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PERIODIC REVIEW BOARD
MUHAMMAD MURDI ISSA AL-ZAHRANI, ISN 713
June 19, 2014

OPENING STATEMENT OF
PERSONAL REPRESENTATIVE Part 1

Good morning ladies and gentlemen of the board. We are the Personal Representatives for Muhammad Murdi Issa Al-Zahrani. We will be presenting Mr. Al-Zahrani's case to you today without the aid of private counsel. Additionally, until recently Mr. Al-Zahrani had elected not to participate during this process, but we want you to know that although he had made the personal decision not to participate, he has been cooperative. He met with us in person and provided information to us via a letter that includes some information about what he would like to do in the future.

We will present a two part statement to you today. I will briefly discuss information about Mr. Al-Zahrani's detention that will shed light on his current circumstances and frame of mind, and will then project forward to Mr. Al-Zahrani's life post detention. Then, as this Board's recommendation is made on the basis of whether a detainee presents a "continuing significant threat to the security of the United States," my colleague will compare Mr. Al-Zahrani's threat potential to the standard established for a "continuing significant threat." On our PRS website, a "continuing significant threat" is defined as "a threat to the national security of the United States that cannot be mitigated through feasible and appropriate security measures implemented by another country, organization, or entity."ⁱ What you will come to see is that Mr. Al-Zahrani's threat potential is largely overstated, due to conflicting information he provided, and that even if his self-described worst case propensities were true, he does not rise to the standard of a continuing significant threat to national security. Why? Because he lacks the capability and his opportunities to impose harm can be sufficiently mitigated.

Mr. Al-Zahrani has spent 12 years at Guantanamo Bay and, "presented few significant force protection problems relative to other detainees."ⁱⁱ His limited negative conduct while detained is that of an inmate, rather than that of a terrorist. Such resistance and non-compliance with correctional staff is commonplace in penal systems, including in the US, and reflects that of a typical inmate who has been

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influenced by 12 years of detention, frustration, separation from family, and boredom with no possible end in sight. His limited efforts toward non-compliance while detained have no bearing on any risk he might pose toward the United States. Accordingly, we recommend that the Board discount this information in your assessment of Mr. Al-Zahrani's future risk potential.

As mentioned, Mr. Al-Zahrani declined to participate in this process until recently, but this should not be seen as a harboring of ill intent toward the United States, nor should it be detrimental to the Board's recommendation. From the psychiatrist's report submitted previously on behalf of ISN-128, episodic refusal to meet and participate in various activities is common among the detainees, and is, "often rooted in a detainee's sense that their indefinite confinement constitutes cruel, degrading, and inhumane treatment."ⁱⁱⁱ Further, this psychiatrist states, "deprived of the ability to make basic decisions...they may seek to be able to influence decisions in the small arena left to them."^{iv} Hence, while it may seem counterintuitive to decline participation in the PRB process, non-participatory tendencies among the detainees can be viewed as, "exerting their humanity and autonomy by engaging in what they refer to as 'peaceful protest' of their detention."^v

In the specific case of Mr. Al-Zahrani, his unclassified dossier also indicates a diagnosis of what the Mayo Clinic classifies as a treatable, stress-related mental illness brought on by any number of significant life changes.^{vi} Mr. Al-Zahrani's condition may precipitate from the injuries, as he alludes to in his letter, or his indefinite captivity. In either case, the typical symptoms of this condition may shed some light on why Mr. Al-Zahrani made the choice of not participating until this week.

During Mr. Al-Zahrani's detention, he has missed significant changes in the lives of many family members. Now, as per his unclassified dossier, his letter to us, and consistent indicators in camp records, Mr. Al-Zahrani desires to be reunited with his family and make up for lost time. Indeed, Mr. Al-Zahrani states his only wish is to see his ailing mother before she passes away; an opportunity he missed when his father died three years ago.

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Mr. Al-Zahrani benefits from being a Saudi citizen and according to the unclassified dossier, “the Saudi government has provided the appropriate security and humane treatment assurances to facilitate the transfer of detainees.”^{vii} Resultantly, “the United States has transferred over 100 detainees, including two in 2013, to Saudi Arabia.”^{viii} Saudi Arabia has established a robust rehabilitation and aftercare program “focused on changing the attitudes of Saudis who have been involved in terrorism and include detainees transferred from the Guantanamo Bay detention facility. These components [of the program] include counseling, religious instruction, sports, and social and therapeutic activities.”^{ix} Additionally, family members are able to visit the detainees going through the program. Mr. Al-Zahrani told us he is willing to go through the government program, agree to any terms leading to his release, and will fully cooperate with any stipulations his country places on him. We believe this shows his desire to capitalize on a second chance at life and return home to be with his family.

