

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NAYIF ABDALLAH IBRAHIM IBRAHIM,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2201 (ESH)

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 Nayif Abdallah Ibrahim Ibrahim that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated:

8 September 2006

Teresa A. McPalmer

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0329
08 NOV 2007

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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 258

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 #258 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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UNCLASSIFIED

5 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

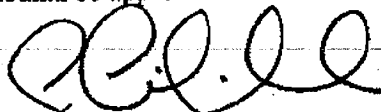
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 258

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 #2 of 2 August 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate in the Tribunal proceedings.
 - b. The Tribunal was properly convened and constituted by enclosure (1).
 - c. The Tribunal complied with all provisions of references (a) and (b).
 - d. The detainee made no requests for witnesses or other evidence.
 - e. The Tribunal's decision that detainee # 258 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

UNCLASSIFIED



Department of Defense
Director, Combatant Status Review Tribunals

2 August 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #2

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

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

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

MEMBERS:

██████████, Colonel, U.S. Marine Corps; President

██████████, Lieutenant Colonel, U.S. Army; Member (JAG)

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

17 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 258

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].

A handwritten signature in black ink, appearing to read "David L. Taylor", is written over a horizontal line.

DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).

(U) TRIBUNAL PANEL: #2

(U) ISN#: 258

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

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness Testimony (U/~~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 3 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).
2. (U) On 3 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #258 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, both Al-Qaeda and the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED//~~FOUO~~

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #2
ISN #: 258

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder alleged that the Detainee was associated with both Al-Qaeda and the Taliban. He is said to have admitted traveling to Afghanistan to participate in jihad and to have received weapons training at the Al-Farouq training camp, a camp he knew was affiliated with Al-Qaeda. The Detainee is also said to have attended a Moroccan training camp in Jalalabad, Afghanistan, for six to seven months, where he received mortar training. He was injured during U.S. air strikes on the Moroccan training camp, and later captured by Pakistani authorities. The detainee chose not to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and made no statement.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-16.
- b. Testimony of the following persons: None

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.

UNCLASSIFIED//~~FOUO~~

ISN #258
Enclosure (1)
Page 1 of 3

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5. Discussion of Unclassified Evidence

The Tribunal found the following unclassified evidence persuasive in making its determinations: Exhibit R-1, the unclassified summary of the evidence was helpful in familiarizing the Tribunal with the background of the Government's case concerning this Detainee. However, this exhibit was only partially persuasive because it was not supported by any unclassified evidence.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: Exhibit R-2, a request from the Federal Bureau of Investigation to redact certain information from its recorded interview with this Detainee from the "FBI Form 302" or "FD 302" was not helpful to the Tribunal in determining whether the Detainee was properly classified as an enemy combatant. To be more specific, the mere declaration that "inappropriate" release of the information "could damage the national security of the United States and compromise ongoing FBI investigations," without a discussion of the underlying information and the reasons why its release to the Tribunal would be damaging to U.S. national security or compromising to current future FBI investigations, was not helpful to the Tribunal. The Tribunal therefore found Exhibit R-2 to be without merit.

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, but chose not to participate in the Tribunal process, as indicated in Exhibit D-a. The Tribunal questioned the Personal Representative closely on this matter and was satisfied that the Detainee had made an informed choice not to participate in the process. The Personal Representative's attempt to engage the Detainee in conversation about the CSRT process was met with long, repeated periods of silence. After repeated efforts, as well as after ascertaining the quality of the translation, the Personal Representative concluded that the Detainee, by his silence, was indicating that he did not want to participate in the CSRT process.

UNCLASSIFIED//~~FOUO~~

c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, both Al-Qaeda and the Taliban and because he engaged in hostilities against the United States and/or the Northern Alliance.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps
Tribunal President

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ISN #258
Enclosure (1)
Page 3 of 3

DETAINEE ELECTION FORM

Date: 1 Sep 04

Start Time: 1340

End Time: 1400

ISN#: 258

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

Translator Required? YES Language? MODERN 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 did not respond to any discussions in the interview. He did make eye contact on numerous occasions and seemed to understand partially what the translator was saying. But he remained quiet despite my attempts to engage him in discussions.

I stated to him that his silence indicated that he did not want to participate in the Tribunal process.

Personal Representative: [REDACTED]

~~FOUO~~

Recorder Exhibit List

For

ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Redaction Memo dtd 6 Aug 04	UNCLASSIFIED
R3	FBI 302 dtd 05 Sept 03	FOUO, LES
R4	FBI 302 dtd 14 Mar 03	FOUO, LES
R5	CITF Form 40 dtd 6 Aug 03	FOUO, LES
R6	CITF Form 40 dtd 9 Oct 03	SECRET
R7	JTF-GTMO Assessment Memo dtd 14 May 04	SECRET
R8	JTF-GTMO IIR 6 034 0370 03 dtd 16 May 02	SECRET
R9	JTF-GTMO SIR dtd 27 Apr 02	SECRET/NOFORN
R10	JTF-GTMO SIR dtd 19 May 02	SECRET/NOFORN
R11	JTF-GTMO Baseball Card for ISN 258	SECRET/NOFORN
R12	Polygraph Report of Examination dtd 16 Dec 03	SECRET/NOFORN
R13	OSD/SOLIC Review Checklist for ISN 258	SECRET/NOFORN
R14	CITF-CDR Memo dtd 14 Jun 04	SECRET/NOFORN
R15	JDIMS Facility Info – Duranta Training Camp	SECRET/NOFORN
R16	FBI 302 dtd 22 Feb 02	FOUO, LES

~~FOUO~~

Unclassified

Combatant Status Review Board

31 August 2004

TO: Personal Representative

FROM: OIC, CSRT

Subject: Summary of Evidence for Combatant Status Review Tribunal – Al Nukhaylan, Nayif Abdallah Ibrahim

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 associated with al Qaida and the Taliban and engaged in hostilities against the United States or its coalition partners.

a. Detainee is associated with al-Qaida and the Taliban.

