

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RAMI BIN SAID AL TAIBI,

Petitioner,

v.

GEORGE W. BUSH,

President of the United States,

et al.,

Respondents.

Civil Action No. 05-0023 (RWR)

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 (OARDEC) at U.S. Naval Base Guantanamo Bay, Cuba. 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 Rami Bin Said Al Taibi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. An OARDEC staff member redacted information that would personally identify family members of the detainee as well as certain U.S. Government personnel in order to protect the personal security of those individuals. The OARDEC staff member also redacted internee serial numbers because certain combinations of internee serial numbers with other information relates to sensitive internal

detention and intelligence operations that is not suitable for public release.

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

Dated: 14 April 2005



Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 723^{*}
23 JAN 2005

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From: Director, Combatant Status Review Tribunal

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

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

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

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

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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2124

18 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [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 #20 of 8 November 2004
(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and elected to participate. *See* exhibit D-a. The detainee also provided the Tribunal with an unsworn statement that was considered by the Tribunal in its deliberations.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b).

d. The detainee requested 2 witnesses through his Personal Representative. The Tribunal found the witness to be relevant and directed that the Personal Representative submit a request to the U.S. State Department to locate the witness in Saudi Arabia. *See* Enclosure (5). The Personal Representative contacted Saudi authorities, requesting help finding the two witnesses the detainee requested. The requests went unanswered; therefore, the Tribunal president determined that the two witnesses the detainee requested were not reasonably available. In my opinion, the Tribunal president's decision was proper.

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

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

UNCLASSIFIED

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

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

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



Department of Defense
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

15 December 2004

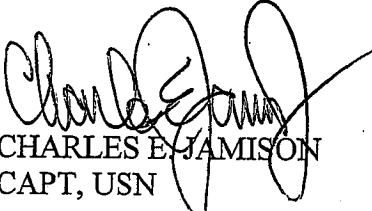
MEMORANDUM FOR DIRECTOR, CSRT

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.


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: #20

(U) ISN#: [REDACTED]

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

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Memorandum for the Record of 13 October 2003 (U/FOUO)
(6) (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 15 November 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 Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

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

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

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #20
ISN #: [REDACTED]

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 part of or supporting al Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners. 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 Tribunal held this hearing on 15 November 2004. The Recorder presented Exhibits R-1 through R-3 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that: the detainee is associated with Al Qaida; the detainee traveled to Afghanistan from Saudi Arabia in approximately August of 2001; the detainee received training at a terrorist training camp in Afghanistan; the detainee's name was included in a computer file recovered from an Al Qaida safehouse in Islamabad that listed prisoners currently incarcerated in Pakistan; the detainee's name was found in a document recovered from an Al Qaida safehouse in Karachi; the detainee's name was listed as Al Qaida mujahidin who had not yet completed training in a document recovered from an Al Qaida safehouse in Rawalpindi, Pakistan; and one of the detainee's known aliases was on a list of captured Al Qaida members that was discovered on a computer hard drive associated with a senior Al Qaida member. The Recorder called no witnesses.

The detainee participated actively in the Tribunal proceedings. He made an unsworn statement that the allegations in the Unclassified Summary of Evidence were false, asserting instead that he had traveled to Afghanistan as a tourist for the purpose of observing the Taliban's practice of Islam. He then answered questions posed by Tribunal members. The detainee's unsworn testimony and the answers to the questions posed to him are summarized in Enclosure (3) to the CSRT Decision Report. The detainee presented no other evidence.

During the classified session of the Tribunal, the Recorder presented Exhibits R-2 through R-10 without comment. The Personal Representative neither presented classified exhibits nor made any comments on the classified evidence. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-10, and D-a.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

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

The Detainee requested two witnesses, his father and Abdul Aziz Al Al Shaikh, both citizens of Saudi Arabia who reside in Riyadh. The Tribunal President approved the witness request on 13 October 2004. See Enclosure (5) to the CSRT Decision Report. The U.S. State Department then posed a number of requests to the Saudi Arabian Embassy, asking for their assistance in contacting the witnesses. Those requests to the Saudi Embassy went unanswered. Therefore, the witness requests were denied at the hearing on the grounds that the witnesses were not reasonably available. The Tribunal did ask the Detainee to proffer what the witnesses would say if called to testify. The Tribunal accepted that the witnesses would have testified as the Detainee described, had they attended.

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 Exhibit R-1 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to other evidence to support the assertions in the Unclassified Summary of Evidence.

b. As noted in paragraph 2, above, the Detainee made an unsworn statement, responding to each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee denied being a member of the Taliban or Al Qaida. He argued that he was in Afghanistan as a tourist, for the purpose of observing the Taliban's implementation of Islamic law. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding an allegation made by the detainee in one of the classified exhibits reviewed by the Tribunal. As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 15 November 2004.

7. Conclusions of the Tribunal


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

- a. The detainee 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 and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida and associated forces that are engaged in hostilities against the United States or its coalition partners.

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 and had no questions.

The Tribunal President states to the detainee that the two witnesses the detainee asked for previously have been notified and that as of 11 November 2004 no statement has been sent on the behalf of the detainee. The detainee understood the two witness have not made a statement after three attempts.

The Recorder presented Exhibits R-1 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 Detainee did not want to take the Muslim oath.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. The detainee is associated with al Qaida.

Detainee: I have not relationship what so ever between Al Qaida and me. Even the time that I spent in Afghanistan would allow me to have a relationship with them. My goal was not to be related with al Qaida.

3.a.1. The detainee traveled to Afghanistan from Saudi Arabia in approximately August of 2001.

Detainee: My traveling to Afghanistan was a natural process. It was an Islamic country and going there was normal.

3.a.2. The detainee received training at a terrorist camp in Afghanistan.

Detainee: The training was religious it had nothing to do with terrorist group. If it happened I would have no problem telling you. It didn't happen. I stayed there for 20 days before 9-11. Even if I were to get training there I didn't have time or the chance too. After 9-11 there was a war and there was no more training.

3.a.3. The detainee's name was found in a document recovered from an al Qaida safe house in Islamabad that listed prisoners currently incarcerated in Pakistan.

Detainee: I was captured in Ok that doesn't mean I have any relationship with Al Qaida. My name was found under the captured of the detainee's captured. This is no problem to me my name was found there I don't see any problem with that. I am here in Cuba and my name is written here and it is stated that I am a detainee does that mean I am a detainee with Al Qaida?

3.a.4. The detainee's name was found in a document recovered from an al Qaida safe house in Karachi.

Detainee: I have no idea about this allegation. I have not heard it from the interrogators and I have no idea. I haven't given my name to anybody. After I was captured in Pakistan I gave my name to everyone so that they can tell my father since then they have probably found my name. I am not sure how my name was brought up.

3.a.5. The detainee's name was listed as al Qaida Mujahidin who had not yet completed training in a document recovered from an al Qaida safe house in Rawalpindi, Pakistan.

Detainee: This is not my name, I am sure this is not my name. I don't know anything about it. I am one hundred percent sure it's not me. I am sure my name isn't there.

3.a.6. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.

Detainee: I have no idea what so ever about this list of names. This is not true I have not alias name.

Tribunal President: Does this conclude your statement Rami?

Detainee: After about three years in prison, a lot of things happened. I have been able to mature. I wish I never had visited Afghanistan. I hope in the future I would be a better person.

