

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABD AL MALIK ABD AL WAHAB,)	
<i>et al.</i>)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 04-CV-1254 (HKK)
)	
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:

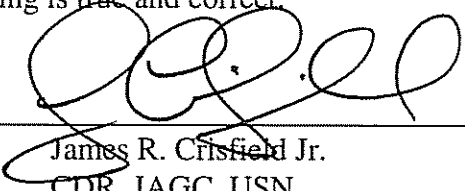
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Abd al Malik Abd al Wahab 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 members of Guantanamo Bay detainees'

families and friends, as well as their addresses and phone numbers,¹ and 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: 18 Oct 04



James R. Crisfield Jr.
CDR, JAGC, USN

¹ I have redacted all writings in a foreign language on several personal identity documents copied in enclosure (4) of the Tribunal Decision Report. Not all of the redacted information consisted of personal identification information, but I do not have an interpreter available to translate the information for me. For the same reason, I have removed the Arabic hand-written portions of several Red Cross messages.



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

OARDEC/Ser: 0221
17 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:
NSC (Mr. John Bellinger)
DoS (Ambassador Prosper)
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OARDEC (Fwd)
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16 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 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 made an unsworn statement at the Tribunal.
- 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-5 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 requested that three witnesses, all current detainees, be produced to testify at the Tribunal. According to the Tribunal Decision Report the detainee proffered that he met the three after he was captured. He claimed the witnesses would testify that they were all detained together by Pakistani authorities.¹ There is no indication that any of the witnesses had knowledge of the detainee's activities prior to meeting him in captivity. The Tribunal President denied the requests, determining that the expected testimony of the three witnesses would be irrelevant to the Tribunal's determination. In my opinion, the Tribunal President's decision was appropriate and he did not exceed his discretion.

The detainee also requested two translated Red Cross messages from relatives. These were obtained and produced at the Tribunal. The detainee made no other requests for witnesses or other evidence.

¹ The Record does not contain a written statement from the Personal Representative indicating what the detainee claimed the witnesses would say.

UNCLASSIFIED

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

- 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

17 Aug 04

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:

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

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

[REDACTED], Lieutenant Commander, U.S. Navy; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

14 October 2004

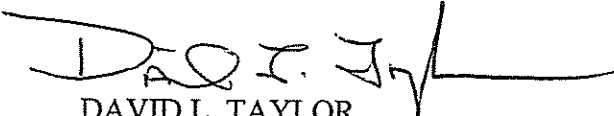
MEMORANDUM FOR DIRECTOR, CSRT

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: #5

(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/FOUO)
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)
(3) (U) Summary of Detainee/Witness 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 6 October 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 al-Qaida, with admitted 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).

[REDACTED]
Colonel, USAF
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #5
ISN #: [REDACTED]

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 al-Qaida and associated with 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 a member of al-Qaida and is associated with the Taliban. The summary also stated the following:

- a. The detainee is a known member of al-Qaida, operated as an al-Qaida fighter, and worked at various al-Qaida guesthouses and offices.
- b. The detainee admitted receiving help from the Taliban.
- c. The detainee attended the Khalden Camp, in Kandahar, Afghanistan in 1995 where he received weapons, explosive, artillery, and machinegun training.
- d. The detainee was very close to Usama Bin Laden, and had been with him a long time. He was a known Usama Bin Laden guard and errand boy and was frequently seen at Usama Bin Laden's side. Also, the detainee attended various other training camps and resided at a Kandahar, Afghanistan guesthouse.
- e. A martyr letter, will, and personal letter addressed to Usama Bin Laden were found in the possession of an admitted bodyguard of Usama Bin Laden. The detainee admits authoring these documents.

The detainee chose to participate in the Tribunal process. He called three witnesses, requested no document be produced, and made a sworn verbal statement. The Tribunal President found the requested witnesses not relevant and denied the request. The detainee, in his verbal statement, denied being a member of al-Qaida or an al-Qaida

fighter, but admitted to receiving help and associating with the Taliban. The Tribunal President's evidentiary and witness rulings are explained below.




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-19.
- b. Sworn statement of the detainee.

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

The Detainee requested three witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
	Denied	no*
	Denied	no*
	Denied	no*

* The detainee requested three witnesses that are current detainees held in GTMO. The detainee proffered that he met these detainees after they had all been captured and were being held by the Pakistani authorities. They would testify that all four individuals were held together by the Pakistanis. The Tribunal President ruled that these witnesses were not relevant in that the fact that the detainee had been captured by the Pakistanis was not in issue, and because these witnesses apparently had no knowledge of this detainee's activities prior to meeting him in captivity.

The Detainee requested the following additional evidence be provided:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Translated Red Cross Messages from detainee's Father and brother (exhibit D-b)	reasonably available	yes
Translated Red Cross Message from detainee's other brother (exhibit D-c)	reasonably available	yes

The Detainee requested no additional evidence be produced; no rulings 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 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. Exhibit R-3 is the detainee's Petition for Writ of Habeas Corpus on behalf of the detainee. Exhibit R-3 contains a sworn affidavit from the detainee's father that briefly discusses when the detainee traveled to Pakistan from Yemen. The affidavit clearly shows that the detainee's father did not know that his son, daughter-in-law, and granddaughter lived in Afghanistan. Exhibit R-3 offered no new evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's sworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that he is not a member of al-Qaida nor is he an al-Qaida fighter. He testified that he traveled to Pakistan and then to Afghanistan with his family (wife and daughter) to teach the Koran. The detainee testified that the Taliban government who provided him and his family with a house in Kandahar, Afghanistan sponsored him. The detainee was employed to teach the Koran at a school in Kandahar and often traveled throughout Afghanistan teaching. After the United States and coalition forces entered the war on the side of the Northern Alliance, the detainee decided that he and his family should leave Afghanistan. He testified that he left his family in Kandahar during the US bombing campaign of that city and traveled to Khowst to retrieve some personal effects. He testified that he made arrangements for his family return back to Yemen, but did not know for sure if they were able to make it back before the Northern Alliance captured Kandahar. The detainee testified that he was not able to return to Kandahar because Northern Alliance forces closed the roads, thus preventing his travel. The detainee then testified that he was forced to travel to Pakistan from Khowst, Afghanistan in hopes of going to the Yemeni Embassy in Pakistan. He hired a guide to take him to Pakistan and met up with the three detainees he called as witnesses and together they traveled to Pakistan. The detainee testified that he turned himself into Pakistani authorities who told him that they would take him to the Yemeni Embassy, but instead the Pakistani's sold him to the Americans. Overall, the Tribunal did not find the detainee's testimony persuasive and turned to classified evidence for further clarification.

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

6. Consultations with the CSRT Legal Advisor

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

7. Conclusions of the Tribunal

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

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. He 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,



Colonel, USAF
Tribunal President

Summarized Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

Tribunal President: Would you like to make your statement under oath?

Detainee: I will speak first and then swear.

Detainee: I first want to introduce myself. I am from the republic of Yemen. I live in a village. I am from a medium family. I lived my whole life in this village. It was a simple life. We worked planting and doing irrigation. I studied in the village until the end of middle school. I then moved to the city of Taiz and went to an institute that taught Islamic culture. I studied the Koran. The institute is known for its students who graduate and teach the Koran. I requested the three witnesses to verify that. I completed my studies in 1996; this negates the accusation that I went to Afghanistan in 1995. I completed my studies in 1996 and the Yemeni government and the institute can verify this. I then returned to my village and was working as a teacher of the Koran in a Mosque until the year 2000. I then got married. My father is a tailor and some of my brother's study and the others work in restaurants. After I married I decided to travel to Pakistan. I told my family I was going to Pakistan; they did not know I was going to Afghanistan. I went to Afghanistan to teach the Koran. I am not related to any of these accusations against me. I do not know anybody in Al-Qaida or anybody associated with them. About the Taliban, if a person goes to another person's house, you can't go and eat or sleep until you get permission from the owner. That was my relation to the Taliban. I wanted to go to Afghanistan to teach and I didn't know anyone. The Taliban was the government at the time and provided me the house. They also provided me a place to teach in a mosque. I stayed in Afghanistan for almost a year. I don't understand how a person who stays there for only a year can reach such a high position in the Al-Qaida, or regarding Usama Bin Laden.

I was in Kandahar when the war started between Afghanistan and America. I decided my family and I would return to Yemen. I went to Khost to get a few things. When I went there Kabul fell and the roads were closed. Because of this I couldn't return to my family in Kandahar. I didn't know what happened to my family until about five or six months after I was captured. The Yemen government told me they were back in Yemen. I was told they found a picture of me and my daughter in a place associated with Al-Qaida. Now I am told they found it with one of the guards, so I don't know what the truth is.

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My personal identification and pictures are mine but the martyr letter is not mine. I have never admitted to writing them. I told my Personal Representative I wanted to meet with the interrogator that wrote that. About my pictures and personal identification, I left them in the house with my family. I don't know how my family got out, so how could I know what happened to the things I left? I then left Khost for Pakistan. I went to the Pakistani government to turn myself into the Yemeni embassy. The Pakistanis then sold us. We were tortured in Kandahar by beatings. Since we arrived in Cuba we have been mentally persuaded.

We have been here for three years. We have nothing here, no rights, no trials, nothing. We have asked if you have any evidence to prove it to us. We first heard about the tribunals when the papers were handed out. We thought it was just an American play, but we think it may be true; it may present something, and solve this case.

Detainee: If you hand me the paper with the accusations I will reply to it point by point.

Personal Representative: The Translator has a translated copy of the unclassified summary.

Detainee: 3.a, (Detainee is a member of Al-Qaida and associated with the Taliban) As I told you before I do not have any relationships. My association with the Taliban; I told you my example before. When you go into a house you have to get permission from the owner of the house.

3.a.1, (The detainee is a known member of Al-Qaida, operated as an Al-Qaida fighter, and worked at various guesthouses and offices.) Regarding, the detainee is a known member of Al-Qaida. I don't really think you believe this accusation. You know who are the known members of Al-Qaida and if I were a member of Al-Qaida, I wouldn't be here. Regarding operated as an Al-Qaida fighter. I don't understand what is meant by this sentence. Can you explain it to me?


Tribunal President: That would indicate that you fought on the frontlines or that you fought with the armed forces in Afghanistan.

Detainee: Do they have frontlines?

Tribunal President: They did. When they were fighting the Northern Alliance, the United States and the coalition. That would indicate to me that you were a fighter against those forces.

Detainee: I never fought against America or against the Northern Alliance. I was against the war in Afghanistan between the Taliban and the Northern Alliance, because it was between Muslims. And it was all for a government.

Regarding, I worked at various guesthouses and offices. What was the work?

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Tribunal President: I cannot answer that. This is the first time we have seen this evidence. I know nothing more than what is written here.

Detainee: The same with me, I don't know anything about this. I had a house that the Taliban gave me to live in with my wife, that's it.

3.a.2, (The detainee admitted receiving help from the Taliban.) What kind of help are you talking about?

Tribunal President: Again, I only know what is on here. Did you receive any other aid or any other assistance from the Taliban, besides the house that you rented?

Detainee: No, the house only. I admit that they gave me a house.

3.a.3, (The detainee attended the Khalden Camp in Kandahar, Afghanistan in 1995 where he received weapons, explosive, artillery, and machinegun training.) Regarding, the detainee attended the Khalden Camp in Kandahar, Afghanistan in 1995. In 1995 I told you I was still a student. That is proof that this is a lie. Regarding, where he received weapons, explosive, artillery, and machinegun training. This is completely untrue. I have never received weapons training, I have never seen weapons in Afghanistan, and this is completely untrue. I never used a weapon in Afghanistan.

3.a.4, (The detainee was very close to Usama Bin Laden and had been with him a long time. He was a known Usama Bin Laden guard and errand boy and was frequently seen at Usama Bin Ladin's side. Also, the detainee attended various other training camps and resided at a Kandahar, Afghanistan guesthouse.) Regarding, the detainee was very close to Usama Bin Laden and had been with him a long time. Like I told you, I spent a short time in Afghanistan. So this cannot be believed. What is this long time, how long? Regarding, he was a known Usama Bin Laden guard and errand boy. I can't talk about this, it is a lie. If I were an errand boy I would not be here. Regarding, and was frequently seen at Usama Bin Ladin's side. Who saw me?

Tribunal President: I do not know.

Detainee: If it says, was frequently seen, you have to prove that. I am aware of the laws and the courts. This is the first time I have been in prison and the first time in a court like this. And I know that the accused is innocent until proven guilty. You have to come up with the proof. Regarding, also, the detainee attended various other training camps and resided at a Kandahar, Afghanistan guesthouse. What training camps?

Tribunal President: Did you attend any training camps while you were in Afghanistan?

Detainee: Never.

Tribunal President: Then that answers the question.

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Detainee: That I resided at a Kandahar guesthouse. This guesthouse, do you mean my house, was my house a guesthouse?

Tribunal President: I would assume so.

Detainee: If it was my house then of course I was there. But, if it is another persons guesthouse, then no.

3.a.5, (A martyr letter, will, and a personal letter addressed to Usama Bin Laden were found in the possession of an admitted bodyguard of Usama Bin Laden. The detainee admits to authoring these documents.) Regarding, a martyr letter, will, and a personal letter addressed to Usama Bin Laden were found in the possession of an admitted bodyguard of Usama Bin Laden. They said in the beginning it was found in a car that belonged to Al-Qaida, now it's with a bodyguard for Bin Laden. I told you I left my personal identification and the pictures in my house with my family. I don't know how my family left Afghanistan. About the martyr letter, will, and personal letter, I deny this strongly. Regarding, the detainee admits to authoring these documents. I also deny this. I request to meet with the interrogator that said I admitted this.

