

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALLAL AB ALJALLIL

ABD AL RAHMAN ABD, *et al.*,

Petitioners,

v.

GEORGE W. BUSH,

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

Respondents.

Civil Action No. 04-CV-1254 (HKK)

DECLARATION OF JAMES R. CRISFIELD JR.

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


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

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

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

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

Dated: 18 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



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

OARDEC/Ser: 0218
17 October 2004


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From: Director, Combatant Status Review Tribunal

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

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

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


J. M. McGARRAH
RADM, CEC, USN

Distribution:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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16 Oct 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

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

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

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

Encl: (1) Appointing Order for Tribunal #9 of 27 September 2004

(2) Record of Tribunal Proceedings

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

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

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-3 through R-6 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. Additionally, one of the exhibits considered by the Tribunal was classified as Sensitive Compartmented Information (SCI). The Tribunal did not attach this document to the Record of Proceedings in order to maintain its overall classification as Secret. This is the document you and I have previously reviewed inside the Office of the Under Secretary of the Navy for Special Programs and Intelligence's sensitive compartmented information facility (SCIF). The OUSN SCIF will maintain this document inside their safe until the Tribunal proceedings are considered final. I have designated this document as exhibit R-17 and inserted a placeholder for it in the Record of Proceedings. In my opinion the document was appropriately considered by the Tribunal and supports their determination that the detainee is properly classified as an Enemy Combatant as defined in references (a) and (b). There is no information in the document that would support a conclusion that the detainee is not an Enemy Combatant.

d. The detainee made no requests for witnesses. During the hearing, the detainee requested that the Tribunal President obtain medical records from a hospital in Jordan.

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

He alleged the records would support his story that he went to Afghanistan for medical treatment.

The Tribunal President denied the request. He determined that, since the detainee failed to provide specific information about the documents when he previously met with his Personal Representative, the request was untimely and the evidence was not reasonably available. After reviewing the evidence in the course of the Tribunal, the Tribunal President further determined that even if the medical records did exist and contained the information described by the detainee, the information was not relevant to the issue of whether the detainee is properly classified as an enemy combatant.

Since the detainee had failed to provide adequate information about these documents during his earlier meetings with his Personal Representative, Tribunal President was well within his discretion in ruling that the evidence was not reasonably available. I disagree with the Tribunal President's additional finding that the records would have been irrelevant, however. The detainee's claim was that he went to Afghanistan to receive medical treatment. He denied ever being part of or supporting al Qaeda. It is quite possible that the detainee's medical records could have been relevant to the Tribunal's decision. That is, depending on what was in them, they might have tended to make it less probable that the detainee was part of or supported al Qaeda while in Afghanistan. If they indicated, for example, that a doctor recommended the detainee go to a clinic in Afghanistan to receive a certain type of treatment, then that fact would have some tendency, however slight, to make it more probable that he received that treatment in Afghanistan and did not join al Qaeda.

In any event, the request was untimely and the President's decision regarding the reasonable availability of the records was not an abuse of his discretion. No corrective action is required.

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

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

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

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


JAMES R. GRISFIELD JR.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

27 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #9

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

[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

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

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

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


DAVID L. TAYLOR
Colonel, USAF

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #9
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of or affiliated with al Qaida. 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 is an al Qaida fighter, having received training at the al-Farouq training camp in 2000. He then returned to Afghanistan to fight in 2001 and went to the front lines near Kabul. The detainee chose to participate in the Tribunal process. He called no witnesses. During the hearing, the detainee requested that the Tribunal President obtain his medical records from a hospital in Jordan. He requested no other unclassified or classified documents be produced. He made an unsworn verbal statement. The Tribunal President denied the detainee's request for the document to be produced. The detainee, in his verbal statement, denied being an al Qaida member or associate. The Tribunal President's evidentiary 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-16.
- b. Unsworn statement of the detainee.

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

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Medical Records	not reasonably available/not relevant	no*

* During the hearing, the detainee requested that the Tribunal President obtain the detainee's medical records from a hospital in Jordan. He claimed that these medical records would support his story. The Tribunal President denied the request, ruling that since the request was untimely (the detainee did not mention this during a prior meeting with his Personal Representative), the evidence was not reasonably available. The President further ruled, however, that he would reconsider the request after viewing all the evidence presented in the case. After viewing all the evidence, the Tribunal President felt that even if the medical records existed and contained the information described by the detainee, that information was not relevant to the issue of whether the detainee is properly classified as an enemy combatant.

5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsworn testimony and the Personal Representative's notes of his interviews with the detainee. A summarized transcript of the detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). The Personal Representative's notes of his interviews with the detainee were relayed verbally to the Tribunal during the detainee's unsworn statement, at the detainee's request. In sum, the detainee testified that he believes his case is one of mistaken identity. He claimed that he was only in Afghanistan to seek medical treatment and has nothing to do with al Qaida.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He asked questions regarding his rights and hearing procedures and actively participated in the hearing, verbally sparring with the Tribunal President at every opportunity and giving every impression that he is an intelligent individual with a clear understanding of his situation.
- c. The detainee is properly classified as an enemy combatant and is a member of or affiliated with al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



_____, Col, USAF
Tribunal President

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Summarized Sworn Detainee Statement

When asked by the Tribunal President the detainee stated he understood the CSRT process and he did not have any questions.

