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[The detainee session opened at 0947, 8 April 2014.]

CLERK: Attention, all members, commencement of the detainee session is in order.

All foreign, national, and local media; foreign government officials; and representatives from nongovernmental organizations, as applicable, have departed the remainder of the hearing.

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

PM: I'd just say thank you very much for your patience while we were establishing the necessary technical connections so we could have the witnesses be able to participate. We're good to go on that now, so we'll continue to proceed.

Personal representative and private counsel, does Mr. al Bihani desire to make an oral or written statement at this time?

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

PR: Yes, sir, Mr. al Bihani intends to make an oral statement.

PM: Thank you.

Mr. al Bihani, during this hearing, you have an opportunity to make a personal statement or answer questions. You are not required to make a statement, and you will not be compelled to answer questions. The choice of whether to make a statement or answer

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questions is up to you. Your representatives may assist you in deciding whether to make a statement or answer questions and may assist you in making a statement.

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

PM: Do you understand my explanation of your opportunity to make a statement and answer questions?

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

DET: **[Speaking in Arabic.]**

TRANS 2: Yes.

PM: Thank you.

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

PM: When the detainee makes any statements, those statements are presumptively classified. All discussions or questions from board members, his personal rep, and private counsel need to remain at the unclassified level.

Mr. al Bihani, you may now make a statement to the board.

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

DET: I am still learning English, so I would like to present my statement in Arabic.

[The detainee continued his statement in Arabic along with simultaneous translation from Translator 2.]

PM: Excuse me. Mr. al Bihani, may I ask for a moment. It's difficult for the board to hear the simultaneous translation as you're

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reading the statement.

So could you please do -- let Mr. al-Bihani to make a statement and then translate following that. With the audio that we receive here, it's very difficult to understand what's being read. Thank you.

PR: Yes, sir.

[The private counsel and Translator 2 conferred.]

[Translator 2 conferred with the detainee in Arabic.]

DET: I am still learning English, so I would like to present my statement in Arabic.

[The detainee continued his statement in Arabic.]

TRANS 2: My name is Ghaleb Nasser al-Bihani, and my ISN is 128. I was born in Tabuk, Saudi Arabia, where I lived continuously until I was about 21; but I am a Yemeni citizen. I was born in 1979. I was brought to Guantanamo when I was 22, and I'm now 34 years old.

DET: **[Speaking in Arabic.]**

TRANS 2: I want a chance to build a normal life the same way other people build their lives. I don't need an easy life, and I don't want a hard life. I just want an ordinary life.

DET: **[Speaking in Arabic.]**

TRANS 2: I want my own family; I want to become a father. And I look forward to the day when I can hold my baby in my hands. I want to provide for my family and my child.

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DET: **[Speaking in Arabic.]**

TRANS 2: It could be hard, but I want to pursue my education. The first thing I want to do is take classes that will help me find a good job, like English, computer, and carpentry classes. Since my days would be spent working or looking for a job, I would plan to take classes in the evening.

DET: **[Speaking in Arabic.]**

TRANS 2: I also want to take care of my health. I have diabetes and related problems, including severe back pain and migraines.

DET: **[Speaking in Arabic.]**

TRANS 2: I have these hopes because I want a safer life. I want a happy life with -- for my children. I want to take good care of them and provide them with an education because I know their future will depend on it.

I want to give them a better life than I had. I lost both my parents when I was a young boy, and it was hard growing up without a mother or father. I want to be in a position where I can give my children the guidance that I did not have.

DET: **[Speaking in Arabic.]**

TRANS 2: I have done my best to prepare for the life that I want. I have struggled on a daily basis here because of my health, and I have felt desperate and frustrated. You can imagine that when

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you feel like this you do not always act in ways you want.

Sometimes, my health condition has gotten worse and made me even more tense, anxious, and depressed and given me insomnia. It got so bad last year that I asked my attorney to write a letter to the camp administration and discuss with them my health and psychological condition. I wanted to be transferred to Camp Echo just so that I could keep to myself and be in a calm environment.

DET: **[Speaking in Arabic.]**

TRANS 2: But I'm trying. My lawyer and relative can tell you that I had requested many books because I want to educate myself and improve myself and I spend most of my time reading. In my cell, now, I have many books, including English- and Spanish-language books, a book about diabetes and high blood pressure, a book about the Dalai Lama, and the biography of Martin Luther King.

I like to read biographies because I want to learn about other people's lives and these circumstances they faced and how they were able to overcome their difficulties and move on with their lives. I want to learn how they were able to learn positive lessons from their difficulties and how they were able to reach their goals in life without looking at the past. I hope to have the same strength and patience to overcome my difficulties.

DET: **[Speaking in Arabic.]**

TRANS 2: Given a choice, I would build the life that I imagine

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in a new country, maybe Qatar or countries in Europe, Latin America, or Asia that may be willing to take me. When I think of freedom, I think of a new country, the place where I can have my own independent life where there are opportunities, where the security situation is better, and where education is important.

I thought of Qatar because it's an Arab country; so it would be familiar, but also because its economy is strong, its security situation is stable, it has job opportunities, and it can provide good medical treatment for my conditions. It is a modern country with freedoms where I will be able to live my life as an equal person.

DET: **[Speaking in Arabic.]**

TRANS 2: I want to settle in a third country. If I'm transferred to such a place, I can promise you that I would not try to go back to Saudi Arabia or go to Yemen, where I have never been or have never lived.

DET: **[Speaking in Arabic.]**

TRANS 2: But I'm willing to go to any country that the government decides is an appropriate option for me. For the chance to build this new life, I will accept security measures that other transferred detainees have been subject to. I will also participate in a rehabilitation program.

DET: **[Speaking in Arabic.]**

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TRANS 2: For years, I have said these things about my hopes for my life to everyone that -- who has asked me. I have said it before, and I will say it again: I want to build a new future for myself.

DET: **[Speaking in Arabic.]**

TRANS 2: I can't change the past, and I can't control what other people do or what goes on in a given country. But I can control my own actions. For years, I have talked about my hopes are [sic] for the future and what my decisions would be. I have struggled through the effects of my diabetes to try to improve myself to show that these are not simply words. I have a bright vision of my future. It's all I think about. I'm asking for the chance to make my vision a reality.

DET: **[Speaking in Arabic.]**

TRANS 2: Thank you.

PM: Thank you for your statement.

Board members, do you have questions for Mr. al-Bihani?

[No verbal response from the members.]

PM: The board members have some questions for Mr. al-Bihani. He's not obligated to answer any questions posed by board members.

Personal representative and private counsel, does Mr. al-Bihani want to answer the questions posed by members of the board?

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

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DET: Yes.

TRANS 2: Yes.

PR: Yes, Mr. al-Bihani wants to answer the questions posed by the board members.

