

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SA ID SALIH SA ID NASHIR, *et al.*

Petitioners,

v.

GEORGE W. BUSH,  
President of the United States, *et al.*,  
Respondents.

Civil Action No. 05-0023 (RWR)

**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 Sa Id Salih Sa Id Nashir 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: 14 April 2005

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



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

OARDEC/Ser: **794**

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**29 JAN 2005**

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

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**3949**

22 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 # [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 #24 of 26 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 elected 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). 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.
- d. The detainee requested 1 witness. The Tribunal found the witness to be relevant and submitted a request to the U.S. State Department to locate the witness in Afghanistan. After a search by the U.S. Government's authorities in Afghanistan, it was determined that the detainee's witness could not be found. The Tribunal President therefore determines that the witness was not reasonably available. In my opinion, the Tribunal acted properly in determining that the witness was not reasonably available.
- e. The Tribunal's decision that detainee # [REDACTED] 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.

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

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

26 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #24

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

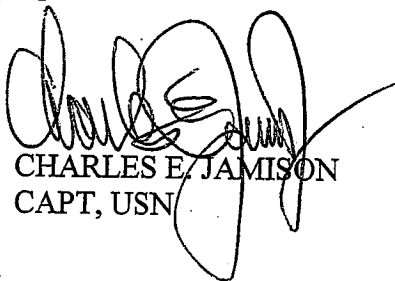
14 January 2005

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander 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).

(U) TRIBUNAL PANEL:   #24  

(U) ISN#:           

Ref: (a) (U) Convening Order for Tribunal #24 of 26 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/OC/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (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 8 December 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 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).

  
Colonel, USAF  
Tribunal President



**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL:           #24            
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 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 evidence presented to the Tribunal by the Recorder indicated that the detainee traveled from Yemen to Kandahar, Afghanistan via Dubai, United Arab Emirates, Karachi and then Quetta, Pakistan. The detainee was recruited by an al Qaida facilitator and stayed in an al Qaida guesthouse in Quetta. The unclassified evidence also indicated the detainee attended the al Qaida run [REDACTED] weapons training camp from July to September 2001 where he attended two speeches by Usama Bin Laden (UBL). The detainee was an al Qaida guard at the Kandahar airport while armed with a Kalishnikov rifle. An al Qaida associate also identified the detainee as engaging U.S. coalition partners north of Kabul. Also, the detainee received \$1,000 US from an al Qaida operative for travel from Afghanistan to Yemen. Finally the unclassified evidence indicates the detainee was captured following a two and a half hour firefight in Karachi, Pakistan along with several other al Qaida members during raids on 11 September 2002. The detainee chose to participate in the Tribunal process. He called one witness, requested no document be produced, and did not make a verbal or written statement. The Tribunal President found the requested witness not reasonably available, and that alternative means of producing the witness's testimony were also not reasonably available. The Personal Representative provided the Tribunal statements by the detainee made during his prior interviews. The Tribunal President's evidentiary and witness rulings are explained below.

**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-19.
- b. Testimony of the following persons: none

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

The Detainee requested the following witness be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
Mohktar	Not reasonably available	No*

\* The Tribunal President explained to the detainee, on the record, he had determined this witness's testimony would be relevant, and asked the U.S. Government attempt to produce him. The CSRT Assistant Legal Advisor then used standard CSRT procedures to request the U.S. Department of State attempt to contact this individual. The U.S. Department of State replied that there was insufficient information on the witness to facilitate any diplomatic action to support the request. Also, the CSRT Assistant Legal Advisor contacted other U.S. agencies requesting their assistance in locating this witness. All agencies contacted provided either a negative or no reply to properly made requests for assistance. Therefore, since the location of the requested witness was unknown to the CSRT, the Tribunal President was forced to find this witness not reasonably available. Additional information regarding the identification of this witness and this ruling is addressed in CSRT Decision Report Enclosure (2).

The Detainee requested no additional evidence be produced: no ruling was 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 (as well as the detainee's statement) for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's unsworn testimony from the Personal Representative's notes of his interviews with the detainee. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3) and the Personal Representative's notes of his interviews with the detainee are attached within Exhibit D-a. In sum, the detainee testified that he did not participate in a firefight in Karachi and he did not know anything about passports in the apartment where he was captured. The detainee also stated that he has never been in Kabul or fought north of that city.

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**

The CSRT Assistant Legal Advisor was consulted regarding the witness issue discussed above.

**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. He indicated that he understood the proceedings and participated in his hearing. He acknowledged the Personal Representative's summary of his prior statements concerning the unclassified summary evidence which was helpful to the Tribunal's understanding of the evidence.

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,

[REDACTED]

[REDACTED], Colonel, USAF  
Tribunal President

Summarized Unsworn Detainee Statement

*The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.*

*The Recorder presented Exhibits R-1 thru R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).*

*3.a. The detainee is associated with al Qaida and the Taliban:*

*3.a.1. Originally from Lahaj, Yemen, the detainee traveled to Kandahar, Afghanistan via San'aa, Yemen; Dubai, United Arab Emirates; Karachi, Pakistan; and Quetta, Pakistan.*

*3.a.2. The detainee was recruited in Al Baraida, Yemen by an al Qaida facilitator.*

*3.a.3. In late June 2001, while traveling from Yemen to Afghanistan, the detainee stayed in a Taliban guesthouse in Quetta, Pakistan.*

*3.a.4. The detainee attended basic training at [REDACTED] training camp from July to September 2001, where he received instruction in the Kalishnikov rifle, Rocket-Propelled Grenades (RPG), hand grenades, land mines, and explosives.*

*3.a.5. The detainee attended two speeches by Usama Bin Laden while, training at the [REDACTED] camp.*

