

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMED AHMAD SAID AL EDAH,)
)
Petitioner)
)
v.) Civil Action No. 05-280 (GK)
)
GEORGE W. BUSH, *et al.*,)
)
Respondents.)
_____)

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 portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Mohammed Ahmad Said al Edah that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. A member of the OARDEC legal staff redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

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

Dated: 13 July 2005

Teresa A. McPalmer

Teresa A. McPalmer
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 717
10 JAN 2005

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From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR
DETAINEE ISN # 033

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 #033 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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11 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 # 033

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 #13 of 4 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 to participate.
- 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-4 was redacted. The FBI properly certified in exhibit R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant
- d. The detainee requested that one unclassified document be introduced as evidence. This document was subsequently allowed by the Tribunal and marked as D-b.
- e. The Tribunal's decision that detainee #³³~~029~~ is properly classified as an enemy combatant was unanimous. *JRC*

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 case be considered final.

Peter C. Bradford
PETER C. BRADFORD
LT, JAGC, USNR

UNCLASSIFIED

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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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

17 November 2004

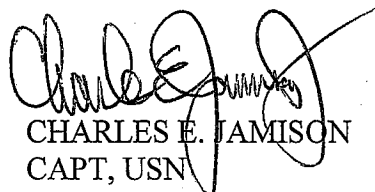
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 033

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]


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: #13

(U) ISN#: 033

Ref: (a) (U) Convening Order for Tribunal #13 of 04 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) 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 28 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #033 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. Army
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #13
ISN #: _____ 033

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 evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with forces that are engaged in hostilities against the United States and its coalition partners. The Detainee traveled to Afghanistan in July 2001. The Detainee helped with the needs of the wounded Taliban soldiers during the bus trip. The Detainee was present in Kabul, during the U.S. air campaign there. Pakistani authorities arrested the Detainee in Pakistan. At the time of his capture, the Detainee was in the possession of a Casio watch, model A159W (silver version of the F-91W). This model has been used in bombings that have been linked to al Qaida and radical Islamic terrorist improvised explosive devices. The Detainee chose to participate in the Tribunal process. He did not call any witnesses. He requested one unclassified document be produced and made a sworn verbal statement. The Tribunal President accepted the unclassified document requested by the Detainee and it was produced by the Personal Representative and marked as Exhibit D-b. The Detainee, in his verbal statement, admitted to traveling to Afghanistan with his sister but denied traveling with or assisting Taliban soldiers. 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 through D-b and R-1 through R-17.
- b. Testimony of the following persons—none.

c. Sworn statement of the Detainee.

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

The Detainee requested no witnesses.

The Detainee requested the following additional evidence be produced:

<u>Evidence</u>	<u>President's Decision</u>	<u>Produced?</u>
Ex. D-b, Casio Watch Website Description of Model F91W-1, with photo of Casio watch from Detainee property ISN#033	reasonably available	yes

5. Discussion of Unclassified Evidence

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

a. The recorder offered Exhibits R-1, R-2 and R-3 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 and R-3 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 the Detainee's sworn testimony, Exhibits D-a and D-b and the Personal Representative's description of Exhibit D-b. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that yes, it is true that he traveled to Afghanistan in July 2001 and that he traveled with his sister to bring her to her husband, first to Pakistan, then to Afghanistan. The Detainee further stated that he traveled with his sister because it is a Muslim practice for women not to travel alone; that he did travel from Kandahar to Khost and the Detainee told his interrogators this. The Detainee stated that he did not travel with Taliban soldiers nor did he treat their injuries; that you can't tell the difference between Afghani citizens and soldiers since everyone dresses the same; that he did travel on a bus with some injured people but he did not help them because he did not have medical experience and because he was not part of a charity; and because he was injured himself he did not give assistance. The Detainee claimed that he was injured falling off a motorcycle; that he was present during the air campaign and he was looking for a way to get out of Kabul. He testified that he was arrested but it was not near the border and there were no

weapons; that he did have a watch but it was not like the picture of the watch on Exhibit D-b and that the picture of the watch being kept in detainee property storage is not his watch and that as a matter of principle, if it was his watch he would say so. The Personal Representative described the significance of Exhibit D-b in that it shows a model of watch of relatively low price and high manufacturing production such that it could be expected to be widely distributed and owned. The Personal Representative also pointed out that the Detainee stated that the watch being held among his possessions is not his watch.

