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CA: This periodic review board is being conducted at 0909 hours on 05 November 2014, at the Periodic Review Secretariat Headquarters, with regard to the following detainee: Abdel Malik Ahmed Abdel Wahab Al Rahabi, ISN 37.

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

CA: Representatives from the following agencies are present and are members of the Board:

DEPARTMENT OF DEFENSE;

DEPARTMENT OF STATE;

DEPARTMENT OF JUSTICE;

DEPARTMENT OF HOMELAND SECURITY;

OFFICES OF THE DIRECTOR OF NATIONAL INTELLIGENCE;

OFFICE OF THE JOINT CHIEFS OF STAFF;

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; AND,

SECURITY OFFICER.

TRANS 1: [Translation of above.]

CA: The detainee's personal representatives, private counsel, the detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference. This session is being observed by foreign, national and local media; foreign government officials and representatives from non-governmental organizations.

TRANS 1: [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 Abdel Malik Ahmed Abdel Wahab Al Rahabi, in order to protect against a continuing significant threat to the security of the United States.

TRANS 1: [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 sessions of this hearing.

TRANS 1: [Translation of above.]

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PM: 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.

The focus of this hearing is 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 1: **[Translation of above.]**

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

Finally, the translators ensure that everyone understands your statements and that you understand what is being said here during the hearing.

TRANS 1: **[Translation of above.]**

PM: Personal representatives and private counsel, has the detainee had an opportunity to review the Unclassified Summary?

TRANS 1: **[Translation of above.]**

PM: Yes, he has; affirmative?

PR 1: Affirmative, sir. Yes, he has.

PM: Thank you.

I will now read the Unclassified Summary:

Abdel Malik Ahmed Abdel Wahab Al Rahabi, a Yemeni al-Qa'ida member and former bodyguard for Usama Bin Ladin whom al-Qa'ida may have selected to participate in a hijacking plot, since July 2013 has continued to comply with the detention staff at Guantanamo. He has made statements that suggest he probably harbors animosity toward the U.S. and possibly sympathizes with extremist causes. His brother-in-law in Yemen remains in contact with extremists in Syria. Al-Qa'ida of the Arabian Peninsula's modest level of activity and the Yemeni government's insufficient ability to provide security in his hometown of Ibb largely has not changed since his previous hearing.

TRANS 1: **[Translation of above.]**

PM: Do the personal representatives and private counsel wish to make unclassified opening statements at this time?

TRANS 1: **[Translation of above.] ----**

PR 1: Yes, sir, we do.

TRANS 1: ---- **[Translation of above.]**

PM: I believe I heard you respond affirmatively.

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, I will indicate such and the proceedings will stop until the classification issue is resolved.

TRANS 1: **[Translation of above.]**

PM: Has the detainee had the opportunity to review the personal representatives' and private counsel's opening statements? And if so, does he require translation of it today?

TRANS 1: [Translation of above.] ----

PR 1: Yes, sir, he has had the opportunity to review ----

TRANS 1: ---- [Translation of above.] ----

PR 1: Yes, sir, he has had the opportunity to review both statements.

TRANS 1: I didn't read the translation yet.

PM: Go ahead and read the translation.

TRANS 1: [Translation of above.]

PM: We've heard the affirmative response so personal representatives, you may proceed with your opening statements after the translation.

TRANS 1: [Translation of above.]

PM: Go ahead.

PR 2: We are the personal representatives for Abdel Malik Ahmed Abdel Wahab al Rahabi. We are here today with Mr. David Remes, the private counsel, Abdel Malik, and Abdel Malik's translator.

This is Abdel Malik's second PRB. He has been a cooperative participant since the start of the PRB process in effort to expeditiously reunite with his awaiting family. Today, we want to answer the questions raised during the board and the previous board

and file review to prove that Abdel Malik does not pose a significant threat to the United States security.

Abdel Malik is a sincere and peaceful man whose character has been attested to by his family and his fellow detainees. His only desire is to return to his wife and daughter to take on the role of head of household for which he has made detailed occupational plans which can be viewed through submissions from his January 2014 PRB. Abdel Malik's character can also be seen through the fact that although he was not recommended for transfer after his first board and his file review, he did not lash out but instead he continued to take weekly educational classes in Spanish and English.