1. The detainee admits traveling to Afghanistan to participate in Jihad.

2. Detainee admits receiving training at al-Farouq weapons training camp. He received instruction on the AK-47 rifle, PK machine gun, and RPG weapons system.

3. Detainee admits knowing that al-Forouq training camp belonged to Usama Bin Laden and that it was a terrorist training camp.

4. Detainee also attended a Moroccan training camp in Jalalabad for six to seven months.

5. Detainee admits receiving mortar training at the Moroccan camp.

b. Detainee engaged in hostilities against the US or its coalition partners.

1. The detainee was injured during U.S. air strikes on the Moroccan training camp.

Unclassified

EXHIBIT RY 1820

Unclassified

2. Pakistani authorities captured detainee.

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



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 6, 2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN 258

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.

¹Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

²See Executive Order 12958

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

EXHIBIT B21822

Personal Representative Review of the Record of Proceedings

I acknowledge that on 14 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #258.

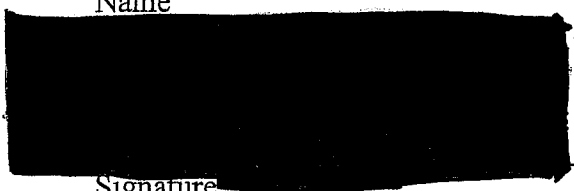
I have no comments.

My comments are attached.


Name

Maj, USAF

14 Sep 04
Date


Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUMA MOHAMMED ABDUL LATIF)
AL DOSARI, *et al.*)
)
Petitioners,)
)
v.) Civil Action No. 04-CV-1227 (RBW)
)
GEORGE W. BUSH,)
President of the United States, *et al.*,)
Respondents.)
)
_____)

DECLARATION OF JAMES R. CRISFIELD JR.

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


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

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Juma Mohammed Abdul Latif Al Dosari that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not

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

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

Dated: 12 Oct 04


James R. Crisfield Jr.
CDR, JAGC, USN



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

OARDEC/Ser: 0204
11 October 2004

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From: Director, Combatant Status Review Tribunal

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

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

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

A handwritten signature in cursive script, appearing to read "J. M. McGARRAH".

J. M. McGARRAH
RADM, CEC, USN

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

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1826

9 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

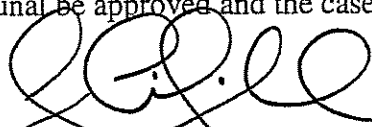
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate in the Tribunal proceedings.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-5, R-6, and R-18 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee made no requests for witnesses or evidence.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

6 October 2004


MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

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

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

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


DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

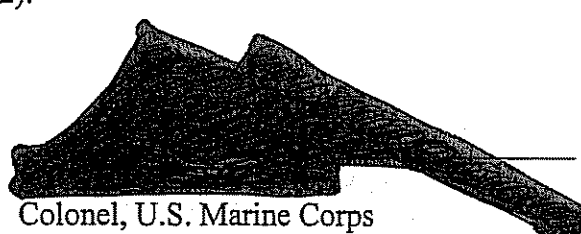
(U) TRIBUNAL PANEL: #8

(U) ISN#: [REDACTED]

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

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

1. (U) This Tribunal was convened on 30 September 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).
2. (U) On 30 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant, as defined in reference (c).
3. (U) In particular, the Tribunal finds that this Detainee is a member of al Qaida and affiliated with the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).


Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #8
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of al Qaida, which was affiliated with the Taliban and provided support to it when it was engaged in hostilities against the United States and/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 is a member of al Qaida and traveled from the United States to Afghanistan via Bahrain and Iran in November 2001. The Detainee was present at Tora Bora and crossed the border from Afghanistan to Pakistan in December 2001 with neither documentation nor authority and surrendered to Pakistani authorities. The Detainee chose not to participate in the Tribunal process. He called no witnesses, requested no documents be produced, but provided through his Personal Representative responses to the allegations in the Unclassified Summary of Evidence (Exhibit R-1). The Detainee's responses were identified verbally by the Personal Representative in the Tribunal session and were also submitted in written form as Exhibit D-b. The Detainee proclaimed he was innocent of all allegations.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-b and R-1 through R-18.
- b. Testimony of the Personal Representative on behalf of the Detainee.

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

The Detainee requested no witnesses and requested no documents be produced as evidence; 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 through R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 is the FBI Request for Redaction of National Security Information and provided no usable evidence. Exhibit R-3 is a newspaper article dated 19 May 2003 taken from the Buffalo News entitled "Suspected al Qaida Recruiters Center of Probe." While this article was of interest and helped identify the Detainee's whereabouts in 2001, it cannot be considered conclusive in and of itself without supporting evidence. Accordingly, the Tribunal had to look to classified exhibits for support of Exhibits R-1 and R-3.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's responses to the Unclassified Summary of Evidence in Exhibit R-1 as provided by the Personal Representative, guided by his interview notes with the Detainee. The Personal Representative's notes of his interview with the Detainee are attached as Exhibit D-b. In sum, the Detainee proclaims he is innocent, has never been to Tora Bora and that he does not want to be confused with al Qaida.