As we share Mr. Al-Zahrani’s own words with you, we believe you will see that his actions do not imply an unwillingness to cooperate. Rather, you will see a middle-aged, ailing man who desperately wants to return to Saudi Arabia so he can receive the healthcare provided by his country’s nationalized healthcare system,^x go through the country’s extensive detainee rehabilitation program, reintegrate as a productive member of society, and shoulder the responsibility of taking care of his family.

Per Mr. Al-Zahrani’s letter, which you will hear shortly, his entire family has voiced their commitment to assisting and supporting him during his transition home. This includes financial support, assistance with gaining employment, and embracing him into an extended family support network. We believe his close family structure will be a significant benefit in transitioning Mr. Al-Zahrani to a normal life, but their assistance may not even be necessary. Mr. Al-Zahrani indicates he has a home, a job to return to, back-pay for his time during detention, and associates within the Saudi Ministry of the Interior to help him as he starts his new life.

Mr. Al-Zahrani’s dossier shows the historical information that led to his detention. As you review the additional documentation we have provided, and have the opportunity to ask questions, we urge you to

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consider the whole picture when making your recommendation. Evaluating Mr. Al-Zahrani's dossier requires recognition of the fact that any negative information found therein is derived from his own admission; purposely exaggerated and conflicting as is typical of many detainees.^{xi} This exaggerated information serves to cloud the matter at hand and artificially inflate the "perceived risk" presented by Mr. Al-Zahrani. We do not know why Mr. Al-Zahrani provided false or overstated accounts, nor the circumstances under which he provided them, but the previously cited psychiatrist's report provides some insight as to why previous detainees have given conflicting statements. It indicates detainees often provide discrepant information, "attempting to 'improve their situation,' meaning reducing interrogator use of enhanced interrogation techniques, to regain comfort items removed prior to interrogation, and to have access to medical attention and treatment."^{xii} Further, "some detainees reported that prolonged sleep deprivation led to their reporting conflicting stories as a result of endorsing information they thought the interrogators were seeking, because of confusion or in hope that they would be allowed to sleep."^{xiii} Moreover, all negative accounts in Mr. Al-Zahrani's classified dossier that make him out to be other than a low-level fighter have been refuted by either Mr. Al-Zahrani, other detainees, or his interrogators.

The fact is, Mr. Al-Zahrani is a man who has stated that he wants to start over. He should be given a second chance because he does not meet the defined threshold of presenting a continuing significant threat to the United States. This is especially true in light of mitigating factors put in place to enable the recent release of five Taliban detainees, who were all classified as higher threats than Mr. Al-Zahrani. These same mitigators provided sufficient assurance that those five detainees no longer pose a continuing significant threat to United States' national security, which implies a lower level threat such as Mr. Al-Zahrani, if afforded similar mitigators like those available in Saudi Arabia, would no longer pose a continuing significant threat. Thank you for your time and consideration. We are happy to answer any questions you may have throughout this proceeding. With that, I will turn it over to my colleague to discuss our threat analysis methodology.

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- ⁱ PRS. "Questions and Answers", Available at <http://www.prs.mil/FAQ.aspx>, accessed 2 Jun 2014.
- ⁱⁱ NCTC. "Guantanamo Detainee Profile, ISN: SA-713", Detainee Dossier Presented to the Periodic Review Board for ISN 713, 14 Apr 2014
- ⁱⁱⁱ Author Redacted. "Redacted Psychiatrist's Report." ISN 128 – Detainee's Written Submission. Available at http://www.prs.mil/Review_Information.aspx, ISN 128 Document #3, accessed 2 Jun 2014.
- ^{iv} Author Redacted. "Redacted Psychiatrist's Report." ISN 128 – Detainee's Written Submission. Available at http://www.prs.mil/Review_Information.aspx, ISN 128 Document #3, accessed 2 Jun 2014.
- ^v Author Redacted. "Redacted Psychiatrist's Report." ISN 128 – Detainee's Written Submission. Available at http://www.prs.mil/Review_Information.aspx, ISN 128 Document #3, accessed 2 Jun 2014.
- ^{vi} Mayo Clinic Staff, "Redacted." The Mayo Clinic. Available at [redacted](#), accessed 28 May 2014.
- ^{vii} US Department of State. "Saudi Arabia Assessment", Detainee Dossier Presented to the Periodic Review Board for ISN 713, 17 Mar 2014
- ^{viii} US Department of State. "Saudi Arabia Assessment", Detainee Dossier Presented to the Periodic Review Board for ISN 713, 17 Mar 2014
- ^{ix} ISN US Department of State. "Saudi Arabia Assessment", Detainee Dossier Presented to the Periodic Review Board for ISN 713, 17 Mar 2014
- ^x Wikipedia. "Health care in Saudi Arabia." Available at http://en.wikipedia.org/wiki/Health_care_in_Saudi_Arabia, accessed 28 May 2014.
- ^{xi} Author Redacted. "Redacted Psychiatrist's Report." ISN 128 – Detainee's Written Submission. Available at http://www.prs.mil/Review_Information.aspx, ISN 128 Document #3, accessed 2 Jun 2014.
- ^{xii} Author Redacted. "Redacted Psychiatrist's Report." ISN 128 – Detainee's Written Submission. Available at http://www.prs.mil/Review_Information.aspx, ISN 128 Document #3, accessed 2 Jun 2014.
- ^{xiii} Author Redacted. "Redacted Psychiatrist's Report." ISN 128 – Detainee's Written Submission. Available at http://www.prs.mil/Review_Information.aspx, ISN 128 Document #3, accessed 2 Jun 2014.

