

1 CA: This Periodic Review Board hearing is being conducted at  
2 0905 hours on 23 June 2022, with regard to the following  
3 detainee: Mustafa Faraj Muhammad Masud al-Jadid al-Uzaybi  
4 (ISN 10017). As a reminder, the unclassified portions of  
5 these proceedings are being recorded for the purpose of  
6 generating a transcript to be posted on the PRS website.

7 HQ Translator: [Translates above]

8 CA: Representatives from the following agencies are present and  
9 are members of the Board: Department of Defense,  
10 Department of State, Department of Justice, Department of  
11 Homeland Security, Office of the Director of National  
12 Intelligence, and the Office of the Chairman of the Joint  
13 Chiefs of Staff. The following personnel are also present:  
14 Legal Advisor to the Board, Case Administrators, Personal  
15 Representative, Private Counsel, Translators, the detainee,  
16 and the Security Officer.

17 HQ Translator: [Translates above]

18 CA: The detainee's Personal Representative, Private Counsel,  
19 the detainee, and translator are located at the detention  
20 facility, U.S. Naval Station Guantanamo Bay, Cuba. They are  
21 attending via video teleconference. The detainee has waived  
22 translation of the unclassified summary, the Personal  
23 Representative's statement and the Private Counsel's  
24 statement. The unclassified summary has been posted on the

25 Periodic Review Secretariat website. Foreign, national and  
26 local media, Foreign Government Officials, and  
27 Representatives from Non-Governmental Organizations may be  
28 observing this session.

29 HQ Translator: [Translates above]

30 PM: This Board is convened to determine whether continued law  
31 of war detention is warranted for Mustafa Faraj Muhammad  
32 Masud al-Jadid al-Uzaybi (ISN 10017) to protect against a  
33 continuing significant threat to the security of the United  
34 States. From here on forward, we will refer to the detainee  
35 as Abu Faraj. This session of the hearing is unclassified.

36 HQ Translator: [Translates above]

37 PM: Abu Farah, this is your Periodic Review Board to determine  
38 whether continued law of war detention is warranted in your  
39 case. Continued law of war detention will be warranted if  
40 it is necessary to protect against a continuing significant  
41 threat to the security of the United States. The focus of  
42 this hearing is on the threat you may pose to the United  
43 States and its interests if transferred or released from  
44 U.S. custody. It is not on the lawfulness of your  
45 detention.

46 HQ Translator: [Translates above]

47 PM: The Personal Representative and Private Counsel are your  
48 representatives to assist you during this process. Finally,

49 the translators ensure that everyone understands your  
50 statements and that you understand what is being said  
51 during the hearing.

52 HQ Translator: [Translates above]

53 PM: Personal Representative and Private Counsel has the  
54 detainee had an opportunity to review the Unclassified  
55 Summary?

56 HQ Translator: [Translates above]

57 PR: Yes, Sir.

58 GTMO Translator: [Translates above]

59 [Pause]

60 PM: Didn't quite get that.

61 PR: Yes, Sir.

62 GTMO Translator: [Translates above]

63 PM: Thank you, I will now read the UNCLASSIFIED SUMMARY:

64 Mustafa Faraj Muhammad Masud al-Jadid al-Uzaybi, AKA Abu  
65 Faraj al-Libi (ISN-10017), traveled to Afghanistan to fight  
66 at a young age, joined al-Qa'ida and rose through the ranks  
67 to become the group's general manager and a trusted advisor  
68 and communications intermediary to Usama Bin Ladin and then  
69 deputy amir, Ayman al-Zawahiri. Does the Personal  
70 Representative or Private Counsel wish to make an  
71 unclassified Opening Statement at this time?

72 HQ Translator: [Translates above]

73 PR: Yes, Sir.

74 GTMO Translator: [Translates above]

75 PM: I would like to remind all participants that any  
76 information shared at this time must be unclassified. If  
77 there is a concern about the classification of the  
78 information, I will indicate as such and will stop the  
79 proceedings until we resolve the issue. Has the detainee  
80 had an opportunity to review your statements?

