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[The detainee hearing was opened at 0925, 20 November 2013.]

PM: Thank you for your patience. We're ready to proceed.

The detainee may give his statement.

DET: Good morning, I am Mahmud Abd al-Aziz al-Mujahid, ISN 031. I am from Taiz, Yemen. I am 33 years old. I have formed the most important things in my written statement. I hope you will see my case as a good one.

While I have been here, I have tried my best to obey the rules and not resist orders. I have cooperated with authorities and have resolved conflicts. I am not a danger to myself or anyone else.

As I have told the interrogators, I hope the administration will send me to a Western country; there will be more opportunity and open-mindedness. But I also have a strong family in Taiz; will support me and help me move on with myself -- with my life.

I will go there willingly if that is the way you will release me. And thank you.

PC: I will pause briefly when Mr. Mujahid speaks just to make sure that he is clear on what's being said.

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PM: Okay. Thank you.

So that concludes the detainee's statement?

PC: Yes, sir.

PM: Okay. Thank you.

I would like to now ask the board members if anyone has questions which they would like to ask of the detainee. Before we proceed, please indicate if you have a question.

Then I have an opening statement to make regarding the questions for the detainee's purposes. Okay.

Okay. So the board members do have some questions for the detainee. So I would like the personal representative, personal counsel, and detainee to understand that the board will ask questions of the detainee; he is not required to answer any of the questions that have been put forward to him. But we would welcome a response for those questions that of interest to the board.

So with that, I would like to turn to the first question.

BM: Good morning, Mr. Mujahid.

DET: Good morning.

BM: First of all, I would like to thank you and echo what our chair has said and thank you and your counsel and your representative for the very good submission that you made to us. And I would also like to commend you for the efforts that you

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have made over the last several years to improve your life, to assist at the camp, and to be a positive force among your fellow detainees.

The question I have is that assuming you were to go back to Yemen, when you were there the last time, the same strong, family support was present, yet you embarked on the path that took you to Afghanistan.

Why should we have greater confidence now that your family support would be able to help you continue in your improving ways and keep you from taking a path that takes you in a direction that would continue to pose a danger for us or others?

PC: Mr. Board Member, I have to try to answer that question for Mr. Mujahid. It's our understanding that, although we are not -- that we're not here to relitigate the question of whether Mr. Mujahid is lawfully held. We have not gone back to challenge the assertions in the government's dossier.

If that becomes the issue, we will be glad to come back and contest that issue. The question that you ask, sir, is a logical question if the allegations are accepted as true. Mr. Mujahid has never accepted those accusations as true, and neither do we.

So respectfully, the question is -- rests on a premise that we did not think the board was going to go into. We

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thought that this was a forward-looking procedure and that the detainee's conduct since 2009 and his future conduct would be the focus on the proceeding.

BM: And I did not mean by my question to imply or suggest that he had to accept any prior representations. What I mean by my question -- I tried to phrase it as carefully as I could, and actually gave it a lot of thought before this session so that I would not invite relitigation of past issues -- but I don't think he's disputing that he left Yemen and ended up in Afghanistan.

And we can have differing opinions as to what the narrative is when he went there, but at least from our perspective, he was in a place and was captured at a place which causes us some concern. And he did leave Yemen and go there, and I -- my intent is to be forward-looking and, I wonder if a similar opportunity or opportunities to engage in extremism in Yemen were to present themselves, what would the family do or why would we -- why should we have confidence that the family would intervene to ensure that he does not go down that path.

PC: And my only point is that one cannot assume that there was cause for concern by the United States when he was captured or thereafter; and, again, I say the premise of the question is, if it happened before, why won't it happen again. And Mr. Mujahid does not accept the proposition that it happened before.

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I think that Mr. Mujahid can speak to the family that he will return to when he goes back to Yemen, but I would say that it would be an entirely different hearing if we were required to show that he is -- he was of no concern to the United States at the time. That goes to the question of the lawfulness of his detention, which we believe is not in dispute here.

Would you talk, Mr. Mujahid, about the support that you will get from your family when you return to Yemen, if you return to Yemen?

DET: [Speaking in Arabic.]

TRANS 2: Yes. My family in Taiz offer me the upmost support. They welcome my return back to Taiz where they furnish and prepare for me an apartment in our compound in Taiz, Yemen.

DET: [Speaking in Arabic.]

TRANS 2: I am obviously -- upon my return back to Taiz, I will look forward to be gainfully employed. Therefore, my family in Taiz, Yemen, they lined up a series of employment where I will look to the one that will fit me the most to embark on it.

