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CA: This Periodic Review Board is being conducted at 0903 hours on 16 June 2016, with regards to the following detainee: Mohamed Mani Ahmad al-Kahtani, ISN 63.

As a reminder, the unclassified portions of this proceedings are being recorded for the purpose of generating a transcript to be posted on the PRS website.

TRANS 1: [TRANSLATION OF ABOVE]

CA: Representatives from the following agencies are present and are members of the Board:

DEPARTMENT OF DEFENSE;

DEPARTMENT OF STATE;

DEPARTMENT OF JUSTICE;

DEPARTMENT OF HOMELAND SECURITY;

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; AND,

THE OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVE;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; AND,

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SECURITY OFFICER.

TRANS 1: [TRANSLATION OF ABOVE]

CA: The detainee's Personal Representative, Private Counsel, the detainee, and one translator are located at the de... detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference and the detainee waived translation of the unclassified summary and Personal Representative' and Private Counsel's opening statements. These documents have been posted to the Periodic Review Secretariat website. This session is being observed by foreign, national, and local media; and representatives from non-governmental organizations.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Good morning. This Board is convened to determine whether continued law of war detention is warranted for Mohamed Mani Ahmad al-Kahtani, ISN 63, to protect against a continuing significant threat to the security of the United States. From here forward, we'll refer to the detainee as Mohamed. This session of the hearing is unclassified.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Mohamed, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it is necessary

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to protect against a continuing significant threat to the national security of the United States. The focus of this hearing is on the threat you may pose to the United States and its interests, if transferred or released from U.S. custody. It is not on the lawfulness of your detention.

TRANS 1: [TRANSLATION OF ABOVE]

PM: The Personal Representatives [sic] and Private Counsel are your representatives to assist you during this process. Finally, the translators ensure that everybody understands your statements and that you understand what is being said at the hearing today.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Personal Representatives and Private Counsel, has Mohamed had an opportunity to review the unclassified summary?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: All right. Thank you. I'll read the unclassified summary: Mohamed Mani Ahmad al-Kahtani, ISN 63, attempted to enter the United States on 4 August 2001, after almost certainly having been selected by senior al-Qaeda members to be the 20th hijacker for the September 11th attacks. Mohamed probably understood that he was intended to be used as part of a suicide operation, but he was

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probably unaware of the specifics of the attack. He was denied entry into the United States by Immigration and Naturalization Service officers who found the circumstances of his travel and his conduct to be suspicious.

Around September 2000, Mohamed traveled to Afghanistan and received basic and advanced training from al-Qaeda. He swore allegiance to Osama bin Laden, who told Mohamed he would be assigned a special mission. Bin Laden directed Mohamed to meet with al-Qaeda operations chief Khalid Sheikh Mohammad, ISN 10024, in mid-2001. Khalid Sheikh Mohammad trained Mohamed on operational communications and told him to return to Saudi Arabia to obtain a new passport and visas for the U.S. and UK.

After obtaining his passports... passport and visas, Mohamed traveled to the United Arab Emirates and met with al-Qaeda financial and travel facilitator Mustafa al-Hawsawi, who facilitated the travel of the four nine eleven hijackers into the United States. Hawsawi [sic] provided Mohamed with money and a one-way ticket to Orlando, Florida. Mohamed Atta, the tactical leader and hijacker... hijacker-pilot of nine eleven, was almost certainly waiting for... waiting at the Orlando International Airport for Mohamed Mani Ahmad al-Kahtani. However, Mohamed failed to clear immigration and was deported back to UAE.

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Mohamed returned to Pakistan and Afghanistan in August 2001, separately informing Khalid Sheikh Mohammad and bin Laden about his failure to enter the United States. Mohamed then traveled to Kabul to fight in the frontlines against the Northern Alliance. Following the onset of coalition bombing in Afghanistan, Mohamed fled to the mountains of Tora Bora and briefly rejoined bin Laden and his bodyguards, before Mohamed's capture.

Mohamed has been mostly compliant with the guard staff during his detention at Guantanamo Bay. However, he has not cooperated with his interrogators, repeatedly trying to disassociate himself from al-Qaeda and using cover stories to account for his travels. He repeated... repeatedly... his repeated denials of terrorism involvement limit our insight to his motivation for joining al-Qaeda or his current mindset. He is not known to have made any statements in the past ten years renouncing the group or its ideology.