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.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- 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,



Colonel, U.S. Army
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 the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibits R-2 and R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.

Detainee: Yes, I want to.

Tribunal President: Recorder, would you please administer the oath.

Detainee: Is this the Muslim oath?

Tribunal President: Yes, it will be the Muslim oath.

The Recorder administered the Muslim oath to the Detainee.

The Personal Representative assisted the Detainee by reading each point on the Unclassified Summary of Evidence and giving the Detainee the opportunity to reply.

3.1. *The Detainee traveled to Afghanistan in July 2001.*

Detainee: Is that the 7th month of the year?

Personal Representative: Yes. Would you like to make a statement?

Detainee: I already did. I said yes.

3.2. *The detainee traveled from Kandahar to Khost, Afghanistan on a bus filled with wounded Taliban soldiers.*

Detainee: Wait, I'm still on point one. Do you want me to talk about my travel?

Tribunal President: If you would please.

Detainee: I traveled to Afghanistan with my sister for the purpose of taking her to her husband. In the Muslim society, a woman does not travel by herself. I was just accompanying her to her location. That was reason for my travel.

3.2. The detainee traveled from Kandahar to Khost, Afghanistan on a bus filled with wounded Taliban soldiers.

Detainee: I did travel from Kandahar to Khost and I told the interrogator this information that they didn't even know. But I did not travel with soldiers from the Taliban. They were some people there that were injured. They were civilians or soldiers and as you know the Afghani people, they cannot tell the difference between the civilians or the soldiers because the clothing and uniforms are the same.

3.3. The Detainee helped with the needs of the wounded Taliban soldiers during the bus trip.

Detainee: That is not correct. First, I'm not from that part of the world that I know the way and two, I don't have any experience in medical treatment. I was not working for a community or organization and I didn't have any money to help these people. In addition to that, I was injured myself.

3.4. The Detainee was present in Kabul, during U.S. air campaign there.

Detainee: Yes I was present and the campaign took place when I was there. I did not go from one municipality to another municipality. I wanted to get out of Kabul and as I said before I don't know the area until the time I met with someone who told me how to get from Kabul to Khost. Do not make a connection between my travel from Kandahar to Khost. My first travel was from Kandahar to Kabul. The second time it was from Kandahar to Khost.

3.5. The Detainee was arrested Pakistani authorities, in Pakistan.

Detainee: Yes that's true. I was not on the border and I didn't have any weapons. I was in one of cities in Pakistan, on a bus.

3.6. At the time of his capture, the Detainee was in the possession of a Casio watch, model A159W (silver version of the F-91W).

Detainee: I looked at the document that was presented to me by the Personal Representative and having looked at it, I knew that watch is not mine. When they captured me Pakistan, I had a watch. But because I did not know how to read and write the English language, I do not know the name of the watch, the model, I can tell the watch is mine only by looking at it. The document that the Personal Representative showed me, is not my watch.

Personal Representative: I do have some evidence to introduce or an Exhibit for that if you'd like it now.

Tribunal President: You can wait with that, when we get to it, but I certainly will allow you to do that.

Detainee: My Personal Representative indicated to me that he was going to tell the Tribunal that, in his own opinion, this is a very cheap watch and it's not relevant or important.

Tribunal President: He will be allowed an opportunity to do that.

Detainee: In my own opinion it's a matter of principle if that was my watch or rather it was expensive or inexpensive, I will admit it's my watch but in that case it's not.

3.7: This model of watch has been used in bombings that have been linked to al Qaida and radical Islamic terrorist improvised explosive devices.

Detainee: Is that a question?

Translator: He was asking if that was a question. I said no that was an allegation.

Tribunal President: It was a statement.

Detainee: Is that an allegation?

Tribunal President: No, that was just simply a statement.

Detainee: I've already answered that question by saying that this is not my watch.

Tribunal President: Correct.

Tribunal President: Anything else?

Personal Representative: Yes Your Honor, I would like to enter Exhibit D-b and I'll briefly describe what this is. Researching on the internet to the Casio World Website. I found this picture and definition of the F 91W which is not...

Tribunal President: Please give time for him to translate.

