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CA: This periodic review board is being conducted at 0910 hours on 03 March 2015, at the Periodic Review Secretariat Headquarters, with regard to the following detainee: Mashur Abdullah Muqbil Ahmed Al-Sabri, ISN 324.

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 agents [sic] 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;

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PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; AND,

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: This Board is called to order. This Board is convened to determine whether continued law of war detention is warranted for Mashur Abdullah Muqbil Ahmed Al-Sabri, ISN 324, in order to protect against continuing significant threat to the security of the United States.

TRANS 1: **[Translation of above.]**

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

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TRANS 1: **[Translation of above.]**

PM: Mashhoor, 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 continuing significant threat to 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.

TRANS 1: **[Translation of above.]**

PM: The personal representatives and private counsel are your representatives to assist you during this process. And 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?

PR 1: Yes, ma'am.

TRANS 2: **[Translation of above.]**

PM: All right. Thank you.

I'll read the UNCLASSIFIED SUMMARY:

Mashur Abdullah Muqbil Ahmed Al-Sabri, YM-324, was an al-Qa'ida and Taliban associate who had ties to numerous extremists, but

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probably did not play a significant role in terrorist operations. He came into contact with extremists in Yemen during the late 1990s and associated with an al-Qa'ida operative who later killed himself during the bombing of the USS Cole, although there is no indicator Mashhoor had foreknowledge of the attack. He traveled to Afghanistan in late 2000, probably to support the Taliban. While in Afghanistan, he stayed at Taliban and al-Qa'ida guesthouses, and he possibly received militant training, fought alongside the Taliban, and was acquainted with Usama bin Ladin. Much of the information available about Mashhoor's activities before detention is derived from his own statements, some of which were corroborated by reporting from other detainees as well as documents recovered during raids of suspected al-Qa'ida safehouses.

Mashhoor appears focused on working toward his release from the Guantanamo Bay detention facility. Since his arrival, he generally has been compliant with detention staff and cooperative during interviews. He probably resents the United States because of the length of his detention at Guantanamo, but there are no indications he adheres to extremist ideology or intends to reengage.

If repatriated to Yemen, Mashhoor probably would live with his paternal uncle's family in Taiz - historically not one of Al-Qaeda in the Arabian Peninsula's primary operating areas while

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awaiting an opportunity to return to Mecca, Saudi Arabia, where most of his family resides.

He expressed non-extremist goals for his life after detention, and none of his family members in Saudi Arabia or Yemen are involved in terrorist activity. He may, however, attempt to contact a family friend who is an AQAP operative and facilitator with a long history of association with extremists, providing Mashhoor a possible path to reengage.

TRANS 1: **[Translation of above.]**

PM: Does the personal representative or private counsel wish to make an unclassified Opening Statement at this time?

TRANS 1: **[Translation of above.]** ----

PR 1: Yes, ma'am.

TRANS 2: **[Translation of above.]**

PM: Okay. I'd ----

PR 1: Yes, ma'am.

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

TRANS 1: **[Translation of above.]**

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PM: Has the detainee had an opportunity to review the personal representative's and personal counsel's opening statements? And if so, does he require translation?

PR 1: Yes, ma'am. And he does.

PM: All right.

TRANS 2: **[Translation of above.]**

PM: All right. Personal representatives, you may proceed with your opening statements.

TRANS 1: **[Translation of above.]**

PR 2: Good morning, ladies and gentlemen of the Board. We are the personal representatives of Mashhoor Abdullah Muqbil Ahmed Al-Sabri. At the table with us is Mr. Brian Neff, Mashhoor's private counsel, and Mashhoor's translator. Since our first meeting with Mashhoor, he has been very cooperative, cordial and forthcoming.

I've heard a lot about strategy going into this board. What strategy will I use? But then I reviewed Mashhoor's dossier and realized, the question is, what does Mashhoor need to answer to leave Guantanamo? If this is forward looking, Mashhoor is ready to tell you what he has done to prepare for his future. You will see how his brothers are preparing him for job opportunities and how his family supports him.

