

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

EMAD ABDALLA HASSAN,  
*et al.*  
Petitioners,

v.

GEORGE W. BUSH,  
President of the U.S., *et al.*,  
Respondents.

Civil Action No. 04-CV-1194 (HHK)

**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:

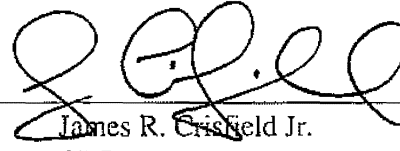
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Emad Abdalla Hassan 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 the names of other detainees, family members of the detainee, and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04



James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0210  
11 October 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH  
RADM, CEC, USN

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

~~FOR OFFICIAL USE ONLY~~

10 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004

(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004

(2) Record of Tribunal Proceedings -

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

a. The detainee was properly notified of the Tribunal process, elected to participate, and made an unsworn statement during the Tribunal.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-6 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 requested that five witnesses be produced to testify at the Tribunal. He claimed that the witnesses would testify that from June 2000 to February 2001 the detainee was a student and was not present in Afghanistan. Since this timeframe predated the period when the detainee was alleged to have been in Afghanistan, the President denied the request for all five witnesses. He determined that their testimony would not be relevant to determining where the detainee was, and what he was doing, after 11 September 2001. In my opinion the President properly denied the request for these witnesses and did not abuse his discretion.

The detainee made no other requests for other evidence.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

UNCLASSIFIED

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

- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.  
CDR, JAGC, USN

UNCLASSIFIED



Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

6 October 2004

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) and (4).

(U) TRIBUNAL PANEL:     #8    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #8 of 13 September 2004] (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened on 28 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 30 September 2004 the Tribunal determined, by a preponderance of the evidence; that Detainee # [REDACTED] is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Al-Qaeda, 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

~~DENY FM: Multiple Sources  
DECLASS: XI~~



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #8  
ISN #: \_\_\_\_\_

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, Al-Qaeda, and was part of, or supportive of that organization as well. 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 an Al-Qaeda fighter who traveled to Afghanistan to fight in the jihad. While there, he trained at the Al-Farouq training camp, and traveled to both Kandahar and Tora Bora in Afghanistan. He was captured by Pakistani authorities. The Detainee chose to participate in the Tribunal process. He requested five (5) witnesses, requested no unclassified or classified documents be produced, and made an unsworn verbal statement. The Tribunal President found the requested witnesses not relevant, and that alternative means of producing the witness's testimony would also not be relevant. The Detainee, for his part, made an oral statement and denied all the allegations listed in Exhibit R-1. Specifically, he denied ever having been in Afghanistan, having any affiliation with Al-Qaeda, or taking part in any hostile actions against Americans.






**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-29.
- b. Testimony of the following persons: Unsworn statement of the Detainee

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

The Detainee requested that the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	Not Relevant	No
	Not Relevant	No
	Not Relevant	No
	Not Relevant	No
	Not Relevant	No

The Detainee, through his Personal Representative, claimed these witnesses were all fellow Detainees in Guantanamo Bay and that they were therefore reasonably available. However, after learning that the witnesses would testify that they were in the same house as the Detainee at a different time (June 2000 - February 2001) than the time the Detainee was said to have been in Afghanistan, the Tribunal President ruled that these witnesses were not relevant to whether the Detainee was properly classified as an enemy combatant because they did not concern the time frame where the Detainee was said to have been in Afghanistan (after 11 September 2001) (Exhibit D-b). After asking the Personal Representative to ensure that the Detainee really did mean the actual dates of June 2000 - February 2001 as opposed to June 2001 - February 2002 (which he did), the Tribunal President therefore denied the witness request. Since the Tribunal President ruled that the witnesses were not relevant, it was not necessary to address the question of whether any or all of them were reasonably available.

The Detainee requested no additional evidence be produced:

#### 5. Discussion of Unclassified Evidence

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

a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony and a sworn affidavit from his brother (Exhibit R-3). In pertinent part, the Detainee's brother said that the Detainee left Yemen in July 2001 to go study in Pakistan, and, to his knowledge his brother the Detainee had never been in

Afghanistan. A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he had never been to Afghanistan, he had never received military training, he was not an Al-Qaeda fighter, and that he had not engaged in hostilities against the United States.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

#### **6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

#### **7. Conclusions of the Tribunal**


Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant, as he is a member of, or affiliated with, Al-Qaeda, and was part of, or supportive of, that organization as well.

