

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ADEL FATTOUGH ALI ALGAZZAR, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 GEORGE W. BUSH, *et al.*, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

Civil Action No. 05-0270 (JR)

DECLARATION OF TERESA A. McPALMER

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

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

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Adel Fattough Ali Algazzar that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: 18 November 2005

Teresa A. McPalmer

Teresa A. McPalmer  
CDR, JAGC, U. S. Navy



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 780

27 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 369**

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 #369 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH  
RADM, CEC, USN

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

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2350

27 Jan 05

## MEMORANDUM

From: Assistant Legal Advisor  
To: Director, Combatant Status Review Tribunal  
Via: Legal Advisor *JRC*

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 369

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 #15 of 12 October 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 elected to participate.

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

c. The Tribunal substantially complied with all provisions of references (a) and (b). Note that some information in exhibits R-4, R-5, and R-6 were 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 a report from Egyptian interrogators provided to an American interrogator named [REDACTED] be produced. For reasons outlined in enclosure (2), the Tribunal President found the documents relevant, and requested their production. The Tribunal subsequently determined that the documents were not reasonably available. In my opinion, the Tribunal acted properly in its determination that the documents were not reasonably available. Additionally, the detainee requested a copy of detainee's polygraph records. For reasons outlined in enclosure (2), the Tribunal found the polygraph records relevant, and considered the record in its deliberations.

e. The Tribunal's decision that detainee #369 is properly classified as an enemy combatant was unanimous.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

UNCLASSIFIED

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 369

3. I recommend that the decision of the Tribunal be approved and the case be considered final.

*Peter C. Bradford*  
PETER C. BRADFORD  
LT, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

12 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #15

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

A handwritten signature in cursive script, reading "J. M. McGARRAH".

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

30 November 2004

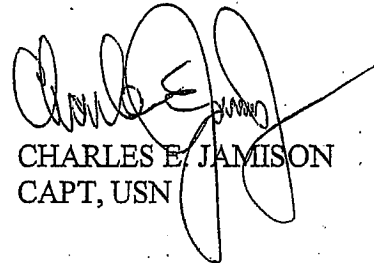
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 369

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 [REDACTED]



CHARLES E. JAMISON  
CAPT, USN

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #15  

(U) ISN#:   369  

Ref: (a) (U) Convening Order for Tribunal #15 of 12 October 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/~~FOUO~~)

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 29 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #369 is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, USAF  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL:       #15        
ISN #:       369      **1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the detainee was a member of the Lashkar-E-Tayyiba (LeT) which is an armed wing of the Pakistan-based religious organization identified as being anti-US. The detainee was injured in Afghanistan during a US bombing campaign. The unclassified evidence also claimed the detainee is a member of an Egyptian terrorist organization called Al Wa'ad and that the detainee was part of the plot to assassinate President Mubarek in 1995.

The detainee chose to participate in the Tribunal process. He did not call any witnesses but requested two documents be produced. The detainee made a sworn verbal statement. The Tribunal President ordered the documents requested by the detainee to be produced and the Recorder complied during the closed hearing because the documents were determined to be classified. The detainee, in his verbal statement, denied he was a member of LeT or Al Wa'ad. The detainee claimed his injuries were received while in Afghanistan adding he had only been in the country 2 hours before being wounded. The detainee stated he was never involved in a plot to assassinate President Mubarek. 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 and R-1 through R-20.
- b. Testimony of the following persons: none
- c. Sworn statement of the detainee.



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

The Detainee requested no witnesses and no ruling was required.

The Detainee requested the following additional evidence be produced:

Evidence	President's Decision	Produced?
Report from Egyptian Interrogators provided to an American Interrogator named [REDACTED] on 24 Sep 04.	Refer to Enclosure 2, Classified Summary of Basis for Tribunal Decision (S/NF)	Refer to Enclosure 2
Copy of detainee polygraph results.	Refer to Enclosure 2, Classified Summary of Basis for Tribunal Decision (S/NF)	Refer to Enclosure 2

The documents were classified and therefore the ruling by the Tribunal President is addressed in Enclosure 2.