Today the Personal Representative read me a letter from my father and a lawyer. Please take these into consideration. I also have letters from the court, you. This proves they could not have been forged. It came from you to me. These letters say that I went to teach the Koran. I believe this is strong evidence. But the other letters you accuse me of writing; there is a good possibility they were forged. Because you are the ones that came up with it and read it to me. I don't have anything to do with any of these things. I have never taken part in any act of hostility against America. I am not an enemy combatant, are you trying to force me to be an enemy combatant? That's all I can say and I swear it is the truth.

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

Personal Representative: No sir.

Summarized Answers in Response to Questions by the Tribunal Members

- Q. You said you moved your family to Kandahar from Yemen, correct?
- A. No, from Yemen to Pakistan.
- Q. To Pakistan and then to Kandahar?
- A. Yes, but I stayed for a while in Pakistan.
- Q. But your family lived with you in Kandahar at the time of your capture?

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- A. I left them in Kandahar when the war started and we made an agreement to travel back to Yemen. Before that I was working in Khost. I told my family I would go to Khost first to get some things that belonged to me, when I return we would go back to Yemen. It was a normal situation at the time. When I went to Khost the road closed. It was the month before Ramadan, October. When the road was closed I was cut off from my family. Today in the letter from my father I heard they returned home.
- Q. Why did you leave your family in a war zone?
- A. It was a normal situation at the time, the war wasn't really happening.
- Q. The war with the Northern Alliance was happening, isn't that correct?
- A. No, I was in a place far away from the Northern Alliance. We were in Kandahar; Kandahar is very far.
- Q. The Northern Alliance forces captured Kandahar, is that correct?
- A. No, Kandahar was under the Taliban.
- Q. Yes, but through the progress of the war, the Northern Alliance captured Kandahar.
- A. Afterwards, I had already decided to leave Afghanistan.
- Q. You said you went to Khost for personal business or for your work?
- A. Before I was there to teach, I had some personal things I wanted to get.
- Q. Are you an Imam or a Sheik or an Emir?
- A. No. A teacher of the Koran.
- Q. Do you speak Pashtu?
- A. No.
- Q. But you taught Afghans, is that correct?
- A. Yes. The Koran is Arabic and cannot be taught in any other language.
- Q. That's why I am trying to figure out how do you teach if you don't translate it to people who don't understand Arabic?

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- A. The Koran is taught in Arabic, you can't read it unless it is in Arabic.
- Q. When you came from Yemen to Afghanistan and you went to Kandahar, why did you not go north where the Northern Alliance was? What brought you to Kandahar?
- A. Kandahar is the closest place to Pakistan. It's on the border.
- Q. Can you tell me the circumstances of your capture or your arrest in Pakistan, can you describe that for me.
- A. I traveled until I got to the border of Pakistan. I went to the Pakistani government. I told them I was from Yemen and wanted to go to my embassy. I wanted to ask the embassy if they had any news about my family. The Pakistanis told me yes so I went with them. We were placed in a prison for about ten days and then to Kandahar with the Americans.
- Q. Were you traveling with anyone?
- A. I found the three witnesses. I met them in (inaudible) and they traveled with me.
- Q. Were they carrying weapons?
- A. No.
- Q. Do you know your way around Afghanistan?
- A. There was an Afghani man who got us out.
- Q. Did you hire him or just meet up with him as well?
- A. The people I was teaching in Khost they provided me him and I paid him.
- Q. Do you remember when it was you were captured, was it before, during, or after Ramadan?
- A. During Ramadan.
- Q. When you were making your way from Afghanistan to Pakistan, were you walking or did you have a vehicle?
- A. Walking.
- Q. Do you know approximately where on the border you were captured?

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- A. A village close to Al-Kashier.
- Q. When you left Kandahar to go to Khost, how did you travel between the two cities?
- A. By taxi.
- Q. How long did it take?
- A. It is a dirt road and kind of broken. If I traveled continuously, maybe 10 to 12 hours.
- Q. You didn't travel continuously?
- A. In one day.
- Q. How long were you planning on staying in Khost?
- A. Not long, 4 to 5 days, a week at the most.
- Q. So, between the times you left for Khost and the time you started back the Northern Alliance had advanced enough to shut down the roads?
- A. They had taken Kabul and advanced a little bit further, so the roads were closed.
- Q. Even though you planned on a trip that was at least four days, maybe up to a week, you didn't take any of your personal identification or anything with you?
- A. In Afghanistan you don't need it.
- Q. So even as a Yemeni national you don't need your passport or visa or anything like that?
- A. No. The government didn't ask for these things.
- Q. Was Khost the city you normally worked in?
- A. I taught the Koran.
- Q. Is that the place you normally taught?
- A. Yes, I was there before the war.
- Q. How often did you travel back to Kandahar to see your family?

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A. Every month or two.

Q. What were the personal items you left in Khost, that you went to receive?

A. Tapes, recorder, books and I also wanted to say bye to the students as well.

Q. You said while you were in Khost, that's when Kabul fell?

A. Yes.

Q. So, that was about a week before Ramadan?

A. Yes I left Kandahar on the 20th.

Q. But, Kandahar had been bombed by American forces three weeks prior to that, so you left your family in a city that was being bombed?

A. The bombing was outside the city not in the city. It wasn't on civilians.

Tribunal President: Do you have any other evidence to present to this Tribunal?

Detainee: I just hope that this hearing is useful. It is a step forward to solve the situation on this island. If you have any evidence against me that shows I am an enemy of the United States or that I fought against the United States, I am willing to face that trial.

Tribunal President: This is not a trial. This is not a legal proceeding. This is a military Tribunal to determine whether you have properly classified as an enemy combatant. We will review additional evidence that has been classified by agencies outside our control. We will weigh that against what you have told us here today and based upon the letters you have given us. Some of the classified evidence may be in your favor we have not seen it. We will review all that and based upon that we will determine whether you have been properly classified as an enemy combatant. This is not a trial to say whether you have committed a crime or not.


AUTHENTICATION

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



Col, USAF


Tribunal President

ISN # 
Enclosure (3)
Page 8 of 8

Detainee Election Form

Date/Time: 28 Sep 04
Start/End Time: 1300 - 1345

ISN#: 037

Personal Representative: LtCol 
[Name/Rank]

Translator Required? Yes

Language? Arabic

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

Detainee Election:

Wants to Participate in Tribunal

Affirmatively Declines to Participate in Tribunal

Uncooperative or Unresponsive

Personal Representative Comments: _

3 witnesses requested

Personal letters requested



Personal Representative

EXHIBIT D-A

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Combatant Status Review Board

TO: Tribunal Members

FROM: OIC, CSRT (21 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ABD AL WAHAB, Abd Al Malik (Al-BATTAR)

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 is a member of al Qaida and that he associated with the Taliban.
 - a. Detainee is a member of al Qaida and associated with the Taliban.
 1. The detainee is a known member of al Qaida, operated as an al Qaida fighter, and worked at various guesthouses and offices.
 2. The detainee admitted receiving help from the Taliban.
 3. The detainee attended the Khalden Camp, in Kandahar, Afghanistan in 1995 where he received weapons, explosive, artillery, and machinegun training.
 4. The detainee was very close to Usama Bin Laden, and had been with him a long time. He was a known Usama Bin Laden guard and errand boy and was frequently seen at Usama Bin Laden's side. Also, the detainee attended various other training camps and resided at a Kandahar, Afghanistan guesthouse.
 5. A martyr letter, will, and personal letter addressed to Usama Bin Laden were found in the possession of an admitted bodyguard of Usama Bin Laden. The detainee admits authoring these documents.

UNCLASSIFIED

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Exhibit R-1

UNCLASSIFIED

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

UNCLASSIFIED



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 09/02/2002

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]

-2-

UNCLASSIFIED

[REDACTED] LTC (H)

UNCLASSIFIED

From: [REDACTED] CPT (H)
Sent: Monday, October 04, 2004 11:40 AM
To: [REDACTED] E. LTC (H)
Subject: [REDACTED]

Classification: UNCLASSIFIED
Caveats: FOUO

[REDACTED] Gentlemen:

Attached are documents for [REDACTED]. The docs include an excerpt from the habeas petition and an affidavit from the detainee's father.

[REDACTED] Please translate Adobe Acrobat page 14 (pg 7 in the actual petition - but only the part that refers to the detainee - Abdulmalik Abdulwahhab Al Rahabi) and Adobe Acrobat pgs 41 and 42 (document exhibit E).

LtCol [REDACTED]: CPT [REDACTED] will schedule a follow-up interview prior to the tribunal on Wednesday.

LtCol [REDACTED] Please print out the entire the habeas petition. You can present the entire thing in the unclass portion of the hearing, but point the tribunal members to pg 7 of the petition and exhibit E in the petition.

Please let me know if you have any questions.

Thank you.

V/R

[REDACTED]



Abdah Habeas
Petition.pdf

Classification: UNCLASSIFIED
Caveats: FOUO

UNCLASSIFIED

UNCLASSIFIED
CIVIL COVER SHEET

JS-44
(Rev. 7/01 DC)

I (a) PLAINTIFFS Mahmoad Abdah, et al.	DEFENDANTS George W. Bush, et al.
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>99999</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small> <small>NOTE: In land condemnation cases, use the location of the tract of land involved.</small>
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) David H. Remes Covington & Burling 1201 Pennsylvania Avenue, N.W. Washington, DC 20004	ATTORNEYS (IF KNOWN) Kenneth L. Wainstein Judiciary Center 555 4th Street, N.W. Washington, DC 20530

II BASIS OF JURISDICTION <small>(SELECT ONE BOX ONLY)</small>	III CITIZENSHIP OF PRINCIPAL PARTIES <small>(SELECT ONE FOR PLAINTIFF AND ONE FOR DEFENDANT)</small> <small>(FOR DIVERSITY CASES ONLY)</small>																								
<input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 2 U.S. Government Defendant <input checked="" type="radio"/> 3 Federal Question <small>(U.S. Government Not a Party)</small> <input type="radio"/> 4 Diversity <small>(Indicate Citizenship of Parties in item III)</small>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 10%; text-align: center;">PTF</th> <th style="width: 10%; text-align: center;">DFT</th> <th style="width: 30%;"></th> <th style="width: 10%; text-align: center;">PTF</th> <th style="width: 10%; text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT
(Select one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security:</u> <input type="checkbox"/> 861 HIA ((1395ff)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 890 Other Statutory Actions (if Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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<input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil			
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<u>Forfeiture/Penalty</u> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<u>Other Statutes</u> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 900 Appeal of fee determination under equal access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

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263 F102

<input type="radio"/> G. Habeas Corpus/2255 <input checked="" type="checkbox"/> 530 Habeas Corpus-General <input type="checkbox"/> 510 Motion/Vacate Sentence	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/PRIVACY ACT <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights-Voting (if Voting Rights Act)

V. ORIGIN

- 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi district Litigation
 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

28 USC 2241 & 2242; Challenge to detention of Petitioners at Guantanamo

VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ Select YES only if demanded in complaint
 JURY DEMAND: YES NO

VIII. RELATED CASE(S) (See instruction) IF ANY YES NO If yes, please complete related case form.

DATE 7/27/04 SIGNATURE OF ATTORNEY OF RECORD David N. Remus

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff is resident of Washington, D.C.; 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI. CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

CLERK-S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CO-932
Rev. 4/96

NOTICE OF DESIGNATION OF RELATED CIVIL CASES PENDING
IN THIS OR ANY OTHER UNITED STATES COURT

Civil Action No. 04-1254
(To be supplied by the Clerk)

NOTICE TO PARTIES:

Pursuant to Rule 405(b)(2), you are required to prepare and submit this form at the time of filing any civil action which is related to any pending cases or which involves the same parties and relates to the same subject matter of any dismissed related cases. This form must be prepared in sufficient quantity to provide one copy for the Clerk's records, one copy for the Judge to whom the cases is assigned and one copy for each defendant, so that you must prepare 3 copies for a one defendant case, 4 copies for a two defendant case, etc.

NOTICE TO DEFENDANT:

Rule 405(b)(2) of this Court requires that you serve upon the plaintiff and file with your first responsive pleading or motion any objection you have to the related case designation.

NOTICE TO ALL COUNSEL

Rule 405(b)(3) of this Court requires that as soon as an attorney for a party becomes aware of the existence of a related case or cases, such attorney shall immediately notify, in writing, the Judges on whose calendars the cases appear and shall serve such notice on counsel for all other parties.

The plaintiff, defendant or counsel must complete the following:

I. RELATIONSHIP OF NEW CASE TO PENDING RELATED CASE(S).

A new case is deemed related to a case pending in this or another U.S. Court if the new case: [Check appropriate box(es) below.]

- (a) relates to common property
 (b) involves common issues of fact
 (c) grows out of the same event or transaction
 (d) involves the validity or infringement of the same patent
 (e) is filed by the same pro se litigant

2. RELATIONSHIP OF NEW CASE TO DISMISSED RELATED CASE(ES)

A new case is deemed related to a case dismissed, with or without prejudice, in this or any other U.S. Court, if the new case involves the same parties and same subject matter.

