

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ABDUL RAUF OMAR MOHAMMED )  
ABU AL QUSIN )

Petitioner, )

v. )

Civil Action No. 05-1220 (RMU)

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

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

Dated: 16 August 2005

Teresa A. McPalmer

Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 742

23 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 709

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 #709 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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3681

14 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 #709Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #12 of 6 Dec 2004  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and elected to participate by attending the CSRT, by providing a unsworn statement to the board, responding to the summary of evidence contained in Exhibit R-1, and by responding to additional questions posed by the CSRT. *See* Encl. (2) at Enclosure (3).
- 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 documentary evidence be produced. The detainee did request that four witnesses be produced by the CSRT to speak on the detainee's behalf. *See* Exhibit D-a. The CSRT determined that two of the witnesses were in Libyan jails, and that the remaining two lived in Libya. The CSRT determined that none of these witnesses were reasonably available because the U.S. has had no diplomatic relationship with Libya since 1988, and therefore, had no way to contact Libyan officials to relay the request. However, the record does contain evidence to demonstrate that the U.S. has allowed Libya to recently reopen an "Interest Section" in the United States following Libya's compliance with the United Nations Security Council Resolution that led to economic sanctions against Libya that lasted from 1988 through earlier 2004.

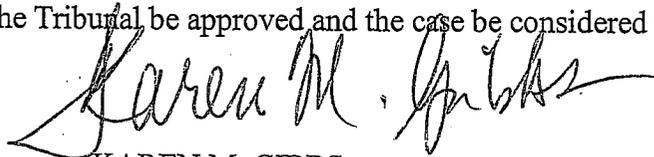
Notwithstanding, it appears that even if the witnesses had been called, the CSRT would have reached the same determination that the detainee was an enemy combatant.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 709

Specifically, the detainee proffered that the two incarcerated witnesses, and one of the Libyan civilians would support the detainee's contention that he was never a member of the Libyan Islamic Fighting Group ("LIFG").<sup>1</sup> Thus, if the witnesses were called, their testimony would only be considered to dispel the allegations contained in paragraph 3.5 of Exhibit R-1. A review of the record clearly reveals, however, that a preponderance of the remaining evidence supports the determination reached by the CSRT. Therefore, the denial of detainee's witness request did not prejudice the detainee.

- g. The Tribunal's decision that detainee #709 is properly classified as an enemy combatant was unanimous.
  - h. The detainee's Personal Representative was given the opportunity to review the record of proceedings, and declined to submit post-tribunal comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
  3. I recommend that the decision of the Tribunal be approved and the case be considered final.



KAREN M. GIBBS  
CDR, JAGC, USNR

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<sup>1</sup> The detainee did not provide a proffer for the fourth witness' testimony. See Exhibit D-a. Nor did he provide addresses for either of the two civilian witnesses. Therefore, the CSRT properly determined that the witnesses were not reasonably available.



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

06 December 2004

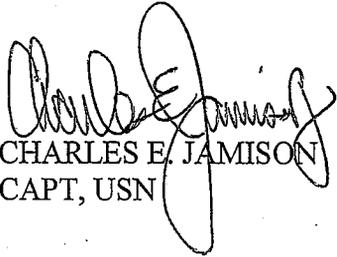
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 709

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



Department of Defense  
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

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

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

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

MEMBERS:

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

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

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

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

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:   #12  

(U) ISN#:   709  

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

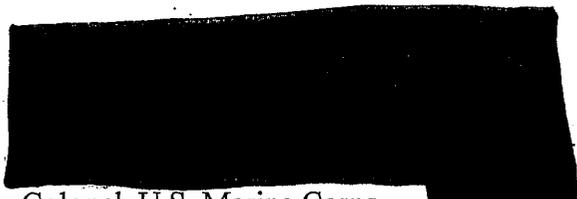
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's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

1. (U) This Tribunal was convened on 12 November 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 12 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #709 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, the Taliban, and associated 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).



Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #12  
ISN #: \_\_\_\_\_ 709

### **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 because he is a member of, or affiliated with al Qaida, the Taliban, and associated 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 alleged that the Detainee served in the Libyan military from 1983 to 1990, where he received training with AK-47s, pistols, and various machine guns. The Detainee traveled from Libya to Afghanistan via Tanzania, Algeria and France in 1990, to fight the jihad against the Soviet Union. He received weapons training at two Libyan training camps located within Afghanistan. The Detainee stayed at a Libyan Islamic Fighting Group (LIFG) guesthouse in Jalalabad, Afghanistan and was a member of LIFG, a known terrorist organization. The Detainee traveled to Tora Bora in December 2001 and after the fall of the Taliban, he fled to Pakistan where he was captured in a Libyan guesthouse. He requested four witnesses from Libya, requested no documents to be produced and asked that his assigned Personal Representative present a dictated statement on his behalf. The Tribunal President found the requested witnesses not reasonably available. The Detainee, in his unsworn dictated statement, denied participating in any hostilities against the Americans. He was drafted and served in the army and had weapons training, but never used his training in Libya in the Libyan Army to fight against the Americans. He claimed that he did flee his country of Libya in 1990 to immigrate to Afghanistan to start a new life. The Detainee acknowledged that he did receive training at two Libyan training camps in Afghanistan but was just following the crowd. He admitted staying at a Libyan Islamic Fighting Group (LIFG) guesthouse in Jalalabad, but indicated that it was before September 11, 2001 and said that he had nowhere else to go. The Detainee denied ever being a member of LIFG, but was compelled to stay with them and had no choice but to stay. He did not know that LIFG was a terrorist organization and he especially did not endorse the September 11<sup>th</sup> attacks. The Detainee denied ever being at Tora Bora but

admitted being in Pakistan in December 2001. He explained that he did flee after the fall of the Taliban but his capture was at a Pakistani man's house, not a Libyan guesthouse.

The Tribunal President's evidentiary and witness rulings are explained below.

### 3. Evidence Considered by the Tribunal

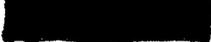
The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a and R-1 through R-17.

b. Testimony of the following persons: Unsworn dictated statement presented by the Personal Representative on behalf of the Detainee.

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

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

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	not reasonably available*	no
alias: 	not reasonably available*	no
	not reasonably available*	no
	not reasonably available*	no

\* All of the requested witnesses apparently live or are incarcerated in Libya. On 1 November 2004, the U.S. Department of State liaison officer replied to the request for assistance by asserting that the United States does not have diplomatic relations with Libya and therefore does not have means to communicate this request to its government (Supplemental Exhibit 1)(Note: according to the State Department's website, U.S. diplomatic personnel reopened the U.S. Interests Section in Tripoli on February 8, 2004, and the mission was upgraded to a U.S. liaison office on June 28, 2004. Libya reestablished its diplomatic presence in Washington with the opening of an Interests Section on July 8, 2004. See <http://www.state.gov/r/pa/ei/bgn/5425.htm>, Background Note – Libya, page 8 of 9, updated October 2004)(Supplemental Exhibit 2). No further effort was apparently expended to locate the witnesses for reasons that are not apparent to the Tribunal. The Tribunal President was therefore constrained to determine the witnesses to be not reasonably available.

The Detainee requested no additional evidence be produced.

### 5. Discussion of Unclassified Evidence

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

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

b. Essentially, the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn dictated statement as provided by the Personal Representative. A summarized transcript of the Detainee's unsworn dictated statement is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee denied participating in any hostilities against the Americans. He was drafted and served in the army and had weapons training, but never used his training in Libya in the Libyan Army to fight against the Americans. He claimed that he did flee his country of Libya in 1990 to go to Afghanistan for immigration to start a new life. The Detainee acknowledged that he did receive training at two Libyan training camps in Afghanistan but was just following the crowd. He admitted staying at a Libyan Islamic Fighting Group (LIFG) guesthouse in Jalalabad, but indicated that it was before September 11, 2001 and said that he had nowhere else to go. The Detainee denied ever being a member of LIFG, but was compelled to stay with them and had no choice but to stay. He did not know that LIFG was a terrorist organization and he especially did not endorse the September 11<sup>th</sup> attacks. The Detainee denied ever being at Tora Bora but admitted being in Pakistan in December 2001. He explained that he did flee after the fall of the Taliban but his capture was at a Pakistani man's house, not a Libyan guesthouse.

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

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

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

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

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

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary (although the Tribunal does recommend continued vigilance of this Detainee's mental

condition due to a past history of psychosis and lingering breathing difficulties because of a serious car accident in 1985 [Exhibit R-17]).

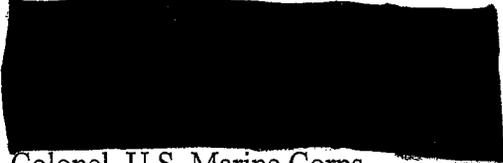
b. The Detainee chose not to participate in the Tribunal process, as indicated in Exhibit D-a. Although he did not actively participate, there was no reason to believe he did not understand the Tribunal process.

c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with al Qaida, the Taliban, and associated 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. Marine Corps  
Tribunal President

Summarized Unsworn Detainee Statement

*The Personal Representative made the following submission on behalf of the Detainee, who was not present during the proceedings.*

- **3(a)1** The detainee served in the Libyan military from 1983 to 1990, where he received training with AK-47's, pistols and various machine guns.

I did not participate in any hostilities against the Americans. My job... I was drafted; they drafted me. I served in the Army and I trained on an AK-47 and a pistol, but did not train on a machine gun. I never used any of my training from the Libyan Army to fight against the Americans.

- **3(a)2** The detainee traveled from Libya to Afghanistan via Tanzania, Algeria and France in 1990, to fight the jihad against the Soviet Union.

I did not go through Tanzania; there were no Russians there at that time. I fled my country, Libya, in 1990 to go to Afghanistan to immigrate and to start a new life.

- **3(a)3** The detainee received weapons training (AD-47, sniper rifle, RPGs, and 82mm mortars) at two Libyan training camps located within Afghanistan [REDACTED] and [REDACTED].

I received training, but not on the RPG. I followed the crowd. They said "Come with us." In 1993 the Russians went. There was a new Afghanistan communist government in charge before the Taliban. During this time, I traveled back and forth between Pakistan and Afghanistan.

- **3(a)4** The detainee stayed at a Libyan Islamic Fighting Group (LIFG) guesthouse in Jalalabad City, AF.

Yes, I did before, not after, September 11<sup>th</sup>. I was in Kabul, Afghanistan before September 11<sup>th</sup> around the year 2000. I had nowhere else to go.

- **3(a)5** The detainee was a member of the LIFG.

I was never a member. I was compelled to stay with them; I had no choice but to stay.

- **3(a)6 LIFG is a known terrorist organization.**

I never knew that. From what I know, it was not terrorism. I especially did not endorse the September 11<sup>th</sup> attack. That organization did not commit terrorism anywhere.

- **3(a)7 Detainee traveled to Tora Bora in December 2001.**

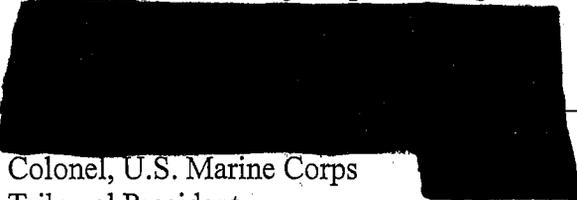
I never went to Tora Bora in December 2001. I was in Pakistan in December 2001.

- **3(a)8 After the fall of the Taliban, the detainee fled to Pakistan where he was captured in a Libyan guesthouse.**

I fled after the fall of the Taliban at Lahore. I was not captured at a Libyan guesthouse; it was at a Pakistani man's house.

AUTHENTICATION

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

  
Colonel, U.S. Marine Corps  
Tribunal President

**DETAINEE ELECTION FORM**

Date: 27-Oct-04

Start Time: 1530

End Time: 1615

ISN#: 709

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 elected NOT to Attend/Participate the Tribunals but has requested that his PR present a dictated statement on his behalf. He has 4 witness requests:

#1. [REDACTED] from [REDACTED] (last name unknown) [REDACTED] is currently in the Abu Salim Jail in Traplios Libya. The Libyan GVT Delegation that visited ISN-709 told him that [REDACTED] was in that prison. [REDACTED] can testify that the detainee was with him in PK in DEC, 2001 not in Tora Bora as accused and he can also testify that he was not ever a member of the LIFG as accused.

Detainee now has 3 additional witness requests.

#2. [REDACTED] (alias: [REDACTED]) is also located in the Abu Salim Jail in Traplios Lybia. He can testify that the detainee was not a member of the LIFG.

#3. [REDACTED] is from the city of Zawia and

#4. [REDACTED] is from the city of Musalata.

Witnesses 1-2&3 all can testify that he was not a member of the LIFG

Personal Representative: [REDACTED]

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**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (08 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ABU AL QUISIN, Abdul Rauf Omar Mohammed.