#### 5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1, R-2 and R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Exhibit R-3 is a Terrorist Organization Reference Guide produced by the US Department of Homeland Security that provided detailed information on the Lashkar-E-Tayyiba (LeT) organization. Accordingly, the Tribunal had to look primarily to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Tribunal also considered 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 visited an LeT camp in January 2001 for 2 days but was never a member because only Pakistani citizens could join LeT. While at the camp, he did not receive any training. He was only there to observe the camp, which was well known by the Pakistani public as being sponsored by the Pakistani government. He later learned from a BBC broadcast that LeT had been listed as a terrorist organization. Thereafter, he did not visit LeT camps. The detainee explained traveling to Afghanistan as a volunteer of the Red Crescent Society for the purpose of assisting refugees. He further described being wounded by an American bombing raid just 2 hours after entering Afghanistan. He stated he was unconscious until he awoke in a hospital without his papers, money or other belongings.

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.

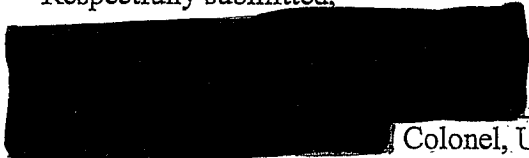
b. The detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, USAF

Tribunal President

Summarized Sworn 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: Yes.

[The detainee was sworn using his own oath.]

Tribunal President: You may now proceed.

Detainee: First I am grateful that you are giving me the chance to defend myself. I apologize for my weak English; if I need help I will ask the interpreter for help. I am disappointed with this Tribunal because if I am in a court and you accuse me of anything I should be allowed to know what the accusations are and to see the evidence. You tell me that these accusations are unclassified but there are other classified accusations. How can I defend myself if I don't know what the evidence is about the other accusations? Maybe the accusations are right maybe there wrong. If they are correct I will admit to them if they are wrong I will deny them. But what I understand is I have no choice. But this is the process.

Tribunal Member: If I can clarify a little bit before you start. These are all the accusations. What we will get in the classified session is in theory evidence to support these accusations, but there are no other accusations against you besides what is listed here.

Detainee: I understand that but what I mean is if you say I am an enemy combatant and you say you have evidence, I don't get to see it. Then I will stay here.

Tribunal President: You understand this is an administrative review not a trial or a criminal court?

Detainee: Yes I understand.

Detainee: I am also disappointed and frustrated at the same time because you are now using my cooperation against me. I gave you the information you need against me now.

You didn't know anything about it until I gave it to you. I don't understand this. The interrogators used to tell us to be cooperative, assist us and then we will release you. So, they asked me many questions about many things. If I knew anything I would tell them, if I didn't I would tell them I didn't know. Now that I have given them the information they needed, and it is not against the United States, they are using it against me. This is not fair it is not justice.

Anyhow, because I have no choice and I am here and I am cuffed, I have to be. Okay, let's discuss the accusations.

Detainee: 3.a.1. (Detainee became a member of the Lashkar-e-Tayyiba (LT) in 2000.) I am not a member of that organization. I never said in any interrogations that I was a member. I met some of these people but that does not mean I am a member. Suppose now that I have met you. You are in the American Army; this doesn't mean I am in the American Army. Yes I met some of them. I told my interrogator everything about this organization, but I don't know why anybody said that I was a member of this organization. For your knowledge this organization is a Pakistani organization. The Pakistani Intelligence has assisted this organization. By their own rules only Pakistani nationals are allowed to join the LT organization. I know you have a lot of cooperation with the Pakistani Government, you can ask them this.

Tribunal Member: I assume you are not Pakistani. What is your nationality?

Detainee: I am Egyptian.

