

CA: This periodic review board is being conducted at 0926 hours on 04 February 2015, at the Periodic Review Secretariat Headquarters, with regard to the following detainee: Khalid Ahmed Qasim.

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.

Regarding translation during the hearing, all parties agree to proceed in English, due to the detainee's proficiency in English.

The translators will remain in the event any translation is required or requested by any party during the proceedings.

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;

OFFICE OF THE JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; and

SECURITY OFFICER.

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 nongovernmental organizations.

PM: Good morning. This board is called to order. The board is convened to determine whether continued law of war detention is warranted for Khalid Ahmed Qasim, ISN 242, in order to protect against a continuing significant threat to the security of the United States.

This periodic review board hearing session is unclassified. Classified documents and classified discussions relating to classified information shall not be presented or discussed during the unclassified session of this hearing.

Khalid, 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 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, and not on the lawfulness of your detention.

The personal representatives and private counsel are your representatives to assist you during your -- this process.

Finally, the translators ensure that everyone understands your statements and that you understand what is being said here during this hearing.

Personal representatives and private counsel, has the detainee had an opportunity to review the Unclassified Summary?

PR 1: Yes, he has.

PM: Great. Thank you very much.

I will now read the Unclassified Summary:

Khalid Ahmed Qasim, YN-242, traveled from Yemen to Afghanistan in late 1999 for extremist training. He received basic and advanced instruction from Al-Qaida at the al-Farouq training camp before 9/11, possibly taught militants to use weapons, and may have fought for the Taliban in or near Kabul and Bagram, Afghanistan, before fleeing to the Tora Bora mountains in late 2001. While in

Afghanistan, he was closely affiliated with Al-Qaida, briefly met with Usama Bin Ladin at Tora Bora, and possibly became a member of Al-Qaida, although during debriefings he has denied joining the group and there is no reporting that he swore allegiance to Bin Ladin.

Khalid has committed hundreds of infractions during his detention at Guantanamo Bay, including persistent and serious offenses against the guard force, and he probably views his detention as a continuation of his jihad. He has been a long-term participant in the recent widespread detainee hunger strike and repeatedly has physically attacked, threatened to kill, splashed with bodily fluids, and otherwise harassed detention staff. Throughout his detention, Khalid has expressed extremist views and anti-American sentiments during conversations with guards.

While in detention, he has communicated regularly with family members who are involved or sympathetic to extremist activities. These family members include one brother who was implicated in the attack on the USS COLE in 2000 and who as of 2011 reportedly was a member of Al-Qaida in the Arabian Peninsula, AQAP. Another family member was maintained -- has maintained contact with senior AQAP members. Khalid's family support for terrorism probably has fueled his noncompliance at Guantanamo and would give him a possible conduit to reengage, particularly in Yemen or Syria.

If repatriated to Yemen, Khalid probably would resettle in Aden, where he grew up and where much of his family currently lives. His family maintains contacts with or involvement in AQAP's activities in Aden.

Does the personal representatives and private counsel wish to make an unclassified open statement at this time?

PR 1: We do.

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

Has the detainee had an opportunity to review the PR and PC's opening statement? And if so, does he require translation of it today?

PR 1: Yes, sir.

PC: Yes, sir.

PR 1: Yes, sir. He has had an opportunity to review the information.

PC: And he doesn't need a translation today.

Thank you.

PM: Great. Thank you very much.

Then personal representatives, you may proceed with your opening statements.

PR 2: Thank you.

Good morning, members of the board. We are the personal representatives for Khalid Ahmed Qasim, and joined with us here today is Khalid's private counsel, Mr. Clive Stafford Smith.

This is Khalid's first PRB since his arrival to Guantanamo in May of 2002. Today's PRB is in many ways a glimmer of hope for Khalid, who has expressed his detention of nearly 13 years of object hopelessness.

Coming from a small town within an already austere and far removed country in a world possessing little or no money or appreciation for what he could offer, Khalid set off to be and do something greater than himself. After hearing of the injustices being levied on Muslims in the late summer or fall of '99 in Pakistan, Khalid traveled unaware that his influential abilities would be thwarted by the political environment which he was ill-prepared. With his hopes abated he was informed about the persistent matters still emanating from within Afghanistan and once again traveled to help those that needed assistance in a land ravaged by war.

After arriving and settling in Afghanistan, Khalid worked to provide assistance to people in need. But this peaceful life would be shaken in the wake of the USS COLE attack and worse, the assassination of an influential Afghan military and political leader,

Ahmad Shah Massoud. It was the latter event which caused Khalid to turn himself in, confident that he would be protected and released as he had no involvement with this attack in which the Afghan government sought anyone of Arab descent. Rather than being released as communicated by the Afghan authorities, he was harshly interrogated and ultimately turned over to the Americans and shipped to Guantanamo, where he has spent the last 4,662 days in detention. Khalid's dossier lacks any real substance or support to classify him as a continuing and significant threat to the United States -- to the security of the United States.

Since Khalid's arrival to Guantanamo, he has been driven by teaching himself numerous subjects to include English and Spanish. He has broadened his cultural sensibilities by sketching, singing and writing poetry. Khalid is a peaceful man who wants nothing more than the most basic of human needs - his freedom.

