

Periodic Review Board (PRB), 3 March 2015

Mashhoor Abdullah Muqbil Ahmed Al-Sabri, ISN 324

Opening Statement of Personal Representative (PR)

Good morning ladies and gentlemen of the board. We are the Personal Representatives of Mashhoor Abdullah Muqbil Ahmed Al-Sabri. At the table with us is Mr. Brian Neff, Mashhoor's Private Counsel and Mashhoor's translator. Since our first meeting with Mashhoor, he has been cooperative, cordial and forthcoming.

I've heard a lot about strategy going into this board. What strategy will I use? But then I reviewed Mashhoor's dossier and realized, the question is, what does Mashhoor need to answer to leave Guantanamo? If this is forward looking, Mashhoor is ready to tell you what he has done to prepare for his future. You will see how his brothers are preparing him for job opportunities and how his family supports him. Mashhoor has been taking classes regularly while here at Guantanamo. Although he came here with little education, Mashhoor will leave with a love of knowledge and books. Not only has he expanded his mind, he has expanded his heart, as he has met other cultures and nationalities throughout his time here. Mashhoor has spent years examining the decision that brought him here and evaluating what he should have done differently. He too is forward looking, but he can't really have any hopes until approved for transfer. So, we have no strategy. Mashhoor is just ready to answer your questions so you can garner the information necessary to see that he harbors no ill will towards America. He is just a man who wants to go home to start a life with his family. If this process is forward looking, Mashhoor is ready to go forward, not as a threat to the security of the United States, but as a man, a son, and one day a husband and father.

Thank you for your time and consideration. We will be happy to answer any questions you may have throughout this proceeding. We will now defer to Mr. Brian Neff, the Private Counsel for Mashhoor, for his opening statement.

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Mashour Abdullah Muqbil Ahmed Alsabri, ISN 324

Opening Statement of Private Counsel (PC), Mr. Brian J. Neff

Good morning. I would like to thank the Board for hearing Mr. Alsabri's case and for giving me the opportunity to speak. I would also like to thank Mr. Alsabri's Personal Representatives. It has been good getting to know them. One of the benefits of being involved in the Guantanamo cases is that I've had the privilege to spend time with many of the men and women in uniform who serve our country.

I am an attorney in the New York office of Schiff Hardin, which is a nationwide law firm with about 400 lawyers. I spend most of my time as an attorney defending insurance companies in class action lawsuits. However, since 2005, I have also been providing pro bono legal representation to a few of the men detained at Guantanamo, including Mr. Alsabri. Working with a few other lawyers, we filed a petition for habeas corpus on Mashour's behalf in 2006. A colleague and I made our team's first trip to Guantanamo in December 2006, and that's when I first met Mashour, along with two other detainees we've represented. Over the course of the subsequent years, our team has made about 25 trips to Guantanamo, and I've been on most of those trips. Typically, on each trip, we spend one full day meeting with each client. We've also exchanged many letters with Mashour and our other clients over the years.

All this is my way of saying I've known Mashour a long time and have had the opportunity to get a sense of who he is as a person. In fact, it occurred to me when drafting this statement, that over the past eight years, I've spent more time with Mashour than with many of my close family members.

So, who is Mashour Alsabri?

Well, in terms of his personality, the first word that comes to mind is "shy." He's not someone who will talk your ear off or try to overwhelm you with his personality. In preparing for today's hearing, we've encouraged him to open up more so that the Board can see who he is as a person. And if the Board members want to press him at any point to be more expansive in his answers, that's a good thing from our perspective.

Another word I would use to describe Mashour is "unassuming." Some of the detainees here have a strong sense of entitlement: an attitude of "you've treated me unjustly, therefore you owe me." And maybe those detainees have a point, but that's not Mashour. Mashour is not someone who spends a lot of time complaining about how he has been treated, and he is not someone who makes a lot of demands. For example, the lawyers who represent the detainees have, at times, been permitted to give books and other items to their clients. Mashour knows this. But more often

than not, we have to twist his arm to tell us what sort of things he would like, and to get his agreement to let us buy them.

Another word I would use to describe Mashour is "courteous." He has always treated me and all of the lawyers on his team with the utmost respect – whether they are men, women, Christian, Jewish, Hindu or Muslim.

Mashour is a Muslim and his faith is an important part of who he is. It has helped to sustain him during his years of detention. However, we have never heard Mashour express any extremist religious views, and it is clear that he recognizes the humanity of the non-Muslims. In fact, when I asked how he could get married if he were transferred to a country that has few Muslims, he was quick to say that he would have no problem marrying a non-Muslim.

Mashour has never expressed to us any anti-American sentiment. His attitude is: there are good Americans and there are bad Americans, and it's hard to argue with that. Furthermore, he has been open and cooperative with interrogators.

I am not going to address the allegations against Mashour in this session, many of which are unfounded. I do feel, however, that it is important to note that the conduct of that young man in his early 20s, with little sense of responsibility to anyone other than himself, should have little bearing upon your assessment of the 37-year-old man who appears before you today. Mashour today is a very different person. We've noticed a maturing of him over the years. The most dramatic change we've seen occurred when his father passed away last year. The death of a parent is something that leaves a permanent mark on anyone, but in Mashour's case this truly was a pivotal event in his life. Mashour is the eldest son, and in the culture that he comes from, the eldest male acts as the head of the family and, as such, is responsible for the family's well-being. In talking to Mashour in that first meeting after the death of his father, it was clear how seriously he takes that responsibility. He understands that he no longer has the luxury of running off and doing whatever he wants. His obligation is to care for his mother, who has some health issues, and to guide the lives of his many brothers and sisters, nieces and nephews. As you'll see from the video that Mashour's family provided, they too are looking to him to be responsible for the family upon his release. In the many phone calls we have had with his family over the years, their love and concern for him have been constant.

So, Mashour has strong support from his existing family, but he also wants to get married and start his own family. My sense is that in the phone and video calls with his family over the last few years, Mashour has gotten a sense of the joy that marriage and having children has brought to his siblings, and he is anxious to share in that experience.

Another change that I think Mashour has undergone during his detention is that he's a wiser, broader-minded person than he was 13 years ago. That sort of change is something that, to some extent, is inevitable with the passage of time. But it's also

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something that Mashour has worked at. Mashour has availed himself of the educational opportunities available to him here. He has participated in the classes that have been offered, and he has repeatedly taken us up on our offers to buy books for him. We've sent him books on health and the human body, as well as English language instruction.

As I understand it, the focus of this proceeding is on the future - and that is very much consistent with Mashour's attitude. He wants to move on with his life, not be consumed by the past. He wants to get out of Guantanamo, get married and live a peaceful life. He is willing to go to any country that will have him, although he does not want to go to Yemen given how dangerous the situation is there at this time. His first choice would be return to his home in Saudi Arabia, but if it is some other country, he will abide by any conditions imposed on his transfer and will do his best to make a life there. He hopes to bring his mother to live with him wherever he is sent. In terms of his employment, his goals are modest but, I think, realistic. He has indicated he would learn the language and try to find work as a driver or in some other suitable occupation. It's understandably difficult for him to be more definitive given that it's unclear what country he would be living in. Wherever he goes, I look forward to visiting him as a free man and our team will do whatever we can to help ease his transition to life after Guantanamo.

In summary, Mashour presents a strong case for approval for transfer. Whatever view the Board may have of his past conduct, I respectfully submit that 13 years of detention is enough. This is a man who simply wishes to get on with his life and live in peace. We request that he be approved for transfer.

Thank you.