

Administration of Barack H. Obama, 2009

Memorandum on Review of the Detention of Ali Saleh Kahlah al-Marri

January 22, 2009

Memorandum for the Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence

Subject: Review of the Detention of Ali Saleh Kahlah al-Marri

I have today signed an Executive Order entitled Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities ("Review and Disposition Order"), which mandates a review, coordinated by the Attorney General, of the status of all individuals that the Department of Defense is currently detaining at the Guantánamo Bay Naval Base, in order to effect their prompt and appropriate disposition.

For more than 5 years, the Department of Defense has detained Ali Saleh Kahlah al-Marri as an enemy combatant in facilities within the United States. Al-Marri is the only individual the Department of Defense is currently holding as an enemy combatant within the United States.

Because he is not held at Guantánamo Bay, al-Marri is not covered by the review mandated in the Review and Disposition Order. Yet it is equally in the interests of the United States that the executive branch undertake a prompt and thorough review of the factual and legal basis for al-Marri's continued detention, and identify and thoroughly evaluate alternative dispositions.

Accordingly, I direct that a review of al-Marri's status ("Review") commence immediately. The Review shall be conducted with the full cooperation and participation of:

- (1) the Attorney General, who shall coordinate the Review;
- (2) the Secretary of Defense;
- (3) the Secretary of State;
- (4) the Secretary of Homeland Security;
- (5) the Director of National Intelligence;
- (6) the Chairman of the Joint Chiefs of Staff; and
- (7) other officers or full-time or permanent part-time employees of the United States, including employees with intelligence, counterterrorism, military, and legal expertise, as determined by the Attorney General with the concurrence of the head of the department or agency concerned.

The Review shall expeditiously determine the disposition options with respect to al-Marri and shall pursue such disposition as is appropriate, based upon the principles set forth in the Review and Disposition Order, including, in particular, sections 4(c) and 5 thereof.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

BARACK OBAMA

Categories: Communications to Federal Agencies: Review of the detention of Ali Saleh Kahlah al-Marri, memorandum.

Names: al-Marri, Ali Saleh Kahlah.

Subjects: Cuba : Guantanamo Bay, U.S. Naval Base :: Closure of detention facilities; Terrorism : Review and disposition of detainees at Guantanamo Bay; Terrorism : Terrorists :: Review of detention policies.

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