Personal Representative: Are you the only son in your family?

Detainee: Yes.

Personal Representative: Is there some significance regarding in being the only son in Jihad?

Detainee: If you are the only son/male child in the family you are exempt in going to Jihad.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Did you originally go to Afghanistan for Jihad prior to September 11?

A. I have Hathwa that I don't go to Jihad, I am the only male person in my family. I am exempt to go to Jihad.

Q. Why did you go to Afghanistan?

A. It was my first time it was for tourism. To visit.

Q. When did you entered to Afghanistan?

A. 2 or 3 weeks before 9-11.

Q. When did you leave Afghanistan?

A. During the month of Ramadan.

Q. What did you intend to see as a tourist in Afghanistan?

A. Just to confirm that Taliban Islamic.

Q. Do you contact the Taliban?

A. They exist on roads everywhere and anywhere.

Q. Did anyone try to recruit you in armed forces of Taliban?

A. No.

Q. Have you ever had any military training?

A. I am a civilian, I am a civil person I didn't get any training on any military process.

Q. You requested that your father to be here. What would he have told us if he were here?

A. He would tell that I went to Afghanistan. To tell you I was exempt from being involved with the Jihad. He allowed me to go on vacation for about 3 weeks.

Q. What about your witness, what he would he tell us?

A. He is a big chief there and he is the one that gave me the Hathwa to be exempt from the Jihad. I cannot do the Jihad I am the only male I am exempt. I had vacation for three weeks the University.

Tribunal President's questions.

Q. What was the camp name that you attended while in Afghanistan?

A. There was not camp.

Q. You said you attended a religious camp.

A. There was not camp there. I was at a Mosque. I was on the street, I met people.

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Q. Where did you go in Afghanistan? What cities?

A. Kandahr.

Q. When you were ready to leave Kandahr where did you go?

A. Go back to Saudi Arabia

Q. How did you get out of Kandahr?

A. Car.

Q. You traveled through towns and cities?

A. I tried to go back to the border but the border was closed. There were a lot of Pakistani military everywhere. This would detain my going out of Afghanistan.

Q. Where were you captured?

A. Inside Pakistan.

Q. So you did cross the border?

A. Yes, I did in a difficult situation.

Q. Through the Tora Bora mountains?

A. I just crossed the boarder not the mountains.

Q. How did you pay for your trip?

A. I had money.

Q. Did you have a passport?

A. Yes, of course.

Q. Did you have your passport when you were captured?

A. No.

Q. What happened to your passport?

A. I gave it to a member in Saudi's Council.

Q. In Afghanistan?

A. In Pakistan.

Q. You were not captured right away?

A. It was only days before then they captured me.

Q. What location in Pakistan were you captured?

A. Inside a city called Kuhat.

Q. Where were you staying in Kuhat?

A. With a Pakistani man.

Q. Was it a hotel, guesthouse?

A. I was a guest at this Pakistani mans house.

Q. Did you have help crossing the border?

A. Of course.

Q. You had a guide?

A. I was riding in a car with an Afghan man

Q. Was that the same guy you were with before getting captured?

A. No.

Q. How did you meet this guy you stayed with in Pakistan?

Detainee: The questions are increasing now and I think you are asking too many questions.

Tribunal President: The reason you are hear is for us to get answers to get the right decision. It is up to if you want to answer the questions or not.

Detainee: What was the last question you asked.

Q. Did you know the Pakistani guy that you stayed with?

A. We are Muslims and we help each other.

Q. How did you know him?

A. The same man that was with me in the car. That is how we met in the car.

Q. Did you have a weapon with you when you crossed the border?

A. No, I didn't.

Q. Did you have any weapons in Afghanistan?

A. I never had any personal weapons.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

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

DETAINEE ELECTION FORM

Date: 13 OCT 04

Start Time: 0730

End Time: 0900

ISN#: [REDACTED]

Personal Representative: [REDACTED] LTC, US ARMY
(Name/Rank)

Translator Required? Y 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 provide an oral statement regarding the allegations. He has requested two
witnesses. 1. Abdul Aziz Al Al Shaik, the Head of the Religious Decrees Dept at King Saud
University, Riyadh- he can tell us that the detainee was only going to go on a three week vacation
to AF, that the school provided money for this vacation. 2. His father [REDACTED] who lives
in Riyadh, will confirm the three week vacation and he also provided money. The father will also
be able to confirm the detainees assertion that when the war started and the borders closed, that he
called his father to tell him of the difficulties of getting out of AF. Fathers phone number is [REDACTED]
[REDACTED]

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (01 October 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL TAIBI, Rami Bin Said.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with al Qaida.
 - a. The detainee is associated with al Qaida:
 1. The detainee traveled to Afghanistan from Saudi Arabia in approximately August of 2001.
 2. The detainee received training at a terrorist training camp in Afghanistan.
 3. ~~The detainee's name was included in a computer file recovered from an al Qaida safehouse in Islamabad that listed prisoners currently incarcerated in Pakistan.~~
 4. The detainee's name was found in a document recovered from an al Qaida safehouse in Karachi.
 5. The detainee's name was listed as al Qaida Mujahidin who had not yet completed training in a document recovered from an al Qaida safehouse in Rawalpindi, Pakistan.
 6. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit RI
2140

171

Copy

MEMO FOR RECORD
TO: PR #52
FROM: TRIBUNAL # 7

13 October 2004

SUBJECT: ISN # [REDACTED] Request For Witnesses/Documents

The Tribunal reviewed the request from Detainee # [REDACTED] to contact Abdul Aziz Al Al Shaik, the Head of the Religious Decrees Dept at King Saud University, Rijadh and the detainee's father, [REDACTED] who lives in Rijadh. Abdul Aziz Al Al Shaik and the detainee's father will testify the detainee was on a three-week vacation in Afghanistan. Detainee # [REDACTED] father will also testify that the detainee called his father and discussed the difficulties of getting out of Afghanistan.

The Tribunal has determined Detainee # [REDACTED] witness requests may be relevant if the detainee denies the allegations on the unclassified summary. If this is the case then the requests for witnesses are deemed relevant, reasonable and approved. Recommend you offer the opportunity for the witnesses to submit their statements in writing. In order to process this request expeditiously, addresses, telephone numbers and directions are required. The State Department will contact the Saudi Arabian Government and inform them of Detainee # [REDACTED] request.

[REDACTED]

COL, USA,
Tribunal President

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 # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED] LTC
Name

18 NOV 04
Date

[REDACTED]
Signature



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 730
23 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 324

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 #324 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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14 Jan 05

MEMORANDUM

From: Assistant Legal Advisor

To: Director, Combatant Status Review Tribunal

Via: Legal Advisor *SL*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 324

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

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

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

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate. *See* exhibit D-a.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-4 and R-5 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee #324 is properly classified as an enemy combatant was unanimous.

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

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

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

2145

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Department of Defense
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

08 December 2004

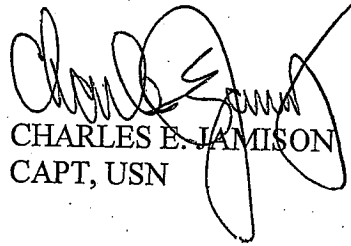
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 324

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #20

(U) ISN#: 324

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


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

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

2. (U) On 13 November 2004, the Tribunal determined by a preponderance of the evidence that Detainee #324 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 al Qaida forces, as more fully discussed in the enclosures.

