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CA: This Periodic Review Board is being conducted at 0914 hours on 28 April 2016, with regards to the following detainee: Bashir Nasir Ali al-Marwalah, ISN 837.

As a reminder, the unclassified portion 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 and 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 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,

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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, the Personal Representatives' and Private Counsel's opening statements. However, these documents will be or have been posted to the PRS.mil website. This session is being observed by foreign, national and local media, 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 Bashir Nasir Ali al-Marwalah, ISN 837, to protect against a continuing significant threat to the security of the United States. From here forward, we'll refer to the detainee as Bashir.

TRANS 1: [TRANSLATION OF ABOVE]...

PM: Oh, I'm sorry, this session is unclassified. Thank you.

TRANS 1: ...[CONTINUING TRANSLATION OF ABOVE]

PM: Bashir, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case.

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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 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 in 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: Personal Representatives and Private Counsel, has the detainee had an opportunity to ref... to review the Unclassified Summary?

TRANS 1: [TRANSLATION OF ABOVE]

PR 1: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: All right, thank you. I'll now read the Unclassified Summary:

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Bashir Nasir Ali al-Marwalah, ISN 837, was a low-level Yemeni militant who traveled to Afghanistan in the fall of 2000 to support the jihadist cause in Chechnya and train to fight with Muslims against the Russians. He received instruction at an al-Qaeda camp, returned to Sana'a, Yemen in December 2000, and then travelled to Afghanistan in fall 2001 and received additional militant training. After 9/11, Bashir briefly went to the front lines against the Northern Alliance near Bagram, Afghanistan, although he claimed he never saw action. Bashir subsequently moved through a series of safehouses in Afghanistan and Pakistan, possibly wanting to return to Yemen.

Bashir is one of the Yemenis arrested during the 11 September 2002 raids in Karachi, Pakistan later labelled as the... the "Karachi Six," based on concerns that they were part of an al-Qaeda operational cell intended to support a future attack. We judge that this label more accurately reflects the common circumstances of their arrest and that it is more likely the six Yemenis were elements of a large pool of Yemeni fighters that senior al-Qaeda planners [sic]... planners considered potentially available to support future operations. Although his role in al-Qaeda operational planning is unverified, his last will and testament found in the Karachi raids includes a martyrdom statement.

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During Bashir's time at Guantanamo, he has been highly compliant with the guard staff and has committed no significant disciplinary infractions apart from participating in one non-religious hunger strike in 2013. In debriefings, Bashir has never admitted to an affiliation with al-Qaeda, has never expressed anti-American sentiment, and has denied any role in or knowledge of future terrorist activity against the United States. Some of his statements, however, suggest deception and withholding information, including an unwillingness to expand on his activities in Afghanistan and Pakistan, on his knowledge of senior al-Qaeda members, and on his knowledge of al-Qaeda operations and martyrdom. As a result, while Bashir has voiced a desire to return to his family, get married, and get a job upon release, we do not know if his intent is genuine.

Bashir has maintained close contact with his Sana'a-based family, including two brothers who probably are involved with al-Qaeda in the Arabian Peninsula, one of whom is currently in prison in Sana'a. Should he reconnect with his brothers upon release, they could provide him access to extreme... extremist networks in Yemen and the opportunity to reengage.

PM: Do the Personal Representatives or Private Counsel wish to make unclassified opening statements at this time?

TRANS 1: [TRANSLATION OF ABOVE]

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PR 1: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: Alright, 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 as such and stop the proceeding until we've resolved the issue. Has the detainee had an opportunity to review your statements?

TRANS 1: [TRANSLATION OF ABOVE]

PR 1: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: Thank you. Personal Representatives, please proceed.

TRANS 1: [TRANSLATION OF ABOVE]

PR 1: Members of the Board, we are the Personal Representatives for Bashir Nashir Ali al-Marwalah. When we first went to meet Bashir, he explained to me that he was very happy that we were there and he felt hopeful for the future. His demeanor is one of a serious, thoughtful man which both my partner and I can confirm.

