



Memorandum

To :

Date

Department of Defense 05/31/2006
Office for the Administrative Review
of the Detention of Enemy Combatants
Frank Sweigart, Director

From : Federal Bureau of Investigation
Counterterrorism Division
[REDACTED]

Subject Administrative Review of Enemy Combatant
[REDACTED] 061 [REDACTED]

Administrative

In accordance with the Administrative Review Board assessment dated 08/24/2005, from the Federal Bureau of Investigation (FBI), Counterterrorism Division, to the Department of Defense (DOD), Office for the Administrative Review of the Detention of Enemy Combatants, MURAT KARNAZ, Internment Serial Number (ISN) [REDACTED] 061 [REDACTED], was assessed to pose a [REDACTED] threat to the national security of the United States and its allies. ←
ARB
decision

The below summary is based solely on information derived from FBI investigations in response to a DoD request (Cycle 2, Round 23) dated 05/01/2006.

Investigative Summary

MURAT KARNAZ, ISN [REDACTED] 061 [REDACTED], is a Turkish national currently detained at the U.S. Naval Base, Guantanamo Bay, Cuba.

KARNAZ was born in Turkey but was raised in Germany. KARNAZ has denied membership in the Jama'at al-Tabligh (JT) but admitted to attending a JT mosque in Germany, associating with JT members, and traveling to Pakistan to study at a JT controlled mosque.

KARNAZ was never in the military and never received military training. While in Pakistan, KARNAZ stayed in guest houses in Karachi and Islamabad. KARNAZ was detained by Pakistani authorities and turned over to U.S. forces.

Intelligence Value

KARNAZ has [REDACTED] intelligence value regarding recruiting, personnel, and operations of the Jama'at al-Tabligh in Germany and Pakistan.

DMO Exhibit 8PAGE 1 OF 2

Memorandum from FBI to DoD

Re: Administrative Review of Enemy Combatant, 05/31/2006

FBI Interest

A review of FBI records conducted to date leads to the conclusion the FBI has no investigative interest in this detainee, MURAT KARNAZ, ISN [REDACTED] 061 [REDACTED].

Threat Assessment

There is no information that KARNAZ received any military training or is associated with the Taliban or al-Qa'ida. Although he has denied being a member of the Jama'at al-Tabligh, his associates, travel and religious studies contradict this denial. For these reasons, KARNAZ is believed to pose a [REDACTED] [REDACTED] to the national security of the United States and its allies if released.

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THIS DOCUMENT CONTAINS
CLASSIFIED INFORMATION

presumably the requirements to be deemed an "enemy combatant" -- and that the detainee "may actually have no Al-Qaida or Taliban association." Kurnaz Factual Return, Exhibit R16 at 1-2.

In addition, a September 30, 2003 memorandum from Major [REDACTED] to Lieutenant

Colonel [REDACTED] revealed that "CITF [Criminal Investigative Task Force] has no definite link/evidence of detainee having an association with al Qaida or making any specific threat

toward the U.S.," and that "The Germans confirmed that this detainee has no connection to an al

Qaida cell in Germany." Kurnaz Factual Return, Exhibit R17. Yet another document the

detainee was not permitted to examine and use to contest his "enemy combatant" designation is a

May 19, 2003 memorandum from Commanding General Brittain P. Mallow to the General

Counsel of the Department of Defense. Among other exculpatory statements, the memorandum

discloses that "There is no indication that Kurnaz was in direct contact with a Taliban recruiter,"

that "CITF is not aware of evidence that Kurnaz was or is a member of al-Qaida," and that "CITF

is not aware of any evidence that Kurnaz has knowingly harbored any individual who was a

member of al-Qaida or who has engaged in, aided or abetted, or conspired to commit acts of

terrorism against the U.S., its citizens or interests." Kurnaz Factual Return, Exhibit R18.

