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1 CA: This periodic review board is being conducted at 0906 hours on 10
2 December 2019, with regard to the following detainee: Uthman Abd
3 al-Rahim Muhammad Uthman (ISN 27). As a reminder, the
4 unclassified portions of these proceedings are being recorded for
5 the purpose of generating a transcript to be posted on the PRS
6 website. Representatives from the following agencies are present
7 and are members of the Board: Department of Defense, Department of
8 State, Department of Justice, Department of Homeland Security,
9 Office of the Director of National Intelligence, and Office of the
10 Chairman of the Joint Chiefs of Staff. The following personnel
11 are also present: Legal Advisor to the Board, Case Administrators,
12 Personal Representative, Private Counsel, Translators, the
13 Detainee, and the Security Officer. The Detainee's Personal
14 Representative, Private Counsel, the Detainee, and one translator,
15 are located at the detention facility, U.S. Naval Station
16 Guantanamo Bay Cuba. They are attending via the video
17 teleconference. The Detainee has waived translation of the
18 unclassified summary, the Personal Representative's statement, and
19 the Private Counsel's statement. The Detainee has also waived
20 translation and reading of his own personal statement which is
21 included in today's case file. The Personal Representative's
22 opening statement has been posted to the Periodic Review
23 Secretariat website. Foreign national and local media, foreign
24 government officials, and representatives from non-governmental
25 organizations are observing this session.

26 PM: This board is convened to determine whether continued law of war
27 detention is warranted for Uthman Abd al-Rahim Muhammad Uthman
28 (ISN 27) to protect against a continuing significant threat to the
29 security of the United States. From here on forward, we will
30 refer to the Detainee as Uthman. This session of the hearing is
31 unclassified. This Periodic Review board is to determine whether
32 a continuing law of war detention is warranted in your case.
33 Continuing law of war detention will be warranted if it is
34 necessary to protect against a continuing significant threat to
35 the national security of the United States. The focus of this

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36 hearing is on the threat you may pose to the United States and its
37 interests if transferred or released from US custody. It is not
38 on the lawfulness of your detention. The Personal Representative
39 and Private Counsel are your representatives to assist you during
40 this process. Finally, the translators ensure that everyone
41 understands your statements and that you understand what is being
42 said during the hearing. Personal Representative and Private
43 Counsel, has the detainee had an opportunity to review the
44 Unclassified Summary?

45 PR: Yes sir.

46 PC: Yes sir.

47 PM: Thank you. I will now read the UNCLASSIFIED SUMMARY: Uthman 'Abd
48 al-Rahim Muhammad Uthman (ISN-27) left Yemen to participate in
49 jihad in Afghanistan and later became a bodyguard for Usama Bin
50 Ladin. He fought at Tora Bora probably against coalition forces
51 and was detained in December 2001 while fleeing to Pakistan. He
52 has repeatedly denied being a member of al-Qa'ida or a bodyguard
53 for Bin Ladin. Does the Personal Representative or Private
54 Counsel wish to make an unclassified Opening Statement at this
55 time?

56 PR: Yes sir.

57 PC: Yes sir.

58 PM: I would like to remind all participants that any information
59 shared at this time must be unclassified. If there is a concern
60 about the classification of the information, I will indicate as
61 such and will stop the proceedings until we resolve the issue.
62 Has the Detainee had the opportunity to review your statements?

63 PR: Yes sir.

64 PC: Yes sir.

65 PM: Personal Representative, please proceed.

66 PR: Good Morning Ladies and Gentlemen of the Board. Thank you for
67 this opportunity to appear before you on behalf of Uthman Abd Al
68 Rahim Muhammad Uthman. We are here today to answer your questions
69 about the past, present and future, in a bid to secure your
70 approval for his release or repatriation. I have been Uthman's

71 Personal Representative for approximately 2 years, during this
72 time he has never missed a meeting with me or failed to cooperate
73 fully in the PRB process. Despite advice from legal professionals
74 and fellow detainees, Uthman has written about his past and is
75 fully prepared to discuss it with you today. Uthman does not
76 sugarcoat his activities or his reasons for traveling to
77 Afghanistan, he thought he was doing his Islamic and humanitarian
78 duty and protecting those under attack. Uthman was not candid
79 during his first board appearance due to fear, language barriers,
80 bad advice, and a general lack of trust - of trust - or
81 understanding. During his second, and all subsequent appearances,
82 Uthman has been candid and contrite. In addition to answering your
83 questions today, Uthman will speak to how his mindset and beliefs
84 have changed during his time in detention and what his hopes and
85 plans are for the future. Uthman has demonstrated that he is open
86 minded and willing to change. Prior to detention, Uthman had no
87 dealings with females and had little interaction with people of
88 other cultures or religions. While in Guantanamo, Uthman has had
89 the opportunity to interact with numerous detainees, male and
90 female guards, medical staff, legal representatives and several
91 personal representatives. These personal interactions, along with
92 television, movies, news media, etcetera, have all broadened
93 Uthman's outlook and opened a whole new world to him. Uthman has
94 taken this Board's advice and tried to make the most of his time
95 in GTMO. He attends classes, he has taken up painting and
96 sculpting, and he has remained one of the most compliant detainees
97 in Guantanamo. He told me that once he decided to tell the Board
98 the truth, it felt like a weight was lifted and he lost that
99 feeling of hopelessness. He has admitted his past mistakes, he's
100 taken responsibility, and expressed his remorse. He has matured
101 and realized that people will lie and use you for their own
102 agenda, even under the guise of religion. This was a hard lesson
103 for him to learn, but one that he will not likely forget or
104 repeat. He stands firm in his denial that he was a bodyguard for
105 Usama Bin Ladin or a member of Al Qa'ida. We have enclosed two

