

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MAHMUD SALEM HORAN

MOHAMMED MUTLAK AL ALI,

Petitioner

v

GEORGE WALKER BUSH, *et al.*,

Respondents.

No. 05-CV-0247 (HHK)

**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 record of proceedings before the Combatant Status Review Tribunal related to petitioner Mahmud Salem Horan Mohammed Mutlak Al Ali that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. An OARDEC staff member redacted information that would personally identify U.S. Government personnel in order to protect the personal security of those individuals. Additionally, this staff member redacted names and identifying information of training camps, since such information is law enforcement sensitive. Finally, this individual also redacted internee serial numbers because

certain combinations of internee serial numbers with other information relates to sensitive internal and intelligence operations that is not suitable for public release.

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

Dated: 6 May 2005

Teresa A. McPalmer

Teresa A. McPalmer  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: [REDACTED]

09 DEC 2004

From: Director, Combatant Status Review Tribunal

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

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

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

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

8 Dec 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 #15 of 12 October 2004  
(2) Record of Tribunal Proceedings

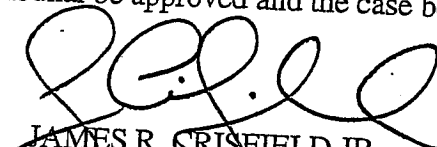
1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and elected 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).
  1. 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.
  2. Some information in exhibits R-8, R-11, and R-13 was redacted. It is clear that the only information redacted consisted of internee serial numbers.
  3. Note that the Tribunal Decision Report cover letter erroneously indicates that the document is unclassified if enclosures (2) and (4) are removed. It should read that the document becomes unclassified if enclosures (2) and (3) are removed. Enclosure (4) is not classified. I have made a pen and ink change to correct this administrative error.
- 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.

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

- 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

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

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



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

4 November 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

  
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)3

JRC

(U) TRIBUNAL PANEL: #15

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #15 of 12 Oct 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/~~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 23 Oct 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or associated with, al Qaida and the Taliban, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED], Colonel, USAF  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: #15  
ISN # [REDACTED]

**1. Introduction**

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

**2. Synopsis of Proceedings**

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of, or associated with, al Qaida and the Taliban. The detainee did not participate in the Tribunal process or request any witness or additional evidence be produced.

**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-17.

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

The Detainee did not request any witnesses; no rulings were required.

The Detainee requested no additional evidence be produced; no rulings were required.

**5. Discussion of Unclassified Evidence**

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

- a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the

Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence.

b. Since the detainee did not participate in the Tribunal process and the unclassified evidence was unpersuasive, the Tribunal relied exclusively on 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. The Personal Representative (PR) advised the detainee of his rights and gave the detainee a translated copy of the unclassified summary of the evidence. The PR said the detainee read the unclassified summary twice then handed it back to the PR. The detainee made a sarcastic expression indicating to the PR that the detainee understood the unclassified summary. The detainee was unresponsive to PR and that is how the PR determined that the detainee did want to participate in the Tribunal proceedings as outlined in exhibit D-a. The detainee did not participate in the hearing.

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

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

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, USAF  
Tribunal President

**DETAINEE ELECTION FORM**Date: 21 October 2004Start Time: 0812 hrsEnd Time: 0832 hrsISN#: [REDACTED]Personal Representative: [REDACTED] MAJOR, USAF  
(Name/Rank)Translator Required? YESLanguage? ARABICCSRT 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 does not desire to participate in the Tribunal. Tribunal will be In Absentia. Detainee was unresponsive and did not say a word during the entire interview. However, I was able to present the unclassified evidence to him, which he read over two times. I have completed the initial interview silent detainee worksheet. Please cancel the 22 Oct, 0800 follow-up and 26 Oct 0730 Final. The IA Tribunal is currently scheduled for 27 Oct, 1300.

Personal Representative: ///Signed/// 21 Oct 04/// [REDACTED][REDACTED] Major, USAF  
Personal Representative

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**Combatant Status Review Board**

TO: Tribunal Members

FROM: OIC, CSRT (05 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL ALI, Mahmud Salem Horan Mohammed

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. Detainee had a desire to join the Jihad after viewing videos depicting the situation in Afghanistan, Bosnia and Chechnya.
    2. Detainee read a Fatwa in late September 2001 and within two weeks he began his journey to Afghanistan.
    3. Detainee planned his travel from his country of residence, Kuwait, to Afghanistan; by traveling through Iran and Syria.
    4. Detainee traveled to Afghanistan with the intent to attend training at the [REDACTED] training camp, but the [REDACTED] training camp was closed, because of changes necessitated after the events on 11 September 2001.
    5. Detainee entered Afghanistan on 24 October 2001 and stayed at a Taliban center in Ferah.
    6. Detainee was captured at a clinic in Kabul where he was being treated for an illness.
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.

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Exhibit R-1

## Memorandum



To : Department of Defense  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT  
Date 09/28/2004

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 [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/20/2002

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

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

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Exhibit R-2

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/28/2004

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

-2-072

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## Personal Representative Review of the Record of Proceedings

I acknowledge that on 25 October 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

25 Oct 04  
Date

[REDACTED]  
Signature

Major [REDACTED] USAF

ISN # [REDACTED]  
Enclosure (4)