PM: Very good. Thank you. We'll proceed.

BM: Good afternoon, Mr. Bihani.

Can you define the terms jihad, shahada, and takfir? And can you explain how you feel about those concepts?

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

[Translator 2 conferred with the detainee in Arabic.]

DET: **[Speaking in Arabic.]**

TRANS 2: With regard to jihad, I'm over with it and I am against violence. And I want to build a new life.

DET: **[Speaking in Arabic.]**

TRANS 2: Now, with regard to the definition of shahada and takfir, martyrdom, I think you will need to ask a scholar to give you a definition for these two terms.

PM: Follow-up?

BM: Thank you.

So can I ask, maybe as a follow-up then, if an alim asks you to engage in martyrdom or in jihad, how would you respond? Or if an alim said try to -- you know -- try to espouse takfirism and asked you to further that, how would you respond?

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TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: I would not follow his instructions.

TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: You know, this -- my experience in this prison was a very hard experience in my life, and all I want is to rebuild my life.

BM: Thank you.

PM: Okay. Next.

BM: Mr. al-Bihani, can you explain why you do not want to go to Yemen?

TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: Because I never lived there; I never stepped foot there.

DET: [Speaking in Arabic.]

TRANS 2: And because the economy is not in good shape at all.

DET: [Speaking in Arabic.]

TRANS 2: And the security situation is unstable.

DET: [Speaking in Arabic.]

TRANS 2: And I really want to sever all my relationships with the past.

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PM: Follow-up?

[Negative response from the board member.]

BM: Good morning, Mr. al-Bihani.

DET: Good morning.

BM: I believe that previously you expressed a willingness to go to Saudi Arabia if Saudi Arabia were willing to let you return there and would place you in to its rehabilitation program.

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

BM: Are you still willing to go to Saudi Arabia if the country would take you and let you participate in its rehabilitation program?

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

DET: **[Speaking in Arabic.]**

TRANS 2: Yes. I am willing to go to any country, but I would prefer to go to a third country.

BM: Do you still have family in Saudi?

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

DET: **[Speaking in Arabic.]**

TRANS 2: Yes. I still have there two sisters and two brothers.

BM: If you were to return to Saudi Arabia and after the rehabilitation program, do you know what kind of support your sisters and brothers in Saudi Arabia could give to you?

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

DET: **[Speaking in Arabic.]**

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TRANS 2: Well, they will offer me moral and material support, but they will also offer me advice. And this is what they have promised me: That once I return there, with God's will, they will help me get married and also they will help me get -- pursue my education.

BM: Is there a reason that you have not discussed your family in Saudi Arabia in the materials that you submitted to us?

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

[The private counsel conferred with the detainee through Translator 2.]

DET: **[Speaking in Arabic.]**

TRANS 2: Because my focus was to be transferred to a third country.

BM: Thank you.

PM: Okay.

Go ahead.

BM: I understand that at times you have not taken your medication. I'm wondering what the reason is that you've chosen not to do so.

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

DET: **[Speaking in Arabic.]**

TRANS 2: Because of the circumstances that I am going through and also because my mood swings as of -- that was due -- as a result

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of my diabetes.

PM: Follow-up?

[Negative response from the board member.]

BM: Sure.

Good morning.

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

DET: Good morning.

BM: Thank you. My question is: In your provided materials, you stated that, sometime in late 2009 or early 2010, that you wanted to go to Europe.

And my question is why didn't you start to cooperate with the interrogators at Guantanamo Bay in 2011 and 2013 if you had decided to move away from poor influences in the camp and answer their questions?

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

TRANS 2: No. That's not -- he didn't mention "why you -- didn't cooperate with the interrogators." He didn't mention that at all.

That was the question, wasn't it; why you didn't cooperate with the interrogators, no?

PC: Members of the board, I think there's a slight discrepancy in the translation here. And I wonder if the interpreters could just have a minute to resolve it.

PM: That's fine.

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PC: Thank you.

[The translators conferred in Arabic.]

[Translator 2 conferred with the detainee.]

TRANS 2: So if I may repeat the question, is that -- the focus of the question is how come, between 2011, 2013, you did not cooperate with the interrogators even though you had expressed between 2009 and 2010 your desire to go and resettle in Europe; am I correct?

BM: That's correct, yes.

PM: Yes, that's correct.

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

[The private counsel conferred with the detainee through Translator 2.]

PR: Members of the board, he's not quite understanding the question.

May we take a minute to make sure that he understands the intent of the question?

PM: Yes, that's fine. Thank you.

PR: Thank you very much.

[The private counsel conferred with the detainee through Translator 2.]

DET: **[Speaking in Arabic.]**

TRANS 2: [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PM: Follow-up?

[The board members conferred with the board president.]

PM: Okay. A new question -- different question, please.

Mr. al-Bihani, I listened with interest to your statement when you read us your statement; and you talked in there about how you read books about other famous people, other leaders -- Martin Luther King and the Dalai Lama -- and how they learned from the mistakes of their past, how they used mistakes in their past to build their future.

And I'm curious, looking back on your time before Guantanamo, what do you see is mistakes that you made in your life that you would change now that would allow you to take your path in a different way.

What lessons have you learned from your past in looking back on your own past?

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

[The private counsel conferred with Translator 2.]

PC: I'm sorry. There seems to be another issue with

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translation, so we're just clarifying.

The request is if you could please -- if the interpreter could please repeat the question.

PM: Certainly.

[Translator 1 repeated the question.]

[The private counsel conferred with the detainee through Translator 2.]

DET: **[Speaking in Arabic.]**

TRANS 2: Well, what I really learned from the books is -- from these books that I had read is discipline and how to concentrate and how to face problems and how to solve problems, how to make decisions, and how to control myself so that when I am facing problems ----

DET: **[Speaking in Arabic.]**

TRANS 2: ---- and to go forward in my life and transcend the difficulties and have a better life.

PM: If I could follow up: But again -- the emphasis of the question was to ask about choices you've made in the past and how you would make different choices in the future.

What have you learned now that would keep you from making the same bad choices that were made in the past?

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

[The private counsel conferred with Translator 2.]

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PC: I'm sorry. There seems to be another issue. I'm sorry.

PM: We'll repeat ----

PC: Could you repeat ----

PM: Go ahead. Ask for the clarification and we can repeat here.

PC: Okay.

TRANS 2: Should I talk to him?

PC: Yeah.

[The translators conferred in Arabic.]

[Translator 2 conferred with the detainee.]

TRANS 2: If I may -- if I'm correct, the question is how your -
- how you made the wrong decisions in the past and what are you going
to do to make better decisions in the future, if I'm correct?

PC: I think it's just ----

PM: Private counsel, I think you're on the track where I am
right now. I'm not trying to make the question more complicated than
it needs to be.

