

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AHMED RASHIDI, *et al*,
Petitioners,
v.
GEORGE WALKER BUSH,
President of the United States, *et al.*,
Respondents.

No. 1: 05CV00640 (EGS)

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 (OARDEC) at U.S. Naval Base Guantanamo Bay, Cuba. 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 Ahmed Rashidi 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 certain U.S. Government personnel in order to protect the personal security of those individuals. The OARDEC staff member also redacted internee serial numbers because certain combinations of

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

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

Dated: 22 April 2005

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



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser. 390

4 JAN 2005

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From: Director, Combatant Status Review Tribunals

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

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1 Jan 05

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunals

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 # 13 of 04 October 2004
(2) Record of Tribunal Proceedings

1. A 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 did not participate in the proceeding.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibit R-4 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. Exhibits R-4, R-15, and R-20 contain handwritten notes in the margins. The notes on exhibits R-4 and R-20 appear to be aids in directing the Tribunal to the source of the information in the Unclassified Summary provided to the detainee. The note on exhibit R-15 explains that a name on the document is an alias of the detainee's. These notes do not alter the evidence nor do they affect the legal sufficiency of the documents.

e. The detainee did not request any witnesses or additional evidence.

f. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

g. The detainee's Personal Representative was given the opportunity to review the record of proceedings and affirmatively declined to submit comments.

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

2. The proceedings and decision of the Tribunal as recorded in enclosure (2) 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.



T. A. McPALMER
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

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. Naval Reserve;
Member (JAG)

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

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

DETAINEE ELECTION FORM

Date: 1 Oct 04

Start Time: 0750

End Time: 0845

ISN#: [REDACTED]

Personal Representative: [REDACTED] MAJOR, USAF
(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, Unresponsive, Belligerent

Personal Representative Comments:

Detainee was extremely verbally belligerent towards both myself and translator. Detainee was making accusations of the US Government throughout the interview. During the time, when the Unclassified Summary of Evidence was read to him, he became extremely agitated and verbally belligerent. He started physically moving in his chair and making movements towards the table between him and myself/translator. I terminated the interview at that time.

Personal Representative: [REDACTED]



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

11 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

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 [REDACTED]

A handwritten signature in black ink, appearing to read "D. L. Taylor", is written over the typed name.

DAVID L. TAYLOR
Colonel, USAF

[REDACTED]

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

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

(U) TRIBUNAL PANEL: #13

(U) ISN#: [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #13 of 4 October 2004 (U/~~FOUO~~)
(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 7 October 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 7 October 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 affiliated with, al Qaida, was a member of Moroccan Islamic Fighters, 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, U.S. Army
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION

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

TRIBUNAL PANEL: _____ #13
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 is a member of, or affiliated with, al-Qaida and was part of or supporting the Moroccan Islamic Fighting Group. 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 evidence presented to the Tribunal on 7 October 2004 by the Recorder indicated that the Detainee was associated with al-Qaida. While in England, the Detainee attended the Finsbury Park Mosque and the Baker Street Mosque, both known extremist mosques. During late September and early October 2001, the Detainee traveled from England to Afghanistan via Morocco and Pakistan. The Detainee is identified as having received training at the [REDACTED] training camp in July 2001, to include weapons training, war tactics and bomb making. The Detainee fled Afghanistan in the company of a large convoy and was captured in Bannu, Pakistan in early 2002. The Detainee admits to knowing how to conduct suicide attacks on airliners using smuggled flammable liquids. The Detainee is identified as a suspected al-Qaida member, who issued a fatwa claiming suicide is acceptable. The Detainee is a member of Abu Issa's group of Moroccan Fighters. The Detainee did not participate in the Tribunal process. When the Personal Representative attempted to obtain the Detainee's election to participate, the Detainee was uncooperative, unresponsive and belligerent to both the Personal Representative and the translator. He called no witnesses, did not request any unclassified or classified document be produced, and did not make a verbal statement.

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-12.

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

The Detainee requested no witnesses and no evidence be produced.

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. Exhibit R-3 gave a description of the Moroccan Islamic Combatant Group (GICM), and indicated that the GICM supports al Qaida's Jihad against the West. It also supports Moroccans who train in armed camps in Afghanistan.

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 deemed necessary. However, a further discussion of the Detainee's mental status is discussed in the classified document Exhibit R-10.

b. Upon the Personal Representative's attempt to find the Detainee's election as to whether or not he desired to participate in the tribunal, the Detainee became extremely verbally belligerent toward the Personal Representative and the translator. During the time the Unclassified Summary of Evidence was read to him, he became extremely

agitated and verbally belligerent. He started physically moving in his chair and making movements toward the table between himself and the Personal Representative and the translator. By his actions, the Personal Representative had to infer that the Detainee chose not to participate in the process based on his belligerent nature and complete lack of cooperation.

c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting the Moroccan Islamic Fighting Group.

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. Army
Tribunal President

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (18 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - RASHIDI, Ahmed.