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


Colonel, U.S. Army
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #20
ISN #: 324

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 part of or supporting Taliban and al Qaida forces. 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 Tribunal held this hearing on 13 November 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates that: the detainee is associated with the Taliban or al Qaida; the detainee, a citizen of Saudi Arabia, traveled by plane to Quetta, Pakistan where he contacted the Taliban for assistance in traveling to Afghanistan; the detainee met with an al Qaida recruiter in Kandahar, Afghanistan; the detainee traveled to Jalalabad, Afghanistan and stayed for one year and purchased a Russian Makrof pistol and traveled to the frontlines near Kabul; the detainee's roommate was a suicide bomber responsible for the USS Cole bombing; the detainee fled Jalalabad in order to avoid the United States bombing campaign and later turned himself in to Pakistan forces. The Recorder called no witnesses.

The detainee did not attend the Tribunal and affirmatively declined to participate. He also did not provide the Personal Representative with any statements or evidence to present on his behalf. The detainee's decision is reflected on the Detainee Election Form (Exhibit D-a). The Personal Representative presented no evidence and called no witnesses.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-14 and commented on the evidence. The Personal Representative presented no classified evidence and made no comments on the classified exhibits. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

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ISN #324
Enclosure (1)
Page 1 of 3

2149

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-14 and D-a.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

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

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Recorder offered 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, the FBI redaction request provided no useful information. Because there was no unclassified evidence other than Exhibit R-2 for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions. 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

None.

7. Conclusions of the Tribunal

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

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-a.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

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ISN #324
Enclosure (1)
Page 3 of 3

2151

DETAINEE ELECTION FORM

Date: 5 Nov 2004

Start Time: 1500

End Time: 1530

ISN#: 324

Personal Representative: [REDACTED] MAJOR, 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 does not wish to participate in the tribunal process.

Detainee does not wish to call any witnesses to testify on his behalf.

Detainee does not wish personal representative to say anything on his behalf.

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (28 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL SABRI, Mashur
Abduallah Muqbil Ahmed

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, a citizen of Saudi Arabia, traveled by plane to Quetta, Pakistan where he contacted the Taliban for assistance in traveling to Afghanistan.
 2. The detainee met with an al Qaida recruiter in Kandahar, Afghanistan.
 3. The detainee traveled to Jalalabad, Afghanistan and stayed for one year and purchased a Russian Makrof pistol and traveled to the frontlines near Kabul.
 4. The detainee's roommate was a suicide bomber responsible for the USS Cole bombing.
 5. The detainee fled Jalalabad in order to avoid the United States bombing campaign and later turned himself in to Pakistan forces.
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

2153
21

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

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


IA

Personal Representative Review of the Record of Proceedings


I acknowledge that on November 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #324.

I have no comments.

My comments are attached.


Name MAJor, USAF

17 NOV 2007
Date


Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABD AL HADI OMAR MAHMOUD FARAJ,)
)
)
Petitioner,)
)
v.)
)
GEORGE W. BUSH, *et al.*,)
)
Respondents.)
_____)

Civil Action No. 05-1490 (PLF)

DECLARATION OF TERESA A. McPALMER

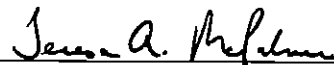
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Abd al Hadi Omar Mahmoud Faraj 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 and foreign nationals in order to protect the personal privacy and security of those individuals.

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

Dated: 22 December 2005



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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 624

16 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 329**

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 #329 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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12 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 329

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

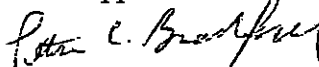
Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and elected to participate.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee did not request that any witnesses or evidence be produced .
- e. The Tribunal's decision that detainee #329 is properly classified as an enemy combatant was unanimous.
- f. The Personal Representative declined to submit post-tribunal 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


PETER C. BRADFORD
LT, JAGC, USNR

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2159



Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

22 November 2004

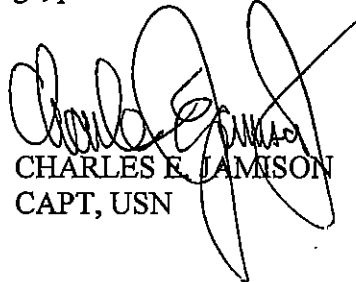
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 329

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

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



CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #12

(U) ISN#: 329

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

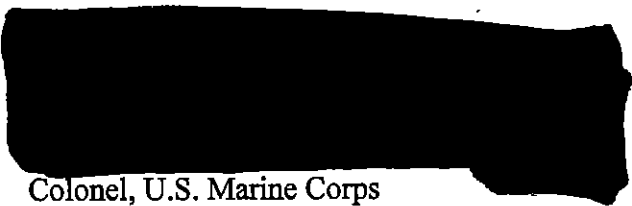
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U/~~FOUO~~)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review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

1. (U) This Tribunal was convened on 29 October 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 29 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #329 is properly designated as an enemy combatant, as defined in reference (c).

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

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



Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #12
ISN #: _____ 329

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 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 traveled from Syria to Afghanistan via Iran in 2000 and stayed at a guesthouse located in Kabul, Afghanistan where the host made training available to people going to fight the coalition forces. The Detainee's name appears on a document recovered from a suspected al Qaida safehouse and a [REDACTED] provided information that the Detainee joined an al Qaida training camp upon arrival in Afghanistan. The Detainee chose to participate in the Tribunal process. The Detainee, in his verbal statement, agreed that he traveled to Afghanistan, but only to find employment, and he stayed at a house catering to Syrians but never saw any weapons. He denies that it was his name discovered on the document recovered in the al Qaida safehouse and he denies training in any camps.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, D-b*- and R-1 through R-10.
- b. Testimony of the following persons: Sworn statement of the Detainee

*Exhibit D-b is a submission of the Personal Representative's notes resulting from his interview of the Detainee.

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

The Detainee requested no witnesses or any additional evidence be produced, therefore, no ruling 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 left Syria because he just wanted to find employment in Afghanistan as a butcher, a trade he learned and performed in Syria. He could not make enough money in Syria to buy a house and start a family. He could not find work as a butcher in Afghanistan but he worked for four months in a small store and quit. He was unemployed for at least four months. The owner of the house, who was a refugee himself, helped him with money and this permitted him to attend classes in Islam, something he did out of boredom. After the "fall of Afghanistan," Arabs were being killed, so he fled to Pakistan, where he was captured at the border. The Tribunal considered the Detainee's testimony as well as Exhibit D-b but found it not credible in pertinent part, as it was substantially contradicted by the weight of the other evidence submitted, as discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

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

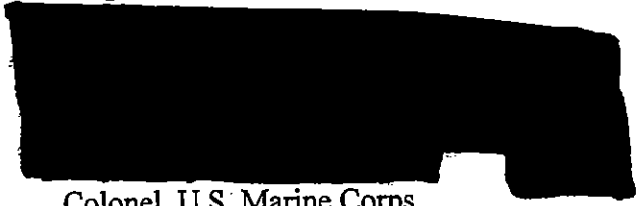
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- 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 and was part of, or supporting, al Qaida, which is engaged in hostilities against the United States and its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

The Detainee was sworn.

