

1 CA: This Periodic Review Board is being conducted at 0912, on
2 19 November 2020 with regard to the following detainee.
3 Stand by. What's up? Can you hear me? IT1. Saifullah
4 Paracha (ISN 1094). As a reminder, the unclassified
5 portions of these proceedings are being recorded for the
6 purpose of generating a transcript to be posted on the PRS
7 website.

8 HQ Translator: *Translates above.*

9 CA: Representatives from the following agencies are present and
10 are members of the Board: Department of Defense, Department
11 of State. Department of Justice, Department of Homeland
12 Security, Office of the Director of National Intelligence
13 and Office of the Chairman of the Joint Chiefs of Staff.
14 The following personnel are also present: Legal Advisor to
15 the Board, Case Administrators, Personal Representative,
16 Private Counsel, the detainee, 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. The
21 Personal Representative is attending via video
22 teleconference. The detainee has waived translation of the
23 unclassified summary. Personal Representative Statement,
24 Private Counsel Statement. The unclassified Summary has
25 been posted to the Periodic Review Secretariat website.
26 Foreign, national and local media; Foreign Government
27 Officials and Representatives from Non-Governmental
28 Organizations may be 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 Saifullah Paracha (ISN
32 1094) to protect against a continuing significant threat to

33 the security of the United States. From here on forward we
34 will refer to the detainee as.

35 PR: We have you loud and clear. How about us?

36 CA: we have you loud and clear and ah standby. We will resume
37 this board the time now is 0918.

38 PM: This Board is convened to determine whether continued law of
39 war detention is warranted for Saifullah Paracha (ISN 1094)
40 to protect against a continuing significant threat to the
41 security of the United States. From here on forward we will
42 refer to the detainee as Saifullah. This session of the
43 hearing is unclassified.

44 HQ Translator: *Translates above.*

45 PM: Saifullah this is your Periodic Review Board to determine
46 whether continued law of war detention is warranted in your
47 case. Continued law of war detention will be warranted if
48 necessary to protect against a continuing significant
49 threat to the National Security of the United States. The
50 focus of this hearing is on the threat you may pose to the
51 United States and its interest if transferred or released
52 from U.S. custody. It is not on the lawfulness of your
53 detention.

54 HQ Translator: *Translates above.*

55 CA: The Personal Representative and the Private Counsel are
56 your representatives to assist you during this process.
57 Finally the translators ensure that everyone understand
58 your statements and that you understand what is being said
59 during the hearing.

60 HQ Translator: *Translates above.*

61 CA: Personal Representative and the Private Counsel as the
62 detainee had an opportunity to review the Unclassified
63 Summary?

64 HQ Translator: *Translates above.*

65 PR: Yes, Sir.

66 PR: Private Counsel?

67 PC: Yes, Sir.

68 PM: Okay. Thank you. I will now read the unclassified summary.

69 Saifullah Paracha (ISN 1094) was a Pakistan-based

70 businessman and facilitator on behalf of al-Qa'ida senior

71 leaders and operational planners. He met Usama Bin Ladin

72 in 1999 or 2000, and he later worked with external

73 operations Chief Khalid Shaykh Muhammad (ISN 10024) to

74 facilitate financial transactions and propaganda. Does the

75 Personal Representative or Private Counsel wish to make

76 unclassified Opening Statement at this time?

77 HQ Translator: *Translates above.*

78 PR: Yes, Sir.

79 PC: Yes, Sir.

80 PM: I would like to remind all participants that any

81 information shared at this time must be unclassified. If

82 there is a concern about the classification of the

83 information, I will indicate as such and will stop the

84 proceedings until we resolve the issue. Has the detainee

85 had the opportunity to review your statements?

86 HQ Translator: *Translates above.*

87 PR: Yes, Sir.

88 PC: Yes, Sir.

89 PM: Thank you, Personal Representative, please proceed.

90 PR: Honorable Board Members, Thank you for the opportunity to

91 provide a statement on behalf of.

92 CA: GTMO sound check? We have dropped them again. We will give

93 them a minute to catch up with us sir. GTMO sound check.

94 Cut the mic please. GTMO sound check. Ok. I would like

95 you to resume your statement. Time now 0943.

96 PR: Right okay. Oh yeah. Alright thank you ah. I am just
97 going to start from the top of my statement. I'm not sure
98 exactly when I was cut of sir.

