

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JARALLAH AL MARRI, *et al.*

Petitioners,

v.

GEORGE W. BUSH,

President of the United States, *et al.*,

Respondents.

Civil Action No. _____

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:

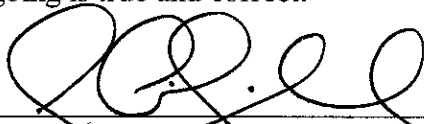
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Jarallah al Marri 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 law enforcement sensitive information as well as that which 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: 22 Nov 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0352

18 NOV 2004

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH
RADM, CEC, USN

Distribution:

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

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15 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

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

Encl: (1) Appointing Order for Tribunal #7 of 13 September 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the tribunal process and elected to participate. At the start of the tribunal, however, the detainee stated he wanted the assistance of a lawyer. After being informed that he would not receive the assistance of a lawyer at the tribunal, the detainee refused to actively participate further in the proceedings. The Personal Representative presented information that the detainee had previously provided to him during their pre-tribunal interviews. There was some confusion between the Personal Representative and the Tribunal regarding whether the detainee wished the Personal Representative to present the information to the Tribunal. The confusion was resolved by having the Personal Representative present the information in the immediate presence of the detainee, who made no effort to stop the Personal Representative from presenting it.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibit R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested no witness nor did he request any classified or unclassified documents be produced.
- e. The Tribunal's decision that detainee [REDACTED] is properly classified as an enemy combatant was unanimous.

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

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



JAMES R. CRISFIELD JR.
CDR, JAGC, USN



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

MEMORANDUM FOR DIRECTOR, CSRT

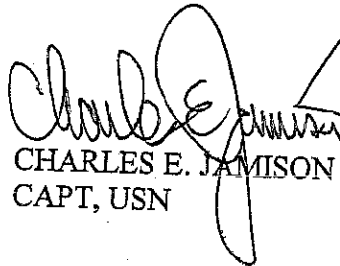
5 November 2004

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 [REDACTED]


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #7

(U) ISN#: [REDACTED]

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) Summary of Testimony (U/FOUO)
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U/FOUO)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 30 October 2004, the Tribunal determined by a preponderance of the evidence that Detainee [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, 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).

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: #7
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting 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 30 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, among other things, that: the detainee is a Qatar citizen who traveled to Afghanistan, through Pakistan, to participate in the Jihad; the detainee arrived in Pakistan in the fall of 2001 and later traveled to a guesthouse in Afghanistan; prior to 11 September 2001, the detainee went to the [REDACTED] camp even after learning it was owned by Usama Bin Laden; the detainee fled the [REDACTED] camp after 11 September 2001, and was issued an AK-47; the detainee had interaction with the Taliban and they directed him through checkpoints throughout Afghanistan; and, the detainee and others fled Afghanistan, but were arrested at the Pakistan border by the Pakistani police. The Recorder called no witnesses.

The detainee elected to participate in the Tribunal, and his election is reflected in the Detainee Election Form (Exhibit D-A). However, after the Tribunal President explained his rights to him, the detainee asked whether the Tribunal would follow the laws of the United States. When the Tribunal President confirmed that the Tribunal would, the detainee indicated he would make no further comments without a lawyer present because he did not understand or know who makes the laws. The Tribunal President informed the detainee that the hearing was not a criminal proceeding, but the detainee responded to every inquiry thereafter with "no comment." The Tribunal President asked the detainee whether or not he wanted to attend the remainder of the hearing, and again the detainee replied "no comment." Accordingly, the Tribunal President proceeded with the hearing with the detainee present. At the point in the hearing where the detainee is given the opportunity to present evidence, the Personal Representative asked the detainee if he wanted the Personal Representative to provide the Tribunal with the detainee's responses.

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to the allegations on the Unclassified Summary of Evidence. The Personal Representative had the responses documented in notes he had taken during a prior interview with the detainee. Again, the detainee responded "no comment." The Personal Representative tried to discern what the detainee's intent was, initially thinking the detainee did not want the information presented, but ultimately deciding to present it. The Tribunal left the decision up to the Personal Representative, because the Tribunal did not want to discourage the introduction of any exculpatory evidence. After making the decision to introduce the evidence, the Personal Representative read into the record the detainee's responses to the allegations found on the Unclassified Summary of Evidence. The detainee's responses to the allegations are presented in Enclosure (3) to the CSRT Decision Report. The detainee requested no witnesses and presented no other evidence.

During the classified session of the Tribunal, the Recorder presented classified Exhibits R-3 through R-10, and commented on the evidence. The Personal Representative presented no classified evidence, but did make a comment with respect to the classified exhibits. The Tribunal then closed for deliberations and voting. After considering all of the classified and unclassified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

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

See Enclosure (3) to the CSRT Decision Report.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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

- a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the

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ISN [REDACTED]
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Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Accordingly, the Tribunal had to look to other evidence to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

b. As noted in paragraph 2, above, the Personal Representative provided the responses the detainee had previously given him to the allegations on the Unclassified Summary of Evidence. In sum, the detainee told him the detainee met people in Mecca who brought him to Afghanistan; the guesthouse he stayed in belonged to the people who brought him to Afghanistan; prior to 11 September 2001, he did go to the [REDACTED] camp even after learning it belonged to Usama Bin Laden; he did not have an AK-47 when he fled the [REDACTED] camp; he fled the [REDACTED] camp because the Americans were going to bomb the camp; he never fought anyone and did not want to continue because it was wrong; the Taliban did not direct him through the checkpoints, but they did control them; and, he fled to Pakistan by himself in a taxi and had his paperwork and passports with him. The Personal Representative asked the detainee if he wanted to elaborate on the answers, but the detainee indicated only "no comment." A summarized transcript of the responses read by the detainee's Personal Representative is attached as CSRT Decision Report Enclosure (3). Even if the information conveyed by the Personal Representative is not considered, the Tribunal finds the classified evidence overwhelming that the detainee is an enemy combatant and was part of or supporting Taliban or Al Qaida forces. 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. Although the detainee elected to attend the Tribunal proceeding, he chose not to respond to anyone at the hearing other than to say he had no comment without an attorney present. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of actively participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. The detainee understood the Tribunal proceedings and made a knowing, intelligent and voluntary decision not to make a statement or present evidence without a lawyer present.

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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,

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

Colonel, U.S. Army
Tribunal President

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Enclosure (1)
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Summarized Detainee Statement

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

Detainee: Yes.

Tribunal President: You have questions?

Detainee: I am going to speak Arabic because my English is not too good, you know? Does this Tribunal follow the laws of the United States?

Tribunal President: Yes.

Detainee: Based on this, I don't understand or I don't know who makes the laws, and because of this I will require a lawyer. I have nothing to say here.

Tribunal President: This is not a criminal court.

Detainee: That's what I have to do.

Tribunal President: Okay, this is not criminal court, Jaralla, so it is not necessary for you to have a lawyer.

Detainee: No comment.

Tribunal President: Personal Representative, was it your understanding that Jaralla was going to participate in this hearing?

Personal Representative: Yes, it was, ma'am.

Tribunal President: Personal Representative was the Tribunal process explained to Jaralla?

Personal Representative: Yes, it was, ma'am.

Tribunal President: With that understanding Jaralla, of course you are not compelled to testify and you are not required to participate if you do not wish to do so; however, this is your opportunity to tell this Tribunal your story, and we are here now and we are willing to listen to your side of the story. So what is your decision?

Detainee: No comment.

Tribunal President: Does that mean you do not want to participate?

Detainee: No comment.

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Tribunal President: I need to know if you would like to participate because we can go on with you here or we can take you back to your cell.

Detainee: No comment.

Tribunal President: Would you like to stay here while we go through the process?

Detainee: No comment.

Tribunal President: Okay, Jaralla, the Tribunal has decided to allow you to stay here while we go through the process. You are certainly encouraged to participate or to respond, if you like.

Detainee: No comment.

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

Detainee: No comment.

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

Personal Representative: When we met for our interview, I did take a few sentences and notes. He had agreed that he was going to speak on his own. But I had asked if I could take a few notes as reminders. I did. Is it his wish that I read these notes? These comments?

