

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JALAL SALAM AWAD AWAD,	)	
<i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1194 (HHK)
	)	
GEORGE W. BUSH,	)	
President of the United States, <i>et al.</i> ,	)	
Respondents.	)	
	)	
	)	
	)	

---

**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.

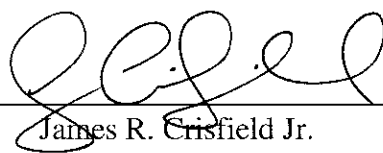
2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Jalal Salam Awad Awad that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I

have redacted names of detainee family members and information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals.

I have also redacted internee serial numbers because certain combinations of internee 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: 12 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



**Department of Defense**  
**Director, Combatant Status Review Tribunals**

OARDEC/Ser: 0195  
11 October 2004

**FOR OFFICIAL USE ONLY**

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)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

**FOR OFFICIAL USE ONLY**

8 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

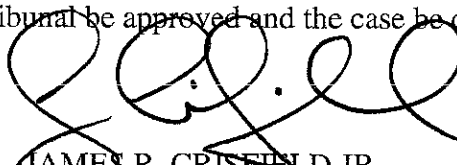
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004  
(2) Record 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 affirmatively declined to participate in the Tribunal proceedings.
- 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 made no requests for witnesses or other evidence.
- 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. He 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. CRISTFIELD JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

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]

Colonel, U.S. Army; Member

[REDACTED]

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

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

02 October 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.

  
DAVID L. TAYLOR  
Colonel, USAF

**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

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

(U) TRIBUNAL PANEL:   #8  

(U) ISN#:           

Ref: (a) (U) Convening Order for Tribunal #8 of 13 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)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)-N/A  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 27 September 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 27 September 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 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, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

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

TRIBUNAL PANEL: \_\_\_\_\_ #8 \_\_\_\_\_

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 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 summary presented to the Tribunal by the Recorder failed to identify the Detainee as a member of a specific organization. The Tribunal had to rely on classified information to determine that the Detainee was a member of, or affiliated with, al Qaida. The Detainee trained at a Jihad paramilitary training camp called "The Libyan Base" which is near Kabul, Afghanistan. At this camp, the Detainee received training on a variety of weapons. Further, when the Detainee chose to flee the country, he used an established escape network and was arrested in a safe house in Karachi, Pakistan that was ran by an identified al Qaida operative. The Detainee chose not to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and did not give a statement to his Personal Representative, either oral or written, to be presented to the Tribunal.

**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-8.
- b. Testimony of the following persons: None
- c. No statement was made by the Detainee.



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

The Detainee requested no witnesses or additional evidence be produced; therefore, no rulings on these issues 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 an affidavit written by [REDACTED], the Detainee's brother, on 10 April 2004. In this document, [REDACTED] alleges that the Detainee was not a religious fanatic and that he just performed the basic requirements of his faith. It stated that the Detainee was a married man, with children. The affidavit stated that the Detainee went to Pakistan with others to do missionary work but that his motivation to go to Pakistan was probably an interest in travel, not religion. The document states that after 11 September 2001 the Detainee called home and told them he would be home and would see them soon.

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.

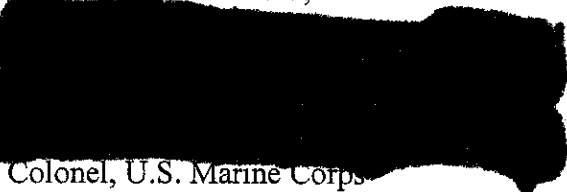
b. The detainee understood the Tribunal proceedings, but chose not to participate in the Tribunal process, as indicated in Exhibit D-a. The Tribunal questioned the Personal Representative closely on this matter and was satisfied that the Personal Representative had made every effort to ensure that the Detainee had made an informed decision not to participate in the process.

