

PERIODIC REVIEW BOARD FILE REVIEW AUGUST 1, 2014
ABDEL MALIK AHMED ABDEL WAHAB AL RAHABI, ISN 37

PERSONAL REPRESENTATIVES' STATEMENT

Greetings ladies and gentlemen of the board, we are the Personal Representatives for Abdel Malik. Mr. David Remes is Abdel Malik's Private Counsel. As a team, we have been working together for over a year on his Periodic Review Board process. As you know, Abdel Malik first met the Periodic Review Board on 28 January 2014. The board hearing only lasted but a couple of hours and only a fraction of that with the Detainee present. During that brief period, the Board Members only had an opportunity to see a small glimpse of the Detainee known as ISN 37. The Personal Representatives have logged well over 100 hours of meetings with the person we know as Abdel Malik since July of last year. Over the course of our time together, we have been able to develop a rapport and have come to know a man who is genuinely upbeat about life, especially when it comes to his present circumstances (Exhibit 1). When he received initial notification that he would start the Periodic Review Board process in July 2013, Abdel Malik quit his hunger strike. The news of the board process gave him new hope and he wanted to be his "best self" going forward in this new process.

To say that the results of Abdel Malik's January 2014 hearing were disappointing is an understatement. It was terribly heartbreaking not only to Abdel Malik and his family but extremely disappointing to us, his Personal Representatives, and Mr. Remes. As you are aware, the negative news was also extremely disappointing to many of the Detainees in the Camps who deem Abdel Malik as "the best of the best;" to the point as such that several Detainees refused meetings with their Personal Representatives in protest of Abdel Malik's negative Board results. Despite all the disappointment in the unfortunate decision the Board made, Abdel Malik quickly

looked past the results and to his future. He encouraged his Personal Representatives, Private Counsel and fellow Detainees to not be sad for him. He encouraged the other Detainees to meet with their Personal Representatives and to fully participate in their own Periodic Review Board hearings because he still believes in the process. Abdel Malik has been very focused on his 6-Month File Review process since it began. He has continued taking all the classes offered to him, despite the cutbacks in sessions provided (Exhibit 2). Abdel Malik is a wonderful painter (Exhibit 3). He is learning Spanish and has received high scores on quizzes and tests. Abdel Malik speaks English very well. He is encouraging his daughter to correspond with him in English so that they both can practice their written abilities, not just their oral abilities. It is evident that Abdel Malik enjoys his meetings with us. He is very proud of the work he is doing in his classes and is eager to share that with us during each meeting and to practice his Spanish (Exhibit 2).

Whatever the previously documented information on Abdel Malik says about his past, it cannot do justice to give you insights into the Abdel Malik of the present and the Abdel Malik he intends to be in the future when he eventually is approved for transfer. You always hear people say "the past is the past" to the point it becomes clichéd or just lip service and so to hear it again from someone who is a "GTMO" Detainee may make it easy for you to dismiss. But we ask you, can you look in the mirror and honestly say to yourself that there isn't something in the past you wish you could change, do differently, or wish you never said in the heat of the moment, but know that you can't? Do you dwell on it or do you make peace with your past self and turn your focus to the future? Abdel Malik does not recall ever making statements harboring animosity to the U.S. - and we believe him. It would be out of character for him to act this way. For instance, he was the calmest, coolest person in the room when he received his recommendation for

continued detention. But even the gentlest person can say something in a moment that they don't mean; does that automatically prove he is an extremist or sympathizes with extremists? We would hope not for Abdel Malik. We would hope it means he's a human being who gets upset, who has frustrations just like the rest of us. Abdel Malik has chosen to make peace with himself. He has chosen the higher road of self-forgiveness, forgiveness of others and of the situation he is in, however he ended up here. He doesn't talk about the past and we don't ask, because the past is gone and not the focus of the Periodic Review Board. Abdel Malik focuses his energies on his future: His Life, His Family, His Friends.

Abdel Malik is so focused on his future and rejoining his wife and daughter that he has no concerns about cutting ties with a brother-in-law he barely knows. Short of divorcing his wife Abdel Malik will have nothing to do with Rashad. Abdel Malik has such love of his immediate family, which is obvious when you spend any amount of time with him (Exhibit 1). Abdel Malik has spent over a decade in detention. Over the course of that time his baby has grown into a beautiful, intelligent young lady. Abdel Malik is willing to relocate, with his wife and daughter, anywhere as long as they can rebuild their life together and he can get to know Aisha.

