

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FAHED NASSER MOHAMED, )  
)  
)  
Petitioner, )  
)  
v. ) Civil Action No. 05-0520 (RMU)  
)  
GEORGE W. BUSH, )  
)  
President of the United States, )  
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 of 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 Fahed Nasser Mohamed 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 or other individuals in order to protect the personal security of those individuals. This staff member also redacted internment serial numbers because certain combinations of internment serial numbers with other information relates to sensitive internal and

intelligence operations that is not suitable for public release.

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

Dated: 19 May 2005

Teresa A. McPalmer

Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0357  
08 NOV 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)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

~~FOR OFFICIAL USE ONLY~~

2 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #13 of 4 October 2004  
(2) Record of Tribunal Proceedings

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

- a. The detainee was properly notified of the Tribunal process and actively participated in the Tribunal proceeding.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, R-5, R-6, R-7, and R-8 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. Also note that paragraph 6 of the Unclassified Summary of Basis for Decision (enclosure (1) of the Record of Tribunal Proceedings) states that the CSRT Legal Advisor was consulted on an issue dealing with the detainee's allegation of abuse. I was not that Legal Advisor.
- d. The detainee did not request witnesses.
- 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 affirmatively declined to submit comments.

UNCLASSIFIED

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

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



T. A. McPALMER  
CDR, JAGC, USN

UNCLASSIFIED



Department of Defense  
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

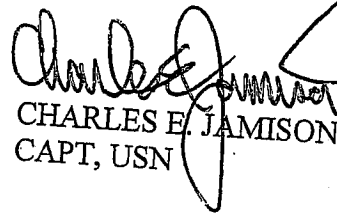
22 October 2004

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.

  
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:     #13    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #13 of 4 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 on 14 October 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 14 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida and 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).

[REDACTED]

Colonel, U.S. Army  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #13

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

**1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida and the Taliban. The Detainee was recruited in Mecca, Saudi Arabia, to take part in jihad on or about 26 December 2000. The Detainee traveled from his home in Saudi Arabia, to Pakistan and crossed the border into Afghanistan. The Detainee received training, including small arms training, at al Qaida's [REDACTED] training camp in Afghanistan. The Detainee was present during the uprising at the al Jenke Prison in Mazar-E-Sharif. Usama Bin Laden visited the [REDACTED] training camp while the Detainee was in training. The Detainee chose to participate in the Tribunal process. The Detainee did not call any witnesses, nor did he request any additional documents or evidence be produced. The Detainee, in his verbal statement, denied being a Taliban or al Qaida member.

**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-24.
- b. Testimony of the following persons: N/A
- c. Unsworn statement of the Detainee

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

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

#### 5. Discussion of Unclassified Evidence

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

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

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's 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). In sum, the Detainee testified that no one recruited him in Mecca, Saudi Arabia. An unidentified man told the Detainee about the idea of jihad. This unidentified man prepared him for jihad. When asked how this man prepared him for jihad, the Detainee only stated that this is normal for his culture but did not elaborate exactly how he was prepared. This unidentified man put him on a flight to the United Arab Emirates (UAE) but that the man did not train him for jihad. The Detainee stated that he traveled from Saudi Arabia to the UAE, to Pakistan and then to Afghanistan. The Detainee stated that he never trained at the [REDACTED] training camp and never saw Usama Bin Laden. The Detainee stated that he went to Afghanistan for jihad but changed his mind. The Detainee stayed at the border, then traveled to Kandahar, then to Kabul, Afghanistan to a house where he stayed near the front line. The Detainee also stated that he had brief training on the AK-47 while at the safe house. When asked why he returned to Kabul if he had changed his mind, the Detainee stated that he was looking for his friends and that he did not have enough money to return to Saudi Arabia. The Detainee stated that General Dostum sold him to the U.S. and that he was tortured by the Afghans. The Detainee alleges physical abuse, and was forced to make certain statements (i.e., that he was part of al Qaida and the Taliban) to avoid torture. The Detainee confirmed that this alleged abuse occurred before he was taken into custody by the United States.

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**

The Detainee had made statements of alleged physical torture by the Afghans in Afghanistan prior to his detention by the United States. The Recorder informed the Tribunal that these allegations have been reported to the appropriate chain of command for further investigation.