Detainee: No comment.

Tribunal President: Okay, we will move on as if we did not have access to this. Personal Representative, is it your wish to present those comments?

Personal Representative: I would be asking for some guidance on this. I do have comments when I met with the detainee regarding each of the accusations you gave me. A few sentences worth of information. He said he does not want me to say them, but I am not sure what I should do, because I have them written here. [Note: As noted in the transcript above, the detainee did not say, "don't present my statements." He only said, "No comment" when the Personal Representative asked him if he wanted statements presented.]

Tribunal President: It's up to you.

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ISN [REDACTED]
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Personal Representative: I would say regarding his comments, he does not want me to say anything. [Note: Same point as above; the detainee did not tell the Personal Representative not to present the detainee's statements. He only said, "No comment."]

Tribunal President: What are your wishes, Personal Representative?

Personal Representative: I think since he said it to me, I should read them.

Tribunal President: Are these comments related to the Unclassified Summary?

Personal Representative: Yes, ma'am.

3.1. The detainee is a Qatar citizen who traveled to Afghanistan through Pakistan, to participate in the Jihad.

Personal Representative: His response was that he met people in Mecca who brought him to Afghanistan.

3.2. The detainee arrived in Pakistan in the fall of 2001 and later traveled to a guesthouse in Afghanistan.

Personal Representative: He did not know anyone. The house belonged to some people who brought him to Afghanistan. At this time, he did not know who they were.

3.3. Prior to 11 September 2001, the detainee went to the [REDACTED] camp, even after learning it was owned by Usama Bin Laden.

Personal Representative: His response was, "yes."

3.4. The detainee fled the [REDACTED] camp after 11 September 2001, and was issued an AK-47.

Personal Representative: He said this was wrong. He did not have an AK-47. He fled because after September 11th, the Americans were going to bomb the camp. He said, "I never fought anyone. I did not want to continue because it was wrong."

3.5. The detainee had interaction with the Taliban and they directed him through checkpoints throughout Afghanistan.

Personal Representative: The notes I have here say they did not help him. At that time, the Taliban controlled all of the country and all of the checkpoints.

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3.6. The detainee and others fled Afghanistan, but were arrested at the Pakistan border by the Pakistani police.

Personal Representative: He said, "Yes, but no one was with me. I was alone. From Kandahar to Pakistan, I took a taxi. I paid my money. The Taliban was all defeated, except in Kandahar. I had all my paperwork and passports."

Tribunal President: Thank you Personal Representative.

Personal Representative: May I ask one more question? I will ask him if he would like to elaborate on this. Would you like to elaborate on this?

Detainee: No comment.

Tribunal President: Jaralla, would you answer questions if the Tribunal asks you questions?

Detainee: No comment.

Tribunal President: Is that all the unclassified evidence that needed to be presented, Personal Representative and Recorder?


Recorder: I have no comment on anything that has been stated.

Personal Representative: I have no other unclassified information to present.


Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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


Colonel, U.S. Army
Tribunal President

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DETAINEE ELECTION FORM

Date: 27-Oct-04

Start Time: 0830

End Time: 0930

ISN#: [REDACTED]

Personal Representative: [REDACTED]
(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 has no witnesses requests.

Personal Representative: [REDACTED] LCDR, USN Exhibit: D-A

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (14 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL MARRI, Jaralla Saleh Mohammed Kahla

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 was associated with the Taliban and al Qaida forces.

The detainee was associated with the Taliban and al Qaida forces.

1. The detainee is a Qatar citizen who traveled to Afghanistan, through Pakistan, to participate in the Jihad.

2. The detainee arrived in Pakistan in the fall of 2001 and later traveled to a guesthouse in Afghanistan.

3. Prior to 11 September 2001, the detainee went to the [REDACTED] camp even after learning it was owned by Usama Bin Laden.

4. The detainee fled the [REDACTED] camp after 11 September 2001, and was issued an AK-47.

5. The detainee had interaction with the Taliban and they directed him through checkpoints throughout Afghanistan.

6. The detainee and others fled Afghanistan, but were arrested at the Pakistan border by the Pakistani police.

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

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Exhibit R-1

UNCLASSIFIED

Memorandum



To : Department of Defense
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT
Date 10/13/2004

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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 04/01/2002

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

²See Executive Order 12958

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Unclassified

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/13/2004

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

[REDACTED] Intelligence Analyst [REDACTED]

Unclassified

Personal Representative Review of the Record of Proceedings

I acknowledge that on 1 November 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]
Name

01 NOV 04
Date

[REDACTED]
Signature

ISN [REDACTED]
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BASSAM AL DOUBAYKHI,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-2369 (RWR)

DECLARATION OF TERESA A. McPALMER

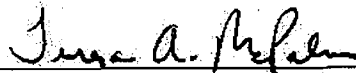
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants 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 Bassam Al Doubaykhi 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: 30 August 2006



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

~~FOUO~~



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 062

25 FEB 2005

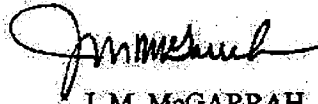
~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 340

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 #340 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

~~FOUO~~

26 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 340

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 # 27 of 9 December 2004
(2) Record of Tribunal Proceedings

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

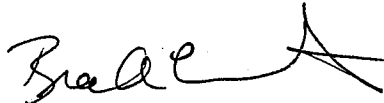
- a. The detainee was properly notified of and actively participated in the Tribunal process. The detainee provided a sworn oral statement at the Tribunal hearing.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-6 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee requested one witness, another detainee. The detainee proffered that this witness could testify about his plans and verify that he never trained in a camp. The detainee also proffered that the witness would testify how the detainee obtained the money in his possession when he was captured. The Tribunal President did not render a formal decision on the witness's relevance, although it is clear from the proffer that the detainee was relevant. The Tribunal President also determined that the witness was reasonably available. The requested witness declined to testify. At that point, the Tribunal President should have made a formal determination that the witness was not reasonably available. However, this technical error does not affect the legal sufficiency of the proceeding and certainly did not prejudice the detainee in any way. No corrective action is required.

The detainee did not request any other witnesses or evidence.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 340

- e. The Tribunal's decision that detainee #340 is properly classified as an enemy combatant was unanimous.
2. The proceedings and decision of the Tribunal as reflected in enclosure (2) are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



BREE A. ERMENTROUT
CDR, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #27

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

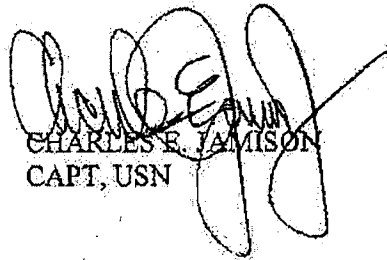
7 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 340

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #27

(U) ISN#: 340

Ref: (a) Convening Order for Tribunal #27 of 9 December 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

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

(U) This Tribunal was convened on 28 December 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).

(U) The Tribunal has determined that Detainee #340 is properly designated as an enemy combatant as defined in reference (c).

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

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



Colonel, U.S. Army
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: #27
ISN #: 340

1. Introduction

As the Combatant Status Review Tribunal 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. 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. Any classified evidence considered by the Tribunal is discussed in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida. The Detainee traveled from Saudi Arabia to Pakistan and the United Arab Emirates in September 2001. The Detainee was arrested at a checkpoint in Pakistan. The Detainee was in possession of a large sum of money when captured. The Detainee was arrested with another individual. This individual was a fighter at Tora Bora. This individual also attended paramilitary training camps. This individual was also the director of the Al Wafa organization in Herat. Al Wafa is a non-governmental agency considered a terrorist organization. The detainee met with a known al Qaida facilitator. The Detainee may have attended a terrorist training camp. The Detainee received special training in Kabul.

The Detainee chose to participate in the Tribunal process. He called one witness, requested no documents be produced, and made an oral, sworn statement. The Tribunal President found the requested witness was reasonably available, however, the witness chose not to testify on the Detainee's behalf. The Detainee, in his oral sworn statement, denied being an al Qaida member. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and D-b, R-1 through R-17
- b. Testimony of the following persons: None.

