

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALEH ABDALL AL OSHAN,

Petitioner/Plaintiff,

v.

GEORGE W. BUSH *et al.*,

Respondents/Defendants

Civil Action No. 05-0520 (RMU)

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 of the Combatant Status Review Tribunals.

2. I hereby certify that the document attached hereto is a true and accurate copy of the letter signed by the Director of Combatant Status Review Tribunals approving the Tribunal's determination regarding petitioner Saleh Abdall al Oshan. I redacted petitioner Saleh Abdall al Oshan's internment serial number because certain combinations of internment serial numbers

with other information relates to sensitive internal and intelligence operations that is not suitable for public release.

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

Dated: 19 May 2005

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 1033
10 MAR 2005

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. The Combatant Status Review Tribunal's determination that Detainee ISN # [REDACTED] shall no longer be classified as an enemy combatant is approved.
2. In accordance with references (a) and (b) the written report of the Tribunal's decision will be forwarded to the Secretary of the Navy.

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HASSAN ANVAR,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2386 (RBW)

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 Hassan Anvar 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: 8 September 2006

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, U. S. Navy



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0487

25 FEB 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 250

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 # 250 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 B. Wiegmann)
DoS (Ambassador Prosper)
DASD-DA
JCS (J5)
SOUTHCOM (CoS)
COMJTFGTMO
OARDEC (Fwd)
CITF Ft Belvoir

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UNCLASSIFIED

8 Feb 05

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 250

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 # 32 of 21 January 2005
(2) Appointing Order for Tribunal # 18 of 1 November 2004
(3) Record of 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 affirmatively declined to participate. The detainee did provide a statement, contained in exhibit D-b of enclosure (3) of enclosure (5) of the Tribunal Decision Report.

b. The Tribunals were properly convened and constituted by enclosure (1) and enclosure (2).

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-4, R-6, and R-8 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. On 16 November 2004 a tribunal unanimously determined that the detainee was not properly designated as an enemy combatant. Following that tribunal, CSRT intelligence personnel conducted another search of the Government Information for evidence relevant to ISN 250's status. They collected additional evidence which eventually became exhibits R-18 through R-29. Due to the detachment from OARDEC of two of the three members of the original tribunal panel, the additional evidence, along with the original evidence and original Tribunal Decision Report, was presented to Tribunal panel # 32 to reconsider the detainee's status. (One of the members of the original tribunal sat on the new tribunal panel.) Following their consideration of the new information along with the original information, this Tribunal unanimously determined that the detainee was properly classified as an enemy combatant.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 250

I note that Exhibit R-18 contains a troubling statement: "Inconsistencies will not cast a favorable light on the CSRT process or the work done by OARDEC. This does not justify making a change in and of itself, but is a filter by which to look at the overall Uigher transaction since they are all considered the same notwithstanding a specific act." Fortunately, there is no indication that the Tribunal adopted this inappropriate "one size fits all" policy.

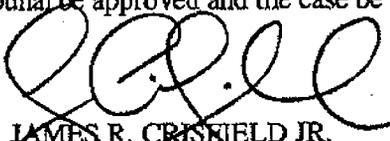
e. The detainee did not request that any witnesses or evidence be produced.

f. The Tribunal's decision that detainee ISN # 250 is properly classified as an enemy combatant was unanimous.

g. The detainee affirmatively chose not to participate in the CSRT process but requested that his Personal Representative make an oral statement to the Tribunal about the allegations contained in the unclassified summary. A letter from the Personal Representative initially assigned to represent the detainee at Guantanamo Bay, Cuba, reflects the detainee's elections and is attached to the Tribunal Decision Report as exhibit D-b. The original Tribunal proceedings were held *in absentia* outside Guantanamo Bay with a new Personal Representative who was familiar with the detainee's file. This Personal Representative had the same access to information and evidence as the Personal Representative from Guantanamo Bay. The addendum proceedings were conducted with yet a third Personal Representative because the second Personal Representative had been transferred to Guantanamo Bay. This Personal Representative also had full access to the detainee's file and original Personal Representative's pass-down information. The detainee's Personal Representatives were given the opportunity to review the respective records of proceedings and both declined to submit post-tribunal comments to the Tribunal.

2. The proceedings and decision of the Tribunal, as reflected in enclosure (3), 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

21 Jan 05

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #32

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:

██████████, Colonel, U.S. Army; President

██████████, Lieutenant Colonel, U.S. Air Force; Member

██████████, Lieutenant Commander, JAGC, U.S. Navy;
Member (JAG)

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



Department of Defense
Director, Combatant Status Review Tribunals

1 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #18

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:

██████████, Colonel, U.S. Air Force; President

██████████, Lieutenant Colonel, U.S. Air Force; Member

██████████, Lieutenant Commander, U.S. Navy; 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 Enclosures (2), (3) and (5).

(U) TRIBUNAL PANEL: 32

(U) ISN#: 250

Ref: (a) (U) Convening Order for Tribunal #32 dated 21 January 2005 (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//~~FOUO~~)
(5) (U) CSRT Decision Report of Tribunal #18 (undated) (S/NF)

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 16 November 2004, a previous Tribunal determined, by a preponderance of the evidence, that Detainee #250 was not properly designated as an enemy combatant as defined in reference (c). See enclosure (5). On 25 January 2005, this Tribunal was convened to review additional classified evidence, unavailable to the previous Tribunal, concerning Detainee #250. On 25 January 2005, this Tribunal, upon review of all the evidence, determined that Detainee #250 was properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the majority of the Tribunal found that the preponderance of the evidence supports the finding that this detainee was associated with and supported al Qaida and 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, U.S. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL: #32
ISN #: 250 **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 and supported al Qaida and 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 traveled to Afghanistan for weapon and tactics training, traveling with an illegal passport. The detainee did labor work on the houses while at the Tora Bora training camp after arriving in September of 2001, where he received weapon training on the A-K rifle. He knew that the land where the terrorist training camp was located was donated by the Taliban. The detainee joined the Eastern Turkistan Islamic Movement, which is suspected of having received training and financial assistance from al-Qaida. He provided a false name when captured.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-29.
- b. Exhibits: D-a and D-b.
- c. There were no witnesses.

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

The detainee did not request any witnesses or additional evidence; no rulings were required.

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 and R-2 is the FBI request for redaction statement. 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.

b. Since the detainee did not participate in the Tribunal process, the Tribunal relied heavily on classified evidence in reaching its decision. The Tribunal also considered Exhibits D-a and D-b, unclassified information provided by the detainee and is included as part of the Combatant Status Review Tribunal Decision Report. 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 Personal Representative (PR) advised the detainee of his rights and read the unclassified summary of the evidence to him. The detainee affirmatively declined to participate in the Tribunal.

c. The detainee is properly classified as an enemy combatant and was associated with and supported al Qaida.

