

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Adil Zamil Abdull Mohssin Al Zamil, *et al.* )  
 )  
 Petitioners, )  
 )  
 v. ) Civil Action No. 02-CV-0828 (CKK)  
 )  
 UNITED STATES OF AMERICA, *et al.* )  
 )  
 Respondents. )  
 )  
 )  
 )  
 )

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**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 Adil Zamil Abdull Mohssin Al Zamil 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: 15 Sep 04

  
\_\_\_\_\_  
James R. Grisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 041  
20 August 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

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

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

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

J. M. MCGARRAH  
RADM, CEC, USNR

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

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18 Aug 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

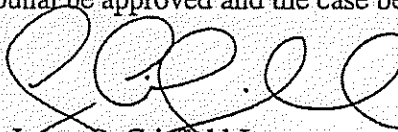
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004Encl: (1) Appointing Order for Tribunal #1 of 30 July 2004  
(2) Record of Tribunal Proceedings

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 was present during the unclassified portion of the Tribunal hearing.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that the Federal Bureau of Investigation certification for information redacted in exhibits R-4, R-6, and R-7, is located at R-8. This certification complies with the provisions of reference (b). Although the Criminal Investigative Task Force did not provide a certification for information redacted from their documents (R-2 and R-5), the amount of information redacted from those documents is minimal and it is fair to say that there could be no evidence in those minor redactions which would support a determination that detainee # [REDACTED] is not an enemy combatant.
- d. The detainee made no requests for witnesses or other evidence.
- 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.

A handwritten signature in black ink, appearing to read "J. B. Crisfield Jr.", written in a cursive style.

James B. Crisfield Jr.  
CDR, JAGC, USN

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Department of Defense  
Director, Combatant Status Review Tribunals

30 July 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #1

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

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

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

MEMBERS:

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

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

[REDACTED] Commander, U.S. Naval Reserve; Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

16 August 2004

MEMORANDUM FOR DIRECTOR, CSRT

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.

A handwritten signature in black ink, appearing to read "David L. Taylor", is written over the typed name.

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL:  #1

(U) ISN#:  [REDACTED]

Ref: (a) Convening Order for Tribunal #1 of 30 July 2004 (U)  
(b) CSRT Implementation Directive of 29 July 2004 (U)  
(c) DEPSECDEF Memo of 7 July 2004 (U)

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

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 12 August 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is 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, 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]  
[REDACTED], USAF  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #1  
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 evidence presented to the Tribunal by the Recorder indicated that the detainee admitted establishing the al-Wafa organization in Kabul, Herat, and Kandahar, Afghanistan. The al-Wafa organization is listed on Executive Order 13224 as an entity that commits or poses a significant risk of committing acts of terrorism. The evidence also showed that the detainee was closely associated with Suliman Abu Ghaith, a spokesman for al Qaida and Usama Bin Laden. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced, but made an oral, sworn statement. The detainee, in his oral statement, admitted being affiliated with al-Wafa, but claimed he was just an employee. He also denied knowing that al Wafa had any connection with terrorism.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-15
- b. Sworn statement of the detainee

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

The Detainee requested no witnesses; no rulings were required.

The Detainee requested no additional evidence be produced; no rulings were necessary.

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

## 5. Discussion of Unclassified Evidence

The Tribunal found the following unclassified evidence persuasive in making its determinations: Exhibit R-2, which documents an interview conducted with the Detainee. During the course of the interview, the Detainee admits that he and several other individuals started al-Wafa offices in three Afghani cities, and that he worked in the Kabul office. Exhibit R-4 is an FBI memorandum that documents how the Detainee moved his family and the family of Abu Ghaith out of Afghanistan in late August/early September of 2001. Exhibit R-5 documents the fact that Detainee was aware, after 11 Sep 01, that his associate Abu Ghaith was a member of al Qaida and a spokesman for Usama Bin Laden. In his sworn statement, the Detainee admitted his associations with al-Wafa and Abu Ghaith, and admitted moving his family and Ghaith's out of Afghanistan prior to 11 Sep 01. He denied that he was associated with al Qaida, and denied that al-Wafa had anything to do with terrorism. He also claimed that he was simply an employee of al-Wafa, not the person that established the offices in Afghanistan. He also denied prior knowledge of the 9-11 attacks.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: the Tribunal found the Detainee's sworn statement to be extremely self-serving and felt that he was attempting to minimize any involvement he had with Abu Ghaith, al-Wafa or al Qaida. The Tribunal found his testimony less than credible, and therefore not very helpful in reaching a determination.