DET: [Speaking in Arabic.]

TRANS 2: Most recently, my grandfather, the dean of my family, have sold a piece of real estate, and my inheritance of this parcel is approximately, in American dollar, \$45,000.

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DET: [Speaking in Arabic.]

TRANS 2: Furthermore, the family offered to me to an arranged marriage, as customary in our country; and up till now, I didn't make my mind.

DET: [Speaking in Arabic.]

TRANS 2: The reason being, I would like to follow my study and enroll in a suitable college.

DET: [Speaking in Arabic.]

TRANS 2: On this reason I mention to represent some type of stability that I hope to enjoy upon my return to my civilian life.

PC: That's his answer, sir.

PM: Thank you.

Okay. Another question, please.

BM: I notice that, since 2009, you've had a much greater propensity for cooperation, as we've discussed. And I wondered if you could talk a little bit about what may have inspired you to cooperate more since 2009 and the potential attitude change that we see.

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: I decided to change; the more I age, the more I mature.

DET: [Speaking in Arabic.]

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TRANS 2: During my incarceration in Guantanamo Bay, Cuba, I learned a lot of things about my fellow inmate and myself that forced me to change.

DET: [Speaking in Arabic.]

TRANS 2: I meet anger with peace. That's all what I can think of right now.

BM: Thank you.

PM: Okay.

BM: Can you tell us a little bit more about your family that you referenced your strong family ties in Yemen?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: Thank be to God we are a close-knitted family. We love each other and we relate to each other.

DET: [Speaking in Arabic.]

TRANS 2: I am the youngest member of my family, and I am therefore well liked.

DET: [Speaking in Arabic.]

TRANS 2: My brothers and my family are occupying important posts and position within the Yemeni apparatus.

DET: [Speaking in Arabic.]

TRANS 2: The wing that they built for me in our family compound, I did not spend a penny in building it. It was a donation from all the members of my family.

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DET: [Speaking in Arabic.]

TRANS 2: We are eight males and three females.

DET: [Speaking in Arabic.]

TRANS 2: We are always in contact, and we ask about each other at all time [sic].

DET: [Speaking in Arabic.]

TRANS 2: I have a lot of nieces and nephew that I lost count.

DET: [Speaking in Arabic.]

TRANS 2: They ask about me at all time.

DET: [Speaking in Arabic.]

TRANS 2: And they ask me -- and they pray for me to be released.

PM: I have a question. Continuing with further information about your family, your grandfather, Abdul Ali, according to one of your witnesses, Ms. Alsoswa, is a very influential judge within Yemen and a well respected figure within Yemen.

Could you please tell the board about your relationship with your grandfather and how his teachings influence you and whether you follow his guidance?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

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TRANS 2: My father passed away when I was three years old. My grandfather obviously passed away before him, but through the teaching of my family, I believe I learned decency and politeness and being a person of citizenry.

DET: [Speaking in Arabic.]

TRANS 2: All my uncles are judge.

DET: [Speaking in Arabic.]

TRANS 2: My Uncle Abdullah is the judge of all judge of the region of Taiz.

DET: [Speaking in Arabic.]

TRANS 2: My father used to be a clerk in one of Taiz's supreme court.

DET: [Speaking in Arabic.]

TRANS 2: My uncles inherited the profession of judgemanhip through my grandfather and grandparents.

DET: [Speaking in Arabic.]

TRANS 2: The bulk of my family work in the press and the media; they are lawyers, judges, and legal peoples.

DET: [Speaking in Arabic.]

TRANS 2: Accordingly, in our household, we were taught politeness, decency, and human being.

DET: [Speaking in Arabic.]

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TRANS 2: I tell you the truth, through this kind of strict upbringing, I dare to tell you that I never flirted even with a woman.

DET: [Speaking in Arabic.]

TRANS 2: I never was a troublemaker. I'm not a gangster; I'm a simple person.

DET: [Speaking in Arabic.]

TRANS 2: This is all what I learned from my family, is to be a person, a human being, a decent person.

DET: [Speaking in Arabic.]

TRANS 2: First time I spoke with a woman when I came to Guantanamo Bay, Cuba.

PM: Thank you very much for the additional information about your family members. And you talked a little bit about your ten brothers and sisters.

I was wondering if you could provide the board a little more information about your eldest brother, Ahmed al-Abdul Aziz: your relationship with him and with his family.

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: My older brother was a teacher, and then he became first teacher, and now he is an administrator in the Department of Education in Yemen.