Khalid has spent most of his adult life here in Guantanamo. He is not the young man he was when he arrived in 2002. He has matured and grown and looks forward to resettling in a country that is free of turmoil and political unrest. He knows he cannot go home but has many dreams and aspirations for his new life. With the assistance of Reprieve, to which Mr. Smith will discuss in greater detail, we are confident that Khalid will thrive and improve himself in helping others despite being deprived of years which cannot be

replaced.

Pending no questions, that concludes my opening statement.

PM: Thank you very much.

Mr. Smith, would you like to make your opening ----

PC: Thank you so much.

PM: ---- comments at this point?

PC: My name is Clive --

Thank you. I will. Thank you.

My name is Clive Stafford Smith, and it's my privilege to represent Khalid Qasim today, and it is my privilege to appear before the Board. And I apologize if I say a bit about myself, that's slightly embarrassing. But these guys suggested I should introduce myself a bit.

I am the director of the London based charity Reprieve, and I am a dual national of the U.S. and the United Kingdom. And I was born in the United Kingdom in Cambridge, and came to the U.S. in 1978 where I studied at UNC, Chapel Hill and Columbia Law School. I spent the years, 31 years, actually, representing people through charity, and only through charity. That's all I've ever done and it's what I believe in.

And I've been fortunate enough over the years to be over flattered, I think, with various awards and so forth. And they told me I had to say that Her Majesty the Queen gave me an OBE. I find

that slightly embarrassing. And also, as an American, it's not the sort of thing we should really be boasting about. We don't call ourselves knights, do we? Anyway, enough of that.

Since 2002, I have been representing detainees in Guantanamo Bay. And I do this for exactly the same reasons as President Obama has his views. And I think quite possibly it hasn't really helped our image internationally. And what we've got to do is resolve that as best we can.

Through Reprieve, I have represented a little over 85, I think, of the detainees so far, which is more than ten percent of them, and gives you a better of a perspective on who the folk are down here. Of those, some 74 have been released from the base. And we have at Reprieve have tried to keep in touch with our clients after their release, to help them back into society.

In the early days, this was pretty *ad hoc*, but since 2009 we've received a grant from the United Nations to establish a project that we call *Life After Guantanamo Bay*. We have, I am glad to say -- and when I say "we", it's really the people working for me, not me -- have had extraordinary good fortune in helping detainees settle in countries all around the world, and in reintegrating into countries with a minimum of fuss back into society. And a little later, you'll hear from Katie Taylor, who is one of our staff who works for *Life After Guantanamo*, about what we've done in preparation, I hope, for

Khalid's release, and what we plan to do for him in the future.

Now, we're looking forward and not backwards, but I do want to briefly address the historical allegations against Khalid. It is my firm belief that much of what is said about him is not based in fact. And I won't address the details here, as many of those facts are classified. However, I am familiar with a lot of -- and perhaps, I'll just leave all of that until we have our classified session.

Be this as it may, the PRB process does look forward more than it looks backwards. And I'd like to turn who Khalid Qasim is today.

I took his case on -- a year ago because one of my other clients requested that I do it. And Khalid wrote to me, and a copy of the letter he wrote is part of the record. And I'd like to talk about that in a minute because it reflects who he is.

I want though first, to address Khalid's disciplinary record. And let's face it his disciplinary record is not good. But I've had a lot of compliant and noncompliant clients. And there are two observations I'd like to make about them. One is that compliance with the rules appears to have little relationship to whether the detainee is actually affiliated with terrorism. And there is only one detainee I'm familiar with in my experience who's been oppositional because of his extremist ideology, and that's not Khalid.

Most of those who go on a long-term hunger strike tend to be those who are most frustrated, either because they're still in Guantanamo several years after being cleared for transfer, or because they feel that they've not had a meaningful chance, perhaps until today, of putting their case for clearance.

The second issue is that noncompliance appears, at least to me, to have little relationship to the detainee's chances of rehabilitation. And let me give a couple of examples from my own experience. If you take Ahmed Errachidi, who was ISN 590, he was a Moroccan client of mine who was released in April 2007. Before that he had lived illegally in the UK for 16 years before he was incarcerated in Guantanamo. The allegations against him were very similar to Khalid; you know, he was alleged to have been at al Farouq. He was alleged to have been a leader at al Farouq. And Ahmed Errachidi's disciplinary record was pretty deplorable, frankly. It was worse than Khalid's. And he had many incidents in a much shorter time that he was in Guantanamo. He was nicknamed "The General" because it was the authorities' view he was inciting dissent, and he had been involved in a whole lot of hunger strikes.

Part of his perceived opposition to the authorities was perhaps based on his fluency in English. He became an interlocutor because he spoke English. But despite all of this, he was cleared in 2006 and then released. And we at Reprive followed up closely with

him. I personally visited Ahmed Errachidi in ten years. We helped with his speedy release from Moroccan custody, and then we assisted him in setting up his own restaurant. He returned to his wife and now eight years later he's doing well both with his family and his business. And he has had no trouble and he's caused none. And he's one example.