Abdel Malik knows the path to this future he dreams for himself. In the results from his January hearing the Board stated that it hopes to see continued positive engagement and constructive leadership from Abdel Malik. His actions while in detention demonstrate this. Abdel Malik has been a model detainee (Exhibit 2). No one can doubt that or prove otherwise. He is still a Block Leader and is looked up to by his peers. As aforementioned, he continues taking classes. He continues to read and learn in order to better himself. Abdel Malik has demonstrated that he is a positive role model, an infraction-free detainee, and a good human

being. The Board asked him to be increasingly open in communications with the Board. He has with his statement for this file review. He's ready to live as a peaceful person who wants to look at the bright side of life and be the husband and father his family needs him to be. He does not want to let them down again.

Our most important job as military officers, and yours as Board members, is to ensure our nation's security. We are experienced military officers, not wide-eyed idealistic new recruits, and we understand the realities and uncertainties of the world we live in. You as Periodic Review Board members do indeed have a tough job ahead of you as you continue to hear and review cases of other "GTMO Detainees." Some of the cases, as you know, are more black and white; others are less so. However, in the case of Abdel Malik, your choice is an easy one. We don't claim to know who Abdel Malik was in 2001 or 2002, but we do know who he is today, right now, in 2014 as he approaches 13 years of detention. He is a genuine, sincere and intelligent man who has made the most of his time in Guantanamo, neither harboring ill will nor building anger and rage. Rather, he has dedicated himself to education and made every attempt to better himself; not to appease us or the Periodic Review Board, but because he knows it is the right thing to do for himself and his family. Now is the time for us and for you to help Abdel Malik on the path to his bright future. He does not need another full Periodic Review Board, because nothing can or will change in his case. It will just be 6 more months of evidence showing that he is a compliant Detainee who grabs every opportunity to better himself. He needs to be recommended for transfer now, and transferred as soon as possible.

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PRIVATE COUNSEL STATEMENT

In its Final Determination, the Board expressed concerns about Abdel Malik's past. Obviously, Abdel Malik can't change the past, but he has attempted to meet the Board's concerns about the present and the future.

Abdel Malik's family is willing to sever all ties with Rashad Ismael. Abdel Malik will have nothing to do with him when he returns. Abdel Malik has unequivocally disavowed extremism and extremist activity. Abdel Malik is willing to go through rehabilitation. Concerning the security situation in Ibb, Abdel Malik is willing to live in another city, or in another country, so long as he and his family can be together.

What more can Abdel Malik reasonably be expected to do to meet the Board's concerns?

There's no question that Abdel Malik has a strong record as a detainee: He is compliant. He helps maintain peace and order. Other detainees look to him for leadership. He gets along with everyone. He has also taken advantage of every available educational opportunity. Beyond all this, everyone acknowledges Abdel Malik's deep sense of responsibility to his family, and the strong support his family will give him in every area when he comes home. Abdel Malik has a deeply-rooted and peaceful life to look forward to.

The only new element in Abdel Malik's file review is a pair of statements JTF-GTMO reports attribute to him. Abdel Malik never made any such statements. The statements are completely out of character. Why would he start making such statements now? Abdel Malik

doesn't even talk this way, using language which, in Arabic or English, would make a Hollywood screenwriter blush.

The Personal Representatives are right: There is no need to convene a full hearing. The Board should summarily and unconditionally approve Abdel Malik for transfer to Yemen or a third country.

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DETAINEE STATEMENT

Honorable members of the Periodic Review Board,

I am writing this statement in order to defend my position against the decision you rendered in your Final Determination in which you stated that I still present a significant threat to the security of the United States.

First of all, please allow me to thank you for giving me the opportunity to defend myself before your Honorable Board.

Secondly, please allow me to express my disappointment in your decision; especially since I was waiting for a favorable one.

My entire family also expressed their disappointment in such a decision, including my beloved daughter and my dear wife, who have suffered the agony of my incarceration for the past 12 years. Everyone in my family was waiting for a positive decision. They counted the days and the hours, hoping to see me home with them. My dear mother does not stop to ask me in every phone conversation, "When will you return back?" She says, "I do not want to talk to you on the phone. I was to talk to you in person. I want to touch you, to hug you and to hold you in my arms."

When my mother was informed of my hearing date, she was ecstatic. When the Yemeni News Media spoke about my case in the news, the neighbors told my mother, "We saw your son's picture on TV." My mother, who is illiterate, asked all my brothers to bring her the news. She was so happy and was waiting impatiently for the board's decision; however, the results were nothing but a disappointment for my mother. She was crying despairingly and I told her, "Don't despair; there is still hope as I was granted another opportunity to present my case to the board." My father and the rest of my family felt the same as noted in the phone call that I received after you rendered your decision, which was filled with sadness and disappointment.