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 Qaeda 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 Qaeda.
 - a. The detainee is associated with al Qaeda:
 1. While in England, the detainee attended the Finsbury Park Mosque and the Baker Street Mosque, both known extremist mosques.
 2. During late September and early October 2001, the detainee traveled from England to Afghanistan via Morocco and Pakistan.
 3. The detainee fled Afghanistan in the company of a large convoy and was captured in Bannu, Pakistan in early 2002.
 4. The detainee is identified as having received training at the [REDACTED] training camp in July 2001, to include weapons training, war tactics, and bomb making.
 5. The detainee admitted to knowing how to conduct suicide attacks on airliners using smuggled flammable liquids.
 6. The detainee is identified as a suspected al Qaeda member, who issued a fatwa claiming suicide is acceptable.
 7. The detainee is a member of Abu Issa's group of Moroccan fighters.
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

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To : Department of Defense Date 09/16/2004
Office of Administrative Review
for Detained Enemy Combatants,
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division,
Office of General Counsel,
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
[REDACTED] DP

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 marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². 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, GTMO:

FD-302 dated 06/20/2002

¹Redactions are blackened out on the OARDEC provided FBI document.

²See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 09/16/2004

If you need additional assistance, please contact
Assistant General Counsel [REDACTED]
[REDACTED] or Intelligence Analyst [REDACTED]
[REDACTED]

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**U.S. Department of Homeland Security
U.S. Customs and Border Protection
Office of Border Patrol**

Terrorist Organization Reference Guide

January 2004

UNCLASSIFIED

1/3
Exhibit 8-3
3208

hardliners who have sought to prevent a political settlement with Irish nationalists in Northern Ireland by attacking Catholic politicians, civilians, and Protestant politicians who endorse the Northern Ireland peace process. LVF occasionally uses the Red Hand Defenders as a cover name for its actions but in February called for the group's disbandment. In October 2001, the British Government ruled that the LVF had broken the cease-fire it declared in 1998 after linking the group to the murder of a journalist. According to the Independent International Commission on Decommissioning, the LVF decommissioned a small amount of weapons in December 1998, but it has not repeated this gesture.

Activities

Bombings, kidnap pings, and close-quarter shooting attacks. Finances its activities with drug money and other criminal activities. LVF bombs often have contained Powergel commercial explosives, typical of many loyalist groups. LVF attacks have been particularly vicious: the group has murdered numerous Catholic civilians with no political or paramilitary affiliations, including an 18-year-old Catholic girl in July 1997 because she had a Protestant boyfriend. The terrorists also have conducted successful attacks against Irish targets in Irish border towns. Since 2000, the LVF has been engaged in a violent feud with other loyalists that intensified in 2002 with several high-profile murders and defections.

Strength

300 members, half of whom are active.

Location/Area of Operation

Northern Ireland, Ireland.

External Aid

None.

62. Moroccan Islamic Combatant Group (GICM)

Description

The goals of the Moroccan Islamic Combatant Group (GICM) reportedly include establishing an Islamic state in Morocco and supporting al-Qaeda's jihad against the West. The group appears to have emerged in the late 1990s and comprises Moroccan recruits who trained in armed camps in Afghanistan. GICM members interact with other North African extremists, particularly in Europe. On 22 November 2002, the United States designated the GICM for asset freeze under E.O. 13224. This followed the submission of the GICM to the UNSCR 1267 sanctions committee.

Activities

GICM members, working with other North African extremists, engage in trafficking falsified documents and possibly gunrunning. The group in the past has issued communiqués and statements against the Moroccan Government.

Strength

Unknown.

Location/Area of Operation

Western Europe, Afghanistan, and possibly Morocco.

External Aid

Unknown.

63. New Red Brigades/Communist Combatant Party (BR/PCC)

a.k.a. Brigate Rosse/Partito Comunista Combattente

Description

This Marxist-Leninist group is a successor to the Red Brigades, active in the 1970s and 1980s. In addition to ideology, both groups share the same symbol, a five-pointed star inside a circle. The group is opposed to Italy's foreign and labor policies and NATO.


Activities

BR/PCC first struck in May 1999 claiming responsibility for the assassination of labor Minister advisor Massimo D'Antona. In March 2002, the group assassinated Professor Marco Biagi, also a labor Minister advisor. One person arrested in conjunction with the Biagi attack was released later on a technicality. In 2001, Italian police arrested a suspected Red Brigade member in connection with a bombing in April at the Institute for International Affairs in Rome. May finance its activities through armed robberies.

Strength

Estimated at fewer than 30 members; probably augments its strength through cooperation with other leftist groups in Italy, such as the Anti-Imperialist Territorial Nuclei.

Personal Representative Review of the Record of Proceedings

I acknowledge that on 7 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # 

I have no comments.

My comments are attached.


 MAJ. USAF

Name

7 OCT 04

Date


Signature

ISN # 
Enclosure (5)