Detainee: 3.a.2. (The LT is the armed wing of the Pakistan based religious organization, Markaz-ud-Dawa-wal-Irshad. LT is also an anti-U.S. terrorist organization.) Let me give you a small history lesson about Pakistan. This will help you to understand. In 1947 Pakistan separated from India. It used to be one country and they had a large revolution and separated. They went to the United Nations to solve the fight. The United Nations decided by the end of 1947 that the area of Kashmir should belong to the Pakistan Government, because about 85% of this area was Muslim. India refused because this area is a very strategic location for India. Since that time three or four large fights have occurred between the two countries because of this area. Pakistan had the assistance of many organizations to help the Pakistani Army fight against India for freedom of this area. So, LT is one of the organizations, which was established by the Pakistani Government. This organization has more than 4,000 offices in Pakistan. They are working out in the open not hiding. All the financial affairs, all the military affairs, such as weapons and ammunition is controlled by the Pakistani Army. The Pakistani Army gives this organization everything to fight in Kashmir against India. So if you consider this organization a terrorist organization then you should consider the Pakistani Government a terrorist country. I think this is not correct and Pakistan is your strong hand in that area. I will mention this now and again at the end. LT is the biggest enemy against Al-Qaida and Taliban. They are against them because when Taliban came to Afghanistan, LT already had a camp in Afghanistan. The Taliban came, closed the camp

and threw them out of Afghanistan. Another reason for this animosity is because in the Islamic belief there are four sects. Taliban is following one sect or scholar called Apohanifa and LT is following another scholar named Ipnhanpal. Maybe more than a thousand years ago the two sects were enemies and because of that LT is against Al-Qaida and Taliban. I know if anybody from LT went to Afghanistan even for a visit they would be immediately discharged from the organization. I don't know how you can consider this organization against the United States. I am not defending them because I am not a member. I am just telling you their history and maybe it will help in your decision.

3.a.3. (The detainee admitted being present at the LT-controlled major training facility in Northern Pakistan referred to as ██████████ in January 2001. ██████████ was created to facilitate the training and movement of Pakistani Muslim guerilla fighters.) This is correct. I visited the camp for two days. I didn't train there. I was an Egyptian Officer I don't need any kind of training. I visited the camp after I was invited by the LT. It is not actually a camp it is a joke. It's not a camp it is several tents on the top of a mountain. They take people from the streets and give them training on the Kalashnikov AK-47 then send them to Kashmir to fight. About 95% of them are killed crossing the border by India. If you want to visit this camp you can go to Pakistan and ask anybody and they will tell you where it is. It is not a secret camp. The Pakistani Government established this camp. Anybody can visit there it is an open camp.

Personal Representative: You said quite a bit with me about this. I'll read what you said. A little a bit is repetitive but I will read what you said to me.

Detainee: Yes.

Personal Representative: I visited the camp for two days. I did not receive any training at the base. It was not a secret camp. The Pakistan Intelligence Government created the camp. They provided everything, food, water, arms, and all the supplies. They trained people there to fight in Kashmir. Because I am not Pakistan they wouldn't let me train anyway. If the camp is a terrorist camp, then the point could be made that the Pakistan Government is a terrorist organization. I went to Pakistan for Dawa. When I reached Lahur, Pakistan, I found the organization Lashkar-e-Tayyiba an open public organization sponsored by Pakistan. I went to the office to get to know them and they were happy for my visit because I was an Arab. I went to a Mosque in Pakistan to lecture. I went to the camp for two days to see how things were running. I went back down and lectured the people. I then heard on the BBC radio from London that the government had classified Lashkar-e-Tayyiba as a terrorist organization. I was surprised so I quit.

Detainee: Right. Kashmir is a national crisis. The Pakistanis consider this their land. They go and fight the Indians even if they are the same religion, just for the land. As the Representative told you I heard it on the BBC radio, I think in February 2001, that they considered the Lashkar-e-Tayyiba a terrorist organization. I was surprised really because

it is a Pakistani organization. But I told myself there was no reason to be associated with anybody who is considered a terrorist organization whether they are or not.

