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CA: This Periodic Review Board is being conducted at 0908 hours on 21 July 2016, with regards to the following detainee: Omar Mohammed Ali al-Rammah, ISN 1017.

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;**

**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; AND,**

**OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**

The following personnel are also present:

**LEGAL ADVISOR TO THE BOARD;**

**CASE ADMINISTRATORS;**

**PERSONAL REPRESENTATIVE;**

**PRIVATE COUNSEL;**

**TWO TRANSLATORS;**

**THE DETAINEE; AND,**

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**SECURITY OFFICER.**

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: The detainee's Personal Representative, 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 and the detainee waived translation of the unclassified summary and the Personal Representative's and Private Counsel's opening statements. These documents have been posted to the Periodic Review Secretariat's website. This session is being observed by representatives from non-governmental organizations.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Good morning. This Board is convened to determine whether continued law of war detention is warranted for Omar Mohammed Ali al-Rammah, ISN 1017, to protect against a continuing significant threat to the security of the United States. From here forward, we'll refer to the detainee as Zakariya. This session is unclassified.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Zakariya, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it's necessary to protect against a continuing significant threat to the national

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security of the United States. The focus of this hearing is on the threat you may pose to United States and its interests, if transferred or released from U.S. custody. It is not on the lawfulness of your detention.

TRANS 1: [TRANSLATION OF ABOVE]

PM: The Personal Representative and Private Counsel are your representatives to assist you during this process. And finally, the translators ensure that everybody understands your statements and that you understand what is being said during the hearing.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Personal Representative, Private Counsel, has Zakariya had an opportunity to review the unclassified summary?

TRANS 1: [TRANSLATION OF ABOVE]

PM: Sorry. We don't have sound for... for GTMO.

PR: Ma'am, can you hear us?

PM: Yes, thank you.

PR: Okay. Yes, Ma'am, he has reviewed the summary.

PM: Okay, thank you.

PM: Thank you.

**(TRANS 2 TRANSLATES ABOVE WHILE PM IS SPEAKING)**

PM: I'll read the unclassified summary:

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Omar Mohammed Ali al-Rammah, ISN 1017, probably was a low-level mujahidin fighter since the mid-1990s, when he probably participated in the Bosnian jihad, and was a facilitator in the late 1990s when he became associated with an extremist network affiliated with al-Qaeda. He may have trained at al-Qaeda-associated camps in Afghanistan before relocating to Georgia in mid-2001 to support the Chechen jihad. While in Georgia, he was part of a force led by Chechen fighter, Ruslan Gelayev, and may have fought against Russian or Abkhaz forces in the breakaway region of ahabz... Abkhazia.

After 9/11, Zakariya continued to work as a trusted, but low-level, facilitator while he aspired to enter Chechnya to fight. He arranged to acquire fraudulent passports, and sought to acquire weapons, ammunition, and other supplies for mujahidin operations in Chechnya. Zakariya probably received some training under Abu Atiya, who led a toxin network while in Georgia, but probably had no other involvement in its operations. Zakariya was captured in April 2002 by foreign gov... by a foreign government.

Throughout his detention, Zakariya, while moderately compliant, has refused to cooperate with U.S. personnel and probably exs... retains an extremist mindset. He had made no effort to reconnect with family and probably does not want to be repatriated to Yemen. Zakariya has little formal education and has not articulated any

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plans or hopes for his life after release, suggesting that he lacks in the social and vocational skills to support himself without comprehensive assistance.

There are no indications that Zakariya has fam.. has current associations with active extremists. In addition, one of the two men with whom Zakariya was detained in 2002, Soufian Abar Huwari, ISN 1016, was arrested by Belgian authorities in late July 2015 for criminal activities.

Do the Personal Representatives and Private Counsel wish to make an unclassified opening statement?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

PC: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: I'd like to remind all the participants that any information shared at this time must be unclassified. If there's a concern about classification of the information I'll indicate as stuch... such and will stop the proceedings until we resolve the issue. Has Zakariya had the opportunity to review your statements?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

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PM: All right. Personal Representative, please proceed.