The Personal Representative made the following statement on behalf of the Detainee, and addressed each point on the Unclassified Summary.

- **3(a) The Detainee is associated with the Taliban and Al Qaeda.**

This statement is not true.

- **3(a)1 Originally from Syria, the Detainee arrived in Afghanistan in 2000 after spending several months in Iran.**

This is correct, but I entered Afghanistan alone, and no one came with me. I was trying to find work in Iran, but couldn't find any, so I went to Afghanistan. When I went to Afghanistan, I didn't know anything about fighting going on there. What kept me there was the lack of money to travel to Pakistan.

- **3(a)2 The Detainee stayed in a house reserved for Syrians, which was located in Kabul, Afghanistan.**

This statement is true; there were seven Syrians that stayed there. The house belonged to another guy, who was also a refugee. He had no ties to the Taliban. The reason the owner came to Afghanistan was because it was an Islamic country.

- **3(a)3 The host of the house made training available to people going to fight coalition forces.**

This statement is not true. When I was there, I never saw any weapons and no one carried one. The people from the Red Cross, who lived in the neighborhood around the house, knew that all of us were not fighters or Taliban, just refugees.

- **3(a)4 The Detainee's name or alias appears on a document recovered from safehouse raids on suspected Al Qaeda.**

This statement is not true. My interrogator brought that paper to me and told me "this is your name," but it is not my name. The name on the paper is Abu Omar Mohammad. My name is Abu Omar Al-Hamawe. There is no one named Mohammad in my family.

- **3(a)5 A foreign intelligence organization has provided information that indicates that the Detainee joined an Al Qaeda training camp upon arriving in Afghanistan.**

This statement is not true. The interrogator said that I had trained in Kandahar; I don't even know where that is. I never went to any camp to train.

Tribunal Members Questions to Detainee

Q: You are originally from Syria. Is that correct?

A: Yes, that is true.

Q: What were you doing in Syria before you left to go to Iran?

A: I was a butcher.

Q: Was that not sufficient to make a living in Syria?

A: It was sufficient, but I'd never be able to make enough to get my own house and to get married.

Q: So, what kind of work were you looking to find in Iran?

A: The same line of work.

Q: The Iranians would allow people from outside their country come look for work, when they have so many people trying to find work themselves?

A: I worked in Iran for a short period of time. It didn't work out very well for me, and I left.

Q: Your intent was to go to Pakistan after that?

A: My intention was to stay in Afghanistan for a little while and then go somewhere else, but the money issue didn't help me. A friend of mine promised to send me money from outside Afghanistan to help me get out.

Q: But he didn't?

A: Because of the problems that happened, we just left.

Q: Do you remember what time frame you entered Afghanistan?

A: I don't remember exactly, but it was the end of 2000 or the beginning of 2001.

- Q: Did you find work in Afghanistan when you first arrived there?
- A: Yes. I stayed in the house for approximately four months and then I found a job in the store. I worked in the store for about four months, but not for the money. It was just to get out. The money was very little. I worked there for fun and to interact.
- Q: If you didn't make enough money working in the store, how were you ever going to make enough to leave Afghanistan?
- A: As I told you, I was waiting for money to come in from the outside; I wasn't counting on the money from the store. I just worked there for entertainment and for interaction.
- Q: Were your decisions to go from Syria to Iran and then to Afghanistan based on religious reasons?
- A: No, it wasn't based on religion. My plan was to go to Iran, hopefully make enough money and then go to Saudi Arabia. When I was stuck in Iran, because I didn't have enough money, I couldn't go to Syria and I couldn't stay there, so that's why I went to Afghanistan.
- Q: Did you say part of your plan was to go to Iran and then Saudi Arabia?
- A: Yes, that's true. Going to Saudi Arabia is not easy. You need a lot of money; you have to get a visa and permits. That's why I was trying to get money in Iran.
- Q: So, while you were working in Afghanistan, you stayed at the house with the other Syrians?
- A: Yes.
- Q: What did they do for a living?
- A: The owner of the house was a refugee and he used to get money from his family. Most of the others were refugees as well and they just used to study.
- Q: So, they just relied on the generosity of the owner?
- A: They also used to receive help from their homes.
- Q: Did the government authorities ever approach you, or other people in the house, and ask you to do things for them?

A: No.

Q: When did you first realize that Afghanistan was in the middle of a civil war?

A: When I went to Afghanistan, there was no civil war. I don't know if it was in another area of Afghanistan, but it wasn't in the place I was.

Q: What caused you to leave Afghanistan?

A: After the fall of Afghanistan, I had to leave because the Northern Alliance was killing Arabs and all of the Arabs were targets.

Q: Even then, the Taliban didn't try to make you fight for them?

A: I never heard the Taliban asking us to do anything for them, besides we had no connection whatsoever with the Taliban.

Q: Please describe the circumstances of how you were captured.

A: We had an Afghani guide take us from Afghanistan to Pakistan. We got close to the border and there were three or four thousand soldiers between the Afghanistan/Pakistan border. They asked me for my passport and my documents; I told them I didn't have them. After that they took us and I thought they were going to deliver us to our country's embassy, but instead they delivered us to the Americans.

Q: Did any Syrian embassy representatives come to visit you?

A: No, because we only stayed one day in Pakistan. Our capture was around noon, and by the time we were taken to another area, it was night. The next day, they took us to another prison where they delivered us to the Americans. The whole thing was just one day.

Q: Why didn't you have your passport and documents with you when you left Afghanistan?

A: My documents were in the house. I was sick that day, so I went to get some medical attention. On my way back, I met a Palestinian and he asked me where I was going. I told him, and he said the Northern guys were already there, so I left with him in the car.

I didn't have a chance to go back to the house and get my passport, plus I wasn't really thinking of that, I was just thinking of getting out.

Q: You didn't have anything with you when you left? No money? No weapons? Just what you were carrying?

A: I had a little money, that's all.

Q: Have you ever seen your passport again?

A: No.

Q: Have you ever had any military training at all, in your life?

A: No, never. In my life, I've never carried a weapon. Not in Syria, Iran or in Afghanistan.

Q: In the house with the other Syrians, you said your neighbors were Red Cross. What Red Cross organization is that?

A: I said that all the houses had families and kids; all refugees. The Red Cross was around because Red Cross helps people.

Q: The International Red Cross, or an Islamic version of the Red Cross?

A: I don't know. I think it was the International because I don't know the difference. I just saw the Red Cross on the cars and the houses. I assume it was the International.

Q: You said you were expecting money from Syria. Who was going to send you that money?

A: No, the money wasn't going to come from Syria; it was going to come from Saudi Arabia. I used to have a friend that would visit us and he went to Saudi Arabia and promised he's send money from there.

Q: So, it was a friend?

A: He was a friend who used to come play dominos.

Q: Do you remember his name?

A: I really don't remember his name, but I had his address and phone number in my wallet when I was in Afghanistan.

Q: What city did he live in?

A: It's all in the paper. I really don't remember. I don't really know the areas of Saudi Arabia, I just hear about it from the guys here that someone is from Riyadh, that's all.

Q: Are you very religious?

A: I'm just a normal Muslim. I'm not an extremist; I just pray and fast.

Q: Were you aware of any of the fatwas that were looking for people to come to Afghanistan?

A: I didn't hear of any fatwas. I just went there because everyone there is Muslim.

