

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SULEMAN AWAD SULEMAN BIN)
AGIL ALNAHDI,)
Petitioner,)
v.) Civil Action No. 05-280 (CKK)
GEORGE W. BUSH, *et al.*,)
Respondents.)
_____)

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Suleman Awad Suleman Bin Agil Alnahdi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 29 July 2005

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 865

29 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 511**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #511 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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19 Jan 05

MEMORANDUM

From: Assistant Legal Advisor
To: Director, Combatant Status Review Tribunal
Via: Legal Advisor *JLC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 511

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

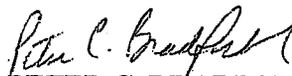
Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate. The detainee affirmatively declined to attend, but he did prepare a written statement for his Personal Representative to present to the Tribunal. *See* enclosure (3).
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee #511 is properly classified as an enemy combatant was unanimous.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.


PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Marine Corps Reserve; President

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army;
Member (JAG)

[REDACTED], Lieutenant Colonel, U.S. Air Force; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

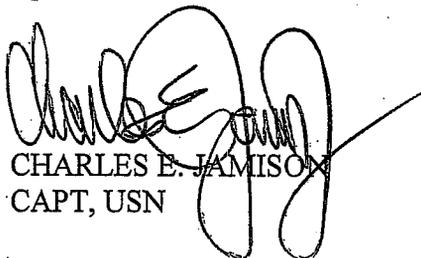
7 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 511

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED]



CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #12

(U) ISN#: 511

Ref: (a) (U) Convening Order for Tribunal #12 of 29 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

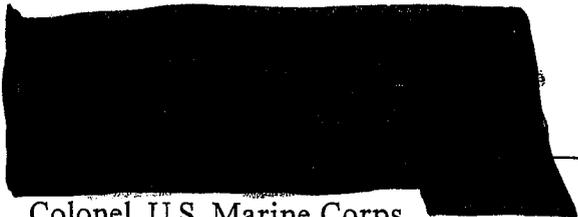
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened on 12 November 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 12 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #511 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this Detainee is a member of, or affiliated with al Qaida forces which are engaged in hostilities against the United States and its coalition partners, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #12
ISN #: 511

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 forces which are engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered 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 alleged that the Detainee traveled to Afghanistan, via Pakistan, for military training in response to a fatwa and received an airline ticket to Pakistan and several hundred U.S. dollars from his facilitator. He used a challenge and pass system to determine who was picking him up from the airport and transporting him to an al Qaida safehouse in Karachi, Pakistan, which was run by a known al Qaida facilitator. The Detainee attended weapons training on the Kalashnikov and pistol at the ██████████ camp in Afghanistan and was aware that the camp was run by al Qaida. While at ██████████, the Detainee saw Usama Bin Laden speak; he saw him again in the Tora Bora mountains after 11 September 2001. The Detainee met the deputy commander of al Qaida, and one of the Detainee's aliases appeared on a list of captured al Qaida members that was discovered on a computer media recovered during raids on an al Qaida-associated safehouse. His name was also found on another captured list of al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member. The Detainee has extensive knowledge of encampments, defensive positions, and operations in the Tora Bora region.

The Detainee chose not to participate in the Tribunal process, but provided comments to the allegations that were presented by the Personal Representative as an unsworn Detainee statement. Basically, this statement was an admission that the Detainee traveled to Afghanistan in response to a fatwa, although he claimed he was not part of any actions against the United States or coalition forces and was not part of al Qaida.

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-16.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the Detainee presented by the Personal Representative.

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

The Detainee requested no witnesses and no additional evidence be produced; therefore, no rulings on these matters were required.

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 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, as provided by the Personal Representative. A transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he did travel to Afghanistan, while following a fatwa, but was not part of al Qaida and did not fight against the United States. The Detainee also alleged that he had been tortured while in Kabul to say that he was a member of al Qaida and that he admitted that he was a member of al Qaida to make the torture stop. The Tribunal found the Detainee to be affiliated with al Qaida primarily because of information other than his admissions; nevertheless, in response to this allegation and in accordance with standard operating procedure, the Tribunal forwarded this information to the designated point of contact at Joint Task Force Guantanamo for investigation and disposition as appropriate. 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 requested or deemed necessary.