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. Although he did not actively participate in the Tribunal process, there was no reason to believe he did not understand this process before choosing not to participate in it, as indicated in Exhibit D-a. It should be noted that, as indicated on this exhibit and as

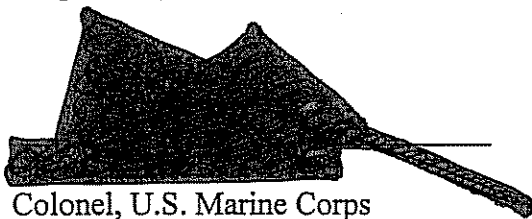
explained by the Personal Representative, the Detainee was advised by an attorney and the International Red Cross that he should not participate in the Tribunals because they were "not legal."

c. The Detainee is properly classified as an enemy combatant and is a member of al Qaida, that had affiliation with, and was supportive of, Taliban forces engaged in hostilities against the United States and/or its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large, dark, irregularly shaped redaction mark covers the signature area, obscuring the name and any handwritten notes.

Colonel, U.S. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 28 Sept 2004

Start Time: 1300 hrs

End Time: 1600 hrs

ISN#:  _____

Personal Representative:  _____
(Name/Rank)

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? READ TO HIM

Detainee Election:

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

Personal Representative Comments:

Initially, I met with the detainee and he indicated that he would take the Muslim oath, orally
respond to the unclassified summary and answer questions. He did not want to call witnesses.
On 30 September 2004, I met with the detainee a second time and he relayed the following to me.
He had met with an Attorney and the International Red Cross and they had advised him that the
Tribunals were not legal and that he should not participate. He then decided not to attend the
Tribunal. He did answer questions and told me that I could relay his answers to the Tribunal.

Personal Representative: 

FOUO

Recorder Exhibit List
For
ISN [REDACTED]

#	Title	Summary	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	Redaction of National Security Information		UNCLASSIFIED
R3	Buffalo Six News Article		UNCLASSIFIED
R4	ACIC Terrorism Summary		SECRET//NOFORN
R5	FBI 302 dtd 04 Apr 02	3.a.6 3.a.8	FOUO/LES
R6	FBI 302 dtd 07 Jun 02	3.a.1 3.a.2 3.a.3 3.a.4 3.a.5	FOUO/LES
R7	IIR 6 034 1322 03 dtd 16 Sept 03	3.a.7	SECRET//NOFORN
R8	IIR 6 034 0786 03 dtd 18 Apr 03	3.a.1	SECRET//NOFORN
R9	IIR 6 034 1430 03 dtd 13 Sept 03		SECRET//NOFORN
R10	Form 40 dtd 14 Nov 02	3.a.1 3.a.2 3.a.4 3.a.5	FOUO/LES
R11	Form 40 dtd 21 Jan 03	3.a.1 3.a.2 3.a.3	FOUO/LES
R12	Form 40 dtd 22 Apr 04	3.a.1	FOUO/LES
R13	FBISTREP dtd 25 May 03		SECRET//NOFORN
R14	JTF GTMO-CG Memorandum dtd 11 Jan 03		SECRET
R15	JTF GTMO-CG Memorandum dtd 21 Jan 03		SECRET
R16	Enemy Combatant Review Checklist		SECRET//NOFORN
R17	JTF GTMO Baseball Card		SECRET//NOFORN
R18	FBI 302 dtd 05 Jun 03		FOUO/LES

UNCLASSIFIED

Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (14 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL DOSARI, Juma
Mohammad Abdull Latif

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of al Qaeda.
 - a. The detainee is member of al Qaeda:
 1. Detainee traveled from his home in Saudi Arabia to Afghanistan in 1989 using an Arab guest house in Pakistan. In Afghanistan the detainee trained at the al-Siddeek training camp where he received instruction on the AK-47.
 2. The Detainee traveled to Bosnia in 1995 to participate in the jihad in exchange for 7-10,000 Saudi Riyals.
 3. The Detainee stated that he traveled to Baku, Azerbaijan in 1996 to join other Arabs and to fight in Chechnya.
 4. The Detainee was arrested by Saudi authorities for questioning in the Khobar Towers bombing in 1996.
 5. The detainee obtained a passport from Bahrain after his Saudi passport was revoked.
 6. The detainee traveled from the United States to Afghanistan via Bahrain and Iran in November 2001.
 7. The detainee was present at Tora Bora.
 8. The detainee crossed the border from Afghanistan to Pakistan in December 2001 with neither documentation nor authority and surrendered to Pakistani authorities.

UNCLASSIFIED

Exhibit **RI**
1836

page 1 of 2

UNCLASSIFIED

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

1837
page 2 of 2

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/14/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
OSC [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
ISN [REDACTED]

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

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

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

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

FD-302 dated 04/04/2002
FD-302 dated 06/07/2002

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

²See Executive Order 12958

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/14/2004

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

Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/24/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
[REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

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

FD-302 dated 06/05/2003
FD-302 dated 06/12/2003

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

²See Executive Order 12958

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/24/2004

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

or Intelligence Analyst [REDACTED]

-2-

UNCLASSIFIED

PAGE 1841 2

Family
Government
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Restaurants & Entertainment
People Pages
Full List

custody of U.S. military authorities - possibly at the secretive jail for terrorism suspects at Guantanamo Bay, Cuba.

U.S. Attorney Michael A. Battle declines to comment on that speculation, and in fact, refuses to discuss Juma at all.

"I can't confirm or deny any information (about Juma)," Battle said. "What I can say, without discussing anyone by name, is that the recruiters are of great interest to us. We're trying to find out everything we can about them. We do believe it is possible that the people who did the recruiting for al-Qaida in Lackawanna did the same thing in other cities."