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8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]

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

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ISN #250
Enclosure (1)
Page 3 of 3

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: 18
ISN #: 250

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is not properly classified as an enemy combatant. 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 a member of, or affiliated with the Taliban or al Qaida and participated in military operations against the United States or its coalition partners. The detainee did not participate in the Tribunal process or request any witness or additional evidence be produced, but did provide a statement (see exhibit D-b).

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-b and R-1 through R-17.
- b. There were no witnesses.
- c. The Detainee provided a statement to the Personal Representative (see exhibit D-b).

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

There were no witness or additional evidence requests.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1, R-2 and R-3 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 is a FBI request for redaction of national security information, and provided no usable evidence. Exhibit R-3 is the Department of Homeland Security Terrorist Organization Reference Guide, which classifies the Eastern Turkistan Islamic Movement (ETIM) as an Islamic extremist group. The Tribunal found this document to be persuasive in a determination of the status of ETIM but not persuasive in supporting classification of the Detainee as an enemy combatant. Accordingly, the Tribunal looked to classified exhibits for support of the Unclassified Summary of Evidence.

b. In his statement, the Detainee admitted leaving China and entering Afghanistan for weapons training, but maintains his intent was to fight the Chinese government. He maintains he was not involved with the ETIM and denies knowledge of ETIM's association with al Qaida. He maintains his passport was legal. He admits to attending the Uighur training camp in Afghanistan and improving housing there but maintains this was only to improve living conditions for the Uighurs. He admits to training with the AK rifle while at the camp, but denies shooting at anything but targets. He denies being aware that the Uighur camp was donated by the Taliban. He admits he used a false name when arrested but maintains he did so to avoid being deported to China, where he fears he would be tortured and executed. See Exhibit D-b.

c. The Tribunal found the Detainee's denial of involvement with the Taliban, al Qaida, or ETIM, in the face of possible return to his home country (where he could be tortured and executed), to be sincere and genuine. The Tribunal considered the fact that the Detainee did not make this statement under oath nor appear before the Tribunal, and weighed the evidence accordingly.

d. In reviewing the evidence, the Tribunal was guided by Paragraph G-11 of the Implementing Directive (Reference (b)), and assigned a rebuttable presumption of genuineness and accuracy to the Government evidence. Even viewed in this light, a preponderance of the evidence does not support the Detainee's classification as an enemy combatant. The majority of the evidence is consistent with the Detainee's explanation as to his presence and activities in Afghanistan, and very little evidence, if any, was presented to refute or discredit his explanations.

e. 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

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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 Personal Representative (PR) advised the detainee of his rights and read the unclassified summary of the evidence to him. The detainee affirmatively declined to participate in the hearing, with the exception of the statement provided in Exhibit D-b.
- c. The Detainee is not properly classified as an enemy combatant.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Air Force
Tribunal President

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ISN #250
Enclosure (1)
Page 3 of 3

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: 18

(U) ISN#: 250

Ref: (a) (U) Convening Order for Tribunal #18 dated 1 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/~~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 16 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #250 is not properly designated as an enemy combatant as defined in reference (c).
3. (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).


C61, USAF
Tribunal President

DETAINEE ELECTION FORM

Date: 12 Nov 2004

Start Time: 0830 hrs

End Time: 1000 hrs

ISN#: 250

Personal Representative: MAJOR [REDACTED]
(Name/Rank)

Translator Required? YES Language? Uighur

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:

Does not want to participate, but provided a statement to each of the allegations.

Witnesses Requested : 0

Follow-up Required: No

Personal Representative: [REDACTED]

An initial interview was held with detainee ANVAR, Hassan (ISN 250) on 12 Nov 2004.

- X The detainee spoke the language of the linguist and understood the linguist.
- X The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.
- X The detainee was advised that I am not an attorney nor his advocate, but will assist him in the CSRT process if he chooses to participate.
- X The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.
- X 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.
- X 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.
- X The detainee confirmed that he understood the process as explained to him and did not have any questions.
- X The detainee affirmatively chose not to participate in the CSRT process but requested that I present the following information on his behalf:

"We are innocent people and didn't do anything wrong"

1. The detainee traveled to Afghanistan for weapon and tactics training.

"I went to Afghanistan to get weapons training, not tactics training. I went there so I could train to fight against the Chinese, not against the American. I have no reason to fight against the U.S. It doesn't make any sense to fight against the US forces or Coalition forces. The Uighur people are tortured and executed by the Chinese and that is the reason to get training so we can fight back against the Chinese."

2. The detainee traveled with an illegal passport.

"No, not true. My passport was legal. When I left my country, it was a legal passport. Maybe the translator was misunderstood."

3. The detainee did labor work on the houses while at the Tora Bora training camp.

Exhibit D-6 1/2
1749

"True. I did some work on the houses in the training camp because we didn't have a bathroom and I helped build one and we were living in these old run down houses so I worked on them to improve our living conditions."

4. The detainee arrived at the training camp in September of 2001.

"True."

5. The detainee received weapon training on the A-K rifle.

"Yes, but I shot the rifle only once and only at targets. I only shot 4 or 5 bullets at targets not a people and not in battle."

6. The detainee knew that the land where the terrorist training camp was located was donated by the Taliban.

"I didn't say that. I didn't know who the camp was associated with. Just that it was a Uighur training camp. I went there because I heard Uighur people were there. Only Uighur people."

7. The detainee joined the Eastern Turkistan Islamic Movement.

"I don't know what the Eastern Turkish Islamic Movement is until I got here and heard it here. I was not part of this organization, ever."

8. Eastern Turkistan Islamic Movement is suspected of having received training and financial assistance from al-Qaida.

"I don't know anything about this. I don't know who gave the money for the training."

9. The detainee provided a false name when captured.

"True. Because we were afraid that if we gave our real names, they would send us back to China, so we told them false names. If they turned us over to the Chinese, we would have a big problem. If they turned us over to Americans, we would be safe and better so we told them we were Afghans."

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

 Major, USAF

12 Nov 2004
Date

Exhibit D-b 2/2
1750

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (02 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ANVAR, 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 the Taliban or al Qaida.

