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CA: This Periodic Review Board is being conducted at 0915 hours on 8 December 2016, with regard to the following detainee: Salid... saee... Said Nashir **[sic]**, ISN 841.

As a reminder, the unclassified portions of these proceedings are being recorded for the purposes of generating transcripts to be posted to 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,

THE 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;

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TWO TRANSLATORS;
THE DETAINEE; AND,
THE SECURITY OFFICER.

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

CA: The detainee's Personal Representative, Private Counsel, the detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo...

[VTC PAUSES FOR TECHNICAL DIFFICULTIES, 0917 HOURS]

[OGAs ENTER ROOM]

[VTC RESUMES, 0921 HOURS]

CA: Thanks. We had some technical difficulties. We've fixed the problem. We're gonna continue on where we left off. The detainee's Personal Representative, 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, 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; representatives from non-governmental organizations.

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

PM: Good morning. This Board is convened to determine whether continued law of war detention is warranted for Said Salih Said Nashir, ISN 841, to protect against a continuing significant threat to the security of the United States. From here on, we'll refer to the detainee as Hani. This session of the hearing is unclassified.

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

PM: Hani, 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'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 Representative and Private Counsel are your representatives to assist during this process. Finally, the translators ensure that everybody understands your statements and that you understand what is being said at this hearing.

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

PM: Personal Representative and Private Counsel, has Hani had an opportunity to review the unclassified statement?

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

PR: Yes, Ma'am.

TRANS 2: **[TRANSLATION OF ABOVE]**

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

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

PM: Said Salih Said Nashir, ISN 841, traveled to fight in Afghanistan in June 2001, trained at al-Qaeda's al-Farouq camp, and admitted to a close association with al-Qaeda's external operations planners and senior leadership. He was one of six Yemeni fighters - the so-called Karachi Six - who were arrested when Pakistani authorities raided three safe houses in Karachi in September 2002. Hani remains mostly compliant with the guard force, and he has not directly voiced support for terrorism since mid-2015, but he has also not renounced it. Hani appears eager to reconnect with his family members, and while we have no indications that they are directly involved in terrorist activities, people in his family have voiced support for al-Qaeda in the Arabian Peninsula. Hani's family is located in al-

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Burayqah where al-Qaeda in the Arabian Peninsula is reported to have a strong presence.

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.

TRANS 2: **[TRANSLATION OF ABOVE]**

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

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

PR: Yes, Ma'am.

TRANS 2: **[TRANSLATION OF ABOVE]**

PM: All right. Personal Representative, please proceed.

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

PR: Good morning, ladies and gentlemen of the Board. I am the Personal Representative for ISN 841, Mr. Hani Salih Rashid Abdullah. I will be assisting Hani with his case this morning along with the assistance of his Private Counsel.

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I would first like to thank you for allowing Hani a second chance to answer your questions. I believe that there was some miss... miscommunication during our initial PRB that made it difficult to understand his answers. I would also like to explain that due to the short preparation time, Hani's Private Counsel and I assisted in the preparation of Hani's statement to you. In doing so, we used only the words that he has told us himself. Then myself and the translator went over it with Hani and made adjustments based on his input at our meeting. However, I then had to finalize it without the opportunity to run it past Hani one last time before submitting it to you. Before the actual Board, we will ensure that Hani sees a translated copy so if there are any errors he can address them directly with you during the Board.

During all of his time at... at Guantanamo, Hani has remained a relatively compliant detainee and this didn't change even during the long period while he awaited his results from his initial PRB. He continued with his classes during this time and has continued to cooperate with the guards. At the time of writing this statement, I've only had the opportunity to meet with him once since he received his results; but during that meeting, he was his usual smiling self and he never expressed

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any resentment for the long wait. As a matter of fact, I don't believe I heard even one complaint from him. He did express surprise about the Board's decision and he really didn't understand why the Board felt he was being evasive and untruthful.

After my recent discussion with Hani, I really do believe that with at least some of his answers, he did not fully understand all of the words in the questions. I am hopeful that this time we will be able to avoid the same scenario and that by the end of day, the Board will be more satisfied with his responses.

Hani is extremely good natured and with his electrician background as well as the education he obtained here, especially with computers, I feel that he is capable of making an honest living wherever he is transferred. I honestly do not believe that Hani is a threat to the United States or its interests.

Thank you for your time and for this second chance for Hani. I look forward to answering any questions you may have during this Board.

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

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

PC: Thank you. Good morning, ladies and gentlemen of the Board. I'm Charley Carpenter, and am here as Private Counsel to ISN 841. Thank you for the opportunity to address you again today. I will limit my remarks to the issues identified by the Board's questions at the April 21, 2016 hearing, but I'm ready to answer any questions the Board may... may put to me as Private Counsel.

In final analysis it's Hani, not I, who must answer your questions, in the clear and specific terms that the Board earlier found lacking. Further, Hani, as I've come to know him over the past 12 years, is a relatively simple, perhaps naïve, man, not given to artifice or scheming. Please bear this in mind when... when listening to Hani's answers - he is not a professional or a learned witness. Further, this hearing is highly stressful for him. These facts cut across all his testimony - past and to come later today.

In discussing with Hani this resumed hearing we've advised him that more detail is necessary concerning why he accepted money to travel to Afghanistan; what specific conversations preceded this trip; and what understandings he had of what he was to do in Afghanistan when he arrived, how long he was to

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stay, and related issues. Likewise, we similarly advised him about his acceptance of money to return to Yemen - money given by a later notorious HVD who was unknown at the time to Hani - and details of his training, including any indoctrination sessions while he was in training.

Finally, I ask... I ask the Board to recall the situation for Hani in Pakistan, where he was in hiding, wary, desperate to return home - conditions leading to evasive behavior. Like a drowning man, he was not in a position to interrogate the man who threw him a life ring no matter how reasonable such questions may appear in 20-20 hindsight.

Since the April hearing, I've been able to confirm Hani's testimony with respect to his departure from Aden in 2001. Specifically, his co-worker confirmed to me that Hani did not sell his tools when he left Aden, and that Hani had otherwise made clear that he intended return... to return shortly to resume his employment. We've not been able to get a signed statement from the coworker given the short notice for the hearing and difficulties in communicating with Yemen, given the ongoing civil war there. We'll provide a statement if we get one before the hearing. We haven't yet, but we... we can do that later.

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I believe that when you hear Hani's testimony you will agree that, like the others captured at the same place and the same time, he poses no risk to the United States or its allies.

Thanks for the opportunity to speak to you. I... I would be happy to answer any questions.

PM: Thank you. Board Members may reserve questions until 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: 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 0933, 8 December 2016.]

[END OF PAGE]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

CA: CASE ADMINISTRATOR

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)