**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 but did ask some general questions as to the process of the tribunal and actively participated in the hearing, as indicated in Exhibit D-a.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting the Taliban.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Army  
Tribunal President

Summarized Unsworn Detainee Statement

*The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process but did submit a question in regard to the validity of the Tribunal.*

Is this a regular court or is it just hocus pocus?

*The Tribunal President informed the detainee that the Tribunal is an administrative hearing to determine his status as an Enemy Combatant.*

*The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. A closed session was requested at a later time to present classified evidence to the Tribunal.*

*The Detainee opted to not be sworn and informed the Tribunal that the Personal Representative would assist him in making his statement. The Personal Representative informed the Tribunal President that he would read points contained in the numbered paragraphs in Exhibit R-1 and provide responses on behalf of the Detainee and the Detainee would comment as needed. The Personal Representative read the numbered paragraphs contained in Exhibit R-1 and provided the Detainee's responses to each as follows:*

3.a. The Detainee is associated with al Qaida and the Taliban:

3.a.1. The Detainee was recruited in Mecca, Saudi Arabia, to take part in jihad on or about 26 December 2000.

No one recruited me in Mecca. I met a man who told me about the idea of Jihad. After that I went to Jahdia (ph) and met the man again who prepared me to go to Afghanistan. He gave me money and put me on a plane to the Arab Emirates first going to Pakistan. The man I met just gave me the idea. He didn't train me or anything like that. He just gave me the idea about fighting. I went from Jahdia (ph) to Konduz.

3.a.2. The Detainee traveled from his home in Saudi Arabia to Pakistan and crossed the border into Afghanistan.

I went from Saudi to the Arab Emirates to Pakistan then I crossed to Afghanistan.

3.a.3 The Detainee received small arms training at the [REDACTED] training camp in Afghanistan.

I never received any training. I did not go to the [REDACTED] training camp. I first went over to participate in Jihad but when I got there my opinion changed. I stayed for a while at the border for two or three months then went to Kandahar for one week and then to

ISN# [REDACTED]  
Enclosure (3)  
Page 1 of 5.

Kabul. I went to a house that was a cooking facility for the front line. There I was trained on the AK47. I had no job there. I stayed for about five months or less. Then I went to Konduz until we were surrounded and there was an agreement to have all the Arabs delivered to Mazar-e -Sharif. I never went to [REDACTED]. They gave me a polygraph test to prove that I am telling the truth.

3.a.4. The Detainee attended training at al Qaida's [REDACTED] camp in Afghanistan.

This is not true. I took a polygraph test to prove that I was not lying. I was telling the truth.

3.a.5. The Detainee confirmed that he was present during the uprising at the Al Jenke Prison in Mazar-E-Sharif.

I was present but did not participate in the fighting. I escaped during the fight and turned myself in one day after. I went to the market to turn myself in. I met people in the market who were in the Army of Dostom. That is where I was when I was recaptured for the second time. The Dostom sold me to the Americans on my second arrest. They put me in jail and I was tortured by Afghans and forced to say things. I was moved to Kandahar. When I got to Cuba I told the interrogators the real story. I told the story that I told because I was forced when I was in Pakistan. When I got here and talked to the interrogator I told them the real story.

3.a.6. Usama Bin Laden visited the [REDACTED] training camp while the Detainee was in training.

This is completely incorrect. I was never at the training camp and I have never seen Usama Bin Laden.

I have no other statements to make other than I was never at the [REDACTED] training camp and I have never used any weapons or done any fighting. I never went to the [REDACTED] training camp, I never knew Usama Bin Laden, I never met Usama Bin Laden.