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

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

1. The detainee served in the Libyan military from 1983 to 1990, where he received training with AK-47s, pistols and various machine guns.
2. The detainee traveled from Libya to Afghanistan via Tanzania, Algeria and France in 1990, to fight the jihad against the Soviet Union.
3. The detainee received weapons training (AK-47, sniper rifle, RPGs, and 82mm mortars) at two Libyan training camps located within Afghanistan [REDACTED] and [REDACTED].
4. The detainee stayed at a Libyan Islamic Fighting Group (LIFG) guesthouse in Jalalabad City, AF.
5. The detainee was a member of the LIFG.
6. LIFG is a known terrorist organization.
7. Detainee traveled to Tora Bora in December 2001.
8. After the fall of the Taliban, the detainee fled to Pakistan where he was captured in a Libyan guesthouse.

UNCLASSIFIED

Exhibit

3694

10/12  
R1

UNCLASSIFIED

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

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pg 2 of 2

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Memorandum



To : Department of Defense Date 09/17/2004  
Office of Administrative Review  
for Detained Enemy Combatants,  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division,  
Office of General Counsel,  
Asst. Gen. Counsel [REDACTED]

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

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

The following documents relative to ISN 709 have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 08/11/2002

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

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

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Exhibit

pg 1 of 2  
R2

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/17/2004

If you need additional assistance, please contact Assistant  
General Counsel [REDACTED] ([REDACTED]),  
[REDACTED] or Intelligence Analyst [REDACTED]  
[REDACTED]

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pg 2 of 2

DoS witness request response.709.11.01.04.txt

Detainee is a member of, or affiliated with al Qaida, the Taliban, and associated forces that are engaged in hostilities against the United States and its coalition partners

From: [REDACTED] CIV (H)  
Sent: Monday, November 01, 2004 3:13 PM  
To: [REDACTED]  
CC: [REDACTED] CPT (H); crisfield; [REDACTED] CAPT (H)  
Subject: RE: New Witness Request

Classification: U N C L A S S I F I E D  
Caveats: ~~FOUO~~

Thanks, I'll pass the response along.

R/ [REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]  
Sent: Monday, November 01, 2004 3:10 PM  
To: [REDACTED] CIV (H)  
Subject: RE: New Witness Request

This one is a problem - we do not have diplomatic relations with Libya and do not have means to communicate this request to government.

-----Original Message-----

From: [REDACTED] CIV (H) [mailto:[REDACTED]]  
Sent: Monday, November 01, 2004 3:10 PM  
To: LTC [REDACTED]  
CC: [REDACTED] CPT (H); crisfield; [REDACTED] CAPT (H)  
Subject: New Witness Request

Classification: U N C L A S S I F I E D  
Caveats: ~~FOUO~~

LTC [REDACTED]

please find attached, a new witness request regarding the CSRT.

VR/ [REDACTED]

<<709.CITF Witness Request Template.11.01.04.doc>>

Attachment Classification: U N C L A S S I F I E D  
Attachment Caveats: ~~FOUO~~

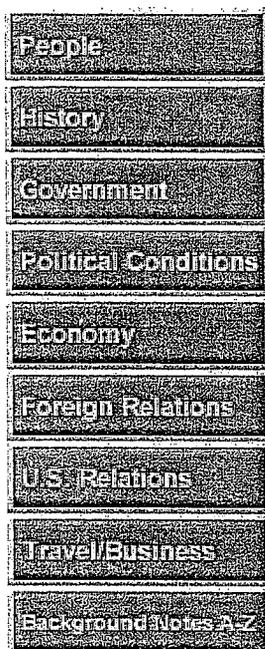
Classification: U N C L A S S I F I E D  
Caveats: ~~FOUO~~

Classification: U N C L A S S I F I E D  
Caveats: ~~FOUO~~



[Print Friendly Version]

**Bureau of Near Eastern Affairs**  
**October 2004**



## Background Note: Libya



### PROFILE

**OFFICIAL NAME:**

Great Socialist People's Libyan Arab Jamahiriya

**Geography**

Area: 1,759,540 million sq. km.

Cities: *Capital*—Tripoli (2002 pop est. 1,223,300). *Other*—Benghazi (2002 pop est. 1,080,500).

Terrain: Mostly barren, flat to undulating plains, plateaus, depressions.

Climate: Mediterranean along coast; dry, extreme desert interior.

**People**

Nationality: *Noun and adjective*—Libyan(s).

Population (July 2004 est.): 5,631,585 (includes non-nationals, of which an estimated 500,000 or more are sub-Saharan Africans living in Libya).

Annual growth rate (2004 est.): 2.37%.

Ethnic groups: Berber and Arab 97%; Greeks, Maltese, Italians, Egyptians, Pakistanis, Turks, Indians, and Tunisians.

Religion: Sunni Muslim 97%.

Languages: Arabic, Italian, English, all are widely understood in major cities.

Education: *Years compulsory*—9. *Attendance*—90%. *Literacy*—82.6%.

Health (2004 est.): *Infant mortality rate*—25.7/1,000. *Life expectancy*—male, 74.1 yrs.; female, 78.58 yrs.

Work force (2001 est.): 1.6 million, an estimated 500,000 of whom are sub-Saharan African foreign workers. Work force by occupation (1997 est.): *Industry*—29%. *Services and Government*—54%. *Agriculture*—17%.

**Government**

Official name: Great Socialist People's Libyan Arab Jamahiriya.

Type: "Jamahiriya" is a term Col. Mu'ammar al-Qadhafi coined and which he defines as a "state of the masses" governed by the populace through local councils. In fact, the Libyan state is a military dictatorship.

Independence: December 24, 1951. Revolution: September 1, 1969.

Constitution: December 11, 1969, amended March 2, 1977—established popular congresses and people's committees.

Administrative divisions: 25 municipalities (singular—"baladiyah", plural—"baladiyat"): Ajdabiya, Al'Aziziyah, Al'Fatih, Al Jabal al-Akhdar, Al Jufrah, Al Khums, Al Kufrah, An Nuqat al Khams, Ash Shati', Awbari, Az Zawiyah,

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Benghazi, Darniah, Ghadamis, Gharyan, Misratah, Murzuq, Sabha, Sawfajjin, Surt, Tarabulus, Tarhunah, Tubruq, Yafran, Zlitan.  
 Political system: Political parties are banned. According to the political theory of Col. Mu'ammr al-Qadhafi, multi-layered popular assemblies (people's congresses) with executive institutions (people's committees) are guided by political cadres (revolutionary committees).  
 Suffrage: 18 years of age; universal and compulsory.

#### Economy

GDP (2003 est.): \$35 billion.  
 Per capita GDP (2003 est.): \$6,400.  
 Natural resources: Petroleum, natural gas, gypsum.  
 Agriculture: *Products*—wheat, barley, olives, dates, citrus, vegetables, peanuts, soybeans; cattle; approximately 75% of Libya's food is imported.  
 Industry: *Types*—petroleum, food processing, textiles, handicrafts, cement.  
 Trade: *Exports* (2003 est.)—\$14.32 billion: crude oil, refined petroleum products. *Major markets* (2003)—Italy (39.4%), Germany (13.6%), Spain (13.6%), Turkey 6.6%, France (6.2%). *Imports* (2003 est.)—\$6.282 billion: machinery, transport equipment, food, manufactured goods. *Major suppliers* (2003)—Italy (27.2%), Germany (10.3%), Tunisia (7.7%), U.K. (6.9%), South Korea (6.9%), France (5.8%).

#### PEOPLE

Libya has a small population in a large land area. Population density is about 50 persons per sq. km. (80/sq. mi.) in the two northern regions of Tripolitania and Cyrenaica, but falls to less than one person per sq. km. (1.6/sq. mi.) elsewhere. Ninety percent of the people live in less than 10% of the area, primarily along the coast. More than half the population is urban, mostly concentrated in the two largest cities, Tripoli and Benghazi. Fifty percent of the population is estimated to be under age 15.

Native Libyans are primarily a mixture of Arabs and Berbers. Small Tebou and Touareg tribal groups in southern Libya are nomadic or semi-nomadic. Among foreign residents, the largest groups are citizens of other African nations, including North Africans (primarily Egyptians and Tunisians), West Africans and Sub-Saharan Africans.

#### HISTORY

For most of their history, the peoples of Libya have been subjected to varying degrees of foreign control. The Phoenicians, Carthaginians, Greeks, Romans, Vandals, and Byzantines ruled all or parts of Libya. Although the Greeks and Romans left impressive ruins at Cyrene, Leptis Magna, and Sabratha, little else remains today to testify to the presence of these ancient cultures.

The Arabs conquered Libya in the seventh century A.D. In the following centuries, most of the indigenous peoples adopted Islam and the Arabic language and culture. The Ottoman Turks conquered the country in the mid-16th century. Libya remained part of their empire—although at times virtually autonomous—until Italy invaded in 1911 and, in the face of years of resistance, made Libya a colony.

In 1934, Italy adopted the name "Libya" (used by the Greeks for all of North Africa, except Egypt) as the official name of the colony, which consisted of the Provinces of Cyrenaica, Tripolitania, and Fezzan. King Idris I, Emir of Cyrenaica, led Libyan resistance to Italian occupation between the two World Wars. From 1943 to 1951, Tripolitania and Cyrenaica were under British administration, while the French controlled Fezzan. In 1944, Idris returned from exile in Cairo but declined to resume permanent residence in Cyrenaica until the removal in 1947 of some aspects of foreign control. Under the terms of the 1947 peace treaty with the Allies, Italy relinquished all claims to Libya.

On November 21, 1949, the UN General Assembly passed a resolution stating that Libya should become independent before January 1, 1952. King Idris I represented Libya in the subsequent UN negotiations. When Libya declared its independence on December 24, 1951, it was the first country to achieve

independence through the United Nations and one of the first former European possessions in Africa to gain independence. Libya was proclaimed a constitutional and a hereditary monarchy under King Idris.

The discovery of significant oil reserves in 1959 and the subsequent income from petroleum sales enabled what had been one of the world's poorest countries to become extremely wealthy, as measured by per capita GDP. Although oil drastically improved Libya's finances, popular resentment grew as wealth was increasingly concentrated in the hands of the elite. This discontent continued to mount with the rise throughout the Arab world of Nasserism and the idea of Arab unity.

On September 1, 1969, a small group of military officers led by then 28-year-old army officer Mu'ammar Abu Minyar al-Qadhafi staged a coup d'etat against King Idris, who was exiled to Egypt. The new regime, headed by the Revolutionary Command Council (RCC), abolished the monarchy and proclaimed the new Libyan Arab Republic. Qadhafi emerged as leader of the RCC and eventually as de facto chief of state, a political role he still plays. The Libyan government asserts that Qadhafi currently holds no official position, although he is referred to in government statements and the official press as the "Brother Leader and Guide of the Revolution."

The new RCC's motto became "freedom, socialism, and unity." It pledged itself to remedy "backwardness", take an active role in the Palestinian Arab cause, promote Arab unity, and encourage domestic policies based on social justice, non-exploitation, and an equitable distribution of wealth.

An early objective of the new government was withdrawal of all foreign military installations from Libya. Following negotiations, British military installations at Tobruk and nearby El Adem were closed in March 1970, and U.S. facilities at Wheelus Air Force Base near Tripoli were closed in June 1970. That July, the Libyan Government ordered the expulsion of several thousand Italian residents. By 1971, libraries and cultural centers operated by foreign governments were ordered closed.

In the 1970s, Libya claimed leadership of Arab and African revolutionary forces and sought active roles in international organizations. Late in the 1970s, Libyan embassies were redesignated as "people's bureaus," as Qadhafi sought to portray Libyan foreign policy as an expression of the popular will. The people's bureaus, aided by Libyan religious, political, educational, and business institutions overseas, exported Qadhafi's revolutionary philosophy abroad.

Qadhafi's confrontational foreign policies and use of terrorism, as well as Libya's growing friendship with the U.S.S.R., led to increased tensions with the West in the 1980s. Following a terrorist bombing at a discotheque in West Berlin frequented by American military personnel, in 1986 the U.S. retaliated militarily against targets in Libya, and imposed broad unilateral economic sanctions.

After Libya was implicated in the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland, UN sanctions were imposed in 1992. UN Security Council resolutions (UNSCRs) passed in 1992 and 1993 obliged Libya to fulfill requirements related to the Pan Am 103 bombing before sanctions could be lifted. Qadhafi initially refused to comply with these requirements, leading to Libya's political and economic isolation for most of the 1990s.

In 1999, Libya fulfilled one of the UNSCR requirements by surrendering two Libyans suspected in connection with the bombing for trial before a Scottish court in the Netherlands. One of these suspects, Abdel Basset al-Megrahi, was found guilty; the other was acquitted. Al-Megrahi's conviction was upheld on appeal in 2002. In August 2003, Libya fulfilled the remaining UNSCR requirements, including acceptance of responsibility for the actions of its officials and payment of appropriate compensation to the victims' families. UN sanctions were lifted on September 12, 2003.

On December 19, 2003, Libya announced its intention to rid itself of WMD and MTCR-class missile programs. Since that time, it has cooperated with the U.S., the U.K., the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons toward these objectives. Libya has also signed the IAEA Additional Protocol and has become a State Party to the Chemical Weapons Convention.

