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Combatant Status Review Board

8 August 2004

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – KHAN, Muhammed Ijaz

1. Under the provisions of the Department of the Navy Memorandum, dated 16 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 he was a fighter for the Taliban and engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is a Taliban fighter:
 1. The detainee voluntarily traveled from his home in Pakistan to Afghanistan in order to help the Muslims and Taliban in their Jihad.
 2. The detainee stated that he considers himself a Taliban.
 3. When he arrived in Kabul, AF, he reported to a Taliban building and advised the Taliban he was in AF to participate in the Jihad.
 4. The detainee admitted he carried an AK-47 while serving in the Jihad in AF.
 5. The detaining was capture by the Northern Alliance forces while attempting to flee AF.
 6. The detainee stated he would fight in a Jihad again.
4. The detainee has the opportunity to contest his determination 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

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Summarized Unsworn Detainee Statement

I have given all of my written information to my Personal Representative. Yes, I went to Afghanistan to fight the Jihad. I did not carry an AK-47 and I did not fight, but I did go to fight.

In the place I stayed in Kabul, there weren't specific facilities. Not everyone had an AK-47.

From Kabul, we went to Konduz. There we did everything freely, walking and talking. People were given guard duties. I told them I would do it when it was my turn. I did it voluntarily, and was not forced. I was there approximately 20 days and had guard duty 2 or 3 times.

When I was leaving Konduz, we got captured. I never said I was willing to fight jihad in the future.

There was no fighting in Konduz when I was there. We were there, just learning and not fighting.

The one thing I want to say is that I did not fight Americans before and won't in the future. These are not personal matters against Americans, so why would I fight them? I did not say that I would fight against them in the future. If you desire to make me an enemy combatant, it is in your hands.

Summarized Answers in Response to Questions by the Personal Representative

- Q. You said you never fought Americans. Were you aware that the Americans were in the fight prior to your capture?
- A. No. I did know about the Americans until we got to Konduz. We found out because they bombarded a couple of places.

Summarized Answers in Response to Questions by the Tribunal Members

- Q. When you traveled from Pakistan to Kabul, did you travel by yourself or with a group?
- A. I went alone.
- Q. When you were in Afghanistan, did you receive military training?
- A. No, I did not receive any military training.

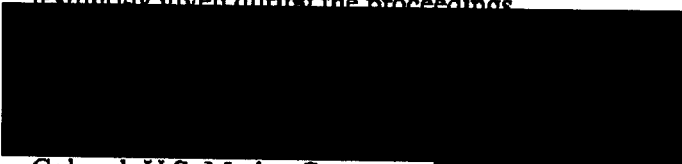
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- Q. When you traveled from Kabul to Konduz, did you travel by yourself or with a group?
- A. We went in 2 or 3 pick-ups, each with 13-14 people.
- Q. Were all of the members of the group that traveled to Konduz members of the Taliban?
- A. I don't know. I didn't have any relations with the Taliban, now or ever.
- Q. When you chose to go from Kabul to Konduz, were you ordered or directed to go, or did you choose to ride in the vehicles with these men?
- A. In Kabul, everyone was leaving, so I jumped in one of the trucks and went with them.
- Q. When you made your first decision to go help, did you realize, at the time, that the Taliban was fighting other Muslims?
- A. The fight was going for a long time. I knew they were fighting against the Northern Alliance. It was in the newspapers.
- Q. Did that bother you that the Northern Alliance was also made up of Muslims?
- A. I didn't know that the Northern Alliance people were Muslim.
- Q. Do you have any other evidence or information to present to this Tribunal today?
- A. No, sir. Since the Tribunal swore that they would decide with justice. I've been in prison for 2 ½ years. Whatever you do, keep justice in your mind.

Detainee asked if he will get justice soon and the President stated he would get notified of the Tribunal's decision at the earliest opportunity.

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, CSRT

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Enclosure (3)
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