*3.a.6. The detainee, armed with a Kalishnikov rifle, worked for al Qaida as a guard at the Kandahar airport.*

*3.a.7. The al Qaida members guarding the Kandahar airport armed with Anti-Aircraft guns, SA-7, Rocket Propelled Grenades (RPG), and AK-47s.*

*3.a.8. The detainee was given \$1,000 US by an al Qaida operative for travel from Afghanistan to his home country of Yemen.*

*3.a.9. The detainee was captured following a two and a half hour firefight in a Karachi, Pakistan apartment, along with several other members of al Qaida during raids on al Qaida safe houses on 11 September 2002.*

*3.a.10. Passports belonging to Usama Bin Ladin's family members were found at the suspected al Qaida residence on Tariq Road in Karachi, Pakistan during raids on 11 September 2002.*

*3.b. The detainee engaged in hostilities against the United States or its coalition partners:*

*3.b.1. According to an al Qaida associate, the detainee fought north of Kabul.*

*The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.*

Tribunal President: Do you want to make a statement to the tribunal?

Detainee: No

Tribunal President: I understand.

Tribunal President: I also note from the detainee election form that your Personal Representative does have some remarks obtained during a previous interview. Do you approve of the Personal Representative restating that statement at this time?

Detainee: Some of it.

Tribunal President: I would like to ask the Personal Representative to read into the record what is also listed in the detainee election form for the Detainee to comment on.

Tribunal President: Before you begin the Detainee does not have to comment on this information if he so chooses. He should know that any information he can provide us would be very helpful to us. This tribunal panel has not read any other information about you. As you heard from the recorder we may receive other information at another time; but at this time all we know is the unclassified summary information-- the same information that you were read previously by your Personal Representative. And, I believe the Personal Representative's comments relate to your previous information to him responding to the unclassified summary. Personal Representative you may proceed.

Personal Representative: During our initial interview on 8 November 2004, the Detainee stated to me that he did not participate in the firefight in Karachi. He also said he did not know anything about passports that were in the apartment in which he was captured and that he had nothing to do with those documents. He also stated that he had never been to Kabul and that he had never fought north of Kabul. That concludes the notes.

Tribunal President: Said Salih, do you have any other comments to make regarding the Personal Representative's remarks?

Detainee: No.

*The Personal Representative and the Recorder had no further questions.*

*The Tribunal Members' had no question for the Detainee.*


*The Tribunal President confirms that the Detainee and the Personal Representative had no further evidence or witnesses to present to the Tribunal. The Tribunal*

*President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal.*

*The Detainee did not take the Muslim oath.*

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, United States Air Force  
Tribunal President

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## DETAINEE ELECTION FORM

Date: 08 November 04

Start Time: 1500

End Time: 1550

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 or Unresponsive

**Personal Representative Comments:**

Detainee # [REDACTED] was briefed on the CSRT process and he acknowledged that he understood it. He elected to participate but he said that he needed more time to think about witnesses and how to get in touch with them. After a follow-up interview with the detainee, he requested a witness for his case. The witness, Mohktar, was approved as relevant by the Tribunal President but the *witness* [REDACTED] ~~detainee~~ was later determined to be "not readily available."

Detainee # [REDACTED] stated that he did not participate in the firefight in Karachi. He also did not know anything about passports that were in the apartment that he was captured in and that he had nothing to do with them. He stated that he had never been to Kabul and he had never fought North of Kabul.

Personal Representative: [REDACTED]

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Exhibit D-a

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (22 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – NASHIR, Sa Id Salih Sa Id

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 indicating that the detainee is associated with al Qaida and the Taliban, and engaged in hostilities against the United States or its coalition partners.
  - a. The detainee is associated with al Qaida and the Taliban:
    1. Originally from Lahaj, Yemen, the detainee traveled to Kandahar, Afghanistan via San'aa, Yemen; Dubai, United Arab Emirates; Karachi, Pakistan; and Quetta, Pakistan.
    2. The detainee was recruited in Al Boraida, Yemen by an al Qaida facilitator.
  3. In late June 2001, while traveling from Yemen to Afghanistan, the detainee stayed in a Taliban guesthouse in Quetta, Pakistan.
  4. The detainee attended basic training at [REDACTED] training camp from July to September 2001, where he received instruction in the Kalishnikov rifle, Rocket-Propelled Grenades (RPG), hand grenades, land mines, and explosives.
  5. The detainee attended two speeches by Usama Bin Laden while, training at the [REDACTED] camp.
  6. The detainee, armed with a Kalishnikov rifle, worked for al Qaida as a guard at the Kandahar airport.
  7. The al Qaida members guarding the Kandahar airport were armed with Anti-Aircraft guns, SA-7s, Rocket Propelled Grenades (RPG), and AK-47s.

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8. The detainee was given \$1,000 US by an al Qaida operative for travel from Afghanistan to his home country of Yemen.

9. The detainee was captured following a two and a half hour firefight in a Karachi, Pakistan apartment, along with several other members of al Qaida during raids on al Qaida safehouses on 11 September 2002.

10. Passports belonging to Usama Bin Ladin's family members were found at the suspected al Qaida residence on Tariq Road in Karachi, Pakistan during raids on 11 September 2002.

b. The detainee engaged in hostilities against the United States or its coalition partners:

1. According to an al Qaida associate, the detainee fought North of Kabul.

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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Memorandum



To : Department of Defense Date 10/21/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Capt. Juno Jamison, OIC, CSRT

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 11/01/2002

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

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

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 10/21/2004

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

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## Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 December 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

[REDACTED] have no comments.

     My comments are attached.

[REDACTED]  
[REDACTED]  
[REDACTED] Major, USAF

27 Dec 04  
Date

ISN # [REDACTED]  
Enclosure (5)

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