#### **GOVERNMENT AND POLITICAL CONDITIONS**

Libya's political system is theoretically based on the political philosophy in Qadhafi's Green Book, which combines socialist and Islamic theories and rejects parliamentary democracy and political parties. In reality, Qadhafi exercises near total control over the government. For the first seven years following the revolution, Colonel Qadhafi and 12 fellow army officers, the Revolutionary Command Council, began a complete overhaul of Libya's political system, society and economy. In 1973, he announced the start of a "cultural revolution" in schools, businesses, industries, and public institutions to oversee administration of those organizations in the public interest. On March 3, 1977, Qadhafi convened a General People's Congress (GPC) to proclaim the establishment of "people's power," change the country's name to the Socialist People's Libyan Arab Jamahiriya, and to vest, theoretically, primary authority in the GPC.

The GPC is the legislative forum that interacts with the General People's Committee, whose members are secretaries of Libyan ministries. It serves as the intermediary between the masses and the leadership and is composed of the secretariats of some 600 local "basic popular congresses." The GPC secretariat and the cabinet secretaries are appointed by the GPC secretary general and confirmed by the annual GPC congress. These cabinet secretaries are responsible for the routine operation of their ministries, but Qadhafi exercises real authority directly or through manipulation of the peoples and revolutionary committees.

Qadhafi remained the de facto chief of state and secretary general of the GPC until 1980, when he gave up his office. Although he holds no formal office, Qadhafi exercises absolute power with the assistance of a small group of trusted advisers, who include relatives from his home base in the Sirte region, which lies between the rival provinces of Tripolitania and Cyrenaica.

In the 1980s, competition grew between the official Libyan Government and military hierarchies and the revolutionary committees. An abortive coup attempt in May 1984, apparently mounted by Libyan exiles with internal support, led to a short-lived reign of terror in which thousands were imprisoned and interrogated. An unknown number were executed. Qadhafi used the revolutionary committees to search out alleged internal opponents following the coup attempt, thereby accelerating the rise of more radical elements inside the Libyan power hierarchy.

In 1988, faced with rising public dissatisfaction with shortages in consumer goods and setbacks in Libya's war with Chad, Qadhafi began to curb the power of the revolutionary committees and to institute some domestic reforms. The regime released many political prisoners and eased restrictions on foreign travel by Libyans. Private businesses were again permitted to operate.

In the late 1980s, Qadhafi began to pursue an anti-Islamic fundamentalist policy domestically, viewing fundamentalism as a potential rallying point for opponents of the regime. Qadhafi's security forces launched a pre-emptive strike at alleged coup plotters in the military and among the Warfallah tribe in October 1993. Widespread arrests and government reshufflings followed, accompanied by public "confessions" from regime opponents and allegations of torture and executions. The military, once Qadhafi's strongest supporters, became a potential threat in the 1990s. In 1993, following a failed coup attempt that implicated senior military officers, Qadhafi began to purge the military periodically, eliminating potential rivals and inserting his own loyal followers in their place.

The Libyan court system consists of three levels: the courts of first instance; the courts of appeals, and the Supreme Court, which is the final appellate level. The

GPC appoints justices to the Supreme Court. Special "revolutionary courts" and military courts operate outside the court system to try political offenses and crimes against the state. Libya's justice system is nominally based on Sharia law.

#### **Principal Government Officials**

De facto Head of State—Mu'ammar Abu Minyar al-Qadhafi ("the Brotherly Leader and Guide of the Revolution.")

Secretary General of the General People's Committee (Prime Minister)—Shukri Ghanem

Secretary of the General People's Committee for Foreign Liaison and International Cooperation (Foreign Minister)—Abd al-Rahman Shalgham

Chief of Mission, Libyan Interests Section—Ali Aujali

The Libyan Interests Section is temporarily located at the Marriott Wardman Park Hotel, Suite 6348, 2660 Woodley Park Road NW, Washington DC 20008 (tel. 202-328-2000, fax 202-745-2190).

#### **ECONOMY**

The government dominates Libya's socialist-oriented economy through complete control of the country's oil resources, which account for approximately 95% of export earnings, 75% of government receipts, and 30% of the gross domestic product. Oil revenues constitute the principal source of foreign exchange. Much of the country's income has been lost to waste, corruption, conventional armaments purchases, and attempts to develop weapons of mass destruction, as well as to large donations made to developing countries in attempts to increase Qadhafi's influence in Africa and elsewhere. Although oil revenues and a small population give Libya one of the highest per capita GDPs in Africa, the government's mismanagement of the economy has led to high inflation and increased import prices, resulting in a decline in the standard of living.

Despite efforts to diversify the economy and encourage private sector participation, extensive controls of prices, credit, trade, and foreign exchange constrain growth. Import restrictions and inefficient resource allocations have caused periodic shortages of basic goods and foodstuffs.

Although agriculture is the second-largest sector in the economy, Libya imports most foods. Climatic conditions and poor soils severely limit output, while higher incomes and a growing population have caused food consumption to rise. Domestic food production meets about 25% of demand.

On September 20, 2004, President George W. Bush signed an Executive Order ending economic sanctions imposed under the authority of the International Emergency Economic Powers Act (IEEPA). U.S. persons are no longer prohibited from working in Libya, and many American companies are actively seeking investment opportunities in Libya. The government has announced ambitious plans to increase foreign investment in the oil and gas sectors to significantly boost production capacity. The government is also pursuing a number of infrastructure projects such as highways, railways, telecommunications backbones, and irrigation.

#### **FOREIGN RELATIONS**

Since 1969, Qadhafi has determined Libya's foreign policy. His principal foreign policy goals have been Arab unity, elimination of Israel, advancement of Islam, support for Palestinians, elimination of outside—particularly Western—influence in the Middle East and Africa, and support for a range of "revolutionary" causes.

After the 1969 coup, Qadhafi closed American and British bases on Libyan territory and partially nationalized all foreign oil and commercial interests in Libya. He also played a key role in promoting the use of oil embargoes as a political weapon for challenging the West, hoping that an oil price rise and embargo in 1973 would persuade the West—especially the United States—to end support for Israel. Qadhafi rejected both Soviet communism and Western capitalism, and claimed he was charting a middle course.

Libya's relationship with the former Soviet Union involved massive Libyan arms purchases from the Soviet bloc and the presence of thousands of east bloc advisers. Libya's use—and heavy loss—of Soviet-supplied weaponry in its war with Chad was a notable breach of an apparent Soviet-Libyan understanding not to use the weapons for activities inconsistent with Soviet objectives. As a result, Soviet-Libyan relations reached a nadir in mid-1987.

After the fall of the Warsaw Pact and the Soviet Union, Libya concentrated on expanding diplomatic ties with Third World countries and increasing its commercial links with Europe and East Asia. Following the imposition of UN sanctions in 1992, these ties significantly diminished. Following a 1998 Arab League meeting in which fellow Arab states decided not to challenge UN sanctions, Qadhafi announced that he was turning his back on pan-Arab ideas, one of the fundamental tenets of his philosophy.

Instead, Libya pursued closer bilateral ties, particularly with North African neighbors Egypt, Tunisia, and Morocco. It has also sought to develop its relations with Sub-Saharan Africa, leading to Libyan involvement in several internal African disputes in the Democratic Republic of Congo, Sudan, Somalia, Central African Republic, Eritrea and Ethiopia. Libya has also sought to expand its influence in Africa through financial assistance, ranging from aid donations to impoverished neighbors such as Niger to oil subsidies to Zimbabwe, and through participation in the African Union. Qadhafi has proposed a borderless "United States of Africa" to transform the continent into a single nation-state ruled by a single government. This plan has been greeted with skepticism. Libya has played a helpful role in facilitating the provision of humanitarian assistance to Darfur refugees in Chad.

#### **Terrorism**

Libya has taken significant steps to mend its international image and renounced terrorism in a letter to the UN Security Council in August 2003. In 1999, the Libyan government surrendered two Libyans suspected of involvement in the Pan Am 103 bombing, leading to the suspension of UN sanctions. On January 31, 2001, a Scottish court seated in the Netherlands found one of the suspects, Abdel Basset al-Megrahi, guilty of murder in connection with the bombing, and acquitted the second suspect, Al-Amin Khalifa Fhima. Megrahi's conviction was upheld on March 14, 2002.

UN sanctions were lifted on September 12, 2003 following Libyan compliance with its remaining UNSCR requirements on Pan Am 103, including acceptance of responsibility for the actions of its officials and payment of appropriate compensation. Libya paid compensation in 1999 for the death of British policewoman Yvonne Fletcher, a move that preceded the reopening of the British Embassy in Tripoli, and paid damages to the families of the victims in the bombing of UTA Flight 772. With the lifting of UN sanctions in September 2003, the families of the victims of Pan Am 103 received \$4 million of a maximum \$10 million in compensation. After the lifting of IEEPA-based sanctions on September 20, 2004, the families will receive a further \$4 million. A final payment of \$2 million per family is tied to Libya's removal from the state sponsors of terrorism list.

On November 13, 2001, a German court found four persons, including a former employee of the Libyan embassy in East Berlin, guilty in connection with the 1986 La Belle disco bombing, in which two U.S. servicemen were killed. The court also established a connection to the Libyan government. The German government has demanded that Libya accept responsibility for the La Belle bombing and pay appropriate compensation. A compensation deal for non-U.S. victims was agreed in August 2004. U.S. victims continue to pursue their claims in federal court.

By 2003, Libya appeared to have curtailed its support for international terrorism, although it may have retained residual contacts with some of its former terrorist clients. In August 2004, the Department of Justice entered into a plea agreement with Abdulrahman Alamoudi, in which he stated that he had been part of a 2003 plot to assassinate Saudi Crown Prince Abdallah at the behest of Libyan government officials. The U.S. takes these charges very seriously. Libya's record of support for terrorism remains under review.

### U.S.-LIBYAN RELATIONS

The United States supported the UN resolution providing for Libyan independence in 1951 and raised the status of its office at Tripoli from a consulate general to a legation. Libya opened a legation in Washington, DC, in 1954. Both countries subsequently raised their missions to embassy level.

After Qadhafi's 1969 coup, U.S.-Libyan relations became increasingly strained because of Libya's foreign policies supporting international terrorism and subversion against moderate Arab and African governments. In 1972, the United States withdrew its ambassador. Export controls on military equipment and civil aircraft were imposed during the 1970s, and U.S. embassy staff members were withdrawn from Tripoli after a mob attacked and set fire to the embassy in December 1979. The U.S. Government declared Libya a "state sponsor of terrorism" on December 29, 1979.

In May 1981, the U.S. Government closed the Libyan "people's bureau" (embassy) in Washington, DC, and expelled the Libyan staff in response to a general pattern of conduct by the people's bureau contrary to internationally accepted standards of diplomatic behavior.

In August 1981, two Libyan jets fired on U.S. aircraft participating in a routine naval exercise over international waters of the Mediterranean claimed by Libya. The U.S. planes returned fire and shot down the attacking Libyan aircraft. In December 1981, the State Department invalidated U.S. passports for travel to Libya and, for purposes of safety, advised all U.S. citizens in Libya to leave. In March 1982, the U.S. Government prohibited imports of Libyan crude oil into the United States and expanded the controls on U.S.-origin goods intended for export to Libya. Licenses were required for all transactions, except food and medicine. In March 1984, U.S. export controls were expanded to prohibit future exports to the Ras al-Enf petrochemical complex. In April 1985, all Export-Import Bank financing was prohibited.

Due to Libya's continuing support for terrorism, the United States adopted additional economic sanctions against Libya in January 1986, including a total ban on direct import and export trade, commercial contracts, and travel-related activities. In addition, Libyan Government assets in the United States were frozen. When evidence of Libyan complicity was discovered in the Berlin discotheque terrorist bombing that killed an American serviceman, the United States responded by launching an aerial bombing attack against targets near Tripoli and Benghazi in April 1986. Subsequently, the United States maintained its trade and travel embargoes and brought diplomatic and economic pressure to bear against Libya. This pressure helped to bring about the Lockerbie settlement and Libya's renunciation of WMD and MTCR-class missiles.

In 1991, two Libyan intelligence agents were indicted by federal prosecutors in the U.S. and Scotland for their involvement in the December 1988 bombing of Pan Am flight 103. In January 1992, the UN Security Council approved Resolution 731 demanding that Libya surrender the suspects, cooperate with the Pan Am 103 and UTA 772 investigations, pay compensation to the victims' families, and cease all support for terrorism. Libya's refusal to comply led to the approval of UNSC Resolution 748 on March 31, 1992, imposing sanctions designed to bring about Libyan compliance. Continued Libyan defiance led to passage of UNSC Resolution 883—a limited assets freeze and an embargo on selected oil equipment—in November 1993. As noted in the terrorism section above, UN sanctions were lifted on September 12, 2003, after Libya fulfilled all remaining UNSCR requirements, including renunciation of terrorism, acceptance of responsibility for the actions of its officials, and payment of appropriate compensation to the victims' families.