PC: Right. My understanding ----

PM: I'm simply asking that we all face choices in life, and how
we make those choices are important and how we learn about those
choices.

So if you want a specific example, a choice was made to
leave Saudi Arabia and Yemen and to go to Afghanistan. Looking back,

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reflecting back, what are the circumstances that -- where he would say, "I wouldn't make that choice again in the future"? What has he learned that he wouldn't make that choice in the future, if that helps?

[The private counsel conferred with the detainee through Translator 2.]

PR: Thank you for your indulgence.

DET: **[Speaking in Arabic.]**

TRANS 2: Well, the thing is that back then I was 21 years old, and I am now 34 years old. So the kind of decisions I would be making now will be different. Back then I wouldn't listen to anybody and I wouldn't consult with anybody and I wouldn't take the advice from anybody. Now I have learned, you know, that I need to -- I learned two steps here: that I need to listen more to people and to think more and get the advice of people.

PM: Thank you.

Next question, please.

BM: Mr. al-Bihani, we know you are one of many brothers.

Can you tell us about each of your brothers and what they are doing today?

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

DET: **[Speaking in Arabic.]**

TRANS 2: I don't really have details about their private lives,

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but I know that each one of them live independently with their own lives and with their own wives and their own households. That's it.

BM: [REDACTED]

TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

PM: Follow-up on this one?

BM: Yeah.

TRANS 1: [Translation of above.]

[The private counsel conferred with the detainee through Translator 2.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

PM: Follow-up?

BM: [REDACTED]

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[REDACTED]

TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

PM: Follow-up?

BM: [REDACTED]

[REDACTED]

TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

[The private counsel conferred with the detainee through Translator
2.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PM: Follow-up?

PR: There's more, sir.

PM: Please continue.

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DET: [Speaking in Arabic.]

TRANS 2: And Talfiq and myself are being detained here.

PM: Okay.

BM: Thank you for that. [REDACTED]

[REDACTED]

TRANS 1: [Translation of above.]

[The private counsel conferred with the detainee through Translator
2.]

DET: [REDACTED]

BM: [REDACTED]

[The private counsel conferred with the detainee through Translator
2.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

[REDACTED]

BM: Thank you.

TRANS 1: [Translation of above.]

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PM: Next question, please.

BM: Mr. al-Bihani, what were your views of the United States and the West prior to coming to Guantanamo and have they changed and, if so, how?

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

[The private counsel conferred with the detainee through Translator 2.]

DET: **[Speaking in Arabic.]**

TRANS 2: By God, prior to being captured and after I was captured, the -- my view is not really very, very different because I always thought that in every place there are the good people and the bad people. And even though I went through hard circumstances here, I really don't hold any grudge against anybody.

DET: **[Speaking in Arabic.]**

TRANS 2: And praise God, I have good rapport with the soldiers and also with the medical team. And I had, really, a very, very good relationship with Dr. [REDACTED]

PM: Follow-up?

BM: Mr. al-Bihani, you said that around 2009 your views on things changed and any beliefs that you had in jihad you abandoned and you began to have this desire to go to a third country, perhaps Europe.

What changed for you in 2009?

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TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: Could you please repeat the question?

[Translator 1 repeated the question.]

[The translators conferred in Arabic.]

[The private counsel conferred with the detainee through Translator 2.]

DET: [Speaking in Arabic.]

TRANS 2: Well, again, you know, the thing is that back then I was 21 years old and I am now 34. [REDACTED]

[REDACTED] like a desire from me to change my culture -- my knowledge of culture and to learn about other cultures. And in fact, this is one of the reasons why I would like to go to a third country because I would like to know more about a different culture.

PM: Follow-up?

BM: [REDACTED]

TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

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DET: **[Speaking in Arabic.]**

TRANS 2: [REDACTED]

DET: **[Speaking in Arabic.]**

TRANS 2: [REDACTED]

PM: Follow-up?

BM: Thank you.

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

BM: Thank you. The -- my follow-up question has to do with the 2009 time period again when you changed your views, as our colleague had just questioned.

My question has to do with -- actually, did the President's promise to close GTMO -- the United States' President's promise to close Guantanamo Bay, did that influence your change in your mind? Did your private counsel change your mind? Or did fellow detainees change your mind?

[Translator 1 conferred with the board member.]

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

DET: **[Speaking in Arabic.]**

TRANS 2: Undoubtedly, it was, you know, first of all, the President's decision to close this place; in addition to the books that I have read; and, thirdly, because I was looking forward to

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changing my life for the better.

DET: **[Speaking in Arabic.]**

TRANS 2: And also when, in 2011, my private attorney Pardiss came to see me, she started providing me with books like about how to prepare a GPA and dictionaries and also yoga magazines.

PC: That's GED, not GPA.

TRANS 2: I'm sorry. GED, not GPA. I'm sorry.

PM: Okay.

BM: Thank you.

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

PM: I have a couple questions, Mr. al-Bihani, on your time in detention at Guantanamo.

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

PM: Which camp are you in now?

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

DET: **[Speaking in Arabic.]**

TRANS 2: I'm in Camp [REDACTED]

PM: And have you served as a block leader during your time at Guantanamo?

[Translator 1 conferred with the presiding member.]

[The translators conferred in Arabic.]

DET: **[Speaking in Arabic.]**

TRANS 2: Well, right now, I am in Camp [REDACTED] and I was the block

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leader for three times. And since they reopened block -- Camp ■ I have been a block leader also since then.

PM: Can you tell the board a little bit about how you see your role as a block leader, what you believe your responsibilities are, and how you perform those duties?

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

DET: **[Speaking in Arabic.]**

TRANS 2: Well, with regard to the relationship that -- or my role as far as the administration is concerned is that I have to deal with different issues like, for instance, if they have to close a block, for instance, or they have to do some repair work somewhere or there's a problem with a detainee. Basically, I am like the messenger between the administration and the detainees.

DET: **[Speaking in Arabic.]**

TRANS 2: I also convey what my detainees want to convey to the camp administration, and I follow up with their requests.

PM: And sometimes, as a block leader, you can't always satisfy the requests of the detainees.

Have you ever had a fight with a detainee -- another detainee?

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

DET: **[Speaking in Arabic.]**

TRANS 2: Certainly not. None of this, in fact, happens. We

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are [sic] just try to talk it out and try to make everybody happy.

PM: Okay. In your statement, you noted that you had sought at one point to keep to yourself and to go to Camp Echo, where you were looking for a calmer environment.

And I was wondering: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[Translator 1 conferred with the presiding member.]

[Translator 2 conferred with the private counsel.]

TRANS 1: [Translation of above.]

[The translators conferred in Arabic.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

PC: [REDACTED]

TRANS 2: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

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DET: **[Speaking in Arabic.]**

TRANS 2: And also, I spend time reading ----

DET: **[Speaking in Arabic.]**

TRANS 2: ---- and also exercising and also practicing yoga.