3.a.4. (Detainee voluntarily traveled from Pakistan to Afghanistan after September 11, 2001.) This is correct. I traveled, I don't remember the date, it was in Ramadan I think the end of November 2001. I was working with the Saudi Red Crescent. They have a large camp at the border between Pakistan and Afghanistan. This camp was built for the refugees. They gave them medicine, tents, food and clothes. The Red Crescent is considered the brother of the Red Cross. They are one team but Red Crescent works in Islamic countries and the Red Cross works in Christianity countries. So, I crossed the border to help the refugees in Afghanistan and two hours later an American raid occurred. I saw a light and heard a voice and then I lost consciousness. When I woke up I was in a Pakistani hospital. I lost my coat, my passport, my money, everything. And I lost my leg also. Then I found my self in Pakistani custody. I spent seven days in this hospital and then the Red Crescent came to the hospital and told me I was in Pakistani custody and they were going to take me to their hospital. I was in this hospital for about twenty-five days. Pakistani Army Officers and even the Governor visited me. The city is called Quetta. I talked to them about Lashkar-e-Tayyiba and they told me not to speak to anybody about that, don't tell anybody our secrets. One night the Governor and some people from the Pakistani Intelligence came to the hospital. They told me they had a meeting yesterday and decided to move you from this hospital to a large modern hospital with good facilities and surgeons to take care of my leg. I still had my leg I lost it here in Cuba. They took me in an ambulance and then I found myself with you. The American forces took me to Kandahar for eleven days and then I came to Cuba.

3.a.5. (The Egyptian government has stated that detainee is a member of the Egyptian terrorist organization Al Wa'ad and was part of the plot to assassinate President Mubarek in 1995.) This has got to be a very big joke. I was in Egypt from 1995 to 2000. I didn't leave Egypt until August 2000. The attempt occurred in 1995, which means I stayed there for five years after this attempt. Do you think I would stay there for five years if I were involved in such a thing? Besides that in January 2004, the Egyptian Government sent a delegation to Guantanamo. They met me twice here. After the interview they sent a report to the CIA. They mentioned in the report that I am not a member of any organization either in Egypt or outside Egypt and that I was not involved in the assassination attempt. They said I should be released at once because I was innocent. This report is in my file. I was told about the report from the Egyptian delegation and from my interrogator [REDACTED]. After the delegation left the island, [REDACTED] stood up when I entered the room, shook my hand, said thank you and said I would be released.

Personal Representative: You said one more thing. Everything else was exactly from the notes I took. They said you had no part in the assignation attempt and that the plot and attempt actually took place in Ethiopia.

Detainee: Yes. The assignation attempt did not take place in Egypt it was in another country called Ethiopia in Africa. I was in Egypt during this time.

The other two accusations: 3.b.1. (The detainee was injured during a U.S. bombing campaign. He was wounded by shrapnel in the leg.) 3.b.2. (While being treated for his leg wound, the detainee was captured by the Pakistani Intelligence Service, then turned over to U.S. forces.) I have already answered them. I was wounded in the American campaign and I was arrested in Pakistan. I was unconscious after my injury and when I woke up I was in Pakistan. I now I am here.

Detainee: In conclusion about my defense. If you have unclassified evidence against me I have evidence I am not guilty. I am innocent and should not have stayed here one day. The best evidence is the polygraph. In April 2004 a team came from Washington D.C. came and gave me a polygraph test. After they finished, the [sic] polygrapher's name was [REDACTED] he shook my hand and thanked me for being honest. He said I should leave here on the first flight. This is the best evidence that I am innocent. The other evidence is the Egyptian delegation report. They said I should be released at once. I think my country knows me better than anyone else. Also my interrogator [REDACTED] You can read his recommendation that I should be released at once. My fourth piece of evidence. Suppose I am a member of Lashkar-e-Tayyiba as you said. According to your definition of an enemy combatant; an enemy combatant is a member of Al-Qaida or Taliban or other organizations, which support these two organizations. As I told you before Lashkar-e-Tayyiba is against these two organizations, but I am not a member. My fifth and last piece of evidence. My God and your God knows better than you and I. He knows that I am innocent and I will ask you in the Day of Judgment about everything. Thank you very much.

