

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDALLAH IBRAHIM
AL RUSHAYDAN, *et al*,

Petitioners,

v.

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

Respondents.

Civil Action No. 05-0586 (RWR)

DECLARATION OF TERESA A. McPALMER

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

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

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

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

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

Dated: 22 April 2005

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 6257

16 JAN 2005

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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

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MEMORANDUM

12 Jan 05

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

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

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

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

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

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

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

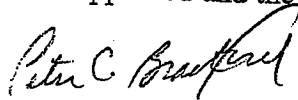
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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE [REDACTED]

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



PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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

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

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

MEMBERS:

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

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

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

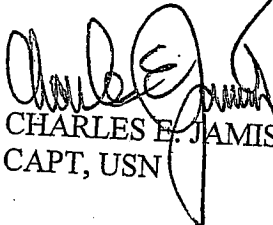
17 November 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

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

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


CHARLES E. JAMISON
CAPT, USN

[REDACTED]

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #13

(U) ISN#: [REDACTED]

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

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

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

[REDACTED]

Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: _____ #13
ISN #: _____

1. Introduction

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

2. Synopsis of Proceedings

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

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-22.
- b. Testimony of the following persons: none
- c. Unsworn statement of the Detainee

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

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

5. Discussion of Unclassified Evidence

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

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

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

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal


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

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

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

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

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

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

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

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

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

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

Detainee: Yes.

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

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

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

Detainee: I did not go to Afghanistan.

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

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

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

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

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

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

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

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

Detainee: No I don't.

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

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

Tribunal Members' questions

Q. Are you a citizen of Saudi Arabia?

A. Yes I am..

Q. Have you had Military training?

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

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

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

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

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

A. I took the plane.

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

A. Yes.

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

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

Q. What motivated you to travel to Pakistan?

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

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

A. No.

Q. Who paid for your travels?

A. I paid it myself.

Q. What happened to your passport?

A. I lost it when I got captured.

Q. Lost prior to being captured?

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

Tribunal President questions

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

A. In a hotel.

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

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

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

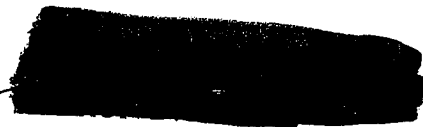
The Tribunal President confirmed that the Personal Representative had no further evidence or previously approved witnesses to present to the Tribunal. The Personal Representative stated that he had no further evidence but made the following statement:

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

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

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (07 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL RUSHAYDAN, Abdallah Ibrahim.

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

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

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

UNCLASSIFIED

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Exhibit 21

Memorandum



To : Department of Defense Date 09/29/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

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

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED]

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

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

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

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

FD-302 dated 09/13/2002

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

²See Executive Order 12958

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09 10 27
Exhibit 22

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

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

PS 2012

DETAINEE ELECTION FORM

Date: 25 October 2004

Start Time: 0800 hrs

End Time: 0910 hrs

ISN#: [REDACTED]

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

Translator Required? YES Language? ARABIC

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

Detainee Election:

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

Personal Representative Comments:

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

Personal Representative: [REDACTED]

EXHIBIT: D-a

Personal Representative Review of the Record of Proceedings

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

I have no comments.

My comments are attached.

[REDACTED] USAF
Name

1 Nov 04
Date

[REDACTED]

ISN [REDACTED]
Enclosure (5)