Detainee Statement, PRB File Review for ISN 37

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Quite frankly, I can't express the feelings, the emotions, the disappointment and the sadness that each member of my family felt upon hearing your decision. Even here in the corridors of the camp cell block, the detainees were anticipating a different outcome. The belief among the detainees was that a positive decision would be reached as I have all the behavioral traits of a well-behaved, polite, and kind individual. This decision was so disappointing to all my fellow detainees that some of them who were scheduled to meet with their Personal Representatives to prepare for their appearances before the Periodic Review Board decided not to participate in their upcoming hearings. I am exerting all efforts and working side-by-side with my loyal lawyer and with my formidable Personal Representatives LCDR [REDACTED] and Lt Col [REDACTED], who are working with me with zeal and enthusiasm to present the best case they can on my behalf, hoping for a positive decision.

I understand that there are a few lingering issues in my past that have led you to reach such a decision. But please allow me to tell you that I can't change what happened in the past. If I could, I would. But what I can do is not to repeat what happened in the past. There is no human being in the whole world who has not committed negative acts in the past. But when a human being matures and starts to think and recount what he did in the past and what he should have done, he changes his outlook on life. In echoing the age old English Proverb, please, "Let bygones be bygones and look always on the bright side of life as life is an experience in the making." I never said the things stated in my file review. I have no hostility to the United States and I do not support any extremists.

I have spent 12 years of my life in complete incarceration. All I dream of right now is to live a quiet and peaceful life with my beloved wife who has been waiting patiently for me and my beloved daughter, Aisha, who lived her childhood without having her father to nurture her. Aisha expressed some of her feelings to me in one of her letters. She said, "I need you my father. I want to play with you. I want you to hold me and hug me." She said, "Don't I have the right to play with you like any other children. Why should I be deprived from my father for all this time? What did I do to be robbed from my father's compassionate tenderness?"

After all these long years, all what I want is to have my beloved family with me in order to compensate them for what they missed in the past.

Detainee Statement, PRB File Review for ISN 37

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I want to talk with you a little bit about my daughter, Aisha. God knows how much I love her. She lived all this period without her father. She was under the supervision of the entire family. All of them took turns in taking care of her. She eats the best food; dresses in the best of clothes; and receives a lot of gifts from the entire family. Each one of my family supports her so that she can forget the separation and the abandonment of her father. When my family corresponds with me, they always reassure me that they are there for her. They tell me, "Don't worry about Aisha, we are here for her."

Concerning the financial support of her Uncle Rashad, this is considered a culturally routine customary act; each uncle takes care of the daughters of his sisters. Aisha was enrolled in a private school, but her mother sent her to a public school because she did not have the funds to pay for her private school tuition. Aisha sent me a letter asking me to send the tuition fees for her private school. I asked her, "From where can I get such money for your school?" I asked the family to support my daughter and to pay for her tuition fees, and they did and she returned back to her private school.

As for her Uncle Rashad, if this relation will cost me my freedom and will keep me away from my family, I am ready to sever such a relation. I am also ready to live outside the city of Ibb if you think that this is a reason to keep me incarcerated here. Furthermore, I am ready to live outside of Yemen in a third country that is willing to accept me. I am willing to live anywhere for the sake of my family in order to join them and live with them. I want to rebuild my future anew and compensate what I missed in life.

Concerning your decision, please rest assured I am not bitter. I am the same person. I am a loving person who cares for the well-being of all mankind. I will remain cooperative with the camp administration and be very much involved in solving the problems of my fellow detainees. I also heard your advice to remain cooperative and open. Currently, I am attending classes in the English language, the Spanish language, life skills, as well as Agriculture in spite of all the difficulties I face from the invasive searches and the cuffing going back and forth to school. In spite of all that, I am very interested in learning so that I can help other individuals in my realm and within my sphere.

Detainee Statement, PRB File Review for ISN 37

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I heard in the news that President Hadi ordered the formation of a ministerial committee to govern the process of the rehabilitation center. I am ready to participate in this program, although I have been fully rehabilitated while in Guantanamo.

I welcome my return to Yemen; but, as I said before, if the security situation in Yemen is not favorable, I am ready to live in a third country with my family. I will be most thankful to any country that is willing to accept me and repatriate me; and I pledge to follow the law of the country.

