

UNCLASSIFIED
Approved for Public Release

CA: This periodic review board is being conducted at 0923 hours on 21 April 2015, at the Periodic Review Secretariat Headquarters, with regard to the following detainee: Abdul Shalabi, ISN 42.

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

[Brief delay in video teleconference.]

TRANS 2: **[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;

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; AND

OFFICE OF THE JOINT CHIEFS OF STAFF;

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

UNCLASSIFIED
Approved for Public Release

TWO TRANSLATORS;
THE DETAINEE; AND,
SECURITY OFFICER.

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

CA: The detainee's personal representatives, private counsel, and 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 2: **[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 Abdul Shalabi, ISN 42, in order to protect against a continuing significant threat to the security of the United States. From here on forward, we will refer to the detainee as Abdul Rahman.

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

PM: Abdul Rahman, this is your periodic review board to

UNCLASSIFIED
Approved for Public Release

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

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

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

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

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

PR 1: Yes, sir.

PR 2: Yes, sir.

PR 1: And he waives the reading of the translated version, sir.

PM: Great. Thank you very much.

I will now read the Unclassified Summary: Abdul Rahman, Saudi Arabia 042, was a bodyguard to Usama Bin Ladin, probably received both basic and advanced military training, was associated

UNCLASSIFIED
Approved for Public Release

with al-Qa`ida external operations chief Khalid Shaykh Mohammed, KU 10024, in Karachi, and may have been considered for participation in a suicide attack or deployment to the West. He traveled to Afghanistan in late 1990s, probably trained at al-Qa`ida-affiliated camps, and joined Bin Ladin's entourage around one year after he arrived in Afghanistan. Abdul Rahman was denied -- has denied any involvement with al-Qa`ida, but several other detainees, including several al-Qa`ida figures and other bodyguards, have separately identified him as Bin Ladin's bodyguard.

Abdul Rahman generally has been noncompliant with the guard staff at Guantanamo Bay detention facility, particularly between 2006 and 2011, when he committed numerous serious offenses. He was provided no -- he has provided no information of value during interviews, has refused to respond to substantive questions, and as of August 2014, continued to be a long-term hunger striker. Abdul Rahman probably continues to sympathize with extremists, but he has not expressed intent to reengage in terrorism and does not appear to be in contact with any extremists outside of Guantanamo. He is the uncle of a former Guantanamo detainee, Saudi Arabia 059, who was repatriated to Saudi Arabia in 2006 and who does not appear to have reengaged in extremist activities.

Throughout his detention, Abdul Rahman has expressed a desire for repatriation to Saudi Arabia. He is aware of and probably

UNCLASSIFIED
Approved for Public Release

would be open to participating in the Kingdom's rehabilitation program, particularly as it would entail the participation of his family members, with whom he is very close. His family has no known ties to extremism and he has expressed interest in business opportunities. However, his family members' failure to prevent Abdul Rahman from becoming radicalized in the late 1990s indicates that they would hold little influence should he decide to reengage.

Does [sic] the personal representative and private counsel wish to make unclassified opening statements at this time?

PR 1: Yes, sir.

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

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

PM: Has the detainee had the opportunity to review the PR's and PC's opening statement? And as I understand it, he requires no translation of those statements.

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

PR 1: Yes, sir.

TRANS 1: Oh.

UNCLASSIFIED
Approved for Public Release

PR 1: Yes, sir. He has, sir.

PM: Okay. Personal representatives, you may proceed with your opening statements.

PR 1: Thank you, sir.

Good morning, ladies and gentlemen of the Board. We are the personal representatives for Abdul Shalabi, who prefers to be called Abdul Rahman. Also in attendance today is Abdul Rahman's private counsel, Ms. Julia Tarver Mason-Wood. During the past three months we had the opportunity to meet with Abdul Rahman on multiple occasions, while each time gaining a better insight into his character, and future plans and desires to become fully re-integrated into society as a productive member. This future includes reuniting with his family back home in Saudi Arabia, joining his siblings to help run a well-established business, taking care of his ailing mother, and getting married and having children.

Abdul Rahman left behind his mother, two brothers and three sisters, with whom he is very close. Each of his immediate family members, with the exception of his oldest sister, who cannot read or write, has written letters to the Board in support of his release. Both of his brothers are very successful within their own respective career fields ranging from real estate to business contracting, and are eager to have Abdul Rahman join their business.