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ISN #340
Enclosure (1)
Page 1 of 4 2236

c. Sworn statement of the detainee.

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

The Detainee requested the following witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Bendar Al-Utaibi	reasonably available	no *

* The Detainee stated that this individual could testify as to what the Detainee was going to do, where the money came from and that he never trained in a camp. When contacted, the witness declined to testify on behalf of this Detainee. (See Exhibit D-b)

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1 thru 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, FBI Request for Redaction, provided no usable evidence. Exhibit R-3 is the January 2004 Department of Homeland Security, Terrorist Organization Reference Guide, which highlights the Al-Wafa al-Igatha al-Islamia organization being on the Terrorist Exclusion List. While supportive in nature, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated he was arrested in Pakistan with a large sum of money, but he claimed the money was solely for the purpose of buying and selling antique coins, books and artifacts. He claimed he was from a wealthy family (father was in real estate and camels) in Saudi Arabia and that he dealt in antiques. The Detainee claimed when he arrived in Pakistan, he only had money to cover travel expenses, but when captured he had approximately \$90,000 (US). When queried why would you carry such a large sum of cash, the Detainee claimed he was going to transfer it to Saudi Arabia, or exchange it for Kuwaiti money which is physically smaller in size so it could easily be hidden a suitcase and therefore not discovered, or finally he thought about simply putting it on a VISA card. He stated while in Pakistan he found two mummies - one small and one large. The Detainee claimed he solicited help from a local Pakistani (whose name he could not recall) to sell the mummies over the

Internet. Within 3-4 days the Detainee successfully sold the mummies to a Frenchman and that is how he came into \$90,000 (US). After the sale, the Detainee admitted getting lost and seeking the assistance of a 'stranger' to help him get back to his hotel. The Detainee stated he sought to borrow money from this 'stranger' in order to get back to his hotel, where he allegedly left his \$90,000 (US). The Detainee then stated that, after learning the 'stranger' also had a large sum of money, they agreed to stay together as a matter of safety and security, because Pakistan was a dangerous place with lots of criminals. When asked if he knew the stranger was associated with Al-Wafa, the Detainee said, "I don't think so, he only had money to donate to charities." The Detainee then indicated he willingly went with the 'stranger' to help him donate his large sum of money to some needy charities. At night, they traveled from Karachi to Quetta. In Quetta, the Detainee and the 'stranger' were directed toward a part town by guards at a checkpoint, but once they got there they only saw individuals. "We were not comfortable," so they turned around--deciding to donate the money to an organization. As they approached the checkpoint again, they were stopped. The Detainee stated at this time, the vehicle was searched and the guards found the large sum of cash and his laptop computer. They were arrested because they were Arabs. The Detainee said the guards mentioned the US would pay \$5,000 for any Arab and if he could pay, they would release him; he did not pay. After being passed from the Pakistani Intelligence service, to a local hospital, the Detainee was ultimately transferred to US forces. The Detainee denied meeting a known al Qadia facilitator, attending a terrorist training camp, or receiving special training in Kabul. In fact the Detainee denied ever hearing of the name Kabul or having ever traveled to or being in Afghanistan.

c. The Detainee repeatedly expressed concern about his personal safety both in Camp Delta and "if" returned to Saudi Arabia. He stated that he has been wrongly accused of being a spy and a non-Muslim and that he has received numerous death threats while in Cuba.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed appropriate.

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b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with al Qaida.

8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

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Enclosure (1)
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Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 thru R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

Tribunal President: I see that you have requested one witness, ISN#243. By his silence, he has elected not to participate here today.

The Detainee did take the Muslim oath.

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

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

3.a.1. The detainee traveled from Saudi Arabia to Pakistan and the United Arab Emirates in September 2001.

Detainee: I cannot recall the exact date.

3.a.2. The detainee was arrested at a checkpoint in Pakistan.

Detainee: True.

3.a.3. The detainee was in possession of a large sum of money when captured.

Detainee: Right.

3.a.4. The detainee was arrested with another individual.

Detainee: Yes, this is true.

3.a.5. The individual was a fighter at Tora Bora.

Detainee: Not true. You want me to say something about this? One of the Saudi Arabia embassy representatives met me in Pakistan. I showed them all the documents I had, which would tell them what I did thru the time I spent in Pakistan, like the bills from the hotel and the communications between my family and me. The stuff I had on me when they arrested me, I was going to sell them. They arrested me before the fight in Tora Bora.

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3.a.6. This individual also attended paramilitary training camps.

Detainee: That's not right.

3.a.7. This individual was also the director of the Al Wafa organization in Herat.

Detainee: I don't think so and I have reasons for that. This individual had a lot of money and he was looking for a charity organization, Saudi or others, to give it to them to help the poor people, Saudi charity organization or the Red Cross. If he had any relations with the Al Wafa organization he would not go and look for another organization to give the money to he would just give it to his organization. The other reason is he just came from Turkey. This is the second reason. The third reason is he never mentioned anything else, I was only with him for four days from the day I met him until the day they arrested me. He didn't say anything about being a member of the Al Wafa organization. That is the reason I have.

3.a.8. Al Wafa is a non-governmental agency considered a terrorist organization.

Detainee: I never heard about this name until I got here.

3.a.9. The detainee met with a known al Qaida facilitator.

Detainee: I met two people in Pakistan and I don't know if they were related to al Qaida or not, but if they were related to al Qaida they would have killed me because as I have stated before I didn't have a beard and I had a lot of dates with women. If they were members of al Qaida they hate these things because they are terrorist. They don't like people to have their own freedom to do such things. They would at least stop me from doing these things or kill me.

3.a.10. The detainee may have attended a terrorist training camp.

Detainee: Never

3.a.11. The detainee received special training in Kabul.

Detainee: Where is Kabul located?

Tribunal President: Kabul is a town in Afghanistan

Detainee: I have never been to Afghanistan. They have my passport and a representative from Saudi Arabia looked at my passport and there is nothing mentioned that I entered the borders. By the time I went to Pakistan until they arrested me it was a very short time. I could not have gone to Afghanistan to train there.

Tribunal President: Is there anything else you would like to tell us at this time?

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Detainee: Two members of the Saudi Arabia embassy in Pakistan met me with another guy named Ali Abbott(ph). He is the head of the intelligent service in Pakistan. They looked at my documents and they mentioned to me, you are okay there is nothing against you. On the twenty-seventh, twenty-eighth, or the twenty-ninth of one month we call Shawall(ph), it is after the Ramadan. I got a piece of paper from the court in Pakistan saying that I was an innocent man in the second or the third session of the court. That was the day before they transferred me to the American people. I hope the American government can find the proof in my stuff that they could not find. I am sure if you find my stuff and go thru it you will find out I don't have anything to do with these accusations you have against me. I am a businessman. I feel that I am in danger if I stay here or go back to Saudi Arabia. Not from the government, but from the people around me over there. What I meant by that is, a lot of detainees here around me think that I am a spy. They think that I am working with the Soviet and the Americans. They threaten to kill me if I stay here or go back. Since I have been here these three years the detainees curse me and threaten to kill me if I stay here or go back to Saudi Arabia. I hope if I am found innocent you will not send me back to Saudi Arabia. I will seek an asylum in another country like Sweden. I will be away from the Arabs. Sweden is so far from Saudi Arabia. That is my suggestion to keep my live.

Tribunal President: I can tell you that we make a determination on your enemy combatant status, but as to anything else, that will be worked out with the Department of State. We will however make a note of your concerns.

Detainee: God bless you.

Tribunal President: At this time we may have some questions for you. Would you be willing to answer some questions?

The Personal Representative and the Recorder had no further questions for the detainee.

Tribunal Members' questions

Q. Can you tell us why you went to Pakistan?

A. I mentioned this to the interrogator many times. I went there looking for artifacts like old coins and old books because it is cheap there. As a businessman I would go buy it and I would transfer it to Arabs inmerant(ph), Saudi Arabia, or to Europe.

Q. Have you made trips in the past to Pakistan for that same reason?

A. No, that was my first time.

Q. About how much money did you have?

A. In what currency do you want?

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Q. Dollars would be fine.