These three classified documents call into serious question the nature and thoroughness of the prior "multiple levels of review" of "enemy combatant" status referenced in Deputy Secretary of Defense Paul Wolfowitz's July 7, 2004 Order establishing the CSRT system. At a minimum, the documents raise the question of what specific information could have been discovered between the May 19, 2003 memorandum stating that there was no evidence either that the detainee was a member of al Qaida or was in direct contact with any Taliban recruiter, and the

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bases for his detention, came to much the same conclusion that we had respectfully urged upon you in our February 1, 2005 submission: that the evidence against Mr. Kurnaz does not provide a strong basis to conclude he is an enemy combatant. Therefore, we think her judicial opinion is relevant to your consideration of whether Mr. Kurnaz should continue to be regarded as "dangerous to the United States, its interests or its allies."

Focusing on Mr. Kurnaz's case, Judge Green first concludes that the unclassified evidence supporting his detention provides an extremely attenuated – and constitutionally insufficient – basis for a conclusion that Mr. Kurnaz supports or is associated with terrorism. See Memorandum Opinion at 62 ("the unclassified evidence upon which the CSRT relied upon in determining Murat Kuraz's "enemy combatant" status consisted of findings that he was "associated" with an Islamic missionary group named Jama'at-Al-Tabliq, that he was an "associate of and planned to travel to Pakistan with an individual who later engaged in a suicide bombing, and that he accepted free food, lodging and schooling in Pakistan from an organization known to support terrorist acts.") (citing Kurnaz Factual Return, Enclosure (1) at 1). Specifically, she states:

Nowhere does any unclassified evidence reveal that the detainee even had knowledge of his associate's planned suicide bombing,² let alone establish that the detainee assisted in the bombing in any way....In addition, although the detainee admits to briefly studying with JT, there is no unclassified evidence to establish that his studies involved anything other than the Koran.³

Memorandum Opinion at 62-63.

Regarding the classified basis for his detention, which she reviews in detail, Judge Green finds it similarly thin. Consistent with our February 1 submission to the ARB, Judge Green points out the numerous exculpatory statements of U.S. officials which demonstrate their belief that he has no connections to the Taliban, or Al Qaeda. See Memorandum Opinion at 50-51 ("the detainee may actually have no Al-Qaida or Taliban association") (citing Exhibit R-16 at 1-2); ("CITF has no definite ~~link~~/evidence of detainee having an association with al-Qaida or making any specific threat toward the U.S." and that the "[t]he Germans confirmed that this detainee has no connection to an al-Qaida cell in Germany") (citing Exhibit R-17) (emphasis added); ("There is no indication that Kurnaz was in direct contact with a Taliban recruiter," ... "CITF is not aware of evidence that Kurnaz was or is a member of al-Qaida" and that "CITF is not aware of any evidence that Kurnaz has knowingly harbored any individual who was a member of al-Qaida or who has engaged in, aided or abetted, or conspired to commit acts of terrorism against the U.S., its citizens or interests") (citing Exhibit R-18) (emphasis added).

² Judge Green was not aware of information we have provided to the ARB (see Exhibits 7 and 8), that Mr. Bilgin is alive, has never been under any suspicion by German authorities regarding a suicide bombing, and has been cleared by German authorities of suspicions related to terrorism.

³ As we described in detail in pages 11-16 of our letter to the ARB and accompanying expert letters, Jama'at al Tablighi is an enormous group that is both avowedly peaceful and anti-political and could not, for reasons related to structure, ideology and practice, support or be affiliated with terrorist groups in any significant way.

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From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: Additional Release Memos
Classification: ~~SECRET~~
Caveats: NONE

Sir:

I completed and printed out release memos to be signed for the following detainees:

[REDACTED]

PK [REDACTED]: CITF has no definite link/evidence of detainee having an association with al Qaida or making any specific threat toward the U.S. (See notes on CITF memo.)

[REDACTED]

061: The Germans confirmed that this detainee has no connection to an al Qaida cell in Germany. ID of detainee was confirmed [REDACTED]

[REDACTED]

V/R

[REDACTED]

Classification: ~~SECRET~~
Caveats: NONE

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[REDACTED]
[REDACTED] THIS SOURCE MAY ACTUALLY HAVE NO AL-QAIDA OR TALIBAN
ASSOCIATION [REDACTED]

6. (U) POC THIS MEMORANDUM IS THE UNDERSIGNED AT DSN [REDACTED]

[REDACTED]
CW3, USA
CHIEF, INTERROGATION TEAM 2

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