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DET: [Speaking in Arabic.]

TRANS 2: Since I was young, my brother -- my older brother, that is -- was my ideal example of a person. He was my mentor, my teacher, and my father.

DET: [Speaking in Arabic.]

TRANS 2: He was as well my reference.

DET: [Speaking in Arabic.]

TRANS 2: He is our most honorable individual in my family.

DET: [Speaking in Arabic.]

TRANS 2: Being the youngest, my brother -- my oldest brother adore me, and my relation with him is one that is considered intimate.

DET: [Speaking in Arabic.]

TRANS 2: During my various telephone conversation here from Guantanamo Bay, if he couldn't attend, he always make sure to send his regards. That's all what I can think of at this time.

PM: Thank you. That's very helpful.

Your middle brother, Mohammed, provided a statement on your behalf, and that's where the board learned some of the information that you provided in this session so far about what awaits you if you were to return to Yemen.

Could you talk a little bit about your relationship with Mohammed and his family also?

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TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: My brother Mohammed think of me as the youngest; and throughout my plot here, he feel I must be given the most opportunity when I return.

DET: [Speaking in Arabic.]

TRANS 2: He is emotional and loving.

DET: [Speaking in Arabic.]

TRANS 2: When my mother was on the deathbed, she kept mentioning my name in front of my brother Mohammed, and he promised her that he would take care of me.

PM: Thank you.

DET: [Speaking in Arabic.]

TRANS 2: And ever since, he never stopped to support me.

PM: Thank you.

You have another brother, Riyadh. Could you talk a little bit about your relationship to Riyadh and his family?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: My brother Riyadh, he is the legal expert to the family of Abdul Waleed al-Mujahid.

DET: [Speaking in Arabic.]

TRANS 2: He is the one who built this compound wing for me from his own money, and he is entrusted with my \$45,000 that I

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inherited legally from the sale of a piece of real estate of my grandfather is entrusted with him, my brother Riyadh.

DET: [Speaking in Arabic.]

TRANS 2: He is the one who is insisting that I must get married as soon as I return back to Taiz. However, I'm still resisting the idea of getting married right away. This is all what I can think of right now.

PM: Okay. I believe we have another question on a family member.

BM: Could you just also talk about your relationship with your brother Abdullah and a little bit about him?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: I consider my brother Abdullah as my friend and confidante.

DET: [Speaking in Arabic.]

TRANS 2: When I have a scheduled phone call to the family, he is the one who take it upon him to group the family, to transport them to the location of the telephone; and he make all the arrangement to facilitate this encounter.

DET: [Speaking in Arabic.]

TRANS 2: He is the one who is in contact with the Red Cross when -- and he send me stuff to Guantanamo Bay through the Red Cross organization.

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DET: [Speaking in Arabic.]

TRANS 2: He is a free agent, meaning he has his own business and he does not work for anybody else.

DET: [Speaking in Arabic.]

TRANS 2: He is insisting, however, that he will never get married unless I get married.

DET: [Speaking in Arabic.]

TRANS 2: I think he's going to wait for long time.

PM: So I know that sometimes -- you've made a point sometimes now that you're the youngest member of the family and that that can be an advantageous position because your elder brothers and sisters adore you. But sometimes it can be frustrating because your older brothers and sisters want to tell you what to do and where to go and how to do things.

And so, for example, if you have a disagreement with one of your brothers or sisters over their guidance for you -- let's say, for example, you have a disagreement with Riyadh over your \$45,000 and how he wants you to spend it versus how you want to spend it, how would you resolve such a difference?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: Since I can remember, my family treated me of the upmost respect. They never pressured me, and they never imposed

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their will on me. Since I was 18 years old, I had my own opinion and my own resolve.

DET: [Speaking in Arabic.]

TRANS 2: I'll give you an example. This sudden change that came to me while I'm incarcerated in Guantanamo Bay, it wasn't from pressure that I had from my fellow inmate; it is from what I saw inside this establishment. So I am the judge of my temperament.

DET: [Speaking in Arabic.]

TRANS 2: I'll give you an example. During my incarceration in Guantanamo Bay, for example, a security guard will be splashed by one of my fellow inmate. The very second day, this very soldier return back to the cell block with a great smile in his face, great candidness, and great service to his country. I learned that from him. I do not revenge now. I look at him, and I say, "How did he tolerated such treatment?" I am learning.

DET: [Speaking in Arabic.]

TRANS 2: I do not imitate what the other do, but I learn from good examples.