Q: Where in Afghanistan were you located?

A: I was in a village in Kabul. The house was close to the Pakistan embassy in Kabul.

Q: That wasn't very far from Jalalabad and Pakistan? Pretty close to where you wanted to go?

A: The only time I went to Jalalabad was when Kabul fell into the Northern Alliance hands. It's about a six-hour drive from there to Pakistan.

Q: When you were working as a butcher in Afghanistan, whom did you work for?

A: I wasn't working in a butcher shop in Afghanistan; it was just a convenience store.

Q: What was the owner's name?

A: He was an Algerian guy, but the guy that worked in the store was a Pakistani named [REDACTED]. This Pakistani guy used to know the dialects of Pashtu, Dari and all those languages.

Tribunal President's Questions to Detainee

Q: What was the total number of months you stayed in Afghanistan?

A: It was less than a year, maybe 10 or 11 months, but definitely less than a year.

Q: How long did you work in the convenience store?

A: Approximately four months.

- Q: What other types of employment did you have in Afghanistan?
- A: I didn't have any other job. I just attended classes on Islam and the Koran about religion and all things related to prayer. I just wanted to learn and I wanted some entertainment because I was bored sitting in the house all day.
- Q: The house you stayed in, did you have to pay rent or buy your own food?
- A: Yes, we used to all participate and give something. Some of us received help from home, but mostly the owner of the house used to get a lot of help from his home in Syria.
- Q: Who was the owner of the house?
- A: His name is [REDACTED]
- Q: You indicated he was a refugee as well?
- A: Yes, he was a refugee in an Islamic country. He was an immigrant to an Islamic country.
- Q: What was the total number of people that lived in this house?
- A: Seven.
- Q: When you were captured by the Northern Alliance, how many people were with you?
- A: I wasn't captured by the Northern Alliance; I was captured by the Pakistanis.
- Q: Oh, how did you get into Pakistan?
- A: He just asked me a few minutes ago. We went to the village at the border between Afghanistan and Pakistan and that's how we got captured.
- Q: Please tell me again, how many were with you when you were captured by the Pakistani authorities?
- A: Four of us.
- Q: Were they also Arabs?
- A: Yes, Syrian Arabs and they are all here.
- Q: You knew them all?

A: Yes, and they are all here.

Q: Were these the same individuals that stayed in the house with you?

A: Yes.

Detainee: You mentioned that a foreign country said that I went to...who is this foreign country and where did they get this information?

Tribunal President: We don't know that either, at this point.


Detainee: How?

Tribunal President: It may be identified to us when we look at the classified evidence.

Detainee: Okay, good.

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

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (06 October 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – FARAJ, Abd Al Hadi Omar Mahmoud.

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 and al Qaida.

The detainee is associated with the Taliban and al Qaida:

1. Originally from Syria, the detainee arrived in Afghanistan in 2000 after spending several months in Iran.
 2. The detainee stayed in a house reserved for Syrians, which was located in Kabul, Afghanistan.
 3. The host of the house made training available to people going to fight coalition forces
 4. The detainee's name or alias appears on a document recovered from safehouse raids on suspected al Qaida.
 5. A foreign intelligence organization has provided information that indicates that the detainee joined an al Qaida training camp upon arriving in Afghanistan.
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.

Exhibit R-1

UNCLASSIFIED

2173
Pg 19/1

UNCLASSIFIED -

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/01/2004

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

UNCLASSIFIED

-2-

2/2

2177

Detainee Statement #329

3. a. This statement is not true.

1. This is correct, but I entered Afghanistan alone, no one came with me. I was trying to find work in Iran, but couldn't find any, so I went to Afghanistan. When I went to Afghanistan, I didn't know anything about fighting going on there. What kept me there was the lack of money to travel to Pakistan.

2. This statement is true; there were seven Syrians that stayed there. The house belonged to another guy who was a refugee also. He had no ties to the Taliban. The reason the owner came to Afghanistan was because it was an Islamic country.

3. This statement is not true. When I was there, I never saw any weapons and no one carried one. The people from the Red Cross who lived in the neighborhood around the house knew that all of us were not fighters, Taliban, just refugees.

4. This statement is not true. My interrogator brought that paper to me and told me "this is your name". But it is not my name. The name on the paper is Abu Omar Mohammad. My name is Abu Omar Al-Hamawe. There is no one named Mohammad in my family.

5. This statement is not true. The interrogator said that I had trained at Kandahar, I don't even know where that is. I never went to any camp to train.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 19 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #329.

I have no comments.

My comments are attached.


Name

LTC

19 Nov 04
Date


Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH AL TAYABI,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2029 (JDB)

DECLARATION OF TERESA A. McPALMER

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

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

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Abdullah al Tayabi 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: 15 February 2006

Teresa A. McPalmer

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0326

06 DEC 2004

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 332**

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 #332 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

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

J. M. McGARRAH
RADM, CEC, USN

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

~~FOR OFFICIAL USE ONLY~~

2181

27 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

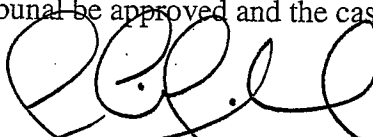
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 332Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1). Note that some information in exhibit R-4 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.
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee requested no witness nor did he request any classified or unclassified documents be produced.
- e. The Tribunal's decision that detainee # 332 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

26 October 2004

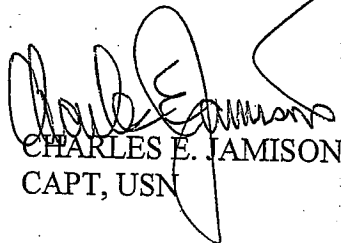
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 332

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #12

(U) ISN#: 332

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

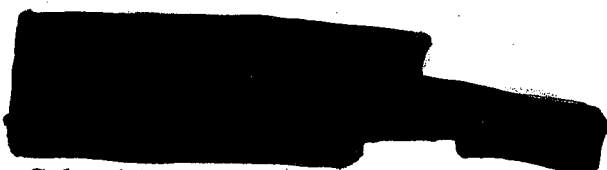
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 14 October 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 14 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #332 is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this Detainee is a part of, or supporting, Al-Qaeda, or other forces engaged in hostilities against the United States and its coalition partners as more fully discussed in the enclosures.

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



Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #12
ISN #: 332

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 part of, or supporting, Al Qaida, or other forces engaged in hostilities against the United States or its coalition partners. 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 was associated with forces engaged in hostilities with the United States or its coalition partners. The Detainee traveled to Afghanistan in August 2001 and received weapons training at the Al-Farouq training camp. The Detainee attempted to gain more training at another camp near Jalalabad, Afghanistan and then eventually was captured near the Pakistan border. The Detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. The Detainee made a sworn verbal statement. The Detainee, in his verbal statement, denied that he was associated with forces engaged in hostilities with the United States or its coalition partners and was forced to tell this story that he had been so associated. He admitted traveling to Afghanistan with a friend but it was during school break. The Detainee denied receiving weapons training and stated that he and his friend only observed another individual disassemble and reassemble a Kalashnikov rifle. The Detainee stated that after his capture Afghan and American soldiers tortured him.

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-13.
- b. Testimony of the following persons: Sworn statement of the Detainee.