Mohamed has consistently said he wishes to be repatriated to Saudi Arabia to be reunited with his parents and siblings. His family has been supportive throughout Mohamed's detention, judging from their frequent correspondence and efforts to secure his release. None his fa... his family members are known to have been involved in terrorism, although they are probably in contact with other former Guantanamo Bay detainees.

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Do the Personal Representative and Private Counsel wish to make unclassified opening statements, at this time?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: I'd like to remind all participants that any information shared at this time, must be unclassified. If there's a concern with classification of the information, I'll indicate as such and will stop the proceedings until we resolve the issue. Has Mohamed had the opportunity to... to review your statement?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

DET: Yes.

(PC CONFERS WITH DET IN ARABIC)

PM: All right. Personal Representative, please proceed.

TRANS 1: [TRANSLATION OF ABOVE]

PR: Good morning, ladies and gentlemen of the Board. I am the Personal Representative of Mr. Mohamed Mani Ahmad al-Kahtani. I will be assisting Mohamed this morning with his case, aided by Mr. Ramzi Kassem.

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Mohamed has been overjoyed and eager to participate in the Periodic Review process. He has maintained a record of perfect attendance for meetings with me and his Private Counsel. I am favorably impressed by miss... by Mohamed's candor... candor. He has proven forthright and honest in his interactions with me. Mohamed has proven to be engaging and extremely polite throughout his interactions and discussions with me. He is quick with a smile and exudes a warm personality.

Later, Mohamed will discuss both his past life and his desire for a better life for himself in the future. He wishes to be transferred to live with his life with his family and parents. Mohamed also wishes to be married and start his own family. He is open to transfer to any country.

I am confident that Mohamed's desire to pursue a better way of life, if transferred from Guantanamo, is genuine. I remain convinced that he does not pose a continuing significant threat to the security of the United States.

Thank you for your time and... and attention. I am pleased to answer any questions you have throughout this proceeding.

PM: Thank you. Private Counsel, you may proceed with your unclassified opening statement.

TRANS 1: [TRANSLATION OF ABOVE]

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PC: Ma'am... good morning, everyone, esteemed Periodic Review Board Members. We serve as pro bono counsel to Mohammed al-Kahtani, ISN 063. The Center for Constitutional Rights has represented Mr. al-Kahtani since 2005. I have represented Mr. al-Kahtani since 2010. We write to provide additional information to inform your decision as to whether Mr. al-Kahtani's continued imprisonment at Guantanamo Bay is necessary to protect against a significant threat to the security of the United States.

It is well known that Mohammed al-Kahtani was tortured in U.S. custody at Guantanamo. In fact, Mr. al-Kahtani is the only prisoner whose torture has been formally acknowledged by a senior U.S. government official. In 2009, Susan J. Crawford, then the Convening Authority in charge of the U.S. Department of Defense's Military Commissions, explained that she had refused to authorize Mr. al-Kahtani's capital trial by military commission in 2008 because, quote, we tortured Kahtani, end quote. The torture left Mr. al-Kahtani in a, quote, life-threatening condition, again by Crawford's admission. He was hospitalized twice during his interrogation at Guantanamo because he was on the brink of heart failure and death.

What is not well known, however, is that long before Mr. al-Kahtani was taken into U.S. custody, he suffered from a number of severe psychiatric disabilities. As the expert witness in this

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matter, Dr. Emily A. Keram, attests in her separate report, Mr. al-Kahtani suffered from schizophrenia, major depression, and possibly neurocognitive disorder due to traumatic brain injury. He was mentally ill not only prior to his imprisonment and torture at Guantanamo, but also long before the period of time when he was alleged to have participated in criminal acts. Dr. Keram's report is based on extensive conversations with Mr. al-Kahtani at Guantanamo, on a telephonic interview with his family in Saudi Arabia, and on her review of records of an involuntary psychiatric hospitalization in 2000 that were independently obtained by his legal team.

