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1 CA: This Periodic Review Board hearing is now convened at 0900
2 hours 21 September 2021, with regard to the following
3 detainee: Mohammed Abdul Malik Bajabu (ISN 10025). As a
4 reminder the unclassical portion of these processing are
5 being reordered for the purpose of generating a transcript
6 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, Department
10 of State. Department of Justice, Department of Homeland
11 Security, Office of the Director of National Intelligence
12 and Office of the Chairman of the Joint Chiefs of Staff.
13 The following personnel are also present: Legal Advisor to
14 the Board, Case Administrators, Personal Representative,
15 Private Counsel, translators, the detainee and the Security
16 Officer.

17 HQ Translator: Translates above.

18 CA: The detainee's Personal Representative, the detainee, and
19 translator are located at the detention facility, U.S.
20 Naval Station Guantanamo Bay, Cuba. They are attending via
21 video teleconference. The detainee has waived translation
22 of the unclassified summary, the Personal Representative's
23 statement, and the Private Counsel's statement. The
24 unclassified summary has been posted to the Periodic Review
25 Secretariat website. Foreign, national and local media;
26 Foreign Government Officials and Representatives from Non-
27 Governmental Organizations may be observing this session.

28 HQ Translator: Translates above.

29 PM: Good morning. This Board is convened to determine whether
30 continued law of war detention is warranted for Mohammed
31 Abdul Malik Bajabu (ISN 10025) to protect against a
32 continuing significant threat to the security of the United

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33 States. From her on forward we will refer to the detainee
34 as Abu Waaafa. This session of this hearing is
35 unclassified.

36 HQ Translator: Translates above.

37 PR: Abu Waaafa this is your Period Review Board to determine
38 whether continue 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 national security of the United States. The
42 focus of this hearing is on the treat you may pose to the
43 united stated and its interest if transfer of released from
44 U.S. custody. It is not on the lawfulness of detention.

45 HQ Translator: Translates above.

46 CA: The Personal Representative and Private Counsel are your
47 representative to assist you during this process. Finally
48 the translators ensure that everyone understands your
49 statements and that you understand what is being said
50 during the hearing.

51 HQ Translator: Translates above.

52 CA: Personal Representative and Private Counsel as the detainee
53 had an opportunity to review the Unclassified Summary?

54 HQ Translator: Translates above.

55 PR: Yes, Sir.

56 PM: Thank you. I will now read the UNCLASSIFIED SUMMARY:

57 Mohammed Abdul Malik Bajabu (ISN 10025) was inspired by a
58 radical imam to leave Kenya in 1996 to receive extremist
59 training in Somalia, where he developed a close
60 relationship with members of the now-defunct al-Qa'ida in
61 East Africa (AQEA), including senior operational planners
62 such as Harun Fazul. Bajabu became an AQEA facilitator and
63 was closely involved in the preparation and execution of
64 the attacks in Mombasa, Kenya, in November 2002, against

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65 the Paradise Hotel and an Israeli airliner. In February
66 2007, Kenyan authorities arrested Bajabu for his
67 involvement in the Mombasa attacks and transferred him to
68 US custody a few weeks later. Does the Personal
69 Representative wish to make unclassified Opening Statement
70 at this time?

71 HQ Translator: Translates above.

72 PR: Yes, Sir.

73 PC: 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 it is resolved. Has the detainee had the
80 opportunity to review your statements?

81 HQ Translator: Translates above.

82 PR: Yes, Sir.

83 PC: Yes, Sir.

84 PM: Thank you, Personal Representative, you may now proceed.

85 GTMO Translator: Translates above.

86 PR: Member of the Board, I have been assigned to Abu Waaafa
87 since August 2021. I have been assigned to Mohammed Abdul
88 Malik Bajabu since 2021. Mohammed has engaged with PRS
89 staff in preparation for the Periodic Review Board. I look
90 forward to facilitating his participation with the review
91 process. Thank you for your consideration.

