

CA: This periodic review board is being conducted at 0917 hours on 23 June 2015, at the Periodic Review Secretariat Headquarters, with regard to the following detainee: Omar Khalif Mohammed Abu Baker Bahjour Umar, ISN 695.

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 JOINT CHIEFS OF STAFF;

The following personnel are also present:

THE LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;
TWO TRANSLATORS;
THE DETAINEE; AND,
THE 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 Omar Khalif Mohammed Abu Baker Mahjour Umar, ISN 695, in order to protect against a continuing significant threat to the security of the United States. From here forward, during the hearing we will refer to the detainee as Omar.

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.

TRANS 1: [Translation of above.]

PM: Omar, 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, it is 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.

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

PR 1: Yes, ma'am.

TRANS 1: [Translation of above.]

PR 2: Yes, ma'am.

PM: Thank you. I'll read through the Unclassified Summary now:

Omar Khalif Mohammed Abu Baker Mahjour Umar, ISN 695, was a senior member of the Libyan Islamic Fighting Group who associated closely with al-Qa'ida before his detention. In the mid-1990s, he traveled to Sudan, where he worked for a company owned by Osama bin Laden. He later relocated - probably with bin Laden in 1995 - to Afghanistan, where he probably trained other extremists and fought against the Northern Alliance and U.S. forces.

Omar underwent extremist training in Libya, Sudan, and Afghanistan before emerging as a trainer in military skills, including explosives use, for the Libyan Islamic Fighting Group at al-Qa'ida camps. He has knowledge of both groups' training curricula and practices.

TRANS 1: [Translation of above.]

PM: Omar worked closely with al-Qa'ida, and he developed relationships with the group's senior leaders while he was in Sudan and Afghanistan, but there is limited information suggesting he formally joined the group. Pakistani security services detained him

in March of 2002 at a safe-house run by senior al-Qa'ida figure Abu Zubaydah.

Omar has been moderately compliant with the guard staff relative to other detainees at Guantanamo and has committed few serious infractions since 2007.

TRANS 1: [Translation of above.]

PM: Omar has expressed few aspirations for life after Guantanamo to his interviewers, mostly focused on non-extremist goals, but he probably sympathizes with extremist causes and has capabilities that would enable him to operate effectively as a terrorist trainer.

Since Qadhafi's death in 2011, Omar has expressed some interest in returning to Libya because he no longer felt like he would be persecuted by the Libyan Government. In 2014, however, he said that he no longer wanted to be repatriated to Libya, probably because of the instability there.

TRANS 1: [Translation of above.]

PM: Omar has made statements that suggest he harbors extremist sentiment and has shared knowledge that highlights his ability to resume training terrorists if he chooses to reengage.

There are no indications that he is in direct contact with any terrorists outside of Guantanamo, but he has attempted to relay greetings to several Libyan former detainees, including one who has emerged as an extremist leader and would be well-positioned to facilitate Omar's reengagement should he wish to rejoin the fight. He also probably would be able to use his past connections to the Libyan Islamic Fighting Group to reintegrate, excuse me, reinitiate contact with extremists in Libya.

TRANS 1: [Translation of above.]

PM: If repatriated to Libya, Omar probably would seek out his remaining family members in his hometown of al-Bayda, which is situated near Darnah and Benghazi, areas where extremists operate freely. The Libyan Government has been unable to combat terrorism effectively since the revolution in 2011. Large areas of the country, including the region where Omar was born, are only loosely governed, enabling a broad range of terrorist groups to establish a foothold.

TRANS 1: [Translation of above.]

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: I would 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 will indicate such and the proceedings will stop until classification issue is resolved.

TRANS 1: [Translation of above.]

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

TRANS 1: [Translation of above.]

PR 1: Yes, ma'am. Omar has reviewed the PR's and the PC's opening statement. He does not require a translation today.

TRANS 2: [Translation of above.]

PM: Alright, personal representatives, you may 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 Mr. Omar Khalifa Mohammed Abu Baker. We are joined by the private counsel for Omar and our linguist. We have met with Omar and gotten to know him through several meetings over the past 6 months, as well as the letters that he has sent us.

We hope that you will see that he is a man who is peaceful, compliant, and also has quite a sense of humor. He has chosen the peaceful path while here at Guantanamo, even acting as a mediator on multiple occasions between the other detainees and security forces. He does not harbor anger against the United States nor any other Western Nation. He simply desires to live a life, live a happy life with his family.

Omar is here with us today during Ramadan. He is ready to openly answer any and all questions you may have for him regardless of the subject matter. We believe that this information provided will demonstrate that Omar is not a significant threat to the security of the United States of America. Thank you for your time and consideration in this matter.

PC: Esteemed Periodic Review Board Members, my name is Ramzi Kassem. I am a professor of law at the City University of New York School of Law. I served as pro bono counsel to Omar Khalif, ISN 695, before the periodic review board as well as in the U.S. federal district court. I write to provide additional information to inform your decision as to whether Mr. Khalif represents a significant threat to the security of the United States.

From the outset, it is worth emphasizing that, in the course of Mr. Khalif's habeas corpus case, a U.S. federal judge found, and the U.S. government itself conceded, there was no evidence that Mr. Khalif ever, and I quote, "lifted a hand," end quote, against the United States or its allies or that he helped plan any attacks against the United States or its allies. The case is *Khalifh v. Obama*. The Court held that "the government concedes that there is absolutely no evidence... no evidence that Khalifh personally lifted a hand against the U.S." *Id.*

Mr. Khalif has led a tumultuous life. Like hundreds, if not thousands, of devout Libyan Muslims, he was interrogated without suspicion of any criminal activity by former Libyan dictator Muammar al-Qaddafi's internal security service. Although Mr. Khalif was released because he never broke any laws, the Libyan secret police continued to watch him all the same.

