that they came to Afghanistan. There is less violence. I will never fight against them. I have never fought in the past. I always support them. If anybody proves that I have worked with Wahid or that I have worked with al Qaida or the Taliban, you can cut my throat right here. Otherwise, let me go. I have ten kids at home that are waiting for me. God is watching upon you.

I am very happy for this Tribunal. This Tribunal will find and bring out the facts. I have never fought and I will never fight you guys. This is the wrong intention if anybody wants to fight. This country is strong. Many countries cannot fight them. How can I fight; I am a tinsmith? I work with metal.

Personal Representative: Can we ask you some questions?

Detainee: Yes, of course (inaudible).

Tribunal President: We may have some questions for you. Does this conclude your statement at this time?

Detainee: God bless you over my eyes.

Tribunal President: I just want you to be aware that we have not seen any information in you file. We know very little about you, and that is only what these two pieces of evidence that have been produced thus far. This is all we know about you so we may have some questions to clarify some things.

Detainee: God bless you. I will be happy to answer questions.

Tribunal President: Very good. Thank you. Personal Representative, do you have any questions or additional information to bring to our attention or questions for the Detainee?

Personal Representative: Thank you, Sir, yes I do. I have a few questions to ask the Detainee.

Personal Representative's questions

Q. My first question would be, were you ever trained as a soldier or fighter, ever?

A. I have never been trained, but I can tell you the story when I was in the military.

Q. That's what I meant. Were you ever trained? You were in the military. Were you ever trained?

A. No, it was the time of the Russians when you're talking about military. I was there for two months and 16 days and then I ran away from the military. (inaudible).

Q. My second question would be, the green jacket that you had, the OD green jacket, was it a military type jacket?

A. No, no, no. It's a regular jacket that they sell at the bazaar and it had several pockets. There are many of them in the bazaar.

Q. That was my follow up question. Did many people have this type of jacket?

A. They make it out of cashmere, a lot of people are wearing that. It was the style. What color do you like? This color, this color, or that color, they would make it for you. It's like cashmere. It's very similar to these pants (referring to the bottoms of the Detainee's detention uniform).

Q. Did you ever see soldiers wear that type of jacket?

A. No, only civilians wear it. They put their snuff containers in it or beads, bread or hashish in their pockets.

Personal Representative: That was all the questions that I had, Sir, thank you.

Tribunal President: Very well thanks. Recorder, do you have any questions for the Detainee?

Recorder: No, Sir.

Detainee: May Allah the compassionate and merciful bless you.

Tribunal President: Thank you. Do any Tribunal members have questions?

Tribunal Member's questions

Tribunal Member: Good afternoon to you.

Detainee: May Allah the compassionate and merciful bless you.

Tribunal Member: We appreciate the chance to speak with you today.

Detainee: I am very happy that you talk to me today too.

Tribunal Member: We are not familiar with some of the thing that you have told us so I would like to ask you a few questions please.

Q. Earlier you said that Abdul Wahid did not have a job during the Taliban. He just walked around. So I wondered, who is he that he can make people build a castle for him?

A. At the time of the Russians, he was a big commander. He built it at that time. It's a big house and he routed the water to this house. He has four water wells in his guesthouse. This is the land of LeJay but he is from Shingha (ph) and has places now in LeJay.

Q. Is he a leader of your village or province?

A. He is from another area far from here. It's called Zindaw (ph). But he built two houses. One in the LeJay area and one in the Lahore (ph) area, he built these houses.

Q. During the time we are talking about here, did he have people working for him?

A. At this time people don't know where is the son of a bitch. He just got lost.

Q. I was sorry to hear that he killed members of your family.

A. This lady went away and eloped with my nephew Sangen. With Sangen, my nephew, she went to another town. She was divorced from her husband and he was protecting her. Wahid confiscated some cows, sheep, and goats from the father of Sangen. His name was Uncle Hatum (ph) and he gave to the father of this lady to bring some reconciliation. He had Sangen to divorce his one wife and gave his previous wife to somebody else. Sangen, after eight months, returned with that wife and she was pregnant. He killed them both. The woman and my nephew.

Q. Why did he do this?

A. Because the woman was from the tribe of Perisi (ph). We are Hollisi (ph). Just to make Perisis (ph) happy, they killed him. Now our village, our town, is angry because of that.