A. More than ninety thousand dollars.

Q. How did you happen to have that amount?

A. When I went to Pakistan, I had a little money to cover my expenses and to buy little stuff. After that I went to places in the North, which was North East Pakistan. I found out there was a lot of people that go and look for the stuff I want. They didn't know the value of the things they found and I bought it from them. I found a mummy. I bought one. I was planning to send it to Europe. I put it on the Internet. I had the help of a Pakistani translator; he did this for me on the Internet. I sold it to a French man. I had two, one big one small. I bought two of them. I sold them two days after I bought them. Most of that money came out of the sell of the two mummies and the rest was mine.

Q. Is there anyway the investigators could be able to find documentation of that sell? For example you mentioned eBay. Do you know the website that you used?

A. If you can find that Pakistani guy I'm talking about you would definitely get all the information you want.

Q. What was your occupation before you started trading in commodities?

A. After I left when I quit my education. I dealt with Arabian horses, used cars and perfumes. In Saudi Arabia we have free trade.

Q. What is your education level?

A. High School.

Q. As far as finding that Pakistanian guy, do you have his name?

A. His name is in Urdu. I cannot remember his name. If it was in Arabic I could have memorized it but it is Urdu.

Q. Did you ever remember it? For example were you ever asked about it? You said you were asked several times by the interrogators the reason why you were in Pakistan. Did you ever tell them his name?

A. I never mentioned that to them. They didn't asked about it.

Q. How old are you?

A. Twenty-four.

Q. Do you speak or understand English?

A. A little.

Q. Your family, is it wealthy, poor, large or small?

A. Wealthy.

Q. What did they do?

A. My dad is in the real estate business and camels.

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- Q. You said you never attended training camps, but do you have any military training?
- A. No.
- Q. Have you ever handled any weapons like bombs, explosives, guns, ordinance etc?
- A. In the tribe I belong to they have all of those things, but I am scared to be close to them. When they have ceremonies they shoot in the air and I hate that.
- Q. For the record are you a member of the al Qaida?
- A. No.
- Q. Do you belong to Al Wafa?
- A. No.
- Q. You mentioned that al Qaida dislikes people who don't have beards. Why do you have a beard now?
- A. To prove to the detainees around me that I'm one of them and I am worshiping God. I don't have anything to do with when I was young going around doing things they don't like. I asked many times to the interrogators to put me some place where I don't have to see them. I want to get rid of this fear.
- Q. I'm trying to understand. You said that when you were arrested in Pakistan, it was your first time there and that you were only there three to four days?
- A. Those three four days was just when I met the other guy.
- Q. How long were you in Pakistan before you were arrested?
- A. I use to have notes. As I said before I don't know the exact time when I entered into Pakistan. I can't recall how many days I spent there in Pakistan. If you have the invoices and slips from the hotel you could tell how many I was there.
- Q. The individual that you met how did you meet him?
- A. I met him in Islamic (inaudible) to King Fasal mosque. I was lost. I didn't know how to get back to my hotel. The places look the same. I don't know the names. I went to him to see if he could help me. He asked me, what do you need? I asked him if he could tell me how to get back to my hotel or to go back to Saudi Arabia. The reason I wanted to go back to Saudi Arabia was because I thought I was never going to get to the hotel to get my own money. I asked him if he could help me and give me some money as a loan just to get back to Saudi Arabia, as a loan.
- Q. You had ninety thousand dollars when you were captured. Why did you need a loan to get home?
- A. It wasn't on me at that time. It was at the hotel, which I didn't know how to get back to.
- Q. The ninety thousand dollars was lost then. You were separated from your money?

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- A. I thought maybe I lost it because maybe I wasn't going to get back to the hotel.
- Q. Was the money in a safe or in your room?
- A. In a samsonite handbag. The bank note was small.
- Q. When you travel to Pakistan, how did you get there?
- A. I went by airplane to Saudi Arabia to Pakistan.

Tribunal President's questions.

- Q. This gentlemen that you met on the street. Why did he stay with you?
- A. We both had a lot of money and we wanted to be together to protect each other because there are a lot of thieves. He said stay with me until I give the money to a charity organization.
- Q. That was the first time you had ever met this individual correct?
- A. Yes.
- Q. Maybe you didn't understand, but in the unclassified he had attended paramilitary training camps. Would you have known that? Did you talk about that sort of thing?
- A. I could not tell if he had had any training. He was with me in the car and I'm driving. I had a laptop. There was a movie, I didn't ask what kind of movie. He said that he didn't care about it. I'm sorry to tell you that some of those movies were adult's movies. If he were a fanatic(ph) or a terrorist, he would have let me know to turn it off because he doesn't want to see it.
- Q. You had made assumptions about him, but you didn't know the particulars about him? You didn't know in-depth information about him?
- A. Yes you are right.
- Q. Can you tell me what happen when you were arrested? How did that happen?
- A. I was coming from Karachi going to Quetta(ph). A Pakistani individual told me, if you are looking for any charitable organization they are in Quetta. We were looking for them and it was nighttime. We entered into the suburbs of Quetta. There was a driver and his helper with us. They made one turned and they said those are the needy people. This was in the very suburbs of Quetta. We were scared to get out because maybe they would take all of the money. We ask the driver to get back. I told the driver we have decided to give it to one organization not to individuals. It is safer and less hassle if we go and look for an organization to give them the money and get a receipt from them and they can go and do whatever they want with the money. When we went back we pass the same checkpoint. That was just ten minutes ago. When we tried to go thru the checkpoint they arrested us.

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- Q. What reason did they give you for arresting you?
A. They said that you are Arabs. Even when I talked to one of them in English, he said there is nothing against us, but he asked for five thousand dollars. He said that the United States will buy you for ten thousand dollars, five thousand dollars per person. At that time I don't blame the United States because of what had happened at that time, it was a disaster. I thought I would only be detained for days but it looks like it has been a while.
- Q. Would you normally carry around that much money? Wouldn't you use a bank?
A. That was the cash money that I got from the French man I sold the mummies to. My plan was to transfer this money to Saudi Arabia. I went to the bank to exchange it from dollars to Kuwaiti because the bank notes are smaller.
- Q. If you were going to return to Saudi Arabia. Wouldn't they question you for entering the country with that amount of money?
A. Not the amount because the size of it was little. They would never ask, if it was with me. My plan was to transfer the money to Saudi Arabia. I was thinking about depositing this money in a visa card.
- Q. If you had not been arrested what were plans? Were you staying in Pakistan or were you going somewhere else?
A. I was planning to go back to Saudi Arabia because it was only nine days before Eid(ph).
- Q. Was your family expecting you to return?
A. Yes and there were a lot of gifts for them.
- Q. Did they contact the Pakistani government to find out what happen to you when you didn't return?
A. I always call my family, but the last time was when a representative from the Saudi Arabia embassy in Pakistan said to me in three days you will be free. I called my family and told them that in three days I will be in Saudi Arabia.
- Q. The last time you talked to your family you were in jail?
A. I was in the Red Crescent before they transferred me to prison. We were under Saudi Arabia embassy custody. The Pakistani's wanted us to be in prison but Saudi Arabia said that there is nothing against them so let them go.
- Q. When you were arrested did they put you in a Pakistan jail?
A. After I met with Saudi Arabia or before?
- Q. When you were arrested at the checkpoint?
A. They took me to the Pakistani intelligence building, not a prison. We stayed there for five days, in that building. Then they took us to General Hospital. We went on a hunger strike where we didn't eat for five days. I spent one night in General Hospital. The Saudi embassy representative came and took me to the Saudi

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Arabia Red Crescent. I stayed in the Red Crescent for eight days and then they took me to the Pakistani prison. The Saudi Arabia embassy representative apologized. He said we couldn't do anything. The United States wants you. They the United States is bigger than Saudi Arabia so your will be going with the Americans. They assured us that we would be free in a very short time.