Check box if new case is related to a dismissed case:

3. NAME THE UNITED STATES COURT IN WHICH THE RELATED CASE IS FILED (IF OTHER THAN THIS COURT):

4. CAPTION AND CASE NUMBER OF RELATED CASE(E-S). IF MORE ROOM IS NEED PLEASE USE OTHER SIDE.

ANAM et al v. BUSH C.A. No. 04-1194-HHK

7/27/04
DATE

David H. Remes
Signature of Plaintiff/Defendant (or counsel)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- X
MAHMOAD ABDAAH,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;



as Next Friend of MAHMOAD ABDAAH;

MAJID MAHMOUD AHMED, a.k.a.,
MAJED MOHMOOD, a.k.a.,
MAJID M. ABDO AHMED,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;



as Next Friend of MAJID ABDAAH AHMED;

ABDULMALIK ABDULWAHHAB AL-RAHABI,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;



as Next Friend of ABDULMALIK
ABDULWAHHAB AL-RAHABI;

MAKHTAR YAHIA NAJI AL-WRAFIE,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;



as Next Friend of MAKHTAR YAHIA NAJI
AL-WRAFIE;

(continued on next page)

PETITION FOR WRIT
OF HABEAS CORPUS

No. _____

CASE NUMBER 1:04CV01254

JUDGE: Henry H. Kennedy

DECK TYPE: Habeas Corpus/2255

DATE STAMP: 07/27/2004

AREF ABD IL RHEEM,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of AREF ABD IL RHEEM;

YASEIN KHADEM MOHAMMAD ESMAIL,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of YASEIN KHADEM
MOHAMMAD ESMAIL;

ADNAN FARHAN ABDUL LATIF,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of ADNAN FARHAN ABDUL
LATIF;

JAMAL MAR'I,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of JAMAL MAR'I;

OTHMAN ABDULRAHEEM MOHAMMAD,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of OTHMAN
ABDULRAHEEM MOHAMMAD;

(continued on next page)

ADIL SAEED EL HAJ OBAID,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of ADIL SAEED EL HAJ
OBAID;

MOHAMED MOHAMED HASSAN ODAINI,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of MOHAMED MOHAMED
HASSAN ODAINI;

SADEQ MOHAMMED SAID,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of SADEQ MOHAMMED
SAID;

FAROUK ALI AHMED SAIF,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

[REDACTED]

as Next Friend of FAROUK ALI AHMED
SAIF;

SALMAN YAHALDI HSAN MOHAMMED SAUD,
Detainee, Camp Delta,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

(continued on next page)

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioners Mahmoad Abdah, Majid Mahmoud Ahmed, Abdulmalik Abdulwahhab Al-Rahabi, Makhtar Yahia Naji Al-Wrafie, Aref Abd II Rheem, Yasein Khasem Mohammad Esmail, Adnan Farhan Abdul Latif, Jamal Mar'i, Othman Abdulraheem Mohammad, Adil Saeed el Haj Obaid, Mohamed Mohamed Hassan Odaini, Sadeq Mohammed Said, Farouk Ali Ahmed Saif, and Salman Yahaldi Hsan Mohammed Saud (collectively, "Petitioners") seek a Writ of Habeas Corpus. All are citizens of Yemen being held, virtually *incommunicado* and without access to counsel, in Respondents' unlawful custody in Camp Delta, Guantánamo Bay Naval Station, Guantánamo Bay, Cuba ("Guantánamo Bay").

2. Petitioners act on their own behalf and through their Next Friends, all of whom are citizens of Yemen: [REDACTED] (father of Mahmoad Abdah) [REDACTED] [REDACTED] (father of Majid Mahmoud Ahmed) [REDACTED] (father of Abdulmalik Abdulwahhab Al-Rahabi) [REDACTED] brother of Makhtar Yahia Naji Al-Wrafie), [REDACTED] (brother of Aref Abd II Rheem) [REDACTED] [REDACTED] brother of Yasein Khasem Mohammad Esmail) [REDACTED] [REDACTED] brother of Adnan Farhan Abdul Latif), [REDACTED] (brother of Jamal Mar'i), [REDACTED] (brother of Othman Abdulraheem Mohammad), [REDACTED] (brother of Adil Saeed el Haj Obaid) [REDACTED] [REDACTED] brother of Mohamed Mohamed Hassan Odaini) [REDACTED] (brother of Sadeq Mohammed Said), [REDACTED] (uncle of Farouk Ali Ahmed Saif), and [REDACTED] father of Salman Yahaldi Hsan Mohammed Saud) (collectively, "Next Friends"). See Ex. A (Authorization of [REDACTED] [REDACTED]); Ex. B (Authorization of [REDACTED]); Ex. D (Authorization of [REDACTED]); Ex. F (Authorization of [REDACTED]); Ex. G (Authorization of [REDACTED]); Ex. H (Authorization of [REDACTED])

[REDACTED]; Ex. J (Authorization of [REDACTED]); Ex. L (Authorization of [REDACTED]); Ex. N (Authorization of [REDACTED]); Ex. P (Authorization of [REDACTED]); Ex. R (Authorization of [REDACTED]); Ex. T (Authorization of [REDACTED]); Ex. U (Authorization of [REDACTED]); Ex. W (Authorization of [REDACTED]).

I. JURISDICTION

3. Petitioners bring this action under 28 U.S.C. §§ 2241 and 2242. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1651, 2201 and 2202; 5 U.S.C. § 702; the Fifth, Sixth, and Eighth Amendments to the United States Constitution; the International Covenant on Civil and Political Rights; the American Declaration on the Rights and Duties of Man; and customary international law. Insofar as they seek declaratory relief, Petitioners also rely on Federal Rule of Civil Procedure 57.
4. This Court has authority under 28 U.S.C. § 2241 to grant the Writ of Habeas Corpus and, under 28 U.S.C. § 2242, to entertain the Petition filed by [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] as Next Friends to Petitioners.
5. Pursuant to 28 U.S.C. § 2201, this Court is empowered to declare the rights and other legal relations of the parties herein and, under 28 U.S.C. § 2202, to effectuate and enforce declaratory relief by all necessary and proper means, as this case involves an actual controversy within the Court's jurisdiction.

II. VENUE

6. Venue is proper in the United States District Court for the District of Columbia because at least one Respondent resides in the district, a substantial part of the events or omissions giving rise to the claim occurred in the district, at least one Respondent may be found in the district, and all Respondents are either officers or employees of the United States or an agency thereof acting in their official capacities. *See* 28 U.S.C. §§ 1391(b); 1391(e).

III. THE PARTIES

A. Petitioners

7. Petitioners are presently incarcerated and held in Respondents' unlawful custody at Guantánamo Bay, Cuba.
8. Because Petitioners have been denied access to legal counsel and to the courts of the United States, family members act as Next Friends for them in these proceedings.
9. Petitioners and their Next Friends are as follows:

<u>Petitioner</u>	<u>Next Friend (Relationship)</u>	<u>Exhibits</u>
Mahmoad Abdah	[REDACTED] (Father)	A
Majid Mahmoud Ahmed	[REDACTED] (Father)	B, C
Abdulmalik Abdulwahhab Al-Rahabi	[REDACTED] (Father)	D, E
Makhtar Yahia Naji Al-Wrafie	[REDACTED] (Brother)	F
Aref Abd II Rheem	[REDACTED] (Brother)	G
Yasein Khasem Mohammad Esmail	[REDACTED] (Brother)	H, I
Adnan Farhan Abdul Latif	[REDACTED] (Brother)	J, K
Jamal Mar'i	[REDACTED] (Brother)	L, M
Othman Abduraheem Mohammad	[REDACTED] (Brother)	N, O

Adil Saeed el Haj Obaid	[REDACTED] (Brother)	P, Q
Mohamed Mohamed Hassan Odaini	[REDACTED] (Brother)	R, S
Sadeq Mohammed Said	[REDACTED] (Brother)	T
Farouk Ali Ahmed Saif	[REDACTED] (Uncle)	U, V
Salman Yahaldi Hsan Mohammed Saud	[REDACTED] (Father)	W

B. Respondents

10. Respondent George W. Bush is the President of the United States and Commander in Chief of the United States military. It is pursuant to the November 13, 2001 Military Order promulgated by Respondent Bush, *see* ¶¶ 54–61 *infra*, or alternatively under his authority as Commander in Chief and under the laws and usages of war, that Petitioners are being detained. Accordingly, Respondent Bush is ultimately responsible for Petitioners' unlawful detention.
11. Respondent Donald Rumsfeld is the Secretary of the United States Department of Defense. Pursuant to either the November 13, 2001 Military Order or the President's authority as Commander in Chief and under the laws and usages of war, Respondent Rumsfeld has been charged with maintaining the custody and control of Petitioners.
12. Respondent Army Brig. Gen. Jay Hood is the Commander of Joint Task Force–GTMO, the task force running the detention operation at Guantánamo. He has supervisory responsibility for Petitioners.
13. Respondent Army Col. Nelson J. Cannon is the Commander of Camp Delta, the United States facility where Petitioners are presently held. He is the immediate custodian responsible for Petitioners' detention.

IV. STATEMENT OF FACTS

A. Petitioners' Detention

14. Petitioners seek to enforce their right to a judicial determination of whether there is a factual basis for Respondent's determination that they are "enemy combatants."
15. Petitioners are not and have never been enemy aliens, lawful or unlawful belligerents, or combatants of any kind. They are not and have never been "enemy combatants." They are not "part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who engaged in an armed conflict against the United States there." *Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 2639 (2004).
16. Aside from an unsupported assertion that all detainees at Guantánamo Bay are enemy combatants, Respondents have advanced no justification for the arrest, transportation and continued incarceration of Petitioners.
17. Respondents have produced no evidence linking Petitioners to al Qaeda or any other organization or persons involved in either the terrorist attacks on September 11, 2001, or any other terrorist attack on the United States or its citizens.
18. Respondents have produced no evidence that Petitioners were members of the Taliban armed forces or that they were involved in armed conflict by the Taliban against the United States.
19. The limited information available indicates that Petitioners traveled to Pakistan for reasons unrelated to any activities of al Qaeda or the Taliban and that they were not members of either organization. On information and belief, Petitioners traveled to Pakistan for educational, business or missionary reasons, and remained there for those purposes until they were arrested by Pakistani police as part of a dragnet seizure of Yemeni citizens.
20. Respondents have produced no information concerning the circumstances of the seizure of Petitioners. The limited information available indicates that some or all of Petitioners

were seized by Pakistani police in Pakistan in 2001 or 2002. On information and belief, some of Petitioners were initially seized by bounty hunters seeking significant cash rewards that had been promised by the United States military.

21. Counsel for Petitioners does not know whether the Pakistani police provided Respondents with any information that might justify the classification of Petitioners as “enemy combatants.” Such information is known by Respondents, who have refused to disclose any information concerning the circumstances of Petitioners’ arrest, transfer, transportation or detention.

B. Petitioner Yasein Khasem Mohammad Esmail

22. Petitioner Yasein Khasem Mohammad Esmail (“Esmail”) is approximately twenty-two years old. *See* Ex. I (Affidavit of [REDACTED]) at 1. Around September 2000, he traveled to Pakistan to further his learning in the Arabic language and prepare for university studies. *Id.* at 3. He intended to engage in missionary work in Afghanistan—teaching Arabic and the Koran—after his studies were concluded in Pakistan. *Id.*
23. Esmail’s family learned from an International Committee of the Red Cross (“Red Cross”) letter that he was being detained in Guantánamo Bay. *Id.* Esmail has written to his family, asking them to contact Yemeni embassy officials for him, inform them of his plight, and ask them to demand his freedom. *Id.* at 4. His family has received no communications from Esmail for nine months.
24. His older brother fears that Esmail may have been one of the men “sold” to American military officers—i.e., that someone purposefully misidentified Esmail as a Taliban soldier in order to collect a cash bounty from the United States. *Id.*

C. Petitioner Abdulmalik Abdulwahhab Al-Rahabi

25. Petitioner Abdulmalik Abdulwahhab Al-Rahabi ("Al-Rahabi") is twenty-two years old, married and the father of a four-year old daughter. *See* Ex. E (Affidavit of [REDACTED] at ¶¶ 2-3.
26. Around September 2000, Al-Rahabi traveled with his wife to Pakistan in order to study the Koran. *Id.* at ¶¶ 5-6. Their daughter was born while they were together in Pakistan. *Id.* at ¶ 6.
27. In November 2001, his wife returned to Yemen. *Id.* at ¶ 7. Al-Rahabi intended to return as well, but he was arrested while in Pakistan. *Id.* His family learned from newspaper accounts that he was being detained in Guantánamo Bay. *Id.* at ¶ 7.
28. The family has received very limited correspondence from Al-Rahabi and heard nothing from him for a nine-month period before receiving a pair of censored, months-old letters. *Id.* at ¶ 8.

D. Petitioner Majid Mahmoud Ahmed

29. Petitioner Majid Mahmoud Ahmed ("Ahmed") is twenty-four years old. *See* Ex. C (Affidavit of [REDACTED] at ¶ 2. He traveled to Pakistan to continue his studies after finishing school in Yemen. *Id.* at ¶¶ 2-3.
30. Sometime after September 11, 2001, Ahmed informed his family that he planned to return to Yemen. *Id.* at ¶ 4.
31. Only after receiving a letter from the Red Cross did Ahmed's family learn that he was being held in Guantánamo Bay. *Id.* at ¶ 5. They have since received five or six letters from him, but nothing since August 2003. *Id.* at ¶ 6.

E. Petitioner Adnan Farhan Abdul Latif

32. Petitioner Adnan Farhan Abdul Latif (“Latif”) is twenty-six years old, with a history of medical problems stemming from his service as a volunteer in the Yemeni army. *See* Ex. K (Declaration by [REDACTED]) at 1, ¶¶ 2–5. He was badly injured in an accident in 1994 that left him with a fractured skull, loss of sight in one eye and loss of hearing in one ear. *Id.* at ¶ 3.
33. Latif left Yemen for Jordan in 1994, seeking medical treatment. *Id.* at ¶ 4. He returned to Yemen, but left again in 2001 for further treatment. *Id.* at ¶ 5. The last his family heard from him before his incarceration at Guantánamo Bay, Latif was receiving medical treatment in Karachi, Pakistan. *Id.* at ¶ 8.
34. Latif’s family was apprized of his detention at Guantánamo Bay by a letter from him, dated February 2003 and delivered by the Red Cross. *Id.* at ¶ 5. The family has received five or six more letters—the last in December 2003—in which Latif describes Guantánamo Bay as “my island of hell.” *Id.* at ¶¶ 6–7.
35. Latif’s family has no knowledge of his every having been to Afghanistan and they know of no reason why he is being detained at Guantánamo Bay. *Id.* at ¶ 9.