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,


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

Colonel, U.S. Marine Corps  
Tribunal President

**Detainee Election Form**

Date/Time: 26 Sep  
Start/End Time: 1400 - 1415

ISN#: 

Personal Representative: LtCol   
[Name/Rank]

Translator Required? Yes

Language? Arabic

CSRT Procedures 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 wish to participate

No witnesses requested

  
Personal Representative

FOUO

**Recorder Exhibit List**  
**For**  
**ISN [REDACTED]**

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	Affidavit of [REDACTED]	UNCLASSIFIED
R3	IIR 2 340 7047 02	SECRET
R4	IIR 2 340 6892 02	SECRET
R5	IIR 2 340 7045 02	SECRET
R6	JTF GTMO Baseball Card	SECRET//NOFORN
R7	CITF Memorandum 22-MAR-04	SECRET//NOFORN
R8	Knowledgeability Brief 10-Jun-02	SECRET

FOUO

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal: AWAD, Jalal Salam Awad

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 either an al Qaida or Taliban fighter:
  1. The detainee is a Yemeni National who traveled from Yemen to Afghanistan.
  2. The detainee trained at a Jihad Para-military training camp called "The Libyan Base," near Kabul, Afghanistan.
  3. The detainee received training on the AK-47 assault rifle, rocket-propelled grenade launcher, PK-machine gun, and other weapons.
  4. The detainee fled Afghanistan after the fall of the Taliban, using an escape network that helped fleeing Arabs and Afghans evade arrest by Pakistani Authorities.
  5. The detainee was arrested at a safehouse in Karachi, Pakistan.
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.

UNCLASSIFIED

Exhibit 3013

UNCLASSIFIED  
Affidavit of [REDACTED]

Comes now, [REDACTED] under oath, and makes the following affidavit in Sana'a, Yemen:

I am the brother of Jalal Salim Bin Amer, who is being held in Guantanamo Bay.

My family comes from Hadhramaut, in Yemen. My father is a businessman. My mother is deceased. In our family there are four sons and seven daughters.

I am the middle son. I am a student in the University of Sana'a learning Arabic. I became a student of Arabic and I teach it because that way people have a better knowledge and a better understanding of the Koran.

My brother Jalal is now about 25. He is the youngest son. When he was growing up, he was a normal boy. He was very polite, and respectful of his elders. He enjoyed sports. He enjoyed watching television. He was most interested in the news and world affairs.

He was a generous boy. He used to give what money he had away as charity, and he was always keen to help people who had troubles. He would help people who were preparing for festivals to prepare their food.

He liked to travel. He liked to get acquainted with people.

My brother used to practice religion, but he was far from a religious fanatic - he just used to perform the basic requirements of our faith. I believe that I am probably more religious than my youngest brother.

[REDACTED]  
Initials: \_\_\_\_\_

UNCLASSIFIED

Pg 1 of 3

1  
Exhibit R-2  
3004

UNCLASSIFIED

My brother is married. It is very difficult for his wife, because she is dependent upon him for support. Our family tries to support her in his place. He has one daughter, called [REDACTED], who is eight years old.

My brother went to Pakistan with some other people who were acting as missionaries to talk about religion in the villages. My brother, because he liked to travel, was probably as interested in seeing new places and meeting people from different cultures as he was in the ministry.

When my brother was in Pakistan, my family would hear from him by telephone once every six months or so. He would tell my father general things about how he was doing, and how he was teaching there.

After September 11, 2001, and after the attack on Afghanistan, my brother called and told us that he would be home and would see us soon.

The next we heard was from the Red Cross that he was in Guantanamo Bay. We have received letters from him. He has told us that he did not do anything, that he is innocent, and is being held there as captive, but he believes that God will help him get through this.

This has been very difficult on our family. It has been a tragedy. My sisters have been extremely upset. [REDACTED] misses her father very much, and asks about him all the time – where is he? When will I see him? How is he?

We are not a wealthy family but we have tried to do what we can for my brother.

We have been contacting the Red Cross.

[REDACTED]  
Initials: \_\_\_\_\_

UNCLASSIFIED

Pg 2 of 3

UNCLASSIFIED

Signed this 10<sup>th</sup> day of April, 2004.

[REDACTED]

[REDACTED]

[REDACTED]

Witness

UNCLASSIFIED

Pg 3 of 3

3

3006



## Personal Representative Review of the Record of Proceedings

I acknowledge that on 29 September 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]  
Lt. Col., USAF

29 Sep 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)