#### **8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Marine Corps  
Tribunal President

*The Tribunal President advised the Detainee that his 5 requested witnesses were not relevant to the Detainee's classification as an Enemy Combatant, because the witnesses would testify that the Detainee was a student from June 2000 to February 2001. The time frame that would be relevant would be after September 2001.*

*In response, the Detainee stated:*

If my memory is correct, the only time I spent in Pakistan was from June 2000 until February 2001. I wasn't there after February. I was captured. I was in Pakistan.

I was only there (Pakistan) for only 7 months. After that, I was captured in Pakistan. The whole thing was only 7 months.

**Detainee's Unsworn Statement**

*The Personal Representative read the Unclassified Summary of Evidence, point by point, and the Detainee addressed each point individually.*

- **3(a)(1) The Detainee traveled to Afghanistan to fight in the Jihad.**

I have never been to Afghanistan. I was only in Pakistan for an exact time period of 7 months to go to the University. My passport will educate that because it's all marked in my passport. My passport will prove that I was only in Pakistan once, from this period to that period, and I was captured at the end of that period, so how could I be in Afghanistan?

- **3(a)(2) The Detainee avowed he would follow a fatwa that declared Jihad and would not question the guidance of his leader.**

This statement has no foundation at all. The whole thing was with the interrogator, he said "If you were asked to participate in Jihad, or if one of your leaders asked you to do something, are you going to follow this fatwa?" My answer was negative. Absolutely no. I remember vividly that I told him I don't follow any specific person because I, Emad Abdalla, have my own ideas and philosophy, which I respect and follow. I don't follow anybody else.

- **3(a)(3) The Detainee affirmed that if a leader of his tribe ordered an attack on America, he would be bound by duty to obey.**

This, I can answer from 2 aspects. The first point is, I don't belong to any tribe. As you know, the policy we follow in southern Yemen, there are no tribes or tribe leaders.

Second, we [Detainee and Interrogators] were just discussing and talking about the tribal laws in Yemen. I remember vividly that he [interrogator] asked me "if a

ISN# [REDACTED]  
Enclosure (3)  
Page 1 of 7

tribe leader asks somebody to kill somebody or follow his order, do you think he would follow?" I said yes, he would follow. This is how the tribal laws go. I never said such a thing is related to me. Maybe the translator applied this statement to me just because I am Yemeni.

- **3(a)(4) While in Afghanistan, the Detainee received training at the Al-Farouq training camp.**

The answer to this is exactly the same as the one before. I've never been to Afghanistan.

- **3(a)(5) The Detainee traveled to both Kandahar and the Tora Bora region of Afghanistan.**

The same answer.

- **3(a)(6) The Detainee was arrested by Pakistani authorities in Faisalabad, Pakistan, along with several others living in the same house, who were from Yemen, Saudi Arabia, Palestine, Libya, Russian and Pakistan.**

This is true, but let me make this clear. It is a University dorm, so we have international students from all over the world, so it makes sense that we have so many different nationalities.

#### Questions to Detainee by the Personal Representative


Q: Please describe, for the Tribunal, the course of study you participated in.

A: The study of the Koran. Just from the name of the University, Salifiyah University, it means study of the old science, but mainly the Koran. It is recognized by the Pakistani government. This university is not following any organization or anything. How could this title of "terrorist" be put on us, just like that?

This is a simple and small university. I don't know why they are giving it such a big importance and big attention. It is just a simple, plain university.

If it is proven that I was only at the university, it would, therefore prove that I have never been to Afghanistan. Most of the students escaped from this university. The oldest of them is not even 23. We are all in that age range.

Even when we were captured in Pakistan, the person in charge came and told us we didn't have anything to worry about. He told us that our sheet was clean and we had nothing to worry about.

ISN#   
Enclosure (3)  
Page 2 of 7

Again, this can show clearly that I was at the university and it will clearly show that I was in Pakistan only during this time of study.

**Questions to Detainee by Tribunal Members**

Q: When you were captured in Pakistan, did you have your passport with you?

A: Yes.

Q: Do you know what happened to it after that?

A: They [unknown] brought me a copy over here. It does exist.

Q: Have you seen either the passport or a copy since you've been here?

A: Yes, I saw a copy of it here.

**Questions to Personal Representative by Tribunal Members**

Q: Did you happen to see either the passport or a copy of it while you were preparing the case for the Detainee?

A: No, I did not.

**Questions to Recorder by Tribunal Members**

Q: Are you aware if the passport is in control of the U.S. government here in Guantanamo?