PM: Thank you.

PR: [REDACTED]

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

DET: **[Speaking in Arabic.]**

TRANS 2: [REDACTED]

PM: Thank you.

Next question, please.

BM: Thank you.

Mr. al-Bihani, I'd like to follow up on the yoga and the practice of yoga.

Can you talk a little bit about how you came to practice -- I understand from the books. And also, how do other detainees view the practice of yoga from a Muslim -- from an Islamic perspective?

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

DET: **[Speaking in Arabic.]**

TRANS 2: Well, in Islam, practicing yoga is not considered a sin. And in fact, I started practicing yoga since my attorney started bringing me yoga magazines. And since then, you know, I became interested; and I started borrowing magazines from the library

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and also a DVD. And my brothers, in fact, don't have any problem with my practicing yoga because it's a very good exercise for your brain and for your body.

PC: Can I just clarify for the record that the request came from Mr. al-Bihani; I did not initiate the interest in yoga; just making that clear.

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

DET: **[Speaking in Arabic.]**

TRANS 2: Yes, indeed.

PM: Thank you for that clarification.

BM: Thank you.

PM: Next question.

BM: In your statement, you described your dreams of having a child -- or children, and saying -- and you said that you don't want to be in a position where you -- I'm sorry -- you do want to be in a position where you can give your children the guidance that you did not have.

Can you describe what guidance you would want to give your children?

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

DET: **[Speaking in Arabic.]**

TRANS 2: By God and God willing, I will provide them with love and I will provide them with affection. But I also -- I will give them education because I was, myself, deprived of education; I didn't

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have the chance to pursue this, my education.

BM: Thank you for that. You also said in your statement that you do not always act in ways that you'd want to. I believe referring to your time in detention.

Can you describe how you would have wanted to act differently or how you would like to act differently?

[Translator 1 conferred with the board member.]

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

PR: Just a moment. We had a technical glitch there.

Could you start that one over, please?

TRANS 1: Yes.

PR: Not everything came through. Thank you.

PM: Do you have good copy now?

PR: It seems to be, sir.

PM: Okay. We'll repeat the question.

PR: Thank you.

[Translator 1 repeated the translation.]

PR: It just cut out again, sir.

PM: Do you still have us?

PR: We have you, sir, but we're getting glitches in the middle of the translation. We can repeat it here if that's amenable ----

PM: That's fine.

PR: ---- because we caught the English version. Okay.

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[The private counsel conferred with the detainee through Translator 2.]

DET: [Speaking in Arabic.]

TRANS 2: Well, what I mean by this is, first of all, it's because of my condition, diabetes. For instance just to give you an example, when the glucose level goes up, I start feeling dizziness and I start having problems with my vision. And I become tense and I start feeling some anxiety. And I feel at some point that I'm going to die or I'm going to pass out. So I snap; I just become tense.

Now, on the other side, when the glucose level goes down, like for instance, yesterday I was in my cell, in the morning the glucose level was 436. In the evening, it went down to 60, and I became really very anxious. And I started feeling that I was going to die.

BM: Thank you for that.

Can you explain what actions you are taking to manage your diabetes? I understand you've ordered books. How are you trying to manage your diabetes?

TRANS 1: [Translation of above.]

DET: [Speaking in Arabic.]

TRANS 2: Well, the thing -- the way that I deal with my diabetes is that I take it as a friend of mine. I just don't want to upset my diabetes; I don't want it to come to me and, you know, hold

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grudge [sic] against me.

But also what I do, I exercise; I take my medications; I take care of my feet. And I also follow up with, like, the level of glucose through a device, and I also take care of my diet.

PM: Follow-up?

BM: So a follow-up on the question: The doctors at Guantanamo report that you consistently refused to take your medications that would help you control your diabetes and your high cholesterol.

Can you tell us why you refused to take your medications if you understand that the medications would help you feel better?

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

PR: We lost audio again.

PM: Oops. Sorry. That's on our end.

Go ahead and repeat the question -- the translation.

PR: Thank you, sir.

[Translator 1 repeated the translation.]

[The translators conferred in Arabic.]

DET: **[Speaking in Arabic.]**

TRANS 2: Well, this happened -- this is true it happened in the past, but at the present time, I am taking my medication regularly. But the thing is that I do not rely 100 percent on the medication. I am relying on exercising and on my diet to take care of my diabetes.

PC: The question was why have you refused when you have in the

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past, why?

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

DET: **[Speaking in Arabic.]**

TRANS 2: Well, I refused to take the medications because of the
-- in the past because of the provocations ----

DET: **[Speaking in Arabic.]**

TRANS 2: ---- and also because of my mood swings.

PM: So the question that becomes the important question for the board is: If we are to consider returning you to a third country -- to a European country where you won't have family support, where you'll be living on your own, your ability to take care of yourself medically is extremely important, particularly to prevent mood swings and to prevent you from snapping, as you said, or to do other type of actions that are a result of not taking your medications.

So what assurances do we have that you will continue to take medications, not just when you feel like it, but every day as you need to for diabetes in order to control such a disease?

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

[The translators conferred in Arabic.]

DET: **[Speaking in Arabic.]**

TRANS 2: Well, the situation outside is going to be different than the one I am facing here. Outside, I am planning on joining a gym, for instance; take care of my diet; and, God willing, I will be

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taking better care of my health than what I'm doing -- than the way I'm doing it now.

PM: Okay.

Next question.

BM: Mr. al-Bihani, can you talk a little bit about your efforts to learn Spanish? Or -- I understand you've been asking for books or -- I'm sorry. What's it called? -- a dictionary in Spanish.

Can you talk a little bit about that, please?

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

[The translators conferred in Arabic.]

DET: **[Speaking in Arabic.]**

TRANS 2: Well, the thing is that learning a foreign language here is not an easy thing to do because, first of all, we don't have a Spanish instructor. But, you know, I'm doing my best. I can tell you that you say *agua* in Spanish for "water."

PM: Follow-up?

BM: No, that's it.

Thank you.

PM: Question here?

BM: Yeah.

Your [REDACTED] is testifying on your behalf here today. Do you have any other family who has pledged to support you in a new life after Guantanamo?

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[Translator 1 conferred with the board member.]

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

DET: **[Speaking in Arabic.]**

TRANS 2: Well, by God -- God willing, [REDACTED] promised to help me get married and also he will help me find a job.

BM: What will you do if one of your brothers asks you to participate in jihad?

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

DET: **[Speaking in Arabic.]**

TRANS 2: I won't.

PM: Mr. al-Bihani, one last question from the board.

Are you willing to work with the Guantanamo doctors today to develop a comprehensive health plan for you that includes a daily exercise regime, diet, taking medications that you need for your ailments, and something that you can use every day at Guantanamo today to improve your overall health?