81 HQ Translator: [Translates above]

82 PR: Yes, Sir.

83 GTMO Translator: [Translates above]

84 PM: Personal Representative, please proceed.

85 PR: Members of the Board. Thank you for the opportunity to  
86 present this statement for Mustafa Faraj (ISN 10017). After  
87 years of denying meeting requests and lacking participation  
88 in the Periodic Review Boards, Abu Faraj accepted one of my  
89 meeting requests. Since that initial meeting we've  
90 maintained constant contact through meetings and letters  
91 and messages from fellow detainees. In our initial meeting,  
92 we took some time building rapport and trust as we began  
93 discussing the idea of engaging and participating in future  
94 PRB hearings. Even after that initial meeting Abu Faraj was  
95 still hesitant as to whether he wanted to work with me and

96 the Periodic Review Board. On or about our third meeting,  
97 he stated that he trusted me and I had his best interest in  
98 mind. I am sure that Abu Faraj is now completely invested  
99 and engaged. During our meetings, Abu Faraj is kind,  
100 courteous and humorous and constantly takes notes and asks  
101 questions preparing for his hearing. Abu Faraj asked about  
102 legal representation and we were able to assist securing  
103 him private counsel, who I am in constant contact working  
104 to develop strategies. Private counsel has reached out to  
105 his family in Europe and the Middle East where they are  
106 prepared to support Abu Faraj's integration into society  
107 outside Guantanamo. Abu Faraj is a simple man who wishes to  
108 be released from Guantanamo and reunite with his family. I  
109 believe that Abu Faraj's drive, commitment, and willingness  
110 to enter rehabilitation program will assist with him living  
111 a successful and peaceful life upon his release- release.  
112 Thank you for your time and this opportunity. We are  
113 standing by for your questions.

114 PM: Thank you. Uh, for the Private Counsel, I've confirmed that  
115 all the members of the board have read your opening  
116 statement. However, it is your prerogative if you wish to  
117 read it at this time.

118 PC: Uh, yes, Sir, I would like to read it.

119 PM: Please proceed.

120 PC: To the Periodic Review Board, we are Private Counsel for  
121 Mr. Mustafa Muhammad Masud al-Jadid al-Uzaybi, also know as  
122 Abu Faraj al-Libi (ISN 10017) who's currently detained at  
123 the US Naval Station at Guantanamo Bay, Cuba. Uh, we  
124 respectfully submit this letter on behalf of Mr. al-Libi  
125 and in support of his Periodic Review Board hearing  
126 scheduled for today. The board should approve Mr. al-Libi  
127 for transfer. He does not pose a threat to the security of  
128 the United States. He retains no ill will towards the  
129 United States, despite the severe treatment, redacted, he  
130 has endured while in detention. Mr. al-Libi desires to live  
131 out his remaining days peacefully with his family. Mr., uh,  
132 who he has not seen in over 17 years and he awaits  
133 reintegration into civilian life. Notably, after almost two  
134 decades, the United States government has provided no  
135 indication he will ever be a target of prosecution. In  
136 terms of his background litigation status, Mr. Libi is not  
137 a danger to the United States. Mr.al-Libi is a Libyan  
138 national who was captured by Pakistani author-, authorities  
139 in Pakistan on or about May 2005 and transferred to  
140 Guantanamo Bay approximately 15 months later. The United  
141 States government has alleged he was involved in al-Qa'ida.  
142 The 2016 Final Determination to continue Mr. al-Libi's

143 detention was made despite his confirmed statement, made  
144 through his Personal Representatives, that he wished to  
145 live a life of peace, return to his family, and that he  
146 harbors no ill-will towards the United States. Furthermore,  
147 the Board recognized that Mr. al-Libi has been generally  
148 compliant throughout his lengthy detention. Importantly,  
149 there are relatively no numb-, low number of infractions in  
150 his detention record. From 2017 through 2021 there have  
151 been eight subsequent determinations to extend Mr. al-  
152 Libi's imprisonment although the dossier allegations have  
153 become less serious and fewer in number over the course of  
154 these years of reviews. The only justification for  
155 prolonging Mr. al-Libi's incommunicado imprisonment at this  
156 time is a 17-year-old allegation that he may have  
157 associated with al-Qa'ida. He has not been charged with any  
158 crime. Significantly, the allegations in the government's  
159 March 2021 Guantanamo Detainee Profile, Mr. al-Libi have  
160 been reduced to a single sentence. Mr. al-Libi has a  
161 pending federal Habeas case challenging the legality of his  
162 detention, because that case is ongoing because after  
163 almost two decades the government has not charged him with  
164 any crime and to protect his rights under the constitution  
165 and international law, at the direction of counsel, Mr. al-  
166 Libi will not personally answer any questions about any

