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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #13
ISN #: 112

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 is a member of, or affiliated with, Al Qaida and the Taliban. 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 indicated that the Detainee traveled from his home in Saudi Arabia to Afghanistan via Syria and Iran after 11 September 2001. The Detainee received training on the use of AK-47 rifle while staying at a guesthouse in Konduz, Afghanistan. The Detainee participated in military operations against the coalition, carried a weapon on the battlefield and participated in military operations against the United States and its coalition partners while stationed on the front lines in the Khawajah Ghar region of Afghanistan. The Detainee was captured by Northern Alliance Forces near Mazar-e Sharif prior to 25 November 2001. The Detainee was present at, and wounded during the prison camp uprising at Mazur-e Sharif on 25-28 November 2001. The Detainee chose to participate in the Tribunal process. He did not request that witnesses be called, did not request documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied being an al Qaida member or participating in any military operations against the United States or its coalition partners.

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-12.
- b. Testimony of the following persons: n/a
- c. Unsworn statement of the Detainee

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

The Detainee requested no witnesses and no additional evidence.

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 any other 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. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony. A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he felt the need to travel to Afghanistan to bring his brother home to Saudi Arabia. The Detainee indicated that he was a student and that he traveled to Afghanistan at his own expense and not to participate in military actions. In Konduz, Afghanistan, the Detainee stated that he stayed at a Taliban guesthouse where people could stay for free, but that he paid his own way while there with funds that he brought with him. He stated that he saw people with weapons there, but that he did not carry one. The Detainee made contact with his brother and thereafter began to make his way back to Saudi Arabia with his brother. Since there were hostilities going on, the Detainee stated that he could not return to Saudi Arabia the way he came into the country. Therefore, the Detainee and his brother then advanced toward the Northern Alliance to surrender to them. The Detainee claims that he was then taken into custody by the Northern Alliance and eventually turned over to American forces.

c. The Detainee did mention physical torture by the Afghani police, stating that if he did not respond as being from al-Qaida or the Taliban, that he would be tortured. After being transferred to Khandahar, the Detainee alleges further torture, which he states is evident by his broken tooth. As for his treatment while a detainee at Camp DELTA in Guantanamo Bay, Cuba, although he has not been physically tortured, he feels there has been a threatening and psychological affect, by parting him from his brother (ISN [REDACTED]), which in his opinion is not less than physical torture. OARDEC Chief of Staff, Legal Advisors and CITF Liaison Officer to OARDEC have been advised.

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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 deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and the Taliban.

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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