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SOME PARTS OF THIS TRANSCRIPT HAVE BEEN REDACTED OR MODIFIED AT THE REQUEST OF THE DETAINEE, HIS PERSONAL REPRESENTATIVE, OR HIS PRIVATE COUNSEL, OR DUE TO CLASSIFICATION OR SECURITY CONCERNS.

CLERK: This periodic review board is being conducted at 0900 [sic] hours on the 28th of January 2014 at the Periodic Review Secretariat Headquarters, Arlington, Virginia, regarding the following detainee: Abdel Malik Ahmed Abdel Wahab al-Rahabi.

As a reminder, the unclassified portions of these proceedings are being recorded for the purpose of generating a transcript to be posted on the PRS website.

TRANS: [Translation of above.]

CLERK: Representatives from the following agencies are present:

DEPARTMENT OF DEFENSE;

DEPARTMENT OF STATE;

DEPARTMENT OF JUSTICE;

DEPARTMENT OF HOMELAND SECURITY;

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE;

OFFICE OF THE CHAIRMAN OF JOINT CHIEFS OF STAFF;

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATOR;

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HEARING CLERK;
PERSONAL REPRESENTATIVE;
PRIVATE COUNSEL;
2 TRANSLATORS;
DETAINEE;
AND, A SECURITY OFFICER.

TRANS: [Translation of above.]

CLERK: The detainee's personal representative, private counsel, the detainee, and one of two translators are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba, and are attending this hearing via VTC.

TRANS: [Translation of above.]

PM: This board is called to order. This board is convened to determine whether continued law of war detention is warranted for detainee Abdel Malik Ahmed Abdel Wahab al-Rahabi in order to protect against a significant threat to the security of the United States.

TRANS: [Translation of above.]

PM: This periodic review board hearing session is unclassified. Classified documents and classified discussions relating to classified information shall not be presented or discussed during the unclassified session of this hearing.

TRANS: [Translation of above.]

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PM: Mr. Abdel Malik, this is your periodic review board to determine whether continued law of war detention is warranted in your case. Your continued law of war detention will be warranted if such detention is necessary to protect against a continuing significant threat to the national security of the United States and its interests if transferred or released from U.S. custody, and it is not on the lawfulness of your detention.

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, and not on the lawfulness of your detention.

TRANS: **[Translation of above.]**

PM: The personal representatives and private counsel are your representatives and are here to assist you during this process.

Finally, the translator ensures that everyone understands your statements and that you understand what is being said here today during this hearing.

TRANS: **[Translation of above.]**

PM: I would now like to ask the personal representative and private counsel: Has the detainee had an opportunity to review the unclassified summary?

PR: Yes, sir, he has.

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PM: Thank you.

I will now read the unclassified summary for the record:

Mr. Abdel Malik, before his capture, traveled from Yemen to Afghanistan for jihad and almost certainly was a member of al-Qaeda. A body of reporting indicates he fought on the front lines, was a bodyguard for Osama bin Laden, and may have been selected by al-Qaeda to participate in a hijacking plot.

During his incarceration at the Guantanamo Bay Detention Facility, this detainee has provided little information of intelligence value. There are no conclusive indications that this detainee, during his detention, has maintained associations with at-large extremists, except for a former Guantanamo detainee who has not been observed reengaging in terrorist activity. If repatriated, this detainee probably would seek to return to his family in Ibb, Yemen, and has stated that he would take up a peaceful occupation there.

Before his detention, however, he associated closely with extremists who are now active in Yemen, including the current emir of al-Qaeda in the Arabian Peninsula and his brother-in-law, a prominent extremist in Ibb. The marginal security environment in Ibb probably would give this detainee ample opportunities to join AQAP if he decided to reengage.

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This ends the reading of the summary.

TRANS: **[Translation of above.]**

PM: Does the personal representative or private counsel wish to make an unclassified opening statement in this unclassified session?

PR: Yes, sir, we do.

PM: Security officer?

[No verbal response from the security officer.]

PM: I would like to remind all participants that any information shared at this time must be unclassified. If there is a concern about the classification of the information, it will be indicated as such and the proceedings will stop until the classification issue is resolved.

At this time, the personal representative and personal counsel [sic], you may proceed with your opening statements.

PR: Good morning, ladies and gentlemen of the board, the major to my far right and I are the personal representatives for Abdel Malik. Mr. Remes to my right is Abdel Malik's private counsel. To my left is our translator [REDACTED].

The major and I first met with Abdel Malik on 25 July 2013 and have more than 45 hours of direct interaction. Over the past six months, he has demonstrated enthusiasm and desire to participate in the periodic review board process.

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Throughout this process, we have worked closely with Abdel Malik and Mr. David Remes to provide you with information demonstrating that Abdel Malik does not pose a significant threat to the security of the United States.