When the Tribunal President asked if the Detainee had any questions concerning the Tribunal process, the Detainee said "yes."

Tribunal President: What is your question?

Detainee: First, I don't understand the Oath. I didn't give permission for my Personal Representative to take an Oath. Why did he take an Oath when he doesn't know me?

Tribunal President: The Personal Representative gave an Oath that he would do his duty. It had nothing to do with what you were going to do.

Detainee: How can he not have anything to do with it, if he is my Personal Representative?

Tribunal President: His Oath had nothing to do with what you are going to say. His Oath deals with his responsibilities in this Tribunal.

Detainee: His work is a Personal Representative. What other work?

Tribunal President: The only work that matters in this Tribunal is his work as a Personal Representative.

Detainee: Is he doing other work rather than representing me?

Tribunal President: The only thing he is doing in this Tribunal is representing you.

Detainee: I want to know why he took an Oath. Why am I not the one taking the Oath?

Tribunal President: You will have an opportunity to take an Oath at the appropriate time. The oath is to assure...

[Detainee interrupted]: I do not know you. Who are the other people, who are you?

Tribunal President: I am the Tribunal President. The person to my left and my right are Tribunal members. We are here to determine if you have been appropriately classified as an enemy combatant. That is all you need to know about us at this time. Do you have any other questions concerning the process?

Detainee: Yesterday, my Personal Representative told me after I was taken from my room, I would get food and water. I did not receive any food or water. How can I trust or believe my Personal Representative? You can asked the soldier that was

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outside.

Tribunal President: The Personal Representative had no control over what the guards do and don't do. What the Personal Representative said was to you was in good faith.

Detainee: The translator was there when the Personal Representative promised I would get food and water.

Tribunal President: We are sorry you did not get food and water. But I cannot change that. Your Personal Representative is here to assist you in this process. Do you have any other questions concerning this process?

Detainee: How long will this take?

Tribunal President: That depends on you.

Detainee: How long will it take before you decide the results of this Tribunal?

Tribunal President: We should have a decision today. It can take quite a while before it is reviewed by the Convening Authority in Washington, D.C. I have no control over the timeline of the process. You will be told the results of the process once it is approved by the Convening Authority in Washington, D.C.

[When the Recorder handed the Tribunal President the Unclassified Summary, the Detainee stated he didn't know what it was. The Recorder explained to the Detainee the Unclassified Summary.]

[When asked by the Tribunal President if the Detainee wanted to make a statement to the Tribunal, the Detainee stated:]

I want to ask my Personal Representative what he did with the information I gave him Yesterday?

Personal Representative: I have the notes with me on what we talked about yesterday.

Detainee: I want to know what you did with them?

Personal Representative: It is here on this paper.

Detainee: I want to hear what he did and what the judge has to say about it. The information that we talked about yesterday was incorrect. If the information from yesterday wasn't corrected, why are we doing this?

Tribunal President: The Personal Representative did not provide this Tribunal panel with any information yesterday. Today is the first time we are going to hear the information. The procedure is done this way so you have the opportunity to hear the information that

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is presented to us. Would you like for the Personal Representative to present the information you gave him yesterday, to us now? Or would you like to present it to us yourself?

[Detainee asked the Personal Representative if he corrected the information he gave him yesterday.]

Personal Representative: I don't know what you mean by corrected. I took notes.

Detainee: Yesterday, you provided me information and I corrected it. I told you I wasn't the person they were referring to. I never went to the places that you said I did. I am not the person this case is based on.

Personal Representative [to Detainee:] I can read the notes to you, if you would like?

Detainee: Clarify the notes, so I know what you did.

Tribunal President [to Detainee]: The Personal Representative didn't do anything with the information you gave him yesterday except record it for his own use. The idea of the Tribunal is to allow you to present the information to us. Then we can do something with it, if we feel it is appropriate.

Detainee: What is the point of having a Personal Representative and having him write things down? I don't need a Personal Representative, you can ask me directly.

Tribunal President: The Personal Representative is here to help you make sure everything you want to say, gets said.

Detainee: The first question, I am not the person they are talking about. The information in the unclassified summary is not about me. How can say someone is me, when it isn't? Yesterday, I gave my Personal Representative the information so he could review and prevent this from happening. He wrote everything down.

Tribunal President: Personal Representative tell us what the Detainee told you yesterday.

[Personal Representative began referring to the Unclassified Summary of the Evidence]

Personal Representative: Item 3.a. (The Detainee is an al Qaida fighter): He said he did not live in al Qaida. This is a case of mistaken identity.

Item 3.a.1 (In the year 2000, the Detainee reportedly traveled from Yemen to Afghanistan.)

Detainee: That is not correct. First, that is not my name. My name is Agnahn Purhan Abjallil. I am from Orday City in Yemen, not a city in al Qaida. My city is very far from the city of al Qaida. That is not my name and I am not from that city.

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Personal Representative: Item 3.a.1. (In the year 2000, the Detainee reportedly traveled from Yemen to Afghanistan.)

Detainee: I told you, I am not the person. Why do you keep referring me to that person? That is not my name.

Tribunal President: It is the name that has been provided during your interrogations and it is the name you have provided to us in the past.

Detainee: That is why I told my Personal Representative in the interview it was a mistake and he needed to review the information. If that is not my name and not the city I am from.