Q. Did you, yourself, have any personal dealings with Abdul Wahid ever?

A. No, my house is far away from him. I don't have any personal thing with him.

- Q. During the Russian jihad, you were with Sahar Juhn (ph) for eight years and together you helped push out the Russians?
- A. Yes, I was with Sahar Juhn (ph) and Sahar Juhn (ph) was killed in Kandahar. Then I was with Mala Kareem (ph) for two years. After he died, I haven't fought anyone. I'm just doing my metal work in my area.
- Q. How did you learn to use the weapons that you needed to fight?
- A. From communist we confiscated eight guns in the Kajaki (ph) area of Kandahar. Over there we figured it out. There was one farmer who knew how to use it. He showed us how to use it and how to fill it with bullets. We figured it out.
- Q. So, before that time, before the Russian jihad, you had never fought or knew how to use any weapons?
- A. We didn't have any weapons prior to the Soviet invasion. Then the Americans distributed some guns to tribesmen. In our area there were only two guns. Everybody was fighting over those two guns. Little by little, the number of guns increased in our area so people had guns later on.
- Q. If people in your tribe know that you are an enemy of Wahid because of what he did to your family, why do you think someone would say that you are with him?
- A. No, I was never with him. I don't know who said that. Whoever said that, bring him as a witness to testify that I was with him; I have never been with him.
- Q. Did you know of people in your village who were against the American presence there?
- A. No, I swear to Allah that there is not a single person. Three times Americans came to my village. They asked for Abdul Wahid three times. We gave them rice, we gave them meat, we gave them fruit. If they come twenty times more, we will give them food and tea. Arresting me, there was a bright guy looking like him (referring to one of the Tribunal members), he stepped on my side and said, "Don't arrest this guy, this is a good gentlemen." But, there was an interpreter, he was Hazara (ph), a Farsi speaker, he said something about me to him and they arrested me. Hazaras (ph) are the defenders of Dostum (ph).
- Q. It sounds like Abdul Wahid and his people are definitely against the Americans. Would you agree with that?
- A. No, no, I don't think so. I don't think he is an enemy of Americans either. He has been, according to people, seen with Americans. The Americans got him and took him up to the Lahore area and then released him back. No, they don't have

animosity. He was happy that the Taliban's government failed. People say that Taliban called him Toboki (ph).

Q. What does that mean?

A. It means no good. Good for nothing.

Q. Well if you and your village were with the Americans and you think Abdul Wahid is with the Americans, who attacked our forces where you were?

A. No one has attacked Americans. Not this time. If they have attacked Americans some other time, probably so. I was there all the time, and no one has attacked Americans.

Tribunal Member: Thank you very much. I don't have anything more for you.

Detainee: Thank you very much. God Bless you. May God send you to Heaven with us together. If you don't help me, I may say the opposite. I either pray or I cry.

Tribunal Member: I'm in no hurry to get to Heaven, but I have no questions. Thank you.

Detainee: Thank you very much. If you guys treat me right, may God send you to Heaven.

There was a poor man sitting somewhere and Moses was crossing that area. Moses told this poor man to get out of this area because it might rain. This guy told him there is no sign of rain in the sky. When God heard that he asked Moses why did you tell him that the rain will come? There is no rain now. He told God, you can make it rain anytime. God will (inaudible) because you told that poor guy, I'll make a little rain just because you told him already. So it rained just enough rain to cover that poor man. The poor man was so upset. He was sitting somewhere all wet and Moses was coming on his way again. He asked the poor man, "Why are you so upset?" He said, "It's because of you. You made me all wet. If you didn't tell me that you didn't ask God, I wouldn't be wet." So big people are doing big things.

Why would we fight Americans? There is no reason. You opened some schools. You made some streets. You give some money to poor people. You brought a little peace to Afghanistan. We don't fight you guys. We fight Russians because they confiscated our land. They would take the land of one person and give it to another person. They would do illegal marriages. This is why we fought them. We never fought Americans.

Look at them (the Tribunal members). Look at their faces, so bright and shining. You look at a Russian's face, he's all nasty. Their faces were full of scars and pimples. Allah doesn't need our prayers. Allah doesn't need our fasting either. But Allah sees them that they go to the church and pray, so Allah is happy.

Our leaders, religious leaders pray, dear God, make them Muslims. They never say dear God kill them. Now I am happy for you and I hope that you are happy for me.

Tribunal President: I have a couple of questions.

Tribunal President's questions

Q. During the time the Taliban was in control of the Afghanistan government, what did you do for a living? How did you sustain yourself?

A. I was a metal worker.

Q. Did you ever do any work, or make any weapons, or provide any type of support to the Taliban?

A. No, I never supported them. I cannot make weapons. I can make simple tools like sickle, and ax, I have a little blowing device and I have a guy who was working with me and helping me. That's all that I do. I also sharpen some tools. When you release me, I hope you give me some money. Americans are rich. They have more money. I have ten people.