Mashhoor has been taking classes regularly while here at Guantanamo. Although he came here with little education, Mashhoor

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will leave with a love of knowledge and books. Not only has he expanded his mind, he has expanded his heart, and he has met other cultures and nationalities throughout his time here.

Mashhoor has spent years examining the decision that brought him here and evaluating what should he have done differently. He too is forward looking, but he can't really have any hopes until approved for transfer. So, we have no strategy. Mashhoor is just ready to answer your questions so you can garner the information necessary to see that he harbors no ill will towards America. He is just a man who wants to go home to start a life with his family. If this process is forward looking, Mashhoor is ready to go forward, not as a threat to the security of the United States, but as a man, a son, and one day a husband and father.

Thank you for your time and consideration. We will be happy to answer any questions you may have throughout this proceeding.

We will now defer to Mr. Brian Neff, the private counsel for Mashhoor, for his opening statement.

TRANS 2: **[Translation of above.]**

PC: Good morning. I would like to thank the Board for hearing Mr. Alsabri's case and for giving me the opportunity to speak. I would also like to thank Mr. Alsabri's personal representatives. It's been good getting to know them. One of the benefits of being

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involved in the Guantanamo cases is that I've had the privilege to spend time with many of the men and women in uniform who serve our country.

TRANS 2: **[Translation of above.]**

PC: I'm an attorney in the New York office of Schiff Hardin, which is a nationwide law firm with about 500 -- excuse me, 400 lawyers. I spend most of my time as an attorney defending insurance companies in class-action lawsuits. However, since 2005, I've also been providing pro bono legal representation to a few of the men detained to Guantanamo, including Mr. Alsabri. Working with a few other lawyers, we filed the petition for habeas corpus on Mashour's behalf in 2006.

A colleague and I made our team's first trip to Guantanamo in December of 2006, and that's when I first met Mashour, along with two other detainees we represented. Over the course of the subsequent years, our team has made about 25 trips to Guantanamo, and I've been on most of those trips. Typically, on each trip, we spend one full day meeting with each client. We've also exchanged many letters with Mashour and our other clients over the years.

TRANS 2: **[Translation of above.]**

PC: All this is my way of saying that I've known Mashour for a long time and I've had the opportunity to get a sense of who he is as a person. In fact, it occurred to me in drafting this statement that

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over the past eight years, I've spent more time with Mashour than with many members of my closest family.

TRANS 2: **[Translation of above.]**

PC: So, who is Mashour Alsabri? Well, in terms of his personality, the first word that comes to mind is "shy." He's not someone who will talk your ear off or try to overwhelm you with his personality. In preparing for today's hearing, we've encouraged him to open up so that the Board can see who he is as a person. And if the Board members want to press him at any point to be more expansive in a -- excuse me, in his answers, that's a good thing from our perspective.

Another word I would use to describe Mashour is "unassuming." Some of the detainees here have a strong sense of entitlement: an attitude of "you've treated me unjustly, therefore, you owe me." And maybe those detainees have a point, but that's not Mashour. Mashour is not someone who spends a lot of time complaining about how he's been treated, and he's not someone who makes a lot of demands. For example, the lawyers who represent the detainees have, at times, been permitted to give books and other items to their clients. Mashour knows this. But more often than not, we have to twist his arm to tell us what sort of things he would like, and to get his agreement to let us buy them.

TRANS 2: **[Translation of above.]**

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PC: Another word I would use to describe Mashour is "courteous." He has always treated me and all of the lawyers on his team with the utmost respect, whether they are men, women, Christian, Jewish, Hindu or Muslim.

Mashour is a Muslim and his faith is an important part of who he is. It has helped sustain him during his years of detention. However, we have never heard Mashour express any extremist religious views, and it is clear that he recognizes the humanity of the non-Muslims. In fact, when I asked him how he could get married if he were transferred to a country that has few Muslims, he was quick to say that he would have no problem marrying a non-Muslim.