F. Petitioner Jamal Mar’i

36. Petitioner Jamal Mar’i (“Mar’i”) is thirty-four years old and married with four children. *See* Ex. M (Affidavit of [REDACTED]) at 1. He left Yemen for Karachi, Pakistan to study and find better paying work to support his family, whom he intended eventually to bring over to Pakistan. *Id.* Mar’i was considering the establishment of an export business in Karachi. *Id.*
37. A friend of the family informed Mar’i’s brother that Mar’i had been arrested in Karachi by United States officials. *Id.* at 2. Several weeks later the Red Cross telephoned the family to say that Mar’i was being detained in Jordan; a letter from Mar’i to his family

was also delivered via the Red Cross. *Id.* In that note and several more like it, Mar'i indicated that he did not know why he had been arrested. *Id.*

38. In April 2002, the family received another letter from Mar'i via the Red Cross, this time indicating that Mar'i was being detained in Guantánamo Bay. *Id.* No messages have been received since November 2003. *Id.*
39. On the family's information and belief, Mar'i is not a member of Al Qaeda and was never a member of the Taliban government armed forces. *Id.* at 3.

G. Petitioner Othman Abdulraheem Mohammad

40. Petitioner Othman Abdulraheem Mohammad ("Mohammad") is approximately twenty-three years old. *See* Ex. O (Affidavit of [REDACTED] at 1. He traveled to Pakistan in July 1999 to teach the Koran. *Id.* He called his family in Yemen often, but the calls ceased in October 2001.
41. Mohammad's family learned through the police in Yemen that Mohammad was being detained at Guantánamo Bay. *Id.* The family has received several letters from Mohammad via the Red Cross. *Id.*
42. In a letter dated August 2003, Mohammad described his arrest: He was trying to escape Afghanistan when the war began but was not allowed to leave the country; he sought refuge from a tribe between Pakistan and Afghanistan, but when his money was gone he was turned over to the United States military. *Id.* at 2.

H. Petitioner Adil Saeed El Haj Obaid

43. Petitioner Adil Saeed El Haj Obaid ("Obaid") is approximately thirty-one years old. *See* Ex. Q (Affidavit of [REDACTED] at 1. In July 2001, he traveled to Pakistan to engage in Islamic studies. *Id.*

44. Obaid's family learned through the newspaper that he was being detained in Guantánamo Bay. *Id.* The family received about ten censored letters from him, with the last dated June 21, 2003.

I. Petitioner Mohamed Mohamed Hassan Odaini

45. Petitioner Mohamed Mohamed Hassan Odaini ("Odaini") is twenty-one years old. *See* Ex. S (Affidavit of [REDACTED]) at 1. He left Yemen in 2000 to study Islamic law in Pakistan. *Id.* at 2. He called his mother from Pakistan and told her that he was studying and working to support himself. *Id.*
46. Odaini's family lost touch with him in mid-2002; it was not until the end of 2002 that Odaini's family learned from a Red Cross letter that he had been incarcerated in Guantánamo Bay. *Id.* Since then, Odaini has written to his family four times, asking them to pray for him and to explain that he had gone to Pakistan for study, "not to do anything wrong." *Id.*

J. Petitioner Farouk Ali Ahmed Saif

47. Petitioner Farouk Ali Ahmed Saif ("Saif") is twenty-four years old. He left Yemen for Pakistan in 2001 to pursue an advanced degree in Islamic Studies at the University of Karachi. *See* Ex. V (Declaration of [REDACTED]) at ¶ 5. His intention was to return to his family in Yemen and teach Islam to the Yemeni people.
48. Saif wrote his older brother a month after he arrived to tell him that he was well on his way to being accepted into the university program. *Id.* at ¶ 6. The family did not hear from him again until about eighteen months later when they received a short note, delivered through the Red Cross, telling them he was being detained in Guantánamo Bay. *Id.* at ¶ 7. His family received a total of seven letters from Saif, each professing his

innocence and urging his family not to worry. *Id.* at ¶ 8. The last letter was received in November 2003. *Id.*

49. On the information and belief of his family, Saif has never been a member of Al Qaeda or the Taliban government forces. *Id.* His family has no idea why he was arrested or why he is being held, nor do they have any knowledge of any charges against him. *Id.* at ¶ 13.

K. Petitioners Mahmoad Abdah, Makhtar Yahia Naji Al-Wrafie, Aref Abd Il Rheem, Petitioner Sadeq Mohammed Said, and Salman Yahaldi Hsan Mohammed Saud

50. To date, neither the United States government nor the government of Yemen have provided any information regarding the circumstances surrounding the arrest and detention of Petitioners Mahmoad Abdah, Makhtar Yahia Naji Al-Wrafie, Aref Abd Il Rheem, Sadeq Mohammed Said, or Salman Yahaldi Hsan Mohammed Saud.
51. On information and belief, these Petitioners are incarcerated and held in Respondents' unlawful custody at Guantánamo. *See* Ex. A (Authorization of [REDACTED]); Ex. F (Authorization of [REDACTED]); Ex. G (Authorization of [REDACTED]); Ex. T (Authorization of [REDACTED]); Ex. W (Authorization of [REDACTED]).

L. The Joint Resolution

52. In the wake of the September 11, 2001 attacks, the United States, at the direction of Respondent Bush, began a massive military campaign against the Taliban government, then in power in Afghanistan. On September 18, 2001, a Joint Resolution of Congress authorized the President to use force against the “nations, organizations, or persons” that “planned, authorized, committed, or aided the terrorist attacks on September 11, 2001, or [that] harbored such organizations or persons.” Joint Resolution 23, Authorization for Use of Military Force, Public Law 107-40, 115 Stat. 224 (Jan. 18, 2001).

53. Neither the Respondents nor any other agents of the United States government have produced any information to support any link between Petitioners and organizations or persons involved in the terrorist attacks on September 11, 2001, or any other terrorist attack attributed by the United States to Al Qaeda or any other international terrorist group. The limited information available indicates that the Petitioners were in Pakistan for reasons unrelated to the activities of Al Qaeda or the Taliban until they were arrested by Pakistani police and transferred to the United States military in 2002.

M. The Detention Order

54. On November 13, 2001, Respondent Bush issued a Military Order authorizing indefinite detention without due process of law. The Order authorizes Respondent Rumsfeld to detain anyone Respondent Bush has "reason to believe":
- i. is or was a member of the organization known as al Qaida;
 - ii. has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or
 - iii. has knowingly harbored one or more individuals described in subparagraphs (i) and (ii).

See Military Order of November 13, 2001.

55. Respondent Bush must make this determination in writing. The Order was neither authorized nor directed by Congress, and is beyond the scope of the Joint Resolution of September 18, 2001.
56. The Military Order vests the President with complete discretion to identify the individuals that fall within its scope. It establishes no standards governing the use of his discretion. Once a person has been detained, the Order contains no provision for the person to be notified of the charges he may face. Instead, the Order authorizes detainees to be held without charges. It contains no provision for detainees to be notified of their

- rights under domestic and international law, and provides neither the right to counsel nor the right to consular access. It provides no right to appear before a neutral tribunal to review the legality of a detainee's continued detention and no provision for appeal to an Article III or any other court. In fact, the Order expressly bars any form of judicial review. The Order authorizes indefinite and unreviewable detention, based on nothing more than the President's written determination that an individual is subject to its terms.
57. The Military Order authorizes the use of military commissions to try noncitizens accused of terrorism and other war crimes. It establishes no guarantee that charges will be promptly brought, that these charges will be made known to the accused and his counsel, or that a speedy trial providing adequate legal process will be afforded to determine guilt on such charges or their legal validity under domestic or international law. It permits prolonged pre-commission detention in solitary confinement, risking such long-term psychological injury as that suffered by Petitioners.
58. Petitioners are not properly subject to the Military Order.
59. The Military Order was promulgated in the United States and in this judicial district, the decision to detain and designate Petitioners was made by Respondents in the United States and in this judicial district, the decision to detain Petitioners at Guantánamo was made in the United States and in this judicial district, and the decision to continue detaining Petitioners was, and is, being made by Respondents in the United States and in this judicial district.
60. In the related case of *Rasul v. Bush*, 215 F. Supp. 2d 55 (D.D.C. 2002), Respondents contended that the petitioners in that case were being detained not pursuant to the President's Military Order but rather under the President's authority as Commander in Chief and under the laws and usages of war. However, on information and belief, Petitioners in this matter were not arrested or detained by the United States in the course of the armed conflict.

61. Moreover, Petitioners appear to have been detained in Pakistan not by United States authorities but by Pakistani police or, in the first instance, by bounty hunters seeking to recover a cash reward from the United States military. Petitioners were seized far from the battlefield. Accordingly, Petitioners are not properly detained under the President's authority as Commander in Chief or under the laws and usages of war.

N. Guantánamo Bay Naval Station

62. On or about January 11, 2002, the United States military began transporting prisoners captured in Afghanistan to Camp X-Ray, at the United States Naval Base, in Guantánamo Bay, Cuba. In April 2002, all prisoners were transferred to a more permanent prison facility in Guantánamo, Camp Delta. Offenses committed by both civilians and foreign nationals living on Guantánamo are brought before federal courts on the mainland, where respondents enjoy the full panoply of Constitutional rights. Detainees incarcerated at Guantánamo are entitled to test the legality of their detention in the federal courts. *Rasul v. Bush*, 124 S. Ct. 2686, 2698 (2004).

O. Conditions of Detention at Guantánamo

63. Since gaining control of Petitioners, the United States military has held them virtually *incommunicado*. On information and belief, they have been or will be interrogated repeatedly by agents of the United States Departments of Defense and Justice, though they have not been charged with an offense or notified of any pending or contemplated charges. They have made no appearance before either a military or civilian tribunal of any sort and have not been provided counsel or the means to contact counsel. They have not been informed of their rights under the United States Constitution, the regulations of the United States Military, the Geneva Convention, the International Covenant on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, or customary international law. Respondents have taken the position that Petitioners should

not be told of these rights. As a result, Petitioners are completely unable either to protect or to vindicate their rights under domestic and international law.

64. On information and belief, Petitioners have been forced to provide involuntary statements to Respondents' agents at Guantánamo. Petitioners have been held under conditions that violate their international and constitutional rights to dignity and freedom from cruel, unusual and degrading treatment or punishment. They have been housed throughout their detention in accommodations that fail to satisfy either domestic or internationally accepted standards for any person subject to detention. They have been refused meaningful access to their families. They have not been provided with the opportunity fully to exercise their religious beliefs and they have been humiliated in the exercise of their religion.
65. In published statements, Respondents Bush and Rumsfeld, as well as Brigadier General Michael R. Lehnert and Colonel Terry L. Carrico (who preceded Respondents Hood and Cannon in their respective positions), have indicated that the United States may hold Petitioners under these conditions indefinitely. *See, e.g.*, Roland Watson, *The Times* (London), Jan. 18, 2002 ("Donald Rumsfeld, the United States Defense Secretary, suggested last night that al-Qaeda prisoners could be held indefinitely at the base. He said that the detention of some would be open-ended as the United States tried to build a case against them.").
66. According to the Department of Defense, detainees who are adjudged innocent of all charges by a military commission may nevertheless be kept in detention at Guantánamo Bay indefinitely. *See* Department of Defense Press Background Briefing of July 3, 2003, available at <http://www.defenselink.mil/transcripts/2003/tr20030703-0323.html> (last visited on July 25, 2004).

P. Combatant Status Review Tribunal

67. On July 7, 2004, Deputy Secretary of Defense Paul Wolfowitz signed an Order directing the Secretary of the Navy to establish a Combatant Status Review Tribunal ("CSR

Tribunal”) to be convened at Guantánamo Bay. *See* Memorandum for the Secretary of the Navy, July 7, 2004 (“Memorandum”). The ostensible purpose of the CSR Tribunal is to determine on a case-by-case basis whether a detainee is “properly detained as an enemy combatant,” *id.* at ¶ g.12, notwithstanding Deputy Secretary Wolfowitz’s assertion that each detainee has already “been determined to be an enemy combatant through multiple levels of review by officers of the Department of Defense,” *id.* at ¶ a.

68. The first panels of the CSR Tribunal are expected to be convened imminently. *See* “United States Military to Review Detainees’ Cases,” NY Times, July 25, 2004, available at <http://www.nytimes.com/aponline/national/AP-Guantanamo-Review-Tribunals.html> (last visited July 25, 2004) (quoting Navy Commander Beci Brenton’s statement of July 23, 2004, that “[t]he aim is to conduct the first tribunal next week”).
69. The procedures ordered by Deputy Secretary Wolfowitz for the CSR Tribunal are plainly deficient, failing to provide due process protection for the detainees as a whole and for Petitioners in particular. For instance, notice of the factual basis for a detainee’s designation as an “enemy combatant” will be provided only if the factual basis is unclassified, Memorandum at ¶ g.1; the panels will not be bound by the rules of evidence applicable in a court of law, *id.* at ¶ 9; “enemy combatant” status is to be determined only under a preponderance-of-the-evidence standard, with a rebuttable presumption in favor of the government’s evidence, *id.* at ¶ g.12. In addition, no provision has been made for the presence of any of the detainees’ counsel at the CSR Tribunal hearings, in apparent violation of the Model Rules of Professional Conduct, Rule 4.2 (“In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.”). Instead, the detainees are to be offered the assistance of a non-lawyer “Personal Representative,” *id.* at ¶ c, whose conversations with individual detainees will, on information and belief, be monitored by the United States military.

