

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMAL MUHAMMAD ‘ALAWI MAR’I,)
et al.)
Petitioners,)
v.) Civil Action No. 04-CV-1254 (HKK)
GEORGE W. BUSH,)
President of the United States, *et al.*,)
Respondents.)
_____)

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 Jamal Muhammad ‘Alawi Mar’i 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 the names of family members of the detainee and 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: 12 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



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

OARDEC/Ser: 0209
11 October 2004

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From: Director, Combatant Status Review Tribunal

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

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

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

J. M. McGARRAH
RADM, CEC, USN

Distribution:
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10 Oct 04

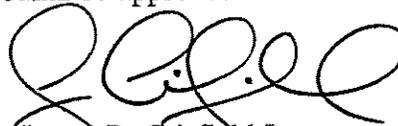
MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #6 of 13 September 2004
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:
 - a. The detainee was properly notified of the Tribunal process, elected to participate, and made a sworn statement during the Tribunal.
 - 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-7 and R-15 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.
 - 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.



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

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. Navy; Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Marine Corps;
Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 

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 "D 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) and (4).

(U) TRIBUNAL PANEL: #6

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #6 of 13 September 2004 (U)
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

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

1. (U) This Tribunal was convened 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 September 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, Taliban or Al Qaida forces, 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: _____ #6

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

2. Synopsis of Proceedings

The Tribunal hearing was held on 30 September 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. It indicates, among other things, that the detainee admitted to traveling to Kandahar, Afghanistan, in May 2001 to work in the Al Wafa office; that he admitted that he was the director of the Karachi, Pakistan, branch of Al Wafa; that Al Wafa is an NGO with known Al Qaida connections; that he was apprehended in his residence on 23 September 2001 in Karachi, Pakistan; and that information related to weapons, explosives and tactics was found at the time of his capture. The Recorder presented several other unclassified exhibits, including an affidavit from the detainee's brother. The Recorder called no witnesses.

The detainee participated actively in the Tribunal process. He began by reading a sworn statement, which he had previously prepared in writing, denying that he was an enemy combatant and answering each of the allegations on the Unclassified Summary of Evidence. He then answered questions posed by the Tribunal members. In sum, he denied working for Al Wafa and indicated he was not affiliated with Al Qaida or the Taliban. He further indicated that he was responsible for procuring medical supplies in Pakistan and arranging for them to be distributed through Al Wafa in Afghanistan. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee's written statement was admitted into evidence as Exhibit D-B. A copy of the translation of the statement, done verbally by the translator as the detainee read the statement to the Tribunal, is attached to the exhibit. The detainee called no witnesses.

During the classified session of the Tribunal, the Recorder initially presented Exhibits R-6 through R-17 and commented on the evidence. The Personal Representative had nothing additional to offer and made no comments. After reading the exhibits, the Tribunal asked for additional information concerning Al Wafa. In response, the Recorder presented Exhibits R-18 and R-19, both of which are classified. The Tribunal considered both the unclassified and classified exhibits, as well as the detainee's sworn testimony and written statement, in reaching its decision.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-A and D-B, and R-1 through R-19.
- b. Testimony of the following persons: None.
- c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report and Exhibit D-B.

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

The Detainee requested no witnesses. The detainee did mention during the Tribunal that he had witnesses who could verify what he said. The Tribunal President confirmed with the Personal Representative that the detainee requested no witnesses prior to the Tribunal hearing. The detainee indicated, however, that he wanted the Tribunal to know that witnesses were available to confirm the details of his story. Accordingly, the Tribunal President concluded the detainee's remark concerning witnesses was not a witness request, but a notification to the Tribunal that if the Tribunal desired to call witnesses to verify his story, he could identify them.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

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

- a. The recorder offered Exhibits R-1 through R-5 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 other exhibits for support of the Unclassified Summary of Evidence.