Another example would be Emad Hassan who I represent here in Guantanamo who's also Yemeni whose long-term hunger striker over his disciplinary record is not good. But he's been cleared for transfer. And once again his noncompliance, I believe, has been the fruit of his frustration rather than anything else. Again, I hope he will be released in the near future. And, again, we at Reprive will work closely with him to ensure that he does well.

And I spent a considerable amount of time on this particular issue because I'm convinced from my experience with Khalid that he'll adjust well to release. And there are various factors that lead me to this conclusion.

First, it is my assessment that Khalid is not interested in extremism. I have never got the slightest indication in the last year that he is.

Second, I've got to say, at the risk of embarrassing him, he is an intelligent young man. I was struck by this when I first received his letter. And I'd really appreciate it if you'd actually

look at this letter because it's astounding really.

He's taught himself English here in Guantanamo. And what really struck me about this letter is the amazing copperplate handwriting that he uses, you know, that he's taught himself here. I've got to say it's better than any handwriting I'll ever have. And I have shown this letter to my six-year-old son Wilford to try and teach him to write better; because frankly, Khalid's writing in English is a lot better than Wil's.

Khalid has taught himself English since he was in U.S. custody. And this is both an illustration of his hunger for learning, and his willingness to make the most of his situation. It is perhaps also one of the reasons that he's been viewed as noncompliant and been noncompliant, because he's taught himself English and become the person who is the interlocutor in some of the cellblocks.

When I meet with Khalid, we have these interesting discussions about the state of the world. And you know, he has a very open and inquiring mind. His main requests of many frankly are less about legal things and more about materials to help him learn. For example, we provided him with a complete dictionary of English pronunciations in rather tiny print so that he could improve his diction. We've had some arguments about the English diction versus the American, but I'll leave that aside.

Since the possibility that he might be released has come up, I've spoken with Khalid a lot about the alternatives. Yes, he'd like to go home to Yemen, because his family is there, but he knows that's not going to happen under the current security arrangements, and that's fine for him.

He and I have discussed countries in South America, since Reprise has devoted substantial resources -- and I know some of y'all have too -- trying to develop offers from different countries there. And while there are obviously no promises that we could ever make -- I could ever make to Khalid, he's already begun to teach himself Spanish. He feels it can't hurt. Because he said to me, in terms of what's spoken around the world as a second language, English is number one and Spanish is number two. And learning both will help him with his future, no matter where that future may be.

And Khalid continues to write to me in his beautiful English script, and I've watched over the several months as his grasp of the language has steadily improved.

You will hear later on from Bara'a Shiban, who is a Reprise fellow in Yemen. And, you know, I can say this of Bara'a, he's a brilliant guy. Bara'a will speak at greater length, but he's been the main point of contact with Khalid's family. And there are three important points that come out from this: one is that Khalid has always had a reputation as being a shy and bookish kind of person

who really wants nothing better than to study; two, that the allegations that Khalid's brother Yasser was involved in the USS COLE incident are extremely questionable. He was held by the notorious Yemeni intelligence branch, was never charged despite five years of detention. But most important, that he has on his way become a model citizen since his release, building up his own business; three, Khalid's family have the means and the intention to help set him up in business, facilitate his marriage, even if he doesn't return to Yemen, as I think we can all agree he won't.

You will also hear from Katie Taylor, who works with our *Life After Guantanamo* project. This is designed to help detainees reintegrate into society. And it's based on the premise that it is good for the detainee and good for America, to ensure that people get on with a constructive life. And we've had an extraordinary record in helping detainees, including those who had the most difficult time in Guantanamo. In this respect, regardless of where Khalid goes, we at Reprieve expect to have one or more staff on the ground to meet him for his arrival wherever he goes, and to help him with whatever he may need to get on with his life. And our contacts with detainees continue for months and years after his release, and we're still working with people eight years after they've been released.

I think I know what Khalid wants and needs when he leaves here. First, he needs a brief time to decompress and basically come

to grips with his liberty. Then he wants and needs to continue his education, which lapsed when he was all too young. I know he also means to make up for lost time by marrying and starting a family. And he knows this is a weighty commitment, and he's fully aware of his duty to look after the family when he has it.

And I'm not going to pretend that Reprieve is in the marriage business, but we will be on hand to help him with each of his other needs. And I look forward to working with him for the foreseeable future to ensure that he's able to make the most of his life.

And in conclusion, let me say thank you very much for your time and patience, and I'll be very glad to respond to any of your questions now or perhaps better yet in the classified section later on.

Thank you very much.

PM: Thank you very much for that.

We understand that Board members may reserve questions until detainee and witness statements have been presented in their entirety. Therefore, does any member of the Board have a question for the personal representative or private counsel in this particular session?

[No verbal response from the members.]

PM: Okay, seeing no questions, this concludes this portion of the hearing.

I request that all people remain seated until further instructed by the case administrator.

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

[The public session closed at 0945, 04 February 2015.]

[At this point, the unclassified portion of the hearing ended.]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER
DET: DETAINEE
CA: CASE ADMINISTRATOR
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)