

~~FILED UNDER SEAL~~  
~~PROTECTED INFORMATION~~

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

<hr/>		)	
TARIQ ALI ABDULLAH BA ODAH,		)	
		)	
Petitioner,		)	
		)	
v.		)	Civil Action No. 06-1668 (TFH)
		)	
BARACK H. OBAMA, et al.,		)	
		)	
Respondents.		)	
<hr/>		)	

**RESPONDENTS' OPPOSITION TO PETITIONER'S  
MOTION TO REINSTATE HIS HABEAS PETITION AND  
FOR JUDGEMENT ON THE RECORD**

**EXHIBIT 2**

~~FILED UNDER SEAL~~  
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IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TARIQ ALI ABDALLAH AHMAD BA'AWDHA, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 ROBERT M. GATES, )  
 Secretary of Defense, )  
 )  
 Respondent )

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No. 07-1253

DECLARATION OF BREE A. ERMENTROUT

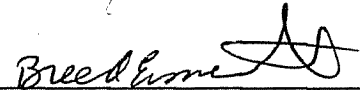
Pursuant to 28 U.S.C. § 1746, I, Commander Bree A. Ermentrout, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

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 record of proceedings before the Combatant Status Review Tribunal related to petitioner Tariq Ali Abdallah Ahmad Ba'awdha ISN 178.

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

Dated: 23 July 2007

  
 \_\_\_\_\_  
 BREE A. ERMENTROUT  
 CDR, JAGC, USN  
 Staff Judge Advocate  
 HQ OARDEC, Washington, D.C.

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TARIQ ALI ABDALLAH AHMAD BA'AWDHA, )  
)  
Petitioner, )  
)  
v. )  
)  
ROBERT M. GATES, )  
Secretary of Defense, )  
)  
Respondent )  
\_\_\_\_\_ )

No. 07-1253

**DECLARATION OF BREE A. ERMENTROUT**

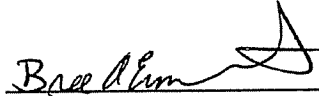
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1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.

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 Tariq Ali Abdallah Ahmad Ba'awdha ISN 178 that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also 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: 23 July 2007

  
\_\_\_\_\_  
BREE A. ERMENTROUT  
CDR, JAGC, USN  
Staff Judge Advocate  
HQ OARDEC, Washington, D.C.



Department of Defense  
Director, Combatant Status Review Tribunals

1 Nov 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #18

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

[Redacted] Lieutenant Commander, U.S. Navy; Member  
(JAG)

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

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~~(U)~~ **Combatant Status Review Tribunal Decision Report Cover Sheet**

~~(U)~~ This Document is UNCLASSIFIED Upon Removal of Enclosure (2).

~~(U)~~ TRIBUNAL PANEL:   #18  

~~(U)~~ ISN#:   178  

- Ref: (a) ~~(U)~~ Convening Order for Tribunal #18 of 1 Nov 2004 (U)  
 (b) ~~(U)~~ CSRT Implementation Directive of 29 July 2004 (U)  
 (c) ~~(U)~~ DEPSECDEF Memo of 7 July 2004 (U)

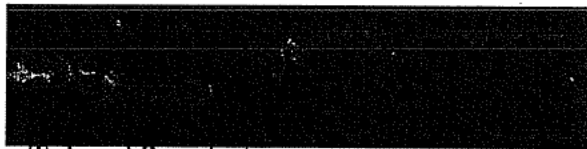
- Encl: (1) ~~(U)~~ Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
 (2) ~~(U)~~ Copies of Documentary Evidence Presented (~~CONF~~)  
 (3) ~~(U)~~ Personal Representative's Record Review (U/~~FOUO~~)

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 5 Nov 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #178 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, the Taliban and al Qaida and participated in military operations against the United States or its coalition partners, 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 enclosure (1).



Tribunal President

DERV FM: Multiple Sources  
DECLASS: XI

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