Bashir comes from a large family that works in a medical field. Bashir learned how to work in a medical field by accompanying his father to work throughout the... his school years. Bashir graduated from the Higher Institute for Health Services, Nursing School Branch. Upon his transfer, even if Bashir is not able to return to Yemen, his

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education and experience will serve him well wherever he is reintegrated. Bashir's goals for his future involve continuing his education, as he values knowledge, a career, building his own family and someday reconnecting with his family back home.

Bashir has spent much of this time reading and studying the medical field. In fact, whenever he has the chance, he helps other detainees with his medical knowledge. Bashir also takes the opportunity to engage with medical personnel to ask questions in order to keep his skills sharp. Bashir has spent much of his time reading many health and medical books and journals which we have included as exhibits in his case file. In fact, because of Bashir's passion for health, he has requested that he be allowed to assist medical personnel here at Guantanamo Bay (GTMO) in the treatment of other detainees.

As you will see during Bashir's opening statement, he is also working on his English. He will not leave GTMO the same way he arrived. Bashir has broadened his mind. He has the support of his family and is looking to create a successful career and future. Additionally Bashir made friends with American attorneys who have worked with him in the past. These attorneys have stated they stand ready to offer support for Bashir wherever he may be transferred.

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We appreciate you taking time to hear his case and your consideration for transfer. Bashir has learned from his mistakes and deeply regrets his actions in the past. As a result of Bashir... as a result, Bashir does not pose a continuing significant threat to the security of the United States. Bashir understands that in order to be recommended for transfer he must first gain the Board's unanimous recommendation for transfer. Therefore he is willing and ready to answer any and all of your questions. We and Bashir's Private Counsel are here throughout this proceeding to answer your questions as well.

PM: Thank you. Private Counsel, please proceed with your Opening Statement.

TRANS 1: [TRANSLATION OF ABOVE]

PC: Members of the Board, good morning. I am Erin Thomas, Private Counsel for Bashir Nasir Ali al-Marwalah. I first... Bashir and I first met in early 2011, when I was an attorney at Allen & Overy LLP. Bashir is now a client of my current firm, Covington & Burling LLP. I am thankful for the opportunity to explain to the Board why Bashir does not present a threat to the security of the United States or its allies.

Bashir deeply regrets the choices that he made as a young man and their cost to both him and the members of his family. If Bashir

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had not chosen to leave Yemen, he would still be close to his beloved family. As the oldest brother, he would have been around to provide guidance to his younger siblings. He would know his youngest sister and youngest brother who were both born after Bashir left. He would have a career, and likely a family of his own. His children would play under the care... with their cousins under the care of Bashir's mother, just as his sisters' children do while their own mothers go to work.

In short, Bashir longs for the things he has lost. He is ready to put the past behind him, and is eager to build a productive life outside of Guantanamo. Importantly, Bashir has demonstrated that he is very well-positioned to accomplish these goals.

First, he is trained as a nurse. He was employed at the Republic Hospital in Sana'a fulfilling a life-long dream to work in the medical field and help people. Bashir was an exemplary and well-liked nurse, as attested to by the support statements of 12 colleagues and teachers.

While at Guantanamo, Bashir has continued his nursing education. At Bashir's request, his lawyers have sent him numerous medical books in English and Arabic. Bashir frequently brings his coursework to his meetings with his attorneys, covered with painstaking notes and translations of medical vocabulary.

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Bashir also completed a life skills and nutrition course with a 96% average. Bashir proactively seeks out other opportunities to improve his medical training, including practicing vocabulary with doctors from the Red Cross and in the camps.

Bashir's nursing expertise will allow him to build a career in any country to which he is transferred. Bashir appreciates, however, that his Yemeni credentials may not be immediately recognized in another country, and has no objection to taking a less specialized job, for example as a home health aide or orderly.