[Translator 1 conferred with the presiding member.]

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

DET: **[Speaking in Arabic.]**

TRANS 2: By God, praise God, I am really having a good relationship with them because I am taking medications for cholesterol and I'm taking medications for high blood pressure, and I'm taking the medication for diabetes. And also, I'm taking

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aspirin.

DET: **[Speaking in Arabic.]**

TRANS 2: And praise God, I'm following the program, the health program here and I am exercising and I'm still practicing yoga.

PM: Shukran.

This concludes all the questions from board members at this time.

Before we proceed, Mr. al-Bihani, do you have any objections to your statement and your answers to these questions from this session being posted on the Period Review Secretariat's website for public release?

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

DET: **[Speaking in Arabic.]**

TRANS 2: I don't have a problem, but I would prefer if my attorney could review them before they are published.

PC: I think just to clarify for the record: I believe it's correct that Mr. al-Bihani consents to having his written statement-- his prepared statement be public; he has changed his mind on that, but would like me to review the transcript of the question-and-answer period.

PM: We have no problem with reviewing the process, right?

PC: I believe that's correct.

LEGAL ADVISOR: That's the process.

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

DET: **[Speaking in Arabic.]**

TRANS 2: Yes. What my attorney said is true.

PM: Yes. And we understand that as well. And to clarify, that is the process: We will provide a copy of the transcript to the personal representative and the private counsel for you to review before it's posted.

PC: Thank you.

PR: Thank you, sir.

PM: So at this time, do either the personal representative or the private counsel have any final questions for Mr. al-Bihani?

PR: We do, sir. May we have one moment just to de-conflict and make sure we're not going to be asking the same questions?

PM: Yes, that's fine.

PR: Thank you. We're going to go on mute for just a moment.

[The personal representative and the private counsel conferred.]

PR: Thank you, sir. We're ready.

Are you ready for us?

PM: Yes. Please proceed.

PR: All right.

[The personal representative began his question-and-answer portion along with simultaneous translation from Translator 2.]

PR: Mr. al-Bihani, would you engage in violence today?

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DET: **[Speaking in Arabic.]**

TRANS 2: No.

PR: Would you advise anyone else or encourage it from anyone else?

DET: **[Speaking in Arabic.]**

TRANS 2: From my experience -- the experience I've been through, absolutely not.

PR: And final question from me: Did you go to Afghanistan to fight the United States?

DET: **[Speaking in Arabic.]**

TRANS 2: No.

PR: All right. That's all I have.

Ms. Kebriaei?

PC: Ghaleb, does your family know that you prefer not to go to Yemen or Saudi Arabia?

DET: **[Speaking in Arabic.]**

TRANS 2: Yes, they know.

PC: Have they pressured you at all to go there and do they support your request to go to a third country?

DET: **[Speaking in Arabic.]**

TRANS 2: In fact, yes. They offered me support, and they approved when I made a request to be transferred to a third country and rebuild an independent life there.

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PC: Have you and I talked about the specific experience of people who have been transferred before and the kinds of security measures that they're subject to, including communication restrictions?

DET: **[Speaking in Arabic.]**

TRANS 2: Yes. And I agreed with these measures, right.

PC: And I think just the last question: How long have you been in Camp [REDACTED]?

DET: **[Speaking in Arabic.]**

TRANS 2: Since mid-2009.

PC: That's all from me.

PR: Those are all the questions we have, sir.

PM: Thank you.

Personal representative and private counsel, it's the understanding of the board that you intend to present testimony by the following witnesses that have been approved to provide unclassified testimony:

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

PM: Witness No. 1: [REDACTED], the detainee's [REDACTED].

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

PM: And, Witness No. 2: [REDACTED], a doctor.

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

PM: Before ----

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PR: Yes, we do intend to present interactive testimony from two witnesses.

PM: Thank you.

Before proceeding with that testimony, we want to take a 5-minute break just to check the communication channels. So we'll take a 5-minute recess to check those communication links, and then we'll be able to proceed after that with an explanation of how the witness testimony will be conducted. And then you'll be able to introduce your first witness.

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

PR: Thank you, sir.

[The detainee session recessed at 1123, 8 April 2014.]

[The detainee session was called to order at 1153, 8 April 2014.]

PM: Okay. I believe we're ready to proceed with Witness No. 1.

Before we proceed, GTMO, I would just like to ask: When you are not talking, if you can put yourself on mute, it will help with the connections that we have with a loop that goes through so we won't have any feedback.

PR: We understand, sir.

PM: Okay.

██████████, the board has read your statement. We appreciate your contribution and would like to ask if you have any additional observations or comments for the board before we move to

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questions?

Go ahead and translate.

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

PM: So I'll repeat my previous statement: [REDACTED], the board has read your witness statement. We appreciate your contribution. We'd like to know if you have any additional information you would like to provide us at this time before we move to questions.

Translation?

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

PM: Can you confirm if we have audio to the room?

PR: Our apologies. We got kind of confused on the order here.

Your question was to Mr. al-Bihani, ISN 128, whether he had any further information before moving to questions; is that correct?

PC: Before moving to witnesses.

PM: No. The question was actually for [REDACTED] the witness. We've moved to the witness testimony portion.

[The presiding member conferred with the personal representative and the private counsel.]

PM: Okay. Let's go ahead, and we can have the witness read his statement. And you can translate simultaneously on-island as he's reading the statement as you did previously, if that's satisfactory.

PR: That'll be great, sir. Thank you.

[REDACTED] was called as a witness for the detainee and
stated via video-teleconference as follows:

TRANS 1: [Translation of above.]

[illegible]

[illegible]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

TRANS 1: [Translation of above.]

WIT: [REDACTED]

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[REDACTED]

[The witness was excused and left the video-teleconference connection. NOTE: The witness's statement and answers were simultaneously translated in Arabic.]

[The detainee session recessed at 1234, 8 April 2014.]

[The detainee session was called to order at 1238, 8 April 2014.]

PM: I will now proceed with Witness No. 2, [REDACTED].

[REDACTED] was called as a witness for the detainee and stated via video-teleconference as follows:

PM: Doctor, thank you very much for joining us today.

TRANS 1: [Translation of above.]

PM: Just so you understand that there's a 40-second delay from the time that you see us asking questions or making statements here to when it will be audible to you so that you can hear that delay -- you'll have to go through that delay first.

And we have translation at this end for the benefit of the detainee in Guantanamo.

TRANS 1: [Translation of above.]

[The presiding member conferred with the board members.]

PM: [REDACTED], in proceeding, the board has read your detailed submission and your testimony on behalf of the witness. In the interest of efficiency, we'd like to proceed without having you read the entire statement and have -- proceed if you have any additional

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comments or observations you'd like to make. Is that acceptable to you?