V. CAUSES OF ACTION

FIRST CLAIM FOR RELIEF **(Unlawful Detention)**

70. Petitioners and Next Friends incorporate paragraphs 1–69 by reference.
71. Petitioners are not, nor have they ever been, enemy aliens, lawful or unlawful belligerents, or combatants of any kind. Petitioners are not, nor have they ever been, “enemy combatants.” They were not “part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who were engaged in an armed conflict against the United States there.” *Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 2639 (2004). Petitioners have committed no violation of domestic, foreign, or international law. There is no basis whatsoever in law for Petitioners’ detention.

SECOND CLAIM FOR RELIEF **(Due Process—Fifth Amendment to the United States Constitution)**

72. Petitioners and Next Friends incorporate paragraphs 1–71 by reference.
73. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the Fifth Amendment to the United States Constitution. Respondent Bush has ordered the prolonged, indefinite and arbitrary detention of individuals without Due Process of Law. Respondents Rumsfeld, Hood and Cannon are likewise acting in violation of the Fifth Amendment since they act at the President’s direction. On its face, the Executive Order violates the Fifth Amendment.

THIRD CLAIM FOR RELIEF **(Due Process—Fifth Amendment to the United States Constitution)**

74. Petitioners and Next Friends incorporate paragraphs 1–73 by reference.
75. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the right of Petitioners to be free from arbitrary, prolonged and indefinite detention, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution. The Executive Order, as applied to Petitioners, violates the Fifth Amendment.

FOURTH CLAIM FOR RELIEF
(Due Process—International Law)

76. Petitioners and Next Friends incorporate paragraphs 1–75 by reference.
77. By the actions described above, Respondents, acting under color of law, have violated and continue to violate customary international law, the Third and Fourth Geneva Conventions, Articles 9 and 14 of the International Covenant on Civil and Political Rights, and Articles XXVIII, XXV and XXVI of the American Declaration on the Rights and Duties of Man. Respondent Bush has ordered the prolonged, indefinite and arbitrary detention of Petitioners, without legal process, in violation of binding obligations of the United States under international law. Respondents Rumsfeld, Hood and Cannon are likewise acting in violation of international law, since they act at the President’s direction. On its face, the Executive Order violates international law.

FIFTH CLAIM FOR RELIEF
(Due Process—International Law)

78. Petitioners and Next Friends incorporate paragraphs 1–77 by reference.
79. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the right of Petitioners to be free from arbitrary, prolonged and indefinite detention, in violation of customary international law, the Third and Fourth Geneva Conventions, Articles 9 and 14 of the International Covenant on Civil and Political Rights, and Articles XXVIII, XXV and XXVI of the American Declaration on the Rights and Duties of Man. The Executive Order, as applied to Petitioners, violates these and other binding obligations of the United States under international law.

SIXTH CLAIM FOR RELIEF
**(Due Process—Failure to Comply with United States
Military Regulations and International Humanitarian Law)**

80. Petitioners and Next Friends incorporate paragraphs 1–79 by reference.
81. By the actions described above, Respondents, acting under color of law, have violated and continue to violate the rights accorded to persons seized by the United States Military

in times of armed conflict, as established by, *inter alia*, the regulations of the United States Military, Articles 4 and 5 of the Third Geneva Convention, the Fourth Geneva Convention and customary international law.

SEVENTH CLAIM FOR RELIEF
(War Powers Clause)

82. Petitioners and Next Friends incorporate paragraphs 1–81 by reference.
83. By the actions described above, Respondents, acting under color of law, have exceeded the constitutional authority of the Executive and have violated and continue to violate the War Powers Clause by ordering the prolonged and indefinite detention of Petitioners without congressional authorization.

EIGHTH CLAIM FOR RELIEF
(Suspension of the Writ)

84. Petitioners and Next Friends incorporate paragraphs 1–83 by reference.
85. To the extent the Executive Order of November 13, 2001, disallows any challenge to the legality of Petitioners' detention by way of habeas corpus, the Order and its enforcement constitute an unlawful Suspension of the Writ, in violation of Article I of the United States Constitution. The actions of the Respondents in claiming the legal right to detain Petitioners without judicial authorization or review constitute a suspension of the Writ of Habeas Corpus in violation of Article I of the United States Constitution.

NINTH CLAIM FOR RELIEF
(Arbitrary and Unlawful Detention—Violation of the Administrative Procedures Act)

86. Petitioners and Next Friends incorporate paragraphs 1–85 by reference.
87. By detaining Petitioners for the duration and in the manner described herein, Respondents have arbitrarily, unlawfully and unconstitutionally detained Petitioners in violation of the Administrative Procedures Act, 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioners and Next Friends pray for relief as follows:

1. Grant [REDACTED] status as Next Friend of Petitioner Mahmoad Abdah;
2. Grant [REDACTED] status as Next Friend of Majid Mahmoud Ahmed;
3. Grant [REDACTED] status as Next Friend of Abdulmalik Abdulwahhab Al-Rahabi;
4. Grant [REDACTED] status as Next Friend of Makhtar Yahia Naji Al-Wrafie;
5. Grant [REDACTED] status as Next Friend of Aref Abd Il Rheem;
6. Grant [REDACTED] status as Next Friend of Yasein Khasem Mohammad Esmail;
7. Grant [REDACTED] status as Next Friend of Adnan Farhan Abdul Latif;
8. Grant [REDACTED] status as Next Friend of Jamal Mar'i;
9. Grant [REDACTED] status as Next Friend of Othman Abdulraheem Mohammad;
10. Grant [REDACTED] status as Next Friend of Adil Saeed el Haj Obaid;
11. Grant [REDACTED] status as Next Friend of Mohamed Mohamed Hassan Odaini;
12. Grant [REDACTED] status as Next Friend of Sadeq Mohammed Said;
13. Grant [REDACTED] status as Next Friend of Farouk Ali Ahmed Saif;
14. Grant [REDACTED] status as Next Friend of Salman Yahaldi Hsan Mohammed Saud;
15. Order and declare the Executive Order of November 13, 2001, unlawful as a violation of the Fifth Amendment to the United States Constitution; the War Powers Clause of Article I of the United States Constitution; the Administrative Procedures Act, 5 U.S.C. § 702;

- customary international law; the International Covenant on Civil and Political Rights; and the American Declaration on the Rights and Duties of Man;
16. Order and declare that Petitioners' indefinite detention is in violation of the Fifth Amendment to the United States Constitution; customary international law; the International Covenant on Civil and Political Rights; the American Declaration on the Rights and Duties of Man; the regulations of the United States Military; the Geneva Conventions; and international humanitarian law;
 17. Order and declare the Combatant Status Review Tribunal, as currently constituted and designed, is in violation of the Fifth Amendment to the United States Constitution; the International Covenant on Civil and Political Rights; the American Declaration on the Rights and Duties of Man; the regulations of the United States Military; the Geneva Conventions; and international humanitarian law;
 18. Order and declare that Petitioners are subject to the protections of the Geneva Conventions and international humanitarian law;
 19. Order and declare that the provision of the Executive Order of November 13, 2001, that bars Petitioners from seeking relief in this Court is an unlawful Suspension of the Writ, in violation of Article I of the United States Constitution;
 20. Order immediate, private and unmonitored access by counsel to Petitioners;
 21. Order immediate cessation of direct or indirect interrogation of Petitioners while the instant litigation is pending;
 22. Order immediate preservation of all evidence of torture or other abusive interrogation techniques or treatment by any individual acting for or on behalf of the United States military, the United States, or any agency thereof;
 23. Order a stay of any proceedings against Petitioners before the Combat Status Review Tribunal, pending a determination of the process to which Petitioners are constitutionally entitled;

24. Order any proceedings before the Combat Status Review Tribunal to proceed only in the presence of counsel for Petitioners;
25. Order Petitioners' immediate release from their unlawful custody if Respondents refuse to comply with the terms of relief sought in paragraphs 20 through 24, *supra*;
26. To the extent Respondents contest any material factual allegations in this Petition, schedule an evidentiary hearing at which Petitioners may adduce proof in support of their allegations; and
27. Grant such other legal or equitable relief as the Court deems necessary and appropriate to protect Petitioners' rights under the United States Constitution and international law.

Dated: Washington, D.C.
July 27, 2004

Respectfully submitted,

COVINGTON & BURLING

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Of Counsel for Petitioners

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on this 27th day of July 2004.

David H. Remes
David H. Remes

Exhibit A

Date: April __, 2004

Authorization

I am acting as next friend for my Son, whose name is Mahmoud Abdah, and who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji Allawo, Najeeb Bin Mohammed al-Nauimi and Clive Stafford Smith (of *Justice In Exile*), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.





Name:

Witnessed:

Print Name:

Exhibit B

Date: April 10, 2004

Authorization

I am acting as next friend for my Son, whose name is MAJED MOHAMMED, and who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji Allawo, Najeeb Bin Mohammed al-Nauimi and Clive Stafford Smith (of *Justice In Exile*), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.

[Redacted signature]

Name: [Redacted]

Witnessed:

[Redacted signature]

Print Name: [Redacted]

Exhibit C

Affidavit of [REDACTED]

Comes now, [REDACTED] under oath, and makes the following statement in Sana'a, Yemen:

I am the father of Majid Mahmoud Ahmed. My son was born in June 1980. I have three other sons, and three daughters. Majid is the third son. I am retired from a petroleum company. My wife is 50 years old, named [REDACTED]

Majid finished school. He was a good student. He loves swimming and football. He was single, and was always quiet, and respectful to everyone.

Majid left to go to Pakistan to continue his studies. He called home five or six months later, and his last call was after September 11, when he told us that he was coming back to Yemen.

We received a letter from the Red Cross telling us he was in Guantanamo Bay.

We have had six cards and five letters over the months. The most recent one was in August 2003.

His mother's health is deteriorating and she has a heart problem now as a result of worrying about her son. We all miss him very much.

I know that my son would want me to take whatever steps I could on his behalf and I wish to act as his next friend in court.

Signed this 10th day of April, 2004.

[REDACTED]

Witnessed: _____

Exhibit D

Date: April 10, 2004

Authorization

I am [REDACTED] and am acting as next friend for my son, Abdulmalik Abdulwahhab Al-Rahabi, who is being held at Guantanamo Bay. I hereby authorize Michael Ratner and the Center for Constitutional Rights, as well as Joe Margulies and Clive Stafford Smith, and any person assigned by these lawyers, to act on my behalf and on my son's behalf, to secure any documents and information concerning my son that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.

[REDACTED]

Witnessed:

Nabeel Raji - Bahrain Center for Human Rights
Print Name:

Exhibit E

Affidavit of [REDACTED]

Comes now [REDACTED] under oath, and states as follows:

I am the father of Abdulmalik Abdulwahhab Al-Rahabi. I live in Ibb, Yemen. I make this affidavit in Sana'a, Yemen.

My son is married to [REDACTED], and they have one daughter, [REDACTED], who is now four years old.

I have five sons and seven daughters. Abdulmalik is my second son. He was 18 years old when he left Yemen to go to Pakistan. He is 22 years old now.

My son finished school and wanted to study later in University, after he studied the Koran in Pakistan. When he was young, in addition to his studies, my son enjoyed sports.

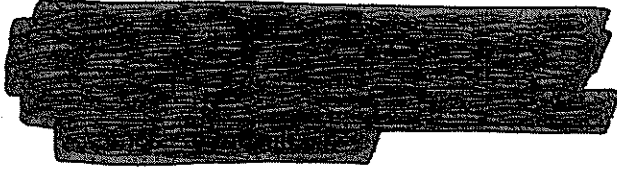
My son never went to Afghanistan. He went to Pakistan to study the Koran. He went around September 2000, and took his wife and child with him (the child was born in Pakistan). While there, he would call the family every six months.

[REDACTED] came back to Yemen during Ramadan (in November 2001). My son was coming back to Yemen as well, but was arrested in Pakistan. We learned that he was taken to Guantanamo Bay when we read it in the newspaper.

The family has suffered because Abdulmalik has been in Guantanamo Bay. We have received only very limited correspondence from him, and it was nine months since we last heard from him, before we recently received two letters, both censored and months old.

I have known my son to be involved in any violence. He is not the kind of child

who would commit violent acts.



Witnessed:


Nabeel Rajab - Bahrain center for human Rights

Exhibit F

DATE: April -2004

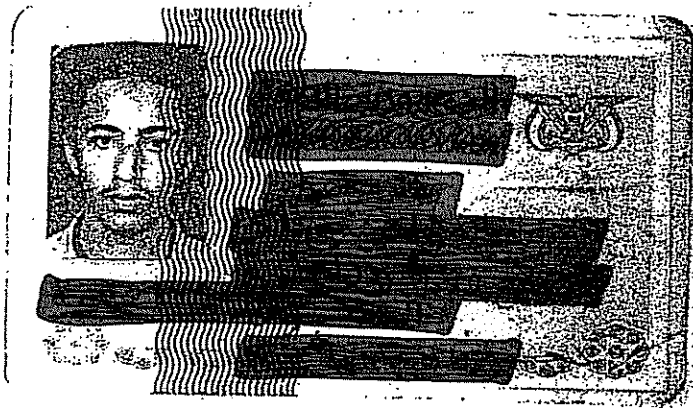
Authorization

I am acting as next friend for my brother whose name is Mohammed Yahia Naji Al-Nauimi. And who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji ALLawo, Najeeb Bin Mohammed AL-nauimi and Clive Stafford Smith (of Justice in Exile), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these Lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.


