

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ISSA ALI ABDULLAH AL MURBATI,)	
<i>et al.</i>)	
Petitioners,)	
v.)	Civil Action No. 04-CV-1227 (RBW)
GEORGE W. BUSH,)	
President of the United States, <i>et al.</i> ,)	
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:

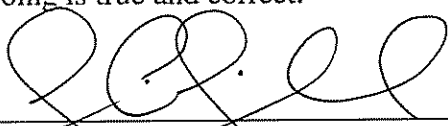
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Issa Ali Abdullah Al Murbati that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached

hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

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

Dated: 12 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN



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

OARDEC/Ser: 0202
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.

A handwritten signature in cursive script, appearing to read "J. M. McGARRAH".

J. M. McGARRAH
RADM, CEC, USN

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

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9 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 #8 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 and affirmatively declined to participate in the Tribunal proceedings.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibit R-7 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. Note also that the Tribunal's reference to "Exhibit R-11" in paragraph 1(g) of enclosure (2) to their Decision Report appears to be a typo. The Tribunal was more likely referring to exhibit R-10

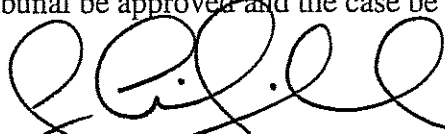
d. The detainee made no requests for witnesses or other evidence.

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. He 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. CRISTFIELD 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 #8

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. Marine Corps Reserve; President

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

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army; Member
(JAG)

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

1 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

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

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


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).

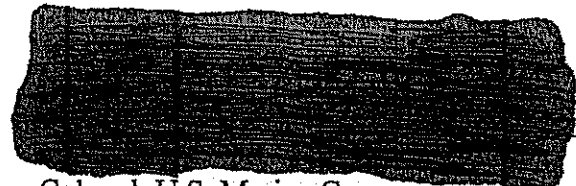
(U) TRIBUNAL PANEL: #8

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #8 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/Witness Testimony (U/FOUO) - NA
(4) (U) Copies of Documentary Evidence Presented (S/NF)
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 27 September 2004 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 27 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, affiliated with, al Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).




Colonel, U.S. Marine Corps
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #8

ISN #: _____ 

1. Introduction

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

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee voluntarily traveled from Bahrain to Afghanistan on 2 November 2001. The Detainee traveled to Afghanistan via Pakistan to fight the Jihad, to make himself a better person, and to have a 15,000 Dinar debt forgiven. Since he did not know how to use a Kalishnikov rifle, the Detainee went to Kandahar to find training. The Kandahar camp had been closed so he went on to Kabul, Afghanistan to find training. The Detainee was injured by a grenade while traveling to Khost, Afghanistan. The Detainee was affiliated with Abu Sayyef. During the interview process, the Detainee worked on a written statement. However, prior to the last interview, the Detainee received a letter from his attorney that told him not to talk to the military personnel without the attorney being present. The Personal Representative asked the Detainee if he wanted his already prepared written statement to be submitted and the Detainee didn't object. The Detainee however, chose not to sign the statement or attest to its accuracy. The Detainee called no witnesses and requested no unclassified or classified documents be produced.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-c and R-1 through R-13.
- b. Testimony of the following persons: None
- c. Written, unsigned statement from the Detainee.

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

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

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1 through R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence. Exhibit R-3 was the Terrorist Organization Reference Guide that provided information on the Abu Sayyaf Group (ASG).

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsigned written statement as taken by the Personal Representative. In sum, the Detainee's written statement indicates that he traveled to Pakistan for medical treatment. His passport (Exhibit D-c) contains a medical visa, issued on 28 October 2001 that was good for one month. According to the Detainee's statement, he entered Pakistan and was immediately arrested by the Pakistan police. The Pakistan police physically abused him and then questioned him. The Detainee was provided a copy of a written statement for him to sign, which he signed without reading it. While in Pakistani custody, he heard a loud explosion and he awoke in a hospital. The Detainee was told that a bomb had exploded. The Detainee alleges that he had told two different stories about his injuries because he was afraid. The first story of being injured in a bus accident in Khost, Afghanistan was false. Additionally, the Detainee states that while he traveled to the Philippines, he did so for recreational purposes only. The passport indicated that the travel to the Philippines was in 1999.

