

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HASSAN ZUMIRI <i>et al.</i>)	
)	
Petitioners/Plaintiffs,)	
)	
v.)	Civil Action No. _____
)	
GEORGE W. BUSH,)	
President of the United States, <i>et al.</i> ,)	
Respondents/Defendants.)	
_____)	

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:

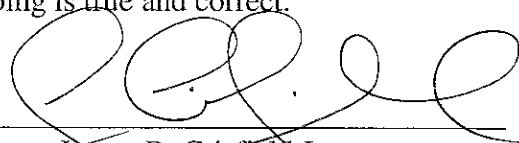
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each 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 Hassan Zumiri 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 which would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internment serial numbers because certain combinations of internment 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: 2 Dec 04



James R. Crisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0437

29 NOV 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:

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26 Nov 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

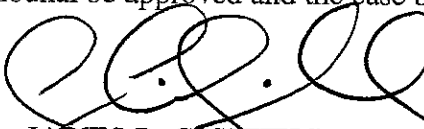
Encl: (1) Appointing Order for Tribunal #21 of 16 November 2004
(2) Record of Tribunal Proceedings

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.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee did not request that any witnesses or evidence be produced.
- 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

16 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #21

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

[REDACTED] Major, U.S. Air Force Reserve; Member (JAG)

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

(U) Combatant Status Review Tribunal Decision Report Cover Sheet


(U) This Document is UNCLASSIFIED Upon Removal of Enclosure (2).

(U) TRIBUNAL PANEL: #21

(U) ISN#:

Ref: (a) (U) Convening Order for Tribunal #21 of 16 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) Copies of Documentary Evidence Presented (S/NF)
(3) (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 22 November 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee  is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is associated with al Qaida in support of military operations against the coalition, 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).


Tribunal President

Col, USAF

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #21
ISN #: _____

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was associated with al Qaida in supporting military operations against the coalition. 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.

2. Synopsis of Proceedings

The Tribunal conducted the proceeding on 22 November 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, during the unclassified portion of the Tribunal. Exhibit R-1 indicates, among other things, that the detainee: traveled to Canada on a false French passport; traveled to Afghanistan with a stolen passport, which was found in the possession of an al Qaida facilitator; carried a weapon in Afghanistan; was an active member of a network supporting subversion in Algeria; knew Algerian al Qaida members in Kabul, Afghanistan; associated with Islamic extremists; associated with at least three persons whom he considers terrorists; is a personal friend of, and provided financing and equipment to, the terrorist arrested at the United States/Canadian border while attempting a terrorist attack in the United States; and was planning to participate in jihad in Algeria.

The detainee did not attend the Tribunal hearing and affirmatively declined to participate, stating that he agrees that he is an enemy combatant. He made a verbal statement to that effect to his Guantanamo Personal Representative. He did not submit evidence to present on his behalf. The detainee's decision and statement are reflected on the Detainee Election Form (Exhibit D-a) and the Guantanamo Personal Representative's affidavit (Exhibit D-b). The Personal Representative presented no evidence and called no witnesses.

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-19. The Personal Representative reviewed these exhibits prior to their presentation to the Tribunal. The Personal Representative presented no classified exhibits. The classified exhibits support the assertions on the Unclassified Summary of Evidence, as well as the detainee's own statement, and the Tribunal found the detainee is properly classified as an enemy combatant.

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ISN _____
Enclosure (1)
Page 1 of 3

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-19, D-a and D-b.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: Detainee made a verbal statement to his Personal Representative that he agrees that he is an enemy combatant.

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, the Unclassified Summary of Evidence, into evidence during the unclassified portion of the proceeding. 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 only conclusory statements without supporting unclassified evidence. Because there was no other unclassified evidence for the Tribunal to consider, the Tribunal looked to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions.

6. Discussion of the Classified Evidence

During the classified portion of the Tribunal hearing, the Recorder presented Exhibits R-2 through R-19. While some exhibits were more persuasive than others, all classified exhibits fully supported the assertions on the Unclassified Summary of Evidence and were persuasive. The Tribunal found Exhibits R-5, R-9, R-14 and R-15 to be particularly persuasive. Based upon these facts the Tribunal found the detainee is properly classified as an enemy combatant.

7. Consultations with the CSRT Legal Advisor

None

8. 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. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process but chose not to participate, as indicated in Exhibit D-a and Exhibit D-b.

c. The detainee is properly classified as an enemy combatant because he was associated with al Qaida in supporting military operations against the coalition.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Air Force
Tribunal President

ENCLOSURE 2

DETAINEE ELECTION FORM

Date: 17 Nov 04

Start Time: 1340

End Time: 1400

ISN#: [REDACTED]

Personal Representative: [REDACTED] LT COL

Translator Required? YES Language? ARABIC (ALGERIAN)

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:

The Detainee declined his right to participate in the tribunal process because he already agrees that he is an EC. He also chose not to have the PR submit any statement on his behalf. Detainee did not request any witnesses. Detainee did not request any documentary evidence.

Personal Representative: [REDACTED]

An initial interview was held with detainee ZUMIRI, Hassan (ISN [REDACTED]) on 17 Nov 04.

☒ The detainee spoke the language of the linguist and understood the linguist.

☒ The detainee was reminded that the U.S. government established a Combat Status Review Tribunal to review his designation as an enemy combatant.

☒ The detainee was advised that I am not an attorney or his advocate, but will assist him in the CSRT process if he chooses to participate.

☒ The detainee was advised that a tribunal of military officers will review his enemy combatant designation even if he chooses not to participate.

☒ The detainee was advised that he will have an opportunity to speak on his own behalf and call witnesses and ask questions of the witnesses and tribunal members.

☒ The detainee was advised that he may choose not to appear at the Tribunal hearing or participate in the CSRT process, but that I could present information on his behalf.

☒ The detainee confirmed that he understood the process as explained to him and did not have any questions.

☒ The detainee affirmatively chose not to participate in the CSRT process and does not want me to present information on his behalf.

I affirm that the information above is complete and accurate to the best of my knowledge.

[REDACTED]
[REDACTED], Lt Col, USAF

17 Nov 04
Date

Exhibit D-6²⁶³³

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (18 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ZUMIRI, Hassan.

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 traveled to Afghanistan with a stolen passport.
 2. The detainee's stolen passport was in the possession of an al Qaida facilitator.
 3. The detainee traveled to Canada on a false French passport.
 4. The detainee carried a weapon in Afghanistan.
 5. The detainee was an active member of a network supporting subversion in Algeria.
 6. The detainee knew Algerian al Qaida members in Kabul, Afghanistan.
 7. The detainee associated with Islamic extremists.
 8. The detainee associated with at least three persons whom he considers terrorists.
 9. The detainee is a personal friend of the terrorist arrested at the United States/ Canada border while attempting a terrorist attack in the United States.
 10. The detainee provided financing and equipment to the above-mentioned terrorist.
 11. The detainee was planning to participate in jihad in Algeria.
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

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evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Personal Representative Review of the Record of Proceedings

I acknowledge that on 22 November 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN [REDACTED]

[REDACTED] I have no comments.

____ My comments are attached.

[REDACTED]

Name

23 Nov 04
Date

[REDACTED]

Signature

ISN [REDACTED]
Enclosure (3)