

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SULEMAN AWAD SULEMAN BIN )  
AGIL ALNAHDI, )  
Petitioner, )  
v. ) Civil Action No. 05-280 (CKK)  
GEORGE W. BUSH, *et al.*, )  
Respondents. )  
\_\_\_\_\_ )

**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 Suleman Awad Suleman Bin Agil Alnahdi 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: 29 July 2005

Teresa A. McPalmer  
Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 865

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 511**

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 #511 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)  
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COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

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19 Jan 05

## MEMORANDUM

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

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 511

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

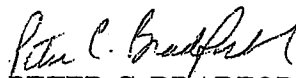
Encl: (1) Appointing Order for Tribunal #12 of 29 September 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate. The detainee affirmatively declined to attend, but he did prepare a written statement for his Personal Representative to present to the Tribunal. *See* enclosure (3).
- 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 exhibit R-3 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 did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee #511 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.

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

  
PETER C. BRADFORD  
LT, JAGC, USNR



Department of Defense  
Director, Combatant Status Review Tribunals

29 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #12

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Marine Corps Reserve; President

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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

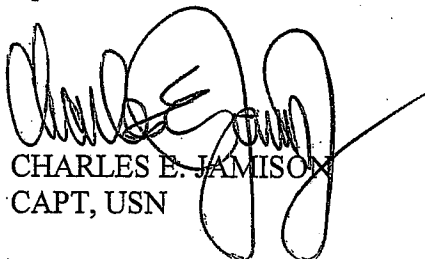
7 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander ICO ISN 511

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: #12

(U) ISN#: 511

Ref: (a) (U) Convening Order for Tribunal #12 of 29 September 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

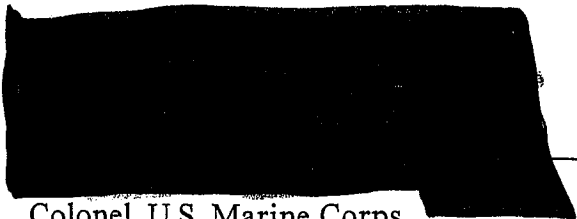
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened on 12 November 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 12 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #511 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 forces which are engaged in hostilities against the United States and its coalition partners, as more fully discussed in the enclosures.

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



Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL:       #12        
ISN #:       511      

**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 forces which are engaged in hostilities against the United States and its coalition partners. In reaching its conclusions, the Tribunal considered 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 alleged that the Detainee traveled to Afghanistan, via Pakistan, for military training in response to a fatwa and received an airline ticket to Pakistan and several hundred U.S. dollars from his facilitator. He used a challenge and pass system to determine who was picking him up from the airport and transporting him to an al Qaida safehouse in Karachi, Pakistan, which was run by a known al Qaida facilitator. The Detainee attended weapons training on the Kalashnikov and pistol at the ██████████ camp in Afghanistan and was aware that the camp was run by al Qaida. While at ██████████, the Detainee saw Usama Bin Laden speak; he saw him again in the Tora Bora mountains after 11 September 2001. The Detainee met the deputy commander of al Qaida, and one of the Detainee's aliases appeared on a list of captured al Qaida members that was discovered on a computer media recovered during raids on an al Qaida-associated safehouse. His name was also found on another captured list of al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member. The Detainee has extensive knowledge of encampments, defensive positions, and operations in the Tora Bora region.

The Detainee chose not to participate in the Tribunal process, but provided comments to the allegations that were presented by the Personal Representative as an unsworn Detainee statement. Basically, this statement was an admission that the Detainee traveled to Afghanistan in response to a fatwa, although he claimed he was not part of any actions against the United States or coalition forces and was not part of al Qaida.



### **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-16.
- b. Testimony of the following persons: None.
- c. Unsworn statement of the Detainee presented by the Personal Representative.

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

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

### **5. Discussion of Unclassified Evidence**

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

a. The Recorder offered Exhibits R-1 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. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony, as provided by the Personal Representative. A transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee stated that he did travel to Afghanistan, while following a fatwa, but was not part of al Qaida and did not fight against the United States. The Detainee also alleged that he had been tortured while in Kabul to say that he was a member of al Qaida and that he admitted that he was a member of al Qaida to make the torture stop. The Tribunal found the Detainee to be affiliated with al Qaida primarily because of information other than his admissions; nevertheless, in response to this allegation and in accordance with standard operating procedure, the Tribunal forwarded this information to the designated point of contact at Joint Task Force Guantanamo for investigation and disposition as appropriate. 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 requested or deemed necessary.

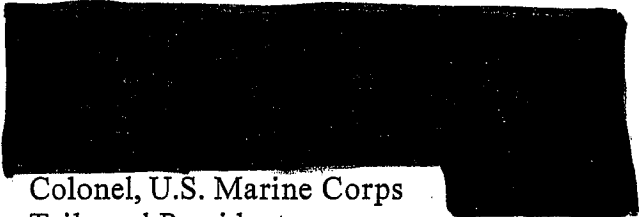
b. The Detainee understood the Tribunal proceedings. Although he did not actively participate, there was no reason to believe he did not understand the nature of the proceedings, as indicated in Exhibit D-a.

c. The Detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, al Qaida forces, which are engaged in hostilities against the United States and its coalition partners.

