



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 372
18 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 685**

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 #685 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
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16 Nov 04

MEMORANDUM

From: Legal Advisor

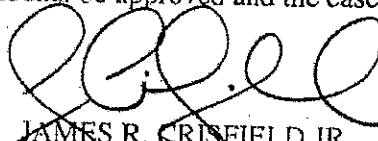
To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 685

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 #7 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 affirmatively declined to participate in the Tribunal.
 - b. The Tribunal was properly convened and constituted by enclosure (1).
 - c. The Tribunal complied with all provisions of references (a) and (b).
 - d. The detainee did not request that any witnesses or other evidence be produced.
 - e. The Tribunal's decision that detainee # 685 is properly classified as an enemy combatant was unanimous.
 - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.


JAMES R. CRISFIELD JR.
CDR, JAGC, USN

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Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #7

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

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

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

MEMBERS:

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

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

[REDACTED] Lieutenant Commander, U.S. Navy; Member

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

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HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

5 November 2004

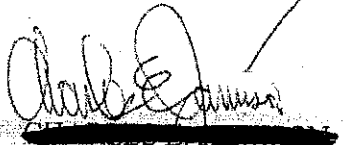
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 685

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

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


[REDACTED]
CAPT, USN

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(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

(U) TRIBUNAL PANEL: #7

(U) ISN#: 685

Ref: (a) (U) Convening Order for Tribunal #7 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/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U/FOUO)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 24 October 2004, the Tribunal determined by a preponderance of the evidence that Detainee #685 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: _____ #7
ISN #: _____ 685

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 held this hearing on 24 October 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that the detainee: is a member of Al Qaida; traveled to Afghanistan via Pakistan from his home in Libya in October 2001; claims to have traveled to Pakistan (a non-Arab speaking country) in order to learn to read and write; and was captured by Pakistani forces while staying in an Arab guesthouse. A high-ranking Al Qaida leader was quartered at this house along with the detainee. The Recorder called no witnesses.

The detainee did not attend the Tribunal and affirmatively declined to participate in the Tribunal process. His decision is reflected on the Detainee Election Form (Exhibit D-a). The Personal Representative presented no evidence and called no witnesses on behalf of the detainee.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-18. The Personal Representative presented no classified evidence. Neither the Recorder nor the Personal Representative commented on the classified exhibits. After the Tribunal read all of the classified exhibits, the Tribunal requested additional information. In response to the Tribunal's request, the Recorder offered into evidence classified Exhibits R-19 through R-21. The Personal Representative confirmed that he reviewed the additional exhibits, and neither the Recorder nor the Personal Representative had any comments on the additional exhibits. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

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3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-21 and D-a.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

None.

7. Conclusions of the Tribunal

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

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

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

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ISN #685
Enclosure (1)
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c. The detainee is properly classified as an enemy combatant because he was part of or supporting Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

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Enclosure (1)
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DETAINEE ELECTION FORM

Date: 21 OCT 04

Start Time: 1325

End Time: 1345

ISN#: 685

Personal Representative:  LTC, US ARMY
(Name/Rank)

Translator Required? Y Language? ARABIC


CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

Detainee declined to participate and to have the PR represent him.

Personal Representative: 

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (18 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ABDELRAHMAN, Abdelrazak 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 that the Detainee is a member of al Qaeda.
 - a. The detainee is a member of al Qaeda:
 1. The detainee traveled to Afghanistan via Pakistan from his home in Libya, in October 2001.
 2. The detainee (an Arab) claims to have traveled to Pakistan (a non-Arab speaking country) in order to learn to read and write.
 3. The detainee was captured by Pakistani Forces while staying in an Arab guesthouse. A high-ranking al Qaeda leader was quartered at this house along with the detainee.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit R-1

Memorandum

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To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants,
[REDACTED]

Date 09/15/2004

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
[REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [REDACTED] 685 [REDACTED]

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

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

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

The following documents relative to ISN 685 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 01/31/2003.

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

²See Executive Order 12958

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Exhibit R-2

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Memorandum from [REDACTED] to [REDACTED]
Re: REQUEST FOR REDACTION, 09/15/2004

If you need additional assistance, please contact
Assistant General Counsel [REDACTED]

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Foyelles

FEDERAL BUREAU OF INVESTIGATION

Date of

transcription

Investigation on

File #

by

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to

your agency;

it and its contents are not to be distributed outside your agency

01/31/2003

On January 31, 2003, **ABDULRAZAK ALI ABDELRAHMAN**, ISN: [redacted], was interviewed at Camp Delta, Guantanamo Bay, Cuba, by Special Agent [redacted], Federal Bureau of Investigation (FBI). Also present during the interview was Language Specialist [redacted]. The interview was conducted in Arabic. ABDELRAHMAN provided the following information:

ABDELRAHMAN requested that someone come and talk to him about his irritated right eye. He also complained that the man in the cell next to him (GOLF 1) does not shower or change his clothes and urinates in his sink. ABDELRAHMAN thinks that he is mentally ill, and would like to have one of them moved.