Name:

Witnessed:

print Name:



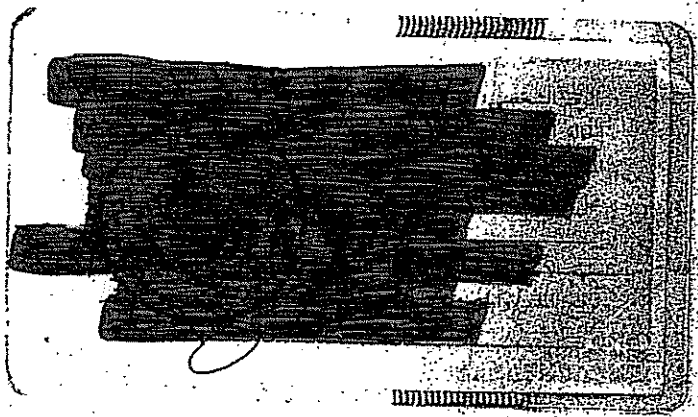


Exhibit G

Date: April __, 2004

Authorization

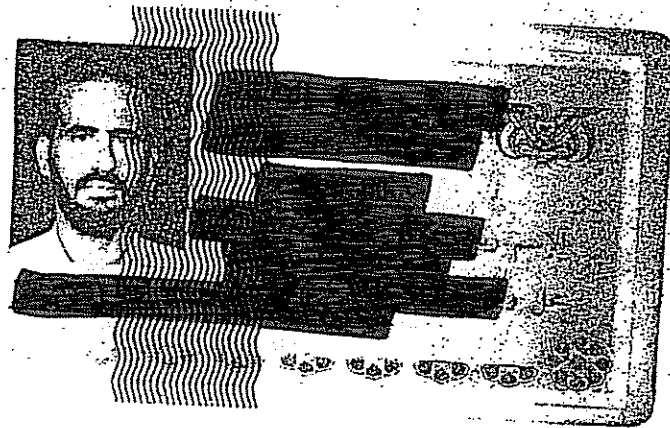
I am acting as next friend for my brother, whose name is ARIF abd. H. Rahman and who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji Allawo, Najeeb Bin Mohammed al-Nauimi and Clive Stafford Smith (of *Justice In Exile*), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.

Name:

Witnessed:

Print Name:



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50 of 102

████████████████████

الرقم الشخصي:
الحالة الاجتماعية:
المهنة:
علم:
جهة:
توقيع:

████████████████████

Exhibit H

Date: April 6, 2004

Authorization

I am acting as next friend for my brother, Yasein Khasem Mohammad Esmail, who is being held at Guantanamo Bay. I hereby authorize Michael Ratner and the Center for Constitutional Rights, as well as Joe Margulies and Clive Stafford Smith, and any person assigned by these lawyers, to act on my behalf and on my brother's behalf, to secure any documents and information concerning my brother that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.



Witnessed:



Print Name:

Exhibit I

Affidavit of [REDACTED]

Comes now, [REDACTED] under oath, who makes the following statement in Sana'a, Yemen:

I am the older brother of Yasein Khasem Mohammad Esmail. I am the second of five sons. My parents also have three daughters.

Our family comes from Ibb, in Yemen, where we still live. My father has been a farmer all of his life, and my mother is a housewife. It has been their ambition for their children that everyone should benefit from a good education, and have the chance to get a good job in life.

Our oldest brother is still a student at the University of Ibb, studying the Arabic language with a view perhaps to becoming a teacher. I secured a B.S. and am an employee of the University in the Chemistry department. Our other two brothers are still students, as are the three girls.

Yasein would be 22 now. He was born in 1982. He graduated from high school, and had planned to go to university and wanted to study Arabic language. He thought that he would become a teacher of Arabic. This is very important work as it allows the reader of the Koran to understand the original text.

Yasein was always a very studious and responsible child. He spent much of his time working with our father to help with the sheep. It is normal in our villages for families to own animals. Those who are young and who are responsible are given the job of looking after the animals. After going to school all day, Yasein would come home to work with the sheep in the evening.

When he was very young he used to be keen on football. He played all sorts of positions for the local team but gradually played this less as he felt obliged to help our father with the animals.

Yasein loved reading. There were not many books available in our village, so he concentrated on reading all of the school books. Yasein also loved poetry - he was a romantic. When he was young, his girlfriend was called [REDACTED] (which means morning in our language), who was from a nearby village. He was keen on poems that we call "ghazel", which are long poems that are always from man to woman.

I, too, like to write poems, and recently wrote the following one about the impact of Yasein's absence on my mother. It is roughly translated as follows:

Poem for My Mother

You ask me how my mother lives --
Please do not wait to hear.
You ask me how my mother lives --
Words cannot speak her tears.

I know not even where to start,
Which door might open to
The darkness in my mother's heart
Blacked out by censored cards.

My mother's heart remains a void
Yet papered round with pain
My mother's heart remains a void
Since Yasein went away.

My mother's body struggles on:
World, watch her burning soul.
My mother's body struggles on,
With sorrow as her shrine.

My mother names before our God
The cause of all her pain
My mother kneels in prayer to God
As tears run down her eyes.

You ask me how my mother lives --
Please do not wait to hear.
My mother's heart swells larger than
Mere language can declare.

Yasein also loved music. His favorite singer was Ayub from Yemen.

When he was young, he was perhaps not as religious as he should have been. Indeed, as his older brother I was the one who would criticize him for not saying his prayers enough. As a result, perhaps, of my efforts, when he was 16 or 17 he began to get more serious about his faith.

He was always a very peaceful person. We come from a village where the Imam is someone who was able to read and write, and who would lead us in prayer and teach us our obligation to pay *zakat* (the charity that we are obliged to give, as Muslims). This was mainly what Yasein absorbed from his religious faith. He certainly never had any inclination towards violence, which was the opposite of what we learned and believed in.

Yasein went to Pakistan prior to going to university. He went around September 2000 in order to learn Arabic better. He was one of two people who went from the village. The other was Sadeq Mohammed Sa'id. When they had studied in Pakistan, they were going on to do missionary work (teaching Arabic and the Koran) to Afghanistan.

Our family heard about Yasein being in Guantanamo Bay from a Red Cross letter. Also, the governmental newspaper published names of people in Guantanamo Bay. There were about 32 names listed on the first occasion, and while it was misspelled, his name was in that group.

When he was first at Guantanamo every three to four months our family received letters, but we have received none for about nine months. His first letter asked us to inform the Yemen embassy officials and ask them to demand that he be freed.

We are a very poor family, but we have made efforts made to help him. We have contacted our parliamentary representatives, and local human rights advocates. We also contacted Jamel al-Morahed, a lawyer. We have been able to get no assurances from the United States about Yassin at all.

I know my brother very well and cannot believe that he would have been involved in violence. I have heard about the foreigners being "sold" over to the Americans for rewards, as purported Taliban soldiers, and am very concerned that this must have happened to my brother.

Signed under oath this ___ day of April, 2004.



Witnessed:

Nabea Raja's

Exhibit J

April 11, 2004

AUTHORIZATION

I am acting as next friend for AMMAN FARHAN ABU LATIF, who is being held by the United States military at Guantanamo Bay, Cuba. I hereby authorize Michael Ratner and the Center for Constitutional Rights, as well as Joe Margulies and Clive Stafford Smith, and any person assigned by these lawyers, to act on my behalf and on MY BROTHER'S behalf, to secure any documents and information which concern him and that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.

[REDACTED]

Print Name: [REDACTED]

Witnessed:

Nabeel Rajab

Print Name:

Exhibit K

DECLARATION BY [REDACTED]

I, [REDACTED] of Taiz, Yemen under oath make the following declaration:

1. I am the younger brother of Adnan Farhan Abdul Latif.
2. There are ten of us in our family. Adnan is the fourth oldest in the family. He is 26 years old now and was born in 1973.
3. After finishing Secondary School in 1994, Adnan became a volunteer in the Yemeni army when there was a civil war in the country. He served in this capacity for two months. He left because he was badly injured in an accident which left him with a fractured skull.
4. Adnan left Yemen for treatment in Jordan in 1994. After being treated he returned to Yemen. His injuries resulted in his losing his sight in his right eye and his hearing in his left ear. The government paid him a monthly disability payment for this. Annexed hereto marked "MFAL 1" are copies of Adnan's medical treatment history.
5. Adnan left Yemen for further medical treatment at the beginning of 2001. We didn't hear from him after his arrival there. The next thing we heard from him was a letter from Guantanamo delivered through the International Committee of the Red Cross. This letter was dated February 2003. It came as a complete shock to us to learn that Adnan had ended up in Guantanamo.
6. Since this letter my family has received another five or six letters from Adnan. The last one we received was in December 2003.
7. In these letters he has described his prison as "my island of hell" In one, he asked my father to send him his medical records. My father did so some months ago now.
8. Adnan is not a member of Al Qaeda, nor was he ever a member of the Taliban government armed forces. We have no idea who arrested him or the reasons for his arrest. He was receiving medical treatment in Karachi, Pakistan when we last heard from him. As far as we know he has never been to Afghanistan. We have absolutely no idea why he is now being held at Guantanamo.
9. To the best of my knowledge no charges have been laid against Adnan. Nor has he been brought before a judicial officer of any properly constituted court or tribunal since his detention.

10. From my brother's messages and my knowledge of his nature I know that Adnan 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".
11. 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.
12. I know the facts herein to be true of my own knowledge, except where otherwise appears.

At Sana'a on this 11th day of April, 2004



Witnessed By:

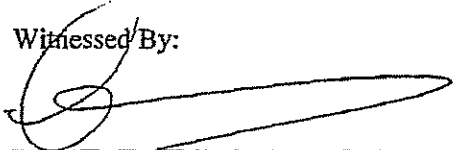
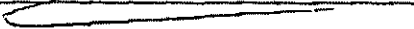



Exhibit L

Date: April 10, 2004

Authorization

I am acting as next friend for my brother, JAMAL MAR'I, who is being held at Guantanamo Bay, Cuba by the United States military. I hereby authorize Michael Ratner and the Center for Constitutional Rights, as well as Joe Margulies and Clive Stafford Smith, and any person assigned by these lawyers, to act on my behalf and on my nephew's behalf, to secure any documents and information concerning my husband that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.




Witnessed:

A handwritten signature in black ink, consisting of a large, stylized initial 'Q' followed by several horizontal strokes.

Exhibit M

AFFIDAVIT OF 

I, , 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.

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

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.



Sworn by the Deponent at SAN ANTONIO on this 10th day of April, 2004



Before me:

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a long horizontal stroke.

Exhibit N

Date: April __, 2004

Authorization

I am acting as next friend for my brother, whose name is Enman Abdul Rahman and who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji Allawo, Najeeb Bin Mohammed al-Nauimi and Clive Stafford Smith (of *Justice In Exile*), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.



Name:

Witnessed:

Nabeeh Rajab
Print Name:

Exhibit O

Affidavit of [REDACTED]

Comes now, [REDACTED], under oath, and makes the following statement in Sana'a, Yemen:

I am the brother of Othman Abdurraheem Mohammad, who was born in 1981. Our family is five brothers and four sisters. Our father was a police officer, but he disappeared on January 13, 1986, during the Civil War. That left me looking after the family.

My mother is 54 years old and her health is really bad because she has suffered so much. She cannot believe Othman is in Guantanamo Bay because he was so social and friendly with everyone. Meanwhile, my mother has suffered many other tragedies. My mother had a brother die in the civil war, and another brother and her father were also killed by a land mine. She had another son, [REDACTED] who left a year after Othman. He called last in October 2001, and has not been heard of since. We do not know where he is, or even if he is still alive.

My brother Othman loved to swim, play football and travel. He was voluntarily working to help teach people to read the Koran.

I last saw my brother in July 1999, when he left to teach Koran in Pakistan. He used to call often, and the last call was in October 2001.

We learned that he was in Guantanamo Bay through the political police in Yemen. Six months after that we received a letter from the United States. We received a call from the Red Cross, and have received some letters through them.

I would not believe that my brother would commit a violent act. He is a very emotional man, very sensitive, and while he might well be teaching the Koran somewhere, he would not be violent. If anyone had a problem in our area, he would always be the first one to help.

We last received a letter from him in October 2003, written in August 2003. Most of the letters had censored lines, which frightened the family for his safety. One letter said how he was arrested. He was trying to escape Afghanistan when the war began, along with some other people, but he was not allowed to leave the country. They sought refuge with one of the tribes between Pakistan and Afghanistan, but then their money was taken from them, and then they were turned over to the Americans.

I know that my brother would want me to take whatever steps I could on his behalf and I wish to act as his next friend in court.

Signed this 10th day of April, 2004.

A large, dark, rectangular redaction covering the signature of the person who signed the letter.

Witnessed: _____

A handwritten signature in black ink, written over a horizontal line.

Exhibit P

Date: April __, 2004

Authorization

I am acting as next friend for my BROTHER, whose name is ADEL SAEED, and who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji Allawo, Najeeb Bin Mohammed al-Nauimi and Clive Stafford Smith (of *Justice In Exile*), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.


Name: 

Witnessed:

Nabeeh Rajab

Print Name:

Exhibit Q

Affidavit of 

Comes now,  under oath, and makes the following statement in Sana'a, Yemen:

I am the brother of Adil Saeed el Haj Obaid. There are six children in our family, three girls and three boys. Our father is retired, and our mother is deceased. I am the youngest boy in the family. Ahmed is the oldest. Saeed is the middle boy.