UNCLASSIFIED
Approved for Public Release

Prior to his detention, Abdul Rahman was one semester short of obtaining his university degree, and if given the opportunity, he is very much looking forward to completing his final semester. Abdul Rahman's family is eagerly awaiting his return. His brothers have already arranged for all the necessary amenities and set up an apartment for him. Additionally, Abdul Rahman's mother and sisters are dedicated to finding a suitable partner for him to marry.

Abdul Rahman is very optimistic and sincere about participating in the many prospects that await him in his home country. The government of Saudi Arabia has long been known to provide all the necessary tools and support for a successful rehabilitation and reintegration program for detainees transferred home, including appropriate security and humane treatment assurances to facilitate the transfer of detainees. Abdul Rahman is very eager and willing to participate in this rehabilitative process if permitted to do so. Pursuant to these assurances, the United States has transferred over 100 detainees to Saudi Arabia, including Abdul Rahman's nephew who has successfully reintegrated into society and started a family, all with the support of Abdul Rahman's family.

I would also be remiss if I don't take this opportunity to speak on behalf of Abdul Rahman regarding his long term hunger striking. According to his unclassified dossier, Abdul Rahman would be characterized as noncompliant. Although it is looked upon as a

UNCLASSIFIED
Approved for Public Release

negative factor in the overall issue relating to compliance, it's important to emphasize that hunger striking is not an illegal act, but rather a non-violent and peaceful means of protesting camp conditions and continued detainment. Abdul Rahman has stated on multiple occasions that if hunger striking was illegal, he would have immediately ceased such protest.

During our over 30-plus hours of meeting, Abdul Rahman has demonstrated nothing short of sincerity, professionalism, and intent to forget the past and look forward. Abdul Rahman has never exhibited any aggressive or violent behavior, or any animosity towards the United States or non-Muslims. As a teacher of Islam, Abdul Rahman believes Islam is a peaceful religion and he does not support terrorism or any groups that kill innocent people in the name of Islam. For these reasons, we fully support Abdul Rahman and wholeheartedly believe that he does not pose a significant and continued threat to the security of the United States.

We understand the Board has been presented with historical data leading up to Abdul Rahman's detention. However, given an opportunity to review our submissions while being able to see him face to face and ask the tough questions, we hope you will consider the whole picture and realize that Abdul Rahman is a compassionate, a deserving man of a second chance in life. He should no longer be negatively characterized as a significant and continued threat to the

UNCLASSIFIED
Approved for Public Release

United States. We ask that you provide -- we ask that you approve -- excuse me, Abdul Rahman for transfer so that he may spend the remainder of his days in peace and in the security of his mother, brothers, and sisters. We thank you for this opportunity and standing by to address any questions or concerns you may have.

PC: Good morning.

BM: Good morning.

PC: Shall I proceed?

PM: Yes, you may. Thank you very much and good morning.

PC: Thank you, sir.

Good morning. My name is Julia Tarver Mason-Wood and I am the private counsel for Abdul Rahman Shalabi. Thank you so much for this opportunity to represent Mr. Shalabi in this review process.

I have represented Mr. Shalabi on a pro bono basis for almost a decade. I've had numerous in-person and telephonic calls with him over the years. Mr. Shalabi is no longer the young man in his early twenties who left his home and family in Saudi Arabia and went to Afghanistan. Today, as he approaches his 40th birthday, he seems much older than his 40 years. Yet even in his ailing physical health, he is intent to turn a corner in his life and now wants nothing more but to return to live in peace with his mother, sisters and brothers in Saudi Arabia.

UNCLASSIFIED
Approved for Public Release

Through our written submission and our discussion with you today, I hope that you will see a man who has matured from his youthful past and is ready to turn the page. I want to emphasize at the outset that Mr. Shalabi believes in the periodic review board process and has been eager to participate since he first learned that he was notified for a hearing. Over the past few months, he has worked diligently and patiently with his personal representatives and with us to prepare for today's hearing.

More than anything else, Mr. Shalabi desires to return home to his family in Saudi Arabia to be reunited with his mother, two brothers and three sisters. From the very first phone call that Mr. Shalabi had to tell his family that he had been scheduled for a PRB hearing before this body, several family members set out immediately to write letters enthusiastically supporting his transfer home. As you can see from their moving statements, Mr. Shalabi is very close with his family, particularly his mother, and they fully support his transition home. This support will enable Mr. Shalabi to lead a peaceful and productive life when he returns. His oldest brother has already registered and furnished an apartment for him. And his brother and his younger brother are the owners of successful real estate and construction businesses, and they intend to employ Mr. Shalabi as soon as he is able and ready to begin work. Additionally, Mr. Shalabi's mother and sister are devoted to finding him a suitable

UNCLASSIFIED
Approved for Public Release

wife, so that he can realize his dream of getting married and just having children.

