

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Adil Zamil Abdull Mohssin Al Zamil, <i>et al.</i>)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 02-CV-0828 (CKK)
)	
UNITED STATES OF AMERICA, <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 Adil Zamil Abdull Mohssin Al Zamil 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 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: 15 Sep 04



James R. Grisfield Jr.
CDR, JAGC, USN



Department of Defense
Director, Combatant Status Review Tribunals

OARDEC/Ser: 041
20 August 2004

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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, USNR

Distribution:
NSC (Mr. John Bellinger)
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18 Aug 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

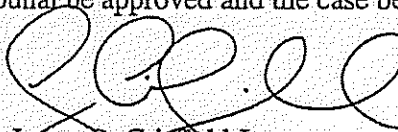
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004
(b) Secretary of the Navy Order of 29 July 2004Encl: (1) Appointing Order for Tribunal #1 of 30 July 2004
(2) Record of Tribunal Proceedings

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 was present during the unclassified portion of the Tribunal hearing.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b). Note that the Federal Bureau of Investigation certification for information redacted in exhibits R-4, R-6, and R-7, is located at R-8. This certification complies with the provisions of reference (b). Although the Criminal Investigative Task Force did not provide a certification for information redacted from their documents (R-2 and R-5), the amount of information redacted from those documents is minimal and it is fair to say that there could be no evidence in those minor redactions which would support a determination that detainee # [REDACTED] is not an enemy combatant.
- 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 and declined to submit comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.

A handwritten signature in black ink, appearing to read 'J. Crisfield Jr.', written in a cursive style.

James B. Crisfield Jr.
CDR, JAGC, USN

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Department of Defense
Director, Combatant Status Review Tribunals

30 July 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #1

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] Commander, U.S. Naval Reserve; Member

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



HEADQUARTERS, OARDEC FORWARD
GUANTANAMO BAY, CUBA
APO AE 09360

16 August 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 660-3088.

A handwritten signature in black ink, appearing to read "David L. Taylor", is positioned above the typed name.

DAVID L. TAYLOR
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).

(U) TRIBUNAL PANEL: #1

(U) ISN#: [REDACTED]

Ref: (a) Convening Order for Tribunal #1 of 30 July 2004 (U)
(b) CSRT Implementation Directive of 29 July 2004 (U)
(c) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) Unclassified Summary of Basis For Tribunal Decision (U)
(2) Classified Summary of Basis for Tribunal Decision (S//NF)
(3) Summary of Detainee/Witness Testimony (U)
(4) Copies of Documentary Evidence Presented (S//NF)
(5) Personal Representative's Record Review (U)

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 12 August 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is 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).

[REDACTED]
[REDACTED], USAF

Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

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

TRIBUNAL PANEL: _____ #1
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. 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 admitted establishing the al-Wafa organization in Kabul, Herat, and Kandahar, Afghanistan. The al-Wafa organization is listed on Executive Order 13224 as an entity that commits or poses a significant risk of committing acts of terrorism. The evidence also showed that the detainee was closely associated with Suliman Abu Ghaith, a spokesman for al Qaida and Usama Bin Laden. The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced, but made an oral, sworn statement. The detainee, in his oral statement, admitted being affiliated with al-Wafa, but claimed he was just an employee. He also denied knowing that al Wafa had any connection with terrorism.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-15
- b. Sworn statement of the detainee

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

The Detainee requested no witnesses; no rulings were required.

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

5. Discussion of Unclassified Evidence

The Tribunal found the following unclassified evidence persuasive in making its determinations: Exhibit R-2, which documents an interview conducted with the Detainee. During the course of the interview, the Detainee admits that he and several other individuals started al-Wafa offices in three Afghani cities, and that he worked in the Kabul office. Exhibit R-4 is an FBI memorandum that documents how the Detainee moved his family and the family of Abu Ghaith out of Afghanistan in late August/early September of 2001. Exhibit R-5 documents the fact that Detainee was aware, after 11 Sep 01, that his associate Abu Ghaith was a member of al Qaida and a spokesman for Usama Bin Laden. In his sworn statement, the Detainee admitted his associations with al-Wafa and Abu Ghaith, and admitted moving his family and Ghaith's out of Afghanistan prior to 11 Sep 01. He denied that he was associated with al Qaida, and denied that al-Wafa had anything to do with terrorism. He also claimed that he was simply an employee of al-Wafa, not the person that established the offices in Afghanistan. He also denied prior knowledge of the 9-11 attacks.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: the Tribunal found the Detainee's sworn statement to be extremely self-serving and felt that he was attempting to minimize any involvement he had with Abu Ghaith, al-Wafa or al Qaida. The Tribunal found his testimony less than credible, and therefore not very helpful in reaching a determination.

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 indicated that he understood the proceedings, asked appropriate, relevant questions, and actively participated throughout the hearing.
- c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Col, USAF

Tribunal President

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Summarized Unsworn Detainee Statement

When advised by the Tribunal President that the following would apply the detainee stated that he understood all that was being translated to him.

When advised by the Tribunal President that he may be present at all sessions of the tribunal unless he becomes disorderly the detainee stated yes.

The Detainee stated that he understood the process; he also stated that he did not have any questions about the process.

When advised by the Tribunal President that he may present to the Tribunal any evidence that he may have, the detainee stated he would answer if asked a question.

The detainee read from notes he created earlier when he met with his Personal Representative. The detainee stated that these [the statements on the Exhibit R-1] were accusations about him and he has read them and has taken note of them.

When asked by the Tribunal President if he would like to make a statement under oath the detainee stated, "yes I will take the oath and I will talk."

The Recorder swore the detainee.