The detainee is associated with the Taliban or al Qaida:

1. The detainee traveled to Afghanistan for weapon and tactics training.
 2. The detainee traveled with an illegal passport.
 3. The detainee did labor work on the houses while at the Tora Bora training camp.
 4. The detainee arrived at the training camp in September of 2001.
 5. The detainee received weapon training on the A-K rifle.
 6. The detainee knew that the land where the terrorist training camp was located was donated by the Taliban.
 7. The detainee joined the Eastern Turkistan Islamic Movement.
 8. Eastern Turkistan Islamic Movement is suspected of having received training and financial assistance from al-Qaida.
 9. The detainee provided a false name when captured.
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

P. //

Exhibit R-1
1751

Memorandum



To : Department of Defense Date 10/29/2004
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 250 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/24/02
FD-302 dated 08/11/02
FD-302 dated 12/06/02

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

²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 10/29/2004

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

IA



UNCLASSIFIED

U.S. Department of Homeland Security
U.S. Customs and Border Protection
Office of Border Patrol

Terrorist Organization Reference Guide

January 2004

UNCLASSIFIED P114 Exhibit R-3

1754

43.	Army for the Liberation of Rwanda (ALIR)	44
44.	Cambodian Freedom Fighters (CFF)	45
45.	Communist Party of Nepal (Maoist)/ United People's Front	46
46.	Continuity Irish Republican Army (CIRA)	47
47.	Eastern Turkistan Islamic Movement (ETIM)	47
48.	First of October Antifascist Resistance Group (GRAPO)	48
49.	Harakat ul-Jihad-I-Islami (HUJI)	49
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46. Continuity Irish Republican Army (CIRA)

Description

Terrorist splinter group formed in 1994 as the clandestine armed wing of Republican Sinn Fein (RSF), which split from Sinn Fein in 1986. "Continuity" refers to the group's belief that it is carrying on the original IRA goal of forcing the British out of Northern Ireland. Cooperates with the larger Real IRA.

Activities

CIRA has been active in Belfast and the border areas of Northern Ireland where it has carried out bombings, assassinations, kidnappings, hijackings, extortions, and robberies. On occasion, it has provided advance warning to police of its attacks. Targets include British military, Northern Ireland security targets, and loyalist paramilitary groups. Unlike the Provisional IRA, CIRA is not observing a cease-fire. CIRA continued its bombing campaign in 2002 with an explosion at a Belfast police training college in April and a bombing in July at the estate of a Policing Board member; other CIRA bombing attempts in the center of Belfast were thwarted by police.

Strength

Fewer than 50 hard-core activists. Eleven CIRA members have been convicted of criminal charges and others are awaiting trial. Police counterterrorist operations have reduced the group's strength, but CIRA has been able to reconstitute its membership through active recruiting efforts.

Location/Area of Operation

Northern Ireland, Irish Republic. Does not have an established presence on the UK mainland.

External Aid

Suspected of receiving funds and arms from sympathizers in the United States. May have acquired arms and materiel from the Balkans in cooperation with the Real IRA.

47. Eastern Turkistan Islamic Movement (ETIM)

Description

The Eastern Turkistan Islamic Movement (ETIM), a small Islamic extremist group based in China's western Xinjiang Province, is one of the most militant of the ethnic Uighur separatist groups pursuing an independent "Eastern Turkistan," which would include Turkey, Kazakhstan, Kyrgyzstan, Pakistan, Afghanistan, and Xinjiang. ETIM and other

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overlapping militant Uighur groups are linked to the international mujahidin movement - and to a limited degree al-Qaeda - beginning with the participation of ethnic Uighur mujahidin in the Soviet/Afghan war.

Activities

US and Chinese Government information suggests ETIM was responsible for terrorist acts inside and outside China. Most recently, in May 2002, two ETIM members were deported to China from Kyrgyzstan for plotting to attack the US Embassy in Kyrgyzstan as well as other US interests abroad.

Strength

Unknown. Only a small minority of ethnic Uighurs supports the Xinjiang independence movement or the formation of an East Turkistan.

Location/Area of Operation

Xinjiang Province and neighboring countries in the region.

External Aid

ETIM is suspected of having received training and financial assistance from al-Qaeda.

48. First of October Antifascist Resistance Group (GRAPO)

a.k.a. Grupo de Resistencia Anti-Fascista Primero de Octubre

Description

Formed in 1975 as the armed wing of the illegal Communist Party of Spain during the Franco era. Advocates the overthrow of the Spanish Government and its replacement with a Marxist-Leninist regime. GRAPO is vehemently anti-US, seeks the removal of all US military forces from Spanish territory, and has conducted and attempted several attacks against US targets since 1977. The group issued a communique following the 11 September attacks in the United States, expressing its satisfaction that "symbols of Primero de Octubre imperialist power" were decimated and affirming that "the war" has only just begun.

Activities

GRAPO did not mount a successful terrorist attack in 2002. GRAPO has killed more than 90 persons and injured more than 200. The group's operations traditionally have been designed to cause material damage and gain publicity rather than inflict casualties, but the terrorists have conducted lethal bombings and close-range

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(FOUO) ISN: ██████████ 103DP; MAHMUD, ARKIN MAHMUD, ARKINA	(CURRENT NAME) (REFERENCE NAME)
--	------------------------------------

(~~FOUO~~) Arkin Mahmud is a 40-year-old Chinese citizen, who is an ethnic Uighur from the Ghulja province of China. Mahmud was last interviewed in the end of 2002. He had disciplinary action on 4 March 2003 when he participated in a block riot and reportedly threw water, milk, food, body fluids, and feces at guards. Other reports indicate that discipline issues occurred on 5 March 2003 for spitting on a guard's face and neck, 21 April 2003 for spitting on a guard, on 1 September 2004 for threatening to kill an MP and threatening to kill President Bush, and on 4 September 2004 for lunging at a guard with his body and fist. As reported in his discipline history, he refused to return to his bay after a disturbance, threatening bodily harm to the detainees already inside the bay. Mahmud is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(FOUO) ISN: ██████████ 201DP; TOURSON, AHMAD N/A	(CURRENT NAME) (REFERENCE NAME)
--	------------------------------------

(~~FOUO~~) Ahmad Tourson is a 33-year-old Chinese citizen, who is an ethnic Uighur from the Xinjiang province of China. He claims that he went to Afghanistan to escape the persecution of the Chinese Government. He was recruited by the Uighur movement and fled China in May 1999. He then traveled to Afghanistan in September 1999. Tourson was last interviewed in mid 2004. He has no reported incidents of violence in his discipline history. Tourson is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(FOUO) ISN: ██████████ 219DP; RAZAK, ABDUL QADIR, ABDAL RAZAK	(CURRENT NAME) (REFERENCE NAME)
---	------------------------------------

(~~FOUO~~) Abdul Razak is a 29-year-old Chinese citizen who is an ethnic Uighur from the Xinjiang province of China. Razak was last interviewed at the end of 2002. He had a disciplinary action on 4 March 2003 for participating in a block riot in which he threw a torn up plate into the walkway and threatened guards. Razak has had no discipline during this calendar year. He is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ~~██████████~~ 250DP; AVNAR, HASSAN (CURRENT NAME)
MOHAMMAD, ALI (REFERENCE NAME)