DET: [Speaking in Arabic.]

TRANS 2: I am always learning here, and I learned a lot from the interrogators. This is what I can think of right now.

PM: Thank you.

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BM: Mr. al-Mujahid, can you describe what your brother Riyadh does for a living? And, also, you had talked about your family had lined up jobs for you. I was wondering -- or job interviews, I'm sorry. I was wondering in what fields those jobs might be.

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: Riyadh, he is the one who built the -- my small wing in our family compound, but the person who aligned for me jobs is my brother Mohammed and also my brother Ahmed.

DET: [Speaking in Arabic.]

TRANS 2: My brother Mohammed found a job for me -- or aligned a job for me in the Yemeni newspaper al-Jumhuriya, a very well known newspaper.

DET: [Speaking in Arabic.]

TRANS 2: What jobs that my brother Ahmed lined up for me are jobs for beginners, but I don't know the entity of these kind of jobs.

PC: May I clarify one thing, please, as part of the answer to the question. Mr. Mujahid previously described the work and position of his brother Riyadh, and I'm sure he'd be glad to repeat that. But the answer is already -- has already been given.

PM: Did you want to clarify?

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PC: But we'd like to hear --

BM: Yes, can I hear it again, please? Thank you.

PC: What does your brother do now? You discussed it; you might just want to repeat it.

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: My brother Riyadh, he is the one who found the deed of all this parcel of real estate that we had, and we didn't know anything about it. And 600 individual of my family benefit of this sudden wealth.

And since that time, all my family considered Riyadh to be the dean of my family, and they ask him about every legality and every minute or bigger issue and what is going on with the family. He is to give them counsel and advice, and I emulate him and respect him for that.

DET: [Speaking in Arabic.]

TRANS 2: He is -- like all my brothers, he is the one who is going to take care of me upon my return, from housing, lodging, to living -- daily living, that is. That's all what I can say.

PM: Thank you. Next question, please.

BM: Good morning. You have -- many of your family are in influential positions in Taiz and take a role in the society. I was wondering what your family feels about the national dialogue

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from the perspective of the country of Yemen and how it develops and if you sent anyone from your family as a representative in the national dialogue of -- that just concluded a few weeks ago. Thank you.

PC: Do you know about the national dialogue? This is a --

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: I really don't know much about the national dialogue. I know it is taking -- it is in Yemen. There is some kind of discussion. I do not follow politics.

PM: Next question.

BM: You stated a strong preference to go to Europe -- or a Western country. And my question is: If that were to happen, how would your family react? They've done so much to prepare for you to come home and they want you to come home. Would they be supportive of that, and would you still have their support if you were in a Western country? Or would that be a problem for the family?

DET: With no doubt, they will support me anywhere. With no doubt, they will support me and they will be there for me.

PM: Thank you.

Your personal counsel, in his opening statement, made mention the fact that Yemen is still an unstable place and that's one of the reasons why you have an interest in going to a

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Western country: more open-minded culture but also because of the uncertainty that exists in Yemen today.

Can you tell us a little bit about your family's views on this uncertainty and on terrorism attacks that have occurred against Yemeni people and their view on these types of attacks?

TRANS 2: [Translation of above.]

Is it a part of the question that the terrorist attack in Yemen and then his aspiration to go to a Western country? Is that the question?

PM: No.

PC: I think the question, if I may, is how does the family -- is the question, sir, how the family perceives the troubles of Yemen and what their reactions are?

Is that a correct summary of your statement?

PM: Yes. The question focused on the family reaction to the uncertainty in Yemen with specific attention to the types of terrorist attacks that have occurred in Yemen against Yemenis and what their view is about the situation, and specifically their view about these terrorist-types attacks.

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: I do not know what is their views vis-a-vie the terrorist attack in Yemen, but I know that my family are far away from such matters, and they do not get involved in matters

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of terrorism or follow what's going on concerning terrorism in Yemen.

DET: [Speaking in Arabic.]

TRANS 2: Even the demonstration and the rallies that took place against the former President Ali Abdullah Saleh. Whenever I ask them out of curiosity, they told me no one from our block in our street participated in such rallies. That's all for me.

PM: So it is -- just so we understand, is it your statement, then, that, throughout your extended family, that none of your family members have in the past or currently support Al Qaeda or other hostile terrorist groups?

PR 1: Sir, can you please repeat that? I was speaking to him while you were talking.