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 indicated that he understood the proceedings, asked appropriate, relevant questions, and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, al Qaida.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[REDACTED]

Col, USAF

Tribunal President

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

UNCLASSIFIED

Summarized Unsworn Detainee Statement

When advised by the Tribunal President that the following would apply the detainee stated that he understood all that was being translated to him.

When advised by the Tribunal President that he may be present at all sessions of the tribunal unless he becomes disorderly the detainee stated yes.

The Detainee stated that he understood the process; he also stated that he did not have any questions about the process.

When advised by the Tribunal President that he may present to the Tribunal any evidence that he may have, the detainee stated he would answer if asked a question.

The detainee read from notes he created earlier when he met with his Personal Representative. The detainee stated that these [the statements on the Exhibit R-1] were accusations about him and he has read them and has taken note of them.

When asked by the Tribunal President if he would like to make a statement under oath the detainee stated, "yes I will take the oath and I will talk."

The Recorder swore the detainee.

Summarized Sworn Detainee Statement

When asked by the Tribunal President if he would like to address the statements in the unclassified summary [Exhibit R-1] the detainee stated they said he was a member of Al Qaida and that was not true. The detainee stated that he was not a member of Al Qaida in the first place.

The detainee stated that Question #2 [of Exhibit R-2] said that he confessed that he established the group of al-Wafa with Mr. Suliman Abu Ghaith. The detainee asserted that he did not establish this organization, he was just an employee and that he had "nothing to do with inside and the outside of the organization." The detainee stated he never accepted the accusation and he never said he did this [organized the al-Wafa group] or that he was a member of this organization or establishment and that he just stated he was just an employee, that there is a difference between an employee and a the one who established the organization.

He said that to his knowledge it was a charity organization.

The detainee stated that he did stay at a safe house but does not know where they got this name ["safe house"]. The detainee said that while he was there he was waiting to escape to Pakistan, and waited there for 16 weeks.

ISN # [REDACTED]  
Enclosure (3)

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The detainee stated Suliman Abu Ghaith was a good person and had no knowledge he was a spokesperson for Al Qaida.

The detainee stated he never knew or confessed to the September 11<sup>th</sup> attacks.

At the Detainee's request, the Personal Representative made the following comments, which had previously been prepared by the detainee:

First, if al-Wafa is already considered a terrorist organization in accordance with the President's Executive Order # 13244, he [the detainee] fears he is already considered an enemy combatant, although he knows al-Wafa is a charitable organization, he was only an employee and ended his employment on 1 August 2001.

Second, although he understood the role of the Personal Representative it did not make sense to him that I [the Personal Representative] was not an attorney and that didn't know him well.

Third, relative to the information in the unclassified summary, he was not aware of the events prior to September 11<sup>th</sup> and if anybody were it would have been prevented.

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

Q. What position did you hold in al-Wafa?

A. I was the manager for the Kabul office.

Q. So you were the senior person in the Kabul office?

A. Yes.

Q. Did your wife and family live with you in Kabul in 2001?

A. Yes, they lived with me.

Q. Then did you take your family out of Afghanistan shortly before the September 11<sup>th</sup> 2001 attacks?

A. Yes.

Q. Did you also help Mr. Abu Ghaith family also leave Afghanistan?

A. Yes.

ISN # [REDACTED]  
Enclosure (3)

UNCLASSIFIED

3039

UNCLASSIFIED

Q. And that was also shortly before the September 11<sup>th</sup> attacks correct?

A. Yes.

Q. You stated you ended your employment with al-Wafa on the first of August 2001.

A. Yes, true.

Q. Where did you go when you ended your employment?

A. I went to Pakistan for approximately a month or a little more and went back to Pakistan.

Q. So, when did you return to Afghanistan?

A. I went back to Afghanistan after a month in Pakistan and went again to Kandahar. After that I took the Ghaith family and went back to Pakistan again.