(~~FOUO~~) Hassan Avnar is a 30-year-old Chinese citizen who is an ethnic Uighur from the Tashkuroq Village, Yining, Xinjiang province of China. Avnar was last interviewed at the end of 2002. He has no reported incidents of violence in his discipline history. Avnar is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ISN: ~~██████████~~ 260DP; ADIL, AHMED (CURRENT NAME)
ADIL, AHNAD (REFERENCE NAME)

(~~FOUO~~) Ahmed Adil is a 31-year-old Chinese citizen who is an ethnic Uighur from the Xinjiang province of China. Adil was last interviewed in the end of 2002. He has no reported incidents of violence in his discipline history. Adil is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ISN: ~~██████████~~ 275DP; ABBAS, YUSEF (CURRENT NAME)
UTHMAN, ABD AL SABR ABD AL HAMID (REFERENCE NAME)

(~~FOUO~~) Yusef Abbas is a 29-year-old Chinese citizen who is an ethnic Uighur from the town of Qarayar or Ghirak in Aksu or Gulja, Xinjiang province of China. He left the Peoples Republic of China in 2001, after being imprisoned twice, and traveled to Jalalabad Afghanistan via Kyrgyzstan and Pakistan. He was last interviewed in mid 2003. He has no reported incidents of violence in his discipline history. Abbas is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ISN: ~~██████████~~ 276DP; BASIT, AKHDAR QASEM (CURRENT NAME)
AKHDAR QASEM (REFERENCE NAME)

(~~FOUO~~) Akhdar Qasem Basit is a 31-year-old Chinese citizen who is an ethnic Uighur from the Ghulja province of China. Basit was last interviewed at the end of 2002. He has no reported incidents of violence in his discipline history. Basit is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

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(~~FOUO~~) ISN: ██████████ 277DP; MAHNUT, BAHTIYAR (CURRENT NAME)
SABIT, SADIR (REFERENCE NAME)

(~~FOUO~~) Bahtiyar Mahnut is a 28-year-old Chinese citizen, who is an ethnic Uighur from the Ghalga province of China. Mahnut left China in May 2001 with the goal of reaching a western democracy (America) to live a better life. He was last interviewed in the end of 2002. He had disciplinary action on 4 March 2003 for participating in a riot in which he threw water, milk, food, body fluids, and feces on guards. Sabit is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan

(~~FOUO~~) ISN: ██████████ 278DP; MAMUT, ABDUL HELIL (CURRENT NAME)
NASIR, ABD AL (REFERENCE NAME)

(~~FOUO~~) Abdul Helil Mamut is a 27-year-old Chinese citizen, who is an ethnic Uighur from Kashkar, China. In 1998 the detainee left China to go to Lahore, Pakistan to get education in order to help other Uighurs to fight the Chinese oppression. He was last interviewed in the end of 2002. He has no reported incidents of violence in his discipline history but has verbally assaulted guards on occasion. Mamut is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan

(~~FOUO~~) ISN: ██████████ 279DP; MOHAMMED, AYOOB HAJI (CURRENT NAME)
MOHAMMED, AYOOB HAJI (REFERENCE NAME)

(FOUO) Ayoob Haji Mohammed is a 20-year-old Chinese citizen, who is an ethnic Uighur from Toqquztash, China. He was last interviewed in early 2004. Mohammed has had numerous disciplinary actions. His history indicates he was disciplined on 27 May 2003 for spitting and throwing water and urine on guards, on 18 November 2003 for throwing water and prayer oil on guards, on 5 December 2003 for spitting in a guard's face, on 12 January 04 for throwing feces in a guard's face, on 23 August 2004 for threatening a guard and spitting in the guard's face, on 27 September for throwing a bar of soap at a guard, and on 16 October 04 for threatening to kill a guard. Mohammed is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ISN: ██████████ 280DP; KHALIK, SAIDULLAH (CURRENT NAME)
ALI, KHALED (REFERENCE NAME)

(~~FOUO~~) Khalik Saidullah is a 27-year-old ethnic Uighur and a Chinese citizen, born in 1977, in Ghulja, Xinjiang, China. He was last interviewed in mid 2003. He has no reported incidents of violence in his discipline history. Saidullah is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

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(~~FOUO~~) ISN: ██████████ 281DP; ABDUL RAHMAN, ABDUL GHAPPAR (CURRENT NAME)
AL RAHMAN, ABD AL GHATAR ABD (REFERENCE NAME)

(~~FOUO~~) Abdul Ghappar Abdul Rahman is a 31-year-old Chinese citizen who is an ethnic Uighur from Kucha, China. He was last interviewed in mid 2003. He has no reported incidents of violence in his discipline history. Rahman is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ISN: ██████████ 282DP; GHUPUR, HAJIAKBAR ABDUL (CURRENT NAME)
GHUPUR, HAJIAKBAR ABDUL (REFERENCE NAME)

(~~FOUO~~) Hajaikbar Abdul Ghupur is a 30-year-old Chinese citizen who is an ethnic Uighur from the Xinjiang province of China. Ghupur claims to have traveled to Afghanistan in July 2001 to escape Chinese Government treatment of Muslims. He was last interviewed in mid 2003. He has no reported incidents of violence in his discipline history. Ghupur is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ISN: ██████████ 283DP; QASIM, ABU BAKR (CURRENT NAME)
N/A (REFERENCE NAME)

(FOUO) Abu Bakr Qasim is a 35-year-old ethnic Uighur and a Chinese citizen, born in 1969, in Ghulja, China. He claims to have fled China in an effort to escape Chinese oppression of the Uigher people. After fleeing China, the detainee traveled to Afghanistan. He was last interviewed in mid 2004. He has no reported incidents of violence in his discipline history. Qasim is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(~~FOUO~~) ISN: ██████████ 285DP; ABDULQADIRAKHUN, ABDULLAH (CURRENT NAME)
AL RAHMAN, JALLAL ADIN ABD (REFERENCE NAME)

(~~FOUO~~) Abdullah Abdulqadirakhun is a 25-year-old Chinese citizen who is an ethnic Uighur from the Xinjiang province of China. He claims to have fled China in 2000 in order to escape the Chinese oppression of the Uighurs. He was last interviewed in mid 2004. He has no reported incidents of violence in his discipline history. Abdulqadirakhun is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

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(FOUO) ISN: [REDACTED] 289DP; ABDUREHIM, DAWUT (CURRENT NAME)
YASSIN, SABIT KHAN (REFERENCE NAME)