TRANS 1: [TRANSLATION OF ABOVE]

PR: Good morning ladies and gentlemen of the Board. I am the Personal Representative for Omar Mohammed Ali al-Rammah, ISN 1017, who goes by a nickname Zakariya. Thank you for this opportunity to show Zakariya is not a continuing significant threat to the United States.

Zakariya was born and raised in Jedda, Saudi Arabia, although his family is Yemeni by blood. Zakariya comes from a moderate family that highly values education. In fact, both his older brothers pursued advanced degrees at foreign universities. As a typical rebellious youngster, Zakariya did not put much effort into his schooling and, instead, focused on playing soccer, dancing, and having fun. He also chose not to attend mosque, or practice Islam, until he reached high school when someone at a nearby mosque showed him a video describing heaven and hell. This scared him enough that he turned towards a more strict faith. This eventually led him to head for Bosnia in the 1990s so he could help protect the Muslims from the atrocities of that period. After only a month of basic training, his barracks was shelled, injuring his leg and forcing him back home to get proper care. After a couple years spent recovering and completing additional schooling, someone at a mosque showed him

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videos of the Chechen conflict and he again felt the need to go help the Muslims there. After... after a short stay in Afghanistan to finish his basic training, he ended up in Georgia.

Once Zakariya arrived in Georgia, the Chechens there essentially told him they didn't trust Arabs to do any fighting and sent him to provide support in the rear areas of the conflict. This left Zakariya to spend his time performing menial tasks, such as loading food for transport. One day, Zakariya took a cab between towns and the cab was ambushed. Zakariya and two other passengers were apprehended while the Chechen driver was killed next to Zakariya. He was eventually handed over to Americans, and after being held an extended time in Afghanistan, he was finally transferred to Guantanamo b... Guantanamo Bay. His traumatic capture experience finally brought home the brutal reality of his choices and forever altered his view of armed conflict.

While at Guantanamo, Zakariya has settled into a much more moderate practice of Islam, sometimes even earning the displeasure of other detainees for his willingness to speak with female guards and staff members. He participated in numerous class offerings and likes to spend his time playing video games and watching American movies. Zakariya greatly admires Western culture and wants to move to an accommodating country with religious freedoms, preferably in Europe.

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He wants to marry a woman who is educated, who he can take dancing, and live somewhere where she doesn't have to keep her head covered. He understands that he has limited education and job training and he is willing to accept any job he can to provide for a family. Zakariya is ready to answer any and all questions.

PM: Thank you. Private Counsel, you may proceed with your unclassified opening statement.

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Good morning. I am Beth Jacob, a member of the law firm Kelley Drye & Warren, Private Counsel for Zakariya al-Baidany. He has been called Zakariya for most of the last dozen years, so I will use that name in referring to him.

I'd like to give you a little background about myself, so you can have context to consider my comments about Zakariya. Shortly after law school, I became a prosecutor in the New York City District Attorney's Office in Manhattan, where I worked for eight years, investigating and prosecuting organized crime, official corruption, white collar crime, large scale tax evasion and financial frauds. Some years after I left the District Attorney's Office, I defended the Port Authority of New York and New Jersey, the owner of the World Trade Center complex, in some of the litigations arising out of the September 11, 2001 attacks. On a pro bono basis, I helped victims of



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those attacks make claims against insurers and obtain compensation from the fund established by the United States government for that purpose. Now, most of my work is representing generic pharmaceutical companies in patent infringement litigation against brand pharmaceutical companies.

Along with others in my previous and current law firms, I have represented men detained at Guantanamo since 2005.

I have known Zakariya... excuse me, only a few months, when he asked if I could be his Private Counsel at this hearing because a series of departures from the firm that had been working with him left him without a lawyer. But in those few months, I have spoken and met with him almost a dozen times. I talked with his previous lawyers and read their notes. He has always been friendly and polite; I do not wear a headscarf or a skirt when we meet; and he shakes my hand and thanks me profusely at the beginnings and ends of our meetings.