b. The Tribunal also considered the following additional unclassified exhibits offered into evidence by the Recorder. Exhibit R-3, the prepared remarks of Treasury Secretary John Snow dated 22 January 2004, establish that four branches of the Al-Haramain (sic) organization fund and support terrorist organizations around the world – such as the Al Qaida network. The four branches are located in Indonesia, Kenya, Tanzania and Pakistan. Exhibit R-4 establishes that members of the Al Wafa Humanitarian Organization may be excluded from entering the United States because the organization supports terrorist activities. Exhibit R-5 is an affidavit from the detainee's brother, [REDACTED] of Damar, Yemen, dated 10 April 2004, asserting that the detainee is not a member of Al Qaida and was never a member of the Taliban government armed forces.

c. The detainee testified under oath at the hearing and read into evidence a written statement he prepared addressing each of the points on the Unclassified Summary of Evidence. Afterwards, he answered questions posed by the Tribunal members. In sum, the detainee testified that although he worked for the Al Haramayn (sic) organization in Azerbaijan, he was not the director. He did, however, serve as the director's representative while the director was out of the country and until a replacement director was found. He stated that the Al Haramayn organization is a governmental organization, and the person in charge is the Minister of Islamic Affairs in Saudi Arabia. The detainee believes the Al Haramayn organization is one of the best charitable organizations. The detainee admitted to traveling to Kandahar in May of 2001 to observe the Al Wafa office, but not to work there. He stated he worked for someone in the United Arab Emirates, who gave him money to buy medicine. Al Wafa would then distribute the medicine. He also denied being the director of the Al Wafa office in Karachi, Pakistan, stating there is no official office for Al Wafa in Pakistan. He added that he did not know that Al Wafa was affiliated with Al Qaida. He admitted that he was apprehended on 23 September from his residence in Pakistan, but characterizes it as being kidnapped from his bed. He states the real reason for his arrest was that he had \$13,000 in his room and new furniture, and the Pakistanis wanted to take that from him. He also denied having information related to weapons, explosives and tactics in his home at the time of his capture. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3), and the Detainee's prepared statement is attached as Exhibit D-B.

The Tribunal also relied on certain classified evidence in reaching its decision, and found the classified evidence persuasive in establishing that the detainee is properly classified as an enemy combatant. 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 and actively participated throughout the hearing. He did ask the Tribunal President how he was supposed to respond to any allegations against him contained in the classified information if he could not see the classified information. The Tribunal President explained that he could not see the information because it was classified for national security reasons. The detainee indicated he understood.

- c. The detainee is properly classified as an enemy combatant and was supporting Taliban or Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President

Summarized Detainee Statement

Tribunal President: Jamal, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: I wrote information and I gave it to the Personal Representative. I would like to read it.

Tribunal President: That's fine.

Detainee: I want to make sure that he translates as I read it exactly.

Tribunal President: Okay. Jamal, would you like to make your statement under oath?

Detainee: It's up to you.

Tribunal President: It's up to him.

Detainee: I want to be administered the oath then.

The Detainee was sworn using the Muslim oath.

Tribunal President: Jamal, you may begin.

Translator: May I just ask him just to read in shorter sentences, because he wants it exact. You know so this way we can...

Tribunal President (to the Translator): Okay, repeat what I said first, and then say what you need.

Translator informs the Detainee that he may begin his statement.

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

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

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

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

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

Personal Representative: Minister of Islamic Affairs.

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

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

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

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

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

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

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

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

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

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

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

Detainee: The American Forces did not capture me. They must have been following me and checking up on me and things like that. They are all lies by the Pakistanis so they can take control of my money and possessions. I came to Pakistan with a legal passport and entered legally. I was renting a place and working there because I was trying to bring

my family over. They can accuse me of a lot of accusations, the Pakistanis, but they wrote that information. It wasn't me that wrote that information. That's all I have to say.

Tribunal President: Jamal, does that conclude your statement?