(FOUO) Dawut Abdurehim is a 30-year-old Chinese citizen who is an ethnic Uighur from the Ghulja province of China. Yassin was last interviewed in late 2004. He has no reported incidents of violence in his discipline history. Abdurehim is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(FOUO) ISN: [REDACTED] 293DP; ABDULHEHIM, ADEL (CURRENT NAME)
QADIR, MUHAMMAD (REFERENCE NAME)

(FOUO) Adel Abdulhehim is a 30-year-old Chinese citizen who is an ethnic Uighur from the Ghulja province of China. He was last interviewed in the end of 2002. He had disciplinary action on 3 March 2003 for participating in a block riot. Abdulhehim has had no discipline during this calendar year. He is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(FOUO) ISN: [REDACTED] 295DP; ABDULAHAT, ENAM (CURRENT NAME)
AL AHAD, ABD AL SAMAD ABD (REFERENCE NAME)

(FOUO) Enam Abdulahat is a 27-year-old Chinese citizen, who is an ethnic Uighur from the Konashahar, China. Abdulahat was last interviewed on 10 August 2004. He had disciplinary action on 6 October 2004 for being in possession of a triangular piece of metal. Abdulahat is suspected as being a probable member of the East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

(FOUO) ISN: [REDACTED] 320DP; PARHAT, HOZAIFA (CURRENT NAME)
N/A (REFERENCE NAME)

(FOUO) Hozaiifa Parhat is a 33-year-old Chinese citizen, who is an ethnic Uighur from the Ghulja province of China. He claims to have fled the Xinjiang province, China to train in Afghanistan and return to fight Chinese oppression of ethnic Uighurs. He was last interviewed in mid 2004. He has no reported incidents of violence in his discipline history. Parhat is suspected as being a probable member of East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

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(FOUO) ISN: [REDACTED] 328DP; MOHAMMED, AHMED (CURRENT NAME) YAQUB, AHMAD MUHAMMAN (REFERENCE NAME)
--

(FOUO) Ahmed Mohammed is a 26-year-old Chinese citizen, who is an ethnic Uighur from the Artush province of China. He claims to have fled China in 2000 in an effort to escape Chinese oppression of the Uigher community and traveled to Afghanistan. He was last interviewed in late 2004. He has no reported incidents of violence in his discipline history. Mohammed is suspected as being a probable member of East Turkistan Islamic Movement (ETIM). He is suspected of having received training in an ETIM training camp in Afghanistan.

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Combatant Status Review
Unclassified Document Release Approval
For ISN 250

**Joint Intelligence Group -
Detainee Assessment Branch**

Signature: _____

Name/Rank: _____

Title: OIC- Detainee Assessment Branch

Date: _____

Joint Intelligence Group

Signature: _____

Name/Rank: _____

Title: Director, Joint Intelligence Group

Date: _____

FBI

Signature: _____

Name/Rank: _____

Title: Asst. Gen Counsel

Date: 11-3-00

**Joint Intelligence Group -
Interrogation Control Element**

Signature: _____

Name/Rank: _____

Title: OIC- Interrogation Control Element

Date: _____

JTF-GTMO, J2

Signature: _____

Name/Rank: _____

Title: Director of Intelligence JTF GTMO

Date: _____

Personal Representative Review of the Record of Proceedings

I acknowledge that on 18 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #250.

 I have no comments.

My comments are attached.


Name

18 NOV 04
Date


Signature

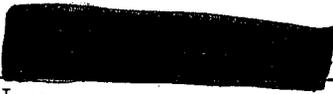
ISN #250
Enclosure (4)

Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 JAN 05 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #250.

I have no comments.

My comments are attached.

 MAJ. USAF
Name

27 JAN 2005
Date


Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SAID MUHAMMED SALIH HATIM,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-1429 (RMU)

DECLARATION OF J. L. HUNT

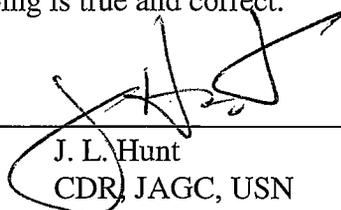
Pursuant to 28 U.S.C. § 1746, I, Commander J. L. Hunt, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

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 Said Muhammed Salih Hatim that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or are redacted. An OARDEC staff member has 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: August 23, 2005



J. L. Hunt
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 627

16 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 255**

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 # 255 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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Department of Defense
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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. Naval Reserve;
Member (JAG)

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

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

14 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 255

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 # 13 of 4 October 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 and actively participated in the Tribunal process. The detainee provided a sworn oral statement at the Tribunal hearing.
 - 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 exhibits R-3 through 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 did not request that any witnesses or evidence be produced.
 - e. The Tribunal's decision that detainee # 255 is properly classified as an enemy combatant was unanimous.
2. The proceedings and decision of the Tribunal as reflected in enclosure (2) 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.

Bree A. Ermentrout
BREE A. ERMENTROUT
CDR, JAGC, USNR



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

13 November 2004

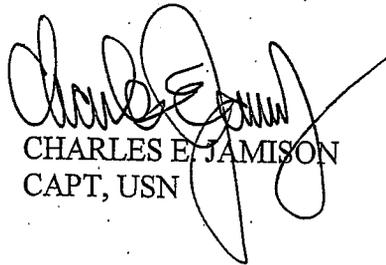
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 255

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: #13

(U) ISN#: 255

Ref: (a) (U) Convening Order for Tribunal #13 of 4 October 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 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 2 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #255 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, Taliban, and associated with al Qaida, 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. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #13

ISN #: _____ 255

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, Taliban and was part of or supporting al Qaida. 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 evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of the Taliban. The Detainee traveled from Yemen to Afghanistan. The Detainee trained at [REDACTED] camp where he was trained on the Kalashnikov rifle, rocket propelled grenade (RPG) and pistol. The Detainee stayed at a Taliban house in Afghanistan. The Detainee was in Kabul during the U.S. bombing campaign. The Detainee participated in military operations against the United States or its coalition partners. The Detainee spent three weeks on the front lines in Kabul. The Detainee delivered food to the soldiers on the front lines who were fighting against the Northern Alliance. The Detainee was apprehended by the Pakistani Police in the mountains near the border. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no documents be produced, and made a sworn verbal statement. The Detainee, in his verbal statement, denied fighting against the U.S. and its allies and stated that he went to Afghanistan to live and marry. 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-20.
- b. Testimony of the following persons: none
- c. Sworn statement of the Detainee

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

The Detainee requested no witnesses for the hearing or that any 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 sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he did travel to Afghanistan, that there was no law to prevent travel. There were a lot of religious people talking on radio and television about Afghanistan being a good place for Muslims. He was able to travel to any Muslim country that he wanted. The Detainee stated that he did train at [REDACTED] and that he did receive training on a variety of weapons. It was his right to learn anything that he wanted, as long as he didn't hurt anyone. The allegation that he stayed in a Taliban house was also true. The Detainee stated that because he was a foreigner, he needed to develop a rapport or association with the government. He was dealing with the government in a lawful way. The Detainee was in Kabul during the bombing but this was beyond his control. The Detainee stated that he never knew he would be fighting against the U.S. and didn't know what the Northern Alliance was. He was only on the front lines for three weeks but he wasn't actually staying on the front lines. The Detainee stated that he was not distributing the food on the front lines but was only in the car that was doing food distribution. He was apprehended by the Pakistani police but stated that he actually turned himself in. The Detainee stated that he wasn't worried about not having his passport as the Embassy could just issue a new one when he got into Pakistan. When questioned about going to [REDACTED] the Detainee stated that weapons were his hobby. He had plenty of time and would lose nothing to take the training. The Detainee had considered going to help in Chechnya.