On December 19, 2003, Libya announced its intention to rid itself of WMD and MTCR-class missile programs. Since that time, it has cooperated with the U.S., the U.K., the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons toward these objectives. Libya has also signed the IAEA Additional Protocol and has become a State Party to the Chemical Weapons Convention. In response, the U.S. has terminated the applicability of the

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Iran-Libya Sanctions Act to Libya and the President signed an Executive Order on September 20, 2004 terminating the national emergency with respect to Libya and ending IEEPA-based economic sanctions. This action had the effect of unblocking assets blocked under the Executive Order sanctions. Restrictions on cargo aviation and third-party code-sharing have been lifted, as have restrictions on passenger aviation. Certain export controls also remain in place and Libya remains on the state sponsors of terrorism list. U.S. diplomatic personnel reopened the U.S. Interest Section in Tripoli on February 8, 2004. The mission was upgraded to a U.S. Liaison Office on June 28, 2004. Libya re-established its diplomatic presence in Washington with the opening of an Interest Section on July 8, 2004.

**Principal U.S. Officials**

Principal Officer--Greg Berry  
Deputy Principal Officer--Leslie Tsou

The U.S. Liaison Office in Libya is temporarily located at the Corinthia Bab Africa Hotel, Souk al-Thulatha, Al-Gadim, Tripoli, Libya (tel. 218-21-335-1845, fax 218-21-335-1838).

The U.S. consular representative's office is located in the Belgian Embassy at the Dhat al-Emad Towers Complex, Tower 4, Fifth Floor, Tripoli, Libya (tel. 218-21-335-0115 / 218-21-335-0116 / 218-21-335-0936, fax 218-21-335-0118, email [Tripoli@diplobel.org](mailto:Tripoli@diplobel.org)). Limited services are available for U.S. citizens.

**TRAVEL AND BUSINESS INFORMATION**

The U.S. Department of State's Consular Information Program provides Consular Information Sheets, Travel Warnings, and Public Announcements. **Consular Information Sheets** exist for all countries and include information on entry requirements, currency regulations, health conditions, areas of instability, crime and security, political disturbances, and the addresses of the U.S. posts in the country. **Travel Warnings** are issued when the State Department recommends that Americans avoid travel to a certain country. **Public Announcements** are issued as a means to disseminate information quickly about terrorist threats and other relatively short-term conditions overseas which pose significant risks to the security of American travelers. Free copies of this information are available by calling the Bureau of Consular Affairs at 202-647-5225 or via the fax-on-demand system: 202-647-3000. Consular Information Sheets and Travel Warnings also are available on the Consular Affairs Internet home page: <http://travel.state.gov>. Consular Affairs Tips for Travelers publication series, which contain information on obtaining passports and planning a safe trip abroad are on the internet and hard copies can be purchased from the Superintendent of Documents, U.S. Government Printing Office, telephone: 202-512-1800; fax 202-512-2250.

Emergency information concerning Americans traveling abroad may be obtained from the Office of Overseas Citizens Services at (202) 647-5225. For after-hours emergencies, Sundays and holidays, call 202-647-4000.

The National Passport Information Center (NPIC) is the U.S. Department of State's single, centralized public contact center for U.S. passport information. Telephone: 1-877-4USA-PPT (1-877-487-2778). Customer service representatives and operators for TDD/TTY are available Monday-Friday, 8:00 a.m. to 8:00 p.m., Eastern Time, excluding federal holidays.

Travelers can check the latest health information with the U.S. Centers for

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Disease Control and Prevention in Atlanta, Georgia. A hotline at 877-FYI-TRIP (877-394-8747) and a web site at <http://www.cdc.gov/travel/index.htm> give the most recent health advisories, immunization recommendations or requirements, and advice on food and drinking water safety for regions and countries. A booklet entitled Health Information for International Travel (HHS publication number CDC-95-8280) is available from the U.S. Government Printing Office, Washington, DC 20402, tel. (202) 512-1800.

Information on travel conditions, visa requirements, currency and customs regulations, legal holidays, and other items of interest to travelers also may be obtained before your departure from a country's embassy and/or consulates in the U.S. (for this country, see "Principal Government Officials" listing in this publication).

U.S. citizens who are long-term visitors or traveling in dangerous areas are encouraged to register at the Consular section of the U.S. embassy upon arrival in a country by filling out a short form and sending in a copy of their passports. This may help family members contact you in case of an emergency.

#### **Further Electronic Information**

**Department of State Web Site.** Available on the Internet at <http://www.state.gov>, the Department of State web site provides timely, global access to official U.S. foreign policy information, including [Background Notes](#) and [daily press briefings](#) along with the directory of [key officers](#) of Foreign Service posts and more.

[Export.gov](#) provides a portal to all export-related assistance and market information offered by the federal government and provides trade leads, free export counseling, help with the export process, and more.

[STAT-USA/Internet](#), a service of the U.S. Department of Commerce, provides authoritative economic, business, and international trade information from the Federal government. The site includes current and historical trade-related releases, international market research, trade opportunities, and country analysis and provides access to the [National Trade Data Bank](#).

This site is managed by the Bureau of Public Affairs, U.S. Department of State.

External links to other Internet sites should not be construed as an endorsement of the views contained therein.

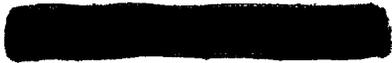
[Copyright Information](#) | [Disclaimers](#)

### Personal Representative Review of the Record of Proceedings

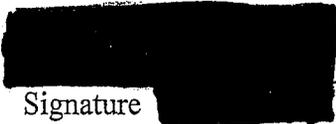
I acknowledge that on 29 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #709.

I have no comments.

My comments are attached.

 USN  
\_\_\_\_\_  
Name

29 NOV 04  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

BENNY AH-AMIR,

Petitioner

v.

GEORGE WALKER BUSH, *et al.*,

Respondents.

Civil Action No. 05-0723 (RWR)

**DECLARATION OF JOSEPH S. IMBURGIA**

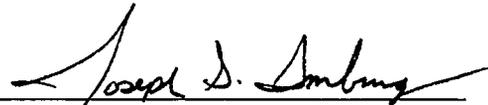
Pursuant to 28 U.S.C. § 1746, I, Major Joseph S. Imburgia, Judge Advocate General's Corps, United States Air Force, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Assistant 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 Benny ah-Amir that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted. An OARDEC staff member redacted information that would personally identify U.S. Government personnel in order to protect the personal security of those individuals.

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

Dated: 06 July 2005



JOSEPH S. IMBURGIA  
Maj, JAGC, USAF



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 960

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25 FEB 2005

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 710**

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 #710 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  
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CITF Ft Belvoir

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25 Jan 05

## MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN #710

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 Dec 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 in the CSRT by attending the CSRT, and providing a sworn statement, which consisted of responses to the allegations set forth in Exhibit R-1 to Encl. (2). In addition, the detainee responded to questions posed by his personal representative and by Tribunal members. *See* Enclosure (3) to Encl. (2).
- 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 documentary evidence be produced.
- e. The Tribunal's decision that detainee #710 is properly classified as an enemy combatant was unanimous.<sup>1</sup>
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit post-tribunal comments to the Tribunal.

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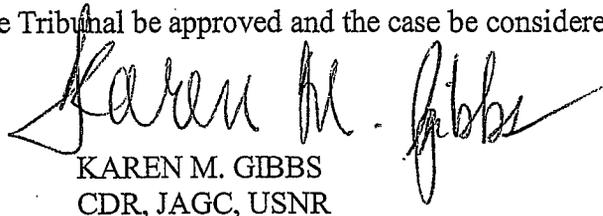
<sup>1</sup> The CSRT originally convened on 1 November 2004 by Tribunal Panel #15, pursuant to an Appointment Order dated 12 October 2004. That Tribunal determined that the detainee was an enemy combatant. However, additional information requested by the Tribunal during its initial determination was finally made available for review before the legal sufficiency review was conducted. The CSRT, accordingly, reconvened to consider that evidence, and again, determined that the detainee is an enemy combatant. *See* Enclosure (1) to Encl. (2).

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 710

2. In my opinion, the majority of the exhibits produced are insufficient to support the decision reached by the CSRT. However, the detainee's own admissions set forth in Enclosure (3) to Encl. (2), combined with Exhibits R-12 through R-16, contain information which a reasonable finder of fact could deem as providing ample support to meet the definition of enemy combatant as set forth in references (a) and (b). Therefore, 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.

  
KAREN M. GIBBS  
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:

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

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

[REDACTED] 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

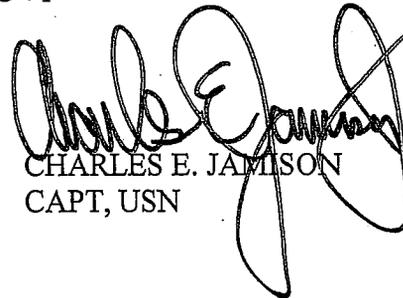
21 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 710

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:   #27  

(U) ISN#:   710  

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)

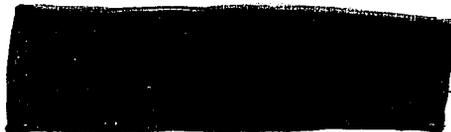
Encl: (1) Unclassified Summary of Basis for Tribunal Decision (U//~~FOUO~~)  
(2) Classified Summary of Basis for Tribunal Decision (S//NF)  
(3) Summary of Detainee/Witness Testimony (U//~~FOUO~~) - N/A  
(4) Copies of Documentary Evidence Presented (S//NF)  
(5) Personal Representative's Record Review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

(U) This Tribunal was originally convened on 1 November 2004 by Convening Order for Tribunal #15 of 12 October 2004 and reference (b) to make a determination as to whether the detainee met the criteria to be designated as an enemy combatant as defined in reference (c). The Tribunal was reconvened on 15 January 2005 by references (a) and (b), based on the availability of additional evidence, 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 #710 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

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #27  
ISN #: \_\_\_\_\_ 710

**1. Introduction**

This Tribunal was originally convened on 1 November 2004 by Tribunal order #15 (12 October 2004). Because the members of this Tribunal are no longer available, this Tribunal was re-convened on 15 January 2005 by Tribunal order #27 (9 December 2004). The recorder presented additional classified exhibits for the Tribunal's consideration.

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. Detainee traveled to Pakistan in 1991. Detainee was employed with the Revival of Islamic Heritage Society (RIHS) since 1994. RIHS is suspected of supporting extremist activity, and some employees are suspected of financing terrorism. Illegitimate RIHS funds were reportedly often commingled with legitimate funds and funneled to al Qaida. Detainee traveled to Afghanistan in 1998. Detainee's residence was identified as a suspected al Qaida residence, and raided. Detainee was captured in Pakistan and turned over to American authorities.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

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

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

Not applicable.

#### 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. The Tribunal relied on the entire 1 November 2004 unclassified case file.

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

#### 8. Dissenting Tribunal Member's Report

The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Army  
Tribunal President



## Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (21 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – BANI AMIR, Salim Mahmoud Adem Mohammed

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 detainee is associated with al Qaida.

The detainee is associated with al Qaida:

1. Detainee traveled to Pakistan in 1991.
  2. Detainee was employed with the Revival of Islamic Heritage Society (RIHS) since 1994.
  3. RIHS is suspected of supporting extremist activity, and some employees are suspected of financing terrorism.
  4. Illegitimate RIHS funds were reportedly often commingled with legitimate funds and funneled to al Qaida.
  5. Detainee traveled to Afghanistan in 1998.
  6. Detainee's residence was identified as a suspected al Qaida residence, and raided.
  7. Detainee was captured in Pakistan and turned over to American authorities.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Exhibit RI

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 19 January 2005, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #710.

I have no comments.

My comments are attached.

 Lt Col, USAF  
Name  
  
Signature

19 JAN 05  
Date

ISN #710  
Enclosure (5)



Department of Defense  
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

30 November 2004

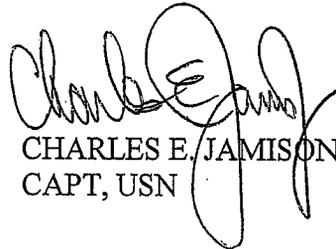
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 710

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:   #15  

(U) ISN#:   710  

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

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) 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 1 Nov 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #710 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 the Revival of Islamic Heritage Society, a Tier 1 NGO, and possibly affiliated with al Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Col, USAF

Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:       #15        
ISN #:       710      

**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 the Revival of Islamic Heritage Society (RIHS), a Tier 1 NGO, and possibly 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 and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified summary of the evidence presented to the Tribunal by the Recorder indicated that the detainee was an employee of the RIHS since 1994 and that the RIHS is suspected of supporting extremist activity, financing terrorism, and funneling funds to al Qaida. It further indicated that the detainee was arrested in his home by Pakistani authorities and that his home was a suspected al Qaida residence. The detainee chose to participate in the Tribunal process. He called no witnesses, requested no documents be produced, and made a sworn verbal statement. The detainee, in his verbal statement, admitted being a member of RIHS, but claimed that he was just an inspector of the organization's schools. He also stated that RIHS was a legitimate organization that had nothing to do with terrorism.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-13.
- b. Sworn statement of the detainee.

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

The Detainee requested no witnesses; no rulings were required.