Made to feel guilty

According to sources close to the six Lackawanna defendants, Juma worked closely on the recruiting effort with Kamal Derwish, an al-Qaida operative who was a former Lackawanna resident.

Officials in the Yemenite community said Derwish, 29, is believed to have been killed in Yemen last November by a missile fired by a remote-controlled aircraft used by the Central Intelligence Agency. CIA officials have refused to comment.

"Derwish and Juma were the recruiters. From what we've heard, Derwish is dead and Juma may be in federal custody," said Patrick J. Brown, attorney for one of the Lackawanna Six defendants.

Supporters of the six defendants said Derwish and Juma used a "hard sell" approach in convincing al-Bakri, Shafal A. Mosed, Yahya A. Goba, Faysal Galab, Yasein A. Taher and Sahim Alwan that a trip to the al-Farooq training camp in Afghanistan would help them learn more about their religion and how to defend it.

Those who know the six men insist they were duped by the recruiters, and would never have gone to the al-Farooq camp if they knew the purpose was to train for attacks on the United States.

"They laid a guilt trip on (Mosed)," Brown said. "They told him how terrible it was that he knew the names of American sports stars, but couldn't name some of the prophets in his own religion. They told him he needed to train to protect Islam, which they said was under attack in places all over the world.

"They didn't tell them they would be training for violence against the U.S. They talked about Muslim women in Bosnia being raped by the Serbs, and fetuses being cut out of their bodies, and they told these guys they needed to train and prepare to fight against things like that."

Defense attorneys Joseph M. LaTona, Rodney O. Personius, John J. Molloy and James P. Harrington also confirmed that their clients - Galab, Taher, al-Bakri and Alwan - were recruited by the team of Derwish and Juma.

Juma, described by people who met him as a charismatic figure, roughly 35 years old, was introduced as a religious man who had lived in Indiana. He made at least two visits to Lackawanna, staying at Goba's house down the street from the mosque on Wilkesbarre Avenue.

Juma and Derwish spent many hours speaking to Goba and other young men, in meetings at Goba's house and other locations. Many of the young men who were approached had close ties to the mosque. Among them was Alwan, the former president of the mosque.

At one point in early 2001, Juma was allowed to give a Friday sermon at the Lackawanna mosque.

Talk was political in nature

Wearing a white robe and headdress as he spoke for approximately 20 minutes, Juma spoke so stridently and angrily about world politics that he was not allowed to speak there again, according to some members of the congregation.

The talk was political in nature and was "unacceptable" for the mosque pulpit, said Mohamed Ali Saleh, acting president of the mosque. He explained that mosque officials frequently allow visiting scholars to speak, and added that he and others had no idea beforehand what Juma would talk about.

"He did not advocate violence" during the talk, said Saleh, who was present for the speech.

"His voice was rising in anger. It was more of a political talk than religious. Some of the elders were infuriated," recalled Mohammad Albanna, vice president of the American Muslim Council of Western New York.

That did not stop Juma and Derwish from later meeting with young men in Lackawanna - sometimes in groups and sometimes individually.

Ultimately, in April and May of 2001, at least six young men agreed to go and train with al-Qaida. Authorities are investigating the possibility that other young men from Lackawanna also agreed to make the trip.

"They had many talks with Taher. The trip to Afghanistan was sold to him as a way of saving his soul," Personius said. "They wanted him to feel guilty about living an American lifestyle and not learning more about his religion. They talked about the struggle to protect Islam and the Islam way of life."

LaTona described the men as "clever, manipulative and persuasive guys . . . who took advantage of a person's devotion to Islam."

A "very typical" scenario

The Lackawanna scenario was described by one terrorism expert as "very typical" of the methods al-Qaida and similar groups use to recruit potential terrorists.

"This is how they do it," said Robert Heibel, a former deputy chief of counterterrorism for the FBI who now teaches at Mercyhurst College in Erie, Pa. "Al-Qaida has people who wander from city to city. They go to the mosques and look for people with radical ideas. They circulate in and out of the mosques and look for people who might be willing to train with them."

So far, the names of Juma and Derwish have not publicly surfaced in connection with al-Qaida recruiting efforts in other American cities, but Heibel said he would not be surprised if the two men did seek recruits elsewhere.

Federal court papers filed in connection with Goba's plea deal in late March mentioned Juma several times, but not by name.

The documents refer to a man - identified by other sources as Juma - who stayed with Goba sometime before Goba left for Afghanistan in May 2001. After Goba returned to Lackawanna in August 2001, the same man stayed at Goba's home again - leaving shortly after the terrorist attacks of Sept. 11, 2001.

"The man told Goba that he wanted to fight for the Taliban against the Americans," federal prosecutors said in the court papers. "Goba believes that this man was later captured by the Americans in Afghanistan."

The whole situation leaves Lackawanna residents like Ahmad Nagi Alasri, 72, upset that the tentacles of Osama bin Laden's terrorist organization reached into their community.