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. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban and was part of or supporting al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process by answering as follows:

Detainee: So so.

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

Detainee: I don't have any questions.

Tribunal President: If you have any questions as we go along, please feel free to ask them.

Detainee: I just wanted to find out if whatever I'm going to say to the Tribunal, is it going to be considered as refuting the evidence against me? Will it have any weight?

Tribunal President: I'll tell you that we look at two things when we come to this Tribunal. We look at the evidence that the Recorder presents to us and we listen to what you have to say in your oral statement.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibit R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Personal Representative assisted the Detainee by reading each point on the Unclassified Summary of Evidence and giving the Detainee the opportunity to reply.

The Detainee stated that he would like to make his statement under oath

The Recorder administered the Muslim oath.

3.a.1. The Detainee traveled from Yemen to Afghanistan.

Detainee: That is true. There is no law that prevents any person from traveling to any city or state. The Taliban is a Muslim state. Because I am Muslim person, I can travel to any Muslim country. If having gone to the Taliban makes me an Enemy; that means that all of the Afghanistan people are accused of being Enemy Combatants. Because the

Taliban was the governing authority there and they were just following their orders. That's unreasonable.

3.a.2. The Detainee trained at [REDACTED] camp.

Detainee: That's true.

3.a.3. While at [REDACTED], the Detainee was trained on the Kalashnikov rifle, rocket propelled grenade (RPG) and pistol.

Detainee: That's also true. It's my right to learn anything as long as I do not hurt other people or hurt myself. Also, when I went to [REDACTED] camp, I did not know anything about that camp. All I knew about it is that it is a charity camp. I told that to the interrogator during my interrogations.

3.a.4. The Detainee stayed at a Taliban house in Afghanistan.

Detainee: That's also true. Because I am a foreigner, it's necessary for me to establish some kind of rapport or some kind of connection with the government there. I was dealing with the government in a lawful way.

3.a.5. The Detainee was in Kabul during the U.S. bombing campaign.

Detainee: That's also true but that's beyond my control.

3.b.1. The Detainee spent three weeks on the lines in Kabul.

Detainee: That's true. I did spend three weeks but I was not in the front lines.

3.b.2. The Detainee delivered food to the soldiers on the front lines who were fighting against the Northern Alliance.

Detainee: For those who know about the front lines, they know that food is not made in the front line. I did not distribute the food. I was in the car that was distributing the food. I also told that to the interrogators during my interrogations. I'm not sure if they translated it properly.

3.b.3. The Detainee was apprehended by the Pakistani Police in the mountains near the border.

Detainee: I do not know what is meant by the mountain. I was in a village and I turned myself over.

Tribunal President: Do you have any other statements you would like to make at this time.

Detainee: What about the information in part number four.

The translator read the contents of part number four of the Unclassified Summary to the Detainee.

Tribunal President: Does that conclude your statement or would you like to share any other information with us?

Detainee: I want to discuss part B.

3.b. The Detainee participated in military operations against the United States or its coalition partners:

Detainee: I never knew that any one of these days that I would be fighting against the United States. I also did not even know what the Northern Alliance was. If you are referring to the Northern Alliance in Afghanistan... When I was in Afghanistan the Northern Alliance did not even have anything going with the United States. If there was any agreement between the United States and the Northern Alliance, until after September 11th and during that time I was not in the front line, I was on the front line a few months before that time.

Tribunal President: Does that conclude your statement?

Detainee: Yes it does.

Tribunal President: Would you be willing to answer some questions that we may have?

Detainee: I have no problem answering the questions.

Tribunal President: Thank you.

The Tribunal President confirmed that neither the Personal Representative nor Recorder had any further questions for the Detainee.

Tribunal Members' questions

Q. Are you a Yemeni citizen?

A. Yes I am.

Q. What is your age?

A. Exactly 29 years old.

- Q. Would you describe for us your education? How far did you progress in your studies.
- A. I was a student at the University but I did not finish my studies.
- Q. What was your usual occupation in Yemen?
- A. I was only going to school.
- Q. Did you have military training in Yemen?
- A. Yes I did.
- Q. Please describe that.
- A. After high school, there is a one year compulsory training going into the army. That's the only year that I have training.
- Q. I'd like to ask you now about your travel into Afghanistan. First, when did you leave Yemen to proceed to Afghanistan?
- A. I do not remember the exact date.
- Q. Was it before the events of September 11th or after?
- A. Five to seven months before that.
- Q. What was your purpose in going to Afghanistan?
- A. As I told you before, it's a Muslim state. I heard there was a lot of justice in that part of the world. Another reason there was some Choshyn (ph) problem there. There was a way for me to go from Afghanistan to the Choshyn (ph).
- Q. Explain, I'm not familiar with Choshyn (ph) what is the Choshyn (ph).
- A. It's another state that was involved with the Russians.
- Q. Oh, Chechnya.
- A. I was not sure about the name.
- Q. How did you travel? Describe your travel route, plane, car...
- A. I went from Yemen to Pakistan and Pakistan to Afghanistan.

Q. Did you fly from Yemen to Pakistan and then drive into Afghanistan?

A. Yes I did.

Q. Did you travel alone or did you have companions?

A. There was another guy with me.

Q. He traveled as the same purpose as you?

A. No, he lived there. His house and family were there.

Q. When you were in Afghanistan, September 11th happened and you were still training and working with the Taliban at that time?

A. No I was not.

Q. Please tell us what you were doing then.

A. During that time I was in Kabul. I was trying to get married.

Q. How were supporting yourself then while you in Kabul?

A. I had some money on me. There were some people there that would help you find houses to be in and food.

Q. So after September 11th, you were living in Kabul looking for a wife and just supporting yourself?

A. Yes I was.

Q. Did you go to bring food after September 11th or before September 11th?

A. I was not in the front line but way in the back. Something like relaxing there. When I decided to go to the front line to visit, I hopped in the car that was carrying the food. Then I came back with the same car at the end of the day.

