



DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF DEFENSE COUNSEL
OFFICE OF MILITARY COMMISSIONS

July 15, 2004

MEMORANDUM FOR THE OFFICE OF THE SECRETARY OF THE NAVY

FROM: Lt Colonel Sharon A. Shaffer

SUBJECT: Combatant Status Review Tribunal Regarding Ibrahim Ahmed Mahmoud al Qosi

1. Pursuant to your memorandum dated 7 July 2004, on behalf of my client, Ibrahim Ahmed Mahmoud al Qosi, I hereby request to serve as his personal representative before the Combatant Status Review Tribunal. On 3 February 2004, I was detailed by the Chief Defense Counsel, Office of Military Commissions, to represent Mr. al Qosi for all matters relating to military commission proceedings (atch). On 23 February 2004, my client was formally charged with one count of conspiracy and the charge was approved and referred by the Appointing Authority to a military commission on 28 June 2004.

2. I am in receipt of a 7 July 2004 memorandum from the Deputy Secretary of Defense, which establishes Combatant Status Review Tribunals for all detainees being held at Guantanamo Bay Naval Base, Cuba. Based on my reading of a Defense Department Background Briefing, I understand that all of the detainees, including those who have been charged, will be allowed to participate in a review tribunal. The stated purpose for this review tribunal is to provide detainees the opportunity to contest designation as an "enemy combatant", an issue which is inextricably tied to the question concerning my client's status and whether he is properly subject to trial before a military commission.

3. Paragraph c of the memorandum also provides that each detainee will be provided a personal representative to assist him in the review tribunal process. As Mr. al Qosi's detailed attorney, I have already established an attorney client relationship with him. Therefore, it is necessary and appropriate that I alone be appointed to serve as his personal representative before the review tribunal. The memorandum from the Deputy Secretary of Defense is silent as to whether any other personal representative would enjoy a confidential relationship with my client and would, therefore, be required to divulge any information provided by my client to government representatives. Additionally, as the detailed counsel of record for Mr. al Qosi, I request the following:

a. No conversations between my client and any other personal representative or government agent take place without my being present.

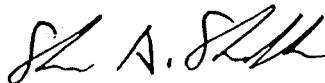
b. As I already have the appropriate security clearance, I request that any and all information in the possession of the Department of Defense that was already used or may be used in the determination of Mr. al Qosi's designation as an enemy combatant, including any records, determinations, or reports generated in connection with earlier determinations or reviews, be

provided to me as soon as possible so that I am able to properly prepare for the Combatant Status Review Panel.

c. In addition to notice of the unclassified factual basis for Mr. al Qosi's designation as an enemy combatant as provided in paragraph g (1) of the memorandum, I request copies of any classified versions.

d. Notification of any prospective date set for Mr. al Qosi's review tribunal, to include the identities and ranks of the Convening Authority, tribunal members, recorder, and translator.

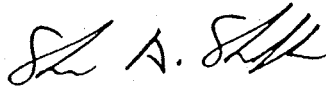
4. I would appreciate your expeditious consideration of this matter. Should you have any questions or concerns, I can be reached at (703) 607-1521, extension 188.



SHARON A. SHAFFER, Lt Colonel, USAF
Deputy Chief Defense Counsel
Office of Military Commissions

CERTIFICATE OF SERVICE

I hereby certify that the original of this request was hand-delivered to the Office of the Secretary of the Navy on 16 July 2004.



SHARON A. SHAFFER, Lt Colonel, USAF
Deputy Chief Defense Counsel
Office of Military Commissions

Attachment:

Detailing memorandum, dated 3 February 2004