Q. What happened to your money when you were arrested?

A. The money, books and all of my stuff was signed for on a piece of paper by the head of Pakistani Intelligence Service, his name is Ali Abbott(ph), a representative from Saudi Arabia embassy and a representative from the court I went thru in Pakistan. They signed that piece of paper saying that all these things belong to me. When they took me to the prison they brought all of my stuff with that piece of paper to the prison. This is one of the last two times I saw my stuff, at this time when I am talking to you when they transferred me to you and the other time when the American interrogators sat with me. I signed the paper by my fingerprint when I met the Americans for the first time. They showed me what I had and everything was there. That piece of paper was in Arabic language. There was another piece of paper in another language but I don't know what was on that paper.

Q. Basically they had you verify that these belongings actually belonged to you?

A. Yes ma'am.

Tribunal Members' questions continues

Q. One area that confused me and that's your willingness to leave your money in your hotel by going to Saudi Arabia. That didn't make sense to me and I wanted to see if you wanted to explain that?

A. My plan was not to leave the money there. When I met the other individual I was seeking his help to go get the money and to be with him because that was a lot of money. I was trying to explain that but I didn't want to cut off his question.

Translator: Can I say something here? I don't why he only said it once, but he mentioned that when he got lost he thought he was not going to see that money again, that is what he said.

Detainee: I explained everything with my Personal Representative. I wish you a long life. There is something I want to say but I am to shy to say it.

Tribunal President: This is your only opportunity.

Detainee: If you send me back or stay here, I want to stay because I'm guilty not because I'm innocent. I am worried about the people around me always telling me that I'm a spy. If you send me back to Saudi Arabia people will say that you collaborated with the Americans that is why they let you go.

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Tribunal President: We will take that into consideration and we will certainly note it in the record that you have these concerns.

Detainee: God bless you for what you said. If I go back because I'm innocent I don't think I will survive.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal.

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

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ISN#340
Enclosure (3)
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DETAINEE ELECTION FORM

Date: 18 DEC 04

Start Time: 1300

End Time: 1415

ISN#: 340

Personal Representative:  LTC, US ARMY

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

Detainee will participate. He will provide an oral presentation regarding the allegations read to him by the PR. He may or may not take an oath (unsure at interview). He has requested one witness whom he as identified as a Camp 5 detainee **ISN 243 (Bendar ((Al-Utaibi))**. The detainee says he knew him for only four days prior to capture (both at same time). But he could explain what detainee was going to do, where the money came from and that the detainee never trained in a camp.

Personal Representative: 

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (14 December 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL DUBAYKHI,
Bassam 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 associated with al Qaida.

A. The detainee is associated with al Qaida:

1. The detainee traveled from Saudi Arabia to Pakistan and the United Arab Emirates in September 2001.
2. The detainee was arrested at a checkpoint in Pakistan.
3. The detainee was in possession of a large sum of money when captured.
4. The detainee was arrested with another individual.
5. This individual was a fighter at Tora Bora.
6. This individual also attended paramilitary training camps.
7. This individual was also the director of the Al Wafa organization in Herat.
8. Al Wafa is a non-governmental agency considered a terrorist organization.
9. The detainee met with a known al Qaida facilitator.
10. The detainee may have attended a terrorist training camp.
11. The detainee received special training in Kabul.

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

EXHIBIT R- 2250

Memorandum



To : Department of Defense Date 12/14/2004
Office of Administrative Review
for Detained Enemy Combatants
Capt. Charles Jamison, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

The following documents relative to ISN 340 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/14/02
FD-302 dated 08/08/02

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

²See Executive Order 12958

Memorandum from [REDACTED] to Capt. Charles Jamison
Re: REQUEST FOR REDACTION, 12/14/2004

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

or IS [REDACTED]

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- ① - [REDACTED]
- 1 - [REDACTED]

[REDACTED]

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U.S. CUSTOMS AND BORDER PROTECTION

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

Terrorist Organization Reference Guide

January 2004

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EXHIBIT 283 **3**

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Terrorist Exclusion List

Terrorist Exclusion List³

Section 411 of the USA PATRIOT ACT of 2001 (8 U.S.C. § 1182) authorized the Secretary of State, in consultation with or upon the request of the Attorney General, to designate terrorist organizations for immigration purposes. This authority is known as the "Terrorist Exclusion List (TEL)" authority. A TEL designation bolsters homeland security efforts by facilitating the USG's ability to exclude aliens associated with entities on the TEL from entering the United States.

Designation Criteria

An organization can be placed on the TEL if the Secretary of State finds that the organization:

- commits or incites to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;
- prepares or plans a terrorist activity;
- gathers information on potential targets for terrorist activity; or
- provides material support to further terrorist activity.

Under the statute, "terrorist activity" means any activity that is unlawful under U.S. law or the laws of the place where it was committed and involves: hijacking or sabotage of an aircraft, vessel, vehicle or other conveyance; hostage taking; a violent attack on an internationally protected person; assassination; or the use of any biological agent, chemical agent, nuclear weapon or device, or explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property. The definition also captures any threat, attempt, or conspiracy to do any of these activities.

Designation Process

The Secretary of State is authorized to designate groups as TEL organizations in consultation with, or upon the request of the Attorney General. Once an organization of concern is identified, or a request is received from the Attorney General to designate a particular organization, the State Department works closely with the Department of Justice and the intelligence community to prepare a detailed "administrative record," which is a compilation of information, typically including both classified and open sources information, demonstrating that the statutory criteria for designation have been satisfied. Once completed, the administrative record is sent to the Secretary of State who decides whether to designate the organization. Notices of designations are published in the Federal Register.

Effects of Designation

Legal Ramifications

Individual aliens providing support to or associated with TEL-designated organizations may be found "inadmissible" to the U.S., i.e., such aliens may be prevented from entering the U.S. or, if already in U.S. territory, may in certain circumstances be deported. Examples of activity that may render an alien inadmissible as a result of an organization's TEL designation include:

- membership in a TEL-designated organization;
- use of the alien's position of prominence within any country to persuade others to support an organization on the TEL list;
- solicitation of funds or other things of value for an organization on the TEL list;
- solicitation of any individual for membership in an organization on the TEL list; and
- commission of an act that the alien knows, or reasonably should have known, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material for financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training to an organization on the TEL list.

(It should be noted that individual aliens may also found inadmissible on the basis of other types of terrorist activity unrelated to TEL-designated organizations; see 8 U.S.C. §1182(a)(3)(B).)

Other Effects

1. Deters donation or contributions to named organizations.
2. Heightens public awareness and knowledge of terrorist organizations.
3. Alerts other governments to U.S. concerns about organizations engaged in terrorist activities.
4. Stigmatizes and isolates designated terrorist organizations.

Background

On December 5th, 2001 Secretary of State Colin Powell, in consultation with the Attorney General designated the following organizations, thereby placing them on the Terrorist Exclusion List:

Terrorist Exclusion List Designees

- Al-Ittihad al-Islami (AIAI)
- Al-Wafa al-Igatha al-Islamia

Detainee 243 witness for 340 Memorandum

PR met with witness 243 at 1245 hours 22 December. 243 remained silent and stoic throughout the short interview. PR asked if he would participate by statement on behalf of another detainee – silence. PR indicated if he would just shake his head, it would mean that he did not want to participate –stoic silence. PR indicated that if he remained silent, that would mean that he did not want to participate – 243 remained silent and the interview was terminated.

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Personal Representative Review of the Record of Proceedings


I acknowledge that on 30 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #340.

I have no comments.

My comments are attached.

 USA
Name

30 Dec 04
Date


Signature

ISN #340
Enclosure (5)

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2260

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMED MUBAREK SALAH AL QURBI,)
)
)

Petitioner,)
)

v.)

Civil Action No. 05-2201 (ESH)

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 Mohammed Mubarek Salah Al Qurbi 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
CDR, JAGC, U. S. Navy



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 833

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 342**

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 #342 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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21 Jan 05

MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # 342

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 #26 of 9 December 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and elected to participate. See exhibit D-a. The detainee also provided an unsworn statement to the Tribunal in a question and answer format. See enclosure (3) The Tribunal considered the sworn statement in its deliberations.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b)
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee #342 is properly classified as an enemy combatant was unanimous.