The Detainee requested no additional evidence be produced; no rulings 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 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Accordingly, the Tribunal had to look to classified exhibits (as well as the detainee's statement) for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's sworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he legally traveled to Pakistan in 1991 and was a resident there until arrested. He initially got a job with the "Committee of International Islamic Charity," but in 1994 left that organization and began working for RIHS. He said that his job for RIHS was to inspect the teachers at the various schools run by RIHS and make sure the teachers were following the correct lesson plans and were given the materials they needed. He claimed that to his knowledge RIHS was a legitimate organization that had nothing to do with terrorism. He also asserted that the house he lived in had nothing to do with al Qaida, to his knowledge, and that he had been renting it from a Pakistani woman for three years. He repeatedly maintained that his residency in Pakistan was lawful, his work was lawful and legitimate, and that he hadn't broken any laws.

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, indicated that he understood the process, and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant and is a member of the Revival of Islamic Heritage Society, a Tier 1 NGO, and possibly affiliated with al Qaida

**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.

Col, USAF

Tribunal President

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "If it is fair, yes. Up to now I haven't seen anything that isn't fair."

[When the President asked the Detainee if he had any evidence to present to the Tribunal, the Detainee requested a copy of the Unclassified Summary in Arabic. The President informed the Detainee he had a few more instructions to present before the Detainee could provide his statement. The President also told the Detainee to feel free to ask any questions he may have at any time.]

[After taking the Muslim Oath, the Detainee made the following statement]:

Regarding the accusations, they are not true but I will reply to each one.

Yes, I did travel to Pakistan in 1991 on official business. I was a resident in Pakistan until I was arrested. During my numerous interrogations, I clarified the work I did in 1991. I already told the interrogators that I performed official lawful work for schools. How could my work be used against me as an accusation?

[The Detainee stopped his statement and told the President that if he (The President) would like to ask him something he could. The President told the Detainee he would like him to finish his statement, then he might be asked questions later.]

[Detainee continued statement:]

The second point, [Detainee was employed with the Revival of Islamic Heritage Society (RIHS) since 1994.] I mentioned to the interrogators the type of work I did for them up until I was arrested. My work wasn't a crime.

The next point, [RIHS is suspected of supporting extremist activity, and some employees are suspected of financing terrorism] I have only known the Islamic Organization to be associated with humanitarian efforts, never terrorism.

If the Tribunal will allow me, I will show you what kind of schools and teaching I did in the Islamic Organization. As I have mentioned before, just as you took an Oath to get to the truth, I want to show you the truth. If you want, I can describe the schools one by one and tell you exactly where they are so you can get the truth. I can show you the schools and that I was an education official. I went from one school to another to check on education before I was transferred to the Orphanage Office of Administration.

The fifth point, [Detainee traveled to Afghanistan in 1998] I did travel there and my job was to supervise the Administration of Orphanage Schools. My travel was official and a travel agency made my arrangements. I have clarified this during my interrogations. How can my job be classified with those accusations?

Regarding the next point, [Detainee's residence was identified as a suspected al Qaida residence, and raided] I rented the house from a Pakistani woman and I paid monthly rent. I have no other information regarding what the house was before or who lived in the house before, but everything I did regarding the house was legal.

Regarding seven, [Detainee was captured in Pakistan and turned over to American authorities] the officer that arrested us said he was giving us to the American forces to avoid problems and keep our country safe. That is how he explained it to us.

My residence there was official. The Organization I worked for had a permit from the government and it was lawful. I didn't break any rules or laws. Even though I lived there, the Pakistani government turned me over. I was told I was a victim of what happened.

[A Tribunal member mentioned to the Detainee that he didn't have to answer questions if he chose not to, but it would clarify his situation if he did.]

Tribunal President: We have not seen your file. We won't see that until later. If any of these questions sound like you have answered them before it's because we haven't seen anything yet.

**Summarized Answers in Response to Questions by the Tribunal Members:**

Q: You said you did go to Afghanistan in 1998, and had new responsibilities there. Did you stay and live in Afghanistan or did you continue to live in Pakistan?

A: The first time I went there was in 1998. My job was to be an educational supervisor to see how the schools were doing. I went to Kuna and Jalalabad.

Q: Was it just a business trip when you went back to Pakistan? Was it for a week, a month or a couple of years?

A: A few days, no more than two weeks.

Q: You continued to live in Pakistan but just went to Afghanistan once in a while for your job?

A: Yes, that is how it was.

Q: The house where you lived in Pakistan, what city or town was that in?

A: I lived in the city of Bashawer in a neighborhood called [REDACTED]. The address was [REDACTED] Street. I lived on the second floor.

Q: How long did you rent the house from the Pakistani woman?

- A: I don't remember exactly but it was about three years.
- Q: Do you know which three years?
- A: No, I can't.
- Q: Was it three years until your detention by Pakistani authorities?
- A: Yes.
- Q: Where were you arrested?
- A: I was in my house.
- Q: Earlier you said we were arrested, were there others in the house with you when you were arrested?
- A: Only my children and I.
- Q: Were your children arrested also?
- A: I don't know. Next door there was a new house being built. They knocked on the door and I went downstairs to open it. I was then arrested. The houses are very close to each other. Some of them entered my house by jumping of the roofs of neighboring houses and some came through the front door. When they came in I asked them to please not scare my family. I opened the doors in the house one by one to show them what was inside each room. They handcuffed and blindfolded me then took me away.
- Q: At the time of your arrest, it was just you and no other adults, just you and your children in the house?
- A: It was just my wife and I and our two small children.
- Q: Since you moved to Pakistan in 1991 until the day you were arrested you worked for the RIHS and no other company?
- A: I had mentioned to interrogators before that I had worked for another Islamic humanitarian company.
- Q: Do you remember the Organization's name?
- A: Committee of International Islamic Charity.

Q: Did the organization you worked for own the schools in Afghanistan, is that why you were checking on them?

A: The first organization, the Committee of International Islamic Charity, I worked for from 1991 until September of 1994. The other organization I worked for in 1998 was when I traveled to Afghanistan, at that time I wasn't working for the other organization.

Q: Why were you going to check on these schools? What did the charity you worked for do for the schools? Why the travel?

A: I will explain the nature of the schools. We had schools in Jalalabad and Kuna. Each school had teachers. My job was to supervise the teachers and check their lesson plans to ensure it matched what they were teaching and to ensure they were meeting the educational requirements.

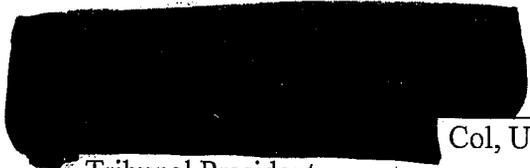
Q: The home you rented in Pakistan, did you have friends and guest stay overnight for any period of time while you lived there?

A: No.

[The Tribunal was recessed to remove the Detainee from the room.]

### AUTHENTICATION

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

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

Col, USAF

Tribunal President

## Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (21 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – BANI AMIR, Salim Mahmoud Adem Mohammed

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 detainee is associated with al Qaida.

The detainee is associated with al Qaida:

1. Detainee traveled to Pakistan in 1991.
  2. Detainee was employed with the Revival of Islamic Heritage Society (RIHS) since 1994.
  3. RIHS is suspected of supporting extremist activity, and some employees are suspected of financing terrorism.
  4. Illegitimate RIHS funds were reportedly often commingled with legitimate funds and funneled to al Qaida.
  5. Detainee traveled to Afghanistan in 1998.
  6. Detainee's residence was identified as a suspected al Qaida residence, and raided.
  7. Detainee was captured in Pakistan and turned over to American authorities.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

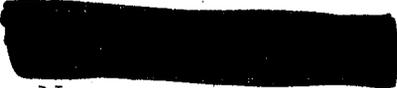
Exhibit   RI

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 3 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #710.

I have no comments.

My comments are attached.

 CJ COL, USAF

Name

3 NOV 04

Date

  
Signature

ISN #710  
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALLAH MUHAMMED SALEEM,

Petitioner,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

Civil Action No. 05-0833 (JR)

**DECLARATION OF TERESA A. McPALMER**

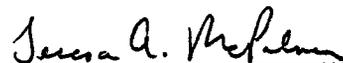
Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 Allah Muhammed Saleem 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: 12 November 2005



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



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 9031

20 MAR 2005

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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN #716

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

1. The Combatant Status Review Tribunal's determination that Detainee ISN #716 shall no longer be classified as an enemy combatant is approved.
2. In accordance with references (a) and (b) the written report of the Tribunal's decision will be forwarded to the Secretary of the Navy.

J. M. McGARRAH  
RADM, CEC, USN

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

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3734

3 Feb 05

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN #716Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #30 of 7 January 2005  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process, affirmatively declined to participate in the Tribunal. *See* exhibit D-a
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with the provisions of references (a) and (b).
- d. The detainee did not request that any witnesses or evidence be produced on his behalf.
- e. The Tribunal's decision that detainee #716 shall no longer be classified as an enemy combatant was by a vote of 2-1. The dissenting Tribunal member's report is attached to the Tribunal Decision Report as enclosure (3).
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and did not submit comments to the Tribunal. *See* enclosure (6)

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 record of proceedings be forwarded to the Secretary of the Navy in accordance with reference (b).



PETER C. BRADFORD  
LT, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

7 Jan 05

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #30

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

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

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

MEMBERS:

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

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

[REDACTED] Major, U.S. Air Force; Member

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

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



(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2), (3) and (5).

(U) TRIBUNAL PANEL:     #30    

(U) ISN#:     716    

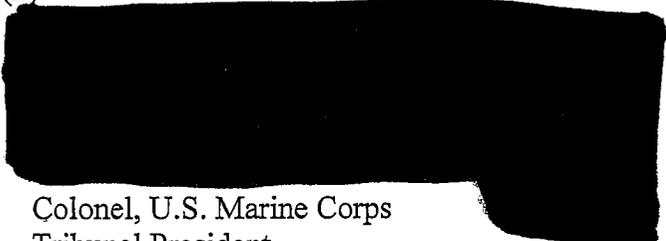
Ref: (a) (U) Convening Order for Tribunal #30 of 7 January 2005 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

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

2. (U) On 13 January 2005, the Tribunal determined, by a preponderance of the evidence, that Detainee #716 shall no longer be classified as an enemy combatant as defined in reference (c).

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



Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL: \_\_\_\_\_ #30

ISN #: \_\_\_\_\_ 716

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee shall no longer be classified as an enemy combatant as defined in the DEPSECDEF Memo of 7 July 2004. 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 13 January 2005. During the unclassified portion of the Tribunal, the Personal Representative presented Exhibit D-a, the Detainee Election Form. The Recorder then presented Exhibits R-1 and R-2. The former exhibit, the Unclassified Summary of Evidence, indicates that: the Detainee is associated with al Qaida; the Detainee has been living under an alias while in detention and is in fact, a fairly significant member of Egyptian Islamic Jihad (EIJ) and al Qaida; EIJ is an extremist group that merged with al Qaida; in 1998, Doctor Ayman Al-Zawahiri merged EIJ into al Qaida, in effect making all EIJ members al Qaida members; the Detainee worked for a Bayt al Ansar safehouse in Peshawar, Pakistan; Bayt al Ansar refers to safehouses used to organize volunteers for Jihad; the Bayt al Anser guesthouse served as a staging area for Mujahadeen on their way in and out of Afghanistan (AF); the Detainee set a pattern of traveling between Peshwar and Jalalabad, staying at Libyan guesthouses; the Detainee was captured with an admitted supporter of Libyan Islamic Fighting Group (LIFG); LIFG is an extremist group with members aligned with al Qaida organization or active in the international Mujahadeen network; the Detainee was an employee of the International Islamic Relief Organization (IIRO); the IIRO is a large Jeddah-based humanitarian aid organization that performs relief work worldwide, but also is used by Islamic terrorists and insurgents for cover, travel, and funding; the Detainee was a bodyguard for Usama Bin Ladin; the Detainee is prominent in the Usama Bin Ladin and Egyptian Islamic Jihad circles; and the Detainee was apprehended during the "Greentown" raids on 3 April 2002, in Lahore, Pakistan. The Recorder called no witnesses.

The Detainee did not attend the Tribunal and affirmatively declined to participate in the Tribunal process. His decision is reflected on the Detainee Election Form (Exhibit D-a). The Personal Representative presented brief comments on the Detainee's behalf. Those comments are provided in Enclosure (4) to the CSRT Decision Report. The Detainee requested no witnesses or other evidence.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-17, without comment. The Personal Representative introduced no classified documents and did not comment on the classified evidence.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a and R-1 through R-17.

b. Testimony of the following persons: None.

c. Sworn testimony of the Detainee: None, but see Enclosure (4) to the CSRT Decision Report for brief comments made on the Detainee's behalf by the Personal Representative.

### **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 Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1, 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. Exhibit R-2, an excerpt from the U.S. Department of Homeland Security's Terrorist Organization Reference Guide, contains some information that appears to be related to the Unclassified Summary of Evidence, but which did not relate directly to the Detainee. Accordingly, the Tribunal had to look to the classified exhibits for support for the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the brief statement of the Personal Representative, in which the Detainee denied the allegations, calling them lies. The Personal Representative's comments are provided in Enclosure (4) to the CSRT Decision Report.