Tribunal President: al Qaida is not a city. It is the name of an organization.

Detainee: Whether it is a city or an organization, I am not from al Qaida. I am from Orday City.

Tribunal President: Are you from Yemen?

Detainee: Yes, I am from Orday.

Tribunal President: Did you travel from Yemen to Afghanistan?

Detainee: I went from Yemen to Afghanistan.

Tribunal President: Did you do that in the year 2000?

Detainee: I don't know the time.

Tribunal President: Was it the year 1421?

Detainee: I am from a village, I cannot tell time.

Tribunal President: Very good. Did you train at the al-Farouq training camp in Afghanistan?

Detainee: That is incorrect information. You have the wrong person.

Tribunal President: Did you receive training in Afghanistan?

Detainee: No, that is incorrect. I have medical paperwork that will state I went there for treatment. Why didn't my Personal Representative present the information in my medical records?

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Tribunal President: Now is the time for information to be presented to the Tribunal, not before.

Detainee: My medical records can verify this information. I gave this information three years ago. The information you are presenting is based on another person. You haven't came up with the right information about me.

Tribunal President: Now is the time for you to tell us what you believe is the correct information about yourself.

Detainee: All the information is in my files.

Tribunal President: We will read it when we read the files later. We are giving you the opportunity to tell us your story now, if you wish.

Detainee: That is what I am doing. I gave you the information. The name is not correct. I told you I went there for medical treatment and there is official paperwork that will verify that. (Inaudible) How can this be possible? I am suppose to review the information, so I can tell you correctly.

Tribunal President: Now is the time for you to tell us why you were in Afghanistan. You told us it was for medical treatment.

Detainee: Yes, medical treatment. That is why I told my Personal Representative the process would be much easier if he would contact the Ministry of Health and get the records regarding my treatment. You would then have all the information you needed. The Tribunal has all the equipment needed to get in contact with the people that can provide you with my information. You can fax Jordan or the hospital and they can send you the information that will show you the truth.

Tribunal President: Your files are in Jordan?

Detainee: Yes, (inaudible) I was supposed to return to that hospital. You can memorize the process. You have my name and address.

[The President asked the translator to have the Detainee refrain from talking while the she is talking, because the Tribunal cannot understand him.]

Tribunal President: You went to a hospital in Jordan. What was the name of the hospital in Jordan?

Detainee: It was not a hospital.

Tribunal President: What was its name?

Detainee: The Islam Jordanian Hospital.

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Tribunal President: In what city?

Detainee: Oman.

Tribunal President: From there you went to Afghanistan?

Detainee: Why is my Personal Representative not helping me, I already gave him that Information? He was provided the information in Arabic and English.

[Personal Representative to Tribunal]: The Detainee claims he went for medical treatment in Pakistan, and is not a fighter.

Detainee: Because I am poor and can't afford treatment, I went for humanitarian aid.

Personal Representative: The Detainee was diagnosed in Jordan but the cost was too Expensive. He decided to go to Pakistan where the treatment was cheaper.

Detainee: Yes

Personal Representative: He started out in Yemen. He was diagnosed in Jordan. He went back for a short time to Yemen before going to Pakistan.

Detainee: Yes, correct.

Personal Representative: The doctor that was treating him in Pakistan moved several times; one of those times to Afghanistan.

Detainee: It was too expensive for me to get treatment. The person that could treat me for a reasonable price was in Afghanistan.

[Tribunal President to Personal Representative:] What else did the Detainee tell you?

Personal Representative: The clinic in Yemen, where he got treatment, was Al Jamuri in the town of Sanah from 1995 to 1996.

Detainee: Yes

Personal Representative: Item 3.a.2 (The Detainee reportedly received training at the al-Farouq training camp):

Detainee: I was going to a hospital for treatment. How could I be going for training?

Personal Representative: Item 3.a.2 the Detainee did not directly answer.

Item 3.b.1. (In April 2001, the detainee reportedly returned to Afghanistan): The

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Detainee answered he did not live in al Qaida.

Detainee: I told you I lived in Orday. I am not from al Qaida.

Tribunal President: We understand.

Personal Representative: Item 3.b.2 (The Detainee reportedly went to the front lines in Kabul): The Detainee stated it was a case of mistaken identity.

Tribunal President to Personal Representative: Was there anything else?

Personal Representative: No, Sir.

Detainee: Is it clear now?

Tribunal President: Yes, your story is clear to us.

Detainee: People told me before my story was clear, but they never went and got my files. The problem could have ended quite easily.

[When asked by the Tribunal President if the Personal Representative had any questions for the Detainee, the Personal Representative stated no.]

Detainee: Why have I been here for three years? Why have I been away from my home and family for three years?

Tribunal President: That is what we are trying to determine today.

Detainee: Why did you come after three years? Why wasn't it done much sooner after my arrest?

Tribunal President: I cannot answer to what has happened in the past. I was asked to come here now, and I came.

Detainee: Why am I not allowed freedom here?

Tribunal President: Because you have been classified as an enemy combatant.

Detainee: How can they classify me an enemy combatant? You don't have the right documents.

Tribunal President: That is what we are here to determine.

Detainee: For three years I haven't been treated very well because of wrong information. Would you let that happen to you? What will be your position if you find out what happened to me was based on wrong information and I am innocent?

