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1 CA: This Periodic Review Board is being conducted at 0908, on 23
2 February 2021 with regard to the following detainee: Uthman
3 Abd al-Rahim Muhammad Uthman (ISN 27). As a reminder, the
4 unclassified portions of these proceedings are being
5 recorded for the purpose of generating a transcript to be
6 posted on the PRS website.

7 DC Translator: *[Translates above]*

8 CA: Representatives from the following agencies are present and
9 are members of the Board: Department of Defense, Department
10 of State. Department of Justice, Department of Homeland
11 Security, Office of the Director of National Intelligence
12 and Office of the Chairman of the Joint Chiefs of Staff.
13 The following personnel are also present: Legal Advisor to
14 the Board, Case Administrators, Personal Representative,
15 Private Counsel, translators, the detainee, and the
16 Security Officer.

17 DC Translator: *[Translates above]*

18 CA: The detainee's Personal Representative, the detainee, and
19 translator are located at the detention facility, U.S.
20 Naval Station Guantanamo Bay, Cuba. They are attending via
21 video teleconference. The Private Counsel is also attending
22 via video teleconference due to COVID logistical
23 challenges. The detainee has waived translation of the
24 unclassified summary, the Personal Representative's
25 statement, and the Private Counsel's statement. The
26 unclassified summary has been posted to the Periodic Review
27 Secretariat website. Foreign, national and local media;
28 Foreign Government Officials; and Representatives from Non-
29 Governmental Organizations may be observing this session.

30 DC Translator: *[Translates above]*

31 CA: Ladies and Gentlemen, please ensure that your mask is
32 covering your mouth and your nose at all times. Thank you.

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33

34 DC Translator: *[Translates above]*

35 PM: This Board is convened to determine whether continued law
36 of war detention is warranted for Uthman Abd al-Rahim
37 Muhammad Uthman (ISN 27) to protect against a continuing
38 significant threat to the security of the United States.
39 From here forward, we will refer to the detainee as Uthman.
40 This session of the hearing is unclassified.

41 DC Translator: *[Translates above]*

42 PM: Uthman, this is your Periodic Review Board to determine
43 whether continued law of war detention is warranted in your
44 case. Continued law of war detention will be warranted if
45 it is necessary to protect against a continuing significant
46 threat to the national security of the United States. The
47 focus of this hearing is on the threat you may pose to the
48 United States and its interests if transferred or released
49 from U.S. custody. It is not on the lawfulness of your
50 detention.

51 DC Translator: *[Translates above]*

52 PM: The Personal Representative and Private Counsel are your
53 representatives to assist you during this hearing.
54 Finally, the translators ensure that everyone understands
55 your statements and that you understand what is being said
56 during the hearing.

57 DC Translator: *[Translates above]*

58 PM: Personal Representative, has the detainee had an
59 opportunity to review the Unclassified Summary?

60 DC Translator: *[Translates above]*

61 PR: Yes, Sir.

62 GTMO Translator: *[Translates above]*

63 PM: Thank you. I will now read the UNCLASSIFIED SUMMARY:

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64 Uthman 'Abd al-Rahim Muhammad Uthman (ISN-27) left Yemen to
65 participate in jihad in Afghanistan and later became a
66 bodyguard for Usama Bin Ladin. He fought at Tora Bora
67 probably against coalition forces and was detained in
68 December 2001 while fleeing to Pakistan. He has repeatedly
69 denied being a member of al-Qa'ida or a bodyguard for Bin
70 Ladin. Does the Personal Representative wish to make an
71 unclassified Opening Statement at this time?

72 DC Translator: *[Translates the question above]*

73 PR: Yes, Sir.

74 GTMO Translator: *[Translates above]*

75 PM: I would like to remind all participants that any
76 information shared at this time must be unclassified. If
77 there is a concern about the classification of the
78 information, I will indicate as such and will stop the
79 proceedings until we resolve the issue. Has the detainee
80 had the opportunity to review your statements?