Tribunal President: Does this conclude your statement?

Detainee: Yes.

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

Personal Representative: No sir.

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

Personal Representative: No sir.

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

**Summarized Answers in Response to Questions by the Tribunal Members**

Q. You said prior to your capture the only time you were in Afghanistan was two hours prior to the raid?

A. Yes.

- Q. Where in Pakistan did you start from that day?
- A. A small village between the border of Pakistan and Afghanistan. It is called Chamen. It is a very small village. Actually there is Chamen, Pakistan and Chamen, Afghanistan.
- Q. Where were you when the raid occurred?
- A. I was near the camp.
- Q. On the road?
- A. Yes.
- Q. Were you in a vehicle?
- A. When I crossed the border I took a taxi. Not a taxi...it doesn't have a name in English. I went to the first village. Its name is Bulac.
- Q. You said you were working with the Red Crescent, so were you an employee?
- A. No a volunteer.
- Q. Were you identified by any insignia?
- A. No. There are many volunteers working in this organization.
- Q. When you went into Afghanistan did you have your papers with you?
- A. Yes.
- Q. Where did you lose them?
- A. After my injury, I told you I was unconscious, when I woke up I was in Pakistan and I didn't have my coat. My passport, money and papers were in my coat.
- Q. Why did you originally go to Pakistan?
- A. Missionary work, spreading the religion.
- Q. So as a missionary?
- A. Yes, I studied religion in Egypt. I can talk to people about their religion and guide them to the correct way.



- Q. Were you on your own or did a certain Mosque sponsor you?
- A. No, I was on my own.
- Q. You went from Egypt to Pakistan in 2001?
- A. 2000. My route was from Egypt to Saudi Arabia from there I went to Iran and from Iran I entered Pakistan.
- Q. I think you said you left Egypt in August 2000?
- A. Yes.
- Q. When you went to the camp, were you just observing or as a former Army Officer were you giving training or advise?
- A. No, just observing.
- Q. While you were at the camp did you see in Pakistani military officer or soldiers?
- A. No they wear their own clothes its not uniforms, they are civilians.
- Q. You mentioned after you went to the camp, you came down from the camp and you talked about the camp to people?
- A. No I went to the Mosque and lectured about their religion. The camp as I told you is famous. If you go to Pakistan you will find the offices of Lashkar-e-Tayyiba. Their ads are in the streets, supermarkets and everywhere.
- Q. You said you heard on the BBC around February of 2001 that LT was now considered a terrorist organization so you stopped...
- A. Yes I heard it on the radio that the Britain Government issued a report about terrorist organizations, about twenty of them, and one of them was Lashkar-e-Tayyiba.
- Q. So after February of 2001, you had no contact with them at all?
- A. Never.
- Q. So when you actually went to Afghanistan, you said at the end of November beginning of December, that's the only time you ever went to Afghanistan.
- A. Yes sir.

- Q. When you were in the hospital and they took you to the Red Crescent hospital, why do you think the Governor and the Intelligence people would come and visit you?
- A. I don't know how to describe to you that they were very happy with me. The Governor himself, everyday, would bring food and clothes and even ice cream and chocolates to me.
- Q. Why you were in the hospital?
- A. Yes. He told me I would stay in the hospital until I could walk again and then I could go home or stay in Pakistan. He said I was their guest, but he was a very big liar.
- Q. What was your association with the Red Crescent before you departed to Afghanistan? How did you become a volunteer?
- A. After the American attacks I was like everybody else, watching TV and seeing what happened to Afghanistan. There was about two million Afghani civilians that were scared of the war and going to Pakistan. Because of that Pakistan closed the border. Other people would cross the border illegally. It is not really a border. It's just a dessert. In the middle of the dessert there is a gate on a road. On the right and left there is nothing you can cross where you want. Even at the gate they don't stamp you. There is just one soldier from Pakistan and one soldier on the other side from Afghanistan.
- Q. And you were leading into how that led to your association with the Red Crescent.
- A. After that I traveled from Lahur to Quetta where there is a Red Crescent office.
- Q. Were you required to register with the Red Crescent as a volunteer?
- A. Yes, I went there and met the man in charge. I told him I wanted to help in these refugee camps. This is part of humanity and part of my religion. It is not only for the Muslims. If I know, even you in a critical situation, I have to help you, whether you are of my religion or not.
- Q. Because of your prior experience in the Egyptian Army did they consider you more of a leader or organizer of humanitarian aid or were you just a ...
- A. The Red Crescent doesn't know that I was in the Egyptian Army. I left the Army in 1990.