"It's no good. We don't want those people here," Alasri said, when asked about the recruiters. "This is the United States. My home."

e-mail: dherbeck@buffnews.com and lmichel@buffnews.com

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Interview Notes
Juma Mohammad Abdull Latif Al Dosari

1. All of Saudi Arabia went to Afghanistan during this time; they even had the support of the Saudi government. The Saudi government even paid for my trip. Also, half of the population of Saudi Arabia has shot the AK-47, does that make them all terrorists?
2. I didn't go to Bosnia for Jihad. I went there for a blond white female, to get married.
3. I went to Azerbaijan to go back to Saudi Arabia, not to go to Chechnya. I traveled from Saudi Arabia to Azerbaijan. I give you money, go to Chechnya. His intention was to go there, get the money and get the hell out of there.
 - a. Question: Can you clarify why you went to Azerbaijan? (not clear in notes)
 - b. Question: What money are you referring to?
 - c. Question: Who sent you?
4. When the Khobar Tower bombing happened, the Saudi jails were full of suspects. My government investigated me and they said in the end that they were sorry. They told me I could go. Everyone was a suspect. According to Saudi investigators at the time, Shias blew up the Towers. There is a big difference between Al Qaida and the Shias. It is a well-known fact that the Shias were captured at the Saudi and Syrian boarder carrying explosives. They found out those people they captured were related to the Khobar Towers attack. The jailers and interrogators told me that the Shia people were captured. I'm not trying to defend Al Qaida, they did other explosions. I just don't want this confused with Al Qaida.
5. I have had two passports up to now. Both Saudi Arabian and Bahrain delegations interrogated me and I have no problem with either one. I got the Bahrain passport with the approval of the Saudi Arabian government to keep both passports. It wasn't illegal and I don't understand what this has to do with Al Qaida?
6. The United States had specific goals in Afghanistan. I didn't go to military centers or military locations in Afghanistan. I had nothing to do with this stuff. I stayed away from it. Was the United States going to bomb everyone in Afghanistan? There is no difference between people there. I'm the one who told the interrogators this, I have nothing to hide. I went to Afghanistan at this time and there was nothing wrong with it. I know it was a sensitive time and I shouldn't have done it, but I don't deserve to be put in jail just because I went to Afghanistan. What did I do? I went there when I went from the United States to Bahrain. I didn't have any money. My brother in law loaned me 10,000 riyad and he threatened me with jail if I didn't pay him back because I had divorced his sister. If I'd known he would do that I wouldn't have divorced her. I called a clerk in Saudi Arabia that I use to know. I told him my story and that I need money. He told me that he knows another clerk who has a lot of projects in Afghanistan. He said they were humanitarian projects, building mosques, and schools for orphans, digging wells, etc. He told me that they are not sure how these projects are progressing. He told me we want you to go there and take pictures of the projects, and if you say things are OK we will take your word for it because we trust you. If things are OK, we will send the clerk running the humanitarian projects the rest of the money so he can finish them. For that, we will give you \$5000 US, which was equal to 19000 riyad. You will have to buy your airline ticket from the \$5000 and pay for

261 Interview Notes
Juma Mohammad Abdull Latif Al Dosari

your expenses, but you can keep what is left over. I went to Afghanistan and stayed in the clerk's house (the one running the humanitarian projects) for the duration of my visit. The whole trip cost 4000 riyad, which left 15000 riyad to pay off my brother in law. I didn't go there to fight, I just needed the money. Who was I going to fight for?

7. I just stayed in the house because the clerk I was staying with told me that if I stepped outside the house I would be killed. They were killing all Arabs. I don't believe in fighting anyone unless, for example, Saddam Hussein tries to invade. I would fight him, under the Saudi Flag. However, I hate the military in general, and I don't like fighting. In reality, if something happened, I'd probably be the first to run. I've never been to Tora Bora, I'm positive about that.
8. Who is Pakistan to ask for there permission? Do you think I'm going to ask for Pakistani permission and wait for it until I'm killed in Afghanistan? No, I didn't ask for permission, I fled. Before we fled, the clerk I was staying with suggested that I give him my passport, papers and money incase someone searches me, so they won't know I'm an Arab. I was in Kabul we he told me this. We then walked for 3 days to the Pakistan boarder. As we approached the boarder, this damn clerk said, "Ooops, I forgot your passport and I left you money at the house." It would have been a three-day trip back to his house and another 3 days back to the board on foot. The trip to the boarder was very dangerous and I could have easily been killed. Plus it would have been another 6 days of walking, if I survived. I really had no other choice but to leave it, and I wasn't very happy about it. The clerk said after this valley, in 15 minutes or so, you will see the Pakistani check point. I went to the Pakistani authorities and asked to see someone from the Bahrain embassy because I was traveling under a Bahrain passport. They said yeah, yeah but they took me to the United States authorities in Pakistan because I was an Arab. I see no problem with Saudi or United States government interrogators questioning me in Pakistan, but it was wrong to bring me here to Cuba for 3 years.
9. Miscellaneous Notes
 - Claims he has a "T3" file that says he is innocent
 - Claims the same thing happened with the FBI, they told him he was innocent. [REDACTED] a female interpreter told him so. They even threw him a party and she cooked for him.
 - Proclaims he is innocent
 - Never been to Tora Bora

UNCLASSIFIED/FOUO
Detainee 261 Interview Notes
30 September 2004

1. In response to #3 of the unclassified summary, I went to Azerbaijan with a person from the United Arab Emirates. He told me, "What do you think about going to Azerbaijan? I will take you with me and give you money." I was being offered a free trip to Azerbaijan and money, so I said yes. My intention was to sight see in Azerbaijan because I had never been there before. He wanted to take me with him to Azerbaijan as a travel companion and he asked me to go with him to Chechnya, but I refused. He went on to Chechnya by himself and I took the money he promised and went home. I didn't go to Chechnya; I went back home to Saudi Arabia.