81 DC Translator: *[Translates above]*

82 PR: Yes, he has Sir.

83 GTMO Translator: *[Translates above]*

84 PM: Personal Representative, you may now proceed.

85 DC Translator: *[Translates above]*

86 PR: Esteemed board members, thank you for the opportunity to
87 present my thoughts regarding Mr. Uthman Abd al-Rahim
88 Muhammad Uthman. While I have recently been assigned as
89 Uthman's personal representative, I have had many extended
90 conversations with him both in person and over the phone. I
91 have gotten to know this man, his background, how his views
92 of the world have evolved over the years he has spent in
93 detention, and his hopes and plans for the future.
94 In previous hearings, Mr. Uthman, his previous PRs, and
95 PCs, have all outlined his past actions and relevant time

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96 in detention. And my review of previous hearing files
97 indicate a consistent theme--that he became involved with
98 the wrong people at a very young and impressionable age,
99 took actions that were consistent with his uninformed
100 religious beliefs at the time, and that his beliefs have
101 dramatically evolved over the last 19 years in detention. I
102 have spent many hours with Mr. Uthman discussing his past,
103 present, and future. I believe that he is a profoundly
104 different person today compared to his views of the world
105 prior to detention. Mr. Uthman's convictions in his teenage
106 years were formed by his narrow studies of Sharia law. He
107 recognizes that his zealous view of the world was
108 uninformed. At the time, he earnestly believed that he was
109 fighting for good. However, over the twenty years he has
110 spent in detention, several changes have occurred.
111 First, he has been exposed to the western world and a wide
112 diversity of people, thoughts, beliefs, and ways of life.
113 He has been educated. While most detainees have become
114 embittered and angry, Mr. Uthman has steadfastly taken
115 actions to better himself by embracing the educational
116 opportunities available to him. This has opened his mind
117 and he now sees the world from a much broader perspective.
118 And finally, he has matured. Uthman was a teenage boy in
119 Yemen when he had a narrow religious point of view. As a 41
120 year old man, he now has a more comprehensive view of the
121 world. A view that respects and appreciates diversity of
122 thoughts, religion, and ways of life. He explained to me
123 that he no longer believes that war is necessary to resolve
124 conflict. He understands that the modern world has peaceful
125 venues to resolve conflict, such as the United Nations.
126 Further, he does not regard fighting for other people's
127 religious conflicts as his responsibility. I believe that

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128 Mr. Uthman has a bright future beyond detention. I believe
129 this for several reasons. He has strong family support from
130 educated people with moderate world views. They stand ready
131 to provide financial and emotional support. He also has
132 hopes to marry someday and build a family. He is willing to
133 work hard to make an honest living, and even has plans for
134 a business. Mr. Uthman's 19 years in detention have
135 profoundly changed his belief system. He earnestly desires
136 and plans to live an honest and peaceful life. He maintains
137 hope that the PRB will see that he is not a threat to the
138 United States. He is ready to honestly answer any of your
139 questions. I ask that the board members ask the questions
140 necessary to resolve all doubts in your mind of whether
141 this man is a threat and recommend release from detention.

142 PM: Thank you. Due to the current uh global health pandemic,
143 the PC has been unable to travel to GTMO and participate in
144 the unclassified portion of this hearing. As a result, the
145 PR will now read the PC's opening statement. However, the
146 PC will subsequently be available for classified
147 discussions with the Board today.

148 DC Translator: *[Translates above]*

149 PR: On behalf of the Private Counsel, I am private counsel for
150 Uthman Abd al-Rahim Muhammad Uthman. I have appeared before
151 the Board a number of times over the past six years, but
152 would like to take this opportunity to introduce myself
153 again, so you have a context to consider my comments about
154 Mr. Uthman. Shortly after law school, I became a prosecutor
155 in the New York City District Attorney's Office in
156 Manhattan, where I worked for eight years, investigating
157 and prosecuting organized crime and large scale tax
158 evasion, among other criminal conduct. When I left the
159 District Attorney's Office, I joined a corporate law firm

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160 in New York City, and spent most of the rest of my career
161 as a partner in corporate law firms. Much of my work was
162 representing generic pharmaceutical companies in patent
163 infringement litigation against brand pharmaceutical
164 companies. I also defended the Port Authority of New York
165 and New Jersey - the owner of the World Trade Center
166 complex - in litigations arising out of the events of
167 September 11, 2001. On a pro bono, unpaid basis, I helped
168 victims of that attack make claims against insurers and
169 obtain compensation from the fund established by the US
170 government for that purpose. That work led directly to my
171 being asked to represent men detained at Guantánamo, which
172 I have done on a pro bono, unpaid basis since 2005. I am
173 now retired from the private practice of law. Turning to
174 Mr. Uthman - first I would like to note that at the time I
175 am writing this statement, I have not been able to see
176 either the classified or unclassified version of the
177 current profile or the current summary, so I apologize if
178 some of my comments are inapposite. Over the past year and
179 a half, I have gotten to know Mr. Uthman fairly well.
180 Before the pandemic, I met with him more than half-a-dozen
181 times. In the past year, when I could not travel to
182 Guantánamo, I have spoken with him monthly. He is
183 thoughtful, polite and open-minded. He has a very dry sense
184 of humor. He is eager to learn and has taken advantage of
185 the opportunities at Guantánamo to take classes, ranging
186 from business to art to English. He has worked hard at
187 these studies. Last year, we had several meetings without
188 an interpreter, and we were able to talk in English -
189 albeit with copious use of the dictionary. We talked about
190 the meaning of my name in Hebrew and Arabic, and compared
191 similar stories in the Old Testament and the Koran - as