Q. Do you have any theories about why the Governor and the Pakistani Intel folks would sell you out and turn you over to the Americans? Did they think you were something else? Any ideas why they would be so nice to you and then turn you over?

A. Come on man you know what happened. In Pakistan you can buy people for \$10.00. So what about \$5,000.00.

Q. So they sold you?

A. Yes.

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

Detainee: No.

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

DETAINEE ELECTION FORM

Date: 29-Sep-04

Start Time: 1500

End Time: 1700

ISN#: 369

Personal Representative:   
(Name/Rank)

Translator Required? YES Language? ARABIC

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



**Detainee Election:**

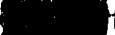
- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive


**Personal Representative Comments:**

Detainee has requested to participate in tribunal. Detainee has two requests:

#1. Would like a report from Egyptian Interrogators that visited him that states they found him innocent and not apart of any terrorist organizations. A copy of that report was given to:

#2. The detainee's American Inteerogater  who he met with on Sep. 24<sup>th</sup>, 2004 at 0830.  told him his file went to Washington and he does not deserve to be here.

#3. The detainee would like a copy of his polygraph submitted because the Polygraph Tester and  told him "he should be the first guy to leave here".

Personal Representative:  LCOR, USN

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (20 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal –  
ALGAZZAR, Adel Fattough Ali

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/or Taliban associated forces that are engaged in hostilities against the United States or its coalition partners.
  - a. The detainee is a terrorist fighter:
    1. Detainee became a member of the Lashkar-e-Tayyiba (LT) in 2000.
    2. The LT is the armed wing of the Pakistan based religious organization, Markaz-ud-Dawa-wal-Irshad. LT is also an anti-U.S. terrorist organization.
    3. The detainee admitted being present at the LT-controlled major training facility in northern Pakistan referred to as ██████████ in January 2001. ██████████ was created to facilitate the training and movement of Pakistani Muslim guerilla fighters.
    4. Detainee voluntarily traveled from Pakistan to Afghanistan after September 11, 2001.
    5. The Egyptian government has stated that detainee is a member of the Egyptian terrorist organization Al Wa'ad and was part of the plot to assassinate President Mubarek in 1995.

UNCLASSIFIED

Exhibit R-2369

UNCLASSIFIED

b. The detainee participated in military operations against the coalition.

1. The detainee was injured during a U.S. bombing campaign. He was wounded by shrapnel in the leg.
2. While being treated for his leg wound, the detainee was captured by the Pakistani Intelligence Service, then turned over to U.S. forces.

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



Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/17/2004

If you need additional assistance, please contact  
Assistant General Counsel [REDACTED],  
[REDACTED] or Intelligence Analyst [REDACTED]  
[REDACTED], [REDACTED]



unclassified



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

## Terrorist Organization Reference Guide

January 2004

2373  
Exhibit 83

## **19. Lashkar-e-Tayyiba (LT) (Army of the Righteous)**

### **Description**

The LT is the armed wing of the Pakistan -based religious organization, Markaz-ud-Dawa-wal-irshad (MOI) - a Sunni anti-US missionary organization formed in 1989. The LT is led by Abdul Wahid Kashmiri and is one of the three largest and best-trained groups fighting in Kashmir against India; it is not connected to a political party. The United States in October 2001 announced the addition of the LT to the US Treasury Department's Office of Foreign Asset Control's (OFAC) list - which includes organizations that are believed to support terrorist groups and have assets in US jurisdiction that can be frozen or controlled. The group was banned, and the Pakistani Government froze its assets in January 2002.