Mashour has never expressed to us any anti-American sentiment. His attitude is: there are good Americans and there are bad Americans, and it's hard to argue with that. Furthermore, he has been open and cooperative with interrogators.

TRANS 2: **[Translation of above.]**

PC: I am not going to address the allegations against Mashour in this session, many of which are unfounded. I do feel, however, that it is important to note the conduct of that young man in his early 20s, with little -- excuse me, with little sense of responsibility to anyone other than himself, should have little bearing upon your assessment of the 37-year-old man who appears before you today.

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Mashour today is a very different person. We've noticed a maturing in him over the years. The most dramatic change we've seen occurred when his father passed away last year. The death of a parent is something that leaves a permanent mark on anyone, but in Mashour's case this truly was a pivotal event in his life. Mashour is the eldest son, and in the culture that he comes from, the eldest male acts as the head of the family and, as such, is responsible for the family's well-being. In talking to Mashour in that first meeting after the death of his father, it was clear how seriously he takes that responsibility. He understands that he no longer has the luxury of running off and doing whatever he wants. His obligation is to care for his mother, who has some health issues, and to guide the lives of his many brothers and sisters, nieces and nephews. As you'll see from the video that Mashour's family provided, they too are looking to him to be responsible for the family upon his release. In the many phone calls that we've had with the family over the years, their love and concern for him have been constant.

TRANS 2: **[Translation of above.]**

PC: So, Mashour has strong support from his existing family, but he also wants to get married and start his own family. My sense is that in the phone and video calls with his family over the last few years, Mashour has gotten a sense of the joy that marriage and

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having children has brought to his siblings, and he's anxious to share in that experience.

Another change that I think Mashour has undergone since his -- excuse me, during his detention is that he's a wiser, broader-minded person than he was 13 years ago. That sort of change is something that, to some extent, is inevitable with the passage of time. But it's also something that Mashour has worked at. Mashour has availed himself of the educational opportunities available to him here. He has participated in the classes that have been offered, and he has repeatedly taken us up on our offers to buy books for him. We've sent him books on health and the human body, as well as English language instruction.

TRANS 2: **[Translation of above.]**

PC: As I understand it, the focus of this proceeding is on the future - and that is very much consistent with Mashour's attitude. He wants to move on with his life, not be consumed by the past. He wants to get out of Guantanamo, get married and live a peaceful life. He is willing to go to any country that will have him, although he does not want to go to Yemen given how dangerous the situation is there at this time. His first choice would be return to his home in Saudi Arabia, but if it is to some other country, he will abide by any conditions imposed on his transfer and will do his best to make a

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life there. He hopes to bring his mother to live with him wherever he is sent.

In terms of his employment, his goals are modest but, I think, realistic. He has indicated he would learn the language and try to find work as a driver or in some other suitable occupation. It's understandably difficult for him to be more definitive given it's unclear what country he would be living in. Wherever he goes, I look forward to visiting him as a free man and our team will do whatever we can to help ease his transition to life after Guantanamo.

TRANS 2: **[Translation of above.]**

PC: In summary, Mashour presents a strong case for approval for transfer. Whatever view the Board may have of his past conduct, I respectfully submit that 13 years of detention is enough. This is a man who simply wishes to get on with his life and live in peace. We request that he be approved for transfer.

Thank you.

TRANS 2: **[Translation of above.]**

PM: Thank you.

Board members may reserve questions until the detainee and Witness Statements have been presented in their entirety.

TRANS 1: **[Translation of above.]**

PM: Do any member of the Board have questions for the personal representatives or private counsel for this session?

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TRANS 1: [Translation of above.]

[No verbal response from the members.]

PM: Okay, there are no questions so this will conclude this portion of the hearing. I ask that all remain seated until further instructed by the case administrator.

TRANS 1: [Translation of above.]

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

TRANS 1: [Translation of above.]

[The public session closed at 0954, 03 March 2015.]

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

[END OF PAGE]

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)