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

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

5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's 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 was not associated with forces engaged in hostilities with the United States or its coalition partners. He claimed that he is not associated with al Qaida, and if he were an enemy combatant, he would not have bought a round trip airline ticket to return home because he would have continued to fight. The only reason for his original statements is because when he was captured, interrogators in Kandahar, Kabul and Bagram, Afghanistan tortured him. The Detainee stated that he did not carry any weapons and did not participate in any fighting against the coalition. Because of the torture he received when he was originally captured, he claimed he had to admit to things that he did not do to stop the torture.

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.

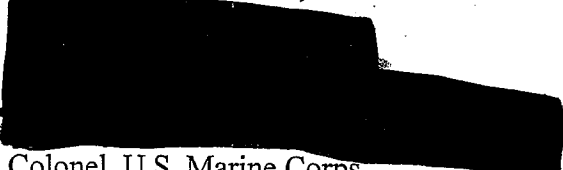
c. The Detainee is properly classified as an enemy combatant and is part of, or supporting, Al-Qaida, or other forces engaged in hostilities against the United States or its coalition partners.

d. The Detainee stated that after he was captured, interrogators in Kandahar, Kabul and Bagram, Afghanistan tortured him. Because of the torture he claimed he received when he was originally captured, he claimed he had to admit to things that he did not do. The Detainee's allegations were not limited to occurrences within Afghanistan. The CITF liaison to OARDEC, OARDEC Chief of Staff, and the OARDEC legal advisor have been notified of the allegation outlined above, as documented in Exhibit R-3.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

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

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

When the Tribunal President stated he was referencing the Detainee Election form the detainee asked:

Detainee: What does the Detainee Election form mean?

Tribunal President: This is the comment sheet that the Personal Representative has filled out and it identifies that you wish to participate in this Tribunal. It also indicates that you have made no witness request and by you participating in this Tribunal would like to make an oral statement. Does that answer your question?

Detainee: Yes.

Tribunal President: You may now present any information or evidence you have to this Tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: Yes, my information is with the Personal Representative.

The Detainee chose to take an oath and was administered the Muslim oath.

Tribunal President: With the assistance of your Personal Representative you may begin.

Personal Representative: I am going to read each accusation against him and his response. He may decide to add more to that.

3.a. (The detainee is associated with forces engaged in hostilities with the United States or its coalition partners.)

This is not true. I am not associated with Al-Qaida. I have the evidence. If I were an enemy combatant, I would not have bought a round trip airline ticket.

Detainee: When you are done with this point I would like to add something.

Personal Representative: The only reason for my original statements is because I was tortured when I was captured. I was tortured in Kandahar, Kabul, and Bagram by interrogators.

Detainee: I also did not carry any weapons. I did not go to any place that there was fighting and I did not participate in any fighting against the coalition.

Personal Representative: In Kabul, an Afghani interrogator beat me and told me that they would kill me if I didn't talk. They shot and killed someone in front of me and said they would do the same to me if I didn't cooperate. I was also beaten by Iraqi and Egyptian interrogators who were asking me questions and translating to the Afghani interrogator.

Before I was sent to Bagram, the interrogator told me that they would kill me if I didn't talk or send me back to the Afghanis if I changed my story. I was then transferred to Bagram where an American soldier put a gun in my face and threatened to kill me. This soldier threw me to the ground, dragged me by my legs, injured my foot and hit me. I have a scar on my foot to prove it. The interrogator was present at the time. Then they pulled a weapon on me and threatened me. They placed a thin hood covering my head and I was kneeling down at their mercy.

Whatever I said was because I was being tortured and threatened. I told this to the Red Cross in Afghanistan.

Detainee: When I was being beaten by the soldier the interrogator was saying the law was execution.

Personal Representative: I was then transferred to Kandahar. In Kandahar, they took all my clothes and the American soldiers hit me and kept me tied up in the rain for three hours. My hands and feet were tied so tight that I couldn't move my hands for a month and I couldn't move my feet for two weeks. One soldier kicked me in my knee and wounded me. I have a scar to prove it. I told this to the doctor and he was visiting me at night and gave me shots to sleep. I told the Red Cross what was happening to my body and mind. Before I was transferred to Cuba, the barber hit me in the scalp and made me bleed. I probably have a scar there but I can't see it because it is covered with hair. Also, before I went to the interrogator tent, a male and female soldier hit me.

I was then transferred to Cuba. When I got off the airplane, the soldiers hit us. They had us shackled and had our eyes covered. They took off my clothes by the shower. The Red Cross asked them about my head wound. In the first month of detention in Cuba, the soldiers would hit me before bringing me to the interrogator.

Because of the torture I received when I was originally captured, I had to admit to things I didn't do. I said the same thing in Bagram so I would not be sent back to the Afghani who would have killed me.

There was a group of people from my country that visited me here. I told them some of the things and events then the soldiers hit me. This was about a month after I was brought here.

At that time, I asked the interrogator for a psychologist and was refused. I told the interrogators that I tried to commit suicide twice. Fortunately, other detainees convinced me that I should not.

After that I met with four American interrogators and told them whatever I said in Kabul, Bagram, and Kandahar was false and that I only said those things because I was being tortured and threatened to be killed.

Some of the interrogators here put pressure on me such as withholding medication and by withholding letters from my family. The letters that I did receive were all marked out so I couldn't read them. Some interrogators were hard and some were soft. So the interrogators could keep their jobs, they tried to force me to admit things and not get to the real truth.

Detainee: There is something I would like to add. This is only a small part of the torture that we were subjected to. The whole time in Bagram, seven to nine days, my hands and feet were bound. They would also make us stay up and not get any sleep.

Personal Representative:

3.a.1. (The detainee, a Saudi Arabian citizen, voluntarily traveled from Riyadh, Saudi Arabia to Afghanistan via Dubai, UAE and Karachi, Pakistan, in August 2001.)

This is true but I went with a friend. I was a mechanical engineering student with three years completed and two years to go and had one month off of school during break. I watched a lot of Hollywood movies and wanted to learn how to use pistols as a hobby. Since there was no place to learn how to use a weapon in my country unless you are a soldier, my friend suggested that we go to Afghanistan during the school break and learn. I had tried to apply to a military college but was not accepted because I was under weight.

I was an engineering student but it is everyone's right to learn how to use a pistol to defend themselves. In my country, there are a lot of robberies where bandits stop you in the middle of the road and rob you of all your money, possessions, and car. So I wanted to learn how to defend myself. As I said, I am a mechanical engineering student and just want to go home and complete my studies. It is a good job to be an engineer.

3.a.2. (The detainee received weapons training at the Al-Farouq training camp.)

Not true. I never went to the Al-Farouq training camp. I said this because of pressure the Afghani's put on me. I never went to this camp. After I was in Afghanistan for about two weeks, September 11th happened.

3.a.3. (The detainee received familiarization with the Kalashnikov rifle and a pistol at a house in which he stayed in Kandahar.)

True but I never used the weapon.

Detainee: I was not taught how to use this weapon but someone in front of me was taking apart the weapon and putting it back together.

Personal Representative: A man in the house, Abu Musif Al Miki was disassembling and reassembling the gun.

Detainee: He was in the house, not the owner of the house. This was not his house and he was not teaching me how to use the weapon, he was just disassembling it in front of me.