Summarized Sworn Detainee Statement

When asked by the Tribunal President if he would like to address the statements in the unclassified summary [Exhibit R-1] the detainee stated they said he was a member of Al Qaida and that was not true. The detainee stated that he was not a member of Al Qaida in the first place.

The detainee stated that Question #2 [of Exhibit R-2] said that he confessed that he established the group of al-Wafa with Mr. Suliman Abu Ghaith. The detainee asserted that he did not establish this organization, he was just an employee and that he had "nothing to do with inside and the outside of the organization." The detainee stated he never accepted the accusation and he never said he did this [organized the al-Wafa group] or that he was a member of this organization or establishment and that he just stated he was just an employee, that there is a difference between an employee and a the one who established the organization.

He said that to his knowledge it was a charity organization.

The detainee stated that he did stay at a safe house but does not know where they got this name ["safe house"]. The detainee said that while he was there he was waiting to escape to Pakistan, and waited there for 16 weeks.

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The detainee stated Suliman Abu Ghaith was a good person and had no knowledge he was a spokesperson for Al Qaida.

The detainee stated he never knew or confessed to the September 11th attacks.

At the Detainee's request, the Personal Representative made the following comments, which had previously been prepared by the detainee:

First, if al-Wafa is already considered a terrorist organization in accordance with the President's Executive Order # 13244, he [the detainee] fears he is already considered an enemy combatant, although he knows al-Wafa is a charitable organization, he was only an employee and ended his employment on 1 August 2001.

Second, although he understood the role of the Personal Representative it did not make sense to him that I [the Personal Representative] was not an attorney and that didn't know him well.

Third, relative to the information in the unclassified summary, he was not aware of the events prior to September 11th and if anybody were it would have been prevented.

Summarized Answers in Response to Questions by the Tribunal Members

Q. What position did you hold in al-Wafa?

A. I was the manager for the Kabul office.

Q. So you were the senior person in the Kabul office?

A. Yes.

Q. Did your wife and family live with you in Kabul in 2001?


A. Yes, they lived with me.

Q. Then did you take your family out of Afghanistan shortly before the September 11th 2001 attacks?

A. Yes.

Q. Did you also help Mr. Abu Ghaith family also leave Afghanistan?

A. Yes.

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Q. And that was also shortly before the September 11th attacks correct?

A. Yes.

Q. You stated you ended your employment with al-Wafa on the first of August 2001.

A. Yes, true.

Q. Where did you go when you ended your employment?

A. I went to Pakistan for approximately a month or a little more and went back to Pakistan.

Q. So, when did you return to Afghanistan?

A. I went back to Afghanistan after a month in Pakistan and went again to Kandahar. After that I took the Ghaith family and went back to Pakistan again.

Q. Is that the reason you returned to Afghanistan was to get his family?

A. No, he was going to Kabul and he met me and then he told me that he wanted to move his family and then we moved them.

Q. Why did you return to Afghanistan after removing your family from Afghanistan?

A. Where did you want me to go?


Q. You stated you took your family out of Afghanistan and then returned alone but were not working for al-Wafa.

A. When I left for Afghanistan there was no other organization there, so where should I go, I just went to Afghanistan.

Q. Now, how do you know Mr. Abu Ghaith?

A. I knew him from Kuwait, I saw him two or three times while in Kuwait. When he came to Afghanistan, I wrote him a letter. I heard that he honored his family and I told him if he honored his family let's meet in October.

Q. And you know him to be the spokesperson for Al Qaida and Usama Bin Laden correct?

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A. This is later; after September 11th when he appeared on TV, I knew. In the beginning, no.

Q. Sir, you said that you left your office 1 August 2001? Why, was it because you were fired or you chose to leave on your own accord?

A. Disagreement.

Q. So, you chose to leave?

A. Yes.

Q. What was the disagreement about?

A. If you want he to say it then I will say it.

Q. I want him to say it.

A. He was not in Herat, he was in Kandahar. He [Detainee's new supervisor] came after I had started after one month. He interfered with my job; I got the job one month before he came. When he came he interfered with my job and it made me unhappy and this is one good reason why I needed a good job. When supplies come, food or medical equipment or something and it is broken or croked, I get upset. He says that it is okay, its okay. I told him that this is not your money, not my money. This is good people's money you have to care and be careful with it. And be careful of long distance [phone calls] because the young people call for hours and call their families overseas and everywhere, I get angry. And I told him that his is good people's money and collected for the mosque to give it to the poor. We don't allow strangers to come and waste it like that, so he got real angry with that. He entered my house while I was absent and he go through my stuff and my wife's stuff and this made me real angry. He build a hospital pretty fast, and he worked real hard to establish it, and he came and he wanted to come here and change what he worked hard for. And then he said he did not want anyone to come and work for him except for people from Mecca. So after all of my hard work he wanted to kick me out, so I leave.

Q. How much was he paying you?

A. In the beginning, nothing, then two hundred dollars a month. I did not expect money from him because it was volunteer work.

Q. Adel Zamel do you have any other evidence to present to this tribunal?

A. I have nothing else to say except if you have questions.

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Questions were concluded.


When advised that he would be notified of the tribunal decision the detainee stated that he was astonished. What is the relationship between fighting and a charity organization? I am not a combat fighting animal. It is just a charity organization. What is my mistake? Why are you mentioning Al Qaida and fighting when I worked for a charity organization? How can my family prove I am innocent when they are in Kuwait and I am here? My family, my wife and children they don't know anything about me. I have not even received any letters from them.

AUTHENTICATION

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

 Col, USAF

Tribunal President

ISN # 
Enclosure (3)

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