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192 well as talking about his hopes for the future and his
193 family. Mr. Uthman has a large and supportive family. I
194 have been in touch with his brother, who confirmed to me
195 only a few weeks ago that despite the current situation in
196 Yemen, Mr. Uthman's family is still able to provide him
197 with, as they put it, "all the necessary means of living
198 and work" and to help him with job training and education.
199 Mr. Uthman's brother added "we are a cohesive family and we
200 love each other." Mr. Uthman takes particular pride in his
201 oldest sister, who is unmarried, has a graduate degree, and
202 teaches chemistry - he sees her as a model for his future
203 wife. The family submitted letters to this Board in the
204 past; I was not able to get additional family letters or
205 videos in time for this hearing because of the short notice
206 given of the hearing and unreliable internet connections to
207 Yemen. Mr. Uthman's plans for his life once he is released
208 are realistic and achievable. In the business class here,
209 he created a business plan to start a food truck. His
210 brother told me that they are prepared to purchase the
211 truck for him. In addition, some members of the Board may
212 be familiar with Reprieve's Life after Guantanamo program,
213 that helps released detainees adjust to their new lives.
214 This program is willing to assist Mr. Uthman in building a
215 productive life. If needed, I and his habeas counsel, a
216 major corporate law firm, will also stay in touch and
217 continue to assist him. I would like to address the Board's
218 previous concern about Mr. Uthman's candor and that he may
219 have been, quote, "tailoring his responses." In reality,
220 Mr. Uthman has been remarkably candid and forthcoming in
221 his statements to the Board. The Board's skepticism seems
222 to be based on his denials that he was a bodyguard for bin
223 Laden or a member of al Qaeda. I am aware that this is not

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224 this Board's role to make factual determinations of the
225 intelligence. But if you are going to judge Mr. Uthman
226 based on whether he agrees with accusations, then I ask
227 that you carefully consider with open minds whether those
228 allegations are logical and credible. If that is done, I
229 think the Board will realize that Mr. Uthman is telling the
230 truth. In its previous decisions, the Board relied on
231 allegations from other detainees. Two detainees submitted
232 written statements to the Board that their claims about Mr.
233 Uthman were untrue and made under enhanced interrogation.
234 The government does not dispute that these statements were
235 obtained under torture, which would mean they should not be
236 considered by the Board. The PRB implementing guidelines
237 state clearly that "The PRB shall not rely on information
238 obtained as a result of torture or cruel, inhuman, or
239 degrading treatment." *November 27, 2017 Policy Memorandum*
240 *"Implementing Guidelines for Periodic Review of Detainees*
241 *Held at Guantanamo Bay per Executive Order 13567,"*
242 Attachment 3, section 6.k(1) (applicable to subsequent
243 reviews by section 7). For this hearing, we have submitted
244 to the Board the unclassified versions of sworn affidavits
245 describing the torture and enhanced interrogation of those
246 detainees that led to their statements. In closing, I ask
247 you to consider who Mr. Uthman is now. Mr. Uthman's mindset
248 and attitudes have completely changed from his early 20's.
249 He harbors no anti-American or anti-social attitudes. He
250 has never been resentful because of his imprisonment or
251 hostile to the United States in any of our many
252 conversations. He has been among the most compliant
253 detainees throughout his lengthy detention. He continues to
254 work within established processes and procedures such as
255 this Board, despite his intense disappointment at its

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256 decisions. Over his 19 years in detention, he has grown up,
257 matured and educated himself, and learned from past
258 mistakes. I hope this Board will agree that he poses no
259 threat to the United States - or anyone else - and should
260 be cleared for release. Thank you. This concludes the
261 Private Counsel's statement.

262 PM: Thank you. Board Members may reserve questions until
263 detainee and witness statements have been presented in
264 their entirety. However, does anyone have questions at this
265 particular time?

266 DC Translator: [*Translates above*]

267 PM: With no questions, this concludes this portion of the
268 hearing. I ask that all remain seated until further
269 instructed by the Case Administrator.

270 DC Translator: [*Translates above*]

271 CA: We will take a short recess to prepare for the remaining
272 sessions. Time now 0930.

273 DC Translator: [*Translates above*]

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