He believes the system will work and he will return home where he belongs. He has every intention to be prepared after he leaves Guantanamo Bay, Cuba to take care of his wife and daughter who have stayed with him during his 13 years of detainment.

We are here today to address the two main concerns brought by the Board in the past. Abdel Malik has considered in depth the two main concerns brought by the Board with returning to his hometown: 1) the connection with his brother-in-law and 2) the marginal security in Ibb and the overall threat in Yemen.

While I could sit here summarizing Abdel Malik's intentions, instead he is here to speak to the Board and answer your questions openly. He wants you to see that he is transparent without

any hidden agenda, only wanting to be reunited with his family. After you speak with him, I am certain that you will see that he does not qualify as a significant threat to the security of the United States. Abdel Malik wants to begin his life, not by returning to a life filled with hatred and bitterness, but one filled with memories of his daughter and wife. We will be happy to address any questions that may be have [sic] -- have throughout this proceeding.

Thank you.

TRANS 2: **[Translation of above.]**

PC: Shall I now speak?

PM: Yes. That's fine. Thank you.

PC: I'm David Remes, private counsel for Abdel Malik. Thank you for convening this full review. In addition to my file review statement, I offer the following:

Abdel Malik does not desire to return to Yemen. He strongly prefers to be resettled in a different country. Wherever he is resettled, his wife and daughter will follow him. He will live a stable and productive life and avoid all politics. He will bring with him a demonstrated aptitude for language, a trade as a tailor, and an optimistic outlook.

If Abdel Malik is returned to Yemen, he is ready to participate in a rehabilitation program. In addition, he hopes that the Yemen government will find a suitable city for him and his

family, away from Ibb, as the Yemen government has signaled that it is prepared to do. Wherever he is sent, Abdel Malik and his family will avoid all contact with his wife's brother.

Abdel Malik harbors no will [sic] to the United States or the American people, or to any other government or people. He wants to put Guantanamo behind him. As he is fond of saying, "Let bygones be bygones. Keep on the sunny side of life."

Wherever Abdel Malik is settled, I intend to remain in touch with him and to provide what help I can. If he is resettled in another country, I will make every effort to visit him. If the Board approves Abdel Malik for transfer, we urge it to approve him without conditions so that he may reunite with his family and begin his life anew as soon as possible.

Thank you for your consideration. As ----

TRANS 2: [Translation of above.] --

You want to say something, sir?

PC: Yes. Before we proceed, I would like to let the members of the board know that these [pointing to pictures against the wall] are examples of Abdel Malik's artwork. If anybody wants to see them personally, we're certainly happy to provide them; but I think they provide an example of the kind of -- the kind of self-improvement and artistic potential that Abdal Malik has indicated here [points to paperwork].

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I'd also like to mention a significant change in fact since our written submission. And that is that Abdel Malik's wife and daughter have moved out of his brother-in-law's home, and they now live with her grandparents in the village. They live in an apartment. She goes to school. Her medical and educational costs are borne jointly by Abdel Malik's brothers; so at the moment they're saying afloat.

PM: Thank you; that's very helpful.

TRANS 2: **[Translation of above.]**

PC: As before, Abdel Malik will speak in English, unless there's need for clarification.

PM: Before we proceed to that statement -- the detainee's statement will be done in the classified session. So let's finish the unclassified session first, please.

So, I'll ask -- understand that Board members may reserve questions until the detainee and witness statements have been presented in their entirety.

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

TRANS 1: **[Translation of above.]**

[No verbal response from the members.]

PM: Seeing no questions from the Board, this concludes the unclassified portion of the hearing.

I would request that all remain seated until further instructed by the case administrator.

TRANS 1: [Translation of above.]

CA: We will take a 15-minute recess to prepare for the remaining sessions.

[The public session closed at 0935, 05 November 2014.]

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

[END OF PAGE]

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 (LOCATED AT PRS HQ)
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)