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

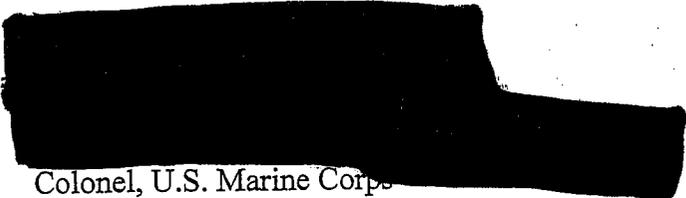
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. No evidence was produced that caused the Tribunal to question whether the Detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.
- b. As indicated in Exhibit D-a, the Detainee made a conscious decision not to attend his Tribunal. Accordingly, the Tribunal finds the Detainee made a knowing, intelligent and voluntary decision not to participate in the Tribunal process.
- c. That this detainee shall no longer be classified as an enemy combatant as defined in the DEPSECDEF Memo of 7 July 2004.

## 8. Dissenting Tribunal Member's Report

The Tribunal reached a 2-1 decision. See enclosure (3) for the Dissenting Member's report.

Respectfully submitted,



Colonel, U.S. Marine Corps  
Tribunal President

IN ABSENTIA

*The Tribunal President read the Hearing Instructions.*

*The Tribunal President confirmed the Detainee elected not to participate in the Tribunal process.*

Tribunal President: I note for the record that the detainee whose case in hearing is not present at this hearing room. Personal Representative you have advised the Tribunal that Ala Abd Al Maqsut Muhammad Sagim Mazruh has elected not to participate in this Tribunal. Is that still the situation?

Personal Representative: Yes sir.

Tribunal President: Personal Representative, did you meet with the detainee and inform him of his rights in regards to this proceeding?

Personal Representative: Yes sir, I did.

Tribunal President: Did he appear to understand the process?

Personal Representative: Yes sir.

Tribunal President: Was the Unclassified Summary of Evidence read to the detainee?

Personal Representative: Yes sir.

Tribunal President: Was a translator used during your interview?

Personal Representative: Yes sir.

Tribunal President: Did you confirm that the translator spoke the same language as the detainee?

Personal Representative: Yes sir.

***The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.***

***The Tribunal President, referring to the Detainee Election Form, made the following statement:***

Tribunal President: As I make reference to the Detainee Election Form, it's noted that the detainee chose not to be present at this hearing. Is that correct?

Personal Representative: Yes sir.

Tribunal President: How did he indicate that choice?

Personal Representative: He told me through the translator prior to the interview that he did not want to participate and at the end of the interview he repeated it.

Tribunal President: Very well then. At this time the Tribunal proceeding will continue in the detainee's absence.

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

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

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

***3.a.1. The detainee has been living under an alias while in detention and is in fact, a fairly significant member of Egyptian Islamic Jihad (EIJ) and al Qaida.***

***3.a.2. EIJ is an extremist group that merged with al Qaida.***

***3.a.3. In 1998, Dr. Ayman Al-Zawahiri merged EIJ into al Qaida, in effect making all EIJ members al Qaida members.***

***3.a.4. The detainee worked for a Bayt al Ansar safehouse in Peshawar, Pakistan (PK).***

***3.a.5. Bayt al Ansar refers to a Safehouses used to organize volunteers for jihad.***

***3.a.6. The Bayt al Ansar guesthouse served as a staging area for Mujahadeen on their way in and out of Afghanistan (AF).***

***3.a.7. The detainee set a pattern of traveling between Peshawar and Jalalabad staying at Libyan guesthouses.***

***3.a.8. The detainee was captured with an admitted supporter of Libyan Islamic Fighting Group (LIFG).***

3.a.9. LIFG is an extremist group with members aligned with the al Qaida organization or active in the international Mujahadeen network.

3.a.10. The detainee was an employee of the International Islamic Relief Organization (IIRO).

3.a.11. IIRO is a large Jeddah-based humanitarian aid organization that performs relief work worldwide, but also is used by Islamic terrorist and insurgents for cover, travel and funding.

3.a.12. The detainee was a bodyguard for Usama Bin Ladin.

3.a.13. The detainee is prominent in the Usama Bin Ladin and the Egyptian Islamic Jihad circles.

3.a.14. The detainee was apprehended during the "Greentown" raids on 3 April 2002, in Lahore, Pakistan.

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

**The Tribunal President opened the Tribunal to the Personal Representative to present the Detainee's statement.**

Personal Representative: When I asked if he had anything to impart to the Tribunal he merely indicated that he was innocent and all of this is not true.

Tribunal President: Is there anything else?

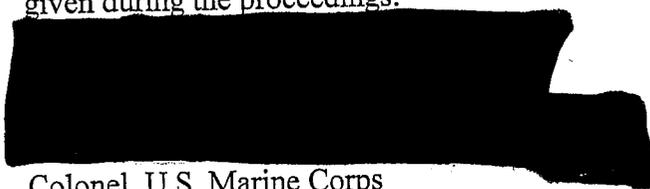
Personal Representative: No sir.

**The Tribunal President confirmed with the Personal Representative that he has further evidence to submit during the unclassified portion of the Tribunal and that the Detainee had no previously approved witnesses to present to the Tribunal.**

**The Tribunal President 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, U.S. Marine Corps  
Tribunal President

DETAINEE ELECTION FORM

Date: 12 JAN 05

Start Time: 1030

End Time: 1105

ISN#: 716

Personal Representative:  LTC, US ARMY

Translator Required? YES Language? ARABIC

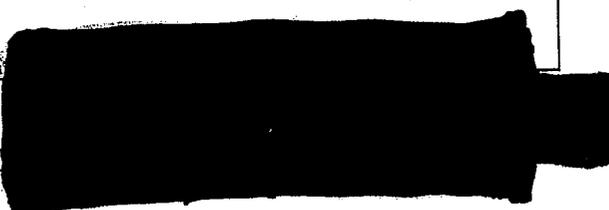
CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

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

**Personal Representative Comments:**

Detainee affirmatively declined to participate before and after the reading of the CSRT script and the unclassified summary.

Personal Representative: 

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Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (7 January 2005)

Subject: Summary of Evidence for Combatant Status Review Tribunal – MAZRUH, Ala Abd Al Maqsut Muhammad Sagim

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 has been living under an alias while in detention and is in fact, a fairly significant member of Egyptian Islamic Jihad (EIJ) and al Qaida.
    2. EIJ is an extremist group that merged with al Qaida.
    3. In 1998, Doctor Ayman Al-Zawahiri merged EIJ into al Qaida, in effect making all EIJ members al Qaida members.
    4. The detainee worked for a Bayt al Ansar safehouse in Peshawar, Pakistan (PK).
    5. Bayt al Ansar refers to safehouses used to organize volunteers for Jihad.
    6. The Bayt al Anser guesthouse served as a staging area for Mujahadeen on their way in and out of Afghanistan (AF).
    7. The detainee set a pattern of traveling between Peshwar and Jalalabad, staying at Libyan guesthouses.
    8. The detainee was captured with an admitted supporter of Libyan Islamic Fighting Group (LIFG).

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EXHIBIT R-1  
PAGE 1 OF 2 3746

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9. LIFG is an extremist group with members aligned with al Qaida organization or active in the international Mujahadeen network.
  10. The detainee was an employee of the International Islamic Relief Organization (IIRO).
  11. The IIRO is a large Jeddah-based humanitarian aid organization that performs relief work worldwide, but also is used by Islamic terrorists and insurgents for cover, travel, and funding.
  12. The detainee was a bodyguard for Usama Bin Ladin.
  13. The detainee is prominent in the Usama Bin Ladin and Egyptian Islamic Jihad circles.
  14. The detainee was apprehended during the "Greentown" raids on 3 April 2002, in Lahore, Pakistan.
4. (U) 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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U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
Office of Border Patrol

## Terrorist Organization Reference Guide

January 2004

EXHIBIT\_R-2

PAGE 1 OF 13<sup>3748</sup>

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## U. S. BUREAU OF CUSTOMS AND BORDER PROTECTION

**Purpose:** The purpose of the Terrorist Organization Reference Guide is to provide the Field with a who's who in terrorism. The main players and organizations are identified so the CBP Officer and BP Agent can associate what terror groups are from what countries, in order to better screen and identify potential terrorists.

**Limitations (Gaps in Data):** This Guide is based upon the information available to this office at the time that the report was prepared.

**NOTE:** This report is based upon information obtained from various open sources. No classified information was used in the preparation of this report.

For corrections, amendments, and suggestions, notify:

Office of Border Patrol  
Bldg. 11624 SSG Sims Road,  
Biggs AAF,  
El Paso, TX 79908  
Mailing Address: Attn. BPSCC P.O. Box 6017  
El Paso, Texas 79906  
POC Kent D. Thew  
Tel: (915) 724-3218

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## Designated Foreign Terrorist Organizations

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## Designated Foreign Terrorist Organizations<sup>1</sup>

The following descriptive list constitutes the 36 terrorist groups that currently (as of 30 January 2003) are designated by the Secretary of State as Foreign Terrorist Organizations (FTOs), pursuant to section 219 of the Immigration and Nationality Act, as amended by the Antiterrorism and Effective Death Penalty Act of 1996. The designations carry legal consequences:

- It is unlawful to provide funds or other material support to a designated FTO.
- Representatives and certain members of a designated FTO can be denied visas or excluded from the United States.
- US financial institutions must block funds of designated FTOs and their agents and must report the blockage to the US Department of the Treasury.

### 1. Abu Nidal organization (ANO)

**a.k.a. Fatah - the Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organization of Socialist Muslims**

#### Description

Has carried out terrorist attacks in 20 countries, killing or injuring almost 900 persons. Targets include the United States, the United Kingdom, France, Israel, moderate Palestinians, the PLO, and various Arab countries. Major attacks included the Rome and Vienna airports in December 1985, the Neve Shalom synagogue in Istanbul and the Pan Am Flight 73 hijacking in Karachi in September 1986, and the City of Poros day-excursion ship attack in Greece in July 1988. Suspected of assassinating PLO deputy chief Abu Iyad and PLO security chief Abu Hul in Tunis in January 1991. ANO assassinated a Jordanian diplomat in Lebanon in January 1994 and has been linked to the killing of the PLO representative there. Has not staged a major attack against Western targets since the late 1980s.

#### Strength

Few hundred plus limited overseas support structure.

#### Location/Area of Operation

Elements relocated to Iraq in December 1998, where the group maintains a presence. Has an operational presence in Lebanon including in several Palestinian refugee camps. Authorities shut down the ANO's operations in Libya and Egypt in 1999. Has demonstrated ability to operate over wide area, including the Middle East, Asia, and Europe. Financial problems and internal disorganization have reduced the group's activities and capabilities.

**External Aid**

Has received considerable support, including safehaven, training, logistic assistance, and financial aid from Iraq, Libya, and Syria (until 1987), in addition to close support for selected operations.

**2. Abu Sayyaf Group (ASG)****Description**

The ASG is the most violent of the separatist groups operating in the southern Philippines. Some ASG leaders allegedly fought in Afghanistan during the Soviet war and are students and proponents of radical Islamic teachings. The group split from the Moro National Liberation Front in the early 1990s under the leadership of Abdurajak Abubakar Janjalani, who was killed in a clash with Philippine police on 18 December 1998. His younger brother, Khadaffy Janjalani, has replaced him as the nominal leader of the group, which is composed of several semiautonomous factions.

**Activities**

Engages in kidnappings for ransom, bombings, assassinations, and extortion. Although from time to time it claims that its motivation is to promote an independent Islamic state in western Mindanao and the Sulu Archipelago, areas in the southern Philippines heavily populated by Muslims, the ASG has primarily used terror for financial profit. Recent bombings may herald a return to a more radical, politicized agenda. The group's first large-scale action was a raid on the town of Ipil in Mindanao in April 1995. In April of 2000, an ASG faction kidnapped 21 persons, including 10 foreign tourists, from a resort in Malaysia. Separately in 2000, the group abducted several foreign journalists, three Malaysians, and a US citizen. On 27 May 2001, the ASG kidnapped three US citizens and 17 Filipinos from a tourist resort in Palawan, Philippines. Several of the hostages, including one US citizen, were murdered. During a Philippine military hostage rescue operation on 7 June 2002, US hostage Gracia Burnham was rescued, but US hostage Martin Burnham and Filipina Deborah Yap were killed during the operation. Philippine authorities say that the ASG had a role in the bombing near a Philippine military base in Zamboanga on 2 October that killed three Filipinos and one US serviceman and wounded 20 others.

**Strength**

Estimated to have 200 to 500 members.

**Location/Area of Operation**

The ASG was founded in Basilan Province and mainly operates there and in the neighboring provinces of Sulu and Tawi-Tawi in the Sulu Archipelago. It also operates

in the Zamboanga peninsula, and members occasionally travel to Manila and other parts of the country. The group expanded its operations to Malaysia in 2000 when it abducted foreigners from a tourist resort.