***The Tribunal President confirmed that the Detainee had completed his statement. The Tribunal was then opened for questions from its members.***

Tribunal member questions

Q. What is your usual occupation?

A. I am a student.

Q. How far did you advance in your studies?

A. High school.

Q. Have you ever received military training in Saudi Arabia?

A. No.

Q. Who administered the polygraph to you?

A. The Americans.

Q. In Cuba or in Afghanistan?

A. In Cuba. About a year ago.

Q. You mentioned that you received some training on the Kalashnikov.

A. Yes.

Q. What was the purpose of that training?

A. I had nothing better to do....

Q. Were you given a rifle at that point to keep with you or to use?

A. No.

Q. When you were captured did you have a rifle or any weapon with you?

A. No

Q. How did you pay for your trip to Pakistan and to Afghanistan?

A. How do you mean?

Q. How did you get the money for the travel?

A. I had some money and I took some money from the guy that met me and told me about Afghanistan.

Q. The man who spoke with you in Saudi Arabia to talk about jihad, had you seen him before, did you know who he was?

A. No.

Q. Do you know if he belonged to any organization such as al Qaida?

A. I wouldn't know. He never told me that.

Q. This man that prepared you for jihad. How did he prepare you?

A. In Islam, going to fight is a religious activity and is sacred to us. You can become a martyr and that's how he was helping me. In every one of these organizations that's what they are telling them. To become a martyr, you go there to fight.

Q. Did you go with anybody when you left Saudi Arabia to Afghanistan?

A. Me and another guy. I met him on the same plane.

Q. Once you were in Afghanistan, you stated that you changed your mind about jihad. Why did you not leave instead of going to Kabul?

A. I was looking for some friends and I didn't have enough money to leave.

Q. Were these friends fighters for the Taliban or al Qaida?

A. No.

Q. Have you ever been a part of or assisted al Qaida or Taliban?

A. No. If you look at the polygraph test it will prove that I am telling the truth that I am neither associated with al Qaida, Taliban, or any other terrorist organization.

#### Tribunal President questions

Q. The Unclassified Summary that we have shows a date of December 2000 that you were recruited for this jihad. Did you leave directly and go to Afghanistan at that time?

A. I can't remember the day but I know the month and year. Hijri year (Muslim calendar) the tenth month in 1421.

3.a.1. I was not recruited. It was an idea.

Q. How long did you stay in Afghanistan?

A. Less than a year.

Q. Did you have a job or do anything while you were in Afghanistan?

A. No.

ISN# [REDACTED]  
Enclosure (3)  
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- Q. You mentioned that you were forced to say things. Was that in a Pakistani prison?
- A. Yes. In a prison in Afghanistan.
- Q. Was it physical abuse?
- A. Yes.
- Q. And once you were taken into American custody, are you stating that there was no more physical abuse?
- A. I was talking to the American and explained to him what was going on and the interrogator got upset and just interrupted the meeting and said that I was lying.


*The Tribunal President asked if the Detainee had any further evidence or witnesses to present to the Tribunal.*


The only thing that I have is that polygraph. There are no witnesses. The only witnesses are the people who gave me the polygraph.

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

#### AUTHENTICATION

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

  
Colonel, United States Army  
Tribunal President

ISN#   
Enclosure (3)  
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**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (28 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - MOHAMED, Fahed Nasser.

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 and the Taliban.
  - a. The detainee is associated with al Qaida and the Taliban:
    1. The detainee was recruited in Mecca, Saudi Arabia, to take part in Jihad on or about 26 December 2000.
    2. The detainee traveled from his home in Saudi Arabia to Pakistan and crossed the border into Afghanistan.
    3. Detainee received small arms training at the [REDACTED] training camp in Afghanistan.
    4. Detainee attended training at al Qaida's [REDACTED] camp in Afghanistan.
    5. Detainee confirmed that he was present during the uprising at the Al Jenke Prison in Mazar-E-Sharif.
    6. Usama Bin Laden visited the [REDACTED] training camp while the detainee was in training.
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.

# Memorandum



To : Department of Defense  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT  
Date 09/30/2004

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

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

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 08/30/2002  
FD-302 dated 09/06/2002  
FD-302 dated 06/23/2003  
FD-302 dated 06/25/2003  
FD-302 dated 06/27/2003  
FD-302 dated 07/15/2003

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

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

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/30/2004

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

### Personal Representative Review of the Record of Proceedings

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

I have no comments.

My comments are attached.

[REDACTED] LCDR, USN  
Name \_\_\_\_\_

22 Oct 04  
Date \_\_\_\_\_

[REDACTED]  
Signature \_\_\_\_\_

ISN # [REDACTED]  
Enclosure (5)