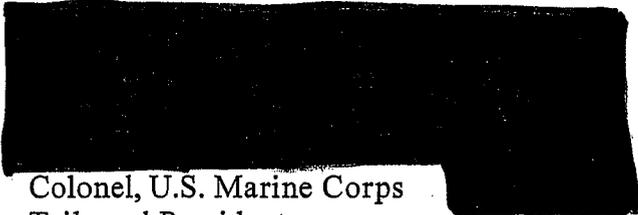
b. The Detainee understood the Tribunal proceedings. Although he did not actively participate, there was no reason to believe he did not understand the nature of the proceedings, as indicated in Exhibit D-a.

c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, al Qaida forces, which are engaged in hostilities against the United States and its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covers the signature of the Tribunal President.

Colonel, U.S. Marine Corps
Tribunal President

Unsworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee, who was not present at the Tribunal.

There is a lot of exaggeration in the evidence. I am from a very poor family. My dad passed away when I was young so I was responsible for taking care of my family. We had lots of sickness in the family.

When I left for Afghanistan, I went because the television said they're killing our children in Palestine, Burma, and India. I listened to the cleric. I just followed what the cleric said, not because I wanted to go. Their speeches caused me to go.

I made a promise to my mother that I would only go for six months and then come back home. If I knew in advance what would happen, I never would've went.

I had no job and lots of problems. I got a free ticket and some money, so I went. I went before 9/11 so it had nothing to do with America.

I have no problems with America. I wasn't involved in what was happening between the Northern Alliance and the Taliban.

After 9/11 and when the fighting began, I was in the mountains. I asked for my passport back so I could leave, but I couldn't get it so I left Afghanistan for Pakistan.

The Afghanistan people arrested me. When tortured in prison in Kabul, they made us say we're part of al Qaida. I put my fingerprint on the document to stop the torture.

I'm not a member of al Qaida - I never heard of al Qaida until I was arrested.

When I was in camp I saw bin Laden but I had nothing to do with him and did not identify with what he was saying. Others told me the training was following the Koran to defend my country. Whatever bin Laden did, he needs to be charged-don't take it out against me.

I didn't have any legal problems in Yemen and I'm not with Jihad.

I have nothing against the tribunal and my behavior here has been good. The only thing I've done here was throw juice on a guard because I was upset when my mother recently died.

ISN #511
Enclosure (3)

Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (27 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL NAHDI, Sulaiman Awath Sulaiman Bin Ageel

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 associated with al Qaida and the Taliban.

The detainee is associated with al Qaida and the Taliban:

1. The detainee traveled to Afghanistan for military training in response to a fatwa.
2. The detainee received the airline ticket to Pakistan and several hundred U.S. dollars from his facilitator.
3. The detainee used a challenge and pass system to determine who was picking him up from the airport and transporting him to the safehouse.
4. The detainee stayed at an al Qaida safehouse in Karachi, Pakistan run by a known al Qaida facilitator.
5. The detainee attended weapons training on the Kalashnikov and the pistol at the al Farouq camp.
6. The detainee knew al Qaida ran the [REDACTED] camp.
7. The detainee saw Usama Bin Laden at the [REDACTED] camp.
8. The detainee attended an Usama Bin Laden talk on jihad in the Tora Bora mountains after 11 September 2001.
9. The detainee met the deputy commander of al Qaida.

Exhibit RI

UNCLASSIFIED

10. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer media recovered during raids on al Qaida-associated safehouses.
 11. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.
 12. The detainee has extensive knowledge of encampments, defensive positions, and operations in the Tora Bora region.
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.

Memorandum



To : Department of Defense Date 10/27/2004
 Office of Administrative Review
 for Detained Enemy Combatants
 Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO
 Counterterrorism Division
 Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
 NATIONAL SECURITY INFORMATION
 [REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 511 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/24/02

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

UNCLASSIFIED

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 10/27/2004

If you need additional assistance, please contact Asst.
Gen. Counsel [REDACTED] ([REDACTED]),
[REDACTED] or Intelligence Analyst (IA)

IA [REDACTED] ([REDACTED]), [REDACTED]

-12

2585

UNCLASSIFIED

Personal Representative Review of the Record of Proceedings

I acknowledge that on 29 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #511.

I have no comments.

My comments are attached.