#### **External Aid**

Largely self-financing through ransom and extortion; may receive support from Islamic extremists in the Middle East and South Asia. Libya publicly paid millions of dollars for the release of the foreign hostages seized from Malaysia in 2000.

### **3. Al-Aqsa Martyrs Brigade (al-Aqsa)**

#### **Description**

The al-Aqsa Martyrs Brigade comprises an unknown number of small cells of Fatah-affiliated activists that emerged at the outset of the current *intifadah* to attack Israeli targets. It aims to drive the Israeli military and settlers from the West Bank, Gaza Strip, and Jerusalem and to establish a Palestinian state.

#### **Activities**

Al-Aqsa has carried out shootings and suicide operations against Israeli military personnel and civilians and has killed Palestinians who it believed were collaborating with Israel. At least five US citizens, four of them dual Israeli-US citizens, were killed in al-Aqsa's attacks. The group probably did not attack them because of their US citizenship. In January 2002, al-Aqsa claimed responsibility for the first suicide bombing carried out by a female.

#### **Strength**

Unknown.

#### **Location/Area of Operation**

Al-Aqsa operates mainly in the West Bank and has claimed attacks inside Israel and the Gaza Strip. It may have followers in Palestinian refugee camps in southern Lebanon.

#### **External Aid**

Unknown.

#### 4. Armed Islamic Group (GIA)

##### Description

An Islamic extremist group, the GIA aims to overthrow the secular Algerian regime and replace it with an Islamic state. The GIA began its violent activity in 1992 after Algiers voided the victory of the Islamic Salvation Front -the largest Islamic opposition party -in the first round of legislative elections in December 1991.

##### Activities

Frequent attacks against civilians and government workers. Since 1992, the GIA has conducted a terrorist campaign of civilian massacres, sometimes wiping out entire villages in its area of operation, although the group's dwindling numbers have caused a decrease in the number of attacks. Since announcing its campaign against foreigners living in Algeria in 1993, the GIA has killed more than 100 expatriate men and women - mostly Europeans -in the country. The group uses assassinations and bombings, including car bombs, and it is known to favor kidnapping victims and slitting their throats. The GIA hijacked an Air France flight to Algiers in December 1994. In 2002, a French court sentenced two GIA members to life in prison for conducting a series of bombings in France in 1995.

##### Strength

Precise numbers unknown, probably fewer than 100.

##### Location/Area of Operation

Algeria.

##### External Aid

None known.

#### 5. 'Asbat al-Ansar

##### Description

'Asbat al-Ansar - the League of the Followers - is a Lebanon-based, Sunni extremist group, composed primarily of Palestinians and associated with Usama Bin Ladin. The group follows an extremist interpretation of Islam that justifies violence against civilian targets to achieve political ends. Some of those goals include overthrowing the Lebanese Government and thwarting perceived anti-Islamic and pro-Western influences in the country.

**16. Al-Jihad****a.k.a. Egyptian Islamic Jihad, Jihad Group, Islamic Jihad****Description**

Egyptian Islamic extremist group active since the late 1970s. Merged with Bin Ladin's al-Qaeda organization in June 2001, but may retain some capability to conduct independent operations. Primary goals are to overthrow the Egyptian Government and replace it with an Islamic state and to attack US and Israeli interests in Egypt and abroad.

**Activities**

Historically specialized in armed attacks against high-level Egyptian Government personnel, including cabinet ministers, and car bombings against official US and Egyptian facilities. The original Jihad was responsible for the assassination in 1981 of Egyptian President Anwar Sadat. Claimed responsibility for the attempted assassinations of Interior Minister Hassan al-Alfi in August 1993 and Prime Minister Atef Sedky in November 1993. Has not conducted an attack inside Egypt since 1993 and has never targeted foreign tourists there. Responsible for Egyptian Embassy bombing in Islamabad in 1995; in 1998 an attack against US Embassy in Albania was thwarted.

**Strength**

Unknown, but probably has several hundred hard-core members.

**Location/Area of Operation**

Historically operated in the Cairo area, but most of its network is outside Egypt, including Yemen, Afghanistan, Pakistan, Lebanon, and the United Kingdom, and its activities have been centered outside Egypt for several years.

**External Aid**

Unknown. The Egyptian Government claims that Iran supports the Jihad. Its merger with al-Qaeda also boosts Bin Ladin's support for the group. Also may obtain some funding through various Islamic nongovernmental organizations, cover businesses, and criminal acts.

including US citizens. Several of the arrested militants have reportedly undergone military training in Afghanistan, and some fought with the Afghan mujahidin during the war against the former Soviet Union. Others are alleged to have ties to Islamic extremist organizations in Indonesia and the Philippines.

### Strength

Malaysian police assess the KMM to have 70 to 80 members. The Malaysian police continued to investigate more than 200 suspected Muslim militants throughout 2002.

### Location/Area of Operation

The KMM is reported to have networks in the Malaysian states of Perak, Johor, Kedah, Selangor, Terengganu, and Kelantan. They also operate in Wilayah Persukutuan, the federal territory comprising Kuala Lumpur. According to press reports, the KMM has ties to radical Indonesian Islamic groups and has sent members to Ambon, Indonesia, to fight against Christians.

### External Aid

Largely unknown, probably self-financing.

## 59. Libyan Islamic Fighting Group

a.k.a. Al-Jam'a al-isiamiyyah al-Muqatilah, Fighting Islamic Group, Libyan Fighting Group, Libyan Islamic Group

### Description

Emerged in 1995 among Libyans who had fought against Soviet forces in Afghanistan. Declared the government of Libyan leader Muammar Qadhafi un-Islamic and pledged to overthrow it. Some members maintain a strictly anti-Qadhafi focus and organize against Libyan Government interests, but others are aligned with Usama Bin Ladin's al-Qaeda organization or are active in the international mujahidin network. The group was designated for asset freeze under E.O. 13224 and UNSCR 1333 in September 2001.

### Activities

Claimed responsibility for a failed assassination attempt against Qadhafi in 1996 and engaged Libyan security forces in armed clashes during the mid-to-late 1990s. Continues to target Libyan interests and may engage in sporadic clashes with Libyan security forces.

### Strength

Not known but probably has several hundred active members or supporters.

**Location/Area of Operation**

Probably maintains a clandestine presence in Libya, but since late 1990s, many members have fled to various Middle Eastern and European countries.

**External Aid**

Not known. May obtain some funding through private donations, various Islamic nongovernmental organizations, and criminal acts.

**60. Lord's Resistance Army (LRA)**

**Description**

Founded in 1989 as the successor to the Holy Spirit Movement, the LRA seeks to overthrow the Ugandan Government and replace it with a regime that will implement the group's brand of Christianity.

**Activities**

Since the early 1990's, the LRA has kidnapped and killed local Ugandan civilians in order to discourage foreign investment, precipitate a crisis in Uganda, and replenish their ranks.

**Strength**

Estimated 1,000.

**Location/Area of Operation**

Northern Uganda and southern Sudan.

**External Aid**

While the LRA has been supported by the Government of Sudan in the past, the Sudanese are now cooperating with the Government of Uganda in a campaign to eliminate LRA sanctuaries in Sudan.

**61. Loyalist Volunteer Force (LVF)**

**Description**

An extreme loyalist group formed in 1996 as a faction of the loyalist Ulster Volunteer Force (UVF) but did not emerge publicly until 1997. Composed largely of UVF

End Notes

<sup>1</sup> Designated Foreign Terrorist Organizations: Pages 1-35: U.S. Department of State, "Patterns of Global Terrorism 2002", Appendix B, Background Information on Designated Foreign Terrorist Organizations, April 2003, pp. 99-124.

<sup>2</sup> Other Terrorist Groups: Pages 37-67: U.S. Department of State, "Patterns of Global Terrorism 2002", Appendix C, Background Information on Other Terrorist Groups, April 2003, pp. 125-146.

<sup>3</sup> U.S. Department of State, Office of the Coordinator for Counterterrorism, "Fact Sheet", November 15, 2002, <http://www.state.gov/s/ct/rls/fs/2002/15222.htm>.

<sup>4</sup> Ramon J. Miro and Glenn E. Curtis, "Organized Crime and Terrorist Activity in Mexico, 1999-2002", Federal Research Division, Library of Congress, February 2003, 34.

<sup>5</sup> Ibid., 35.

<sup>6</sup> "Los Grupos Guerrilleros Y Las Elecciones", <http://www.laneta.apc.org/redcom/vozalta/doc1.htm>; "Leftist Parties of Mexico", <http://www.broadleft.org/mx.htm>; "Leftist Political-Military Organizations of the World", <http://www.broadleft.org/polmil.htm>; "Guerilla Groups in Mexico", <http://www.onr.com/user/questad>; "Boletin Chiapas Al Dia No 200", <http://www.laneta.apc.org/redcom/vozalta/doc1.htm>; Untitled, <http://www.enfoqueveracruz.com/vari0s/guerrillero.htm>; "Terrorist Group Profiles, Index of Groups", <http://library.nps.navy.mil/home/tgp/tgpndx.htm>; "Special Report: Mexican Irregular Forces/Rebel Groups" [http://www.totse.com/en/politics/foreign\\_military\\_intelligence\\_agencies/mexterr1.html](http://www.totse.com/en/politics/foreign_military_intelligence_agencies/mexterr1.html)

<sup>7</sup> Ramon J. Miro and Glenn E. Curtis, "Organized Crime and Terrorist Activity in Mexico, 1999-2002", Federal Research Division, Library of Congress, February 2003, 40.

<sup>8</sup> Ibid., 35.

<sup>9</sup> Ibid., 36.

<sup>10</sup> Ibid., 36.

<sup>11</sup> Ibid., 36.

<sup>12</sup> Ibid., 37.

<sup>13</sup> Ibid., 37.

<sup>14</sup> Ibid., 38.

<sup>15</sup> Ibid., 40.

<sup>16</sup> Ibid., 40.

<sup>17</sup> Ibid., 38.

<sup>18</sup> Ibid., 39.

<sup>19</sup> Ibid., 39.

<sup>20</sup> Ibid., 40.

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 18 January 2005 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #716.

I have no comments.

My comments are attached.

 USA  
Name

18 JAN 05  
Date

  
Signature

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ABDUL SAHIR, )  
 )  
 )  
 Petitioner, )  
 )  
 v. ) Civil Action No. 05-1236 (RWR)  
 )  
 )  
 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 Abdul Sahir that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel and foreign nationals in order to protect the personal privacy and security of those individuals.

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

Dated: 16 August 2005

Teresa A. McPalmer

Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0450

29 NOV 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 753

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 #753 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

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

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12 Nov 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 753

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

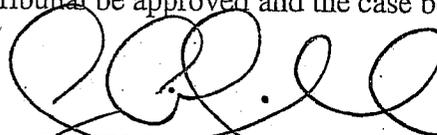
Encl: (1) Appointing Order for Tribunal #2 of 2 August 2004  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # 753 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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

  
JAMES R. CRISFIELD JR.  
CDR, JAGC, USN

UNCLASSIFIED

3765



Department of Defense  
Director, Combatant Status Review Tribunals

2 August 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #2

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

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

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

MEMBERS:

[REDACTED]

Colonel, U.S. Marine Corps; President

[REDACTED]

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

[REDACTED]

Lieutenant Colonel, U.S. Air Force; Member

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

25 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 753

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

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

A handwritten signature in black ink, appearing to read "D.L. Taylor".

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

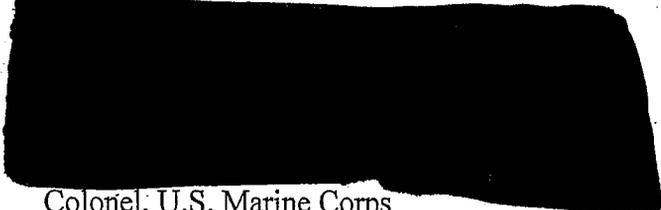
(U) TRIBUNAL PANEL:   #2  

(U) ISN#:   753  

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

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

1. (U) This Tribunal was convened on 3 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).
2. (U) On 3 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #753 is properly classified as an enemy combatant, as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, both Al-Qaeda and the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:       #2        
ISN #:       753      

**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, both Al-Qaeda and the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of Al-Qaeda and worked as a translator for a high-ranking Al-Qaeda operative for over three years. He also served as a financial middleman between Al-Qaeda and Taliban members. The detainee chose to participate in the Tribunal process. He requested no witnesses, requested no unclassified or classified documents be produced, but made an oral, sworn statement with the assistance of his Personal Representative. The detainee, in his oral statement, denied being a member of either Al-Qaeda or the Taliban and claimed the evidence presented by the Recorder in Exhibit R-1 had no basis in fact.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-20
- b. Testimony of the following persons: Sworn statement of the detainee

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

The Detainee requested no witnesses or 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, an FBI certification regarding redacted information, provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's sworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that the points raised in Exhibit R-1 were without merit and that he did not commit the acts described therein. The other exhibits at Enclosure (2), however, substantially refuted the Detainee's assertions.