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

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

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

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2262



Department of Defense
Director, Combatant Status Review Tribunals

9 Dec 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #26

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

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

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

MEMBERS:

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

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

██████████, Major, U.S. Air Force; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

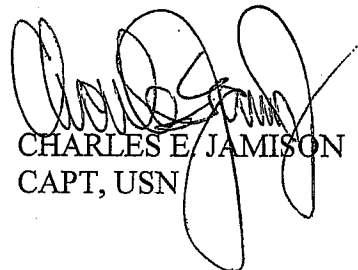
10 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 342

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

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


CHARLES E. JAMISON
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

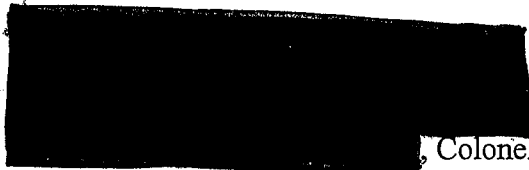
(U) TRIBUNAL PANEL: #26

(U) ISN#: 342

Ref: (a) (U) Convening Order for Tribunal #26 of 9 December 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 29 December 2004, the Tribunal determined by a preponderance of the evidence that Detainee #342 is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, USAF

Tribunal President

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UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: _____ #26

ISN #: _____ 342

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting al Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The Tribunal hearing was conducted on 29 December 2004. During the unclassified portion of the Tribunal, the Personal Representative presented Exhibit D-a, the Detainee Election Form, after which the Recorder presented Exhibit R-1. The latter exhibit, the Unclassified Summary of Evidence, indicates that the detainee traveled extensively during the period December 2000 through November 2001; multiple visits to Saudi Arabia, Pakistan, and the United Arab Emirates, a one-week stop in Syria, and a five-month stay in Malaysia are recorded in his passport; an Al Qaida operative is known to have falsified passports using a Malaysian visa stamp in order to eliminate evidence of travel in Afghanistan and Pakistan; the detainee was a member of al Qaida and a member of Al-Nashiri's security element; the detainee was observed on board a Taliban airplane ferrying fighters bound for Northern Afghanistan; the detainee was identified as an al Qaida member by a former guard at Usama Bin Laden's complex at the Kandahar, Afghanistan, Airport; the detainee served as the manager of the al Qaida front-lines guesthouse in Kabul Afghanistan; and Pakistani Police in Quetta arrested the detainee on 25 November 2001. The Recorder called no witnesses.

The detainee participated in the Tribunal process. After declining to take an oath, the detainee provided some comments on each of the allegations on the Unclassified Summary of Evidence. Afterwards, he answered a question posed by a Tribunal member, but then declined to answer any further questions other than to refer the Tribunal to his case file. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee requested no witnesses and submitted no evidence.

During the classified session of the Tribunal, the Recorder presented Exhibits R-2 through R-19, identifying those exhibits that directly addressed the allegations in the Unclassified Summary of Evidence and those that provided amplifying information. The Personal Representative introduced no classified documents and did not comment on the classified evidence.

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ISN #342
Enclosure (1)
Page 1 of 3

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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-19.
- b. Testimony of the following persons: None.
- c. Unsworn testimony of the detainee: See Enclosure (3) to the CSRT Decision Report.

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

The detainee requested no witnesses or other evidence be produced for the hearing; no rulings were necessary.

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibit R-1 into evidence during the unclassified portion of the proceeding. That exhibit, the Unclassified Summary of Evidence, while helpful in that it provides a broad outline of what the Tribunal can expect to see, is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to classified exhibits for support for the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsworn testimony. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee asserted that he had never been to Afghanistan, and that he was not an al Qaida member who worked as a guard at an Usama Bin Laden complex.

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:

UNCLASSIFIED//~~FOUO~~

ISN #342
Enclosure (1)
Page 2 of 3

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.

b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and participated in the hearing.

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

8. Dissenting Tribunal Member's Report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

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

, Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President explained the Tribunal process, and asked the Detainee if he understood this process. The Detainee responded as follows:

Detainee: Yes, I do.

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

Detainee: No, I don't have any but I would like to discuss the allegations.

The Tribunal President agreed and explained to the Detainee that he will be able to do so after the Tribunal proceedings are read.

The Detainee Election form (Exhibit D-a) was given to the Tribunal, and the unclassified evidence was given to the Tribunal. The Recorder then entered the Unclassified Summary of Evidence into evidence as Exhibit R-1. The Personal Representative then requested a closed session to review classified information at a later time.

Tribunal President (to the Detainee): You may now present any evidence you have to this Tribunal, and you have the assistance of your Personal Representative in doing so. Do you want to make a statement to the Tribunal? Before you answer that, I would like to clarify something for you. The three members here have not seen any part of your file. We are independent officers assigned to review your status as an enemy combatant. All we know about the case is what we have heard here so far. As you can see from the process we have gone through, this is the time for you to provide us information in your own words about what the government has listed as reasons that you should be classified as an enemy combatant. It has been very helpful to other Tribunals if the personal representative would read each one of the allegations and the Detainee would make any comment he felt appropriate regarding that allegation. The decision is completely yours. You are not required to answer or comment at all. It is your choice. Again, would you like to make a statement to this Tribunal today?

Detainee: Yes, I do.

Tribunal President: Would you like to make your statements under oath, which is a promise to tell the truth. We have a prepared Muslim oath if you would like to use that.

Detainee: Are there any Muslims here that I can swear in front of?

Tribunal President: I wouldn't know that. It is not a matter I am concerned with. It is your choice to make your sworn statement. You are not required to take a Muslim oath. Any oath or promise to tell the truth would be acceptable to us.

Detainee: If there were Muslims here, I would take the oath.

Tribunal President: I can't answer that question.

Detainee: Fine.

Tribunal President: OK. We will consider your statement un-sworn and you may continue.

Detainee: Fine.

Tribunal President: Personal Representative you may assist the Detainee in reviewing the government's unclassified summary of evidence.

Personal Representative (to the Detainee): I will read each allegation to you and you can make a response. Let me know when you are done and I will read the next.

Detainee: Fine.

The Personal Representative reads the following information from Exhibit R-1.

3.a-1: The Detainee traveled extensively during the period December 2000 through November 2001. Multiple visits to Saudi Arabia, Pakistan, the United Arab Emirates, a one-week stop in Syria and a five-month stay in Malaysia are recorded on the passport.

Detainee: This is my story of how I went from Saudi Arabia, Pakistan, United Arab Emirates, then Malaysia then Syria. The order on the unclassified summary is mistaken. I went from Saudi Arabia to United Arab Emirates, then Pakistan, then Malaysia, and then Syria.

3.a-2: An Al Qaida operative is known to have falsified passports using Malaysian visa stamps in order to eliminate evidence of travel in Afghanistan and Pakistan.

Detainee: I talked about that with the interrogators. My passport is fine. The Saudi Arabian government is aware of my past passport and provided you with wrong information about me.

3.a-3: The Detainee was a member of Al Qaida and a member of al-Nashri's security element.

Detainee: I would like to ask a question. What is al-Nashri's?

Personal Representative: I can offer an answer, sir. Al-Nashri is an alleged Al Qaida Persian Gulf Operation chief who is tied to the attacks on the USS Cole.

Detainee: Am I a member with him?

Tribunal President: Regarding the allegation, it says that you are a member of Al Qaida and a member of this persons' security element. That is what this allegation is.

Detainee: That is not true.

UNCLASSIFIED // ~~FOUO~~

3.a-4: *The Detainee was observed on board a Taliban airplane carrying fighters down towards Northern Afghanistan.*

Detainee: First of all, I never entered Afghanistan. So how is it possible that I was observed on that airplane?

3.a-5: *The Detainee was identified as an Al Qaida member by a former guard at Usama Bin Laden's complex at the Kandahar, Afghanistan Airport.*

Detainee: Maybe that person said those things here under pressure from the interrogators during the interrogations to divert other people's attention from him because he didn't want to be tortured. So by identifying me, the interrogators would not torture him and all these allegations are not true.

3.a-6: *The Detainee served as the manager of the Al Qaida frontline's guesthouse in Kabul, Afghanistan.*

Detainee: I would like to repeat again that I have never entered into Afghanistan.

