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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #7
ISN #: [REDACTED]

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 Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal held this hearing on 9 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 traveled from [REDACTED] to Afghanistan in September 2001; that the detainee stayed at a Taliban house while in route to Afghanistan; that the detainee went to Afghanistan with the specific purpose of training at an Al Qaida training camp; that the detainee was identified as possibly having stayed in a Taliban guesthouse; and, that the detainee's name was found on a file seized at an Al Qaida guesthouse. The Recorder called no witnesses.

The detainee did not attend the Tribunal and affirmatively declined to participate in the Tribunal process. He told his Personal Representative that the allegations are all false. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a). The Personal Representative made a verbal statement on behalf of the detainee, but presented no evidence and called no witnesses on behalf of the detainee.

During the first classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-10. The Personal Representative presented no classified evidence. The Recorder and the Personal Representative had no comments on the classified evidence.

After the Tribunal read all of the classified exhibits, the Tribunal requested additional information. In response to the Tribunal's request, and after giving the Personal Representative an opportunity to review the documents, the Recorder offered into evidence Exhibits R-11 through R-13. Neither the Recorder nor the Personal

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Representative had any comments on the additional documents. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-13 and D-a.
- b. Testimony of the following persons: None.
- c. Statement of the detainee:

The Tribunal considered the statement by the detainee made through the Personal Representative as summarized in 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 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. 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

The Tribunal consulted the CSRT Assistant Legal Advisor regarding certain matters raised by Exhibit R-10, which are more fully discussed in paragraph 3 of Enclosure (2) to the CSRT Decision Report. The detainee also informed his Personal Representative that his statements were the product of torture (see Enclosure (3) to the CSRT Decision Report). As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 10 October 2004.

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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.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban or 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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