And to private counsel and personal representatives, is that acceptable?

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

PR: Mr. President, if it would be possible to have her just bring out a couple of the summary points, just for completeness's sake and then proceed to Q-and-A, we'd appreciate that.

PM: That will be fine.

So, [REDACTED], if you could bring out a few of the summary points -- the summary conclusions to preface any other additional comments that you'd like to make, the board would welcome those at this time.

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

WIT: Good afternoon. My name is [REDACTED]; it's pronounced [REDACTED]. And I'm a forensic psychiatrist; I'm board-certified in both neurology and psychiatry and forensic psychiatry. And I was asked to review certain documents with respect to answering four different questions regarding Mr. al-Bihani.

If you like, I can review the questions or I can review the content or I can -- the answers to the questions or I can simply answer your questions, whatever is easiest for you.

PM: If you could give us a brief summary of the questions and

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your observations in response to those questions, and then any other additional comments that you have. We will proceed to questions immediately following that.

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

WIT: The first question I was asked was to comment on the significance of Mr. al-Bihani's behavior in custody, and I just want to speak briefly about my background that informed my comments -- my opinion on that question.

I'm primarily a clinical psychiatrist; I view myself primarily as somebody who treats patients. My forensic practice is a very small amount of what I do. I work for [REDACTED]; about 80 percent of my patients -- I've worked for [REDACTED]. About 80 percent of my patients have [REDACTED] [REDACTED] and I also have experience treating patients that were [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

So I bring that background to the assessment of Mr. al-Bihani, and it is -- it's also -- I also bring the experience that I've had working -- evaluating other Guantanamo detainees since October of 2004. That's when I first began to review records. The first visit I had there was 2005, and I've been there more times now than I can recall.

I'll wait for the translator.

PR: We have a translator down here. He's translating simultaneously, so no need to pause.

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WIT: The significance of the fact that I've worked evaluating other Guantanamo detainees is that, because of the length of time that I've spent -- almost 10 years now, 9 and a half years -- I have a lot of institutional memory regarding the changes that have occurred overtime at Guantanamo, both in terms of the conditions of confinement, the Joint Medical Group, the hunger strike; I've had face-to-face interviews with several of the detainees and have worked on the cases of other detainees whom I have not met personally, but whose records I have reviewed.

So I bring a context for you to consider Mr. al-Bihani's behavior compared to other Guantanamo detainees and what I know about what has driven some of their behavior.

My understanding is that the -- Mr. al-Bihani has engaged or displayed some behaviors that are quite problematic for the Joint Detention Group and for the Joint Medical Group for that matter. And these behaviors that were described to me were identical or very similar to the behaviors of many of the other detainees whom I've evaluated.

The behaviors include episodic noncompliance with medical treatment, episodic participation in hunger strikes, major and minor disciplinary infractions. And based on the length of time that I've been working down there -- and some of the relationships -- some of the evaluation relationships I've had have taken place over many

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years; so for example, I saw one detainee for a period of four years.

It's very clear to me that there are causes for this type of disruptive behavior other than mal-intent. And so I just wanted to bring that to the board's attention to give you a sense of some of the other reasons why this behavior may be displayed.

I also want to just preface this -- the detainees are not the sole source of information for me. The second Guantanamo case I worked on, I was down there as a judge's expert, and I had full access to all of the medical records, all of the [REDACTED] records -- and if you need me to explain what those are, I'm happy to do so. I also interviewed large numbers of the medical staff and the detention group staff. I'm trying to remember. I conducted many, many interviews that -- during that evaluation and a subsequent evaluation of a different hunger striker.

So I have a pretty broad, bird's-eye view of information, [REDACTED] that I can recall off the top of my head. So I say that by way of reinforcing that I understand how difficult the situation is for the Joint Medical Group and for the Joint Detention Group, and I have a lot of respect for the work that they do.

So to begin to answer the first question, many of the detainees have a sense that they are confined unfairly because they have not been charged and because no -- because they haven't had the

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opportunity to confront evidence. And they feel a need to protest that confinement. They feel that if they don't protest in some way that they are tacitly endorsing their confinement without charges.

The conditions of confinement there, where detainees have been held for many, many years, they've not been charged -- most of them have not been charged, they're isolated from their families, there are shifting alliances among the detainees in terms of friendships versus getting each other in trouble, which is common in correctional institutions anyway. All of that leads them to have a very, very constricted sense of what they can control in their lives.

And I've witnessed disruptive behavior such as hunger strikes or disciplinary infractions or even just minor things like -- it's really a disciplinary infraction, but, you know, calling a guard a donkey, that type of thing -- as something that the detainee has done in -- sometimes in a deliberate effort to establish their autonomy, sense of self, and sense of control over their bodies, for example. But also, sometimes they do it because they're tremendously irritable, and they have remorse for that type of acting-out behavior afterwards like -- both because they think it's undignified to treat a Joint Detention Group or Joint Medical Group person that way, but also because they -- they face consequences for that behavior.

So for example, I had a detainee finally make it into Camp 4 called a guard a donkey and then was sent back out into

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Camp -- it's Camp 1. I can't remember what the large camp was called. So that's one example.

The issue of noncompliance with the Joint Medical Group is a very, very unfortunate issue. And I understand both sides -- or all the sides to this. The vast majority of the Joint Medical Group clinicians whose work I've seen in charts and whom I have interviewed are competent and caring clinicians who want to do the right thing by their patients -- by the detainees, but who -- because of factors that don't involve them -- aren't really able to do so.

Prior to the midterm elections in, I think it was, 2006 -- so the fallout from those midterm elections -- prior to all of that,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. So there is a deep-rooted, well-founded suspicion of

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the Joint Medical Group that, in my opinion, is understandable; is probably not something that can be addressed -- but it's definitely something that cannot be addressed at Guantanamo, and that's unfortunate because, as I said, the majority of the Joint Medical Group clinicians who have been there since, say, you know, the spring of 2007 have not been involved in intelligence collection.

There are other reasons why ----

PM: Doctor, if I could interrupt for one second, please.

WIT: ---- detainees are suspicious of Joint Medical Group clinicians. The first is, obviously, that the clinicians -- I'm going to pause for a second.

PM: Doctor, so on behalf of the board, we are genuinely less interested in information from eight and nine years ago involving the medical situation, and much more interested in the contemporary medical information about the detainee which we understand he has now been on his meds and taking his medications appropriately.

But if you could help us just focus your points -- summary points on the most contemporary information that's relevant for us as we're considering a possible transfer of this detainee and whether or not he represents a continuing significant threat, that would be greatly appreciated. Thank you.

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

WIT: I think one of the most salient features of this detainee

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is that he has significant medical issues because he's diabetic. As you know, diabetes can cause significant organ damage, and he has some symptoms of that already. He has what's called a diabetic neuropathy where he has numbness and tingling in his extremities, as well as some other physical symptoms.

