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CA: This periodic review board is being conducted at 0906 hours on 12 January 2016, at the Periodic Review Secretariat headquarters, with regard to the following detainee: Ahmid Al Razak, ISN 1119.

As a reminder, the unclassified portions of these 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,

OFFICE OF THE CHAIRMEN OF THE JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATOR;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; AND,

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SECURITY OFFICER.

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: The detainee's personal representatives, private counsel, the detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference. This session is being observed by foreign, national, and local media, foreign government officials, and representatives from non-governmental organizations.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Does the detainee wish to waive translation of the entire hearing, to include all written statements provided by the personal representatives, the private counsel, and himself?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR 1: No, ma'am. The detainee only wishes to waive the translation of the Unclassified Summary, and the Personnel Representative and the Private Counsel statements.

PM: All right in that case, the Board is called to order. This Board is convened to determine whether the continued law of war detention is warranted for Ahmid Al Razak, ISN 1119, in order to protect against a continuing significant threat to the security of the United States. From here forward, we will refer to the detainee

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as Haji Hamidullah. This Periodic Review Board session is unclassified.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Haji Hamidullah, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Your continued law of war detention will be warranted if such detention is necessary to protect against a continuing significant threat to the 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 and your private counsel are your representatives to assist you during this process. Finally, the translators ensure that everyone understands your statements and that you understand what is being said during the hearing.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Personal representatives and private counsel, has the detainee had an opportunity to review the unclassified summary?

TRANS 1: [TRANSLATION OF ABOVE]

PR 1: Yes, Ma'am.

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PM: All right, I'll read the unclassified Summary. Haji Hamidullah was an Afghan militant who probably ordered and conducted attacks against Afghan and Coalition personnel during Operation Enduring Freedom. He fought for Hezb-e Islami Gulbuddin (HIG) during the Soviet War in Afghanistan, retained ties to the group thereafter, and probably collaborated with the Taliban and possibly with al-Qaeda although the nature of the relationship remains unclear.

During Operation Enduring Freedom, he most likely led a group of militants with ties to both HIG and the Taliban planning an attack against Afghan Government unit. Haji Hamidullah has admitted to having been a HIG fighter during the Soviet War and has denied affiliation with extremists and involvement in militant activities against U.S. interests, but a body of reporting mostly from Afghan National Security Directorate sources refutes these claims.

Haji Hamidullah has been highly compliant with the guard staff at the Guantanamo Bay detention facility and has committed far fewer infractions than most other detainees. He has acted as a leader of the other Afghan detainees and probably has sought to moderate their behavior, demonstrating that he is willing to cooperate with U.S. officials when it serves his or his fellow detainees' interests. He met regularly with interrogators before late 2013, probably because he believed that cooperating would increase his chances of being

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repatriated; because he enjoyed interacting with interrogators. However, he has provided little information of value.

Haji Hamidullah's behavior and statements during his detention lead us to assess that he does not support al-Qaeda's jihadist ideology. He has not expressed any intent to engage in extremist activity, and probably does not view the United States as his existential enemy. However, his family's history of anti-Coalition and criminal activities, coupled with the widespread extremist activity in his home village in Afghanistan, would put him at risk of being drawn back into the fight if he were to be repatriated.

PM: Do the personal representatives and private counsel wish to make unclassified opening statements at this time?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR 1: Yes, Ma'am.

PM: All right. I would like to remind all the participants that any information shared at this time must be unclassified. If there is a concern about the classification of the information, I'll indicate as such and the proceedings will stop until the issue is resolved.

(PM and TRANS 1 conferring)

PM: Has the detainee had an opportunity to review the PR's and PC's opening statement?

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TRANS 1: [TRANSLATION OF ABOVE]

PR 1: Yes, Ma'am.

PM: All right, please proceed with your opening statements.

TRANS 1: [TRANSLATION OF ABOVE]

PR 1: Good morning Ladies and Gentlemen of the Board. We are the Personal Representatives for ISN 1119. Thank you for the opportunity to present Mr. Hamidullah's case.

From our initial encounter and all subsequent meetings, Mr. Hamidullah has been fully cooperative and supportive in the preparation for his Periodic Review Board. From our first meeting, Mr. Hamidullah has repeatedly stated that he does not support extremist groups such as the Taliban, al-Qaeda, Daesh, or ISIL. He believes Islam is a peaceful religion and desires no part with those who feel otherwise. In his approximately twelve years at GTMO, he has been very compliant with very few disciplinary infractions. Mr. Hamidullah is reclusive in the detention center as he does not believe in splashing, striking, or hunger strikes. He believes these acts to be of the devil and not condoned or supported by Islam.