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OPENING STATEMENT OF
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Bottom Line Up Front: Detainee does not rise to the standard of “continuing significant threat to the security of the United States.”

Ladies and gentlemen of the Board, good morning. During a previous board hearing, I characterized “threat” in terms of motive, capability, and opportunity and discussed the fact that the detainee in that case had demonstrated a lack of motive, that his dossier did not demonstrate sufficient capability, and that in your recommendation, you could ensure a lack of opportunity. As you know, every case is different, and this one will be as well.

Until the very end, Mr. Al-Zahrani explained to us that he did not wish to participate in the PRB process, and my colleague has addressed why that decision may have resulted from his captivity rather than from nefarious intent towards the US. Nonetheless, as a result, we have had to use a different methodology to demonstrate why Mr. Al-Zahrani does not rise to the standard of “continuing significant threat to the security of the United States.”

Without active participation from Mr. Al-Zahrani, it would be presumptive of us to attempt to refute either his motive or the capability as laid out in his dossier. Instead, in our submission we used a risk/threat methodology, to show that even assuming the worst intent, and the full scope of capabilities as shown in the dossier, Mr. Al-Zahrani still does not meet the standard. In other words, any threat that he might represent can be “sufficiently mitigated through feasible and appropriate security measures implemented by another country, organization, or entity.”ⁱ

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Personal Representative Statement Part 2, PRB for ISN 713

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For the methodology used in our submission for Mr. Al Zahrani's case, we laid out several representative scenarios which *might* demonstrate a threat to the US or its interests if Mr. Al-Zahrani is released. I invite your attention to the matrix in Exhibit 3.5.1: Risk Scenarios. For each scenario, we defined the threat that could exist, worst case consequences for that scenario, and existing mitigating factors. All existing mitigating factors were drawn from the dossier. We assigned a severity to the consequences based on the worst case, and assigned a likelihood value to the scenario based on the stated events occurring in spite of the listed safeguards. Based on those values, we have assigned a risk to each threat scenario according to the matrix. Please see Exhibit 3.4.1 Risk Matrix for definitions of Severity, Likelihood, and Risk values, and for the Risk Matrix itself. The matrix used is common to risk assessments, although the severity and likelihood values had to be developed specifically for this application. If any risk met a certain threshold, then we would offer recommendations to the Board to attempt to mitigate the higher risks to a lower risk.

Out of all of the scenarios, the highest existing risk did not meet that threshold. Note that this value takes into account *only* existing mitigating factors – it requires no special mitigations or security precautions above those currently undergone by all transferees.

In conclusion, the standard for “continuing significant threat to the security of the United States” is higher than the standard for a simple threat. On May 31st, both President Obama and Defense Secretary Hagel stated that the government of Qatar put into place measures that would ensure that the “national security of the United States would not be compromised” by the recent release of five Guantanamo detainees^{ii,iii}. In so doing, we suggest that the released detainees represent a possible upper bound to a continuing significant threat because the threat that the released detainees represent could be mitigated “through feasible and appropriate security

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measures implemented by another country, organization, or entity.” We have demonstrated that Mr. Al-Zahrani represents a lower threat than the detainees that have been released and therefore does not rise to the standard for “continuing significant threat to the security of the United States.”

ⁱ <http://www.prs.mil/FAQ.aspx>. Accessed 3 June 2014.

ⁱⁱ Pellerin, C. 2014. Hagel Announces Release of Army Sgt. Bowe Bergdahl by Afghan Captors. American Forces Press Service. Accessed 3 June 2014.

ⁱⁱⁱ Pellerin, C. 2014. Obama, Parents Give Thanks for Bergdahl’s Freedom. American Forces Press Service. Accessed 3 June 2014.