, Lt Col, USAF

Name




nature

29 DEC 04
Date

ISN #511
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH AL ANZY,)
)
 Petitioner)
)
 v.) Civil Action No. 05-345 (JDB)
)
 GEORGE WALKER BUSH, *et al.*,)
)
 Respondents.)
 _____)

DECLARATION OF TERESA A. McPALMER

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Abdullah al Anzy that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted by an OARDEC staff member. This staff member also redacted information that would personally identify U.S. Government personnel in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 22 July 2005

Teresa A. McPalmer
Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 000

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 514**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #514 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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2589

19 Jan 05

MEMORANDUM

From: Assistant Legal Advisor
To: Director, Combatant Status Review Tribunal
Via: Legal Advisor *SLC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 514

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #20 of 8 November 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate. *See* exhibit D-a.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). It is noted that the Tribunal considered exhibit R-10. While exhibit R-10 seemed to favor the detainee, it is my opinion that the Tribunal properly reached a determination as to whether the detainee should be classified an enemy combatant using the preponderance of evidence standard as outlined in references (a) and (b).
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee #514 is properly classified as an enemy combatant was unanimous.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.

Peter C. Bradford
PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Army; President

[REDACTED] Commander, JAGC, U.S. Navy; Member
(JAG)

[REDACTED] Lieutenant Commander, U.S. Navy; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

14 December 2004

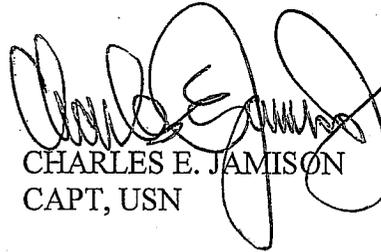
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN 514

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED]



CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

(U) TRIBUNAL PANEL: #20

(U) ISN#: 514

Ref: (a) (U) Convening Order for Tribunal #20 of 8 November 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Copies of Documentary Evidence Presented (S/NF)
(4) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 1 December 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee #514 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida forces, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosure (1).



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: _____ #20

ISN #: _____ 514

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 a part of or supporting al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the evidence considered by the Tribunal and other pertinent information.

2. Synopsis of Proceedings

The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence, Exhibit R-1, indicates, among other things, that: the detainee is associated with al Qaida; the detainee is a citizen of Saudi Arabia who traveled to Afghanistan in the summer of 2000 to receive military training; the detainee received training at a terrorist training camp in Afghanistan; the detainee spent approximately 45 days at this particular terrorist training camp and received training on the Kalashnikov rifle and pistol; the detainee returned to Afghanistan after 11 September 2001, and eventually proceeded to the Tora Bora mountains where the detainee was injured during the bombing campaign at Tora Bora; and that the detainee spent four days in a hospital where he had both legs amputated, after which time he was subsequently transferred to U.S. military custody.

After having initially elected to participate in the Tribunal process, moments prior to the hearing the detainee elected not to participate. The Personal Representative presented no evidence and called no witnesses on behalf of the detainee. During the classified session, the Recorder presented Exhibits R-2 through R-11. The Personal Representative presented no classified exhibits, and neither the Recorder nor the Personal Representative commented on the classified evidence. However, the Personal Representative did state that during the detainee's pre-Tribunal interview, the detainee stated that he knowingly went to Afghanistan after 11 September 2001 to complete his military Jihad training at [REDACTED] but when he got to Afghanistan he found the camp was abandoned.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-11 and D-a.
- b. Testimony of the following persons: None.

c. Statement of the detainee: None.

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 Exhibit R-1 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. 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-3, which are more fully discussed in paragraph 3 of Enclosure (2) 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 2 December 2004.

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. As indicated in Exhibit D-a, the detainee made a conscious and voluntarily decision not to participate in the Tribunal process.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 20 Nov 04

Start Time: 1005

End Time: 1105

ISN#: 514

Personal Representative:  LT COL

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

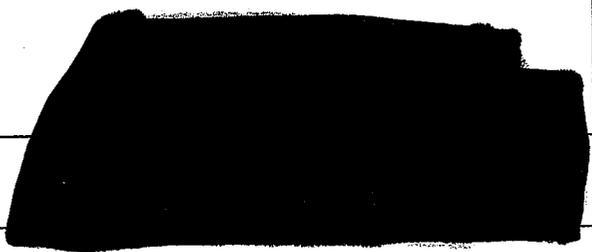
Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

- Will speak to each piece of evidence.
 - Detainee will read from the translated copy of the Summary of Evidence.
 - Has indicated he will not take the oath.
 - Detainee did not request any witnesses.
 - Detainee did not request any documentary evidence.