In 1995, when the Qaddafi regime again began rounding up religious people, Mr. Khalif knew he had only three choices: leaving the country, staying and going to prison, or fighting the Qaddafi regime. So he decided to leave the country.

Mr. Khalif lived in exile, first in Sudan and then in Afghanistan. The organization that the U.S. federal district court

said he had joined, the Libyan Islamic Fighting Group (LIFG), was at that time solely an organization opposed to the Libyan dictator Qaddafi.

The federal court found that it was only many years later, and several years after Mr. Khalif was taken into U.S. custody, that this group split into two factions: one that eventually came to support international militant networks, and another that remained strictly Libya-focused. The citation again is called *Khalifh v. Obama*. The United States designated LIFG as a terrorist group only in 2004, again, years after Mr. Khalif was taken into U.S. custody.

PC: During his years in captivity and in the time that I have known and represented him, Mr. Khalif has repeatedly and consistently stated that he harbors no ill will towards the United States and that he would never use any military skills or knowledge he may possess against the United States or its allies. His chief concern when he was a free man was with the Qaddafi regime, and that regime no longer exists.

At Guantanamo Bay, prison authorities have consistently deemed Mr. Khalif to be compliant from disciplinary standpoint. He has mediated a great deal between prisoners and guards. Owing to his good relations with both prisoners and prison authorities and to a

penchant for listening and conflict resolution, he has helped settle many disciplinary and prison life issues in the cellblocks.

Mr. Khalif is on good terms with both prison personnel and prisoners. He treats all alike with respect and they repay him in kind. For instance, for the vast majority of his time in U.S. captivity at Guantanamo, Mr. Khalif has voluntarily met with prison medical personnel and others.

It bears emphasis that daily prison life is extremely difficult for Mr. Khalif in light of his physical state. Mr. Khalif's right leg is missing below the knee because he stepped on a landmine in 1998 in Afghanistan. His left leg was shattered in a construction work site accident in 1995 in Sudan. He still has metal pins in that leg as a result of reconstructive surgery, which often causes him severe pain. He has shrapnel in his left arm and in his left leg. He is blind out of his left eye and his sight is quite weak out of his right eye.

As a result, it is exceedingly difficult and even painful for Mr. Khalif to move around on his own. Sometimes, he tries to move by walking on his knee and the stump where his right leg once was. Other prisoners have helped him at times by carrying him. Even using the wheelchair or walker that is sometimes at his disposal in

the cellblock at Guantanamo is difficult and painful because of the severed nerves and other injuries to his left arm. Sometimes, he is too embarrassed to ask fellow prisoners for help reaching a cup of tea. And the difficulties do not stop there. It is hard for him to eat, to shower, and even to use the toilet. Mr. Khalif has described his imprisonment in his current physical state as "living in a prison within a prison."

Mr. Khalif never harbored and does not presently harbor any ill will towards the United States. His only wish now is to be repatriated to Libya to be reunited with his family. But if the U.S. government is concerned about the present situation in Libya, then Mr. Khalif will gladly accept resettlement in any third country that the U.S. government deems suitable.

I have spoken with Mr. Khalif's brother, a resident of Libya, and he made it abundantly clear to me that Mr. Khalif's family is prepared to provide full emotional, financial, and medical support for Mr. Khalif, should he be repatriated to any part of Libya or any suitable third country.

This is not surprising as Mr. Khalif grew up in a tight-knit family that included his parents and many siblings. They were all very close and he enjoyed a happy family life. His relationship

with his relatives was very good, particularly with his aunt, who would take him on trips outside the city in the spring and summer. He lived on a street with his neighbors and he has described it to me as one big family. The kids on that street were all close in age so they all enjoyed the same activities.

Mr. Khalif's family received little news from him after he left Libya many years ago. He was always reluctant to contact them in Libya because the Qaddafi regime demanded that the relatives of Libyans abroad inform the security services whenever they got in touch with their loved ones abroad. The Libyan secret police would demand detailed information about where those people were abroad and what they were doing. And if the family in Libya did not comply with these demands, then they risked expulsion from their homes and the destruction of those homes. Those families would be destitute as a result. That is the reason Mr. Khalif avoided contacting his family in Libya until recently, after the revolution and the fall of Qaddafi.

But now that Qaddafi's reign is over, Mr. Khalif has resumed regular contact with his family and looks forward to the day when he can resume life as a free man, be it in Libya with his family or in any suitable third country.

Thank you for taking into consideration the information I have provided. I remain at your disposal to assist with any questions you may have regarding Mr. Khalif.

PM: Thank you.

Board members may reserve questions until detainee and witness statements have been presented in their entirety.

TRAN 1: [Translation of above.]

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

TRANS 1: [Translation of above.]

[No verbal response from the members.]

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

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

TRANS 1: [Translation of above.]

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

TRANS 1: [Translation of above.]

[The public session closed at 0942, 23 June 2015.]

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

UNCLASSIFIED
Approved for Public Release

[END OF PAGE]

Approved for Public Release
UNCLASSIFIED

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)