167 allegations against him or other matters related to his  
168 pending Habeas petition. Mr. al-Libi's participation in  
169 this proceeding is based on a singular focus on a peaceful  
170 future as a free person surrounded by his family. Mr. al-  
171 Libi's law abiding nature is exemplified by his clean  
172 criminal history record and the relatively low number of  
173 infractions in his detention record. Among many others, Mr.  
174 al-Libi's uncle has written to this Board to attest that  
175 Mr. al-Libi did not engage in undesirable or violent acts  
176 and he writes to reassure you that Abu al-L, al-Faraj is a  
177 human being, just like any other person and he is a very  
178 good person. Looking forward, Mr. al-Libi seeks a simple  
179 and peaceful life as a husband and father. In a statement  
180 to this court, he says "It is my greatest desire to be  
181 reunited with my family and to live the rest of my days in  
182 peace". Mr. al-Libi reveals his innermost thoughts about  
183 whether he poses a future risk, "Since I know myself and  
184 what is in my mind now and what I intend, and what I intend  
185 to aim to in the future, I am certain that I will not  
186 represent any danger to the United States if I will be  
187 released because I have no desire or even ability to do so  
188 and I am fully, responsible for my words. Mr. al-Libi has  
189 suffered permanent damage due to his mistreatment by the  
190 United States government. A guiding principle of the United

UNCLASSIFIED//FOR PUBLIC RELEASE

~~CONTROLLED UNCLASSIFIED INFORMATION~~

191 States' interrogation program, and specifically the  
192 interrogation of Mr. al-Libi, was that individuals were to  
193 employ interrogation techniques if warranted and medically  
194 safe. His experiences while in custody, which yielded no  
195 useful information- the rest of this sentence is redacted.  
196 The government has declassified and made public the fact  
197 that Mr. al-Libi was subjected to the CIA's enhanced  
198 interrogation techniques from at least May 28, 2005 to June  
199 2, 2005, then from June 17, 2005 to June 28, 2005. He was  
200 subjected to additional questioning through at least  
201 September 2005. As admitted to by the United States  
202 government, Mr. al-Libi was subjected to the following: 1)  
203 dietary manipulation 2) nudity 3) attention grasp 4)  
204 walling 5) facial hold 6) facial slap or insult slap 7)  
205 abdominal slap 8) cramped confinement 9) wall standing 10)  
206 stress positions 11) water dousing and 12) sleep  
207 deprivation more than 48 hours. Mr. al-Libi was detained  
208 and interrogated by the CIA for more than 460 days before  
209 he was transferred to Guantanamo Bay where he has been  
210 detained for over 17 years. The government caused Mr. al-  
211 Libi's, redacted, conditions. Interrogators implemented  
212 enhanced techniques even as Mr. al-Libi was losing his  
213 hearing and when he complained about his inability to hear,  
214 they repeatedly told him to stop pretending he could not

~~CONTROLLED UNCLASSIFIED INFORMATION~~

UNCLASSIFIED//FOR PUBLIC RELEASE

215 hear well. Mr. al-Libi was aware of his hearing loss  
216 happening and was unable to convince interrogators to stop,  
217 instead they continued. The military fitted him with a  
218 hearing aid almost immediately after he arrived at  
219 Guantanamo Bay in late 2006. Mr. al-Libi has repeatedly  
220 described, redacted, the effects of such mistreatment to  
221 medical professionals, including the medical staff at  
222 Guantanamo Bay who have documented, redacted, medical  
223 issues. Mr. al-Libi has reported his condition to the  
224 International Committee of the Red Cross staff and his  
225 attorneys. He suffers the following, redacted, number of  
226 medical problems. The medical problems themselves are  
227 redacted as well. All these, redacted, ailments began after  
228 Mr. al-Libi was detained by the United States Government  
229 and subjected to enhanced interrogation techniques, such as  
230 walling. Mr. al-Libi has no prior history of these ailments  
231 before his capture and detention. Multiple people from Mr.  
232 al-Libi's past have come forward to attest to his healthy  
233 childhood and young adulthood. A close member of Mr. al-  
234 Libi's family has submitted a written statement under the  
235 oath of Allah, attesting to his good health from his birth  
236 until the time he left Libya, quoting "I want to inform you  
237 that in my full free will that declare under the oath of  
238 Allah, that my son Mustafa did not have any medical,