1 Dec 04: Detainee has changed his mind and does not want to participate. He told PR that he does not believe in this process. He also told PR he does not want any statements made on his behalf.

Personal Representative: 

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (16 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL UNAZI,
ABDALLAH THANI FARIS

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 associated with al Qaida.
 - The detainee is associated with al Qaida:
 1. The detainee is a citizen of Saudi Arabia who traveled to Afghanistan in the summer of 2000 to receive military training.
 2. The detainee received training at a terrorist training camp in Afghanistan.
 3. The detainee spent approximately 45 days at this particular terrorist training camp and received training on the Kalashnikov rifle and pistol.
 4. The detainee returned to Afghanistan after 11 September 2001, and eventually proceeded to the Tora Bora mountains.
 5. The detainee was injured during the bombing campaign at Tora Bora.
 6. The detainee spent four days in a hospital where he had both legs amputated, after which was subsequently transferred to U.S. military custody.
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.

Page 1 of 1

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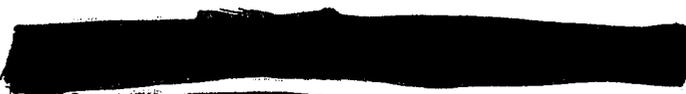
Exhibit 12-1

Personal Representative Review of the Record of Proceedings

I acknowledge that on 4 December 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #514.

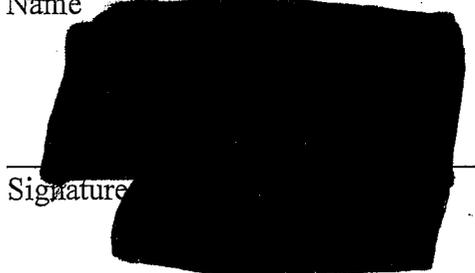
I have no comments.

My comments are attached.



Name

4 DEC 04
Date



Signature

hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



**Department of Defense
Director, Combatant Status Review Tribunals**

OARDEC/Ser: 0201
11 October 2004

FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

FOR OFFICIAL USE ONLY

2602

9 Oct 04

MEMORANDUM

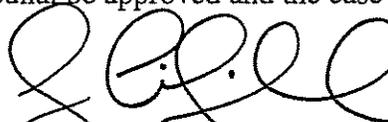
From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
 - b. The Tribunal was properly convened and constituted by enclosure (1).
 - c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-3 and R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
 - d. The detainee made no requests for witnesses or other evidence.
 - e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
 - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

[REDACTED], Lieutenant Colonel, U.S. Air Force; Member
(JAG)

[REDACTED], Lieutenant Commander, U.S. Navy; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN 

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL: #5

(U) ISN#:

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) (U) Summary of Detainee/Witness Testimony (U)
(4) (U) Copies of Documentary Evidence Presented (S//NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 28 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 28 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member or associated with al-Qaida with affiliation with the Taliban as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Colonel, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #5

ISN #: 

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 or associated with al-Qaida and is affiliated with 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 summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is associated with al-Qaida. Those allegations are as follows:

1. The detainee stated that he observed UBL on three separate occasions.
2. The detainee stated that he lived in the "Azam Afwan" guesthouse in the Wazie Akbar Khan area of Kabul during September 11, 2001 and that the cooks were all al-Qaida.
3. The detainee stated that he lived at the "Najim (Ejm) al Jihad" guesthouse in Jalalabad, AF when Usama Bin Laden visited the guesthouse during the 1st week of the US bombing campaign in AF.
4. The detainee attended the Camp Farouq and the Malek training camp where he received training on the Kalashnikov rifle, rocket propelled grenades, PK machine gun, mountain fighting and tactics, anti-aircraft weapons, heavy artillery, surface-to-air missiles, topography, and explosives during the late spring 2000.
5. The detainee was captured in Tora Bora.

During the detainee's testimony to the Tribunal, he denied most allegations made against him, except the allegation that he had attended training at Al Farouq. The detainee's testimony often contradicted statements he made to interrogators and he claimed that he admitted to being a member of al-Qaida during torture by US Forces in Afghanistan. The detainee stated that he has been tortured here in Guantanamo Bay and that his shoulder was broken as a result of torture. He further stated that he received

immediate medical attention for his shoulder and that he was still receiving medication. The detainee stated that he would only provide his testimony if the President promised that the detainee would not be tortured. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. After all matters were considered, the preponderance of evidence clearly showed that the detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

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-7
- b. Testimony of the following person: none

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

The Detainee requested no witnesses be produced for the hearing.