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

6. Consultations with the CSRT Legal Advisor

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

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. Although he did not actively participate, he had no objections to the Personal Representative entering a written statement for him. The Detainee was advised by his attorney not to participate in the process. As stated in Paragraph 2 above, the written statement was obtained in previous interviews with the Detainee but was not signed or verified by the Detainee for accuracy.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,




Colonel, U.S. Marine Corps
Tribunal President

DETAINEE ELECTION FORM

Date: 21 Sept 2004

Start Time: 1400

End Time: 1630

ISN#:  _____

Personal Representative:  _____
(Name/Rank)


Translator Required? YES Language? ARABIAC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? READ TO DETAINEE

Detainee Election:

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

Personal Representative Comments:

Detainee  affirmatively declined to participate in the Tribunal. Detainee referenced a letter from his attorney that stated the attorney would represent him regarding his enemy combatant status and he was advised to not talk to us. Detainee spent two previous interview sessions working on a written statement, I will submit it into evidence as interview notes, as the Detainee didn't object when asked. However, he refused to sign them and attest to their accuracy.

Personal Representative:  _____

FOUO

Recorder Exhibit List

For

ISN [REDACTED]

#	Title	Support	Location (Paragraph)	Classification
R1	Unclassified Summary			UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 15 Sept 04	Exhibit R8		UNCLASSIFIED
R3	USDHS, Terrorist Org Ref Guide, dtd Jan 04, pg 3	3.a.4.		UNCLASSIFIED
R4	SIR, dtd 18 Dec 02	3.a.1. 3.a.2.	Subject	SECRET
R5	JTF-170 Knowledgeability Brief, dtd 13 Jun02	3.a.1. 3.a.2. 3.b.1	Subject/5.F. Subject 5.G.	SECRET
R6	SIR, dtd 8 Oct 02	3.a.3.	2.P.2.	SECRET
R7	FBI 302, dtd 09 Jun 02	3.b.1. 3.b.2. 3.b.3.	10. 8. 9.	FOUO//LES
R8	Results of Quarterly Review of Community Counterterrorism Tiers	3.a.4.	Page 2	SECRET//NOFORN
R9	CITF Assessment 10-JAN-03	Summary		SECRET//NOFORN
R10	JTF GTMO Baseball Card	FYI		SECRET//NOFORN
R11	MFR SA [REDACTED] 24 September 2004	FYI		SECRET//NOFORN
	ADDITIONAL INFORMATION added on 27 Sept 04 per board request of 25 Sept 04			
R12	OARDEC INTEL RESPONSE dtd 25 Sep 04	R5, pg 3 and date R10		SECRET
R13	JT assessment	R7, pg 2		SECRET//NOFORN
R8	Results of Quarterly Review of Community Counterterrorism Tiers	R7 Page 2	Added page 3	SECRET//NOFORN

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (15 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL MURBATI, Issa Ali Abdullah.

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 Qaeda 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 is an Al Qaeda fighter and participated in military operations against the United States or its coalition partners.
 - a. The detainee is associated with Al Qaeda:
 1. On November 2, 2001, detainee voluntarily traveled from Bahrain to Afghanistan.
 2. The detainee traveled to Afghanistan via Pakistan where he planned to fight in the *Jihad*.
 3. Detainee was a follower of Abu Sayyef; they met in the Philippines. They discussed getting money to Arabs in Afghanistan.
 4. Abu Sayyef Group is a known terrorist organization.
 - b. The detainee participated in military operations against the United States and its coalition partners.
 1. Detainee was injured by a grenade while traveling to Khowst, Afghanistan, and given treatment at a hospital.
 2. Detainee was told that if he went to war and fought the Jihad, he would be a better person and have his 15,000 Dinar debt forgiven, and eventually he traveled to Afghanistan.

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3. Al Murbati discovered that there was not training available in Kandahar, and since he did not know how to use a Kalishnikov rifle, he traveled to Kabul by taxi, after learning there was training there.

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.

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Memorandum



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

Date 09/15/2004

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
[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 06/09/2002

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

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/15/2004

If you need additional assistance, please contact

[REDACTED]
[REDACTED] or Intelligence Analyst
[REDACTED]

1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]
1 - [REDACTED]



U.S. Department of Homeland Security
U.S. Customs and Border Protection
Office of Border Patrol

Terrorist Organization Reference Guide

January 2004

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Exhibit R3

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Designated Foreign Terrorist Organizations¹

The following descriptive list constitutes the 36 terrorist groups that currently (as of 30 January 2003) are designated by the Secretary of State as Foreign Terrorist Organizations (FTOs), pursuant to section 219 of the Immigration and Nationality Act, as amended by the Antiterrorism and Effective Death Penalty Act of 1996. The designations carry legal consequences:

- It is unlawful to provide funds or other material support to a designated FTO.
- Representatives and certain members of a designated FTO can be denied visas or excluded from the United States.
- US financial institutions must block funds of designated FTOs and their agents and must report the blockage to the US Department of the Treasury.