A: No, sir, I'm not aware.

**Questions to Detainee by Tribunal Members**

Q: If we were to see a copy of your passport, what are the dates it would say you are in Pakistan?

A: The date of my entry to Pakistan, the dates I have on my visa, they all exist there. Even in Pakistan, we were received by American investigators. We were interrogated by American interrogators in Pakistan.

Q: How long have you been here at the camp?

A: I really don't know anymore, but most likely 2 to 2 ½ years.

Q: Prior to coming here, you were held in Pakistan for a while?

A: Two months.

Q: Can you estimate roughly how many times you've been interrogated since you've been here?

A: It is very difficult. There have been so many times I can't say a number.

Q: The interrogators have asked you about your association with Al Qaeda?

A: Yes, I believe so.

Q: Have you told them the same thing that you are telling us? You have never been to Afghanistan.

A: Yes.

Q: Then why do you believe you are here?

A: (Laughter) How can you ask me this question? This question should be asked to you.

Q: You've been here almost 3 years. Surely the interrogators have given you an idea of why they believe you should be here.

A: In Bagram, they told me I was definitely going to go home. They told us we were captured by mistake. We're still under the error.

Q: Bagram is in Afghanistan, is it not?

A: Yes, that is true.

Q: So, how long were you in Afghanistan?

A: Nineteen days.

Q: So, after you were captured, you were in Pakistan for a while? Then you were in Afghanistan, and then here?

A: They kept us for 2 months in Pakistan. Then they took us to Bagram, then to Kandahar and then here [Guantanamo Bay, Cuba].

Q: As I understand what you've told us today, the only reason you were in Pakistan is because you were a university student in Faisalabad?

A: Yes, that is true.

Q: Have you ever received any military training?

A: You mean in Pakistan?

Q: In Pakistan or before that.

A: In Yemen, we don't really need any training. Weapons are a normal part of life we see since we are kids.

Q: Are you proficient in any particular types of weapons?

A: We have traditional small swords that we keep here [across the chest] that is something everybody wears. People carry them with them all day and sleep with them. It's something normal.

Q: Have you ever received training on rifles?

A: We carry pistols on our sides. No rifles, just pistols.

Q: Did you have a weapon with you in Pakistan for personal protection?

A: (Laughter) Why would we need personal protection? No, we didn't have anything.

Q: How old are you?

A: 25

Q: Were you arrested with other individuals?

A: Yes.

Q: Other university students?

A: Yes, we were all university students and we were all captured in the same house.

Q: Can you estimate the number? How many were with you?

A: Approximately 12-15.



- Q: Was that the population of your university, or were there other houses with students? Were you just a small element, or was that pretty much the student body?
- A: I don't know if there were other houses for students. You'll have to ask the administration of the university.
- Q: How large was your university? How many students?
- A: There were a lot of students, by the hundreds I would say.
- Q: Do you have any reason to suspect that the local authorities had a problem with your particular house?
- A: The problem is, they told us themselves that "we captured you by mistake and we are going to free you."
- Q: Do you know what may have happened to some of your fellow classmates?
- A: How?
- Q: I don't know, that's why I asked you. If you don't know, that's fine.
- A: Do you mean the ones that were captured with me?
- Q: Yes.
- A: They are all here with me.

#### Detainee's Unsworn Statement

There is one important piece of information. If you determine that I was in Pakistan, this will determine that I was never in Afghanistan. Since all of the accusations are based on that, that will clear that up.

For example, if [redacted] [Detainee] is here now. It is impossible that one guard will come here and tell us that [redacted] [Detainee] is in the cell. That means, definitely he [the guard] is lying because you can't split a man in two parts.

Even the interrogators in Pakistan told me that they have the proof that I was registered [as a student] and all that is true, so that means I was in Pakistan. And he [interrogator] told me they came to the conclusion that we were effectively students at that university. It was very precise and determined.

So, if it has been proven I was at the university, there is no way I could be in Afghanistan. It has been proven. An interrogator told me and confirmed to me that they concluded and verified that we were students at that university.

This proof is solid and strong. The rest has no foundation whatsoever. This is all that I have.

AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Tribunal President

**DETAINEE ELECTION FORM**

Date: 14 Sep 04

Start Time: 1400

End Time: 1450

ISN#: [REDACTED]

Personal Representative: [REDACTED] L/COL, USAF  
(Name/Rank)

Translator Required? YES Language? ARABIC

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

**Detainee Election:**

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

**Personal Representative Comments:**

Detainee will participate - to some extent.