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Tribunal President: Your current conduct is unacceptable. If you keep interrupting the proceedings, you will be removed and the hearing will continue without you.

Summarized Answers in Response to Questions by the Recorder:

Q. What is your full name?

A. I told you it is Agnahn Purhan Abjallil.

Q. When you were in Afghanistan and going to the hospital, where did you live?

A. Abdul Okmahn Station.

Q. I don't understand what you mean by station.

A. It is a school.

Q. Did you work in Afghanistan?

A. Going back to the first question, I went there for treatment. How do you think I was going to work?

Q. Did you ever go to al-Farouq, even for good reasons?

A. I was at the school receiving shots for my treatment. I left and then came back to the school. When I was in Yemen, I was given no hope. I was told I could receive treatment in Pakistan. I went with the person who was going to treat me, but he had other business in Pakistan. I was told to wait at the school until he was finished his business, then he would return and finish my treatment.

Summarized Answers in Response to Questions by the Tribunal Members:

Q. What were you being treated for?

A. I had a stroke. I lost my vision and hearing in one ear. My doctor's name and the treatment I received is all in my files.

Q. Why was the treatment done at a school?

A. The person who treated me works for humanitarian aid. I could not afford to be treated at a hospital. The aid worker told me that after he was done working, he would give me my treatment. After my treatment, he said he would take me back home. He was doing me a favor. He treated me for five days.

Q. What kind of school was it?

A. They taught students the Koran.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. No, Sir.

AUTHENTICATION

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



Tribunal President

, Col, USAF

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DETAINEE ELECTION FORM

Date: 27 Sep 04

Start Time: 12:55

End Time: 14:20

ISN#: [REDACTED]

Personal Representative: LTCOL [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:

No witnesses. Rambles for long periods and does not answer questions. He has clearly been
trained to ramble as a resistance technique and considered the initial as an interrogation. This
detainee is likely to be disruptive during the Tribunal. Wanted witnesses and documents but is
evasive and failed to provide names, addresses or phone numbers.

Personal Representative [REDACTED]

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EXHIBIT D-a

Combatant Status Review Board

22 September 2004

TO: Personal Representative

FROM: OIC, CSRT

Subject: Summary of Evidence for Combatant Status Review Tribunal – ALLAL, Ab-Aljallil

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 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 indicated that he was a fighter for al Qaida who engaged in hostilities against the United States or its coalition partners.
 - a. The detainee is an al Qaida fighter:
 1. In the year 2000 the detainee reportedly traveled from Yemen to Afghanistan.
 2. The detainee reportedly received training at the al-Farouq training camp.
 - b. The detainee engaged in hostilities:
 1. In April 2001 the detainee reportedly returned to Afghanistan.
 2. The detainee reportedly went to the front lines in Kabul.
4. The detainee has the opportunity to contest his determination as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Memorandum



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

Date 09/22/2004

From : FBI GTMO
Counterterrorism Division
[REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

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

FD-302 dated 10/04/2002
FD-302 dated 05/18/2003
FD-302 dated 05/29/2002
FD-302 dated 04/26/2002

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

²See Executive Order 12958


Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/22/2004

If you need additional assistance, please contact

[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED] Intelligence Analyst [REDACTED]

Personal Representative Review of the Record of Proceedings

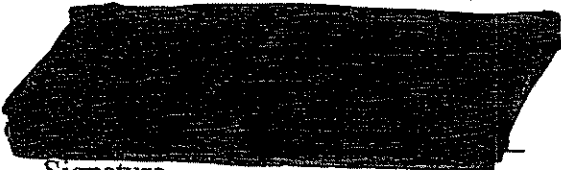
I acknowledge that on 01 OCT ~~September~~ 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 


☒ I have no comments.

☐ My comments are attached.


Name

01 OCT 04
Date


Signature

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that the danger is behind us. But the terrorists continue to plot against America and the civilized world.

However, we too are on the offensive against the terrorists who started this war. We're tracking al Qaeda around the world, and nearly two-thirds of their known leaders have now been captured or killed.

As part of the Administration's offensive against terror the President mentioned during his national address, the Treasury Department is confronting networks that funnel money to terrorists.

The United States, Saudi Arabia, and our other partners around the globe have spoken out loud and clear – terrorism has no place in a civilized world. We will continue to work with Saudi Arabia and all our allies in the war against terror to seek out those who bankroll terrorist organizations and shut them down.

Thank you very much.

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Washington File

*EPF505 05/21/2004

Fact Sheet: Terrorist Exclusion List Authorized by USA Patriot Act
(Secretary of state, attorney general collaborate on designations) (1660)

The Terrorist Exclusion List (TEL) was created by the USA Patriot Act of 2001, according to a State Department fact sheet released May 21 by the Office of Counterterrorism.

The secretary of state, in consultation with the attorney general, has the authority to identify terrorist groups that may be excluded from immigrating to the United States or who may be asked to leave the country. This could include any groups that have planned or carried out terrorism, have incited others to do so, or have provided any kind of material support.

The purpose of designating terrorist groups, says the fact sheet, is to deter financial aid to them, heighten public awareness of them, alert other governments to U.S. concerns about them, and stigmatize and isolate them.

Ten new groups were added to the TEL on April 29.

The names of new designees are published routinely in the Federal Register.