The Detainee requested no additional evidence be provided.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibit R-1 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. Accordingly, the Tribunal had to rely on the detainee's testimony and looked 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 testimony. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that most accusations made against him alleging his status as an enemy combatant were false. He denied being a member of or associated with al-Qaida, but confirmed that he attended Al Farouq to receive training in small caliber weapons and heavy artillery. The detainee testified that the previous admission that he was al-Qaida was made during torture and that he made that admission in an attempt to appease his torturers. The detainee denied that he was associated with the Taliban, or that he ever stayed in known al-Qaida or Taliban guesthouses. The Tribunal did not find the detainee's testimony persuasive and thus, turned to classified sources for further clarification.

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. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of or associated with al-Qaida and affiliated with the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF
Tribunal President

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

Tribunal President: Do you have any questions concerning the Tribunal process?

Detainee: What do you mean if I have any evidence?

Tribunal President: As we go through the Tribunal process, the Recorder or the Personal Representative will submit evidence to this Tribunal board. This evidence will be in the form of information and it will be the first time the three members of this panel have seen that information. All of this information has been discussed with you by your Personal Representative. Do you have any other questions?

Detainee: No.

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: I will talk with you as long as you guarantee me there will be no torture. If it will affect my safety I will say nothing.

Tribunal President: We will guarantee there will be no torture.

Detainee: 99% of what you have heard is inaccurate and incorrect.

[The Tribunal President asked if the Detainee wanted to make a statement under oath.]

Detainee: All the information that was just read is inaccurate.

Tribunal President: That's fine. (Detainee) Would he like to tell us what really happened?

Detainee: Yes.

Tribunal President: Please do so now.

Detainee: I want to talk about the reason I left Yemen? I left Yemen for personal reasons, logically I was not feeling well.

Tribunal President: What else would you like to tell us?

Detainee: I wanted to get married in Yemen, but for some reason my marriage was not approved and I had to leave there because psychologically I was not all together. I went to Afghanistan because it was the only place I could that I didn't need residency and I

could leave there cheaply. As far as the training that is not all true. I did take the tactics and the topography training. Change that, those two I did not train on them, but I did do all the other training.

Tribunal President: Okay, you are saying you did not take tactics or topography but you took the other courses.

Detainee: I did take the tactics and the topography. I have trained on all the weapons you mentioned.

Tribunal Member: You have?

Detainee: Yes. I not only had the training, I read the books. I was not in Tora Bora for more than one day. When the attacks took place I was not in Kabul, I was in Kandahar. When I went to Kabul, my plan was to go back. I was going to go from Kabul back to Yemen during the hot season. The first day I got to Kabul, I went to the market. Some Afghani people picked me up and said they were security. They drove me to a city that I didn't know. They took me to a house. I found out I was kidnapped and the people were not security. The house I stayed in was watched. I was told if I left they would kill me. From the first attack until the 26th day of Ramadan. They told me they would take me to a house with Arabs in it. They took me to an Afghani place in Tora Bora. I stayed there one day and they brought a wounded person and another guy called Kahled Egani. They were going to treat the wounded man and then we were all going to go back to Yemen. From there they sold me to the Americans. I was afraid in the beginning, because whenever we spoke to the interrogators we were punished. We were hit and tortured. Not only did I get hit and punched they broke my nose. The Americans did this to me. When I arrived in Cuba I got hit in the place where we eat. I got hit on the shoulder and it was very painful, it was dislocated or something. They threatened to break it monthly even when I got to Cuba they told me I would be here for a long time.

Tribunal President: Is there anything else you would like to say?

Detainee: The only time I went to Jalalabad was when I went to prison. The name you called the guesthouse, I have never heard of. They used that guesthouse for everyone. I deny seeing Bin Laden. That's the truth and whatever else you have is not true. The training I had on the weapons is that evidence? Is there anything against learning that?

Tribunal President: It is part of the evidence used for the determination.

Detainee: How can you use that as evidence to make your determination? There is no International Law forbidding me to learn that. Is this type of training forbidden Internationally?

Tribunal President: This is not a legal proceeding.

Tribunal President: Is there anything else you would like to say?

Detainee: No.

Tribunal President: Personal Representative do you have any questions for the detainee?

Personal Representative: Yes I do.