3.a-7: *Pakistani police in Quetta arrested the Detainee on 25 November 2001.*

Detainee: I do not understand when you say November or when you say the year 2001.

Translator: (To the Tribunal President) May I ask him if he understands the Muslim calendar?

Tribunal President: Please repeat the Julian date and also provide him the equivalent Muslim date.

Translator: Sure.

The Translator explains the dates to the Detainee. The detainee did not respond further on this point.

Personal Representative: That is the last point of evidence.

Detainee: I also have a couple of corrections to make in the unclassified summary.

Tribunal President: Please continue.

Detainee: My name is written there incorrectly.

Tribunal President: OK. What is your correct name?

Detainee: My name is Mohammed Ba-rak Sa-lem AL Qurbi (ph). You were calling me Mohammed Mo-ba-rek Sa-lem (ph).

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Enclosure (3)
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Tribunal President: I understand. Is that the only correction you have?

Detainee: Yes, that is it.

Tribunal President: Does that conclude your statement?

Detainee: I still have one more.

Tribunal President: Please continue.

Detainee: I did not come here to this Tribunal because I agree with all these allegations as I explained to you. I ask the Tribunal [to ensure] that all the information you have on the unclassified evidence is accurate. First of all, there is a problem with the pronunciation of my name. My (inaudible) have got my passport in your possession. And there is a problem with my movement. Please just double check that my going from Saudi Arabia is (inaudible). Maybe these allegations are not against me but somebody else.

Tribunal President: I understand your concerns and we will consider that during the hearing.

Detainee: Fine.

The Tribunal President confirms the Detainee's proper name and pronunciation of such.

Questions from the Tribunal Member's:

Q: Are you a citizen of Saudi Arabia?

A: Yes, I am.

Q: And all the travel that you described did take place within a year?

(The original question asked was: "And all the travel that you described did take place between December 2000 and November 2001?" However the Detainee does not understand the Gregorian calendar months or years, therefore the Tribunal Member rephrased his question to read as stated above.)

A: Yes it did.

Q: What was the purpose of that trip?

A: Are you interrogating me or are you asking me?

Q: As the President has alluded, we do not know anything about your case at the moment. I am just trying to get a sense from you as to why you made these trips. It is up to you to answer or not.

A: You have all that information in my file.

Q: When you visited Malaysia, what city or cities did you stay in?

A: You have all that information in my files.

UNCLASSIFIED//~~FOUO~~

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Tribunal President: Mohammed Ba-rak Sa-lem AL Qurbi (ph), do you have any other evidence to present to this Tribunal?

Detainee: I told you everything I know.

The Tribunal President then addressed the Personal Representative to request if any additional information would be presented to the Tribunal. The Personal Representative did not have any additional information. The Tribunal President then explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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



Colonel, USAF

Tribunal President

DETAINEE ELECTION FORM

Date: 22 Dec 04

Start Time: 1110

End Time: 1130

ISN#: 342

Personal Representative:  LT COL

Translator Required? YES Language? ARABIC


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

Detainee Election:

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

Personal Representative Comments:

Detainee does not intend to provide any oral or written statement however he will respond to any questions during his tribunal.
Detainee declined PR's offer to make an oral or written statement on his behalf.
Has indicated he will take the oath.
Detainee did not request any witnesses.
Detainee did not request any documentary evidence.

Personal Representative: 

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (20 December 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL QURBI,
Mohammed Mubarek Salah.

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 detainee is associated with al Qaida and the Taliban.
 - A. The detainee is associated with al Qaida and the Taliban.
 1. The detainee traveled extensively during the period December 2000 through November 2001. Multiple visits to Saudi Arabia, Pakistan, and the United Arab Emirates, a one-week stop in Syria, and a five-month stay in Malaysia are recorded in his passport.
 2. An al Qaida operative is known to have falsified passports using a Malaysian visa stamp in order to eliminate evidence of travel in Afghanistan and Pakistan.
 3. The detainee was a member of al Qaida and a member of Al-Nashiri's security element.
 4. The detainee was observed on board a Taliban airplane ferrying fighters bound for Northern Afghanistan.
 5. The detainee was identified as an al Qaida member by a former guard at Usama Bin Laden's complex at the Kandahar, Afghanistan Airport.
 6. The detainee served as the manager of the al Qaida front-lines guesthouse in Kabul Afghanistan.
 7. Pakistani Police in Quetta arrested the detainee on 25 November 2001.
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

PAGE 1 OF 2

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EXHIBIT R-1

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evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 2 January 05 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #342.

I have no comments.

My comments are attached.

LtCol [REDACTED] USAF
Name

2 Jan 05
Date

[REDACTED]
Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDALLAH IBRAHIM
AL RUSHAYDAN, *et al*,

Petitioners,

v.

GEORGE W. BUSH,
President of the United States, *et al.*,

Respondents.

Civil Action No. 05-0586 (RWR)

DECLARATION OF TERESA A. McPALMER

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

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

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

OARDEC staff member also redacted internee serial numbers because certain combinations of internee serial numbers with other information relates to sensitive internal detention and intelligence operations that is not suitable for public release.

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

Dated: 22 April 2005

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 6257

16 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. MCGARRAH
RADM, CEC, USN

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

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MEMORANDUM

12 Jan 05

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

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

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

Encl: (1) Appointing Order for Tribunal #13 of 4 October 2004
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and elected to participate.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibit R-3 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. It is clear that the redacted information consists of portions of Internment Serial Numbers (ISNs) and classification marks and that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee [REDACTED] is properly classified as an enemy combatant was unanimous.

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

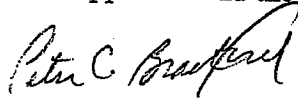
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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE [REDACTED]

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



PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

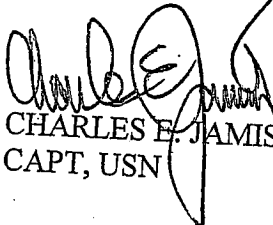
17 November 2004

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 [REDACTED]


CHARLES E. JAMISON
CAPT, USN

[REDACTED]

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #13

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #13 of 04 Oct 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

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

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: _____ #13
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and is associated with forces that are engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee was captured with a weapon in Afghanistan in late 2001 and is a member of the Taliban. The Detainee is associated with forces that are engaged in hostilities against the United States and its coalition partners; the Detainee voluntarily traveled from Saudi Arabia to Afghanistan in November 2001; the Detainee traveled and shared hotels rooms with an Afghan; the Afghani the Detainee traveled with is a member of the Taliban Government; and, the Detainee was captured on 10 December 2001 on the border of Pakistan and Afghanistan. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied any wrongdoing. He had traveled to Pakistan to visit the refugee camps and do sightseeing.

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-22.
- b. Testimony of the following persons: none
- c. Unsworn statement of the Detainee

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

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

5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony and the Personal Representative's comments based on his interviews with the Detainee. A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he traveled in August - 29 September to sightsee and visit the refugee camps in Pakistan. The Detainee later corrected this statement and said that he traveled after the September 11th attacks. He traveled from Khobar, Saudi Arabia and drove to Bahrain. From Bahrain, he flew to Syria and then flew onto Iran. Once in Iran, he drove to Pakistan. The Detainee indicated that he took this route so that he could be a tourist and see the sights along the way. He stated that he traveled with an Iranian that he met in a store or market in Zahedan, Iran. This person took him to the refugee camps in Pakistan. His plan was to go to the refugee camps to see what they needed and then to return home and try to obtain the needed items. If he had had money, he would of given what he could to them. Altogether he was gone about five weeks but he spent most of his time in Syria and Bahrain. During this time he stayed in hotels. He funded the trip with his own money provided by his job as a cleaning supervisor. He denied ever having any military training or possessing a weapon when he was captured.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal


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

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and is associated with forces that are engaged in hostilities against the United States and its coalition partners.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process and had no questions.

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

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

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

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

The Detainee stated that he would like to make a statement but did not wish to take the oath.