92 PM: Thank you. Counsel do you have any opening statements?

93 PC: Yes, sir.

94 PM: Please proceed.

95 PC Periodic Review Board Members: It is my privilege to
96 represent Mr. Abdul Malik Bajabu in this proceeding. As

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97 his Personal Representative has stated, and as prior
98 counsel have represented to this Board, there are strong
99 reasons favoring Abdul Malik's clearance by this Board.
100 First, and perhaps most importantly, is the large amount of
101 family support that Abdul Malik will receive from his
102 family. This Board is already aware from previous
103 submissions that Abdul Malik has a large and loving family
104 who remain ready and willing to assist with his return and
105 repatriation. Abdul Malik's sisters both live in Kenya,
106 and while his wife and three children live in Somalia, they
107 are willing to move to Kenya in order to be reunited with
108 him. Like most families over the last year, Abdul Malik's
109 family has been affected by the coronavirus pandemic.
110 Reprieve has worked to support his family during that time,
111 and will continue to do so after Abdul Malik is released
112 and returned to them. I should also highlight the length
113 of time Abdul Malik has spent in detention: over 14 years
114 without charge or trial. This lengthy detention stands in
115 contrast to the fact that each of Abdul Malik's co-accused
116 with whom he was arrested have long lived as free men. I am
117 unaware of any threat posed to the United States or any
118 other nation because of their freedom. Likewise, Abdul
119 Malik poses no threat. To the contrary, I think this world
120 would be a much better place if Abdul Malik were a free
121 man. Indeed, Abdul Malik is among the most compliant
122 detainees, a result of his devotion to peace and healing.
123 Prior counsel has noted that he can quote Mohandas Ghandi
124 and Dr. Martin Luther King like teenagers quote Taylor
125 Swift. And I would add one additional piece of source
126 material - the Bible. While Abdul Malik does not have
127 access to one, he has been able to learn some quotes from
128 television programs, and is always sure to bring a new

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129 quote with him to our meetings, sometimes asking me to make
130 sure he has them recorded correctly. Most of the quotes
131 are from Psalms, but he was particularly affected by a
132 quote from Matthew's Gospel (16:26): "What does it profit a
133 man to gain the world, but lose his soul?" Abdul Malik,
134 maybe more than any person I know, lives that principal
135 each day. He practices meditation and yoga, and identifies
136 himself as a "healer" - something he was doing long before
137 his detention. He is constantly reassuring others in
138 precarious situations that everything will be alright. I
139 have spoken to family members of his who have lost jobs,
140 received troubling medical news, and experienced the loss
141 of loved ones who have been buoyed by their family calls
142 with Abdul Malik. And, at the beginning of the coronavirus
143 lockdown, Abdul Malik was sure to remind me to keep myself
144 safe, and to assure me that he was praying not only for me,
145 but for all Americans, during the height of the outbreak.
146 Abdul Malik is patient, tolerant and empathetic. He is an
147 avid reader, and prefers books that contain a moral message
148 about how to live an upright life. While he has never
149 downplayed the effects of his long incarceration, he has
150 always approached his situation positively, dispelling any
151 negativity with humor and grace. In evaluating whether
152 Abdul Malik is a threat to the security of our nation, I
153 hope this Board will give due weight to these qualities
154 which have been consistently attested to by every person
155 who has encountered Abdul Malik. Further, as this Board is
156 by now well-aware, Abdul Malik will enjoy the programmatic
157 support of Reprieve's Life After Guantánamo project, which
158 provides a host of vital support mechanisms to help our
159 clients re-integrate into society. I am certain that
160 everyone - Abdul Malik, his representatives, and the United

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161 States government - wants Abdul Malik to do well. I can
162 assure the Board that the LAG project will do the same with
163 Abdul Malik. We have traditionally worked with the State
164 Department and host governments on transition plans for
165 clients. Through the transition we have acted as a point
166 of contact with local authorities and have facilitated
167 support for job placement and mental health care. This
168 will be no different for Abdul Malik, and we have already
169 begun this work. I have personally spoken with a number of
170 civil society organizations within Kenya, including the
171 Inter-Medico Legal Unit, or IMLU, a Nairobi- based NGO
172 that, in part, assists formerly incarcerated individuals
173 reintegrate to society. They have noted that their
174 services, including psychological counseling, will be
175 available to not only Abdul Malik, but his entire family,
176 upon his return. I would like to close by quoting Abdul
177 Malik, as he is surely a better advocate for his release
178 than I am. He is fond of reminding people, when they are
179 going through a tough time: "your current situation is not
180 your final destination." I hope this Board recognizes that
181 it is time to change Abdul Malik's current situation, and
182 allow him to return to his family. Thank you for your
183 consideration.

184 PM: Okay, Board Members may reserve questions until detainee
185 and witness statements have been presented in their
186 entirety. However, does anyone have any questions at this
187 particular time?

188 HQ Translator: Translates above.

189 PM: With no further questions, this concludes this portion of
190 the hearing. I ask that all remain seated until further
191 instructed by the Case Administrator.

192 HQ Translator: Translates above.

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193 CA: We will take a short recess to prepare for the remaining
194 sessions. Time now 0915.

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