DECLARATION OF TERESA A. McPALMER

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

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

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Zaban Thaaher Zaban al Shamaree that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted. An OARDEC staff member redacted information that would personally identify U.S. Government personnel or other individuals in order to protect the personal security of those individuals. This staff member also redacted internment serial numbers because certain combinations of internment serial numbers with other information relates to sensitive
internal and intelligence operations that is not suitable for public release.

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

Dated: 19 May 2005

Teresa A. McPalmer
CDR, JAGC, USN
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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN #

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 # meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).

2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH
RADM, CEC, USN

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

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3229
MEMORANDUM

From: Legal Advisor
To: Director, Combatant Status Review Tribunal

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

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

Encl: (1) Appointing Order for Tribunal #5 of 17 August 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 affirmatively elected not to participate in 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-3, R-4, R-5, and R-6 was redacted. The FBI properly certified in exhibit R-2 that the redacted information in R-4, R-5, and R-6 would not support a determination that the detainee is not an enemy combatant. The information redacted from exhibit R-3 apparently consists of names only.

   d. The detainee made no requests for witnesses or other evidence.

   e. The Tribunal’s decision that detainee # 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.

   [Signature]

James R. Crabtree Jr.
CDR, JAGC, USN

UNCLASSIFIED
Department of Defense
Director, Combatant Status Review Tribunals

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

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:

[Name redacted], Colonel, U.S. Air Force; President

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

[Name redacted], Lieutenant Commander, U.S. Navy; Member

J. M. McGARRAH
Rear Admiral
Civil Engineer Corps
United States Naval Reserve
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 3232


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

[Signature]
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: 

(U) ISN#: 

Ref: 
(a) (U) Convening Order for Tribunal #5 of 17 August 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/Witness Testimony (Not Used)  
(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 24 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # 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 al-Qaida with ties to the Taliban, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[Signature]
Colonel, USAF

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

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is associated with the Taliban and al-Qaida. The summary also stated the following:

b. The Detainee continued his training at [redacted] after the U.S. bombing campaign began.
c. The Detainee received training on the Kalashnikov rifle, pistols, rocket propelled grenades, and the Russian automatic Bekas.
d. The Detainee later transferred to a military camp outside Kabul where he was injured by shrapnel.
e. The Detainee was captured by the Northern Alliance troops while he was convalescing in a hospital in Kabul.

The detainee chose not to participate in the Tribunal process. He specifically told the Personal Representative not to submit any information on his behalf.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a and R-1 through R-11.
b. Testimony of the following persons: None

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses
The Detainee requested no witnesses.

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

b. The Detainee affirmatively declined to participate in the Tribunal and specifically asked the Personal Representative not to submit any information on his behalf. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.

b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant and was a member of al-Qaida with ties to the Taliban.
8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[Name redacted], Colonel, USAF
Tribunal President
DETAINEE ELECTION FORM

Date: 23 Sep 04
Start Time: 1455
End Time: 1531

ISN#: _______________________

Personal Representative: _______ L/COL, USAF
(Name/Rank)

Translator Required? YES Language? ARABIC

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

Detainee Election:

☐ Wants to Participate in Tribunal

☒ Affirmatively Declines to Participate in Tribunal

☐ Uncooperative or Unresponsive

Personal Representative Comments:
Defainee declines participation in Tribunal.

Detainee further informed Personal Representative to say nothing on his behalf at Tribunal.

Personal Representative: _______________________

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EXHIBIT D-A
### Recorder Exhibit List

**For**

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<th>#</th>
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<th>Location</th>
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<td>Unclassified Summary</td>
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<tr>
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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (13 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal — AL SHAMMARI, ZIBN THAHIR ZIBN AL FADHILI

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, Implementation of Combatant Status Review Tribunal Proceedings 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 the Taliban and al Qaida.

a. Detainee is associated with the Taliban and al Qaida.

1. Detainee left his home in Saudi Arabia to travel to Afghanistan in late summer 2001. He traveled to Afghanistan because he wanted to train to fight Jihad.

2. Detainee received his initial training at the [redacted] training camp in Kandahar arriving just after the 11 September 2001 attacks.

3. The detainee continued his training at the [redacted] after the US Bombing campaign began.

4. At [redacted], detainee received the following training: physical conditioning and weapons training on the Kalashnikov, pistols, RPG, and Russian automatic Beka.

5. The detainee later transferred to a military camp outside Kabul where he was injured in the shoulder, hand, and leg by shrapnel.
6. Detain was captured by the Northern Alliance troops, while he was convalescing in a hospital in Kabul. The Northern Alliance delivered the detainee to United States forces.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.
Memorandum

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

From: FBI GTMO
       Counterterrorism Division

Subject: REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION (ISN )

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\(^1\). The FBI makes this request on the basis that said information relates to the national security of the United States\(^2\). 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 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/19/2002
FD-302 dated 06/25/2002

\(^1\)Redactions are blackened out on the OARDEC provided FBI document.

\(^2\)See Executive Order 12958
Memorandum from [Redacted] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/08/2004

If you need additional assistance, please contact [Redacted] or Intelligence Analyst [Redacted].
Personal Representative Review of the Record of Proceedings

I acknowledge that on 26 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #.

✓ I have no comments.

☐ My comments are attached.

[Redacted]

Date

26 Sep 04

[Redacted]

Signature

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Enclosure (5)

3243