Personal Representative: If I may ma'am. On the 25th of October the two of us (the Personal Representative and the Detainee) met for the initial interview. The meeting lasted approximately 70 minutes. At the meeting we discussed how we would present the information to the Tribunal. We reviewed each of the four pieces evidence presented on the Unclassified Summary and I have taken written notes based upon the things that he stated. We will present the evidence by, I will review each of the points with the Detainee and he will respond to each piece of evidence and if there is anything additional to add, I will do that based upon my notes. Is that still okay with you (to Detainee)?

Detainee: Yes.

3(1) The Detainee voluntarily traveled from Saudi Arabia to Afghanistan in November 2001.

Detainee: I traveled from August until about the 29th of September that was the length of my travel. The purpose for my visit was because I was a tourist going to visit the area and visit the refuge camps.

Personal Representative: Just for clarification. Could you please tell us why did you actually go into Afghanistan?

Detainee: I did not go to Afghanistan.

Personal Representative: The evidence states that he traveled from Saudi Arabia to Afghanistan. He stated to me and he's reiterating to you that he did not go to Afghanistan. You (to the Detainee) told me you were arrested in Pakistan and as he stated the purpose of his visit was to visit refuge camps in Pakistan.

3(2) The detainee traveled and shared hotels rooms with an Afghani.

3(3) The Afghani the Detainee traveled with is a member of the Taliban Government.

Detainee: He was not Afghani. He's Iranian. I traveled with him to refuge camps in Pakistan. From Iran to Pakistan.

3(4) The Detainee was captured on 10 December 2001 on the border of Pakistan and Afghanistan.

Detainee: I did not go to any border city between Afghanistan and Pakistan. I went to a city called Chaman.

Personal Representative: Some additional notes on our meeting I would like to provide. You say that you were gone on your whole trip from your country to Pakistan for about five weeks? The man that you met was not an Afghani but was an Iranian. You told me that you met him in a store in Iran. You had no previous knowledge of this man. You got acquainted with him in the store and one time you asked him where the refuge camp was. He said he would take you there. I think you also stated that from Iran to Pakistan you did not need a Visa. In most of the five weeks you were gone were not spent in Pakistan but in Syria and Bahrain and that you not arrested you were captured. You also stated that the Pakistanis were capturing every Arab after September 11th. Ma'am, that's the best of my recollection on the notes regarding our meeting on the 25th of October.

Tribunal President: Would you like to add anything else to that or does that conclude your statement?

Detainee: No I don't.

The Tribunal President confirmed that the Personal Representative had no questions for the Detainee.

The Tribunal President confirmed that the Recorder had no questions for the Detainee.

Tribunal Members' questions

Q. Are you a citizen of Saudi Arabia?

A. Yes I am..

Q. Have you had Military training?

- A. No I did not.
- Q. What is your usual occupation in Saudi Arabia?
- A. Cleaning supervisor.
- Q. Would you please tell us how much education you've had?
- A. Ninth grade.
- Q. Did you have a Saudi passport?
- A. Yes I did.
- Q. Were you captured with that passport?
- A. The passport was not with me when I got captured.
- Q. It was not with him when he captured. Was anyone else with you when you got captured?
- A. No I was by myself.
- Q. Did you have any weapons with you at the time?
- A. No I didn't have any weapons.
- Q. Did you carry a weapon with you at anytime while you in Pakistan?
- A. No I didn't have any weapons on me.
- Q. You told us the man you traveled with was an Iranian but was he never the less a member of the Taliban government to your knowledge?
- A. No, I don't think so because I don't know him very well.
- Q. Where were you during the attacks against the United States?
- A. In the house.
- Q. In Saudi Arabia?
- A. Yes, in Saudi Arabia.
- Q. How long after the attacks before you traveled to Pakistan?
- A. I don't recall the exact date but it was sometime thereafter. My trip lasted for about one month approximately.

- Q. Explain your travel route. How did you get from Saudi Arabia to Pakistan?
- A. I went from my hometown Kohbar to Bahrain and then from Bahrain's airport to Syria. I stayed in Syria and then from I went to Iran. I stayed in Iran and then from I went Pakistan.
- Q. Did you fly, drive, take a bus, take a cab?
- A. To Bahrain I took the car. From Bahrain to Syria I took the plane. From Syria to Iran I took another plane. Then from Iran to Pakistan I used a car.
- Q. Why did you not go direct to Pakistan from Bahrain?
- A. I was touring.
- Q. I take it you were by yourself up to Iran? Did you travel by yourself?
- A. I traveled initially by myself and then I met some other people during my travel.
- Q. Other people, one, two, three?
- A. One.
- Q. Where did you meet this person?
- A. I met the guy because he was the man who was carrying the people to different locations.
- Q. Did you meet him in Syria?
- A. He was going to Syria himself.
- Q. So you met him in Bahrain?
- A. I didn't stay in Bahrain; I went to Bahrain just long enough to hop on the bus and get a taxi to get to where I was going.
- Q. When did you get together with this Iranian?
- A. In Iran.
- Q. Where in Iran?
- A. Do you want the city?
- Q. Yes.
- A. In Zahedan.

Q. Is this where you landed when you flew from Syria to Iran?

A. No. I landed in Tehran. Then from Tehran I went to Zahedan.

Q. How far away, one hour, two hour, or three hour drive?

A. I took the plane.

Q. Took a plane from Tehran to Zahedan, Iran?

A. Yes.

Q. How did you meet this man? Did you know him? Was he at the airport?

A. In the market. He had a store in the market. I went to the market and that's where I met him.

Q. What motivated you to travel to Pakistan?

A. I wanted to visit the camp, the refuge camp.

Q. Did any fatwa motivate you to go to Pakistan?

A. No.

Q. Who paid for your travels?

A. I paid it myself.

Q. What happened to your passport?

A. I lost it when I got captured.

Q. Lost prior to being captured?

A. My passport was in the car. When they captured me they asked me to get out of the car and told the taxi to takeoff.

Tribunal President questions

Q. Typically, when you stayed places during your trip you said you stayed in certain places, where did you stay? Did you stay in hotels or private homes?

A. In a hotel.

Q. You said that you were going to visit the refuge camps, was this still sight seeing or were looking for someone or were you going to provide help?

- A. I went there to visit. I didn't have a lot of money but if I found out that their conditions were bad, I would help them in the future.

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

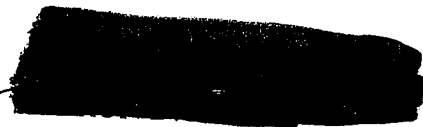
The Tribunal President confirmed that the Personal Representative had no further evidence or previously approved witnesses to present to the Tribunal. The Personal Representative stated that he had no further evidence but made the following statement:

Personal Representative: He had told me that he went to the camp out of curiosity to see if he could help with the return back to Saudi Arabia. I just want the record to reflect the content of our meeting. No more additional evidence.

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

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (07 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL RUSHAYDAN, 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 and its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is associated with forces that are engaged in hostilities against the United States and its coalition partners.

The detainee is associated with forces that are engaged in hostilities against the United States and its coalition partners:

1. The detainee voluntarily traveled from Saudi Arabia to Afghanistan in November 2001.
 2. The detainee traveled and shared hotels rooms with an Afghani.
 3. The Afghani the detainee traveled with is a member of the Taliban Government.
 4. The detainee was captured on 10 December 2001 on the border of Pakistan and Afghanistan.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

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Exhibit 21

Memorandum



To : Department of Defense Date 09/29/2004
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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 09/13/2002

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

²See Executive Order 12958

2297

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Exhibit 22

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/29/2004

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

PS 2012

DETAINEE ELECTION FORM

Date: 25 October 2004

Start Time: 0800 hrs

End Time: 0910 hrs

ISN#: [REDACTED]

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 desires to participate in the Tribunal. Detainee has neither witnesses nor documentary evidence to submit. Need to cancel [REDACTED] follow-up interview scheduled for 26 Oct 04.

Personal Representative: [REDACTED]

EXHIBIT: D-a

Personal Representative Review of the Record of Proceedings

I acknowledge that on 1 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN [REDACTED]

I have no comments.

My comments are attached.

[REDACTED] USAF
Name

1 Nov 04
Date

[REDACTED]

ISN [REDACTED]
Enclosure (5)