Detainee: Yes. I answered all the seven points, isn't that true? Do you have any other points?

Tribunal President: Yes we do. We would like to ask you some questions.

Tribunal President: Personal Representative, do you have any questions for the Detainee?

Personal Representative: No, I do not, Ma'am. We covered everything we covered in the interview.

Tribunal President: Recorder, do you have any questions for the detainee?

Recorder: No, Ma'am.

Tribunal President: Do any Tribunal members have any questions for the detainee?

Tribunal Member: You indicated that it would be hard for someone who is looking for work to support his family to know that Al-Wafa was a terrorist organization, is that right?

Detainee: Yes.

Tribunal Member: But a little earlier before that you mentioned that you did not get a salary from Al-Wafa. So were you working for Al-Wafa and getting a salary or not?

Detainee: I deny that I worked with Al-Wafa because I never took any money from them. But I worked for my work and took my money from the man who gave me the money in the Emirates.

Tribunal Member: Who is the man who gives you the money in the Emirates?

Detainee: Omran Al Owais

Tribunal Member: Could I just ask you to repeat that more slowly?

Detainee: Omran Al Owais

Translator spells name.

Tribunal Member: Omran Al Owais?

Translator: His name is Omran Al Owais. And he is known - not an alias - everybody over there, knows your name by your oldest son's name. You see, his name is Abu Omran.

Detainee: This guy was working doing the same thing I was doing before I got into the picture. I would need the money, so I asked him if I could do the job.

Tribunal Member: So where did he get the money? Where did Omran Al Owais get the money from?

Detainee: From the Emirates.

Tribunal Member: So was he fund raising?

Detainee: He was a businessman. I don't know if he was fund raising.

Tribunal Member: So Omran Al Owais would send money to you in Afghanistan?

Detainee: Yes, and you can check my bank record.

Tribunal Member: And then what would you do with the money?

Detainee: It was limited to buying medicine for the hospital.

Tribunal Member: Would you work with Al-Wafa? But not necessarily for Al-Wafa, so would you assist Al-Wafa.?

Detainee: I was not working with Al-Wafa.

Tribunal Member: Did you associate with any people that worked for Al-Wafa?

Detainee: When I went to Afghanistan, I saw some people from Al-Wafa. Because when I was there for 15 days, I was in the Al-Wafa organization's offices to find out how they distribute the medicine.

Tribunal Member: Relating to Al Haramayn, there was a time when you were serving as the director's representative while he left the country? Is that correct?

Detainee: Yes.

Tribunal Member: And was Al Haramayn paying you salary?

Detainee: Yes.

Tribunal Member: And that was in Azerbaijan?

Detainee: Yes.

Tribunal Member: When you visited the Al-Wafa office to see how they were distributing medicine, was that in May of 2001?

Detainee: Yes, that's true.

Tribunal Member: What was name of the person that you were arrested with in Pakistan – the cook?

Detainee: His name is Fadle Rahman [spelled by translator].

Tribunal Member: Fadle Rahman?

Translator: Yes.

Detainee: Even the CIA, I believe they have met with him.

Tribunal member: Was Fadle Rahman a member of Al Qaida or the Taliban?

Detainee: He was a cook and he rented his services to help me and the neighborhood people. He's a Pakistani.

Tribunal Member: But was he a member of Al Qaida or the Taliban?

Detainee: I don't think knew of the Taliban or Al Qaida.

Tribunal Member: Were you at anytime a member of Al Qaida or the Taliban?

Detainee: No, that never happened.

Tribunal member: When you traveled to Kandahar in May of 2001. . .

Detainee: Yes.

Tribunal Member: Were you going from Pakistan to Afghanistan?

Detainee: Yes.

Tribunal Member: How did you affect that travel? How did you get into Afghanistan?

Detainee: I went to Karachi, from Yemen, to Karachi, and then from Karachi to Quetta. One of the Afghanis was waiting for me and took me to Kandahar.