Personal Representative: There are two points that I wanted to make about this. First of all, the price on the watch is indicated as \$18.95. The point being that the inexpensive price and the quantities produced, using this as a point of evidence is, in my, or I would like you to consider the weight of that. Also, if you would note on here there's a section on Product Archive which I did a search on the watch that was alleged to be in the

Detainee's possession and the watch is so old that it does not even show up on the Casio's website in their product archives. The point being also that we're also now linking now two watches with very inexpensive and the high production rates and the fact that it's a person's possession is, I believe a weak point of evidence that would tie him to a particular Islamic or radical group. That's just information for the Tribunal that's in light of his statement that it's not his watch may or may weigh but I think it's relevant in the statement as it's made in the Unclassified Statement.

Detainee: The two watches, the one that I saw and the one that was downloaded. What about the one that's downloaded?

Personal Representative: The one watch is the one that is alleged to be similar to your watch and is the tie to the Terrorist organization.

Translator: May I show him this?

Detainee: I want to know the difference between the two watches. This one here (referring to Exhibit D-B) and one downloaded from the Casio website.

Personal Representative: I could not find any specs on his watch so I don't know what's included in there but...

Detainee: Why do we have second watch here especially if it's not mine?

Personal Representative: The only thing that I've been able to find is from the Unclassified Statement, they say they are similar, visually they look similar but I don't have the specs on the 159W, which is the one he had in his possession. They are both simple watches. They are not very complex watches.

Detainee: How is that they've alleged that my watch is connected to the (inaudible).

Tribunal President: Don't know. The only thing that we've seen is this [referring to Exhibit R-1]. This is the only document that this Tribunal Panel has seen.

Detainee: Bullet number six and number seven, they are alleging that it has some connection with the Taliban.

Tribunal President: Correct they are.

Detainee: If you are saying that there is a connection to the al Qaida and so forth and Personal Representative is saying that it's a very simple watch. How is it that you're saying it has IED capabilities and other things?

Tribunal President: I can't help you there. This is all we know about it is what is here.

Detainee: By the way all the information that you have I told the interrogators about. Your interrogators didn't have anything on me whatsoever. I will be more than happy to participate with you people; answer anything that you want all the way to the end. And I hope that the Tribunal would look at the Unclassified as well as the Classified and arrive to the truth.

Tribunal President: Thank you. I appreciate your cooperation. Would you like to make any more statements or does that conclude your statement?

Detainee: That's it. If there are questions, you ask.

Tribunal President: I believe we will have some questions for you. Thank you.

Detainee: Fine.

Tribunal President: Personal Representative do you have any questions for the Detainee?

Personal Representative: No ma'am.

Tribunal President: Recorder do you have any questions for the Detainee?

Recorder: No ma'am.

Tribunal President: Do any Tribunal members have any questions for the Detainee?

Tribunal Member's questions

- Q. Would you tell us a little bit about your sister's husband and what he was doing in Afghanistan while you were bringing your sister to Afghanistan?
- A. He was working for a charitable organization. Because he was looking for work, he had to go outside Yemen so he could get paid for all the services and charity work. As I stated earlier, that the woman does not travel by herself. Because my sister was Yemen and her husband in Pakistan, he asked me to bring her over to him.
- Q. What city in Pakistan?
- A. I took her to Pakistan, Karachi. There was a guy that I met with and he took us to Afghanistan. I took my sister from Yemen to Afghanistan. Pakistan was nothing more than a stop over. Because I couldn't travel from Yemen to Afghanistan.
- Q. Do you know the name of the charitable organization your brother-in-law worked for?

A. I do not know.

Q. You are a Yemen citizen?

A. Yes.

Q. Did you have military training in Yemen?

A. I was in the Army. I was drafted. It was a compulsory duty. For a period of two years. From 1982 to 1984 approximately.

Q. What was your usual occupation in Yemen?

A. I was an employee for an oil refinery.

Q. Would you please tell us something about your injuries that you sustained in Afghanistan and how you got them?

A. I was on a motorcycle and fell off.

Q. How long did you originally plan to stay in Afghanistan after you delivered your sister?

A. One to two months.

Q. In what month were you captured?

A. In September approximately.

Tribunal Member: Madame President may I see Exhibit D-b please?

Tribunal President: Certainly.

Tribunal President: May I make a brief inquiry on D-b with the Detainee?

Tribunal President: Yes.

Tribunal Member: Please explain to him (to translator) I'm going to ask him about D-b.

The Tribunal Member went to the Detainee to show him the photo in Exhibit D-B.

Q. You've told us that this is not a picture of the watch that you had.

A. Not this one the second one (referring to the photo on the third page of Exhibit D-B).

Q. That is not a picture of the watch you had?

A. [Detainee indicated in the negative].

Tribunal Member: make it reflect that's D-b page three (to the reporter).