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106 statements from current detainees - ISN 1453 and 1457 - stating
107 that they misidentified Uthman while under duress or enhanced
108 interrogation. We present these to show a reasonable doubt and a
109 possibility that these accusations are not factual. Uthman has an
110 idea for a small business - a food truck - to support himself upon
111 his release. Reprieve has offered support through their Life After
112 Guantanamo Program. Uthman's family in Yemen and those in Saudi
113 Arabia have committed to support him both financially and
114 emotionally. Uthman knows that he will be lucky to be given a new
115 start and a chance to build a future free from war and unrest and
116 he is willing to go anywhere and agree to any terms this Board
117 deems necessary. He has shown no ill will or anti-American
118 sentiment during my time with him. He remains positive and
119 hopeful about the future. He is cheerful and pleasant and tries
120 to see the silver lining in all situations. I believe that Uthman
121 is a good candidate for release as he no longer poses a threat to
122 the safety and security of the United States. Thank you.

123 PM: Thank you. Private Counsel, please proceed.

124 PC: I am Beth D. Jacob, Private Counsel for ISN 027. I have only
125 recently met Mr. Uthman, although I have worked with his previous
126 private counsel and his habeas counsel, who have known him for
127 over a dozen years. They confirmed my impression of him as a
128 thoughtful, polite and open man, open-minded and eager to learn,
129 who has taken advantage of his years at Guantanamo to educate
130 himself, learn about different ways of thinking, and to reflect on
131 and reject what he himself calls the mistaken ideas that he had as
132 teenager when he left his family and went to Afghanistan years
133 before September 11. I would like briefly to discuss Mr. Uthman's
134 plans and prospects if he is released. He has a large and
135 supportive family. His brothers are gainfully employed and eager
136 to provide financial as well as emotional support to him. His
137 sisters also are eager to assist him once he is released. His
138 older sister is unmarried, has a graduate degree and teaches
139 chemistry. Mr. Uthman's pride in her and her accomplishments was
140 clear as he told me about her. He sees her as a model for his

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141 future wife. His other sisters are also educated. Mr. Uthman has
142 reasonable and achievable plans for supporting himself if he is
143 released. He has created a business plan (which I believe has
144 been submitted to you) to start a food truck selling ice cream and
145 sandwiches. Using information he was able to obtain despite his
146 detention, he has figured out the start-up costs, which are well
147 within the means of his family to invest in his project. And as
148 an aside, my daughter's brother-in-law started his current
149 successful catering business with a food truck, so my experience
150 is that this is a practical plan. I also have been in touch with
151 the executive director of Reprieve's Life After Guantanamo
152 program, which supports former detainees as they rebuild their
153 lives, and they too will assist him in making the transition from
154 detainee to a productive member of the community to which he is
155 transferred. In terms of his attitudes, I think the fact that Mr.
156 Uthman is here, willing to participate in this hearing and once
157 again answer questions from this Board, is very strong proof that
158 his mindset has completely changed from his teenage years and
159 early 20's, and that he harbors no anti-American or anti-social
160 attitudes. He is here because he believes in the system, he wants
161 to work within the established process and procedures, and he
162 respects and relies on the willingness and ability of this Board
163 to listen to him and treat him fairly. As this Board knows, his
164 faith in this system is not shared by many of his fellow detainees
165 nor, in fact, by many of their lawyers. The other comments I
166 would like to make refer to classified information, so I will
167 close this section of my statement by urging this Board to listen
168 to Mr. Uthman with open minds. I ask that to the extent the Board
169 uses his answers to questions about his pre-Guantanamo activities
170 as a measure of his credibility, you consider very carefully the
171 reliability, source, and circumstances of assertions in the
172 materials submitted to you that are inconsistent with what he
173 describes. Mr. Uthman has been imprisoned for almost 18 years.
174 During that time, he has matured, he has educated himself, he has
175 learned new ways of thinking, he has rejected his old ideas. His

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176 goals are to be permitted to live outside of prison, to marry, to
177 start a small business and support himself, to be once more with
178 his family. He is facing life imprisonment, but he has never been
179 charged with a crime and it seems he never will be. Nevertheless,
180 despite some understandable bouts of frustration, he remains
181 optimistic about the future and places his trust in the processes
182 and procedures of the system. That is why he is here today. I
183 hope this Board will agree that it is time for him to be released.
184 Thank you.

185 PM: Board Members may reserve questions until detainee and witness'
186 statements have been presented in their entirety. However, does
187 anyone have any questions at this time? With no questions, this
188 concludes this portion of the hearing. I ask that all remain
189 seated until further instructed by the Case Administrator.

190 CA: We will take a short recess to prepare for the remaining sessions.
191 Time now 0924.

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