Mr. al-Kahtani developed psychotic symptoms in his childhood, which worsened as he grew into his teens and twenties. His mental troubles trace back to a string of traumatic brain injuries, beginning with one sustained in a car accident when he was only eight years old. His family recalled, quote, episodes of extreme behavioral dyscontrol [sic], end quote, over the years, including one where... including one when the Riyadh police contacted the family because they had found Mr. al-Kahtani naked in a garbage dumpster, spells of auditory hallucinations, and an incident where Mr. al-Kahtani threw a new cellular phone out of a moo... out of a moving car because he believed it was affecting his emotional state.

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These symptoms persisted and, in late-May of 2000, Mr. al-Kahtani was involuntarily committed in Mecca for a, quote, acute psychotic break, end quote. Medical records from the hospitalization reviewed by Dr. Keram reveal that Mr. al-Kahtani was involuntarily committed to the psychiatric unit of a hospital for a period of days after local police arrested him as he was attempting to throw himself onto moving traffic. According to the hospital medical records, Mr. al-Kahtani expressed suicidal wishes, and was given anti-psychotic medication and sedatives. As a result of this episode, counsel learned, Mr. al-Kahtani lost his job as a civilian driver at the Armed Forces Hospital in the Saudi city of Kharj.

Perhaps most importantly, Dr. Keram concluded that Mr. al-Kahtani's pre-existing mental illnesses likely impaired his capacity for independent and voluntary decision-making well before the United States took him into custody, and left him "profoundly susceptible to manipulation by others." These findings call into serious question the extent to which it would be fair to hold Mr. al-Kahtani responsible for any alleged actions during that period of his life. They also cast doubt on any claims that Mr. al-Kahtani would have been entrusted with sensitive information about secret plots.

Moreover, Dr. Keram found that, Mr. al-Kahtani's pre-existing psychotic, mood, and cognitive disorders made him particularly

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vulnerable to the conditions of confinement and interrogation his U.S. captors inflicted on him at Guantanamo under the guise of the "First Special Interrogation Plan." In fact, according to Dr. Keram, the combination of solitary confinement, sleep deprivation, extreme temperature and noise exposure, stress positions, forced nudity, body cavity searches, sexual assault and humiliation, beatings, strangling, threats of rendition, and water-boarding, amounting to severely cruel, degrading, humiliating, and inhumane treatment that Mr. al-Kahtani endured would have profoundly disrupted and left long-lasting effects on a person's sense of self and cognitive functioning even in the absence of pre-existing psychiatric illness.

Applied to Mr. al-Kahtani, the torture and conditions of his confinement at Guantanamo were nothing short of devastating, exacerbating his pre-existing psychological ailments. Besides taxing him physically to the point that he was on the brink of death and had to be hospitalized twice, they caused psychotic symptoms that included repeated hallucinations involving ghosts and a talking bird. Mr. al-Kahtani also often soiled himself, cried uncontrollably, and conversed with himself and with others who were not present. It appears to be in significant part the undeniable impact that torture and imprisonment at Guantanamo had on Mr. al-Kahtani's health that drove the Convening Authority for the U.S. Department of Defense's

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Military Commissions, Susan Crawford, to drop the charges against him.

Today, Mr. al-Kahtani's condition is exactly as one would expect for a man who suffered from severe psychiatric illness before being subjected to a systematic and brutal program of physical and psychological torture. In addition to Mr. al-Kahtani's pre-existing psychiatric diagnoses, which have not subsided, Dr. Keram concludes, he has developed posttraumatic stress disorder, PTSD, resulting from his torture, interrogation, and imprisonment. As a doctor with the U.S. Department of Veteran Affairs who has treated patients with PTSD secondary to both combat stress and Prisoner of War confinement for the past 14 years, Dr. Keram found that Mr. al-Kahtani's PTSD symptoms are not only consistent with those exhibited by survivors of torture, but also that they have been present for years.

Given the present state of Mr. al-Kahtani's mental health, Dr. Keram believes that he will likely require lifelong mental health care, at least initially in an inpatient or residential setting. In her view, appropriate treatment of Mr. al-Kahtani's complex condition requires a culturally-informed multi-disciplinary approach that would include: supportive psychotherapy, cognitive-behavioral therapy, skills-based therapy, and psychotropic medication.