Tribunal Member: Thank you for clarifying, that's all I have.

Detainee: Thank you as well.

The second member of the Tribunal posed the following questions:

Q. You stated that you traveled in a bus not filled with Taliban soldiers. Is that true?

A. Yes, that's true.

Q. But later, then you said you could not tell the difference between civilians and soldiers because they wear the same clothing.

A. Yes, that's true too.

Q. So how do you know they were not soldiers?

A. I was trying to clarify the accusation. In the accusation you said soldier. As far as soldier in the American society is somebody who is wearing a military uniform. So in Taliban it's different. When you look at the people they're all wearing the same clothes so you can't tell. That was in the past. Now they have improved on their uniforms and they have an army and so forth.

Q. So it's possible that these people on the bus were Taliban?

A. There were a lot people that were injured. Some of them could have been civilians and some of them could have been soldiers.

Q. When you left Yemen to Afghanistan, with your sister, were you still employed at the oil refinery?

A. Yes, I was employed. I had taken vacation.

Q. Your employer was willing to give you two months vacation?

A. They were willing to give me more than two months.

- Q. What was the reason you were captured in Afghanistan? In Pakistan, excuse me, in Pakistan.
- A. I was on a bus. They were capturing everybody that had Arabic features. I gave them my passport and that show that I'm an Arab. They said why don't you follow us we need you in the Center. From that point on they brought us over here.

Tribunal President questions

- Q. I have a couple of questions because I got a little lost earlier. I understood you to say that there were actually two trips you took in Afghanistan.
- A. No one time.
- Q. Okay. I knew I was confused. That's why I asked.
- A. I left Yemen to Pakistan and then from Pakistan I went to Afghanistan, all done at one time. I stayed one day in Pakistan. That was the first time I left Yemen to go outside.
- Q. Once you were in Afghanistan, you went from Kandahar to Khost?
- A. Kandahar to Kabul. From Kabul to Khost.
- Q. Where in Afghanistan were you taking your sister? To Khost?
- A. To Kandahar.
- Q. So the rest of the travel after you dropped her off was for sight seeing?
- A. It was.
- Q. And then once things started to happen in Kabul how did you leave then to get to Pakistan? Because you were captured in Pakistan correct?
- A. I went from Kabul to Khost. Khost was very safe, there was nothing going on there. I came back from Khost to Kandahar to take my sister. I found out that my sister had gone back to Yemen. I got injured and went to the hospital and I traveled from Kandahar to Khost and then to Pakistan. Via something called Miramshah.
- Q. You had no trouble getting cross the border I'm assuming since you had your passport?

A. I had my passport. I did not commit any crime or violation that I was going to be detained for any reason. (inaudible).

Tribunal President: Thank you. I have no further questions.

Detainee: Thank you as well.

Tribunal President: Again, I'd like to thank you for participating in this Tribunal today.

Tribunal President: At this time do you have other evidence to present to the Tribunal?

Detainee: My statements answered all the allegations. I'm concerned about the watch. Regarding question number three, providing medical support, I don't have medical experience or any financial means to do that.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee no previously approved witnesses to present to the Tribunal.

The Tribunal President concluded the Tribunal session.

Detainee: In the beginning you said that was some classified. May I take a look at it?

Tribunal President: Classified information cannot be revealed to a Detainee.

Detainee: May I look at the Unclassified Evidence?


Tribunal President: Basically, all of the Unclassified has been shown to you.

Detainee: That's fine.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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


Colonel, U.S. Army
Tribunal President

DETAINEE ELECTION FORM

Date: 22 Oct 2004

Start Time: 0810

End Time: 0950

ISN#: 033

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 #033 initially would not acknowledge that his name was Mohammed El Edah. He
didn't make a sound or head nod to indicate he understood the translator but I proceeded to give
him the CSRT information anyway. He would look at me when I spoke and then at the
interpreter when she translated. He became more communicative with time. I told the detainee
that the CSRT process was a legal process and that it may be to his advantage to speak at his
tribunal on his own behalf, he indicated that he wanted to write. He wrote that he had originally
decided not to speak because of some previous bad experiences with interrogators. After I
explained the rest of the CSRT process and read him the evidence used in his case, he said he
would like to participate. He did not know if his witnesses were still alive or where they may be
and was frustrated about that. I sympathized with his frustration but explained that we needed a
name and address before we could assess if a witness would be pertinent to his case. Detainee
#033 did not name any witnesses but decided he would like to address the Tribunal.