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covers the signature of the Tribunal President.

Colonel, U.S. Marine Corps  
Tribunal President

Unsworn Detainee Statement

*The Personal Representative made the following statement on behalf of the Detainee, who was not present at the Tribunal.*

There is a lot of exaggeration in the evidence. I am from a very poor family. My dad passed away when I was young so I was responsible for taking care of my family. We had lots of sickness in the family.

When I left for Afghanistan, I went because the television said they're killing our children in Palestine, Burma, and India. I listened to the cleric. I just followed what the cleric said, not because I wanted to go. Their speeches caused me to go.

I made a promise to my mother that I would only go for six months and then come back home. If I knew in advance what would happen, I never would've went.

I had no job and lots of problems. I got a free ticket and some money, so I went. I went before 9/11 so it had nothing to do with America.

I have no problems with America. I wasn't involved in what was happening between the Northern Alliance and the Taliban.

After 9/11 and when the fighting began, I was in the mountains. I asked for my passport back so I could leave, but I couldn't get it so I left Afghanistan for Pakistan.

The Afghanistan people arrested me. When tortured in prison in Kabul, they made us say we're part of al Qaida. I put my fingerprint on the document to stop the torture.

I'm not a member of al Qaida - I never heard of al Qaida until I was arrested.

When I was in camp I saw bin Laden but I had nothing to do with him and did not identify with what he was saying. Others told me the training was following the Koran to defend my country. Whatever bin Laden did, he needs to be charged-don't take it out against me.

I didn't have any legal problems in Yemen and I'm not with Jihad.

I have nothing against the tribunal and my behavior here has been good. The only thing I've done here was throw juice on a guard because I was upset when my mother recently died.

ISN #511  
Enclosure (3)

DETAINEE ELECTION FORM

Date: 4 Nov 2004

Start Time: 0825

End Time: 0905

ISN#: 511

Personal Representative: [REDACTED] LT COL  
(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:**

Requests a day or two to decide if he wants to participate. PR will schedule follow up.

6 Nov 04: Detainee does not want to attend but requests PR read response statements on his behalf. No witnesses requested. No documentary evidence requested.

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Personal Representative: \_\_\_\_\_

## Combatant Status Review Board

TO: Tribunal Member

FROM: OIC, CSRT (27 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL NAHDI, Sulaiman Awath Sulaiman Bin Ageel

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 the detainee is associated with al Qaida and the Taliban.

The detainee is associated with al Qaida and the Taliban:

1. The detainee traveled to Afghanistan for military training in response to a fatwa.
2. The detainee received the airline ticket to Pakistan and several hundred U.S. dollars from his facilitator.
3. The detainee used a challenge and pass system to determine who was picking him up from the airport and transporting him to the safehouse.
4. The detainee stayed at an al Qaida safehouse in Karachi, Pakistan run by a known al Qaida facilitator.
5. The detainee attended weapons training on the Kalashnikov and the pistol at the al Farouq camp.
6. The detainee knew al Qaida ran the [REDACTED] camp.
7. The detainee saw Usama Bin Laden at the [REDACTED] camp.
8. The detainee attended an Usama Bin Laden talk on jihad in the Tora Bora mountains after 11 September 2001.
9. The detainee met the deputy commander of al Qaida.

Exhibit RI

UNCLASSIFIED

10. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer media recovered during raids on al Qaida-associated safehouses.
  11. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.
  12. The detainee has extensive knowledge of encampments, defensive positions, and operations in the Tora Bora region.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

## Memorandum



To : Department of Defense Date 10/27/2004  
 Office of Administrative Review  
 for Detained Enemy Combatants  
 Capt. Charles Jamison, OIC, CSRT

From : FBI GTMO  
 Counterterrorism Division  
 Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF  
 NATIONAL SECURITY INFORMATION  
 [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 marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. 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 511 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 07/24/02

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Exhibit **R2**

UNCLASSIFIED

Memorandum from [REDACTED] to Capt. Charles Jamison  
Re: REQUEST FOR REDACTION, 10/27/2004

If you need additional assistance, please contact Asst.  
Gen. Counsel [REDACTED] ([REDACTED]),  
[REDACTED] or Intelligence Analyst (IA)

IA [REDACTED] ([REDACTED]), [REDACTED]

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### Personal Representative Review of the Record of Proceedings

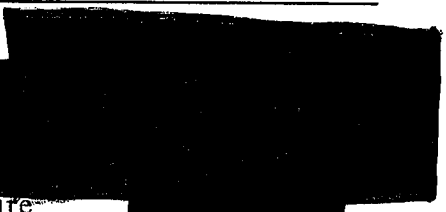

I acknowledge that on 29 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #511.

I have no comments.

My comments are attached.

, Lt Col, USAF

Name

nature

29 DEC 04  
Date

ISN #511  
Enclosure (5)