I want to forget the past. I want to forget Guantanamo. I don't have any ill feeling toward anybody and I don't wish any ill feeling to anyone. I don't hate anyone. I don't hate the United States or any other country. I wish peace, serenity and blessing to everyone on the planet Earth.

I also would like to repeat my thanks and gratitude to the honorable committee for giving me another opportunity to look into my case once more. I urge you to look at me and my family with compassionate eyes as I have been incarcerated in Guantanamo detention center for more than 12 years.

Finally, I hope I succeeded in conveying to the Honorable Board the very essence of my inner being.

With my sincere thanks,

Abd-al-Malik Ahmed

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Detainee Statement, PRB File Review for ISN 37

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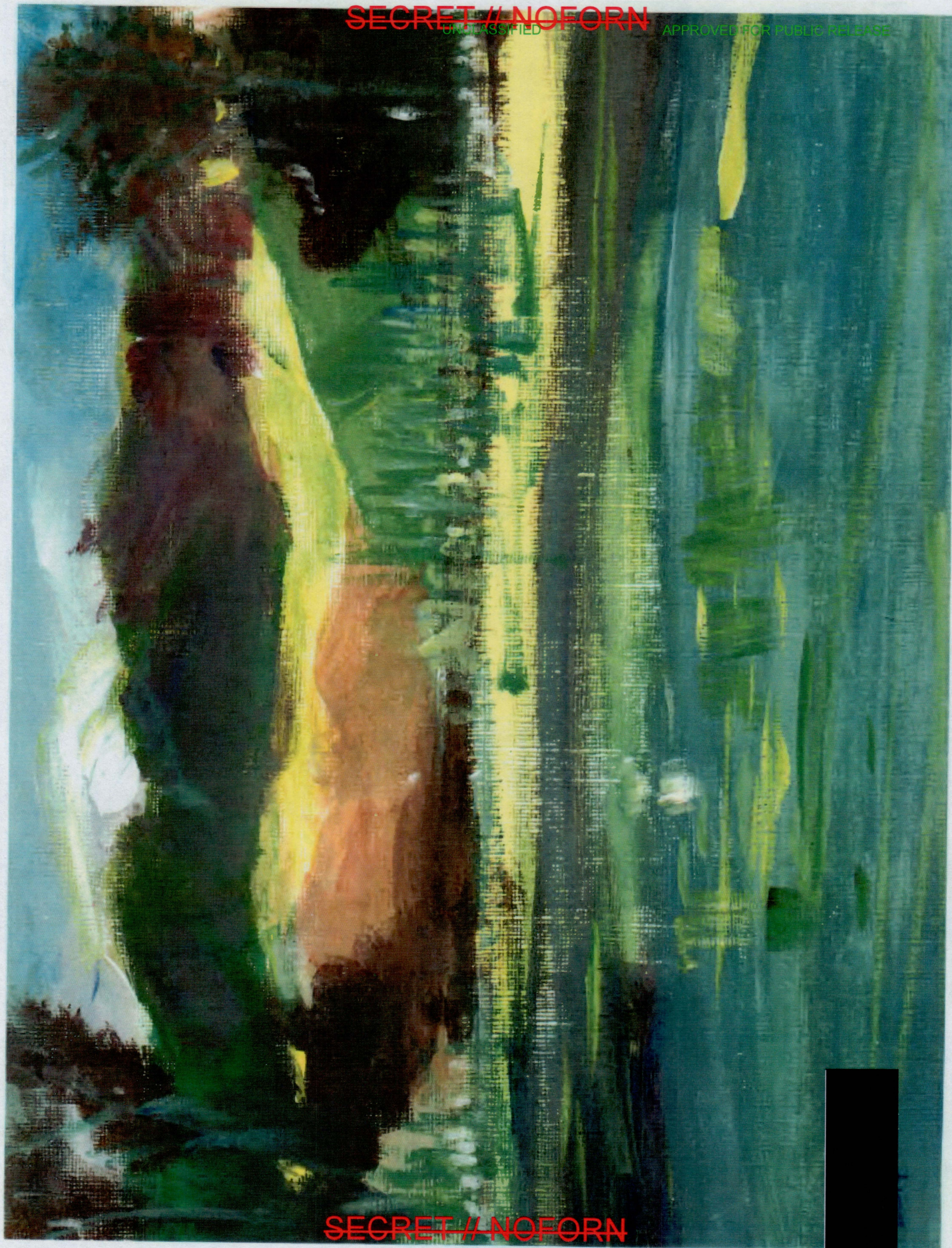
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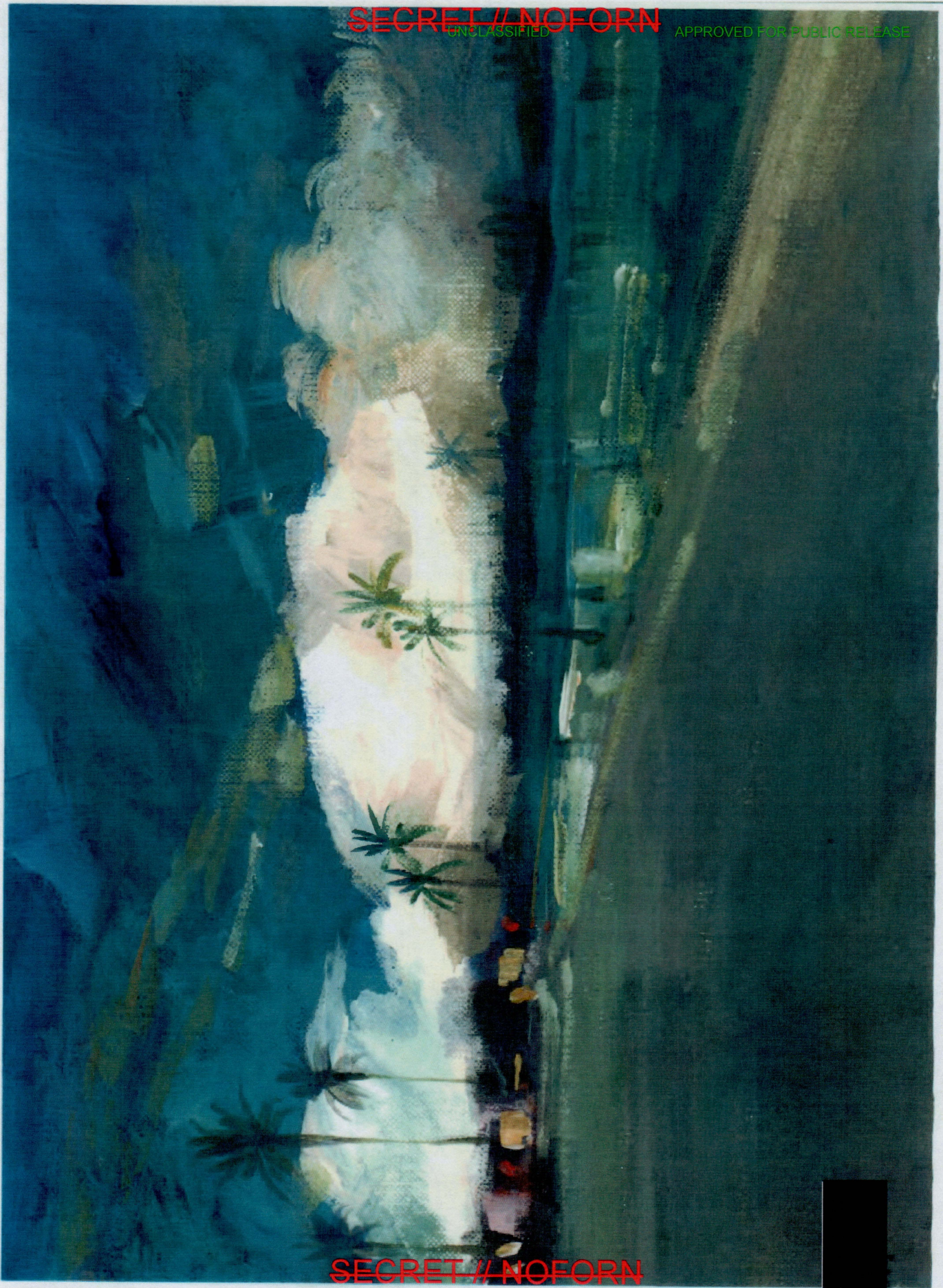
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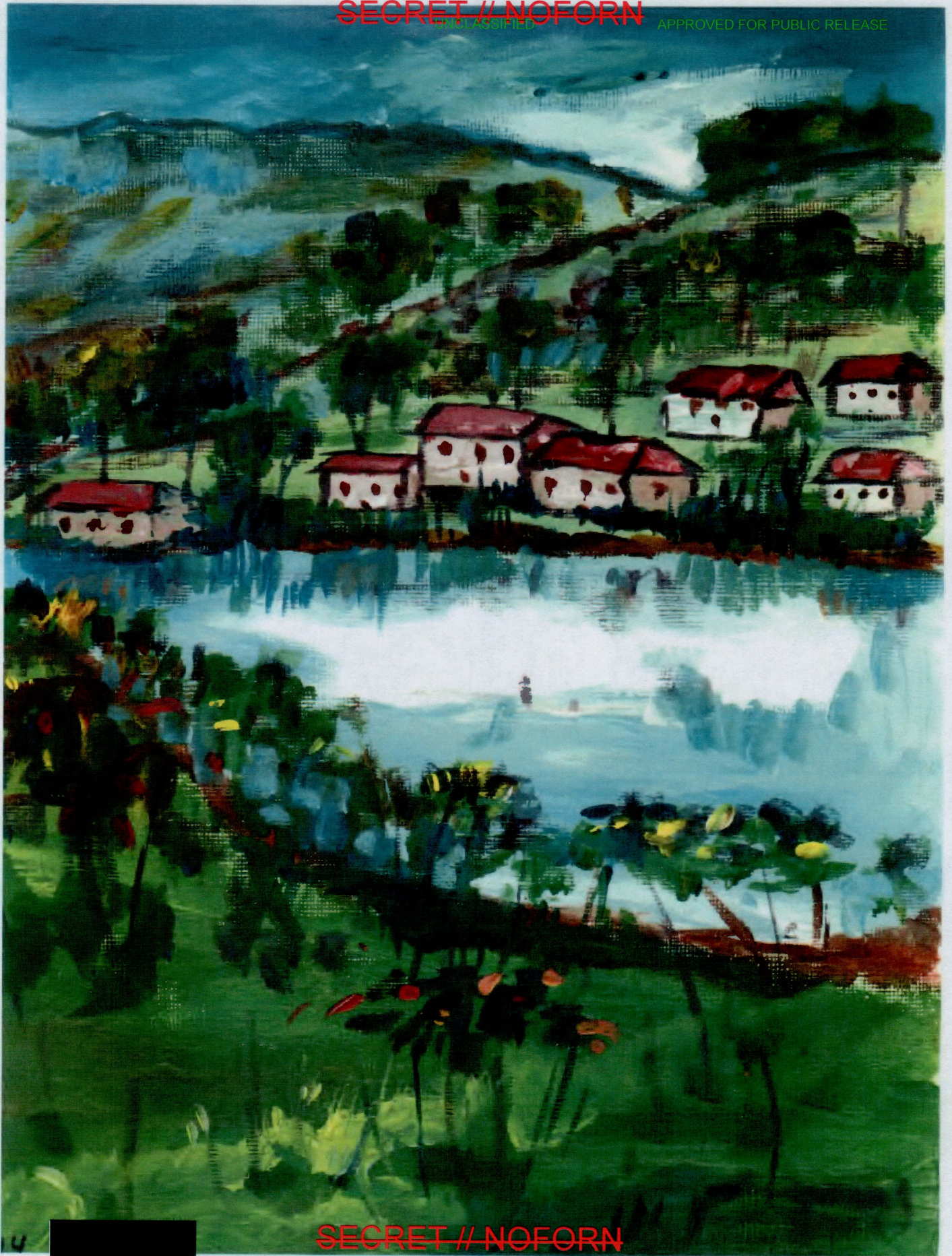