Q. Is that the reason you returned to Afghanistan was to get his family?

A. No, he was going to Kabul and he met me and then he told me that he wanted to move his family and then we moved them.

Q. Why did you return to Afghanistan after removing your family from Afghanistan?

A. Where did you want me to go?


Q. You stated you took your family out of Afghanistan and then returned alone but were not working for al-Wafa.

A. When I left for Afghanistan there was no other organization there, so where should I go, I just went to Afghanistan.

Q. Now, how do you know Mr. Abu Ghaith?

A. I knew him from Kuwait, I saw him two or three times while in Kuwait. When he came to Afghanistan, I wrote him a letter. I heard that he honored his family and I told him if he honored his family let's meet in October.

Q. And you know him to be the spokesperson for Al Qaida and Usama Bin Laden correct?

ISN #   
Enclosure (3)

UNCLASSIFIED

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- A. This is later; after September 11<sup>th</sup> when he appeared on TV, I knew. In the beginning, no.
- Q. Sir, you said that you left your office 1 August 2001? Why, was it because you were fired or you chose to leave on your own accord?
- A. Disagreement.
- Q. So, you chose to leave?
- A. Yes.
- Q. What was the disagreement about?
- A. If you want he to say it then I will say it.
- Q. I want him to say it.
- A. He was not in Herat, he was in Kandahar. He [Detainee's new supervisor] came after I had started after one month. He interfered with my job; I got the job one month before he came. When he came he interfered with my job and it made me unhappy and this is one good reason why I needed a good job. When supplies come, food or medical equipment or something and it is broken or croked, I get upset. He says that it is okay, its okay. I told him that this is not your money, not my money. This is good people's money you have to care and be careful with it. And be careful of long distance [phone calls] because the young people call for hours and call their families overseas and everywhere, I get angry. And I told him that his is good people's money and collected for the mosque to give it to the poor. We don't allow strangers to come and waste it like that, so he got real angry with that. He entered my house while I was absent and he go through my stuff and my wife's stuff and this made me real angry. He build a hospital pretty fast, and he worked real hard to establish it, and he came and he wanted to come here and change what he worked hard for. And then he said he did not want anyone to come and work for him except for people from Mecca. So after all of my hard work he wanted to kick me out, so I leave.
- Q. How much was he paying you?
- A. In the beginning, nothing, then two hundred dollars a month. I did not expect money from him because it was volunteer work.
- Q. Adel Zamel do you have any other evidence to present to this tribunal?
- A. I have nothing else to say except if you have questions.

ISN # [REDACTED]  
Enclosure (3)

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Questions were concluded.


When advised that he would be notified of the tribunal decision the detainee stated that he was astonished. What is the relationship between fighting and a charity organization? I am not a combat fighting animal. It is just a charity organization. What is my mistake? Why are you mentioning Al Qaida and fighting when I worked for a charity organization? How can my family prove I am innocent when they are in Kuwait and I am here? My family, my wife and children they don't know anything about me. I have not even received any letters from them.

**AUTHENTICATION**

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

 Col, USAF

Tribunal President

ISN #   
Enclosure (3)

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3042



OK  
Ready for  
final  
witnesses

Detainee Election Form

Date/Time: 9 AUG / 0900  
Start/End Time: 0900 - 1005

ISN#: [REDACTED]

Personal Representative: [REDACTED]  
[Name/Rank]

Translator Required? Yes Language? Arabic

CSRT Procedures 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 very engaged in the dialogue.  
Asked many questions. Will participate  
personally + will make a statement.  
Detainee made notes for his use which I  
kept for translation + said I would provide  
again during Final Session + Tribunal.  
No witnesses or documentary evidence requested.  
Speaks at least some English.