PM: That's fine. I just wanted to have clarity for the board, understanding that it's his statement. Is it his statement that none of this family -- extended family members, in the past or currently, have supported Al Qaeda or other hostile terrorist groups -- violent terrorist groups?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

PC: -- and women.

PM: So if you could repeat that please, we had a temporary glitch in our signal. We lost you for about 15 seconds, so if

TRANS 2: And to give you an example, one of my relatives who is married to one of my sister, he's a first lieutenant in the army. And that give you an example that we are really removed from this kind of interaction inside or outside the country.

[illegible]

[illegible]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PM: As you know, the government of Yemen is on a very active campaign right now to try to have its citizens support activities against terrorist type activities and terrorist attacks.

If the government of Yemen were to make a request for him to appear on television to renounce terrorism or to speak out against terrorism, would he be willing to do so?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: I am going to follow the Arabic wisdom that state stay far away from evil and sin.

DET: [Speaking in Arabic.]

TRANS 2: I do not want to get involved in those matter at

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all. And I would like to disappear from it.

DET: [Speaking in Arabic.]

TRANS 2: I do not want to be in trouble with the terrorist, as well I do not want to be in trouble with the Yemeni government.

DET: [Speaking in Arabic.]

TRANS 2: All what I need -- I want to go on with my life. I want to live a peaceful life.

PM: Question?

Any other board member questions?

So just a couple last questions: Ms. Alsoswa, in her statement, noted that the area where Mr. Mujahid grew up in was a very religiously diverse community where Muslims, Jews, and people of other faiths all lived together and lived together well.

I'd be interested in knowing Mr. Mujahid's specific views of Jews, Christians, and other nonMuslims and how he intends to interact with them in his neighborhood.

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: It's a quite a coincidence. Yesterday I was mentioning to my lawyer about a tomb of a revered Jewish rabbi that is in Taiz. And I was telling him that the Taizi people goes to that tomb to ask for favor -- religious favor, that is.

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Taiz is a peaceful region where people believe in love and equality, and they do not have any even trace of racist.

DET: [Speaking in Arabic.]

TRANS 2: As you know, Taiz -- the terrorist activity in Taiz is very, very minimal, and there is no such terrorist activity there.

DET: [Speaking in Arabic.]

TRANS 2: They call Taiz the intellectual city because the people of Taiz are open minded. That's all.

PM: So I think the question was less about the city of Taiz and the people there, and more about the -- Mr. Mujahid's own personal views of living in such a diverse community and how he would live in such a community and what contributions he would make to such a diverse community.

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: I'm going to live like the people lives in Taiz: I will be peaceful; I'm going to deal with every sect, every minority, every people; I'll love everybody, and I will live in peace with them. I will cooperate and coordinate and work with them as my family in Taiz.

PM: Thank you.

Are there any other last questions from board members?

So at this time, there are no other questions from

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board members for Mr. Mujahid. I would like to ask the personal representative and the personal counsel if they have any questions for Mr. Mujahid?

PC: I would -- this is less of the nature of a question than a comment: Mr. Mujahid said that he is ready to leave. Is the plane ready to leave? I think that states very well his desire to go back to the world, resume his life.

He's obviously a thoughtful person, gives a lot of care to just the very matters that you have raised, who appreciates being first in line -- in a sense, it's a privilege -- for the kickoff of your board. And we do fervently hope that you will approve him for transfer at the early -- earliest possible opportunity.

PM: Thank you for that statement.

At this point, we would like to ask the detainee, Mr. Mujahid, do you have anything further you would like to offer to the board for consideration?

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: All what I hope for is to be released from this place. I am not looking to receive a release order and remain behind bar. I would like to be released as released, period.

PC: Released into freedom.

TRANS 2: Into freedom.

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PM: Very well.

Mahmud Abd al-Aziz al-Mujahid, this concludes your participation in the proceedings. We thank you for answering all of the board's questions and providing thoughtful responses to those questions.

The board will now continue in a classified session. Your personal representative and private counsel will remain and attend the classified session and will continue to advocate on your behalf.

The board will then deliberate to determine whether continued law of war detention is warranted in your case, and your personal representative will advise you of the results.

We thank you.

DET: You're welcome.

[The detainee session closed at 1023, 20 November 2013.]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER
DET: DETAINEE
PC: PRIVATE COUNSEL
PM: PRESIDING MEMBER
PR 1: PERSONAL REPRESENTATIVE ONE
PR 2: PERSONAL REPRESENTATIVE TWO
TRANS 1: TRANSLATOR ONE
TRANS 2: TRANSLATOR TWO