Detainee has no lawyer/legal rep

Denies all allegations

Personal Representative: [REDACTED]

DETAINEE ELECTION FORM

Date: 16 Sep 04

Start Time: 0948

End Time: 1006

ISN#: [REDACTED]

**Personal Representative Comments:**

After contemplating the unclassified summary charges, Detainee has now requested 5 witnesses:

Witness #1 - [REDACTED]

Witness #2 - [REDACTED]

Witness #3 - [REDACTED]

Witness #4 - [REDACTED]

Witness #5 - [REDACTED]

All these witnesses are among those referred to in the unclassified summary as living in the same house at time of arrest.

All are supposedly in the camp here at GITMO somewhere. This needs research.

22 Sept - Final Interview 1845 -1920- Briefed denial of witness request.

Letter from brother read to detainee as it is part of unclass. File.

MEMORANDUM FOR THE RECORD

Date: 17 Sep 2004

Subject: Witness Relevance for Detainee ISN [REDACTED]

Detainee requested witnesses that could confirm his story of being a student and never being in Afghanistan during the period of June 2000 until February 2001. These dates and confirmation of status during this time would be irrelevant to his actions and whereabouts after Sep 2001, which would be the time frame for consideration in determining his Enemy Combatant Classification. Therefore the witnesses requested by ISN [REDACTED] are considered to be not relevant and will not be called.

[REDACTED]  
Colonel USMC  
Tribunal President

EXHIBIT D-B

## Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (01 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – HASSAN, Emad Abdalla

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 Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of Al Qaeda.
  - a. The detainee is an Al Qaeda fighter:
    1. The detainee traveled to Afghanistan to fight in the Jihad.
    2. The detainee avowed he would follow a fatwa that declared Jihad and would not question the guidance of his leader.
    3. The detainee affirmed that if a leader of his tribe ordered an attack on America, he would be bound by duty to obey.
    4. While in Afghanistan, the detainee received training at the Al-Farouq training camp.
    5. The detainee traveled to both Khandahar and the Tora Bora region of Afghanistan.
    6. The Detainee was arrested by Pakistani Authorities in Faisalabad, Pakistan, along with several others living in the same house, who were from Yemen, Saudi Arabia, Palestine, Libya, Russian and Pakistan.
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 09/08/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
OSC [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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

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

FD-302 dated 06/19/2002

---

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/08/2004

If you need additional assistance, please contact On  
Scene Commander [REDACTED]  
[REDACTED] or Intelligence Analyst  
[REDACTED]



Affidavit of 

Comes now,  under oath, and makes the following statement in Sana'a, Yemen:

I am the brother of Imad Abdullah Hassan who is in Guantanamo Bay. There are seven boys and six girls in the family. Our father is self-employed.

Imad was born in 1979. Before he left us, he finished his local school, and he wanted to do further study. He liked to read, play football, and write poetry. For example, my brother wrote a poem for our mother from Guantanamo Bay, which goes something like the following:

Mother, my longing for you has consumed my heart

I swear by all Creation I don't know how I can talk to you

In the night in my waking dreams I feel your love

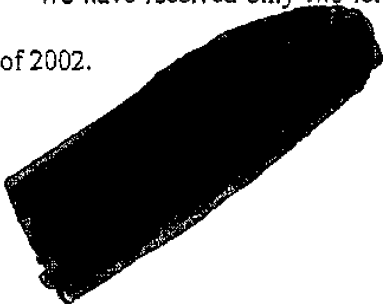
Saying always, where is Imad?

All other here have received letters that soothe the heart,

Yet I, suffering, live in my loneliness far away

He left the country in July 2001 to go to study in Pakistan. He used to call us from Pakistan roughly once or twice a month, even a year after the Afghanistan war. He always called from Pakistan, and to my knowledge he was never in Afghanistan. Then the calls stopped.

We have received only two letters or cards from Imad. The first one was at the end of 2002.

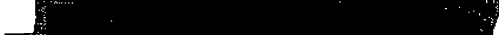


He had a wonderful relationship with the family, and his loss to us has had a terrible impact. Our mother does not eat like she used to, she is very sad. Looking at her makes me very sorry.

I know that my brother would want me to take whatever steps I could on his behalf and I wish to act as his next friend in court.

Signed this 11<sup>th</sup> day of April, 2004:



Witnessed: 

**Personal Representative Review of the Record of Proceedings**

I acknowledge that on 5 October 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]  
Lt Col, USAF

5 Oct 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)