1. Abu Nidal organization (ANO)

a.k.a. Fatah - the Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organization of Socialist Muslims

Description

Has carried out terrorist attacks in 20 countries, killing or injuring almost 900 persons. Targets include the United States, the United Kingdom, France, Israel, moderate Palestinians, the PLO, and various Arab countries. Major attacks included the Rome and Vienna airports in December 1985, the Neve Shalom synagogue in Istanbul and the Pan Am Flight 73 hijacking in Karachi in September 1986, and the City of Poros day-excursion ship attack in Greece in July 1988. Suspected of assassinating PLO deputy chief Abu Iyad and PLO security chief Abu Hul in Tunis in January 1991. ANO assassinated a Jordanian diplomat in Lebanon in January 1994 and has been linked to the killing of the PLO representative there. Has not staged a major attack against Western targets since the late 1980s.

Strength

Few hundred plus limited overseas support structure.

Location/Area of Operation

Elements relocated to Iraq in December 1998, where the group maintains a presence. Has an operational presence in Lebanon including in several Palestinian refugee camps. Authorities shut down the ANO's operations in Libya and Egypt in 1999. Has demonstrated ability to operate over wide area, including the Middle East, Asia, and Europe. Financial problems and internal disorganization have reduced the group's activities and capabilities.

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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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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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① أدلت لم تكن عدة منظمات ولكن كنا نعمل لصالح منظمه وثناء
فما كستات ولم تأخذ ثقبود من منظمه ربحاً أو تقابل معها عارياً
فكيف تكون نعمل معها، ولم تأخذ منها أي راتب. وقبل هذا كله لم
أعرف أي شخص من منظمه رضاء قبل أنه آتى إلى باكستان.

② أنا لم أكن أعمل مديراً ولكن كنت مديراً بعد غياب المدير حتى حضر
مدير آخر وعلقت مراجع منظمه وثناء في الصورة.

③ مؤسس الحرمين حكومي والدليل أن مدير الشؤون الإسلامية في حكومة السعود
هو المشرف العام عليها. فكيف تكون غير حكومي، أما أنا نقولوا أنا لها علاقة
بالقاهرة وأنا لست المدير العام لها، بل موظف في دولة سابقه وصب غيري
أخبار ومعلومات الخمسة أشهر المنظمات الإنسانية.

④ سفر في أي أوقاتنا ليس للعمل في مكتب منظمه وقار ولكن للزيارة
ومكاتب عدة أسبوعين للزيارة على أعمال منظمه وثناء وثورة عاتقها الحربية

⑤ لم نطو رضاء لا يوجد أي مكتب من كرتش وكنت عدة شهرين ومكانا
من قبل هذا يعمل (أي قبل أن آتى إلى باكستان) لم يكن هناك أي مدير
ولنا مكان العمل كله ثروة في ثورته في المنظمات منظمه وثناء الرجوع للنظمه الأولى

⑥ أولاً منظمه مديرها مسجون ولا أعلم هل هي حكومية أو غير حكومية ولكن
أنتم تقولون أنه لها علاقة بالقاهرة ولم أسمع من حيات هذا الكلام إلا
منكم ولم أرى بها إلا أعمال حربية إنسانه
* ثم التي العيف بل في ٢٢ سبتمبر مئة كرتش من بيت من قبل
المختطفين الباكستانيين.

* النقطة كلها كاذبه، فأنا قوض في وجهي بعض لصالح
باكستان كثره ولم يكن معنا أحد ولم يكن معنا أي أوراق أو
أمر متعلقه بالعام كرتشه ولكننا نقود مبلغ 11300 دولار مراد
الستة الذي جعل الباكستانيين يقولون هذا الاقتراض
والحكومة الأمريكية لم تقبض على جين تأخذ كلهم عمل الحنفية ولكن أنا
موجود في طهران موجود قبيضت بين الموجودين جعل يوسف منظمه
اقتراضها بالبائس بل في رخصه أو رخصوا شئنا بغيرهم. ولا يستعملون
أنت في ذلك.

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)