Second, Bashir has used his time in Guantanamo to improve other skills. When we first met, Bashir and I communicated through a translator. Now we can hold a three hour meeting speaking exclusively in English. While he's not studying, Bashir stays productive with activities such as art classes. Bashir has full support of his art teacher. Bashir is also preparing himself to be a loving husband and father. He left young... Yemen a young unmarried man, who never had an opportunity to be in a relationship with a woman. Bashir studies materials on healthy relationships, child rearing, he desires a wife who is a true partner in life.

Third, Bashir enjoys a strong support network. Bashir is much loved and deeply missed by his family. They are proud of his efforts to improve his education while in Guantanamo. Bashir's family has

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demonstrated that they will do whatever they can to support him. They have furnished an apartment for him in Sana'a. And while they recognize that Bashir cannot return to Yemen at this time, they can rent or they can sell the apartment to support him in another country. His family has also purchased wedding jewelry for his future wife and if this jewelry can't be used, it can be sold and the proceeds can be sent to Bashir.

Bashir's father and siblings are employed, and have remained so during a very difficult period in Yemen. Bashir's father, one sister, as well as his two brothers, are all employed at the [REDACTED]

[REDACTED] Another sister recently began working at a [REDACTED] [REDACTED] nearby. The family has property in Sana'a and in the village of [REDACTED]

Bashir's family also actively assisted with the preparation of this submission, working with the Red Cross to obtain a petition for his release, which has been signed by nearly 100 individuals attesting to Bashir's good character. Bashir's older sister, is a busy working mother of four, obtained the character affidavits and Bashir's school and employment records during a period when Sana'a has been wracked by fighting, and faces severe restrictions on its infrastructure and communications network. In short, Bashir's loving

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family can, and has demonstrated that they will, support him financially and emotionally following his transfer.

Bashir's former attorneys have also pledged their support. I too am prepared to assist Bashir through phone conversations, visits if possible, financial assistance, and serving as a point of contact for authorities in his country of transfer if needed. I have experience with this through my support of a former detainee client who was transferred to Europe. We are in regular contact, and I plan to visit him later this year. I am also assisting him in completing college courses that I enrolled him in while he was in Guantanamo.

Bashir's current and former law firms, Covington & Burling and Allen & Overy, are also prepared to explore whether they have any useful contacts in Bashir's proposed or actual country of transfer that could assist with Bashir's into trans... transition to life post-Guantanamo. The human rights organization, Reprieve, has offered to share contacts, best practices, and other resources for supporting a client after transfer.

Fourth, Bashir has the personal qualities necessary to lead a successful and peaceful life. I know him to be a kind, compassionate, and sincere person. Throughout his decade long relationship with his American attorneys, he has been unfailingly gracious, thankful for our work, and curious about the way we live.

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He sends a thank you notes after we visit and letters of congratulations when we get married or have children. Bashir has never expressed bitterness, anti-American sentiment, or extremist views to us.

Bashir's lawyers are far from the only people who feel this way. Bashir's written submission includes letters and videos of support from family, friends, and colleagues, as well as fellow detainees. Bashir's good nature extends to the Guantanamo guard force. His Unclassified Summary confirms that his behavior has been highly compliant.

Fifteen years ago, a young man made a decision that he regrets. In the intervening years, that man has matured, reflected on his regret, and worked tirelessly to channel that regret into self-improvement. A strong support network stands behind him, ready to help. He sits before you, ready to answer your questions and to tell you about the new life that he longs to begin. I am confident that Bashir will not let anything distract him from accomplishing his goals.

Members of the Board, thank you for your time and consideration. I respectfully submit that you should recommend Bashir al-Marwalah for transfer.

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

TRANS 1: [TRANSLATION OF ABOVE]

(NO VERBAL RESPONSE FROM BMS)

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

TRANS 1: [TRANSLATION OF ABOVE]

[The public session closed at 0932, 28 April 2016.]

[END OF PAGE]

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)