Summarized Answers in Response to Questions by the Personal Representative

Q. To clear up what you told me yesterday during our meeting, did you ever receive training on heavy artillery?

A. Yes.

Q. Did you receive training on explosives?

A. No training on explosives.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you left Yemen, how did you get to Afghanistan?

A. Plane.

Q. How did you fly there and where did you stay?

A. Somebody else got the ticket for me. I gave my friend my passport so he could get my ticket for me.

Q. He paid for it, your friend paid for your ticket?

A. I gave him my passport and the money.

Q. And you flew from where in Yemen to Afghanistan? Did you go to Pakistan first or straight to Afghanistan?

A. From Yemen to Pakistan and then to Afghanistan.

Q. When you went from Pakistan to Afghanistan, how did you go?

A. Took a bus.

Q. Did anybody help you along the way; did they show you the way or interpret for you?

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- A. There was a guy that took me from Pakistan to Afghanistan, his name was (inaudible).
- Q. Do you remember from what city in Pakistan you left from?
- A. Karachi.
- Q. From Karachi you took a bus to Kandahar?
- A. To Quetta.
- Q. Then from Quetta to Kandahar?
- A. Yes.
- Q. When you were in Kandahar did you go to Al-Farouq from there?
- A. I was in Kandahar for one week then I went to the camp.
- Q. You trained at Al-Farouq and then went on to Malek?
- A. I never went to Malek.
- Q. So, you learned your artillery training at Al-Farouq?
- A. Yes.
- Q. Are you a Mujahid fighter?
- A. No.
- Q. Did you meet any Al-Qaida or Taliban members in your travels in Afghanistan?
- A. I saw people coming and going, but I didn't know who they were but the houses were for anybody.
- Q. Why did you go to Afghanistan?
- A. I couldn't live there any more because of what I told you earlier. If I went to another country besides Afghanistan I would need a lot of money. That was the easiest to do. I lived there for two years and it never cost me anything.
- Q. What kind of work did you hope to find in Afghanistan?

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- A. I didn't think about work. I had heard there were houses in Afghanistan that you could stay at and they provide the food and you don't have to do nothing.
- Q. Do you remember what year you left Yemen?
- A. No.
- Q. When you went to Pakistan you lived there for two years?
- A. Not in Pakistan in Afghanistan.
- Q. How long of those two years were you in Afghanistan?
- A. Two years.
- Q. So two years combined Pakistan and Afghanistan, is that what you are saying?
- A. I stayed in Pakistan for two or three days, the rest was in Afghanistan.
- Q. You said when you went to Afghanistan there were houses that you could stay and get food and didn't have to work. Why did you go from that to training?
- A. I had plenty of time to kill. The training was free just like everything else.
- Q. Who did you think was running the camp when you went for training?
- A. When I got my training I don't know who was running the place. About five or six months after being there I heard about Al-Qaida. I didn't hear the name Usama Bin Laden for about another five or six months later.
- Q. So, you were training for five or six months?
- A. All the training was about four months.
- Q. When you got here in Cuba from Afghanistan, you stated you were tortured here?
- A. Yes, I still use the medication for my shoulder.
- Q. You were hit in the shoulder one time?
- A. More than that. When they brought me here they tied my foot to my back and they threw me on my face. I feel there is something torn in my shoulder from the way I was laying on the floor.
- Q. Did you receive medical treatment here?

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A. I got treatment for the first two weeks I was here.

Q. But since that incident there has been no other torture?

A. I haven't but I have seen other people in the camp mistreated and tortured and that affects me psychologically. I was afraid for my life. When the interrogators asked if I was Al-Qaida I would say yes to avoid the torture.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: I have nothing to say. I have no witnesses and this Tribunal is not a legal proceeding it is a military proceeding. It doesn't matter what I say, it's military and there are no judges.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: Yes sir. I want to state that the allegations of abuse have been written up and submitted to the OIC for investigations.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Col, USAF

Tribunal President

ISN # 
Enclosure (3)
Page 6 of 6

FOUO

**Recorder Exhibit List
For**

ISN 

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Redaction dtd	R3 and R5	UNCLASSIFIED
R3	FBI FD-302 24-MAY-02	3.a.1. 3a.2.	FOUO//LES
R4	IIR 2 340 6828 02	3.a.3.	SECRET
R5	FBI 302 5/6/02	3.a.4. 3.a.5.	SECRET//NOFORN
R6	CITF Memorandum 29 March 04	Summary	SECRET//NOFORN
R7	JTF GTMO Baseball Card	FYI	SECRET//NOFORN