Following is the text of the State Department fact sheet:

(begin fact sheet)

U.S. Department of State
Office of Counterterrorism
Washington, D.C.
May 21, 2004

FACT SHEET

Terrorist Exclusion List

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

Designation Criteria

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

- commits or incites to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;
- prepares or plans a terrorist activity;

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- gathers information on potential targets for terrorist activity; or
- provides material support to further terrorist activity.

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

Designation Process

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

Effects of Designation

Legal Ramifications

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

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

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

Other Effects

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

Background

Secretary of State Colin Powell, in consultation with the Attorney General, designated the following organizations, thereby placing them on the Terrorist Exclusion List (TEL). Ten groups were added to the TEL on April 29, 2004.

Terrorist Exclusion List Designees (alphabetical listing)

- Afghan Support Committee (also known as [a.k.a.] Ahya ul Turas; a.k.a. Jamiat Ayat-ur-Rhas al Islamia; a.k.a. Jamiat Ihya ul Turath al Islamia; a.k.a. Lajnat el Masa Eidatul Afghanistan)
- Al Taqwa Trade, Property and Industry Company Ltd. (formerly known as [f.k.a.] Al Taqwa Trade, Property and Industry; f.k.a. Al Taqwa Trade, Property and Industry Establishment; f.k.a. Himmat Establishment; a.k.a. Waldenberg, AG)
- Al-Hamati Sweets Bakeries
- Al-Ittihad al-Islami (AIAI)
- Al-Ma unah
- Al-Nur Honey Center
- Al-Rashid Trust
- Al-Shifa Honey Press for Industry and Commerce
- ✕ -- Al-Wafa al-Igatha al-Islamia (a.k.a. Wafa Humanitarian Organization; a.k.a. Al Wafa; a.k.a. Al Wafa Organization)
- Alex Boncayao Brigade (ABB)
- Anarchist Faction for Overthrow
- Army for the Liberation of Rwanda (ALIR) (a.k.a. Interahamwe, Former Armed Forces (EX-FAR))
- Asbat al-Ansar
- Babbar Khalsa International
- Bank Al Taqwa Ltd. (a.k.a. Al Taqwa Bank; a.k.a. Bank Al Taqwa)
- Black Star

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- Communist Party of Nepal (Maoist) (a.k.a. CPN(M); a.k.a. the United Revolutionary Peoples Council, a.k.a. the People's Liberation Army of Nepal)
- Continuity Irish Republican Army (CIRA) (a.k.a. Continuity Army Council)
- Darkazanli Company
- Dhamat Houmet Daawa Salafia (a.k.a. Group Protectors of Salafist Preaching; a.k.a. Houmat Ed Daawa Es Salafiya; a.k.a. Katibat El Ahoual; a.k.a. Protectors of the Salafist Predication; a.k.a. El-Ahoual Battalion; a.k.a. Katibat El Ahouel; a.k.a. Houmate Ed-Daawa Es-Salafia; a.k.a. the Horror Squadron; a.k.a. Djamaat Houmat Eddawa Essalafia; a.k.a. Djamaatt Houmat Ed Daawa Es Salafiya; a.k.a. Salafist Call Protectors; a.k.a. Djamaat Houmat Ed Daawa Es Salafiya; a.k.a. Houmate el Da awaa es-Salafiyya; a.k.a. Protectors of the Salafist Call; a.k.a. Houmat ed-Daaoua es-Salafia; a.k.a. Group of Supporters of the Salafiste Trend; a.k.a. Group of Supporters of the Salafist Trend)
- Eastern Turkistan Islamic Movement (a.k.a. Eastern Turkistan Islamic Party; a.k.a. ETIM; a.k.a. ETIP)
- First of October Antifascist Resistance Group (GRAPO) (a.k.a. Grupo de Resistencia Anti-Fascista Premero De Octubre)
- Harakat ul Jihad i Islami (HUJI)
- International Sikh Youth Federation
- Islamic Army of Aden
- Islamic Renewal and Reform Organization
- Jamiat al-Ta awun al-Islamiyya
- Jamiat ul-Mujahideen (JUM)
- Japanese Red Army (JRA)
- Jaysh-e-Mohammed
- Jayshullah
- Jerusalem Warriors
- Lashkar-e-Tayyiba (LET) (a.k.a. Army of the Righteous)
- Libyan Islamic Fighting Group
- Loyalist Volunteer Force (LVF)
- Makhtab al-Khidmat
- Moroccan Islamic Combatant Group (a.k.a. GICM; a.k.a. Groupe Islamique Combattant Marocain)