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 because he is a member of, or affiliated with both Al-Qaeda and the Taliban, and was a part of, or supporting, both organizations.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps  
Tribunal President

Summarized Sworn Detainee Statement

*(The Detainee requested his written notes from (2) days prior to assist him with his statement. This request was granted and the Personal Representative (PR) handed the notes to the Detainee.)*

*(The Detainee addressed points made in the Unclassified Summary, point by point.)*

**3.a. Detainee is a member of Al Qaida**

- 1. Detainee was a translator for [REDACTED] a known member of Al Qaida for a period of three years.**

This statement has no basis. I am an Afghan and in Afghanistan there are a lot of political organizations with which I have no affiliation. I would not join a group that is foreign to my country. They (Al Qaida) don't speak the language and are not of our tribe. I would not join a group like Al Qaida, which is a terrorist organization.

At the time, I didn't know that Mr. [REDACTED] was a member of Al Qaida. I worked for him as a peasant or employee, not a member of the group. My work was to support my family and children. It was only for employment. It was very simple employment and had no political affiliations.

My work with him was only in Afghanistan as an employee, no affiliations of going to another country.

I was an employee when the Taliban was the government of Afghanistan.

- 2. Detainee translated for [REDACTED] when he spoke with [REDACTED] the leader of Taliban soldiers in the North of Kabul.**

[REDACTED] was a very small commander of the Taliban. Translating between Mr. [REDACTED] and Mr. [REDACTED] was a common position of my job. I was only working as an employee.

- 3. Detainee is able to identify several members of Al Qaida and the Taliban from his stay in the ASHARA guesthouse.**

This has no basis because I didn't live at the ASHARA guesthouse night and day. When I was there, I was usually sitting with the doorman and the other Afghan

workers. I could not talk to the Arabs because Mr. [REDACTED] would not allow anyone to talk to the Arabs.

A lot of people came in and out. How could I remember everybody that came and went? Everyone wears the same clothes. You cannot tell rank or position. I don't know how to get the information about who is who, and what group they are.

**4. *Detainee's duties were to safe keep and distribute funds for various Al-Qaida and Taliban members.***

This has no basis. When I was working for Mr. [REDACTED] I didn't even handle \$10 Afghani. I was a worker. When Mr. [REDACTED] fled Afghanistan, he told me he left some Afghani for me (currency) as a trust. It was not for distributing or financing anything.

When the time passed, he asked me to give the money to another gentleman, whom I have nothing to do with. All I did was give the money to another person.

**3.b. *Detainee engaged in hostilities against the United States and/or its coalition partners.***

This statement has no proof because I never hated the United States, and these are the points to back it. These are the points I make:

I stayed in my country and at home all the time. I didn't go anywhere else. I didn't travel to any foreign country. If I were an enemy, I would have traveled to other foreign countries.

When I was captured, it was in a peaceful and cooperative manner, even though there were weapons in my house. If I were an enemy, I would have fought them off.

You can look at my files and my behavior in this prison over my two-year stay here in jail. I have a great relationship with the MP's, and they can tell you that. It proves I have nothing against...or they are not my enemies. I have a great relationship with the people working in the prison.

If you look at my file over the two years you will see my good behavior. An enemy is not like that. I have conversations with American people, and I have great conversations with them, so how can I be an enemy to them?

I've never been a part of a political organization. How can I have differences with the Americans?

I am just a worker from Afghanistan, not a soldier. I have nothing political, or any other reason [to be] against Americans.

I don't have enough education to understand all of the political groups and differences, or what is to hate America or not to hate America. I don't have enough education to get on that level. And from the information I have, I know the United States Constitution, democracy allows freedom of religion, and for this reason, this type of government does not interfere with our religion of Islam. I have no religious differences with Americans, since they allow freedom of religion.

These eight points I have stated show I have no enmity towards the Americans, and never have. So, I am not an enemy. There is no proof that I could work for an organization that hates the United States.

Point A and B have no factual basis. This concludes my statement.

#### **Summarized Answers to Questions by Personal Representative**

Q: 3b2 says that you were involved in the grenade attack on Western journalists in the spring of 2002. Please share [what you know about this] with the Tribunal.

A: This is a complete lie. I've never taken part in any bomb attacks or any kind of operations. I knew the people who did the bomb attack and how this got around is because I told the Americans the names of those who did the attack.

There is no proof, and I have never taken part in the operation, I only provided information. I was a prisoner and had no cause to have enemies or create enemies. I gave you the eight points, which prove that I have a great relationship, not an enemy and just a worker. I hope these eight points get across.

#### **Summarized Answers to Questions by Tribunal Members**

Q: How many languages do you speak?

A: Farsi [and] Pashtu are our national languages and the only foreign language I know is Arabic.

Q: Do you understand English, or just some English?

A: I've learned some in prison.

- Q: Did you learn your languages where you grew up, or did you attend school to learn them?
- A: Farsi and Pashtu are my home languages, so I picked them up from family. Arabic, I took courses for.
- Q: When you translated for [REDACTED] what type of information did you translate?
- A: Basic stuff, relating to simple matters in Kabul. They had to deal with the government, the Taliban, like paperwork for cars, that they had to work with the government for, on the lower level.
- Q: Could he [REDACTED] do his job without translation?
- A: Of course. He could have got someone from the Taliban who knew Arabic, or he could have hired another linguist and paid him salary.
- Q: When you mentioned that he left money for safekeeping, which you then transferred, how much money was it?
- A: The money was not directly given to me. It was left with somebody else and I was told to hold it for him.
- Q: How much?
- A: About \$40,000.00, a mix of Pakistani and other currency, worth about \$40,000.00.
- Q: What do you think of Arabs being present in Afghanistan?
- A: I don't understand, it's beyond my level.
- Q: Personally, are you comfortable being near and around Arabs? If you, here in this camp, were living with Arabs, how would that make you feel?
- A: Arabs don't even look at us or say hi to us. They say we Afghans betrayed them.
- Q: But, what do you think of them?
- A: I think they used Afghanistan for political and different interests. Afghanistan was used.
- Q: What do you think of Westerners being present in Afghanistan?

- A: When the Westerners came, I didn't get to see what happened because I went to prison, so I can't comment on that.
- Q: You mentioned that when you turned yourself in, you had weapons in your house. Is that correct?
- A: Every Afghan's home has a gun because they all have differences and the gun is there to protect them.
- Q: How many weapons did you have?
- A: I only had one.
- Q: Was it your personal gun or had it been provided to you?
- A: It was my personal gun.
- Q: You mentioned that you were a prisoner at one time. Where was that?
- A: I was referring to this prison, here.
- Q: When you said earlier in your statement that you did not know [REDACTED] was a member of Al Qaida, who did you believe he was?
- A: I figured he worked for the Taliban, the government at that time. I sought employment with him.
- Q: How long did you work for him?
- A: About three years.
- Q: How long did you work for [REDACTED]?
- A: I never worked for [REDACTED]. The only time was when I translated for Mr. [REDACTED] to Mr. [REDACTED].
- Q: What is the highest level of education you were able to attain?
- A: I have a high school education.
- Q: On what weapons are you proficient, personally?
- A: Only the gun I protected my house with.
- Q: Have you ever been given any military training?

A: No.

Q: Just to clarify, concerning the incident with the Western journalists, you are saying that you had nothing to do with the attack on them and it was others who did it?

A: Yes.

Q: You knew who did it, and provided the names to the Americans?

A: Yes.

Q: In response, your name was turned in and you were blamed for it as well?

A: I provided names. You should ask whoever put my name in there why they did. The other point is, if I really had a hand in this bombing, how can a person who, when they do such an act...no one who did something would admit to it. I gave all the information. The person would normally be under a lot of pressure to just give all the information. I did that out of help to my country. The statement I gave was not under interrogation. It was voluntary.

Q: Do you have any feelings, one way or another, concerning the Northern Alliance?

A: That is above my level to comment on because I have no political affiliations, but as a simple Afghan, I can say it is because of these warlords and the (inaudible) that were fighting, was the reason the Taliban came into power. That is the only comment I can say. They are just part of the other political groups like the Communists or others that have come through Afghanistan and fought or taken power. They are a political organization.

Whoever wants to help Afghanistan right now, that is very good. I am saying this as a common Afghan citizen, not anything else. I want good for my country.

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

A: About 2 years and 2 months. 4 months in Bagram and the rest here.

Q: Do you believe the Americans have treated you with dignity and respect?

A: They haven't done anything wrong, very common treatment.

Q: You are well spoken, thank you.

Q: Referring to the grenade attack on the Western journalists, how did you know the people who were involved?

A: I knew them from the past. I knew one of them, and the other person was associated with the person I knew.

Q: Were you there when it occurred?

A: I was in the area.

Q: Did you know that it was going to occur?

A: I did find out and that's when I separated and went my way. I didn't join them.

Q: When you found out, you allowed the attack to occur anyway and then came to the Americans after the attack had occurred?

A: I was fearful for my life on both sides. I was fearful of the Americans and fearful that the Taliban might take (inaudible) on his family, so I kept quiet. I had no contact or connections with the Americans at that time. When I was captured and the Americans talked to me, then I knew how they were and I told them the whole story of the bombing.

Q: Do you consider the government in Afghanistan now to be leading Afghanistan in the correct direction?

A: I am happy that Afghanistan is heading toward freedom. I only saw a few months of it and people were happy and I am part of the citizens that are happy that this country is moving forward.

Q: Do you feel that the loya jirga process that brought the government about was the proper way to give them authority?

A: This is a very good thing because in our history, all governments have been established by the loya jirga. I have heard this from my forefathers and it is a good thing.

Q: Do you have any other evidence or do you wish to make any other statements in front of this Tribunal?

A: I just want to say one thing. I admit the Americans have treated me good in this jail. I have had two years of interrogations, and I would like my case to move forward and not let it stop in one place. I am very happy about this process and this committee, and that you guys will give your decision. That's what I want, a fair decision. That is all I have to say.

AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Tribunal President

DETAINEE ELECTION FORM

ZKZ  
26 Aug 04  
Schedule  
Final

Date: 8/27/04

Start Time: 0815

End Time: 0928

ISN#: 753

Personal Representative:  / Lt Col

Translator Required? Yes Language? Pashto

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:**

Very participative,

No witnesses requested.

No prior representation

Will give SWORN oral statement.

Personal Representative 

~~FOUO~~

Recorder Exhibit List

For

ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Certification Re: Redaction of National Security Information dtd 6 Aug 04	UNCLASSIFIED
R3	FBI 302 [REDACTED] 29 Oct 02	FOUO//LES
R4	FBI 302 [REDACTED] 02 Nov 02	FOUO//LES
R5	FBI 302 [REDACTED] 04 Nov 02	FOUO//LES
R6	FBI 302 [REDACTED] 02 Jan 03	FOUO//LES
R7	FBI 302 [REDACTED] 06 Jan 03	FOUO//LES
R8	FBI 302 [REDACTED] 08 Jan 03	FOUO//LES
R9	FBI 302 [REDACTED] 10 Jan 03	FOUO//LES
R10	FBI 302 [REDACTED] 13 Jan 03	FOUO//LES
R11	FBI 302 [REDACTED] 20 Mar 03	FOUO//LES
R12	FBI 302 [REDACTED] 03 May 03	FOUO//LES
R13	FBI 302 [REDACTED] 30 Jul 03	FOUO//LES
R14	FBI 302 [REDACTED] 11 Aug 03	FOUO//LES
R15	JTF GTMO Central Asia Assessment Memo 12 Apr 04	SECRET/NOFORN
R16	CITF Commander Memo 29 Jun 04	SECRET/NOFORN
R17	JTF GTMO CG Memo 02 Jul 04	SECRET
R18	[REDACTED] ECRC	SECRET/NOFORN
R19	JTF GTMO Baseball Card	SECRET/NOFORN
R20	JTF CTMO Detainee Associate, Abdul Hadi	SECRET/NOFORN

~~FOUO~~

UNCLASSIFIED

Combatant Status Review Board

16 August 2004

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – Detainee ZAHIR, Abdul

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of Al-Qaida. He engaged in hostilities against the United States or its coalition partners.
  - a. Detainee is a member of Al Qaida.
    1. Detainee was a translator for [REDACTED], a known member of Al Qaida for a period of three years.
    2. Detainee translated for [REDACTED] when he spoke with [REDACTED] the leader of Taliban soldiers in the North of Kabul.
    3. Detainee is able to identify several members of Al Qaida and the Taliban from his stay in the ASHARA guesthouse.
    4. Detainee's duties were to safe keep and distribute funds for various Al-Qaida and Taliban members.
  - b. Detainee engaged in hostilities against the United States and/or it's coalition partners.
    1. Detainee collected and dispersed money for members of the Taliban and Al Qaida, utilizing the funds for operational costs such as food and supplies.
    2. Detainee was involved in a grenade attack on Western journalists in the spring of 2003.
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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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 6, 2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN 753

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

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

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

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

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

EXHIBIT R-2

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### Personal Representative Review of the Record of Proceedings

I acknowledge that on 23 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #753.

I have no comments.

My comments are attached.

[REDACTED]  
Lt Col [REDACTED] USAF

23 Sep 04  
Date

[REDACTED]  
Signature