[REDACTED]  
Personal Representative

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Recorder Exhibit List  
For  
ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	Form 40 dtd 15 May 03	UNCLASSIFIED
R3	Executive Order #13224	UNCLASSIFIED
R4	FBI 302 dtd 10 Jun 03	UNCLASSIFIED
R5	Form 40 dtd 08 Jun 04	UNCLASSIFIED
R6	FBI 302 dtd 04 Jul 03	UNCLASSIFIED
R7	FBI 302 dtd 25 Jun 03	UNCLASSIFIED
R8	FBI Request for Redaction	UNCLASSIFIED
R9	JTFGTMO Memo 17 Apr 04	SECRET/NOFORN
R10	CITF CDR Memo dtd 10 Mar 04	SECRET/NOFORN
R11	JTFGTMO Baseball Card	SECRET/NOFORN
R12	OSD/SOLIC Enemy Combatant Checklist	SECRET/NOFORN
R13	Wafa Organization Chart	SECRET
R14	IICT CT Tier Listings June 04	SECRET/REL AUS, CAN, GBR and NZL
R15	IIR 6 034 1221 03	SECRET/NOFORN

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Combatant Status Review Board

TO: Personal Representative

FROM: Recorder

Subject: Summary of Evidence for Combatant Status Review Tribunal – Al Zamel, Adel Zamel  
ABD Al Mahsen

1. Under the provisions of the Department of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he associated with al-Qaida and engaged in hostilities against the United States or its coalition partners.
  - a. Detainee is associated with al-Qaida.
    1. The detainee admits establishing the al-Wafa organization with detainee Abu Abdel Aziz (a.k.a. Abdul Aziz al-Matrafi) and Samar Khand in Kabul, Herat, and Kandahar, AF. Detainee worked in the Kandahar office.
    2. The Wafa organization is listed on Executive Order 13224 as an entity that commits or poses a significant risk of committing acts of terrorism.
    3. Detainee was closely associated with Suliman Abu Ghaith and admits that Ghaith was the spokesperson for al-Qaida and Usama Bin Laden.
    4. Detainee stayed at a safe house for several weeks in Pakistan while waiting to flee the country. He was arrested at the house with sixteen other persons by Pakistani authorities.
    5. Detainee had prior knowledge of the September 11, 2001, attacks on the U.S.
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.

Page 1 of 1

EXHIBIT R-1

3045



Fact Sheet  
 Office of the Coordinator for Counterterrorism  
 Washington, DC  
 December 20, 2002

## Executive Order 13224

(NOTE: For current, regularly up-dated list of terrorists and groups designated under Executive Order 13224, please scroll down)

President Bush signed Executive Order 13224 on September 23, 2001. Executive Order 13224 gives the U.S. government a powerful tool to impede terrorist funding and is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. President Bush issued Executive Order 13224 pursuant to the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code. In issuing Executive Order 13224, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York and Pennsylvania, and on the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on U.S. nationals or the United States.

In general terms, the Order provides a means by which to disrupt the financial support network for terrorists and terrorist organizations by authorizing the U.S. government to designate and block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism. In addition, because of the pervasiveness and expansiveness of the financial foundations of foreign terrorists, the Order authorizes the U.S. government to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, terrorists and terrorist organizations designated under the Order, as well as their subsidiaries, front organizations, agents, and associates.

### Designation Criteria

In addition to the 29 individuals and entities designated by the President and listed in the Annex to the Executive Order, as amended by Executive Order 13268 of July 2, 2002, the Order provides authority for the designation (and blocking of assets) of additional individuals or entities (defined to mean partnerships, associations, corporations, or other organizations, groups, or subgroups):

- The Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, may designate foreign individuals or entities that he determines have committed, or pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the U.S.;
- The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, may designate individuals or entities that are determined:
- To be owned or controlled by, or act for or on behalf of an individual or entity listed in the Annex to the Order or by or for persons determined to be subject to subsection 1(b), 1(c), or

1(d)(i) of this Order;

- To assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, acts of terrorism or individuals or entities designated in or under the Order; or
- To be otherwise associated with certain individuals or entities designated in or under the Order.