### **Activities**

The LT has conducted a number of operations against Indian troops and civilian targets in Kashmir since 1993. The LT claimed responsibility for numerous attacks in 2001, including an attack in January on Srinagar airport that killed five Indians along with six militants; an attack on a police station in Srinagar that killed at least eight officers and wounded several others; and an attack in April against Indian border-security forces that left at least four dead. The Indian Government publicly implicated the LT - along with JEM - for the 13 December attack on the Indian Parliament building. The LT is also suspected of involvement in the 14 May 2002 attack on an Indian Army base in Kaluchak that left 36 dead. Senior al-Qaeda lieutenant Abu Zubaydah was captured at an LT safehouse in Faisalabad in March 2002, suggesting some members are facilitating the movement of al-Qaeda members in Pakistan.

### **Strength**

Has several hundred members in Azad Kashmir, Pakistan, and in India's southern Kashmir and Doda regions. Almost all LT cadres are foreigners - mostly Pakistanis from madrassas across the country and Afghan veterans of the Afghan wars. Uses assault rifles, light and heavy machineguns, mortars, explosives, and rocket-propelled grenades.

### **Location/Area of Operation**

Based in Muridke (near Lahore) and Muzaffarabad. The LT trains its militants in mobile training camps across Pakistan-administered Kashmir and had trained in Afghanistan until fall of 2001.

### **External Aid**

Collects donations from the Pakistani community in the Persian Gulf and United Kingdom, Islamic NGOs, and Pakistani and Kashmiri businessmen. The LT also

maintains a Web site (under the name of its parent organization Jamaat ud-Oaawa), through which it solicits funds and provides information on the group's activities. The amount of LT funding is unknown. The LT maintains ties to religious/military groups around the world, ranging from the Philippines to the Middle East and Chechnya through the MOI fraternal network. In anticipation of asset seizures by the Pakistani Government, the LT withdrew funds from bank accounts and invested in legal businesses, such as commodity trading, real estate, and production of consumer goods.

## **20. Lashkar I Jhangvi (LJ) (Army of Jhangvi)**

### **Description**

Lashkar I Jhangvi (LJ) is the militant offshoot of the Sunni sectarian group Sipah-I-Sahaba Pakistan (SSP). The group focuses primarily on anti-Shia attacks and was banned by Pakistani President Musharraf in August 2001 as part of an effort to rein in sectarian violence. Many of its members then sought refuge with the Taliban in Afghanistan, with whom they had existing ties.

### **Activities**

LJ specializes in armed attacks and bombings. The group attempted to assassinate former Prime Minister Nawaz Sharif and his brother Shabaz Sharif, Chief Minister of Punjab Province, in January 1999. Pakistani authorities have publicly linked LJ members to the kidnap and murder of US journalist Daniel Pearl in early 2002. Police officials initially suspected LJ members were involved in the two suicide car bombings in Karachi in 2002-against a French shuttle bus in May and the US Consulate in June - but their subsequent investigations have not led to any LJ members being charged in the attacks. Similarly, press reports have linked LJ to attacks on Christian targets in Pakistan, including a grenade assault on the Protestant International Church in Islamabad in March 2002 that killed two US citizens, but no formal charges have been filed against the group.

### **Strength**

Probably fewer than 100.

### **Location/Area of Operation**

LJ is active primarily in Punjab and Karachi. Some members travel between Pakistan and Afghanistan.

### **External Aid**

Unknown.

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 06 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #369.

I have no comments.

My comments are attached.

  
Name

06 Nov 04  
Date

  
Signature

ISN #369  
Enclosure (5)