99 PM: that is fine.

100 PR: Thank you for the opportunity to provide a statement on
101 behalf of Mr. Paracha in hopes of securing a recommendation
102 for transfer from Guantanamo Bay. Mr. Paracha is
103 cooperative in the PRB process... where he freely admits that
104 he had interaction with Osama Bin Laden. If transferred,
105 however, Mr. Paracha has stated that he would not return to
106 this line of work. As mentioned in previous file reviews,
107 Mr. Paracha signed his previous businesses over to his
108 daughter via power of attorney authorizing the sale of
109 these assets. In addition, Mr. Paracha is now in his mid-
110 70s with numerous health conditions that would preclude
111 returning to his past business practices. Were he to be
112 recommended for transfer, Mr. Paracha has the support of
113 his family as well as that of his private counsel. I am
114 hopeful that he will be able to discuss this further in the
115 next section of this full review. As a result of our
116 interactions and a review of his case file, I have no
117 reason to believe that Mr. Paracha poses a current threat
118 or would pose a future threat to the United States and its
119 allies. Thank you for your time and consideration.

120 PR: Private Counsel please proceed.

121 PC: Thank you. My name is Shelby Sullivan-Bennis and it
122 remains my privilege to represent Mr. Saifullah Paracha.
123 Mr. Paracha is the oldest man in Guantánamo Bay by a margin
124 of nearly two decades, and this—his 17th year held without
125 charge or trial—marks my 7th statement and Mr. Paracha's
126 8th appeal to this Board. Among those undisputed
127 identifiers is another—one more relevant to this agency's

128 legal scope of inquiry: for the past 16+ years in
129 Guantánamo, Mr. Paracha has lived a life indisputably
130 categorized as that of a 'model prisoner.' Far beyond
131 that, Mr. Paracha, a 74-year-old father, has served as
132 mentor to young detainees and staff, alike, hosting make-
133 shift lessons in English language, small business, and
134 contemporary American literature, to name a few. He has,
135 by the prison's own accounting, committed fewer
136 disciplinary infractions than there are men who remain in
137 Guantánamo—none of which have been violent in nature.
138 Never has it been in question whether or not Mr. Paracha—a
139 devout Muslim who chose to send all four of his children to
140 private Christian schools in Pakistan, among other displays
141 of cultural and religious openness—is a religious
142 extremist. No, not even the statements of tortured men
143 that accuse Mr. Paracha of criminal activity allege
144 religious extremism or any measure of ill will toward
145 America or its Western allies. Mr. Paracha's case,
146 instead, hinges upon accusations involving financial
147 investments and his state of mind therein. For reasons
148 understood by this Board, details relating to those
149 circumstances are inextricably embroiled in what remains a
150 subjective history caught in a fog of classification. That
151 said, it is imperative to be conscious of recent judicial
152 findings in the case of Mr. Paracha's son, Uzair, where the
153 lack of credibility of statements of tortured men (the same
154 statements undergirding the case against his father) served
155 as the basis for the sua sponte vacation of Uzair's
156 conviction this past year. We intend to present more
157 detailed submissions along with our statements, but in very
158 brief, Mr. Uzair Paracha—formerly convicted of material
159 support of terrorism—has had his conviction overturned and

160 all charges against him dropped by the Department of
161 Justice since our last submission to this Board. Ten days
162 prior to his scheduled trial in March 2020 and 17 years
163 after he was convicted, Uzair was informed that the U.S.
164 government had decided not to pursue charges and a new
165 trial, and that; instead, he was to be to be flown home to
166 Pakistan with a clean criminal record. It is this
167 monumental development, in combination with the hope that
168 the PRB process may once again function without baseless
169 Executive interference, but with earnest dedication to its
170 mission that we present ourselves here today and hope to
171 answer any questions you may have.

172 PM: Board Members may reserve questions until detainee and
173 witness statements have been presented in their entirety.
174 However, does anyone have any questions at this time?

175 HQ Translator: *Translates above.*

176 PR: With no questions, this concludes this portion of the
177 hearing. I ask that all remain seated until further
178 instructed by the Case Administrator.

179 HQ Translator: *Translates above.*

180 CA: We will take a short recess to prepare for remaining
181 sessions. Time now 0948.