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Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (28 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – FAZL, Mullah Mohammad

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 a member of the Taliban and/or associated with al Qaida and engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is a member of the Taliban and/or associated with al Qaida:
 1. The detainee was a member of the Taliban.
 2. The detainee assisted Mullah Omar in establishing a temporary government following the Taliban conquest of Kabul.
 3. The detainee was the Taliban Deputy of Defense during the last days of the Taliban.
 4. In November 2001, the detainee spoke with Mullah Omar about supplies for his troops.
 5. The detainee was aware the Taliban was providing the Islamic Movement of Uzbekistan (IMU) with financial, weapons, and logistic support in exchange for IMU providing the Taliban with soldiers.
 6. The detainee is listed on a United Nations Security Council Resolution requiring member states to freeze his assets due to his association with the Taliban.
 7. The detainee was at the al Farouq training camp.
 - b. The detainee engaged in hostilities against the United States or its coalition partners:
 1. The detainee was a Taliban commander of approximately 3,000 front-line troops in the Takhar province in October 2001.

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2. The detainee was directly commanded by the Taliban Defense Minister.
 3. The detainee communicated directly with the Taliban Defense Minister on military objectives.
 4. The detainee was preparing to engage opposition forces on 30 November 2001, when the Taliban Defense Minister ordered him to surrender to the Northern Alliance.
 5. The detainee was captured on the front lines in Mazar-E-Sharif.
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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