It is apparent to us that Abdel Malik desires to return home to Ibb, Yemen, and reunite with his wife, his parents, and especially with his daughter, Ayesha, who is now 13.

If transferred, he plans to teach, continue his education, and pursue a business of his own, which is outlined in the Yemeni Milk and Honey Feasibility Report. He also has the ability to work for his father as a tailor.

The periodic review board summary also states that, if he is released, he will most likely return to his family. Based upon his strong family ties, his outside employment opportunities and aspirations, his continuing education, and his compliant behavior, we believe he will most certainly return to his family.

After careful review of the documents we provided and hearing Abdel Malik's comments, we are confident that you will share our opinion and recommend that he be transferred.

Thank you for your time and consideration. The major and I are happy to answer any questions you may have throughout

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this proceeding. We will now defer to Mr. Remes for his opening statement.

PC: Good morning. I am David Remes, private counsel for Abdel Malik. I've been Abdel Malik's lawyer since 2004; Covington & Burling has been my co-counsel.

Here are the factors that I urge you to consider in deciding Abdel Malik's case: Looking first to his life as a detainee, Abdel Malik is compliant, and the camp authorities consider him trustworthy.

In 2009, the authorities decided to move most of the detainees from single-cell detention to communal living conditions. They tested the waters by moving a selected group of detainees to a limited communal condition and then to a full communal condition. At each stage, Abdel Malik was among the first detainees they moved. When they extended communal conditions to the general detainee population, they put Abdel Malik in a communal cellblock for the most compliant detainees.

During last year's hunger strike, in which Abdel Malik participated, the authorities moved the strikers back to single-cell detention. When Abdel Malik ended his hunger strike, they returned him to the cellblock for compliant detainees.

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His blockmates elected him block leader. He has worked with camp authorities to ease the tensions between camp authorities and detainees that continue to smolder.

In the years before the hunger strike, the authorities offered detainees classes. Abdel Malik took practical courses in English and business with Saifullah Paracha, who has submitted a statement on Abdel Malik's behalf. Abdel Malik also took courses for personal growth. Among these were art class, which gave him a love of watercolors. We have submitted examples of his fine colorings.

Finally, Abdel Malik is one of the principal authors of a substantial business plan for an agricultural enterprise called Yemen Milk and Honey Farms, Limited. The report is stunningly detailed and comprehensive. It shows the detainees' broad knowledge of commerce, their dedication to constructive pursuits, and their awareness of the need to set returning detainees on a path to economic independence. We have submitted a copy of that report.

Looking to the life that awaits Abdel Malik when he returns to Yemen, Abdel Malik has a large and supportive family. Over three dozen relatives make the 5-hour car journey from Ibb to Sana'a to participate in the family calls the authorities

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allow detainees every two months. Needless to say, Abdel Malik's parents, his wife, and his daughter Ayesha are present.

Others include his brother-in-law Sadeq Muhammad Said Ismail, a former detainee, ISN 69, who was repatriated in June 2007. After being repatriated, Mr. Ismail returned to Ibb; he married and began a family. I have met him and his son; we have submitted videos and interviews with Abdel Malik's father, his wife, Ayesha -- and Ayesha and Sadet -- Sadeq -- I apologize. -- which I conducted on January 14th.

Ayesha is a beautiful girl of 13. Abdel Malik has not seen her since she was an infant. His face lights up at the very mention of her name. He lives to see her. I spent time with Ayesha in July when I visited Ibb with a news team.

She was very shy, but rose to the occasion. She brought us to tears softly singing a song for her father. Ayesha writes her father long, detailed letters about her life. She sends him poems and drawings of hearts, roses, and crescent moons. She even sends her report cards and teacher commendations. We have submitted samples of these items and copies of photos showing her growing up. Her writings are heartbreaking. I call the board's special attention to pages we've marked 9-11.

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When he returns to Yemen, Abdel Malik will continue his studies at university and use his education to teach. His father, Ahmed, who is a tailor, will employ him if need be. His whole family, Ayesha most of all, will keep him firmly anchored at home.

Thank you.

PM: Thank you to both private counsel and the personal representatives.

We understand board members may reserve questions until the detainee and witness statements have been presented in their entirety.

TRANS: **[Translation of above.]**

PM: Let me ask the counsel: Would you like to have a translation of your full statement, or is the detainee familiar with it?

PC: The detainee is familiar with it and approved it word-for-word.

PM: So we'll proceed on then. Thank you.

Does any member of the board have a question for the personal representative or the private counsel in this unclassified session?

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PM: Seeing no questions, this concludes this portion of the hearing. We will take a brief recess to prepare for the remaining sessions. Please stand by.

[The public session closed at 0935, 28 January 2014.]

[At this point, the unclassified portion of the hearing ended.]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER
PC: PRIVATE COUNSEL
PM: PRESIDING MEMBER
PR: PERSONAL REPRESENTATIVE
TRANS: TRANSLATOR