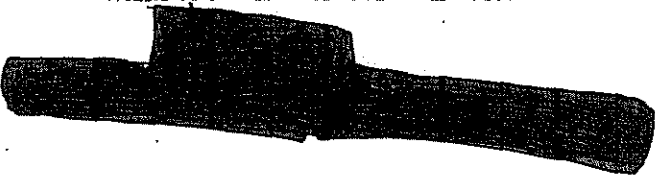
Saeed was born in 1973. He is not married. He finished school here. He would cover books for work. He was a very quiet person, who loved to read, and teach others to read. He enjoyed swimming. He got along very well with everyone in our neighborhood. He also loved to travel.

He always used to help our parents and was very respectful.

I last saw him in July 2001. He left to go to Pakistan for further Islamic studies. He would call every couple of months, telling us that he was doing well on his studies.

We learned that he was in Guantanamo through the newspaper and then we received about ten letters from him. The letters have been censored. This made us more afraid that something harmful was happening to him and they were trying to hide this. The last letter was on June 21, 2003, where he asked us to do whatever we could to try to release him. However, we do not have the money – with my father retired, him gone, and so on – to do much.

Every day I go home, my father looks at my face looking for an answer about where Saeed might be. My father has suffered a great deal. He says every day that he wants to see his son before he dies.



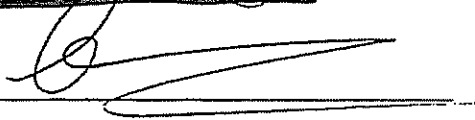
Seeing the pictures of the prisoners in Guantanamo, and learning how they have been mistreated, has made our lives much more difficult. We wish we could have some contact with him.

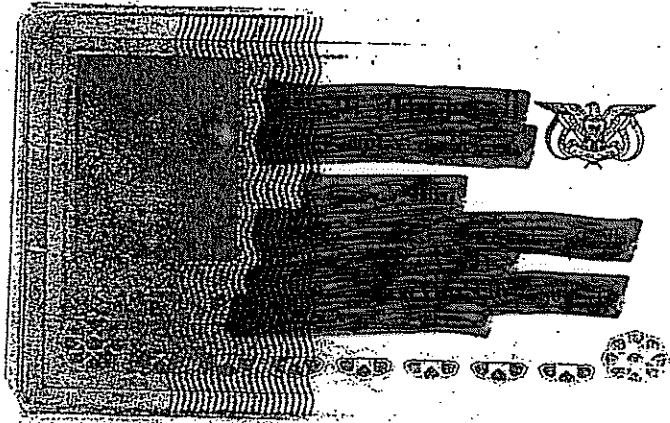
I know that my brother would want me to take whatever steps I could on his behalf and I wish to act as his next friend in court.

Signed this 10th day of April, 2004.



Witnessed:





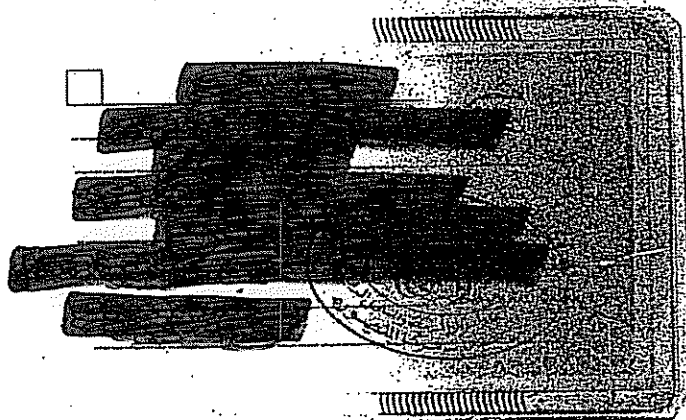


Exhibit R

Date: April __, 2004

Authorization

I am acting as next friend for my BROTHER, whose name is Mohamed Mohamed Hassan Odaini, and who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji Allawo, Najeeb Bin Mohammed al-Nauimi and Clive Stafford Smith (of *Justice In Exile*), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.


Name:

Witnessed:


Print Name:

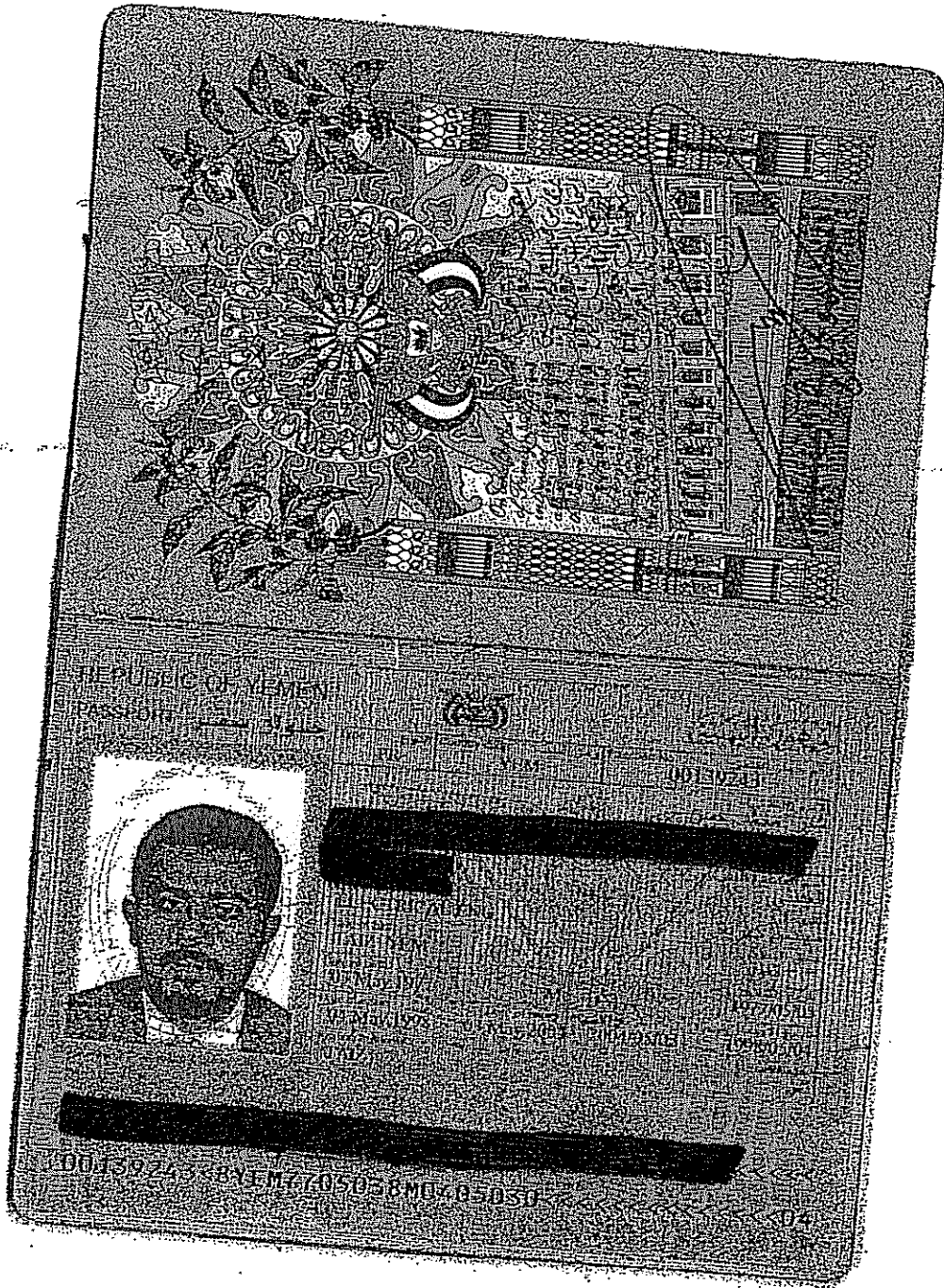


Exhibit S

Affidavit of 

Comes now,  under oath, and makes the following statement in Sana'a, Yemen:

I am the brother of Mohammed Mohammed Hassan Odeini. My parents have sixteen children – nine girls and seven boys. I am the second oldest. Mohammed is the sixth child.

My father is a policeman with the political security in Yemen. My mother looks after all the children. I am an engineer with a telephone company here in Yemen.

My brother is 21. He was born in 1983. My father remarried and therefore I and my brother lived mainly with our mother, who was his first wife. My brother was something of a loner, and would stay by himself a great deal. He did not have, or look for, many friends of his own age.

He was a very quiet boy, and respectful of his elders. He enjoyed playing football. His ambition was to become a policeman like his father.

My brother loves children very much. If he were not a policeman, he would like to teach children. Indeed, he liked to teach children anyway, even though he was young.

My brother is still young and he is not particularly religious at this stage in life. He would shave. We would usually go the beach together for holidays and have parties there. He was anything but an extremist when it came to religion.

My brother had a good relationship with everyone I know. I have never heard anything violent about him for his whole life. I do not believe that my brother would have wanted to hurt, let alone kill, anyone. I know him. I know he cannot have done

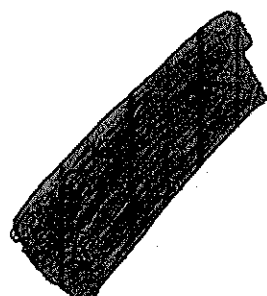
what the Americans may believe of him – act like a terrorist and so on. He is just not the kind of person who does that.

My brother left in 2000, and he planned to study in Pakistan. He wanted to study Islamic law, the Sharia. When he got to Pakistan, he called my mother to tell her how he was doing. He was studying and also working in Pakistan to support himself. Then, in the middle of 2002, he simply disappeared – we did not hear from him for a long time.

We were very worried about him when he disappeared. We heard towards the end of 2002 – around December – that he was in Guantanamo Bay. We learned when we received a letter from him through the Red Cross. We have received four messages through the Red Cross. For example, on March 28, 2003, he wrote to us about how we are witnesses that he went to Pakistan to study, not do anything wrong. He asked us to pray for him. He asked us to help him keep in touch with the family. He said he would not forget his family, no matter how long he might be held in Guantanamo Bay.

This has been very difficult for my family. Particularly for my mother, because Mohammed was the only son who still lived with her. She has cried a great deal ever since she learned that he was in captivity, and she still cries a lot today, whenever she thinks about his situation.

I feel as if I have lost my brother. I feel frustrated because I have worried about what I can do for him – who can I talk to, what help can I give him. I have gone onto websites to search for what I might be able to do. But all I have found is a site that tells us of the problems that the prisoners are facing. I found a website from some British organization that said it might be able to help, so I sent them a letter. But I have not been able to do anything to help my brother.



I do believe that sometime he will come home, because I know that he is innocent. I believe that the Americans will find him not guilty, and I pray for his release.

I know that my brother would want me to take whatever steps I could on his behalf and I wish to act as his next friend in court.

Signed this 11th day of April, 2004.



Witnessed: _____

Handwritten signature of the witness.

Exhibit T

Date: April __, 2004

Authorization

I am acting as next friend for my brother, whose name is Sadeq Mohammed Sajid and who is being held at Guantanamo Bay. I hereby authorize Mohammed Naji Allawo, Najeeb Bin Mohammed al-Nauimi and Clive Stafford Smith (of *Justice In Exile*), Michael Ratner and the Center for Constitutional Rights, and any person assigned by these lawyers, to act on my behalf and on my relative's behalf, to secure any documents and information concerning my relative that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.

 Name: 

Witnessed: 2004 

Print Name:

Exhibit U

Date: April 10, 2004

Authorization

I am acting as next friend for my nephew, FAROUK ALI AHMED SAIF, who is being held at Guantanamo Bay, Cuba by the United States military. I hereby authorize Michael Ratner and the Center for Constitutional Rights, as well as Joe Margulies and Clive Stafford Smith, and any person assigned by these lawyers, to act on my behalf and on my nephew's behalf, to secure any documents and information concerning my nephew that are necessary for his defense, and to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available.



Witnessed:

Ahmed Faisad

A handwritten signature in black ink, appearing to be 'Ahmed Faisad', written below the printed name. The signature is fluid and cursive.

Exhibit V

DECLARATION BY [REDACTED]

I, [REDACTED] of Sana'a, Yemen under oath make the following declaration:

1. I am a practicing Yemeni attorney and the uncle of Farouk Ali Ahmed Saif of Taiz, Yemen.
2. Farouk was born in 1982. He is the second oldest son in my brother's family. He is the second oldest in a family of ten.
3. Farouk is perhaps the best loved member of my brother's family. He is the "spiritual father" to his younger siblings. They look to him as a model on how to lead their lives.
4. Farouk completed his high school studies in 1999. He was a diligent and hardworking student and was particularly good at Islamic Studies. He was desperately keen to further his studies in this field beyond High School. As well as an excellent student, Farouk loved to play sport, especially football. He was popular amongst his fellow students, well liked and respected. Annexed hereto and marked "FAS 1" are copies of Farouk's High School transcripts.
5. Farouk left Yemen for Pakistan in May 2001. He left to pursue advanced Islamic Studies at a University in Karachi. Such a course of study is not available in Yemen which meant he had to go elsewhere. He opted for Pakistan because it has a worldwide renowned reputation for Islamic studies. Although his family was sad to see him – particularly his mother, as Farouk was her favorite son – they understood his reasons for leaving and knew they would see him again soon. Following completion of his studies in Pakistan, Farouk intended to return to his family in Yemen and to teach Islam to the Yemeni people. He has always expressed interest in teaching and helping his people better understand the teachings of Islam.
6. About a month after his arrival in Pakistan, Farouk wrote his elder brother in Taiz to let him know that he was in good health and, importantly, well on his way to being accepted for a course of study at a University in Karachi.
7. This was the last his family heard from Farouk for over a year and a half, when to their complete shock and horror they received a short note from him letting them know that he was detained at Guantanamo Bay, Cuba. He said that he was well and asked that his family not worry about him. The letter came through the International Committee of the Red Cross.