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- Nada Management Organization (f.k.a. Al Taqwa Management Organization SA)
- New People's Army (NPA)
- Orange Volunteers (OV)
- People Against Gangsterism and Drugs (PAGAD)
- Red Brigades-Combatant Communist Party (BR-PCC)
- Red Hand Defenders (RHD)
- Revival of Islamic Heritage Society (Pakistan and Afghanistan offices -- Kuwait office not designated) (a.k.a. Jamia Ihya ul Turath; a.k.a. Jamiat Ihia Al-Turath Al-Islamiya; a.k.a. Revival of Islamic Society Heritage on the African Continent)
- Revolutionary Proletarian Nucleus
- Revolutionary United Front (RUF)
- Salafist Group for Call and Combat (GSPC)
- The Allied Democratic Forces (ADF)
- The Islamic International Brigade (a.k.a. International Battalion, a.k.a. Islamic Peacekeeping International Brigade, a.k.a. Peacekeeping Battalion, a.k.a. The International Brigade, a.k.a. The Islamic Peacekeeping Army, a.k.a. The Islamic Peacekeeping Brigade)
- The Lord's Resistance Army (LRA)
- The Pentagon Gang
- The Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (a.k.a. Riyadus-Salikhin Reconnaissance and Sabotage Battalion, a.k.a. Riyadh-as-Saliheen, a.k.a. the Sabotage and Military Surveillance Group of the Riyadh al-Salihin Martyrs, a.k.a. Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Shahids (Martyrs))
- The Special Purpose Islamic Regiment (a.k.a. the Islamic Special Purpose Regiment, a.k.a. the al-Jihad-Fisi-Sabilillah Special Islamic Regiment, a.k.a. Islamic Regiment of Special Meaning)
- Tunisian Combat Group (a.k.a. GCT, a.k.a. Groupe Combattant Tunisien, a.k.a. Jama a Combattante Tunisien, a.k.a. JCT; a.k.a. Tunisian Combatant Group)
- Turkish Hizballah
- Ulster Defense Association (a.k.a. Ulster Freedom Fighters)
- Ummah Tameer E-Nau (UTN) (a.k.a. Foundation for Construction; a.k.a. Nation Building; a.k.a. Reconstruction Foundation; a.k.a. Reconstruction of the Islamic Community; a.k.a. Reconstruction of the Muslim Ummah; a.k.a. Ummah Tameer I-Nau; a.k.a. Ummah Tameer E-Nau; a.k.a. Ummah

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Tameer-I-Pau)

-- Youssef M. Nada & Co. Gesellschaft M.B.H.

(end fact sheet)

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<http://usinfo.state.gov>)

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AFFIDAVIT OF [REDACTED]

I, [REDACTED] of Damar, Yemen being duly sworn, DEPOSE AND STATE as follows:

1. I am the brother of Jamal Mar'i of Khochna village, Yemen.
2. Jamal is my elder brother. He is 34 years old. We have nine brothers and eleven sisters in our family. Our father and mother are still alive and living together with my wife and family in Damar village. Our family has a food store and a small farm that supports not only our own family but the whole of our extended family of 22.
3. Before leaving for Pakistan in 2001, together with three of my other brothers, Jamal worked with me in the food store.
4. Jamal was married in 1994. He and his wife have a son and three daughters. The youngest is five and the oldest 11. All of them, apart from the youngest, are at school.
5. After completing his High School education in 1994, Jamal went to Azerbaijan to study Petroleum Engineering. His studies were financed in part by the Yemeni government and partly by our father. He returned from his studies after a year and a half to visit with us and returned once again to Azerbaijan with his wife and young daughter. After completing his studies in 1998, Jamal and his family returned to Yemen.
6. Unfortunately, upon his return to Yemen, there was no work for Jamal in his field of study. Jamal therefore helped me and my brothers run the food store.
7. Keen to further his studies and to find better paying work to support both his own and his extended family, Jamal left for Pakistan at the beginning of 2001. Finances did not allow him to take his family to Pakistan at this time, so he traveled alone with the intention of bringing them over to Pakistan once he had established himself there.
8. Jamal set himself up in Karachi, Pakistan. While there, Jamal called and wrote to us regularly. It never felt as if he was very far away. We had all become used to our older brother being away from Yemen.
9. About a week after September 11, 2001, Jamal called me from Pakistan. He asked that I arrange for his wife and family to travel to Pakistan. Despite the possibility of U.S. military intervention in Afghanistan, Jamal did not consider there would be any danger in his wife and children traveling to Pakistan as they would be staying in Karachi, far away from any conflict in Afghanistan.
10. During our conversation, Jamal also discussed the possibility of his establishing an export business in Karachi, exporting medicines from Pakistan to Yemen. He asked that I investigate whether such a venture would be viable. Jamal said that prospects for him in Pakistan looked good and that he would probably stay there for some time.