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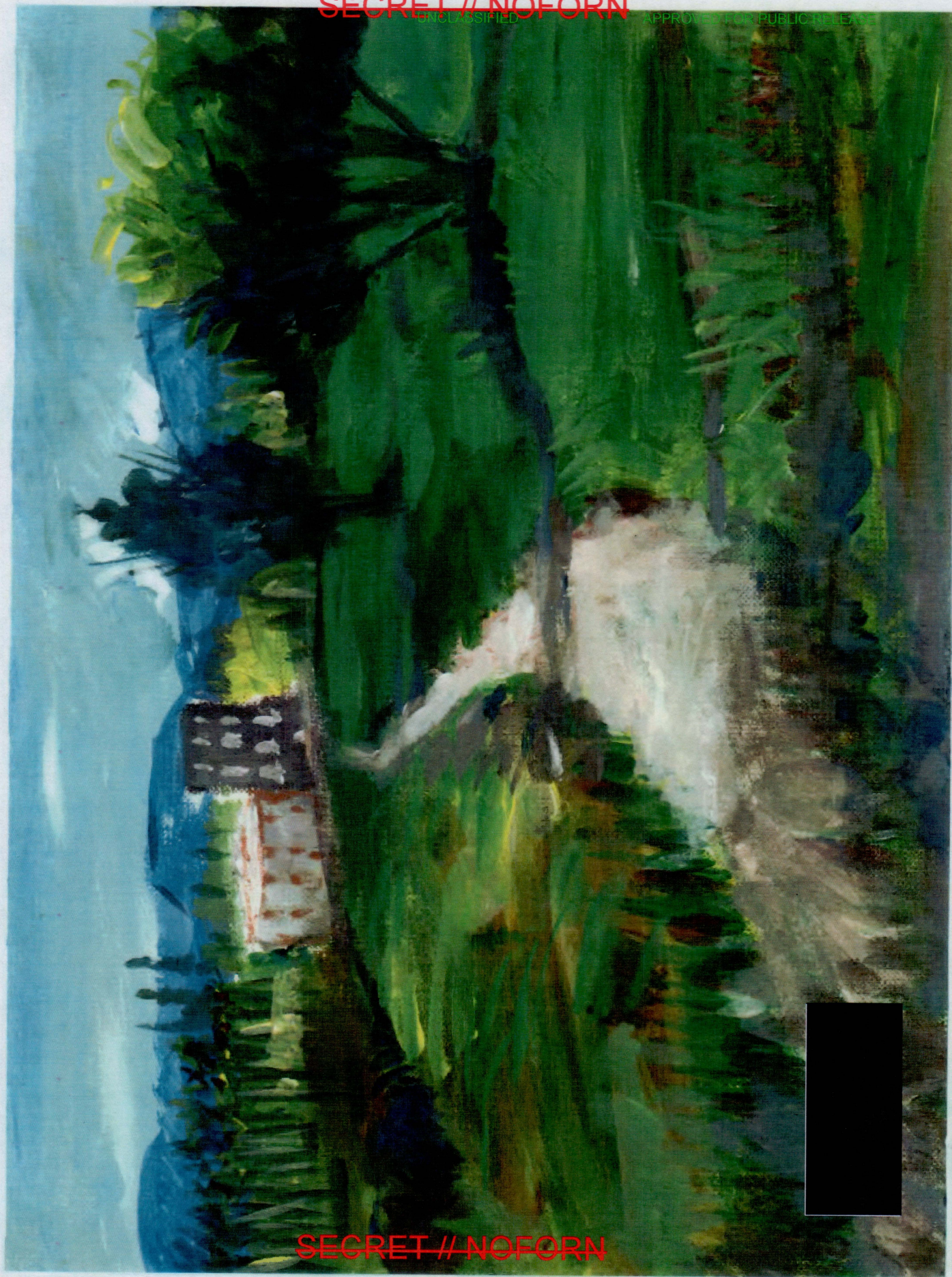
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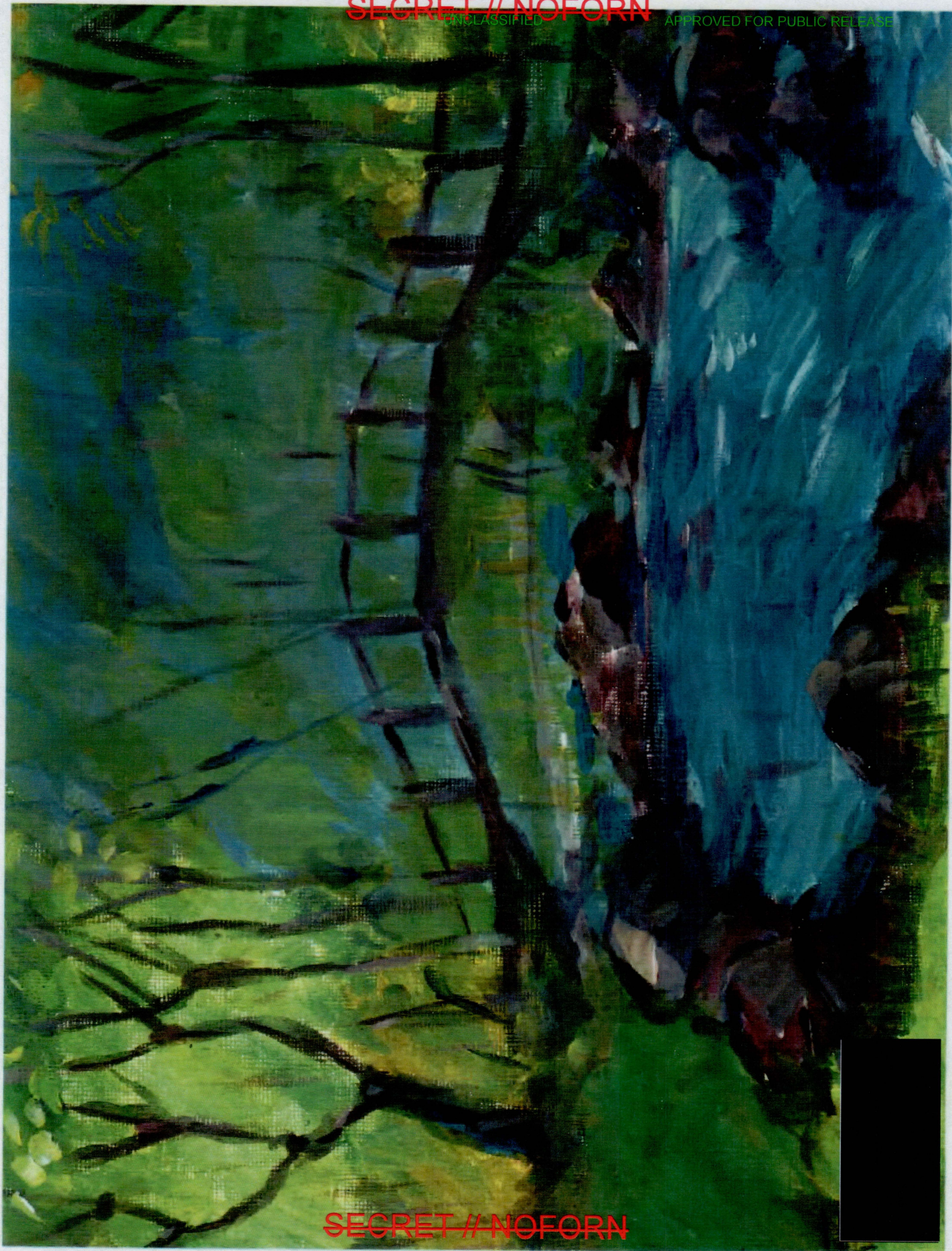
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PRB EXHIBIT 4 – INTERVIEW WITH HALEEMA MOHAMMED SAID [Abdel Malik's Wife]

