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CA: Attention, everybody. The Periodic Review Board is being conducted at 0907 hours on 19 April 2016, with regard to the following det... detainee: Obaidullah, ISN 762.

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.

PM: I'm sorry. GTMO, can you mute your mic, please?

TRANS 1: [TRANSLATION OF ABOVE]

CA: Representatives from the foll...

PM: ... I'm sorry. Just... I put us on mute for a second. I'm sorry. You said your name was Abdullah?

TRANS 1: Abdullah.

PM: Can you speak a little louder? I don't think they could hear you. So, let's redo that translation portion.

TRANS 1: [RETRANSLATION 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;**

**UNCLASSIFIED**

**UNCLASSIFIED**

**OFFICE OF THE CHAIRMAN 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.**

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 and the detainee waived translation of the unclassified summary, Personal Representative's and Private Counsel's opening statements. 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: Good morning. This Board is called to order. The Board is convened to determine whether continued law of war detention is warranted for Obaidullah, ISN 762, to protect against a continuing

**UNCLASSIFIED**

**UNCLASSIFIED**

significant threat to the security of the United States. This session of the hearing is unclassified.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Obaidullah, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it 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 you're 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. And finally, the translators are here to ensure that everybody understands your statements and that you understand what is being said during the hearing.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Okay. For the Personal Representatives and Private Counsel, has Obaidullah had an opportunity to review the unclassified summary?

TRANS 1: [TRANSLATION OF ABOVE]

**UNCLASSIFIED**

**UNCLASSIFIED**

PR 1: Yes, Ma'am.

PC: Yes, Ma'am.

PM: All right. Thank you. I'll, now, read the unclassified summary:

Obaidullah, ISN 762, received training in explosives from the Taliban and was part of an al-Qaeda-associated improvised explosive device cell that targeted Coalition Forces in Khost, Afghanistan. During the early days of Operation Enduring Freedom, Obaidullah also may have provided logistics support to fighters aligned with al-Qaeda. His IED cell probably was led by Bostan Karim, ISN 975, with whom Obaidullah had a close relationship. The cell was likely under the ultimate control of an al-Qaeda senior paramilitary commander, Abu Layth al-Libi. During early interviews, Obaidullah admitted to working with Karim to acquire and plant anti-tank mines to target U.S. and other Coalition Forces. On 21 July 2002, Obaidullah was captured by U.S. forces during a raid of his compound in Khost, Afghanistan, which recovered 23 antitank mines as well as a notebook containing electronic and detonator schematics involving explosives and mines.

Obaidullah has been mostly compliant at the Guantanamo detention facility, according to Joint Task Force Guantanamo. He has committed less than 100 infractions since his arrival, a low number relative to

**UNCLASSIFIED**

**UNCLASSIFIED**

other detainees, including: infrequent hostility towards the guards and failure to follow rules or instructions. For most of his time at Guantanamo, Obaidullah has said that he was a businessman and has offered evasive, implausible, and contradictory explanations to questions pertaining to terrorist activities. Obaidullah's interviews have been cordial, but he has provided no information of value since his initial interviews in late 2002, especially after learning of Karim's transfer to Guantanamo in March of 2003. Obaidullah, later, told an interviewer in October 2013 that he saw no need to attend any future interviews. Obaidullah stated that he was very afraid of Karim and wanted an opportunity to resolve any issues between them surrounding Karim's capture.

Because Obaidullah has provided little information to interrogators, we lack insight into his current mindset, which challenges both our understanding of what motivated his activities before detention and whether he would pursue extremist activity after detention. Since his capture, Obaidullah has not expressed any intent to re-engage in terrorist activities or espoused any anti-U.S. sentiment that would indicate the views... he views the United States as his enemy. Obaidullah has indicated that he enjoys studying English and wants to be co-located with English speakers. In March 2015, Obaidullah stated that he reads English books to expand his

**UNCLASSIFIED**

**UNCLASSIFIED**

vocabulary and Arabic books to improve his Arabic. Obaidullah said that if he returned to Afghanistan, he would like to finish his education and then return to being a shopkeeper. However, his knowledge of anti-tank mines, and the fact that several members of his IED cell, who are former detainees, have reengaged in extremist activity in Khost, Afghanistan, would provide him opportunities to reengage should he choose to do so.

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.

PC: Yes, Ma'am.

PM: All right. I'd like to remind all the participants that any information shared, at this time, must be unclassified. If there's a concern about the classification of the information, I'll indicate as such and we'll stop the proceedings until we resolve the issue. Has the detainee had an opportunity to review your statements?

TRANS 1: [TRANSLATION OF ABOVE]

PR 1: Yes, Ma'am.

PC: Yes, Ma'am.

PM: All right. Then, please proceed.

**UNCLASSIFIED**

**UNCLASSIFIED**

TRANS 1: [TRANSLATION OF ABOVE]...

PR 2: ... Ladies and Gentlemen of the Board. We are the Personal Representatives for ISN 762. We will be assisting Mr. Obaidullah this morning with his case, aided by his Counsel, Ms. Anne Richardson.

In the past four months, Obaidullah has earnestly participated in the Periodic Review Process and has attended all meetings with his Personal Representatives and his Counsel.