Personal Representative: These were his weapons. I asked him how he learned to do this and he told me that he was an intelligence person in Saudi Arabia. We left our passports and money at this house for safekeeping because we were told we could be robbed and we were going to pick them up on the way back.

3.a.4. (The detainee traveled to another training camp near Jalalabad, Afghanistan, after Al-Farouq, but the training was cancelled due to the war.)

At this time my friend's friend met up with us. My friend, my friend's friend and myself went to a second house. My friend's friend is the one who knew the way. He was from Saudi Arabia. He met us after two weeks in Afghanistan. I went to the second house so I could learn how to use pistols. We stayed about a week and a half to two weeks at the second house.

At the second house, we were told that they would not bring us to the training camp because they didn't know us. So I wanted to return to my country but had to wait for my passport so I could go to Pakistan, which is close to Jalalabad. So I waited for my passport so I could leave.

3.a.5. (The detainee was captured near the Pakistan border.)

The new government was taking over Jalalabad. I was told that a lot of Arabs were being killed so my friends and I escaped to the mountains, so I wouldn't be killed. I was asking anyone how to get to Pakistan since I didn't have my passport any longer. I was told that all the passports were burned in the attacks. During this time that I was in the mountains, I lost my two friends. I joined up with other people trying to flee to Pakistan and we were attacked. We got to the village of Samer Kheer, when Afghanis kidnapped me and others and demanded money to be released. Some of the others were able to buy their freedom by having people send money, but I didn't have any money so I was kept in captivity.

So that is how I ended up being captured by the Afghans and then tortured to saying things that were untrue or be killed.

I just want to go back and finish my school. I have no hatred against anybody or any country or toward America. Just the opposite, the Americans helped us against Saddam Hussein when he attacked my country.

Tribunal President: Does this conclude your statement?

Detainee: Yes, this is the end.

Tribunal President: Thank you for your testimony. Personal Representative do you have any additional questions for the detainee?

Personal Representative: No sir.

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

Recorder: No sir.

Tribunal President: Do any Tribunal Members have questions for the detainee?

Tribunal Members: Yes sir.

Tribunal President: If we may we have some questions.

Detainee: I don't mind.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Before you left Saudi Arabia to go to Afghanistan you were a student there?

A. Yes, I was an engineering student

Q. Were you employed as well as being a student?

A. Sometimes, I was mainly a student, but sometimes I would drive a car for fare.

Q. And you said your friend suggested to you to go to Afghanistan to get training for personal protection?

A. Yes.

Q. How would you know how to get from Saudi Arabia to Afghanistan?

- A. My friend knew the way.
- Q. Were you able to finance the trip yourself or did you have help from other people?
- A. It was my own money.
- Q. Did you know prior to leaving Saudi Arabia that Afghanistan was in the middle of a civil war?
- A. I knew that in most of Afghanistan it was safe.
- Q. Had you ever heard of religious leaders in Saudi Arabia who were urging young men to go fight on behalf of the Taliban?
- A. No, I was engrossed in my studies and not concerned with this. My parents were also living in a village and I didn't have access to any news.
- Q. When did you first learn what Al-Qaida was?
- A. I never knew of it, but heard about it in the news. I heard about it when we were in Afghanistan, after the events in America.
- Q. And Usama Bin Laden, the same?
- A. I just heard it on the news.
- Q. We heard there were many Saudis who were quite sympathetic to him, he being a native Saudi himself.
- A. I heard about it in the news. I did not know this person or his ideas. Because he was outside my country I was not concerned with his ideas. There were problems between him and my country.
- Q. Do you consider yourself to be an observant Muslim?
- A. I follow some things in my religion and some things I don't believe in so I don't follow them. I don't know very much about my religion.
- Q. Turning to the point were you said you observed someone else assembling and disassembling a weapon in Kandahar, Abu Musif Al Miki I believe is the name you gave us?
- A. Yes.

- Q. He was one of the people that stayed in the house with you?
- A. I saw him in the house.
- Q. How many others were in the house?
- A. I am not sure, but I think it was him, two people with him and us three.
- Q. Was it not a house for people with Arabic heritage like yourself?
- A. No, I just went there with my friends. It was not a meeting place for Arabs.
- Q. Did you see Arabs there who were fighters?
- A. I don't know any fighters.
- Q. Please explain the circumstances of your capture, when the Pakistanis captured you.
- A. On the Pakistani border?
- Q. Yes.
- A. When we were captured there were Afghans that were asking for money. So they could set us free. Some people spoke to the Afghans and they made an agreement. The Afghans said you could buy your freedom; they did and were let go. I had no money so they gave me to the new government. I knew they traded me for money.
- Q. Perhaps we are mistaken but I thought you said when you finally made it to Pakistan after traveling that you were by yourself.
- A. When I got there or when I left Afghanistan to go to Pakistan?
- Q. We understood that when you left Afghanistan at the beginning of your trip you had people with you.
- A. Yes I had my friend.
- Q. But he did not finish the trip with you.
- A. When we got into Afghanistan...Can you please clarify the question?
- Q. When you arrived at the border of Afghanistan and Pakistan, how many people were with you?

- A. I am not sure of the number, but there were a number of people with me.
- Q. And you mentioned you no longer had your passport.
- A. Yes, I didn't have my passport. I heard it had been burned so I wanted to go to the embassy.
- Q. When you were first jailed in Pakistan did you have an opportunity to meet with any Saudi representatives from the embassy?
- A. I was not jailed in Pakistan. When I got to the borders highway robbers took me.
- Q. So you never made it into Pakistan at all?
- A. No.
- Q. Concerning the allegations of torture you made, do you believe you were tortured because you did not say what the interrogators wanted you to say or because you were not speaking at all?
- A. The interrogators would tell me the accusations, I would start to answer, then they would beat me until I said yes.
- Q. Did you try to resist them in anyway?
- A. No.
- Q. You said you are a mechanical engineering student, what was your discipline or specialty in?
- A. There are phases; the first three years are general, and the last two years you would specialize in an area.
- Q. How to make heavy objects move around?
- A. No, I studied physics, mathematics, statistics, and dynamics.
- Q. You had your own money.
- A. Yes.
- Q. So you paid for your room and board at the first house?
- A. The first house, where, what are you asking?

- Q. You went to a house in Afghanistan, the first house you went to receive training with the rifle.
- A. I did not receive training on the rifle. I wanted training on the handgun.
- Q. There was a second house you were going to go to.
- A. Yes.
- Q. What did you pay for room and board at the first house?
- A. I would buy my food from the supermarket; I didn't need to pay for that.
- Q. For sleeping?
- A. You just sleep there.
- Q. Then you were going to go to the second house.
- A. Yes.
- Q. But you left your passport and money at the first house?
- A. Yes.
- Q. How were you going to pay for your food at the second house?
- A. I had about \$200.00 with me.
- Q. \$200.00 American dollars?
- A. Yes.
- Q. So there was more money back at the first house?
- A. Yes with my passport.
- Q. Did you talk with people at the first house or the second house so they knew your background?
- A. No, I just said my intentions were to train, they didn't know me.
- Q. No one knew you were an engineering student?
- A. Only my friend from Saudi Arabia.