Tribunal President: When you bought the medicine, where were you taking the medicine?

Detainee: I take it to Afghanistan.

Tribunal President: Where in Afghanistan?

Detainee: The Al-Wafa organization receives it.

Tribunal President: I'm sorry. I didn't hear you.

Detainee: The Al-Wafa organization receives it because the Al-Wafa organization was the organization that oversees the distribution of the medicine.

Tribunal President: Where did you get the medicine from?

Detainee: It's all from Pakistan.

Tribunal President: Where in Pakistan?

Detainee: From Karachi.

Tribunal President: Specifically, is it a hospital? Is it a store?

Detainee: Medical stores or organizations, they sell it. There are some stores that specialize in medication and wheelchairs and beds and things like that. We were getting it from there. And all the invoices are available to you. And all these stores are very well known stores.

Tribunal President: So, I just need to be clear. It was your responsibility to pick up the medicine and supplies in Pakistan and take it to Afghanistan to Al-Wafa?

Detainee: I want to explain to you. When you work in Pakistan, there were other people before me doing the same work. They organized it in such a way that they will buy the medicine. I was working with another guy whose name is [REDACTED], who is also a detainee here. And another guy whose name is [REDACTED]. [REDACTED] was set free, he was set free.

Tribunal President: Can he give me [REDACTED]'s last name?

Detainee: [REDACTED]

Tribunal President: Can you spell that for me please?

Translator: [REDACTED]

Tribunal President: Okay, and can he give me the Doctor's full name?

Detainee: [REDACTED] [translator spells].

Tribunal President: Is this the same place or organization that you said you were a representative?

Detainee: Is your question when I was in or in Al Haramayn?

Tribunal President: Were you a representative at Al Haramayn? Did you have the same duties and responsibilities in both organizations?

Detainee: I never heard anything about that.

Translator: He said he never heard anything about that. I was asking him about the same responsibilities in the two different places and he said he's never heard of Al-Wafa.

Detainee: Al Haramayn organization is a governmental agency I worked for.

Tribunal President: I need to be clear what his duties and responsibilities were for the Al Haramayn.

Detainee: To help the refugees. We had a bunch of projects such as building mosques, taking care of orphans during the fest of Ramadan and the Eid, which follows after Ramadan. Its main purpose is to establish five different camps for the refugees. To distribute all kinds of things, such as food, medicine, so forth.

Tribunal President: Okay, you have described what the organization does. I'd like to know exactly what did you do?

Detainee: I was responsible for overseeing the refugee camp.

Tribunal President: So like a manager?

Detainee: I was not the manager, but I was responsible for it.

Tribunal President: And at the Azerbaijan branch, what did he do there?

Detainee: I was a student studying there and working while I was studying for the Al Haramayn.

Tribunal President: What did he study?

Detainee: Petroleum Engineering.

Tribunal President: I'm sorry.

Translator: Petroleum Engineering.

Tribunal President: You said that you went to Pakistan to find a job and support your family. What type of job did you have in Pakistan?

Detainee: I was the assistant to [REDACTED] and I was buying the medicine. The guy who was giving us the money would come and see us and then go back to the Emirates.

Tribunal President: While you were in Pakistan, where did you live?

Detainee: A hotel, and I rented a house and that's where I got kidnapped from.

Tribunal President: Do you know who kidnapped you?

Detainee: I found out later that it was the Pakistani government.

Tribunal President: Did the Pakistani government accuse you of anything?

Detainee: To the contrary, the Pakistani government said that they had nothing against me. My work is legal, my staying here is legal, everything is fine with me. You entered in a legal way and you're residing here legally. The United States is watching the Al-Wafa organization along with other organizations.

Tribunal President: Okay, so if I understand correctly what happened when the Pakistani government said he was legal - did they release him?