Tribunal President: Are there any more questions (to the Tribunal members)? Thank you for your testimony.

Detainee: May Allah give you higher rank. To everyone of you.

Tribunal President: Thank you. Personal Representative, at this time does the Detainee have any previously approved witnesses to bring before the Tribunal?

Personal Representative: Mr. President, yes Sir. We would like call as a witness, Detainee 971, Yur Kuski (ph).

Tribunal President: Please notify the MPs to escort that witness into the tribunal room.

The Tribunal took a short recess to allow the witness to be brought into the hearing room.

The Tribunal President explained to the witness why he was there and asked him to verify his name.

The witness was then sworn in using the Muslim oath.

Detainee's questions to the witness

Q. Do you know me?

A. Yes, I know you.

Q. What is my name?

A. Your name is Alif Mohammed.

Q. Who is my father?

A. You are the son of uncle Mohammed Kiup (ph).

Q. Where am I from?

A. You are from LeJay.

Q. Have I worked with Abdul Wahid in his compound?

A. No, you have not.

Q. Have I worked with al Qaida or Taliban?

A. No you have not.

Q. What is my job over the past ten years?

A. You are a metal worker, you are a tinsmith, and you also work on your land.

Tribunal President: Do you have any other questions for the witness?

Detainee: What do you want me to ask him?

Tribunal President: I just want to be sure that you have asked all the questions that you wanted.

The Detainee resumed his questions to the Witness.

Q. Did you or I have any intention to fight against Americans?

A. No, we don't have those intentions. They came to our town ten times. If we wanted to fight them we would have fought them the first time but we didn't fight them.

Q. When they caught me at the water source area, did I have a weapon on me?

A. No you didn't have any weapons on you.

Q. Did I have a radio on me at that time or do I know how to use a radio?

A. No, you didn't have that.

Q. This is my witness. I am a poor man. Now it's your decision.

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

Personal Representative: Thank you, Sir, yes I do.

Personal Representative's questions to the witness

Q. How far away was your village from the Wahid compound?

A. My house from Wahid's house is about 300 to 400 meters away from his house.

Q. Were you captured with Alif?

A. They arrested him near the water spring and I was arrested somewhere else.

Q. Do you know if Alif had a satellite telephone?

A. No, we don't have those things. We live in a mountainous area. American soldiers have seen our area. We can't ever write our names. Ask him if he can write his name. He doesn't even know how to read Quran.

Q. My last question would be, did you ever, ever, ever see or hear fighting at that al Wahid Compound?

A. No, he has never worked with Wahid. He is a metal worker, he has ten kids, he is taking care of his kids, he has a little land, and he works on the land.

Q. My question is not about Alif, it's about the witness. Did you ever hear or see fighting? Not him fighting but any kind of fighting at the compound?

A. No, there hasn't been any fighting around Wahid's compound. If there were, probably he would have been arrested by now.

Personal Representative: Thank you. No further questions Sir.

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

Recorder: No, Sir.

Tribunal President: Do any Tribunal members have questions for the witness?

Tribunal Members' questions

Tribunal Member: Good afternoon to you.

Witness: Good afternoon to you.

Q. This is the first time that we have seen you. So we are not familiar with your file or anything about you. Can you tell us if you are in the camp for the same reason that Alif Mohammed is in the camp?

A. No. His allegations are his allegations. My allegations are mine. I worked for other people. I drove a tractor. I am a tractor driver and I have kids at home.

Q. Today we have been talking about people who attacked American soldiers in the area of LeJay. Do you know anything about this?

A. Prior to my arrest, up to the time I was arrested, no one has attacked Americans. I don't know if anybody has. Nobody has ever told me that people have attacked Americans.

Q. But you never saw anybody attacking Americans when you were in LeJay?

A. Prior to my arrest they were there in the area for two days. No one has fought them or shot one round at them.

Q. Were you present when Alif Mohammed was arrested?

A. No, he was arrested prior to me. They had covered his eyes and they had tied his hands and he was sitting there between American cars.

Q. So you did see him get arrested?

A. He was arrested in the morning. I was arrested in the afternoon. He said he was swimming and they arrested him.

Q. You saw these things with your own eyes or people told you about it?

A. Yes, I saw these things with my eyes.

Q. Do you know why they arrested Alif Mohammed?

A. No, I don't know. Many people have been arrested and probably many people are innocent. They have been arresting innocent people.

Q. Ho many people from your village are here or have been arrested?

A. Four people from our village are here.

Q. Four?

A. Yes.

Q. Did you see the other two people arrested?

A. One was arrested with me. The other guy was basking in the sun and he got arrested.

Q. Over what period of time were all four people arrested? Was it all the same day, the same week, what was the period of time?