Most importantly, when diabetes is untreated -- every blood sugar I have seen on this detainee is elevated -- it can lead to mental status changes that worsen irritability, impulsivity, disruptive behavior. And I believe that, if the detainee -- if Mr. al-Bihani got adequate treatment for his diabetes, that his -- the behavioral aspects of the diabetes would be reduced.

The physical aspects may be permanent because they've lasted so long and they tend not to be reversible. So things like the trouble that he has with the peripheral neuropathy. If he has any -- but we don't have a lot of labs for him, so if he had any kidney problems, retinal problems that would affect his eyesight, other organ damage, that would not be expected to change in the future.

With respect to what's happening with the Joint Medical Group now, what I've heard over the last several months -- within the last, say, four to five months is that the Joint Medical Group still relies on the Joint Detention Group in carrying out some of the doctors' orders. And sometimes the Joint Medical Group either loses

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the orders -- I mean, it's going to happen in an institution, but the detainees have a hyper awareness that, when it happens, they feel like it's a personal -- against them on the part of the Joint Medical Group or the Joint Detention Group. So if orders are lost -- sometimes orders are overwritten for safety concerns; and the detainees have a lot of difficulty trusting the Joint Medical Group when that type of thing occurs.

So that's -- I think that answers that first question about his -- commenting about his behavior. I can go on to the second question, or I can answer questions that you might have.

PM: I think we'd like to proceed to questions if we could.

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

PM: First question.

Okay.

BM: [REDACTED], to the extent that you are maintaining that some of Mr. al-Bihani's behavior can be explained by his conditions of confinement, do you have experience with detainees in similar situations after they are released?

How does the release alone impact or affect any changes in behavior?

What sort of additional support or care would a detainee in his condition need post-release situation?

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

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PR: Would you repeat the question, please.

PM: We'll repeat the question.

BM: Do you have any experience with detainees in similar situations as Mr. al-Bihani after they are released?

How does release alone impact their behavior and their -- yeah, their behavior?

TRANS 1: [Translation of above.]

WIT: I have direct contact with one released detainee, [REDACTED], who was released to Yemen and entered Yemeni society in [REDACTED]. For whatever the reason, [REDACTED] has chosen to stay in touch with his defense team and, often times, includes me as part of that correspondence, both in written form and telephone calls.

He's done extremely well, both by his report and also by direct observation of the attorneys who have visited him as recently as January of this year. [REDACTED]

[REDACTED]

[REDACTED] has done well. He's returned to work; he's reintegrated into his family. He's no longer exhibiting disruptive behavior. The only problem that he reports to me is that he has nightmares related to the conditions of his interrogation and

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confinement.

He does not have access to [REDACTED] in Yemen, and so I have -- he primarily relies on his wife to wake him up, talk about what's happening, and then he's eventually able to get back to sleep.

There are a number of other detainees who I don't have direct, either written or verbal, contact with, but who I have kept up with, whose cases I worked on. And I -- am I allowed to use their names? I don't know if that would be helpful or not helpful.

PM: There's no restriction on using their names if you're comfortable using it from a patient-doctor perspective.

WIT: During the *habeas* case of [REDACTED], who was released back to Saudi Arabia [REDACTED] -- not as a result of winning his *habeas* petition, but as a result of the Obama administration's decision. I believe he left in either [REDACTED] or [REDACTED]

He went back to a Saudi rehabilitation program. He had probably the most disruptive behavior, certainly in the top two -- two or three disruptive-behavior detainees who I've had direct contact with. In other words, I've interviewed him directly. And he was a very, very problematic actor.

He -- as I said, he received both psychological, financial, and medical treatment through the Saudi rehabilitation program and is now living with his family. Of course, I don't have any access to

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any intelligence that may be being collected about him; but I hear through his attorneys and other sources that he -- he's doing relatively well, meaning that he is reintegrated in -- with his family, he's not pursuing jihad, and he, I think, is getting money from the government. I don't know if he's been able to start work again. The reason I say he's relatively -- he's doing relatively well is that I understand that he has some low mood that lingers for him and anxiety.

I also worked on the case of [REDACTED], another extremely behaviorally disturbed detainee. A [REDACTED] [REDACTED] who won his *habeas* case and was sent to a third country. He was sent to a third country, in many ways, for reasons that were similar to Mr. al-Bihani's desire to go to a third country. He's -- and I keep up with him through his [REDACTED] [REDACTED] [REDACTED]

He has received medical, psychiatric, and financial support from the government of the country where he was sent. And he was also very successfully integrated into a nonradicalized Muslim community there, is married, and has at least one child. But I last spoke to his attorney -- I had e-mail with his attorney probably within the last seven to ten days.

I'm aware -- because I consulted on some other cases without interviewing the detainee directly, I'm aware of other detainees who have been released. Generally, I think -- and again,

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you know, I don't have any access to intelligence assessments of them, so I can't speak to the risk in that regard. But I can speak to what has been helpful in terms of rehabilitative potential, and that is access to medical care, access to psychiatric and psychological care, some type of financial support -- it doesn't have to be a lot, particularly like if you think about the folks that went to Palau and then on to Turkey or the people that went to Bermuda -- and some type of community support.

Traditionally, we would think about family support; that was certainly the case for [REDACTED]. But because of Mr. al-Bihani's particular circumstances, we would look to a larger Muslim community to help him reintegrate into a societal life. And that's been the case for other detainees as well.

PM: Thank you for those illustrative examples.

WIT: The other thing that I would encourage you to do -- you've probably done this already. I don't mean to sound arrogant -- is to look at the Seton Hall reports. They track recidivism of Guantanamo detainees with particular emphasis on the detainees that the government has marked as "returned to the battlefield," because they do a more detailed analysis of what exactly that means. And that might inform your decision-making about Mr. al-Bihani.

PM: Thank you for those illustrative examples. We'd like to proceed to the next question.

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

BM: This is a follow-up to your previous question.

And what I would like to know is, based upon your knowledge of these detainees and their actions after they have departed Guantanamo Bay and successfully reintegrated into society, do you believe al-Bihani's medical records show that he would be an individual that would also reintegrate well back into society.

[Translator 1 conferred with the board member.]

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

WIT: I'm going to preface my answer by saying I don't have access to very much of his written medical record. I relied more on the notes that his attorney has taken -- copious notes -- each time they met, in which he describes his symptoms in the same way that he would to a physician. But I just want to clarify where I'm getting my information.

There's no doubt in my mind that, if Mr. al-Bihani were in a situation in which he could receive proper medical, psychiatric, and psychological care, that that would greatly enhance his ability to reintegrate successfully into a society.