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Crucially, Dr. Keram concludes that, Mr. al-Kahtani cannot receive effective treatment for his current mental health conditions while he remains in U.S. custody at Guantanamo or elsewhere, despite the best efforts of available and competent clinicians. Among the factors precluding effective treatment of Mr. al-Kahtani's mental illnesses in U.S. custody is his lack of trust in mental... in medical and mental health personnel at Guantanamo owing to their predecessors' involvement in his interrogations and torture. Also, Dr. Keram finds that, given the unique role of family in Mr. al-Kahtani's previous episodes of psychiatric illness, it is imperative that his family members actively participate in his treatment.

Dr. Keram's conclusion, therefore, is that Mr. al-Kahtani would receive effective treatment if he is repatriated to the Kingdom of Saudi Arabia. The Saudi Ministry of Interior's custodial rehabilitation and aftercare program for former Guantanamo prisoners would provide Mr. al-Kahtani with the medical attention he direly needs on an inpatient basis, while access to his family would complement his treatment. We have obtained a written assurance from the Saudi Ministry of Interior addressed to the members of this Periodic Review Board, offering security and humane treatment guarantees regarding Mr. al-Kahtani and expressing its readiness to welcome him in its rehabilitation and aftercare program.

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Turning to Mr. al-Kahtani's family, as their sworn letters and the videos they recorded for the Board amply attest, they are prepared to provide him with all of the emotional, personal, and financial support and guidance he will need should he be repatriated to Saudi Arabia and committed in its rehabilitation and aftercare program. Mr. al-Kahtani's family includes... Mr. al-Kahtani's family includes many relatives who are in the Saudi military and police or otherwise in government service. They have every interest in ensuring Mr. al-Kahtani's successful reintegration into family life and society, if he is ever medically cleared for release from the care of the Saudi rehabilitation program.

Today, you will hear from Mr. al-Kahtani himself. He will probably tell you what he has often told us, that his only wish is to go home and lead a peaceful, steady life. Despite the horrific abuse that he barely survived in U.S. custody, Mr. al-Kahtani bears no ill will towards the United States or any other country or government. Proof of that can be found in his record of compliance as a prisoner at Guantanamo and in his good relations with the guard force. In numerous conversations with us over the years, Mr. al-Kahtani has also made it abundantly clear that he does not support al-Qaeda's ideology or its methods, and that he abhors wanton acts of violence against civilians, irrespective of their nationality or religion.

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In sum, we have no reason to believe that the U.S. government knew of Mr. al-Kahtani's debilitating mental illnesses at the time it took him into its custody, or that it deliberately exploited those ailments in its interrogations of Mr. al-Kahtani. The facts nonetheless remain the same. Our government apprehended a severely mentally disabled man, brought him to Guantanamo, and intentionally and systematically tortured him there.

Perhaps more than any other prisoner, Mohammed al-Kahtani's continuing imprisonment at Guantanamo represents everything about the prison that is inconsistent with our proclaimed national values, offending allies and critics alike the world over. To begin to turn the page on this ugly chapter in our country's recent history, surely, our government must release from its custody the one man whose torture it... it has officially acknowledged.

This Board should repatriate Mr. al-Kahtani to Saudi Arabia, where he will be committed in one of that country's advanced psychiatric facilities, an opportunity that he and his family sadly did not seize in 2000. Once there, Mr. al-Kahtani will receive the treatment that he has needed for far too long and he will not pose a threat to the United States or anyone else.

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Thank you for taking into consideration the information we have provided. We remain at your disposal to address any questions you may have regarding Mr. al-Kahtani.

PM: Thank you. Board Members may reserve questions until detainee and witness statements may be... have been presented in their entirety. Any questions at this time?

(NON-VERBAL RESPONSE FROM BMS)

TRANS 1: [TRANSLATION OF ABOVE]

PM: All right. With no questions, that concludes this portion of the hearing; and I'll ask that we all remain seated until further instructed by our Case Administrator.

TRANS 1: [TRANSLATION OF ABOVE]

CA: We will take a 15-minute recess to prepare for the remaining sessions.

TRANS 1: [TRANSLATION OF ABOVE]

[The public session closed at 0926, 16 June 2016.]

[END OF PAGE]

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER
CA: CASE ADMINISTRATOR
DET: DETAINEE
PM: PRESIDING MEMBER
PR: PERSONAL REPRESENTATIVE
PC: PRIVATE COUNSEL
TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)