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Exhibit

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11. After our call, I inquired in to the possibility of obtaining travel documents for Jamal's wife and children. I discovered that the Pakistan Embassy to Yemen had been closed down and that there was no way of getting travel documents.
12. Shortly after this call, a friend of the family called around to see me. He said that he had recently received a telephone call from his son who was working in Karachi and who knew Jamal. He said that he thought Jamal had been arrested in Karachi by officials from the United States government. This caused me great concern and I immediately tried to contact Jamal to see how he was. My attempts were all unsuccessful
13. Some weeks later, my mother received a telephone call from the International Committee of the Red Cross (ICRC) from Jordan to say that Jamal was detained there. The person with whom she spoke did not say who Jamal was detained by. He left his telephone number.
14. I called the ICRC in Jordan and suggested that I travel there with my father to visit with Jamal. Although the ICRC said this would be possible, the Yemen Government Ministry of the Interior thought such a course of action unwise, as the Jordanian government may arrest and detain us too. They did not explain why, but we took their advice, nonetheless.
15. Some time after receiving the call from the ICRC, my family received a message from Jamal via the ICRC, Jordan. In this short note, Jamal said that he was held in Jordan. He did not say why, however. Jamal said that he was in good health, that he had no idea why he was detained and that he believed he would soon be released.
16. We received about three or four similar such messages from Jamal. Then, in April 2002, we received an ICRC message from him from the ICRC in Yemen. The message had been sent from Guantanamo Bay.
17. Since this time, we have received one or two messages a month from Jamal. All came from Guantanamo. All are brief and simply state that he is in good health, that we shouldn't worry about him and that he hoped he would be home soon. He said he had done nothing wrong and did not know why he was being held. My family wrote to Jamal at Guantanamo every 10 to 15 days. We think he has received them all but aren't entirely sure.
18. In November 2003, Jamal's messages stopped coming. We don't know why. We have written to him asking why he is not writing, but to date have heard nothing.
19. Although my family had become used to Jamal's absence from Yemen, his disappearance in 2001 and now his silence has made us all deeply depressed. We have no way of finding out how he is; whether he is healthy, even whether he is alive.
20. My mother has taken Jamal's disappearance the worst. She has developed high blood pressure and often sinks in to bouts of very deep depression. In many ways, it would be preferable if we knew Jamal were dead for at least then we would be able to grieve and eventually get over his death. It's the simply not knowing what has happened to

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him that affects us all the most. If only we could hear his voice, learn that he is safe and well that would make our lives all so much better.

21. Jamal's wife is beside herself with worry. His young children don't understand what has happened to their father and constantly ask where he is, why he doesn't call and when he is coming back home. We never tell them the truth in response to their many questions and simply tell them that he will be back soon and that he cannot call because there is no phone where he works now. As his youngest child was born after he left for Pakistan, Jamal has never seen him.
22. Jamal's disappearance is also felt in the wider community. He was well loved and respected in his home village and his many friends miss him greatly. None can understand why he has been detained. They cannot imagine Jamal in trouble with the law, let alone in terrorist activity.
23. Together with my father and brothers we have attempted to get more information on the circumstances surrounding Jamal's arrest and detention by the United States at Guantanamo. We have attempted to meet with the United States Ambassador to Yemen over five times now, the last occasion being in March, 2004. He has refused all our requests. On at least twenty occasions now we have met with officials from the Yemen Government Ministry of the Interior to see if we can find out anything from them. We have also written to the Minister of the Interior three times. We have received the same response to all our representations; they know nothing about Jamal's detention.
24. Jamal is a peace loving family man, one who has never engaged or condoned violence of any kind. He is not a member of Al Qaeda, nor was he ever a member of the Taliban government armed forces. As far as we are aware, Jamal was living in Karachi before his mysterious arrest and transfer to Jordan. We have no idea who arrested him in Pakistan or the reasons for his arrest. We have no idea why he was sent to Jordan and detained there. Nor do we know who detained him there for six months. We also don't now why he is presently being held at Guantanamo.
25. To the best of my knowledge no charges have been laid against Jamal. Nor has he been brought before a judicial officer of any properly constituted court or tribunal since his detention began.
26. From my brother's correspondence and my knowledge of his nature I know that Jamal wants me to take legal proceedings on his behalf to challenge the lawfulness of his detention. To this end I wish to act as his "next friend".
27. I hereby instruct, request and authorize, Michael Ratner, Joe Margulies, Clive Stafford Smith, or their associates, to act on behalf of my brother and to take whatever legal steps they consider be in my brother's best interests including filing proceedings in U.S. and international fora.
28. I know the facts deposed to herein to be true of my own knowledge, except where otherwise appears.

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Sworn by the Deponent at PANA'A..... on this 10th day of April, 2004

_____ 

Before me




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فَمَا كَسَبَتْ وَهِيَ تَأْخُذُ نَفْسُهَا بِمَنْطِقِهَا أَوْ تَقْصُلُهَا مَعَهَا حَارًّا
فَكَيْفَ تَكُونُ نَفْسُهَا تَأْخُذُ مِنْهَا أَوْ تَقْصُلُهَا مِنْهَا حَارًّا

۱) انا لم اكن اعمل مديراً ولكن كنت مشغولاً بعد غياب المدير حتى حضر مدير آخر وطلب مني مراجعة منظمته ومعالجة الأمور.

ج مؤسسه الحرمين حكوميه والدليل ان مدير الشؤون الاسلاميه في حكومه السعود
هم المشرف العام عليها . فكيف تكونه غير حكوميه ، اما ان تقولوا ان لها طريق
بالخاصه فاننا لسنا المدير العام لها ، بل هو يظف في رده شاطئه وصيب طيرك
البحر ومصلواتنا انجاسه اشرف المصلوات الانسانيه .

هـ) سفری ای افغانستان لیس العمل ۾ کتب مطبوعه مقام و لکن للزیارة
و کائنات به اسیرین للصلوة علی اعمال مطبوعه مقام و متوزعاتها الخیر

⑤ لفظه رفاع لا يوجد أي مكثب من كرشه ولنتس منه شعيرين ومكانا
من خيل من يصل (أي قبل أن أتت إلى التل) لم يكن هناك أي عير
ولأنها محاذ للبحر كلفه شرف من توشحه في انضاسه منقطه ومنازل ارجع لفظه لأمر

اولاً من خطبه عديدها مسجود لا اُفهم هل هي حكوميه ام دكر حكوميه ولكن
انتم تقولون انه لها علاقه بالخاصه ولم اسمع من حياتي هذا الكلام الا
ممكن ولم اري بهذا الا اعمال خيريه ايساهه
نعم التي العوض دل في ٢٢ سبتمبر محقق في كرتش في بيتي من قبل
المختطفين ~~الكل~~ الباكتمايين

[illegible]

In the following section of the summarized transcript, the Detainee reads his written statement (attached as Exhibit D-B) to the Tribunal. The statement addresses each point on the Unclassified Summary of Evidence in order. Because the statement does not always indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's statement into context. A copy of the translation given in the hearing has also been attached to Exhibit D-B.