2. In response to the newspaper article, I did give that sermon but I didn't say, "Get up and go fight against the United States. I have a right to free speech, and I was just exercising my right with a fiery sermon. The accusations in this article that I was recruiting for Al Qaida is not true. They are not facts. If I was Al Qaida, would I go to New York and says these things? I didn't know these people and I didn't know what they think. I didn't know anything about them. Why would anyone go to an open community in the United States, who doesn't know anyone, and tell the people there to go fight against the United States? I am not that crazy and I am not an enemy of the United States. I don't have any problems/issues with the United States. This is simple not true.

I watched a news story related to this article, it was from Channel 13 in Indiana. I'm going to press charges against them for destroying my reputation. This is an accusation that I refuse to accept. I am not a member of Al Qaida. I did not encourage anyone to go fight with Al Qaida, and I had no relationship with Al Qaida. I like the United States and I'm not an enemy. I was in the wrong place and the wrong time.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 3 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED].

I have no comments.

My comments are attached.

[REDACTED] Major, USAF
Name

3 Oct 2004
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH MUHAMMAD)
AL GHANAMI,)

Petitioner,)

v.)

Civil Action No. 05-301 (GK)

GEORGE W. BUSH, *et al.*,)

Respondents.)
_____)

DECLARATION OF TERESA A. McPALMER

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

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

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Abdullah Muhammad al Ghanami 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: 28 July 2005

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 386

09 DEC 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN #266

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 #266 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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1852

1 Dec 04

MEMORANDUM

From: Legal Advisor
To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 266

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 #15 of 12 October 2004
(2) Record of Tribunal Proceedings

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

a. The detainee was properly notified of the Tribunal process and affirmatively declined to participate in the tribunal. *See* Exhibit D-a.

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

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-13 was redacted. The FBI properly certified in exhibit R-17 that the redacted information would not support a determination that the detainee is not an enemy combatant.

d. The detainee did not request any witnesses or evidence be presented on his behalf.

e. The Tribunal's decision that detainee #266 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 did not submit comments to the Tribunal.

g. Exhibits R-2, R-3, and R-5 through R-8 contain handwritten notes in the margins. These notes were placed there by the Recorder to direct the Tribunal to the source of the information contained in the allegations or to exculpatory information. These notes do not alter the evidence. The notes are provided as an aid and do not affect the legal sufficiency of the document.

2. The proceedings and decision of the Tribunal as recorded in enclosure (2) are legally sufficient and no corrective action is required.

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



T.A. McPALMER
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

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

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

MEMBERS:

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

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

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

A handwritten signature in cursive script, reading "J. M. McGARRAH", is positioned above the typed name.

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

4 November 2004

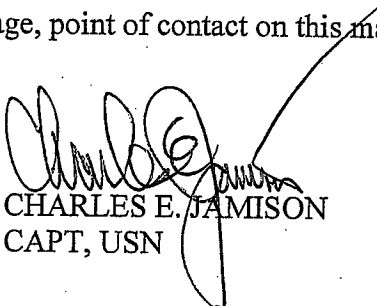
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 266

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: #15

(U) ISN#: 266

Ref: (a) (U) Convening Order for Tribunal #15 of 12 October 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 18 Oct 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #266 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 was supporting the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Col, USAF

Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #15
ISN #: 266

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida, and was supporting the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified summary of the evidence presented to the Tribunal by the Recorder indicated that the detainee, in July 2001, traveled from Saudi Arabia, through Pakistan (where he stayed in a Taliban house) then on to Afghanistan. The unclassified summary further indicates that the detainee was associated with al Wafa, an organization linked to al Qaida, and that the detainee's name appears on a list of probable al Qaida members seized in a coalition raid. The unclassified summary concludes by stating that Pakistani authorities arrested the detainee as he was trying to cross the border into Pakistan. After viewing the evidence on 16 Oct 04, the Tribunal requested that the Recorder provide it with additional information for the purpose of clarifying certain matters. The Recorder did so on 18 Oct 04 in the presence of the Personal Representative. The Tribunal then considered this information and deliberated. The detainee chose not to participate in the Tribunal process. He called no witnesses, and requested no documents be produced.

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-17.

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

The Detainee requested no witnesses; no rulings were necessary.

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

5. Discussion of Unclassified Evidence

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

The Recorder offered Exhibits R-1 through R-3, and R-17 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. Exhibits R-2 and R-3 provided the Tribunal members with background information regarding the nature and activities of al Wafa. Exhibit R-17 provided no usable evidence.

Primarily, the Tribunal looked to classified exhibits for support of the Unclassified Summary of Evidence. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. Although the detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a, the Personal Representative explained his interaction with the detainee to the Tribunal Members on the record. The Tribunal was convinced that the detainee understood the process as explained to him by his Personal Representative and made an informed, reasoned choice not to participate in his hearing.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was supporting the Taliban.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Tribunal President

Col, USAF

DETAINEE ELECTION FORM

Date: 11 October 2004

Start Time: 1530 hrs

End Time: 1620 hrs

ISN#: 0266

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 desire to participate in the Tribunal. No witnesses or documentary
evidence is required. No follow-up nor final interview is required. You may schedule
the Tribunal in absentia.

Personal Representative: [REDACTED]

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Combatant Status Review Board

TO: Tribunal Members

FROM: OIC, CSRT (01 October 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal - AL GHANIMI, Abdallah Muhammad Salih.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is a member of al Qaida, is associated with the Taliban, and supported military operations against the United States or its coalition partners:

The detainee is a member of al Qaida and is associated with the Taliban:

1. During July 2001, the detainee traveled from Saudi Arabia, through Pakistan, where he stayed in a Taliban house, then on to Qandahar, finally arriving in Kabul, Afghanistan.
2. While in Kabul, Afghanistan, detainee stated that he worked at the direction of the al Wafa Organization.
3. The nongovernmental organization 'Wafa' reportedly is believed to possibly be a terrorist organization and may have had connections to Usama bin Ladin and Afghan Mujahedin.
4. The al Wafa organization has been identified as a terrorist organization.
5. The al Wafa organization has been identified as a terrorist organization on the U.S. State Department's Terrorist Exclusion List.
6. The detainee's name appears on a list of Arabs incarcerated in Pakistan and this list belonged to a suspected member of al Qaida.
7. The detainee's name appears on a list of probable al Qaida members.
8. The detainee stated that as fighting neared, he fled Kabul prior to being arrested by Pakistani authorities as he was trying to cross the border into Pakistan.