8. Since receiving this first letter Farouk's family has received a total of seven letters from him. He sent two of them to me personally. All said more or less the same thing; that he was fine, that he was innocent of any wrongdoing, that we should all pray that he be released soon, and that we shouldn't worry about him. The last message we received was some six months ago, in November 2003. This silence has caused all of us great concern. Annexed hereto marked "FAS 2" are copies of some of the ICRC messages sent by Farouk together with English translations.
9. Farouk's disappearance and detention at Guantanamo has had a significant adverse impact on our family. For a year and a half we didn't even know where he was. Learning that he was held at Guantanamo came as a great shock to us all.
10. His mother and father have suffered the most. His mother is being treated for psychological depression at Taiz hospital. Her anguish over Farouk's disappearance has left the left side of his face almost paralyzed. Farouk's father too has been treated for depression. He has lost all hope of ever seeing him alive again. His brothers and sisters as well as myself all feel a deep sense of loss and hopelessness about his disappearance.
11. Farouk is a peace loving 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, Farouk was simply a student living in Pakistan. We have no idea who arrested him or the reasons for his arrest. We have no idea why he is now being held at Guantanamo.
12. Neither myself, nor any other member of Farouk's family have contacted either the United States Embassy in Yemen or the Yemen Government authorities to find out more about Farouk's arrest and detention at Guantanamo. We don't think that such an approach would be fruitful and besides we are too afraid to do so.
13. To the best of my knowledge no charges have been laid against Farouk. Nor has he been brought before a judicial officer of any properly constituted court or tribunal since his detention.
14. From my nephew's correspondence and my knowledge of his nature I know that Farouk 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". Farouk's parents have expressly requested that I act in this capacity due to my legal training and residence in Sana'a, the Yemen capital.
15. I hereby instruct, request and authorize, Michael Ratner, Joe Margulies, Clive Stafford Smith, or their associates, to act on behalf of my nephew and to take whatever legal steps they consider be in my nephew's best interests including filing proceedings in U.S. and international fora.
16. I know the facts herein to be true of my own knowledge, except where otherwise appears.

At Sana'a on this 10th day of April, 2004

Sworn by the Deponent at Sana'a on this 10th day of April, 2004



Before me:

power Ahmed Faisal


A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a cursive name.

Exhibit W

DATE: April -2004

Authorization

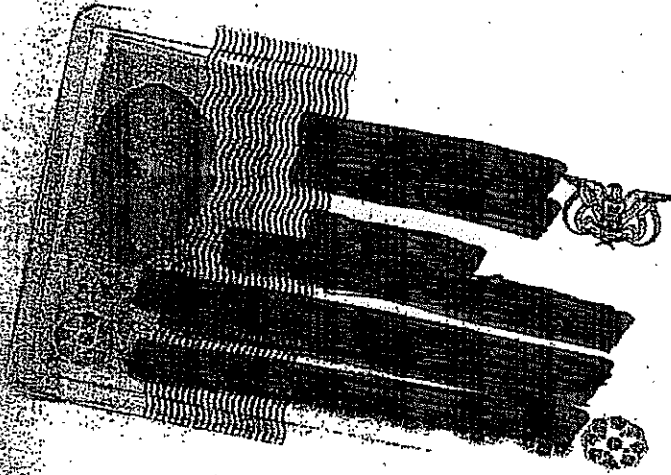
I am acting as next frind for my Son whose name is Salmon Yahawi H son Mohammed Saad And who is being hled at Cuantanamo Bay. I hercby authorize Mohammed Naji ALLawo , Najeeb Bin Mohammed AL- nauimi and clive Stafford Smith (of gustice in Exile) , Michael ratner and the Canter for Constitutional Righs , and any person assigned by these Lawyers , to ect on my behalf and on my relative's behalf , to secure any documents and information concerning my relative that are necessary for his defense , and to seek whetever redrass they believe to be in his best interests , in the courts of the united States , and in any other legal forum available.

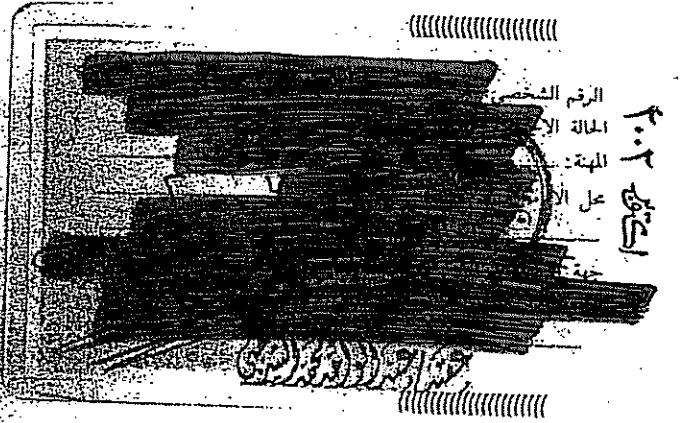

Name:

Witnessed:

print Name:

31-2/ AL R604





CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Petition for Writ of Habeas Corpus and a Local Rule 405 Related-Case Notification to be served this 27th day of July 2004, by registered mail on:

The Honorable John D. Ashcroft
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530;

The Honorable Donald Rumsfeld,
Secretary, United States
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000;

Army Brigadier General Jay Hood
Commander, Joint Task Force-GTMO
Guantanamo Bay Naval Station
Guantanamo Bay, Cuba; and

Army Colonel Nelson J. Cannon
Commander, Camp Delta
Guantanamo Bay Naval Station
Guantanamo Bay, Cuba.

I further certify that I have caused a copy of the foregoing Petition for Writ of Habeas Corpus and a Local Rule 405 Related-Case Notification to be served this same day by hand on:

The Honorable Kenneth L. Wainstein
Interim United States Attorney for the District of Columbia
Judiciary Center
555 4th Street, N.W.
Washington, D.C. 20530.

David H. Remes

David H. Remes
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401



MESSAGE CROIX-ROUGE
RED CROSS MESSAGE

رسالة الصليب الاحمر

1078

I-604597

2. EXPEDITEUR / SENDER / المرسل No. CICR
ICRC No.
رقم الصليب الاحمر

Nom complet (selon l'usage local)
Full name (as expressed locally)
الاسم الكامل (حسب الاستعمال المحلي)

[Redacted]

Date de naissance
Date of birth Sexe
Sex : M / F
تاريخ الولادة الجنس

Nom complet du père
Father's full name
اسم الوالد بالكامل

Adresse postale complète
Full postal address Code postal
Postal code
الرقم البريدي

[Redacted]

Téléphone
Telephone
رقم الهاتف

3. DESTINATAIRE / ADDRESSEE / المرسل اليه No. CICR
ICRC No. 882-1971
رقم الصليب الاحمر

Nom complet (selon l'usage local)
Full name (as expressed locally)
الاسم الكامل (حسب الاستعمال المحلي)

عبد الملك أحمد عبد الوهيد الرحبي

Date de naissance
Date of birth Sexe
Sex : M / F
تاريخ الولادة الجنس

Nom complet du père
Father's full name
اسم الوالد بالكامل

GUANTANAMO
Adresse postale complète
Full postal address Code postal
Postal code
الرقم البريدي

[Redacted]

Téléphone
Telephone
رقم الهاتف

EXHIBIT D-B



MESSAGE CROIX-ROUGE
RED CROSS MESSAGE

رسالة الصليب الاحمر

1.

-004591
JJJCG

2. EXPEDITEUR / SENDER / المرسل

No. CICR

ICRC No.

رقم الصليب الاحمر

Nom complet (selon l'usage local)

Full name (as expressed locally)

الاسم الكامل (حسب الاستعمال المحلي)

[REDACTED]

Date de naissance

Date of birth

Sexe

Sex : M / F

تاريخ الولادة

[REDACTED]

Nom complet du père

Father's full name

اسم الوالد بالكامل

Adresse postale complète

Full postal address

العنوان بالكامل

Code postal

Postal code

الرقم البريدي

[REDACTED]

Téléphone

Telephone

رقم الهاتف

[REDACTED]

DESTINATAIRE / ADDRESSEE / المرسل اليه

No. CICR

ICRC No.

رقم الصليب الاحمر

Nom complet (selon l'usage local)

Full name (as expressed locally)

الاسم الكامل (حسب الاستعمال المحلي)

عبد الملك أحمد الرحبي

Date de naissance

Date of birth

تاريخ الميلاد

Sexe

Sex : M / F

الجنس

Nom complet du père

Father's full name

اسم الوالد بالكامل

Adresse postale complète

Full postal address

العنوان بالكامل

Code postal

Postal code

الرقم البريدي

طريقه الرحبي

Goentama

Téléphone

Telephone

رقم الهاتف

COMITE INTERNATIONAL DE LA CROIX-ROUGE
INTERNATIONAL COMMITTEE OF THE RED CROSS
اللجنة الدولية للصليب الاحمر

19, av. de la Paix - CH - 1202 GENEVE

2/MCR/Fr.En.Ar./02.89/ACR

UNCLASSIFIED

Detainee Mail

Type Incoming mail

Format ICRC mail

Item number: I004597

ISN Number: [REDACTED]

Date on mail (if any) / / 2002

Sender's Name: [REDACTED]

Addressee: ABD AL-MALEK AHMED ABD AL-WAHAB AL-RAHBI

Address:

Country:

Language Used: Arabic

Date translated: 17 / 12 / 2002

Text: Greetings. Dear son, we are doing fine, I ask God that you receive my letter and you are in good health. I ask God for your soon return. All I have for you is prayers. I sent you a letter before this one and I have no idea where you at. I went to Makka and I prayed for you there. The whole family send you their regards and they tell you that if you went to teach the people about God, God won't leave you. Majed is studying in Sana'a and he'll keep up with your letters.

Letter 2 from Brother

Greetings. My brother, you will get only what God have for you. I ask God that you receive my letter and you're in good health. I ask God to make you leaders of Islam and teachers to his religion. I know that you went to teach the Islam, and whatever happened to you is God's will. Everybody here send you their regards. I ask you to send us more letters . Peace.

Interpreters Comments 23/9/1423 (HJRI)

Has all handwritten information been translated? Yes

Family? Yes

Name: [REDACTED]

Rank: SrA

GUAN-2003-8000180

I-005498



ج ج ج ج ج ج ج ج

MESSAGE CROIX-ROUGE
RED CROSS MESSAGE

رسالة الصليب الاحمر 1441

1.

2. EXPEDITEUR / SENDER / المرسل No. CICR
ICRC No.
رقم الصليب الاحمر

Nom complet (selon l'usage local) [REDACTED]
Full name (as expressed locally) [REDACTED]
الاسم بالكامل (حسب الاستعمال المحلي)

Date de naissance [REDACTED] Sexe [REDACTED]
Date of birth [REDACTED] Sex : M / F
تاريخ الولادة

Nom complet du père [REDACTED]
Father's full name [REDACTED]
اسم الوالد بالكامل

Adresse postale complète [REDACTED] Code postal [REDACTED]
Full postal address [REDACTED] Postal code [REDACTED]
العنوان بالكامل الرقم البريدي

[REDACTED]

Téléphone [REDACTED]
Telephone [REDACTED]
رقم الهاتف

US037

3. DESTINATAIRE / ADDRESSEE / المرسل اليه No. CICR
ICRC No. ABZ-1971
رقم الصليب الاحمر

Nom complet (selon l'usage local) [REDACTED]
Full name (as expressed locally) [REDACTED]
الاسم بالكامل (حسب الاستعمال المحلي)

Date de naissance [REDACTED] Sexe [REDACTED]
Date of birth [REDACTED] Sex : M / F
تاريخ الولادة

Nom complet du père [REDACTED]
Father's full name [REDACTED]
اسم الوالد بالكامل

Adresse postale complète [REDACTED] Code postal [REDACTED]
Full postal address [REDACTED] Postal code [REDACTED]
العنوان بالكامل الرقم البريدي

[REDACTED]

Téléphone [REDACTED]
Telephone [REDACTED]
رقم الهاتف

4.

COMITE INTERNATIONAL DE LA CROIX-ROUGE
INTERNATIONAL COMMITTEE OF THE RED CROSS
اللجنة الدولية للصليب الاحمر

19, av. de la Paix - CH - 1202 GENEVE

2/MCR/Fr.En.Ar./02.89/ACR

EXHIBIT D-C

UNCLASSIFIED

Incoming
I005498
Mail 31/12/2002

Format: **ICRC**
ISN: [REDACTED]
Date Translated March 27, 2003

Sender's Name:	[REDACTED]		
Addressee:	Abd El malek Ahmad Abd Elwahab		
Sender's Address:	GTMO		
City:	Cuba	Country:	Yemen
Language Used	Arabic		

Text:

In the name of Allah the compassionate the merciful

Praise be to Allah, Lord of the Universe, and peace and prayers be upon His final prophet and messenger. To the beloved brother Abd El malek Ahmad Abd Elwahab. we are sending you a million peace and every one in good health and we ask how is your health . we do not missing any thing but to see you and set with you .With Allah permit you will be release since you are not belong to any organization, and we ask Allah to release you ,we are praying to Allah every day and night for this reason .If you are asking about your wife ,she is in good health and we are washing for her and your daughter and your sister, I am paying for their monthly living expense until Allah permit to release you .Pray for us and we also pray for you . All of us send you our regards and Allah be with you.

Your brother [REDACTED]

Interpreter's Comment: this letter is coming from his brother to ask about his health.

Family: Yes

Name Of Translator: [REDACTED]

UNCLASSIFIED

Personal Representative Review of the Record of Proceedings

I acknowledge that on 7 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

11 Oct 04
Date

[REDACTED]

Signature

Lt Col. [REDACTED] USAF

ISN # [REDACTED]
Enclosure (5)