239 redacted, problems since his birth. He did not have any  
240 accident or injury. He was in good health and was excellent  
241 in his education. He was also extraordinary in all school  
242 extracurricular activities, and he did not have any  
243 deficiencies. He was very active in life. He was free from  
244 any diseases or injuries since birth until he left the  
245 country". Another close family member and friend of Mr. al-  
246 Libi provided a letter for this board describing Mr. al-  
247 Libi's character and good physical health. Regarding Abu  
248 Faraj's love of physical activities, this close friend  
249 recalls, he used to participate with his classmates in all  
250 competitions, activities, and games that used to take place  
251 at the school or the neighborhood. He used to do this  
252 because he was healthy and in excellent physical condition,  
253 and did not have any health problems except, redacted. It  
254 was difficult to win over him in running. He was very fast.  
255 He loved walking for long distances. Mr. al-Libi's wife  
256 states that until the time he was detained, he never had  
257 any health issues or problems, rather, to the contrary, he  
258 was in excellent health. Mr. al-Libi exercised regularly  
259 and he followed a healthy diet. His wife says, "He always  
260 used to urge us to take care of our health and to make sure  
261 our food was healthy. He did not have any injuries or  
262 wounds." Mr. al-Libi's health is declining and he needs

263 medical care that is not available at Guantanamo Bay. Each  
264 day, Mr. al-Libi experiences, redacted, conditions which  
265 were completely foreign to him before he was abducted in  
266 May 2005 and subjected to a multitude of nightmarish  
267 torturous conditions and treatments. Mr. al-Libi's medical  
268 problems have been exacerbated by the high turnover of  
269 medical providers aboard Guantanamo Bay, which leads to  
270 inconsistent care. It is undisputed that he has not  
271 received the care and rehabilitation required, and he will  
272 not receive such care as long as he remains imprisoned in  
273 Guantanamo Bay. One expert who evaluated Mr. al-Libi noted  
274 that he is-, the expert's evaluation is redacted. Mr. al-  
275 Libi has a path to a peaceful and productive life post-  
276 transfer. The first sentence is redacted. Mr. al-Libi has a  
277 large and supportive network of family and friends, with  
278 individuals located in Morocco, Turkey, and the United  
279 Kingdom who can help him transition into free society. For  
280 example, if Mr. al-Libi is released, one close family  
281 member writes, "I will open my heart for him and help him  
282 in whatever he might be in need of". Another family member  
283 avows, "I am ready to stand by him and help him in all his  
284 circumstances and provide him with full support materially  
285 and morally". Mr. al-Libi has also expressed an interest in  
286 the - phrase is redacted - and he would comply with the

287 security requirements these host countries would impose.  
288 Our psych counsel Dana Chavis, my co-counsel, has met  
289 family members of Mr. al-Libi. She has spoken with his  
290 family member in Libya. She spent a couple days and shared  
291 a meal with more of his family in the United Kingdom.  
292 Family and friends speak fondly of Mustafa, the second-born  
293 son, as a loving person with high ethical values, who  
294 excelled in his studies and who's mission in life was to  
295 assist others. For example, he made toys out of milk  
296 cartons and shared them with other children. Mr. al-Libi's  
297 close friend puts it like this, "Abu al-Faraj was a loving  
298 person by his classmates and he was humble with them. He  
299 would not make you feel that he is better and more  
300 successful over others. Rather, he used to mix with all of  
301 them and assist them. He did not have hostilities and he  
302 would not differentiate with the weaker that even within  
303 the neighborhood this was his nature as he is a social  
304 person, loved teamwork voluntarily. He would join others in  
305 their happy times and grieve with them in their sad times.  
306 He respected all, both male and female". The family prays  
307 for their son, brother, nephew, and cousin to be freed and  
308 the void in their lives to be filled again by the gentle  
309 and kind presence of their loved one Mustafa. In a letter  
310 provided to this board, Mr. al-Libi's wife discusses the