Personal Representative: [REDACTED]

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (06 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – EL EDAH,
Mohammed Ahmad Said.

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 he is associated with forces that are engaged in hostilities against the United States and its coalition partners.

The detainee is associated with forces that are engaged in hostilities against the United States and its coalition partners:

1. The detainee traveled to Afghanistan in July 2001.
 2. The detainee traveled from Kandahar to Khost, Afghanistan on a bus filled with wounded Taliban soldiers.
 3. The detainee helped with the needs of the wounded Taliban soldiers during the bus trip.
 4. The detainee was present in Kabul, during the U.S. air campaign there.
 5. The detainee was arrested by Pakistani authorities, in Pakistan.
 6. At the time of his capture, the detainee was in the possession of a Casio watch, model A159W (silver version of the F-91W).
 7. This model has been used in bombings that have been linked to al Qaida and radical Islamic terrorist improvised explosive devices.
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.

Memorandum



To : Department of Defense Date 10/13/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
033 [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 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 033 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 03/29/2002 ✓
FD-302 dated 09/08/2002 ✓
FD-302 dated 12/11/2002 ✓
FD-302 dated 04/23/2003 ✓
FD-302 dated 05/16/2003 ✓

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

²See Executive Order 12958

Exhibit R-2 212

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/13/2004

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

Memorandum



To : Department of Defense Date 10/01/2004
Office of Administrative Review
for Detained Enemy Combatants
Col. David Taylor, OIC, CSRT

From : FBI GTMO
Counterterrorism Division
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF
NATIONAL SECURITY INFORMATION
0033 [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 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 033 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 08/16/2002 ✓

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

²See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor
Re: REQUEST FOR REDACTION, 10/01/2004

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



Home: F91W-1:

CASIO Search.



Casual Classic [F91W-1]

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- ❖ [Key Features](#)
- ❖ [Technical Specs](#)

Models

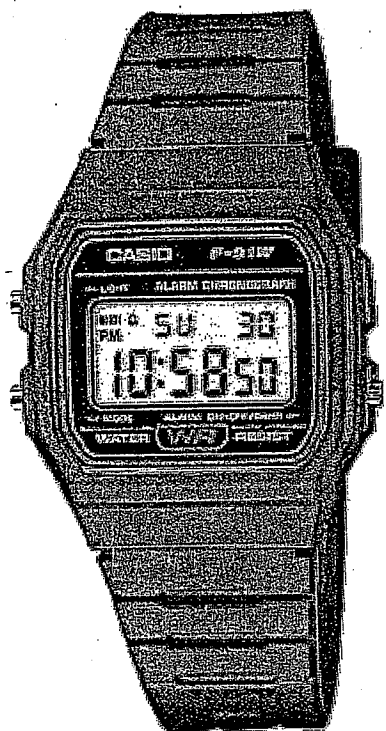
Model	Description	Price
F91W-1	A Black Casual Classic watch with a Resin Band	\$18.95 <input type="button" value="ADD"/>
F91W-3	A Green Casual Classic watch with a Resin Band	\$18.95 <input type="button" value="ADD"/>
F91WG-9	A gold G-MS watch with resin band.	\$18.95

At A Glance

A Black Casual Classic watch with a Resin Band

Key Features

Hourly Time Signal	Yes
Gender	Male
Auto-Calendar	Yes
Module	593
Approx. Battery Life	7 years
Color	Black, Gold, Green
Display	Digital
Band Type	Resin
Backlight	Microlight
Water Resistant	Yes
12/24-Hour Formats	✓
Accuracy	+/-30 seconds per month
Battery Type	CR2016
Alarm	Daily
Dial Code	✓
Stopwatch	1/100 second



F-91W



Detainee # 033

Casio A 159 W

picture from

Detainee Property Bld 3

X 3196

218

Personal Representative Review of the Record of Proceedings

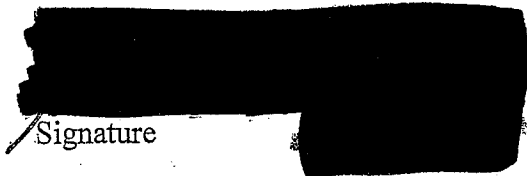
I acknowledge that on 30 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #033.

I have no comments.

My comments are attached.

 USAF
Name

30 Oct 2004
Date


Signature