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Exhibit R-1

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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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23 September 2001

Executive Order

Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat.

I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists.

I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and

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interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or

attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "terrorism" means an activity that --

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended --

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order.

Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order.

The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government.

All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to

be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11.

(a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH
THE WHITE HOUSE,
September 23, 2001

ANNEX

Al Qaida/Islamic Army
Abu Sayyaf Group
Armed Islamic Group (GIA)
Harakat ul-Mujahidin (HUM)
Al-Jihad (Egyptian Islamic Jihad)
Islamic Movement of Uzbekistan (IMU)
Asbat al-Ansar
Salafist Group for Call and Combat (GSPC)
Libyan Islamic Fighting Group
Al-Itihaad al-Islamiya (AIAI)
Islamic Army of Aden
Usama bin Laden
Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)
Sayf al-Adl
Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)

Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)

Ibn Al-Shaykh al-Libi

Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)

Abd al-Hadi al-Iraqi (aka, Abu Abdallah)

Ayman al-Zawahiri

Thirwat Salah Shihata

Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)

Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)

Makhtab Al-Khidamat/Al Kifah

~~Wafa Humanitarian Organization~~

3.a.4

Al Rashid Trust

Mamoun Darkazanli Import-Export Company

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Terrorist Exclusion List Published by US State Department

December 6, 2001

PRESS STATEMENT

Philip T. Reeker, Deputy Spokesman

Washington, DC

December 6, 2001

Statement on the Designation of 39 Organizations on the USA PATRIOT Act's "Terrorist Exclusion List"

To further protect the safety of the United States and its citizens, Secretary of State Colin L. Powell, in consultation with the Attorney General, on December 5 designated 39 groups as Terrorist Exclusion List (TEL) organizations under section 212 of the Immigration and Nationality Act, as amended by the new USA PATRIOT Act. By designating these groups, the Secretary has strengthened the United States' ability to exclude supporters of terrorism from the country or to deport them if they are found within our borders.

The campaign against terrorism will be a long one, using all the tools of statecraft. We are taking a methodical approach to all aspects of the campaign to eliminate terrorism as a threat to our way of life. This round of Terrorist Exclusion List designations is by no means the last. We will continue to expand the list as we identify and confirm additional entities that provide support to terrorists.

Terrorist Exclusion List Designees: December 5, 2001

3.9.5

- Al-Ittihad al-Islami (AIAI)
- Al-Wafa al-Igatha al-Islamia
- Asbat al-Ansar
- Darkazanli Company
- Salafist Group for Call and Combat (GSPC)
- Islamic Army of Aden
- Libyan Islamic Fighting Group
- Makhtab al-Khidmat
- Al-Hamati Sweets Bakeries
- Al-Nur Honey Center
- Al-Rashid Trust
- Al-Shifa Honey Press for Industry and Commerce
- Jaysh-e-Mohammed
- Jamiat al-Ta'awun al-Islamiyya
- Alex Boncayao Brigade (ABB)
- Army for the Liberation of Rwanda (ALIR) – AKA: Interahamwe, Former Armed Forces (EX-FAR)
- First of October Antifascist Resistance Group (GRAPO) – AKA: Grupo de Resistencia Anti-Fascista
- Premero De Octubre
- Lashkar-e-Tayyiba (LT) – AKA: Army of the Righteous
- Continuity Irish Republican Army (CIRA) – AKA: Continuity Army Council
- Orange Volunteers (OV)
- Red Hand Defenders (RHD)

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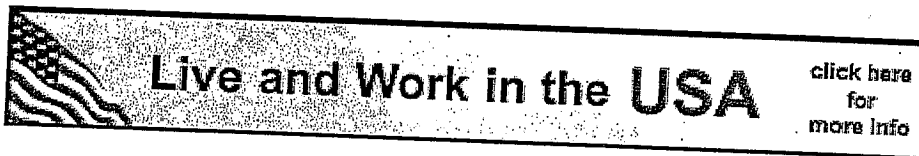
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- New People's Army (NPA)
- People Against Gangsterism and Drugs (PAGAD)
- Revolutionary United Front (RUF)
- Al-Ma'unah
- Jayshullah
- Black Star
- Anarchist Faction for Overthrow
- Red Brigades-Combatant Communist Party (BR-PCC)
- Revolutionary Proletarian Nucleus
- Turkish Hizballah
- Jerusalem Warriors
- Islamic Renewal and Reform Organization
- The Pentagon Gang
- Japanese Red Army (JRA)
- Jamiat ul-Mujahideen (JUM)
- Harakat ul Jihad i Islami (HUJI)
- The Allied Democratic Forces (ADF)
- The Lord's Resistance Army (LRA)

[End]

Released on December 6, 2001

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Last modified:
October 13, 2004

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Memorandum



To : Department of Defense Date 10/18/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

The following documents relative to ISN 266 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 08/18/2002 (ISN [REDACTED] interview)

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


²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/18/2004

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

Personal Representative Review of the Record of Proceedings

I acknowledge that on 19 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #266.