Detainee: They did not release me. They turned me over to the United States. They took me from Pakistan to Jordan. Four months later, I was turned over to the American government. But I didn't have any problems in Pakistan.

Tribunal President: So the Pakistani government took you to Jordan and turned you over to the U.S. government in Jordan, not in Pakistan?

Detainee: The United States Government is the one who took me Jordan. The Pakistan government told me that the United States would take me to Jordan. After Jordan, I was coming back to Pakistan. And they never told me where I was going. And I found out later on that they had taken me Jordan.

Tribunal President: Does anybody else have any other questions?

ISN # [REDACTED]
Enclosure (3)
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Tribunal Member: Just for the information of the panel, how was he treated in Jordan?

Detainee: I was in Jordan in a cell, but I wasn't mistreated or anything like that.

Tribunal Member: Just wanted to make sure.

Tribunal President: PR, the detainee indicated that there were people he'd like for us to talk to verify his story. Did he at anytime, ask you to ask us for a witness?

Personal Representative: No, as I indicated on the form, there were no witnesses requested.

Detainee: Even though we didn't talk about that, I have given you all the information about these people and these are in here.

Tribunal President: Is there anything else you would like to add to his statement?

Detainee: I've told you all I had. The only thing I can say is that they arrested me before the attack. I was sitting in my home. How can you consider me an enemy combatant when I was just sitting in my home? My own home where I was arrested. I am not an enemy combatant, I am a sleeping combatant because I was sleeping in my home.

Tribunal President: Let me make a clarification. You initially said that you were kidnapped, and this time you said you were arrested.

Detainee: It's repeated so many times, they arrest you, they arrest you, they arrest you. That's the thing sticks in your mind. How can you call a person an enemy combatant when you're sleeping in your own home and somebody comes to your home and takes you somewhere and you don't know where that is?

Tribunal President: Has it always been your story that you were kidnapped?

Detainee: I'm using the word kidnapped as synonymous with the word arrested.

Tribunal President: I need to be clear, were you arrested or were you kidnapped?

Detainee: I consider it a kidnapping.

Tribunal President: Do you have any questions?

Tribunal Member: Yes, Ma'am, if I could. He mentioned just a couple of minutes ago where he was arrested/kidnapped before the attack, but it shows here, 23 September 2001. Is he talking about 9/11 or some other attack?

Detainee: Before that.

Tribunal Member: He was arrested before September 11th, 2001?

Detainee: After.

Tribunal President: Personal Representative, do you have any other evidence or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: I have just one exhibit and that is the copy marked D-B, which is the same as the sworn oral statement by the detainee.

Tribunal President: I just want to clarify that this is the statement that was read by the Detainee earlier today during this Tribunal.

Detainee: In addition to that, what I have written there.

Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes the Tribunal session.

AUTHENTICATION

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

A large, dark, rectangular redaction covers the signature of the Tribunal President. A thin horizontal line extends from the right side of the redaction.

Colonel, U.S. Army
Tribunal President

Detainee Election Form

Date/Time: 27 Sep_04 _____
Start/End Time: 1005 - 1115

ISN#: [Redacted]

Personal Representative: LtCol [Redacted]
[Name/Rank]

Translator Required? Yes

Language? Arabic

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

Detainee Election:

X Wants to Participate in Tribunal

Affirmatively Declines to Participate in Tribunal

Uncooperative or Unresponsive

Personal Representative Comments: _No witnesses requested.

Will attend Tribunal

Will give sworn oral statement *

*Detainee will hand in
written, sworn statement,
identical to the oral
statement. (D-B)

[Redacted]
Personal Representative

[Redacted] - 30 Sep 04

Personal Representative Comments:

Personal Representative

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (22 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - MARI, Jamal Muhammad 'Alawi

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he supported fighters engaged in combat against the United States and/or coalition partners.

