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CA: This Periodic Review Board is being conducted at 0917 hours on 9 June 2016, with regards to the following detainee: Abdul Sahir, ISN 753.

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; AND

OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVE;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; AND,

SECURITY OFFICER.

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TRANS 1: [TRANSLATION OF ABOVE]

CA: The detainee's Personal Representative, Private Counsel, and detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference and the detainee waived translation of the unclassified summary, and Personal Representative's and Private Counsel's opening statements. These documents have been posted to the Periodic Review Secretariat website. 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 SIDEBAR CONVERSATION WITH BMs)

PM: Okay. Go ahead.

CA: We have now been joined by the Office of the Director of National Intelligence as a member of the Board.

TRANS 1: [TRANSLATION OF ABOVE]

PM: All right. Good morning. This Board is convened to determine whether law of war detention is warranted for Abdul Sahir, ISN 753, to protect against a continuing significant threat to the security of the United States. From here on forward, we'll refer to the detainee as Abdul. This session of the hearing is unclassified.

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TRANS 1: [TRANSLATION OF ABOVE]

(VTC SYSTEM REBOOT DUE TO TECHNICAL ISSUES)

(RESUME 0924)

PM: All right we're back... and I think we were at... had you finished the translation?

TRANS 1: Yeah.

PM: So, we're now to this is your Periodic Review?

TRANS 1: Yeah.

PM: Okay. All right, thanks we're back. Sorry for the technical problem. But Abdul, this is your Periodic Review to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it's 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 [sic] and Private Counsel are your representatives to assist you during this process, and finally, the translators are here to ensure that everybody understands your

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statements and that you understand what is being said during the hearing.

TRANS 1: [TRANSLATION OF ABOVE]

PM: For the Personal Representatives [sic] and Private Counsel, has the detainee had an opportunity to review the unclassified summary?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

PC: Yes, Ma'am.

PM: All right...

TRANS 2: [TRANSLATION OF ABOVE]

PM: Thank you. I'll read the unclassified summary:

Abdul Sahir, ISN 5... excuse me, ISN 753, was an Afghan insurgent captured by U.S. military forces in July 2002 during a raid targeting an individual named Abdul Bari, an alias used by Abdul Sahir. Abdul Bari was believed to be involved in the production and distribution of chemical or biological weapons for al-Qaeda. Because of Abdul Bari's efforts to coordinate a shipment of unspecified items on behalf of the Taliban, U.S. military forces targeted a compound in Hesarak village, Logar Province, Afghanistan, and captured Abdul Sahir. U.S. forces recovered samples of unknown substances in the raid, including white powder, that were originally believed to be

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chemical or biological agents, although other information later provided... proved that the samples had been salt, sugar, and petroleum jelly. While Abdul sab... Sahir subsequently admitting during interviews to using the alias Abdul Bari on the phone, a fairly common name for the country, he ultimately provided no actionable information related to al-Qaeda's weapons network. We assess that Abdul Sahir was probably misidentified as the individual who had ties to al-Qaeda weapons facilitation activities.

Abdul probably worked as a bookkeeper and Arabic or pash... Arabic to Pashta [sic] translator from the mid-to-late 1995 until 2001 for al-Qaeda military commander Abdul [sic] al-Hadi al-Iraqi, ISN 10026. During this same time frame, Abdul probably worked for an Afghan Taliban commander also named Abdul Hadi. From at least as early as March 2002 until his July 2002 capture, he also probably served as a low-level member of Taliban cell. Abdul may have been recruited to translate in several al-Iraqi owned guesthouses in Kabul where he probably had limited access to senior leaders from al-Qaeda and other extremist groups. While Abdul has admitted to working for al-Iraqi and the Taliban, he says that he was coerced to do so under threats to his family's safety and he has denied any direct involvement with the Taliban outside of his role as a translator.

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Abdul has been moderately compliant with the staff at Guantanamo and has committed an average number of infractions relative to the full detainee population. We assess he has minimal contact with broader detainee population and has no official or unofficial leadership roles. Abdul was receptive to direct questioning and met semi-regularly with interrogators until September 2008, probably assessing that cooperation would increase the likelihood of being repatriated, and because he enjoyed the interaction afforded during interviews. Since that time, Abdul has not been interviewed, providing us with low confidence in our ability to assess his current mindset. Abdul never made statements clearly endorsing or supporting al-Qaeda, or other extremist ie... ideologies, and since at least 2003, he has sought to distance himself from any allegiance to the group. Abdul has expressed frustration with the United States over his detention and his perception that he has been charged with a crime, but he does not appear to view the United States as his existential enemy. Abdul has made at least one statement that suggests he is an Afghan nationalist.

Abdul, who has said his father died when he was a teenager, probably making Abdul the pat... patriarch, corresponds regularly with his immediate and extended family. These patriarchal and tribal obligations could serve as a deterrent to reengagement should Abdul

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view these commitments as more important commitments than reestablishing himself with the Taliban or other extremists.

PM: Do Private Counsel... excuse me... do the Personal Representative or Private Counsel, wish to make unclassified opening statements at this time?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

PC: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: I'd like to remind everyone that the information shared at this time, must be unclassified. If there is a concern about the classification of the information, I'll indicate as such, we'll stop the proceedings until we resolve the issue. Has Abdul had an opportunity to review your statement?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

PC: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: Great. Personal Representative, please proceed.

TRANS 1: [TRANSLATION OF ABOVE]

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PR 2: Good morning ladies and gentlemen of the board. I am the Personal Representative for ISN 753. Thank you for the opportunity to present Abdul Sahir's case this morning.