Q. Your training with [REDACTED], did that end before September 11th or after September 11th?

A. A few months before that.

Q. I'd like to ask you now about your surrender to the Pakistanis. Were you alone at the time or were you traveling with companions?

- A. There were some Afghanis or Pakistanis with me in the same car.
- Q. Were there any other Arabs?
- A. I was the only one.
- Q. Did you have your passport with you at the time?
- A. I didn't have my passport with me.
- Q. You'd given it to somebody at the Taliban safe house?
- A. No, I had it with somebody, an Arabic individual there.
- Q. Did you have a weapon with you at the time of your surrender?
- A. I didn't have any weapons. You can't carry weapons with you when you're in the city.
- Q. What was the approximate date of your surrender to the Pakistanis?
- A. Gregorian dates I'm not familiar with. The Muslim month is Shaban and that equals harvest.
- Q. So you surrendered before September 11th to the Pakistanis?
- A. What year?
- Q. Just to make it easy, did you surrender before of after the attacks of September 11th?
- A. After.
- Q. Who invited you to [REDACTED]?
- A. I arrived to the house there were some Arabs there and I'm new in the area and know nothing about the town. They were going to the [REDACTED] camp and because I'm new I wanted to find out more about this [REDACTED] camp and I went with them.
- Q. Did you train on anything else besides the Kalashnikov rifle, rocket propelled grenade, and pistol?
- A. Yes I did.

- Q. What was the purpose for this training?
- A. I'm a new person in the area and I wanted learn something new. Other people have certain hobbies, mine is weapons. You have plenty of time and you're not going to lose anything, you can pick up any kind of weapon. In the [REDACTED] camp, nobody is going to tell you what to do there. Whatever your desire is if you pick up a gun and say I want to learn this, you learn it.
- Q. Do you feel that you could have walked out at any time?
- A. Yes.
- Q. Why did you not hold on to your own passport?
- A. I cannot keep it on my person all the time, because I might lose it or it might become torn. I kept it in the house where I was living.
- Q. Why did you not bring it with you when you went to Pakistan?
- A. The passport is a simple matter. When you turn yourself over to the Pakistani government and once you've been turned over to the Yemeni government, I can get a new passport over there.
- Q. How did you pay for your travels? How did you have extra money if you did not have a job?
- A. It's true that I didn't have any work but I was able to get money from my brothers my father, from other people.
- Q. Did anyone or any Fatwa motivate you to go to Afghanistan?
- A. There were a lot of religious people and they talked about Afghanistan being one of the best countries for the Muslim to be in. There was encouragement to go there.
- Q. Was this someone in Yemen that encouraged you to go?
- A. Yes.
- Q. Do you remember who this person was?
- A. Sometimes they were just advertising it on the radio or talking about it on T.V... encouraging people to go to Afghanistan.
- Q. How long did you stay in the Taliban house?

- A. I spent a great deal of time at different houses. With the Taliban for at least a month.
- Q. What would you do at these houses?
- A. I used to spend my time reading. I also used to go to the market. Sometimes I was playing soccer.
- Q. So the Taliban allowed you to stay for free? They asked for nothing in return?
- A. I don't know what you mean when you say the Taliban house. All I know is that it's a house.
- Q. Okay, did you have to pay any rent?
- A. No, I did not.
- Q. So therefore at this house, you did not have to do anything, they allowed you to stay for free the entire time?
- A. They treated me as a guest.
- Q. Did you drive the car that distributed the food to the front line?
- A. I was not driving. I am new. They will not allow me to drive that car.
- Q. Then why did you go to the front line in this car?
- A. I wanted to visit the front line to see what it was like.
- Q. Last question. What was this other person that you traveled with during in Yemen?
- A. I do not know what's his reason for being in Yemen. In Afghanistan he used to own some kind of perfume shop. I believe he may have the same thing going on in Yemen.

Tribunal President's questions

- Q. How long did you plan to stay when you went to Afghanistan?
- A. I was not sure but I was thinking if I like it I'd stay there.
- Q. What did your family think about that?

A. My family knew about that.

Q. When you left to go into Afghanistan what was your destination? Where were you headed to?

A. I went to Saana to Pakistan and then Afghanistan.

Q. My question is, once you entered Afghanistan where were you headed for?

A. For sure I wasn't. I didn't know.

Q. Where did you go when you were in Afghanistan?

A. I knew that Afghans like Arabs and I could find somebody to help me out if I'm looking for a house for food.

Q. We knew you went to Kabul, did you go to any other large cities?

A. No, just Kabul.

Tribunal President: I want to thank you for participating in this Tribunal today.

The Tribunal President confirmed that the Detainee had no further evidence or any additional statements to present to the Tribunal.

The Tribunal President confirmed that the Personal Representative had no further evidence or previously approved witnesses to present to the Tribunal

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (08 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – HATIM, Said Muhammed Salih

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 a member of the Taliban and participated in military operations against the United States or its coalition partners.
 - a. The detainee is a member of the Taliban:
 1. The detainee traveled from Yemen to Afghanistan.
 2. The detainee trained at [REDACTED] camp.
 3. While at [REDACTED] the detainee was trained on the Kalashnikov rifle, rocket propelled grenade (RPG) and pistol.
 4. The detainee stayed at a Taliban house in Afghanistan.
 5. The detainee was in Kabul during the U.S. bombing campaign.
 - b. The detainee participated in military operations against the United States or its coalition partners:
 1. The detainee spent three weeks on the front lines in Kabul.
 2. The detainee delivered food to the soldiers on the front lines who were fighting against the Northern Alliance.

Exhibit RI

3. The detainee was apprehended by the Pakistani Police in the mountains near the border.
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 10/06/2004
 Office of Administrative Review
 for Detained Enemy Combatants
 Col. David Taylor, 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 255 have been redacted by the FBI and provided to the OARDEC:

- FD-302 dated 06/13/2002
- FD-302 dated 10/22/2002
- FD-302 dated 11/01/2002

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, 10/06/2004

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

Personal Representative Review of the Record of Proceedings

I acknowledge that on 6 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #255.

I have no comments.

My comments are attached.