ABDELRAHMAN grew up in the town of Laajilat, Libya, but moved to Azawia with his father when he was only 6 or 7 years old. Both of these towns are in the state of Alzawayah. He and his father worked at a salvage yard business called Rabsh Azawia, which is several miles outside the town of Azawia. The business was a partnership, and is well known in the area. People would bring in old or wrecked cars and they would dismantle the vehicle for parts. They earned about 30 Dinars per person per car. He lived right on the junkyard grounds, and hence paid no rent or mortgage. His father left the business many years ago and got remarried. He does not know where his father currently resides. ABDULRAHMAN has no opinion of Khadaffi (Libyan leader), and though he knows that there is a holiday celebrating when Khadaffi took power, but can not remember the date, only that it is in September or October.

He met Abdulrahman (last name unknown) in Libya at his scrap business. Abdulrahman used to bring wrecked cars into his scrap yard on a regular basis. One day they happened to start talking about cars, which lead to a comment about driving on different sides of the road. ABDELRAHMAN brought up the fact that cars in Pakistan drive on the left-hand side of the road. This lead to a conversation about Pakistan and eventually about schooling in Pakistan. Abdulrahman said that in Pakistan, he was able to go to a free school, where even room and board were paid for. He goes back to the school on a regular basis. He told ABDELRAHMAN that if he went to the same school (whose name he never mentioned), he could learn to read and write and even learn some math in as little as 6 months (ABDELRAHMAN can not write and can barely read). ABDELRAHMAN told Abdulrahman that he did not have any papers or passports for travel, and only had \$400. Abdulrahman took some information from him, along with two pictures, and a month later returned to him what appeared to be a valid Libyan passport. He thinks that it has a Pakistani visa, but since he can not read much he could not be sure. 3.0.2.

ABDELRAHMAN and Abdulrahman left for Pakistan in early October of 2001. 3.0.1.
Prior to this trip, he had never left Libya. ABDELRAHMAN had not heard of the terrorist attacks on New York and Washington at this time, and did not learn of the events until he was in US custody in Bagrham, Afghanistan. He did not know there was a war going on in Afghanistan, or even the relative proximity of Afghanistan to Pakistan. Once they arrived in Pakistan, he and Abdulrahman and two others (friends of Abdulrahman) got into a car and drove for a number of hours. Though at

01/31/2003

Guantanamo Bay, Cuba

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Exhibit R-4

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the time he did not know they had left Afghanistan, they eventually stopped at a house in Kabul. At the time, ABDELRAHMAN thought that the house was owned by the school he was supposedly going to attend. He gave his money and passport to ABDELRAHMAN to give to the school to hold onto, since he believed he would not be needing them. When Abdulrahman left with his two friends, he said they'd be back in couple of days. He did not say where they were going. Several days after Abdulrahman left, ABDELRAHMAN started asking around the house about the school he thought he was going to attend. It was at this time that he realized that there was no school, and that he was actually in Afghanistan. ABDELRAHMAN feels that Abdulrahman tricked him into going to Afghanistan and giving up his money and passport, but does not know why he would have done this. After being at the house in Kabul for about 3 weeks, he got sick and was tired of being there, so he asked the only person in the house who spoke Arabic to help him. A taxi with an Arabic speaking driver was summoned for him, and he was taken to a house that was "full of Arabs". He left Kabul before any bombing started.

He eventually was taken to an "Arab house" in Fasilabad. He remembers seeing a man with a mostly missing left hand who was called "Shafiq the Algerian" (). He never talked to this man, and he only showed up at the house about a week before the arrest. He also recalls a man named Daoud (a.k.a. Abu Zubaida). ABDELRAHMAN said that he never really paid much attention to which people talked to each other. The owner of the house was a man named Ahmed the Syrian. He came to visit the house twice, but only stayed one night. When ABDELRAHMAN asked a Syrian Medical Doctor who the people staying at the house where, he was told that they were mostly students who were gathering there in preparation to going someplace else. ABDELRAHMAN said that most of the people at the house would not talk to him and would never answer questions about where they were from. There was a Saudi man named Hassen at the house, but he never talked to him. He showed up less than a week prior to the arrests. The people in the house called him Hassan because they could not pronounce his real name, Ghassan, correctly (because they were not native Arabic speakers). Hassan seemed to know the only other Saudi in the house, a man named Ghabrane.

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ABDELRAHMAN first heard of Al Qaeda from the guards in the Pakistani jail he was put in after the house was raided.

He does not want to go back to Libya because he thinks that the government will think he is a terrorist do something back to him.

He did not regularly attend any Mosque back in Libya.

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 25 October 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #685.

I have no comments.

My comments are attached.


Name

25 OCT 04
Date


Signature

ISN #685
Enclosure (4)

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