

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH AL ANZY,)
)
)
 Petitioner)
)
 v.) Civil Action No. 05-345 (JDB)
)
)
 GEORGE WALKER 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 Abdullah al Anzy that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or have been redacted by an OARDEC staff member. This staff member also redacted information that would personally identify 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: 22 July 2005

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 000

29 JAN 2005

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 514**

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 #514 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

~~FOR OFFICIAL USE ONLY~~

2589

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 # 514

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 #20 of 8 November 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. *See* exhibit D-a.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal substantially complied with all provisions of references (a) and (b). It is noted that the Tribunal considered exhibit R-10. While exhibit R-10 seemed to favor the detainee, it is my opinion that the Tribunal properly reached a determination as to whether the detainee should be classified an enemy combatant using the preponderance of evidence standard as outlined in references (a) and (b).
- d. The detainee did not request that any witnesses or evidence be produced.
- e. The Tribunal's decision that detainee #514 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
PETER C. BRADFORD
LT, JAGC, USNR



Department of Defense
Director, Combatant Status Review Tribunals

8 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #20

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. Army; President

[REDACTED] Commander, JAGC, U.S. Navy; Member
(JAG)

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

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

14 December 2004

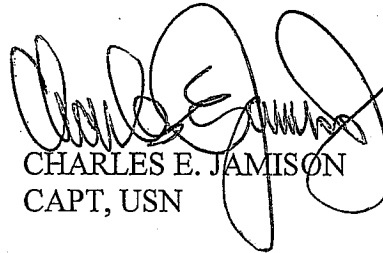
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN 514

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 (3).

(U) TRIBUNAL PANEL: #20

(U) ISN#: 514

Ref: (a) (U) Convening Order for Tribunal #20 of 8 November 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) Copies of Documentary Evidence Presented (S/NF)
(4) (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 1 December 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee #514 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, 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 enclosure (1).



Colonel, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

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

TRIBUNAL PANEL: _____ #20

ISN #: _____ 514

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 was a part of or supporting al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the evidence considered by the Tribunal and other pertinent information.

2. Synopsis of Proceedings

The Recorder presented Exhibit R-1 during the unclassified portion of the Tribunal. The Unclassified Summary of Evidence, Exhibit R-1, indicates, among other things, that: the detainee is associated with al Qaida; the detainee is a citizen of Saudi Arabia who traveled to Afghanistan in the summer of 2000 to receive military training; the detainee received training at a terrorist training camp in Afghanistan; the detainee spent approximately 45 days at this particular terrorist training camp and received training on the Kalashnikov rifle and pistol; the detainee returned to Afghanistan after 11 September 2001, and eventually proceeded to the Tora Bora mountains where the detainee was injured during the bombing campaign at Tora Bora; and that the detainee spent four days in a hospital where he had both legs amputated, after which time he was subsequently transferred to U.S. military custody.

After having initially elected to participate in the Tribunal process, moments prior to the hearing the detainee elected not to participate. The Personal Representative presented no evidence and called no witnesses on behalf of the detainee. During the classified session, the Recorder presented Exhibits R-2 through R-11. The Personal Representative presented no classified exhibits, and neither the Recorder nor the Personal Representative commented on the classified evidence. However, the Personal Representative did state that during the detainee's pre-Tribunal interview, the detainee stated that he knowingly went to Afghanistan after 11 September 2001 to complete his military Jihad training at [REDACTED] but when he got to Afghanistan he found the camp was abandoned.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-11 and D-a.
- b. Testimony of the following persons: None.

c. Statement of the detainee: None.

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

The detainee requested no witnesses.

The detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The recorder offered Exhibit R-1 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. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

The Tribunal consulted the CSRT Assistant Legal Advisor regarding certain matters raised by Exhibit R-3, which are more fully discussed in paragraph 3 of Enclosure (2) to the CSRT Decision Report. As per instructions, the OARDEC Forward Chief of Staff and the OARDEC Liaison to the Criminal Investigation Task Force and JTF-GTMO were notified of the matters on 2 December 2004.

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 chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. As indicated in Exhibit D-a, the detainee made a conscious and voluntarily decision not to participate in the Tribunal process.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army
Tribunal President


DETAINEE ELECTION FORM

Date: 20 Nov 04

Start Time: 1005

End Time: 1105

ISN#: 514

Personal Representative:  LT COL

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:

- Will speak to each piece of evidence.
 - Detainee will read from the translated copy of the Summary of Evidence.
 - Has indicated he will not take the oath.
 - Detainee did not request any witnesses.
 - Detainee did not request any documentary evidence.

1 Dec 04: Detainee has changed his mind and does not want to participate. He told PR that he does not believe in this process. He also told PR he does not want any statements made on his behalf.

Personal Representative: 

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (16 November 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL UNAZI,
ABDALLAH THANI FARIS

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.
 - The detainee is associated with al Qaida:
 1. The detainee is a citizen of Saudi Arabia who traveled to Afghanistan in the summer of 2000 to receive military training.
 2. The detainee received training at a terrorist training camp in Afghanistan.
 3. The detainee spent approximately 45 days at this particular terrorist training camp and received training on the Kalashnikov rifle and pistol.
 4. The detainee returned to Afghanistan after 11 September 2001, and eventually proceeded to the Tora Bora mountains.
 5. The detainee was injured during the bombing campaign at Tora Bora.
 6. The detainee spent four days in a hospital where he had both legs amputated, after which was subsequently transferred to U.S. military custody.
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.

Page 1 of 1

UNCLASSIFIED

2598

Exhibit 12-1

Personal Representative Review of the Record of Proceedings

I acknowledge that on 4 December 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #514.

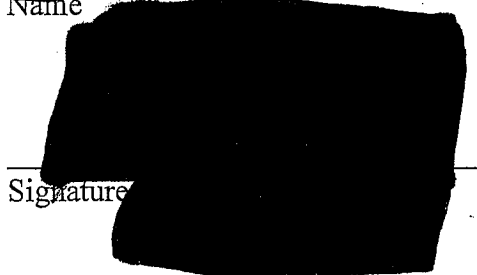
I have no comments.

My comments are attached.



Name

4 DEC 04
Date



Signature