FOUO

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UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal for Detainee Ismail, Yasim Qasem Muhammad

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 he is associated with al Qaida.
 - a. The detainee is associated with al Qaida:
 1. The detainee stated that he observed Usama Bin Laden on three separate occasions.
 2. The detainee stated that he lived in the "Azam Afwan" guest house in the Wazir Akbar Khan area of Kabul during 11 September 2001 and that the cooks were all al Qaida.
 3. Detainee lived at "Najm (Ejm) al Jihad" guest house in Jalalabad, AF when Usama Bin Laden visited the guest house during the 1st week of the U.S. bombing campaign in AF.
 4. The detainee attended the Camp Farouq and the Malek training camp where he received training on the kalishnikov rifle, rocket propelled grenades, PK machine gun, mountain fighting and tactics, anti-aircraft weapons, heavy artillery, surface-to-air missiles, topography, and explosives during late spring 2000.
 5. The detainee was captured in Tora Bora.
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.

UNCLASSIFIED

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Exhibit ~~208~~

Memorandum



To : Department of Defense Date 09/20/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/06/2002
FD-302 dated 05/24/2002

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/20/2004

If you need additional assistance, please contact

[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED]
Intelligence Analyst [REDACTED]

Personal Representative Review of the Record of Proceedings

I acknowledge that on 30 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN: 

I have no comments.

My comments are attached.

Date: 30 Sep 04



Maj. , USAF
Personal Representative

ISN # 
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HASSAN ZUMIRI *et al.*)
)
)
 Petitioners/Plaintiffs,)
)
 v.) Civil Action No. _____
)
)
 GEORGE W. BUSH,)
)
 President of the United States, *et al.*,)
)
 Respondents/Defendants.)
 _____)

DECLARATION OF JAMES R. CRISFIELD JR.

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

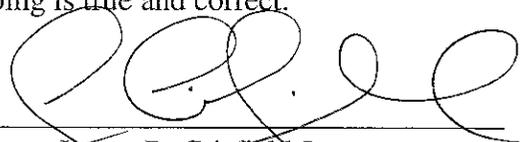
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Hassan Zumiri that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have redacted information which would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internment serial numbers because certain combinations of internment serial numbers with other information become classified under

applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 2 Dec 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0437

20 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).

2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

J. M. McGARRAH
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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2624

26 Nov 04

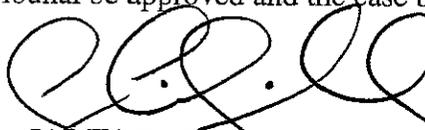
MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #21 of 16 November 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:
 - a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate.
 - b. The Tribunal was properly convened and constituted by enclosure (1).
 - c. The Tribunal complied with all provisions of references (a) and (b).
 - d. The detainee did not request that any witnesses or evidence be produced.
 - e. The Tribunal's decision that detainee [REDACTED] is properly classified as an enemy combatant was unanimous.
 - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

16 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #21

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member

[REDACTED] Major, U.S. Air Force Reserve; Member (JAG)


J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Navy

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosure (2).

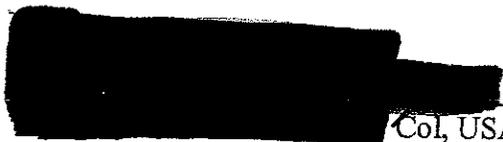
(U) TRIBUNAL PANEL: #21

(U) ISN#:

Ref: (a) (U) Convening Order for Tribunal #21 of 16 November 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/FOUO)
(2) (U) Copies of Documentary Evidence Presented (S/NF)
(3) (U) Personal Representative's Record Review (U/FOUO)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 22 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee  is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is associated with al Qaida in support of military operations against the coalition, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosure (1).


Col, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #21
ISN #: _____

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 associated with al Qaida in supporting military operations against the coalition. 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.

2. Synopsis of Proceedings

The Tribunal conducted the proceeding on 22 November 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. Exhibit R-1 indicates, among other things, that the detainee: traveled to Canada on a false French passport; traveled to Afghanistan with a stolen passport, which was found in the possession of an al Qaida facilitator; carried a weapon in Afghanistan; was an active member of a network supporting subversion in Algeria; knew Algerian al Qaida members in Kabul, Afghanistan; associated with Islamic extremists; associated with at least three persons whom he considers terrorists; is a personal friend of, and provided financing and equipment to, the terrorist arrested at the United States/Canadian border while attempting a terrorist attack in the United States; and was planning to participate in jihad in Algeria.