- Q. Did anyone ask you for any assistance or information that you could give them about engineering or anything like that?
- A. No. I was cautious and didn't want anybody to know but my two friends.
- Q. You seemed very cautious to keep your background, private; did you think it was dangerous to go to Afghanistan?
- A. No, it was just normal not to blend in with people.
- Q. How much did it cost to get to from your home to Afghanistan?
- A. I left with about \$1200.00
- Q. With the \$1200.00, tickets for transportation were purchased?
- A. Yes, round trip.
- Q. Your friend that traveled with you to Afghanistan is he also a student in Saudi Arabia?
- A. Yes, I heard he was a student.
- Q. And he also wanted to travel to Afghanistan to get the self-defense and handgun training?
- A. Yes.
- Q. How long was your break from school that would allow you to travel from Afghanistan and back?
- A. One month.
- Q. How long did you end up staying in Afghanistan before you were captured?
- A. I'm not exactly sure, but like I told you, I got into Afghanistan two weeks before the attacks of September 11th. I was late because I didn't have my passport. I got captured by the Afghans about two weeks after the fall of Jalalabad. After that it was the holiday and we were in the Afghani prison.
- Q. So that was about two months in Afghanistan.
- A. Coming from Saudi Arabia, I wasn't in Pakistan for more than two weeks.

Q. Afghanistan?

A. Pakistan.

Q. I'm concerned about the time when you got to Afghanistan in August of 2001, and then until November when you were captured. After 9/11 why did you not try to leave Afghanistan and get back to Saudi Arabia a lot sooner?

A. I left Saudi Arabia in August, I was in Pakistan for about two weeks then I went to Afghanistan. Then two weeks after I got to Afghanistan the September 11th attacks occurred. Also, the reason I was held up in Afghanistan was because I lost my passport and I did not know which way to get out. When I heard about the attacks of September 11th, I did not think that the people of Afghanistan had anything to do with it or were involved with it. Also, when the bombings started in Afghanistan, I thought that the Americans knew that certain individuals were associated with Al Qaida. I thought that Al Qaida had planes, I thought they had forces. I thought the Americans knew they were the enemies and that I would not be affected by it.

Q. Could you and your friend not have received the self-defense training and handgun training in Saudi Arabia?

A. I told you before, that I had tried before and applied for acceptance into the military academy and was rejected and verified this with Saudi Arabia. My applications did not.

Q. The only place that you were aware of for you and your friend could receive this training was to go to Afghanistan?

A. I did not know anything, my friend suggested Afghanistan. If I had known of another place to receive training I would have went, but my friend said let's go to Afghanistan.

Q. Where is your friend now?

A. I told you when I was going through the mountains I lost my two friends and just wanted to get out of there quickly.

Q. How did you become separated with your two friends?

A. We left for Jalalabad, at dusk. So I heard that some people wanted to go to Pakistan, so I joined them. But I lost my friends at that time.

- Q. When you were at the first house going to the second house, you said you did not talk much to the people there, you were private, why would you leave your money and passport with people you did not know well?
- A. My friend's friend is the one that said the honor in our religion is that no one can trick you because you are Muslim. He mentioned the highway robbers so I took it as (inaudible).
- Q. You told us earlier that there was a great deal of crime in Saudi Arabia, people stopping and robbing you on the road.
- A. Yes. But know in Afghanistan or Saudi Arabia, you hear every month or two months that there is crime especially on the roads leading from the cities into the villages. You might have heard in Saudi Arabia about five years ago, there was a task force set up to fight these highway robberies and crimes. Also, I told you that my parents were living in a village and that most of the times they were on the roads between the village and the cities. Also, there is a lot of crime and highway robbery in the places that I live in.
- Q. My point was that the same things happen in both Saudi Arabia and Afghanistan and everywhere else. It seems unusual for us to believe that these things could happen in Saudi Arabia, why could they not happen in Afghanistan as well?
- A. I thought that when I went to Afghanistan, I would be there for a short time, get the training and return. My friend said I would only be there for a short while and he didn't think there would be any problems with robbers or crime for that time. Someone going to Afghanistan should only be afraid of the robbers on the roads while traveling between cities. I didn't think I would be in Afghanistan wandering around, I thought I would be in one place. I didn't know there where robbers like those in Saudi Arabia until I arrived in Afghanistan.
- Q. I just seems as though you are a person in a strange country who doesn't know anyone, and the most important things to you in order to leave, like money and passport, are given to people you don't know or trust for safekeeping.
- A. This is something that my friend's friend suggested to us and told us it was better to leave the documents with these people and it would be safe. Due to religion they would not take it. In our religion, it is said that if someone gives you something for safe keeping, you will trust them to keep and not do anything with it until they return.
- Q. When you said you were leaving Jalalabad at dusk, your friends were with you when you started you trip or not?
- A. Yes.

- Q. At what point did you lose track of them?
- A. When we were going through the mountains.
- Q. Were you with a large group or small group of people?
- A. Small group.
- Q. I would think that the three of you would have liked to stay together while traveling.
- A. Yes, correct. I insisted that we leave Afghanistan quickly, but they said wait until we find someone that knows the way. The people that I was with, the group leaving Afghanistan did not really know which way they were going, they were just trying to find a way through the villages to go to Pakistan. And I was very careful to leave quickly.
- Q. Your friends were delayed because they were trying to find the proper guide?
- A. Yes, they said wait so we can find someone that knows the way.
- Q. You did not want to wait for them to do that?
- A. Correct. I just wanted to leave.
- Q. You were hoping they would catch up to you at some point?
- A. No, I was hoping that they would get out, but I was insistent and very concerned with leaving.
- Q. So you left with a group of refugees that may or may not have known where they were going.
- A. Yes, they were going through the villages in the direction of Pakistan.
- Q. When your friend said to wait for a guide who knows the way, you never saw them after that?"
- A. No, we got separated.
- Q. And to this day you do not know what happened to them?
- A. No, I don't know. Maybe my country knows, but I don't know.

Q. What is your friend's name?

A. It is in my interrogation files. The description and everything is in the interrogation folders. Do you want me to give you the names now? Haider Dalnajdi, the other one Abou al Haigaa.

Tribunal President: Do you have any other evidence you wish to present to this Tribunal?

Detainee: No.

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

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (27 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL TAYABI, Abdullah.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is associated with forces engaged in hostilities with the United States or its coalition partners.
 - a. The detainee is associated with forces engaged in hostilities with the United States or its coalition partners:
 1. The detainee, a Saudi Arabian citizen, voluntarily traveled from Riyadh, Saudi Arabia to Afghanistan via Dubai, UAE and Karachi, Pakistan, in August 2001.
 2. The detainee received weapons training at the al Farouq Training Camp.
 3. The detainee received familiarization with the Kalishnikov rifle and a pistol at a house in which he stayed in Kandahar.
 4. The detainee traveled to another training camp near Jalalabad, Afghanistan, after Al Farouq, but the training was cancelled due to the war.
 5. The detainee was captured near the Pakistan 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.

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Exhibit RT 2204

Memorandum

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To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

Date 09/21/2004

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
J332DP

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 332 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/25/2002

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

²See Executive Order 12958

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Exhibit 22

182

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/21/2004

If you need additional assistance, please contact
Assistant General Counsel [REDACTED]

[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED] Intelligence Analyst [REDACTED]

UNCLASSIFIED

Personal Representative Review of the Record of Proceedings

I acknowledge that on 22 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #332.

I have no comments.

My comments are attached.



Name

22 Oct 2004
Date



Signature