At Guantanamo, Zakariya has taken many classes, and you have letters from two of his teachers. But what he likes best is to play videogames and to watch American movies. He likes adventure movies and romantic stories, where he can follow the plots despite his limited English. He told me that when he watches movies, he is transported to another world. And he told me that through watching

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American movies, he learned about open societies and cultures, where men and women can interact freely. Now, Zakariya's ambition is a life with friends both male and female, and his dream is to be able to go out dancing at night with his wife and then come home to their children. His thoughts about employment are modest and realistic. He would like to work in a store, perhaps one selling sweets, or drive a taxi.

Zakariya is not someone who is interested in political or religious philosophy, or who wants to change the world or other people. When he was young, he liked music and dancing - even though that was not accepted in Saudi Arabia where he grew up - and playing soccer. He then made what he readily admits were wrong decisions that he regrets intensely. He was scared by a story of heaven and hell, got religion as a result, and was guided to Bosnia and then Chechnya to support his fellow Muslims, decisions that he now regrets deeply. He was captured in a violent ambush in Georgia, where the young man sitting next to him was shot dead before his eyes - a shock that still reverberates when he talks about it today. He was transferred to American custody and held in CIA black sites before he was transferred to Guantanamo.

These experiences traumatized him, especially the death of the young man, the first death he had seen.

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He has gained a reputation as a good cook. And while I have not had the privilege of sampling his cooking, we have had discussions about food and spices, and about different kinds of coffees.

Zakariya grew up in a family that valued education and was not unduly religious. We have not been able to provide statements from his family because, despite several efforts by the International Red Cross - which my firm has confirmed independently through conversations with the ICRC and others - he has not been able to make contact with his family since his arrival at Guantanamo. Zakariya's last conversation with his mother was in 2002 from Georgia, when she told him to come home. He has given me the names of his family in Saudi Arabia, his mother's family in Yemen, a businessman who is a family friend, and his home phone number from 15 years ago, and we are actively trying to locate them. From what he says, his family is well educated and has resources, and will be able to help support him financially as well as emotionally wherever he ends up living.

But in the absence of family, before we are able to locate them, we have made arrangements to provide support and structure to ensure that he is able to make a safe and successful transition to life after transfer from Guantanamo, wherever he ends up. I am sure many of you know of Reprieve's *Life After Guantanamo* program, with its impressive track record of successfully helping several dozen

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detainees from Guantanamo after they were transferred. Reprieve has agreed that Zakariya can participate in that program, and we have submitted a letter from them to that effect that describes the program in more detail. And Zakariya has not one, but two, international law firms - mine and his previous counsel - who are committed to continuing our work as his lawyers to give him or find for him whatever assistance is needed. I have explained all of this to Zakariya, and he is very grateful.

You will see that Zakariya will be forthright with you about his past and that his remorse is genuine. He was a young unsophisticated kid who behaved stupidly. The independent responsibilities suggested by the profile, excuse me, the independent responsibilities suggested by the profile, in my opinion, would have been beyond his capabilities. He never was engaged in fighting, and his first experience of violence shocked him to his core. As Zakariya puts it, he has learned, through a very hard lesson, not to follow bad advice. That this lesson remains learned is clear from his conduct at Guantanamo. For years, he has been housed with the compliant and Westernized detainees, and his ambition is for a future where he can go out dancing. It is clear that Zakariya will not be a threat to the United States or anyone else, if he is released.

Thank you.

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PM: Board Members may reserve questions until detainee and witness statements have been presented in their entirety. Does anyone have a question, at this time?

**(NON-VERBAL RESPONSE FROM BMs)**

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: All right. With no questions, this concludes this portion of the hearing. I ask that we 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 0927, 21 July 2016.]**

**[END OF PAGE]**

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER  
CA: CASE ADMINISTRATOR  
PM: PRESIDING MEMBER  
PC: PRIVATE COUNSEL  
PR: PERSONAL REPRESENTATIVE  
TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)  
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)