 I have no comments.

My comments are attached.

 MAJ, USAF
Name

19 OCT 04
Date


Signature

ISN #266
Enclosure (4)

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

ZIY AD SALIH MUHAMMAD AL BAHUTH,)
)
)
Petitioner,)
)
v.) Civil Action No. 05-1666 (JDB)
)
GEORGE W. BUSH, *et ai.*,)
)
Respondents.)
)

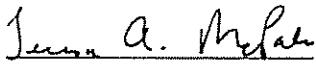
DECLARATION OF TERESA A. McPALMER

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

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.
2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Ziyad Salih Muhammad AI Bahuth 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.
3. I have also redacted what I have been informed is classified information and other information that tends to reveal classified information from the Unclassified Summary of Basis for Tribunal Decision and Exhibit R -1. This information was inadvertently included in these unclassified documents.

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

Dated: March 20, 2006,


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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0335

05 NOV 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 272

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

J. M. McGARRAH
RADM, CEC, USN

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

~~FOR OFFICIAL USE ONLY~~

2 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 272Ref: (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 #7 of 13 September 2004
(2) Record of Tribunal Proceedings

1. A 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. He affirmatively elected not to participate in the Tribunal proceeding.

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

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

d. The detainee requested no witnesses.

e. The Tribunal's decision that detainee # 272 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 affirmatively declined to submit comments.

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.



T. A. McPALMER
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #7

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 Naval Reserve



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

22 October 2004

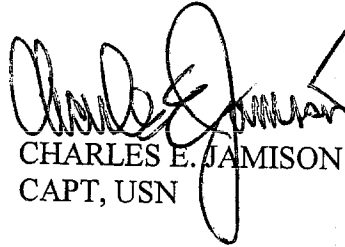
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 272

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: #7

(U) ISN#: 272

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

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U/~~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 19 October 2004, the Tribunal determined by a preponderance of the evidence that Detainee #272 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 or 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

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: #7
ISN #: 272 **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 or 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 19 October 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: 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 detainee's name was found on a floppy disk recovered from raids of a suspected Al Qaida safehouse; the detainee's name appears on a computer file seized during [REDACTED] raids conducted [REDACTED] against Al Qaida associated safehouses in [REDACTED] Pakistan, in March 2003; the detainee's name was found on a computer hard drive seized from members of a suspected Al Qaida cell involved in an attack on U.S. Marines on Faylaka Island in October 2002; the detainee spent 1½ months at a Taliban training center located outside Kabul where he received one week of training with an AK-47 rifle; the detainee was captured by the Pakistani government after crossing the border in the Nangarhar province in December of 2001; the detainee was arrested with the suspected leader of the Afghani Al Wafa Office; and Al Wafa is listed as a terrorist support organization. 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.

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 President of the United States' Executive Order blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism, identified the Wafa Humanitarian Organization as an entity that supports or otherwise associates with foreign terrorists. 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.

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 13 OCT 04

Start Time: 1330

End Time: 1355

ISN#: 272

Personal Representative:  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 listened and responded during the interview. He declined to participate.

Personal Representative: 

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (01 October 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL BAHUTH, Ziyad Salih Muhammad.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates the detainee is associated with al Qaida and the Taliban.

The detainee is associated with al Qaida and the Taliban:

1. 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.
2. The detainee's name was found on a floppy disk recovered from raids of a suspected al Qaida safehouse.
3. The detainee's name appears on a computer file seized during [REDACTED] raids conducted against al Qaida-associated safehouses in [REDACTED] March 2003.
4. The detainee's name was found on a computer hard drive seized from members of a suspected as Qaida terrorist cell involved in an attack on US Marines on Faylaka island in October 2002.
5. The detainee spent one and a half months at a Taliban training center located outside Kabul where he received one week of training with an AK-47 rifle.
6. The detainee was captured by the Pakistani government after crossing the border in the Nangarhar province in December of 2001.
7. The detainee was arrested with the suspected leader of the Afghani al Wafa office.
8. Al Wafa is listed as a terrorist support organization.

Exhibit B-1

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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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23 September 2001

Executive Order

Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat.

I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists.

I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

Exhibit

R-2

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- (a) foreign persons listed in the Annex to this order;
- (b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;
- (c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;
- (d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;
 - (i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or
 - (ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

- (a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;
- (b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

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(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "terrorism" means an activity that --

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended --

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order.

Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in

consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order.

The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government.

All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11.

(a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH
THE WHITE HOUSE,
September 23, 2001

ANNEX

Al Qaida/Islamic Army
Abu Sayyaf Group
Armed Islamic Group (GIA)
Harakat ul-Mujahidin (HUM)
Al-Jihad (Egyptian Islamic Jihad)
Islamic Movement of Uzbekistan (IMU)
Asbat al-Ansar
Salafist Group for Call and Combat (GSPC)
Libyan Islamic Fighting Group
Al-Itihaad al-Islamiya (AIAI)
Islamic Army of Aden
Usama bin Laden
Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)
Sayf al-Adl
Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)
Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)

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Ibn Al-Shaykh al-Libi
Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)
Abd al-Hadi al-Iraqi (aka, Abu Abdallah)
Ayman al-Zawahiri
Thirwat Salah Shihata
Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)
Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)
Makhtab Al-Khidamat/Al Kifah
Wafa Humanitarian Organization
Al Rashid Trust
Mamoun Darkazanli Import-Export Company

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 20 October 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #272.

I have no comments.

My comments are attached.

Name

[REDACTED]

Date

20 OCT 04

Signature

[REDACTED]