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

1. Detainee admitted he was the director of the Baku, Azerbaijan branch of the Al Haramayn.
2. Al Haramayn is a NGO with known al Qaida connections.
3. Detainee admitted traveling to Kandahar (AF) in May 2001 to work in the al Wafa office.
4. Detainee admitted he was the director of the Karachi (PK) branch of al Wafa .
5. Al Wafa is an NGO with known al Qaida connections.
6. Detainee was apprehended during a raid on his residence on 23 September 2001 in Karachi (PK).
7. Alawi was captured in a facility with other individuals now detained by DoD and information related to weapons, explosives and tactics were found in that facility at the time of capture.

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

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Ex 315 R.1

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evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Memorandum



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To : Department of Defense Date 09/14/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
OSC [REDACTED]

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

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein 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, GTMO:

FD-302 dated 05/20/2002
FD-302 dated 05/21/2002
FD-302 dated 08/22/2002

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

²See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/14/2004

If you need additional assistance, please contact On
Scene Commander [REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

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FROM THE OFFICE OF PUBLIC AFFAIRS

January 22, 2004
JS-1107

**Prepared Remarks of Treasury Secretary John Snow
to Announce Joint U.S. and Saudi Action Against Four Branches
of Al-Haramain in the Financial War on Terror**

Thank you very much for being here today.

I am very pleased to announce that the United States and Saudi Arabia have joined together today to take action against four branches of the Al-Haramain organization. Today's designation is another important victory in our ongoing war against the spread of terrorism and terrorist financiers and another demonstration of our partnership in the war against terror.

The four branches of Al-Haramain that we are singling out today have not only supported the plotting of despicable acts of terror, but they have done so by exploiting countless individuals who believed that by supporting Al-Haramain, they were, in fact spreading good will to many in need of a helping hand.

The four branches of Al-Haramain have cloaked themselves in the virtue of charity, only to fund and support terrorist organizations around the world - such as the al-Qaeda network.

These four branches located in Indonesia, Kenya, Tanzania, and Pakistan have ignored past orders to cease their operations.

By designating these organizations under the President's Executive Order Number 13224, and joining with Saudi Arabia to call on the United Nations 1267 Sanctions Committee to designate these groups as well, we bring to bear the full weight of the international community.

We will continue to vigilantly work to ensure that these groups will no longer be able to disguise themselves as legitimate and benevolent organizations in order to undermine peace and freedom.

We know generous givers to charities provide hundreds of millions of dollars to improve the lives of countless people around the world.

We will not interfere with the noble work of legitimate charities.

But donors need to be assured that their contributions are being used for their intended purposes -- and not to fuel the activity of terrorists.

Make no mistake; this administration will continue to take aggressive actions, both domestically and internationally, to ensure that charities are not being abused by terrorists or other criminals.

Just days ago, during the State of the Union address, President Bush stated that our greatest responsibility is the active defense of the American people. Twenty-eight months have passed since September 11th, 2001 -- over two years without an attack on American soil. As the President said, it is tempting to believe

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

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

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

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

Thank you very much.

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Washington File

*EPF505 05/21/2004

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

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

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

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

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

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

Following is the text of the State Department fact sheet:

(begin fact sheet)

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

FACT SHEET

Terrorist Exclusion List

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

Designation Criteria

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

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

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

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

Designation Process

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

Effects of Designation

Legal Ramifications

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

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

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

Other Effects

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

Background

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

Terrorist Exclusion List Designees (alphabetical listing)

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

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

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

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Tameer-I-Pau)

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

(end fact sheet)

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

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AFFIDAVIT OF [REDACTED]

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

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

[REDACTED]

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

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

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

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

_____ 

Before me



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

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

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

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

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

Personal Representative: Minister of Islamic Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

Personal Representative Review of the Record of Proceedings

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

I have no comments.

My comments are attached.

[REDACTED]
Name

4 Oct 04
Date

[REDACTED]
Signature

ISN # [REDACTED]
Enclosure (5)