311 difficulties of raising three children who were under the  
312 age of five at the time he was taken into US custody.  
313 "Since my husband was detained, I've been suffering from  
314 many pressures and burdens and that because of his absence  
315 from his home and his family, these pressures have affected  
316 me as a mother psychologically because of the difficulties  
317 of raising the children by myself and providing them with  
318 their psychological and material needs that because of the  
319 absence of their father being with them to a point that we  
320 have reach the condition of depression. My children are in  
321 extreme need of him to get support for them and to make it  
322 easy to for them to face the difficulties of life. In  
323 particular they have, uh, missed the support in their  
324 childhood. That is the most important stage of a person in  
325 order to live a normal life. Now they are passing through  
326 the most difficult stage of life, that of the adolescent  
327 stage. They always ask when our father will return to live  
328 with us, before we are in utmost need more than ever in  
329 particular because all those who are around them have their  
330 fathers with them. I and my children are in need to live a  
331 normal life like any other family that consists of a  
332 father, a mother, and the children. We are in extreme need  
333 of him in order to make it easy for us to have the  
334 material, psychological, and physical needs and of the

335 difficulties of life. Even today, a lot of his friends keep  
336 asking about him and wish that he will be released soon and  
337 return to his family, his wife, and his children. And in  
338 particular, his daughter, who wishes to see her father in  
339 person". Mr. al-Libi's wife asks for the return of her  
340 husband and her children's father, "Our extreme hope is  
341 that I and my children spend the rest of his life with us.  
342 Maybe we might be able to make up the remaining little  
343 amount of the past that we have lost. I plead you to help  
344 and assist him and extend the hand of assistance to enable  
345 him to get released from this detention that has destroyed  
346 our lives. We are in extreme need of him, his family and  
347 all his relatives who love him". Mr. al-Libi has told his  
348 understanding counsel how blessed he is to have a devoted  
349 wife and family. He shared with counsel the story of their  
350 meeting and his proposal. Through those stories he revealed  
351 the depth of love and admiration he has for his wife.  
352 Before separation from his wife and children have taken a  
353 terrible toll on his psyche and soul, yet he has hope for  
354 healing upon reuniting with his loved ones. In conclusion,  
355 Mr. al-Libi should be cleared for transfer. Mr. al-Libi has  
356 suffered, redacted, he lost his hearing, the next sentence  
357 is redacted. The US has held him almost 20 years without  
358 charge. During this time the justification for continued

359 detention has grown steadily weaker, but so has Mr. al-  
360 Libi's health. Through this prolonged detention, Mr. al-  
361 Libi has treated his undersigned counsel with nothing but  
362 respect and dignity. His counsel, Mr. Michael Murali and  
363 myself, has been meeting with Mr. al-Libi since 2018 and  
364 knows him to be thoughtful, considerate, and compassionate.  
365 He has expressed no animosity towards the United States and  
366 has repeatedly told all his counsel that his only desire is  
367 to live his remaining days in peace with his family. He  
368 wishes to be productive, if he is able, and to provide for  
369 them by working in a shop. Family and friends are ready to  
370 welcome and support Mr. al-Libi unconditionally. It is time  
371 to release him. I look forward to answering your questions  
372 during this hearing.

373 PM: Board Members may reserve questions until detainee and  
374 witness statements have been presented in their entirety.

375 However, does anyone have any questions at this time?

376 HQ: Translator: [Translates above]

377 [Long Pause]

378 PM: Well, with no questions, this concludes this portion of the  
379 hearing. I ask that all remain seated until further  
380 instructed by the Case Administrator.

381 HQ Translator: [Translates above]

UNCLASSIFIED//FOR PUBLIC RELEASE  
~~CONTROLLED UNCLASSIFIED INFORMATION~~

382 CA: We will take a short recess to prepare for the remaining  
383 sessions. Time now 0928.  
384 HQ Translator: [Translates above]

~~CONTROLLED UNCLASSIFIED INFORMATION~~

UNCLASSIFIED//FOR PUBLIC RELEASE