Obaidullah has conducted himself in a professional and patient manner throughout all engagements with Counsel and representatives. He has a proven history of compliant behavior while detained at Guantanamo. He has engaged with the Joint Task Force Medical Staff in order to deal with health issues. This teamwork has greatly improved his quality of life.

He has taken advantage of all the opportunities for education and personal enrichment, while detained at Guantanamo. Those opportunities include: courses in English, Life Skills, and computers.

Obaidullah is fortunate to have a very supportive family remaining in Afghanistan comprised of... comprised of his spouse, daughter, mother, brother, and sister. His family members and the town elders have pledged unwavering sup... financial support, a place

**UNCLASSIFIED**

**UNCLASSIFIED**

of residence, and assistance with employment during his transition to the utmost of their ability.

Subsequently, Obaidullah will discuss both his past and his desire for a better life for himself in the future. We are confident that Obaidullah'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 security of the United States of America. He is open to transfer to any country, but would prefer to return to Afghanistan, if possible.

Thank you for your time and attention. We are pleased to answer any questions you have throughout this proceeding.

PM: Thanks for that. Private Counsel, please proceed with your statement.

PC: Good morning. My name is Anne Richardson, and I am the Private Counsel for Obaidullah. I have been an attorney for over 25 years, and now work at a non-profit called Public Counsel, in Los Angeles. I appreciate this opportunity to appear before you to give you my observations regarding Obaidullah.

I first met Obaidullah in 2009, when I began to represent him in his habeas petition, along with the Center for Constitutional Rights. Since then, I have been down to Guantanamo about a dozen times to meet with him, and I have, also, regularly had phone calls with him

**UNCLASSIFIED**



**UNCLASSIFIED**

to stay in touch with him and keep his spirits up. Since about 2010, his English has been so excellent that we have not needed a translator unless we are discussing complex legal issues.

Obaidullah does not pose any threat to the United States. He was only approximately 19 when he was captured, from his own bed, in the middle of the night. He has a wife and a daughter, who was born just before he was captured, whom he desperately longs to see. His father died when he was very young, and his mother, brother, and sister still live in the same village. Obaidullah's brother, Fazel, has a very successful mobile phone shop and has already built a new house for his own wife and children that he hopes to share with Obaidullah and his family. His family has written supportive letters, stating that they will do everything in their power to help him make an adjustment once he is released from Guantanamo. While he would like to be transferred back home, where he can immediately start working with his brother, Fazel, and live with his extended family, he is willing to go wherever the United States transfers him.

In all the years I have visited and spoken with him, Obaidullah, has never expressed any ideological ideas about America or any other country. He has been unfailingly polite and courteous in asking after my family and those of the other habeas attorneys. I did not know if he would have a problem meeting with female attorneys, but he

**UNCLASSIFIED**

**UNCLASSIFIED**

has always shaken my hand, and seen me as a full peer of any male attorney he also meets with. Far from being a religious extremist, he discussed with us childhood games he remembered from Afghanistan, and has written some moving poems, some of which we've submitted to the Board. In fact, one of his translators during the habeas process was the distinguished poet, Abdul Bari Jahani, who is now the Minister of Culture and Education, who is the most esteemed living poet in the Pashto language. Mr. Jahani has written a supporting letter regarding Obaidullah, urging this Board to recognize that he poses no threat.

Obaidullah is and has for many years been one of the most compliant detainees. He has served as Block leader, and even before that, he served as a translator for others who experienced conflict with the guards or other detainees. He has taken English classes, computer classes, art classes, and takes every opportunity to improve himself and improve his life, once he is released from Guantanamo.

Obaidullah is no longer young, and wishes nothing more than just to be back with his family. He proudly tells us how smart his daughter is, and how important her schooling is to him. Although he is willing to undergo any program the U.S. wishes to require, he does not need rehabilitation.

**UNCLASSIFIED**

**UNCLASSIFIED**

At one time, he was charged in the military commission's process. The charges were later dismissed. We have submitted letters from a large number of his current and former military attorneys and investigators, as well as his habeas attorneys, all of whom express the same conclusion, that he is not a danger to the United States or its interests. We also stand ready to assist him in his reintegration into life outside the prison, whether financially or emotionally. So convinced are we that he will be able to adjust and lead a lawful, humble life on the outside.

In conclusion, I urge this Board to find that Obaidullah is not a threat to the United States, and I trust that any lingering doubts the Board may have will be assuaged by meeting him yourselves. Thank you. Very truly yours.

PM: Thank you. Board Members may reserve questions until the detainee and witness statements have been pre... presented in their entirety. Does the... any Member of the Board have a question for the Personal Representatives or Private Counsel, in this session?

TRANS 1: [TRANSLATION OF ABOVE]

(NO VERBAL RESPONSE FROM BMS)

PM: All right, with no... no questions, this concludes this portion of the hearing. I'll ask that all remain seated until further instructed by our Case Administrator.

**UNCLASSIFIED**

UNCLASSIFIED

CA: All right. We'll take a...

PM: ... I'm sorry.

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 0925, 19 April 2016.]

[END OF PAGE]

UNCLASSIFIED

UNCLASSIFIED

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

CA: CASE ADMINISTRATOR

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)

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