Mr. Hamidullah is rather uncertain about his future. He knows in his heart that he is not a continuing or significant threat to the United States of America, but does not know what country would welcome him. He feels his best years are behind him. He was a

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thriving businessman prior to his detention, making a good living flipping houses and cars; buying cheap, making repairs, and selling for a profit. But he feels he has lost most of his business acumen during his detention. He has spent most of his time in detention learning to read, and in the process he has memorized the entire Quran. In addition to the Quran, he reads an assortment of religious books. He would gladly stay at GTMO if someone would assure him that his family would be safe and provided for.

Mr. Hamidullah is a nephew, brother, father, grandfather, and was an upcoming member of his tribe. He has always shared the same beliefs that conflicts should be resolved using peaceful means, not violence. He no longer has any ties to his tribe although they have volunteered their support by selling land to assist in his reintegration back to society to live out his life in peace.

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

(Trans 1 begins translation, then stops)

PC: My name is Stephen D. Brown and I am a Retired Partner at Dechert LLP, where I served as a partner from 1991 to December 31, 2014. I am private counsel to Haji Hamdullah. Thank you for allowing me to speak with you this morning on behalf of Mr. Hamdullah. Mr. Hamdullah is an Afghan in his early 50's who has

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neither the ability, nor the motive, nor the opportunity, to present a continuing and significant threat to the United States if he were released from Guantanamo.

He has been an exemplary prisoner in the 13 years he has been at Guantanamo. Mr. Hamdullah is regarded by the guards as a model detainee. He has had zero incidents of self-harm in gestures, statements or attempts. He has had a mere 35 disciplinary infractions since November 21, 2003. In other words, he has had a disciplinary infraction only once out of every hundred and twenty-five days, or every four months. He has never expressed anti-U.S. sentiment or ill-will, and is one of the most compliant residents at Guantanamo Bay. He is a peaceful man who moderates the behavior of other detainees.

Mr. Hamdullah is in his early 50's. He does not know his exact age, because records were not kept in his village when he was born. His estimated age of an Afghan male in his early 50's equates to a U.S. man in his 70's. As the World Health Organization statistics show, an average life expectancy for a man born in Afghanistan is 60 years old ranking 167th in the world whereas the U.S. average male life expectancy is 76 years old. Further, he suffers many of the ills one would expect of a 70 year old man here in the United States. He was diagnosed with diabetes two years ago and takes daily

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medication to control that diabetes. Plus he has knee and back problems, as well as memory loss. He has no technical skills such as how to use a computer or cell phone, and he is still learning to read and write.

Mr. Hamdullah has never been a member of al-Qaeda or the Taliban. In fact, he was imprisoned by the Taliban in the late 1990's, but was able to escape after approximately a year and a half. He is a devout Muslim who uses a religion properly as a source of faith and strength, not as a tool to justify violence.

Mr. Hamdullah has a large and supportive family with whom he has remained in contact during his period at Guantanamo Bay. His family will support him wherever he goes.

He has never alleged to be part of any anti-U.S. efforts preceding 9/11, and has had no extremist or radical religious contacts.

I understand that this is not the place to address the bases for his detention, but I do note that to the extent any of these allegations suggest there was an adversary of Mr. Hamdullah; his adversary was the Northern Alliance, not the United States. There is no suggestion that he had any power or influence outside of Afghanistan. Thus any concern about a threat can be extinguished by sending him to a Muslim country other than Afghanistan or Pakistan

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where he would not have the resources or the ability to pose a threat to anyone, including the Northern Alliance.

In sum, he is an elderly man without resources or any motivation to present any threat let alone a continuing significant threat to the security of the United States. I request that Mr. Hamdullah be sent to a Muslim country, other than Pakistan or Afghanistan, so that he can spend the remainder of his years with his two wives in peace, and without concern for his own safety. Thank you.

PM: Thank you. Board members may reserve questions until the detainee and witness statements have presented in their entirety.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Does any member of the board have a question for the personal representatives or private counsel in this session?

TRANS 1: **[TRANSLATION OF ABOVE]**

[No verbal response from the members.]

PM: All right. Seeing no questions, this concludes this portion of the hearing. I ask that all remain seated until further instructed by the 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]**

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[The public session closed at 0923 hours, 12 January 2016.]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

DET: DETAINEE

PC: PRIVATE COUNSEL

PM: PRESIDING MEMBER

PR 1: PERSONAL REPRESENTATIVE ONE

PR 2: PERSONAL REPRESENTATIVE TWO

TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)

TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)