A. We were all arrested the same day.

Q. Right after the attack on American forces?

A. No, their vehicles arrived in the town, but there was never an attack.

Tribunal President: This Tribunal thanks you for your testimony today. At this time you are accused, and the MPs can escort the witness away.

Witness: May I ask a question?

Tribunal President: Yes, you may ask a question before you leave.

Witness: We are people of suburbs. We are people of a mountainous suburb. We don't know much civilization. We are poor people and we are innocent people. Your military men come over there and they arrested us. We didn't have weapons. We have not caused any troubles for anybody. Now we are here two and half years in Cuba. This is cruelty and it's not fair.

Tribunal President: Thank you for your testimony today. The MPs may remove the witness.

The Tribunal took a short recess to allow the Detainee to be removed from the hearing venue.

Tribunal President: Alif Mohammed, we have heard the testimony of the witness. Do you have any other information or evidence to present to this Tribunal today?

Detainee: I don't have anything else to say. For God's sake help me if you can.

Tribunal President: We will take everything that we have told us today in your statement and the witness' statement into consideration as we make our determination of your Enemy Combatant status.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no additional previously approved witnesses to present to the Tribunal and closed the open session.

The Tribunal President explained the remainder of the Tribunal process to the Detainee who when told that he may need to contact his family if he was found to be an Enemy Combatant made the following comment:

Detainee: That place is too far from here for my family. If I ask them they might help.

The Tribunal President continued reading the hearing instructions and thanked the Detainee for his courteous participation.

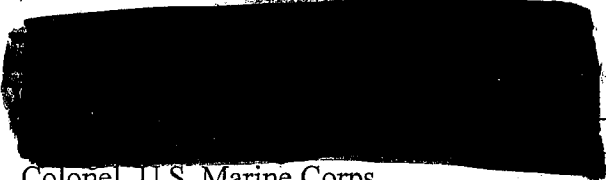
Detainee: I will personally pray for you too and I thank you. I know people. I know their faces. Your faces are bright and shining. These are the faces of good people.

Tribunal President: We thank you and this concludes the open session of this Tribunal.

The Tribunal President 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. Marine Corps
Tribunal President

Recorder Exhibit List
For
ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	E-mail: CJSOTF RFI C2567 dtd 03-MAR-2003	FOUO//LES
R3	Operation Summary (OPSUM) Eagle Fury dtd 24-FEB-2003	SECRET
R4	SIR THT 2-006-03	SECRET//NOFORN
R5	Capture Report Initial Screening Data 11 FEB 03	SECRET//NOFORN
R6	CITF-CDR Memorandum dtd 26-MAR-2004	SECRET//NOFORN
R7	JTFGTMO-CG Memorandum dtd 10-JAN-2004	SECRET
R8	JDIMS Baseball Card	SECRET//NOFORN
R9	Capture Email dtd 15-FEB-2003 (JPEG file)	SECRET//NOFORN
R10	Capture Email dtd 20-MAR-2003 (3 JPEG files; pages 1 through 3)	SECRET//NOFORN
R11	Capture Email dtd 11-FEB-2003 (4 JPEG files; pages 1 through 4)	SECRET//NOFORN

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (04 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MOHAMMED, Alif

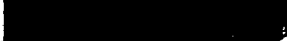
1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
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 associated with al Qaida and the Taliban and also participated in military operations against United States and its coalition partners.
 - a. The detainee is associated with an al Qaida and the Taliban:
 1. The detainee was a security and military commander for the Wahid (Abdul Wahid) compound near Lejay, Afghanistan.
 2. Abdul Wahid was the district chief of Baghran, Afghanistan during the Taliban reign.
 - b. The detainee participated in military operations against the United States and its coalition partners.
 1. U.S. Forces were ambushed by inhabitants of the Wahid compound.
 2. During initial contact during ground operations the U.S. forces reported the detainee had a satellite phone in his possession.
 3. The detainee used his phone to orchestrate an ambush on the U.S. forces.
 4. The detainee was captured with an AK-47, bandoleer, and 3 full AK-47 magazines.
 5. When captured, the detainee had a freshly-fired AK-47 in his possession, as well as 3 loaded magazines, a vest, and was wearing an OD green jacket.
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.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 01 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #972.

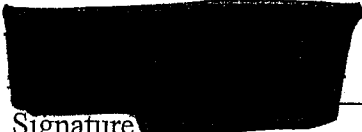
I have no comments.

My comments are attached.

LCDR  USN

Name

01 Dec 04
Date


Signature