Abdul has been extremely polite and cooperative from the beginning and has attended all meetings with his Personal Representatives. He has become a poet during his time here at GTMO and has written many poems, some of which have been submitted to the Board. He has spent a lot of time preparing for this board and has put a great amount of effort in his thoughts and the book that he has developed that he refers to as his "Future Plans." We have submitted a portion of this book as well to show a little bit about how he views the world now.

Abdul has told me that he knows that what he did in the past was wrong, but at the time he was only concerned with feeding his children. He now realizes that his work was not legitimate and has expressed regret for his past decisions. Based on our conversations, I believe that he is not quite as naive as he once was and has grown and learned during his time here at GTMO, and will not make the same mistakes again. His only thoughts now are for his two wives and his three children, and the future he hopes to have with them. He is willing to go to any country, but would prefer an Arab country if possible. However more importantly, he wishes to go someplace

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where it is legal for him to have two wives, because despite his permission for them to leave him and remarry, they have remained faithful to him and he could not bear to leave either behind. He does of course realize that being reuni... reunited might take a while and he is prepared to wait as long as he must.

He has support from his family and village as is evident from the many documents we received pledging support. I believe that Abdul Sahir's desire to pursue a better way of life if transferred from Guantanamo is genuine and that he does not represent a continuing or significant threat to the United States of America.

Thank you for your time and attention. I am pleased to answer any questions you may have throughout these proceedings.

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

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

PC: Thank you and good morning, my name is Mr. Sleigh. I will be reading Mr. Gensburg's statement, which was previously provided to you, as he is unable to be here today and I thank the Board for the opportunity to address you.

As Mr. Gensburg wrote, he said, my name is Robert Gensburg. I practice law in Saint Johnsbury, Vermont. I have represented Abdul Sahir, ISN 753, since 2005, when I filed a petition for a Writ of

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Habeas Corpus on his behalf. I respectfully... respectfully submit that continued law of war detention of Abdul Sahir is not necessary to protect against a continuing significant threat to the security of the United States.

Abdul Sahir is now 43 or 44 year old citizen of Afghanistan. He has three sons. His oldest son is 20, and he has never seen the youngest. He supported his family doing odd jobs: driving a taxi, shoot... sheep herding, and eventually becoming a full time translator between his government and Abdul [sic] al Hadi al-Iraqi, one of the high value detainees. It is Abdul Sahir's association with al-Iraqi that landed him in Guantanamo.

In July of 2002, Abdul Sahir was taken into custody at his home in rural Logar province by United States Army forces. He was held at Bagram Air Force base prison through October, and then transported to Guantanamo in October of that year. The case file that has been submitted to you accurately describes his behavior during the 14 years of his detention, and I will not belabor that here. While in gua... Guantanamo, he developed significant and permanent physical problems, which are cursors... cursorlisly... cursorily described in the case file. Abdul Sahirs [sic] also suffers from some mental health problems, which lately appear to have been brought under control.

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Throughout the 11 years of my association with Abdul Sahir, he has always been polite, calm, friendly and kind to me and the several colleagues who have worked with me on this case. He is uncommonly intelligent and thoughtful, although I think he still does not completely understand why lawyers or personal representatives would take up his cause against their own government. At our initial meeting in July 2006, and today, I was struck by and come to deeply respect his strong moral compass that has been formed by his devotion to Islam.

The letters of support for Abdul Sahir that are included in the case file demonstrate that he will have very strong support in his community and his family upon his return. I suggest that you should attribute particular importance to the statement of support from Abdul Bari Jahani, Afghanistan's recently appointed Minister of Information and Culture. Minister Jahani is a reknowned.. renowned poet and scholar. He translated for us on some of our conferences with Abdul Sahir, which thrilled our client, and my colleagues and me, too. Minister Jahani is... was as taken with Abdul Sahir as I was.

I know that the Periodic Review process is a forward looking progress, and not a process for rehashing history and protesting innocence. I think it is important for the Board to know, however, that from day one Abdul Sahir has consistently tried to have a

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hearing before some neutral judge or commission to determine the validity of the claim that the government has made about him. There has been no effort to hide from or avoid these claims. I've had literally years of discussions with the Office of Military Commissions and the United States Attorney's office for the Eastern District of New York about... excuse me... about Abdul Sahir being given what a judge called "some kind of hearing." I've twice written to the OMC convening authority requesting that she, and then he, charge Abdul Sahir with something, and similarly to the... to the appointed chief prosecutor. Abdul Sahir has been prepared to face the government's claims in any forum for the last 14 years. Had he been given that hearing, it would become obvious that he does not pose a threat, significant or otherwise, to the security of the United States.

Abdul Sahir's life has been irretrievably damaged. He wants nothing more today than to return to his home and family, to reassemble some kind of normalcy, and to live in peace. As I wrote in the first paragraph, continued law of war of detention of Abdul Sahir is not necessary to protect against a continuing significant threat to the security of the United States. I urge the Board to recommend that Abdul Sahir be cleared for release and return to his home and family. Thank you.

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PM: Board Members may reserve questions until the detainee and witness statements have been presented in their entirety. Does anyone have a question at this time?

(NON-VERBAL RESPONSE FROM BMs)

TRANS 1: [TRANSLATION OF ABOVE]

PM: All right. With no questions, this concludes this portion of the hearing. I ask that we all stay 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]

[The public session closed at 0938, 9 June 2016.]

[END OF PAGE]

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

CA: CASE ADMINISTRATOR

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DET: DETAINEE

PC: PRIVATE COUNSEL

PM: PRESIDING MEMBER

PR: PERSONAL REPRESENTATIVE

TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)

TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)