For the purpose of the Order, "terrorism" is defined to be an activity that (1) involves a violent act or an act dangerous to human life, property, or infrastructure; and (2) appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

### Designation Process

The Executive Order authorizes both the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, or the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to designate individuals and entities pursuant to the specified criteria described above.

Once the Secretary of State or the Secretary of the Treasury designates an individual or entity, the Office of Foreign Assets Control (OFAC) of the Department of the Treasury takes appropriate action to block the assets of the individual or entity in the United States or in the possession or control of U.S. persons, including notification of the blocking order to U.S. financial institutions, directing them to block the assets of the designated individual or entity. Notice of the designation is also published in the *Federal Register*. OFAC also adds the individual or entity to its list of Specially Designated Nationals, by identifying such individuals or entities as Specially Designated Global Terrorists (SDGTs), and posts a notice of this addition on the OFAC website. Designations remain in effect until the designation is revoked or the Executive Order lapses or is terminated in accordance with U.S. law.

### Effects of Designation

#### Legal Consequences

1. With limited exceptions set forth in the Order, or as authorized by OFAC, all property and interests in property of designated individuals or entities that are in the United States or that come within the United States, or that come within the possession or control of U.S. persons are blocked.
2. With limited exceptions set forth in the Order, or as authorized by OFAC, any transaction or dealing by U.S. persons or within the United States in property or interests in property blocked pursuant to the Order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of individuals or entities designated under the Order.
3. Any transaction by any U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions in the Order is prohibited. Any conspiracy formed to violate any of the prohibitions is also prohibited.
4. Civil and criminal penalties may be assessed for violations.

#### Other Effects

1. Deters donations or contributions to designated individuals or entities.

2. Heightens public awareness and knowledge of individuals or entities linked to terrorism.
3. Alerts other governments to U.S. concerns about individuals or entities aiding terrorism, and promotes due diligence by such governments and private sector entities operating within their territories to avoid associations with terrorists.
4. Disrupts terrorist networks, thereby cutting off access to financial and other resources from sympathizers.
5. Encourages designated entities to get out of the terrorism business.

#### **Current List of Terrorists and Groups Identified Under E.O. 13224**

For a current list, updated regularly, of terrorists and groups identified under E.O. 13224, see [www.ustras.gov/offices/enforcement/ofac/sanctions/terrorism.html](http://www.ustras.gov/offices/enforcement/ofac/sanctions/terrorism.html).

#### **Executive Order 13224**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

Page 3 of 6

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "terrorism" means an activity that –

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended –

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH  
THE WHITE HOUSE,  
September 23, 2001.

Page 5 of 6



## ANNEX:

Al Qaida/Islamic Army  
Abu Sayyaf Group  
Armed Islamic Group (GIA)  
Harakat ul-Mujahidin (HUM)  
Al-Jihad (Egyptian Islamic Jihad)  
Islamic Movement of Uzbekistan (IMU)  
Asbat al-Ansar  
Salafist Group for Call and Combat (GSPC)  
Libyan Islamic Fighting Group  
Al-Itihaad al-Islamiya (AIAI)  
Islamic Army of Aden  
Usama bin Laden  
Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)  
Sayf al-Adl  
Shaykh Sa'id (aka, Mustafa Muhammad Ahmad)  
Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)  
Ibn Al-Shaykh al-Libi  
Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)  
Abd al-Hadi al-Iraqi (aka, Abu Abdallah)  
Ayman al-Zawahiri  
Thirwat Salah Shihata  
Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)  
Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)  
Makhtab Al-Khidamat/Al Kifah  
Wafa Humanitarian Organization  
Al Rashid Trust  
Mamoun Darkazanli Import-Export Company

[End]

Page 6 of 6



August 6, 2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN [REDACTED]

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

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

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

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

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

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 12 August 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]  
Name

12 Aug 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (3)