Now, these aren't just the words of a hopeful family or a naïve family. These are assurances you can trust from a family with a proven track record. Back in November 2007, Mr. Shalabi's own nephew, Sultan Ahmed Dirdeer Musa Al Uwaydha, ISN 059, was repatriated from Guantanamo to Saudi Arabia. With the support of Mr. Shalabi's own family, Mr. Uwaydha graduated from the Saudi Rehabilitation Care Program, got married, and started his own family. In Mr. Shalabi's own words, his nephew received a chance at a peaceful life, took it, and does not look back. Mr. Shalabi is hopeful for the same opportunity, and I urge the Board to strongly take into account the demonstrated success of Mr. Shalabi's family and the Saudi rehabilitation program in preventing Mr. Uwaydha from engaging in any hostile activities after his release.

Like his nephew, Mr. Shalabi is eager to participate in the Saudi Arabia rehabilitation program and will cooperate fully with any stipulations his country places upon him. I would like to direct your attention to the attached statement we have provided from Saudi Arabian Ministry of Interior, pledging that Mr. Shalabi will be welcomed home with the same security and human treatment assurances that have facilitated the transfer of over 100 detainees from Guantanamo to Saudi Arabia, including former hunger strikers, such as

UNCLASSIFIED
Approved for Public Release

Ahmed Zaid Salem Zuhair, ISN 669. We have also provided you with what I hope is a comprehensive memorandum that provides color on the Saudi rehabilitation program, explains why it has been successful in rehabilitating countless other former Guantanamo detainees, and further analyzes the reasons why Mr. Shalabi should be repatriated to his home country through this program.

Nevertheless, Mr. Shalabi is open to being resettled in another country if that would expedite his transfer out of Guantanamo. As in Saudi Arabia, he would seek to rehabilitate himself and live a peaceful life. Wherever Mr. Shalabi goes, he wishes to settle down, get married and have a family of his own, and put the past behind him.

Finally, Mr. Shalabi wants to make clear that he harbors no ill will to the United States, the American people, and non-Muslims. Mr. Shalabi recognizes that he has struggled with his almost 14-year confinement. He has been on a peaceful, but long term, hunger strike since 2005. And at times, his frustrations with the conditions of confinement has lead him to act out and be uncooperative with the detention staff. But Mr. Shalabi's behavior is not rooted in ill will toward the United States. Instead, he has exercised a peaceful means of protest by refusing to consume food and has largely cooperated with the enteral feedings he has been provided on a daily basis over the last nine years. You will hear from Mr. Shalabi's

UNCLASSIFIED
Approved for Public Release

doctors who will tell you that it is not uncommon for individuals in Mr. Shalabi's condition to attempt to exercise these basic forms of control over aspects of their daily living.

As he will explain to you, Mr. Shalabi is a teacher of Islam, which he believes is a religion of peace, not war. Mr. Shalabi will tell you that he does not support terrorism or the killing of innocent people; he steadfastly believes that such acts are contrary to the Quran and to the teachings of the Prophet Mohammed. Furthermore, in assessing Mr. Shalabi's behavior in detention, I encourage you to consider the written statements from Mr. Shalabi's doctors as well as the live testimony that they will provide to you later today.

The bottom line is that Mr. Shalabi wishes to move beyond the past and look to the future. He is committed to spending his remaining days in peace with his family. Based on his testimony, his doctor's testimony, his family's statements, his family's prior success in rehabilitating his nephew, as well as the proven success of the Saudi rehabilitation program in rehabilitating similarly situated individuals, Mr. Shalabi should not be considered a significant and continuing threat to the security of the United States.

I urge the Board to approve Mr. Shalabi for transfer to

UNCLASSIFIED
Approved for Public Release

Saudi Arabia and recommend that he be transferred as soon as possible to begin his rehabilitation.

Thank you and I'm happy to answer any questions you have.

PM: Thank you very much for your statements.

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

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

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

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

[No verbal response from the members.]

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

Request 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.

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

[The public session closed at 0952, 21 April 2015.]

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

[END OF PAGE]

UNCLASSIFIED
Approved for Public Release

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)