LTC [REDACTED], USA
Name

6 Nov 04
Date

[REDACTED]
Signature

ISN #255
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Atag Ali Abdoh Al-Haj, *et al.*)
)
)
 Petitioners,)
)
 v.) Civil Action No. 04-CV-1194 (HHK)
)
)
 GEORGE W. BUSH,)
)
 President of the United States,)
)
 et al.,)
)
)
 Respondents.)
)
 _____)

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 Atag Ali Abdoh Al-Haj 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 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: 15 Sep 04


James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 040
20 August 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, USNR

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

FOR OFFICIAL USE ONLY

19 Aug 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 Order of 29 July 2004Encl: (1) Appointing Order for Tribunal #2 of 2 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 voluntarily elected not to participate in Tribunal proceedings.
- 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 exhibits R-2 and R-3 have been partially redacted. Based on the location and extent of the redactions it is safe to conclude that none of the redacted information could 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. Cristfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

2 August 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #2

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; President

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

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

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
U.S. Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

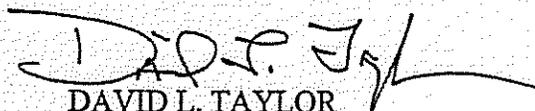
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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) (3) and (4).

(U) TRIBUNAL PANEL: #2

(U) ISN#:

Ref: (a) Convening Order for Tribunal #2 of 2 August 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened on 04 August 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) The Tribunal has determined, by a preponderance of the evidence, that Detainee # is designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee has been a supporter of 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, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #2
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 supporter of 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 evidence presented to the Tribunal by the Recorder indicated that the detainee admitted to voluntarily traveling from Yemen to Afghanistan (AF), associating with Taliban members in a guesthouse in Kandahar, where he stayed for 2-3 weeks, and traveling to Kabul where he stayed in another Taliban guesthouse for an additional week. He was issued a Kalashnikov rifle and spent a month manning the front lines at Bagarah, AF. He spent six months or so working in a rear echelon area hospital, acting as a nurse, and assisting wounded Taliban soldiers. being affiliated with the Taliban, associating with al Qaida-affiliated individuals, and purchasing a Kalashnikov rifle. Further, he was observed on the front line and during the retreat in Afghanistan. He was captured along with Taliban members in Mazar e-Sharif. The detainee chose not to participate in the Tribunal process. He asked for no witnesses nor submitted any documentary evidence through his personal representative.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, D-b, R-1 through R-12

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

The Detainee requested no witnesses; no rulings were necessary.

The Detainee requested no additional evidence be produced; no rulings were necessary.

ISN # _____
Enclosure (1)
Page 1 of 3

5. Discussion of Unclassified Evidence

The Tribunal found the following unclassified evidence persuasive in making its determinations: Exhibit R-3, which indicates that the detainee provided evidence that, after traveling to the "front line," he "saw what was going on and decided to serve the Taliban in any manner..." Exhibit R-2 indicates that the detainee admitted working at a hospital for 6 months as a nurse's aide, helping to care for wounded Taliban fighters (including a man whose leg was removed).

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: Portions of Exhibit R-1. Although paragraph 3b states that "the detainee participated in military operations against the coalition," he denies firing his issued Kalashnikov rifle against coalition forces and there is insufficient unclassified evidence to the contrary.

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. Although the detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a, there is no reason to believe he did not understand his rights. The Tribunal President queried the detainee's Personal Representative on the record and was informed that the detainee had been fully informed of his rights in accordance with the standard procedure followed by all Personal Representatives. Additionally, the Tribunal considered Exhibit D-b, in which the Personal Representative provided the essence of a statement that the detainee asked to him to make on his behalf.

c. The detainee is properly classified as an enemy combatant because he has been a supporter of the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

Colonel, U.S. Marine Corps
Tribunal President

ISN # 
Enclosure (1)
Page 3 of 3

UNCLASSIFIED

Statement On Behalf of The Detainee Given By The Personal Representative

Shortly after my arrival to Kabul, within one week I went into the hospital. I stayed in the hospital for roughly six months prior to my departure from Afghanistan. I never actively fought against the US or coalition forces during my time in Afghanistan.

AUTHENTICATION

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



Colonel, USMC
President, CSRT

ISN # [REDACTED]
Enclosure (3)
Page 1 of 1

UNCLASSIFIED

1803

Detainee Election Form

Date/Time: 31 JUL 04

3 Aug 04
Rec'd to
Schedule
Tribunal
no participant

ISN#: [REDACTED]

Personal Representative: PR6 [REDACTED]
[Name/Rank]

Col Taylor
3 Aug

Translator Required? YES Language? MODERN AFGANIC

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

[REDACTED]
Will Hand
as 1st Pres

Detainee Election:

- Wants to Participate in Tribunal *Elected not to participate at follow-up interview*
- Affirmatively Declines to Participate in Tribunal *←*
- Uncooperative or Unresponsive

Personal Representative Comments:

Individual states he was in hospital but could not remember name of hospital in Kabul or doctor. Will try to remember prior to next interview. Will need to schedule follow-up interview prior to final.

[REDACTED]

Personal Representative

*Please see attached notes for follow-up meeting (20 minutes)
2 AUG 02 (1700-1745)*

Interview Time: 55 min.

EXHIBIT D-a

Notes for Follow-up Interview with ISN# [REDACTED]

During initial interview, detainee stated that he was in hospital in Kabul. But he could not remember the name of the hospital or the doctor that treated him.

The follow-up interview was meant to get more information on the hospital or the doctor. I also planned to go over the evidence that is presented against him again and to verify his intention his desire to make an oral statement.

Combatant Status Review Board

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL-HAJ, Riyad Atiq Abdu

1. Under the provisions of the Department 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 was a fighter for the Taliban supporter.

a. The detainee is a Taliban supporter:

1. The detainee voluntarily traveled from Yemen to Afghanistan.

2. When he arrived in AF, the detainee was picked up in a car by a group of Taliban and driven to Kandahar.

3. Once in Kandahar, the detainee stayed at a Taliban guesthouse for 2 to 3 weeks.

4. Upon arriving in Kabul, the detainee stayed in another Taliban guesthouse, known as Kabul House, for a week.

5. The detainee admitted he agreed to serve the Taliban.

b. The detainee participated in military operations against the coalition.

1. The detainee was posted on the front line in Bagarah for a month, where he carried a Kalashnikov.

2. While the detainee was posted on the front line in Bagarah, he carried a Kalashnikov rifle.

4. The detainee has the opportunity to contest his determination as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Exhibit R1

This exhibit recounts the statements made by Detainee ISN # [REDACTED] to me during interviews:

1. The detainee stated that he did not fight against US forces or its allies.
2. Soon after his arrival to Kabul, ~~he~~ he was in a hospital for approximately 6 months until his departure from Afghanistan.

[REDACTED]

MAJ,
USAF

Personal Representative Review of the Record of Proceedings

I acknowledge that on 10 August 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]

Name

11 AUG 04
Date

[REDACTED]

Signature

ISN # [REDACTED]
Enclosure (5)