Transcript of interview with witness Haleema Mohammed Said, wife of GTMO detainee Abdel Malik Abdel Wahab al Rahabi (ISN 137), by the lawyer David Remes on August 2, 2014. The interview was conducted via telephone and recorded on camera.

Remes: Good afternoon, how are you? This is David Remes in Washington.

Haleema: Thanks to God, we are fine.

Remes: How are you related to Rashad?

Haleema: Rashad is my brother.

Remes: How often do you see him?

Haleema: I am with him much of the time, until my husband returns.

Remes: Why did Rashad pay for Aisha's school tuition

Aisha [interjecting]: Because he is my uncle and we have no one else.

Remes: Does he still pay for her tuition; is there anyone else paying?

Haleema: Yes, he still pays for her tuition and pays for everything else.

Remes: When you say you are with him much of the time, where are you with him?

Haleema: I reside with him in his house with Aisha.

Remes: If it is necessary to get Abdel Malik home, will you agree not to accept any help of any kind from Rashad?

Haleema: That is for sure, I would agree not to accept any help from Rashad. I will not need help from my brother or anyone else if my husband is here.

Remes: If it is a condition not to see Rashad for Abdel Malik to be sent home, will you agree never to see Rashad again?

Haleema: Definitely, yes.

Remes: Are you willing to move to another *city* in Yemen if that is a condition to get Abdel Malik home?

Haleema: Of course, yes.

Remes: Are you willing to move to another *country* if that is a condition to get Abdel Malik home?

Haleema: Yes, to any country.

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Remes: Do you or Aisha mind if we make your statements public? Is there anything in it you want to keep private?

Haleema: I agree, nothing need be kept secret.

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UNCLASSIFIED // FOUO**PRB EXHIBIT 5 – INTERVIEW WITH AISHA ABDEL MALIK AHMED ABDEL WAHAB AL RAHABI****[Abdel Malik's Daughter]**

Transcript of interview with witness Aisha Abdel Malik Abdel Wahab, daughter of GTMO detainee

Abdel Malik Abdel Wahab al Rahabi (ISN 37), by the lawyer David Remes on August 2, 2014. The interview was conducted via telephone and recorded on camera.

Remes: Aisha, if the US will release your father only if you and your mother break all ties with uncle Rashad, what would you want your mother to do?

Aisha: I would leave my uncle if my father comes back.

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