I think that there are multiple factors that need to be looked at. I know that, for some the detainees, I've been asked to write treatment recommendations, both from a mental health perspective, but also a social -- sociocultural perspective because

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that's such a big part of reintegration, especially for detainees who are either not able or who don't want to return to their families.

So we've put together -- what we've -- what I've done is try to identify the factors that increase risk of recidivism and draw up a plan for what could reduce those factors if there are any present. And at the same time, also identify those factors that decrease risk of recidivism or risk of unsuccessful reintegration and develop plans that increase those strengthening factors for successful reintegration. So it's a multifactorial evaluation, but I think that Mr. al-Bihani is certainly a good candidate for successful reintegration if he has those different pieces in place.

PM: Follow-up question?

WIT: Oh, I'm done.

BM: No, sir.

PM: Any other questions?

Please go ahead. Next question.

BM: Do you believe that Yemen has the services and resources that Mr. al-Bihani would need were he to go back there?

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

WIT: My latest information suggests that Yemen is not the best place for him to receive the care that he needs. In working with the Yemeni detainees, I was able to track down a psychologist actually in Yemen, who I've maintained contact with intermittently. I probably

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have not had contact with her over the last 12 months. She's somebody who certainly I think would be a good person to ask this question to, to see if the situation has changed.

But given what's happened in the political climate over the last 6 to 12 months, I doubt very much that improving delivery of medical and mental health services to detainees who will come back from Guantanamo is a very high priority. They have, you know, much, much more important things going on in the government, you know, establishing the state's capacity.

So historically, the answer to that question would be very doubtful. We look at the elements of a treatment plan not only being the clinical care that the person would receive, but also the context that they receive it in. [REDACTED]

[REDACTED] He should be reintegrated into a nonradicalized Muslim community elsewhere as one of the pillars of his medical and mental health treatment. That's the end of my answer.

PM: Thank you.

Any other questions from board members?

[No verbal response from the members.]

PM: Seeing no other questions from the board members, I'd like to ask: Does the personal representative, private counsel, or detainee have any questions for this witness?

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TRANS 1: [Translation of above.]

PR: Yes, sir. We have one question for the witness.

PC: Thank you for bearing with us.

Just one question, [REDACTED]. Can you comment on what you've seen in my notes and in the reference you've reviewed of the steps that Mr. al-Bihani has taken while at Guantanamo, albeit small steps, but to try to rehabilitate himself and the significance of those efforts?

WIT: I think the most pertinent evidence in those records is actually a negative. There is an absence of him talking about jihad and anti-American sentiments and an absence of him justifying the behavior of AQAP, another current radical element, and also past-jihadi, you know, Osama bin Laden, Al-Qaeda. So the absence of all of that is a very significant factor in terms of his improving himself.

There are many detainees who are happy to talk to me about all of those things, and they really -- their belief is so strong. And I would almost call it pathologically intense -- that they can't help but try to convince me of what their beliefs are about those things.

So I gauge the lack of that as a huge positive sign of self-improvement. I don't think that that's a disingenuous lack because, again, if he were a true radical believer -- a true

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believer, he would have no compunction about sharing those beliefs with us.

By the way, I base that also on [REDACTED] [REDACTED] [ph] research into terror networks. He's a [REDACTED] [REDACTED] [REDACTED] and also a psychiatrist, whom I've had direct contact with consulting about my work in this area.

The things that he's done directly to try to improve himself are self-directed educational activities; so, for example, he reads; he's interested in learning languages; my understanding is he does yoga. And when he's had physicians whom he felt genuinely could fight the various issues in Guantanamo and try to advocate for his medical needs, he's been more compliant with treatment.

I don't view the hunger strike as a method of not improving himself. I actually think that there's something psychologically protective about the hunger strike. I know that sounds counterintuitive, but it's a way of keeping one's autonomy alive and demonstrating one's autonomy. So it indicates some internal strength that he has to build on, if he were to be released, in his rehabilitation.

PC: Thank you. That's all.

PR: We have no further questions, sir.

Thank you, [REDACTED].

PM: Thank you very much.

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Seeing no further questions, the witness is excused with the appreciation and thanks of the board for the detailed statements she provided and the answers to all of our questions.

This concludes the witness testimony for this hearing.

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

[The witness was excused and left the video-teleconference connection. NOTE: The witness's statement and answers were simultaneously translated in Arabic.]

[The presiding member conferred with the board members.]

PM: Mr. al-Bihani, do you have anything further you wish to add to the statements from this morning for the board's consideration?

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

PM: And, board members, both the witnesses are still upstairs in case we have any other questions.

Are there any other questions? Or can we release the witnesses?

Everyone's satisfied?

[Affirmative response from the board members.]

[The presiding member conferred with the hearing clerk.]

PM: Guantanamo, just to confirm, you're still on mute.

PC: Oh.

PR: Thank you, sir. We're off mute now.

TRANS 2: Shall we repeat everything, or ----

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PM: Yes, please.

PC: Just what he said.

DET: **[Speaking in Arabic.]**

TRANS 2: Well, I would like to thank you for holding this board for me. And, God willing, I am optimistic about the outcome of this board.

DET: **[Speaking in Arabic.]**

TRANS 2: And as I have indicated in the past that I wish to be transferred to a third country ----

DET: **[Speaking in Arabic.]**

TRANS 2: ---- [REDACTED]

[REDACTED] ----

DET: **[Speaking in Arabic.]**

TRANS 2: ---- because I would like to start a new life now. I am 31 years old ----

DET: **[Speaking in Arabic.]**

TRANS 2: ---- I am 34 years old.

I'm sorry.

DET: **[Speaking in Arabic.]**

TRANS 2: But even if, in the beginning, I will receive some support from the family. But at the end of the day, I will have to rely on myself.

DET: **[Speaking in Arabic.]**

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TRANS 2: And if you decide to send me to any country, I would be willing to attend any rehabilitation program ----

DET: **[Speaking in Arabic.]**

TRANS 2: ---- including Yemen and Saudi Arabia.

DET: **[Speaking in Arabic.]**

TRANS 2: And thank you.

PM: Ghaleb Nasser al-Bihani, this concludes your participation in this hearing. The board will continue in a classified session. Your personal representative and private counsel will remain and attend the classified session and will continue to advocate on your behalf.

The board will deliberate to determine whether continued law of war detention is warranted in your case. Your personal representative and private counsel will advise you of the final results.

I request all members remain seated until instructions by the hearing clerk.

CLERK: We will take a brief recess to prepare for the remaining session.

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

[The detainee session closed at 1328, 8 April 2014.]

[END OF PAGE]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

CA: CASE ADMINISTRATOR

DET: DETAINEE

PC: PRIVATE COUNSEL

PM: PRESIDING MEMBER

PR: PERSONAL REPRESENTATIVE

TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)

TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)

WIT: WITNESS