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Dorsey & Whitney  
250 Park Avenue  
New York, NY 10177  
(212) 415-9200

Joshua Colangelo-Bryan  
(212) 415-9234

January 19, 2005

VIA FACSIMILE

CDR [REDACTED] JAGC  
US Navy Legal Advisor  
Office for the Administrative Review (OARDEC)  
2000 Navy Pentagon, RM 4D545  
Washington, DC 20350-2000

Re: Administrative Review Board; Salman Bin Ibrahim Bin Mohammed Bin Ali Al-Kalifa,  
ISN #246 (u)

Dear CDR [REDACTED]

- (u) We are the attorneys for Salman Bin Ibrahim Bin Mohammed Bin Ali Al-Kalifa (ISN #246). We make this submission to the Administrative Review Board ("ARB") pursuant to directions provided by you and [REDACTED], senior trial counsel, United States Department of Justice. We request that you forward this document to the ARB that will review the detention of Mr. Al-Kalifa.
- (u) Mr. Al-Kalifa's release must be recommended because there is simply no evidence that Mr. Al-Kalifa has ever threatened the United States or its allies in any ongoing conflict with al Qaida (or al Qaida supporters), and there is no reliable evidence that Mr. Al-Kalifa is of intelligence value. See Department of Defense Memorandum dated September 14, 2004 Regarding Implementation of Administrative Review Procedures ("Memorandum") at p. 2, Encl (3) at p. 3 (addressing standards of review).
- (u) To date, no agency of the United States government has even alleged that Mr. Al-Kalifa was involved - peripherally or otherwise - in any violent or non-violent activities against the United States, its allies or its interests in any context. Indeed, the unclassified summary of the evidence against Mr. Al-Kalifa found in the Combatant Status Review Tribunal ("CSRT") file makes absolutely no mention of any such activities. Therefore, even assuming, for argument's sake, that the allegations in the unclassified summary are true,<sup>1</sup> Mr. Al-Kalifa would have done little more than travel to Afghanistan to study with a scholar prior to the onset of hostilities between the
- (u) Neither Mr. Al-Kalifa nor his counsel accept the veracity of the conclusory statements contained in the unclassified summary.

Classification derived from  
classified exhibit R-13, attached  
to the memorandum for Direc-  
tor, CSRT, entitled: Review of  
Combatant Status Review Tribunal  
for detainee ISN#246, dated  
9 December 2004  
20220

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10 Jan 2028.

ISN 246  
Submission

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United States and the Taliban. By no reasonable or logical standard can it be considered a legitimate threat to the United States or its allies for a person to travel to a country that is not at war with the United States for purposes of theological study.

(S/NF)

[REDACTED]

(S/NF)

[REDACTED]

- (u) In sum, the government has never alleged that Mr. Al-Kalifa did anything that made him a threat to the United States or of intelligence interest. As such, there is no basis to find that Mr. Al-Kalifa is a threat or should be held for any other reason. Therefore, his release must be recommended.
- (u) In making this submission, we do not waive, and expressly reserve, our right to challenge the ARB proceedings and any final determination on constitutional, statutory and other grounds before any court of competent jurisdiction. Due to restrictions on attorney-client communication imposed by the government, we have been unable to speak with Mr. Al-Kalifa regarding this submission.

Sincerely,

  
Joshua Colangelo-Bryan

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  - (u) To date, no agency of the United States government has even alleged that Mr. Al-Kalifa was involved - peripherally or otherwise - in any violent or non-violent activities against the United States, its allies or its interests in any context. Indeed, the unclassified summary of the evidence against Mr. Al-Kalifa found in the Combatant Status Review Tribunal ("CSRT") file makes absolutely no mention of any such activities. Therefore, even assuming, for argument's sake, that the allegations in the unclassified summary are true,<sup>1</sup> Mr. Al-Kalifa would have done little more than travel to Afghanistan to study with a scholar prior to the onset of hostilities between the
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~~(S//NF)~~

~~(S//NF)~~ With respect to intelligence value, the classified CSRT records contain nothing but the most rank speculation and vague innuendo.

Indeed, to find that Mr. Al-Kalifa's detention is warranted based on supposition of this sort would render meaningless the standards enunciated in the Memorandum, especially considering that Mr. Al-Kalifa has already been interrogated countless times..

- (u) In sum, the government has never alleged that Mr. Al-Kalifa did anything that made him a threat to the United States or of intelligence interest. As such, there is no basis to find that Mr. Al-Kalifa is a threat or should be held for any other reason. Therefore, his release must be recommended.
- (u) In making this submission, we do not waive, and expressly reserve, our right to challenge the ARB proceedings and any final determination on constitutional, statutory and other grounds before any court of competent jurisdiction. Due to restrictions on attorney-client communication imposed by the government, we have been unable to speak with Mr. Al-Kalifa regarding this submission.

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