The detainee did not attend the Tribunal hearing and affirmatively declined to participate, stating that he agrees that he is an enemy combatant. He made a verbal statement to that effect to his Guantanamo Personal Representative. He did not submit evidence to present on his behalf. The detainee's decision and statement are reflected on the Detainee Election Form (Exhibit D-a) and the Guantanamo Personal Representative's affidavit (Exhibit D-b). The Personal Representative presented no evidence and called no witnesses.

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-19. The Personal Representative reviewed these exhibits prior to their presentation to the Tribunal. The Personal Representative presented no classified exhibits. The classified exhibits support the assertions on the Unclassified Summary of Evidence, as well as the detainee's own statement, and the Tribunal found the detainee is properly classified as an enemy combatant.

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ISN _____
Enclosure (1)
Page 1 of 3

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-19, D-a and D-b.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: Detainee made a verbal statement to his Personal Representative that he agrees that he is an enemy combatant.

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 Exhibit R-1, the Unclassified Summary of Evidence, into evidence during the unclassified portion of the proceeding. 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 only conclusory statements without supporting unclassified evidence. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal looked to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

6. Discussion of the Classified Evidence

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-19. While some exhibits were more persuasive than others, all classified exhibits fully supported the assertions on the Unclassified Summary of Evidence and were persuasive. The Tribunal found Exhibits R-5, R-9, R-14 and R-15 to be particularly persuasive. Based upon these facts the Tribunal found the detainee is properly classified as an enemy combatant.

7. Consultations with the CSRT Legal Advisor

None

8. 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 and Exhibit D-b.

c. The detainee is properly classified as an enemy combatant because he was associated with al Qaida in supporting military operations against the coalition.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Air Force
Tribunal President

ENCLOSURE 2

DETAINEE ELECTION FORM

Date: 17 Nov 04

Start Time: 1340

End Time: 1400

ISN#: [REDACTED]

Personal Representative: [REDACTED] LT COL

Translator Required? YES Language? ARABIC (ALGERIAN)

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

The Detainee declined his right to participate in the tribunal process because he already agrees that he is an EC. He also chose not to have the PR submit any statement on his behalf. Detainee did not request any witnesses. Detainee did not request any documentary evidence.

Personal Representative: [REDACTED]

An initial interview was held with detainee ZUMIRI, Hassan (ISN [REDACTED]) on 17 Nov 04.

- [REDACTED] The detainee spoke the language of the linguist and understood the linguist.
- [REDACTED] The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.
- [REDACTED] The detainee was advised that I am not an attorney or his advocate, but will assist him in the CSRT process if he chooses to participate.
- [REDACTED] The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.
- [REDACTED] The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.
- [REDACTED] The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.
- [REDACTED] The detainee confirmed that he understood the process as explained to him and did not have any questions.
- [REDACTED] The detainee affirmatively chose not to participate in the CSRT process and does not want me to present information on his behalf.

I affirm that the information above is complete and accurate to the best of my knowledge.

[REDACTED]
[REDACTED], Lt Col, USAF

17 Nov 04
Date

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (18 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ZUMIRI, Hassan.

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 associated with al Qaida.

The detainee is associated with al Qaida:

1. The detainee traveled to Afghanistan with a stolen passport.
 2. The detainee's stolen passport was in the possession of an al Qaida facilitator.
 3. The detainee traveled to Canada on a false French passport.
 4. The detainee carried a weapon in Afghanistan.
 5. The detainee was an active member of a network supporting subversion in Algeria.
 6. The detainee knew Algerian al Qaida members in Kabul, Afghanistan.
 7. The detainee associated with Islamic extremists.
 8. The detainee associated with at least three persons whom he considers terrorists.
 9. The detainee is a personal friend of the terrorist arrested at the United States/ Canada border while attempting a terrorist attack in the United States.
 10. The detainee provided financing and equipment to the above-mentioned terrorist.
 11. The detainee was planning to participate in jihad in Algeria.
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

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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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Personal Representative Review of the Record of Proceedings

I acknowledge that on 22 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN [REDACTED]

[REDACTED] I have no comments.

 My comments are attached.

[REDACTED]

Name

23 NOV 04

Date

[REDACTED]

Signature

ISN [REDACTED]
Enclosure (3)