3.a. The detainee has worked for various Non-Governmental Organizations (NGO) with Al Qaida and Taliban connections.

Detainee: They accused me of working for different organizations and there weren't many organizations, there is only one organization, which is Al-Wafa. And even Al Wafa, I challenge anybody to present any kind evidence that I have worked with them. I used to buy medicine for the Al-Wafa organization, and they use to distribute it. I did not take any money from Al-Wafa and they did not pay with any money. I do not know anybody from the Al-Wafa organization. I did not get a paycheck from them and I did not work with them. But people were just, you know, buying, them medicines and I was working with them. And I can prove all that, because I have witnesses. These people, they are here in prison. And you can ask them if anybody knows me from before. If they don't know me and I don't know them, how can I work with them? With the organization? That covers the main point.

1. Detainee admitted he was the director of the Baku, Azerbaijan branch of the Al Haramayn.

Detainee: I was not the director. Working for the Al Haramayn, I was a representative. The director made me a representative until he comes back from his trip. So they can replace the director. I have the witnesses and they are with the Al Haramayn organization. The Al Haramayn organization is a governmental agency. How is it classified as non-governmental and the person in charge is the Minister of the Muslim Association.

Personal Representative: Minister of Islamic Affairs.

2. Al Haramayn is an NGO with known Al Qaida connections.

Detainee: When you are talking about my connection to Al Qaida, I am not the director and I don't know them. I was an employee in one of the offices and they had many offices there. According to my knowledge, I thought that this particular organization is one of the best and the most well recognized organizations in that part of the world.

3. Detainee admitted traveling to Kandahar (AF) in May 2001 to work in the Al Wafa office.

Detainee: I did not go to Afghanistan to work there, I was there just to visit. How can you contradict yourself? One time you are saying that I am a director in one of the organizations and I am traveling to Afghanistan, not to work for Al-Wafa. I went there for two weeks just to find out how the work was done and how the medicine is distributed. I have witnesses for every point that I have discussed.

4. Detainee admitted he was the director of the Karachi (PK) branch of Al Wafa.

Detainee: There's no official office for the Al-Wafa organization in Pakistan. And the people there, before I got there, were doing the same work. There was no director and I was not a director either. I was working for somebody that was in the United Arab Emirates. And you know his name. He is the one that gave me the money and I bought the medicine for Afghanistan. In this case, who would be the director, me or him? Also, I do not work for Al-Wafa. By what reason do you claim I worked for Al-Wafa?

5. Al Wafa is an NGO with known Al Qaida connections.

Detainee: As far as you know, Al-Wafa being a non-governmental organization, I don't know that because I never worked with them. I was never given any salaries, and wasn't getting paid from them. You say that it has connection to Al Qaida? I never heard that from anyone else except from you. I didn't see anything wrong that they've done other than charity work. There's a point I would like you to keep in mind. They don't know that the Al Haramayn and Al-Wafa organizations, both of them were operating before the attack on September 11th and before that attack, we never heard that it was a terrorist organization. How would an individual who's looking for work to support his family, know if that organization is a terrorist organization or not? You know that my going to Pakistan, the idea was to get a job to support my family and extended family. I have all the witnesses and they are over here in Guantanamo.


6. Detainee was apprehended during a raid on his residence on 23 September 2001 in Karachi (PK).

Detainee: I admit that they apprehended me on September 23rd, 2001. They didn't capture me, but some people simply kidnapped me while I was asleep. I was captured with a Pakistani cook. There was nobody else with us. An American interrogator interrogated me, then we were given to Pakistan. That's all they had was me and the cook. They say that they found some documentation or papers indicating some information about weapons. That's false. I had some money, about \$13,000 and furniture because I planned to bring my family over. The Pakistanis found out about my money and furniture, so they accused me of being a sympathizer and wanted to turn me over. During my lifetime, I have never touched a weapon. I have never taken any kind of training or things like that. So where did I get the papers from? They're lies.

7. Alawi was captured in a facility with other individuals now detained by DoD and information related to weapons, explosives and tactics were found in that facility at the time of capture.

Detainee: The American Forces did not capture me. They must have been following me and checking up on me and things like that. They are all lies by the Pakistanis so they can take control of my money and possessions. I came to Pakistan with a legal passport and entered legally. I was renting a place and working there because I was trying to bring my family over. They can accuse me of a lot of accusations, the Pakistanis, but they wrote that information. It wasn't me that wrote that information. That's all I have to say.

Personal Representative Review of the Record of Proceedings


I acknowledge that on 4 October 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 


☒ I have no comments.

☐ My comments are attached.


Name

4 Oct 04
Date


Signature

ISN # 
Enclosure (5)