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CA: This Periodic Review Board is being conducted at 0910 hours on 28 February 2017, with regard to the following detainee: Sharqawi Abdu Ali Al Hajj, ISN 1457.

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, THE**

**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, THE**

**SECURITY OFFICER.**

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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 Personal Representative and Private Counsel opening statements. These documents have been posted to the Periodic Review Secretariat website. This session is being observed by local media, Foreign Government Officials, and representatives from Non-Government Associations.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Good morning. This Board is convened to determine whether continued law of war detention is warranted for Sharqawi Abdu Ali Al Hajj, ISN 1457, to protect against a continuing significant threat to the security of the United States. From here forward, we'll refer to the detainee as Sharqawi. This session of the hearing is unclassified.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Sharqawi, 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 security of the United States. The focus of this hearing is on the

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threat you may pose to the 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. 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 Sharqawi had an opportunity to review the Unclassified Summary?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

(NO VERBAL RESPONSE FROM PC)

PM: Thank you. I'll read the Unclassified Summary:

Sharqawi Abdu Ali Al Hajj, ISN 1457, also known as Riyadh, is a career jihadist who acted as a prominent financier... financial and travel facilitator for al-Qaeda. He was closely tied to several al-Qaeda members, including Usama Bin Ladin and Khalid Shaykh Muhammad, ISN 10024, although Sharqawi has repeatedly denied being an al-Qaeda member. During his detention at Guantanamo, Sharqawi has been semi-compliant with the guard force. And til [sic] late 2004, he provided

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his interrogators with a wealth of information on extremist activities and associations. Sharqawi remains a steadfast supporter of extremist causes and groups, most likely continues to view America as his enemy, and has praised recent acts of terrorism. There are no indications that Sharqawi's Yemen-based family members have engaged in extremist activities, although connections to extremist networks could offer Sharqawi a potential path to reengagement in Yemen.

PM: Do the Personal Representative or Private Counsel wish to make unclassified opening statements?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

**(NO VERBAL RESPONSE FROM PC)**

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

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

**(NO VERBAL RESPONSE FROM PC)**

PM: Thank you. Personal Representative, please proceed.

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TRANS 1: [TRANSLATION OF ABOVE]

PR: Members of the Board, thank you for allowing Mr. Sharqawi Adu Ali Al-Hajj to have a second chance at hearing his case. I'm his Personal Representative. He made the decision to not attend his first Board because he did not feel confident sitting before the Board without a Private Counsel. At that time, he still feared that the Board was a legal proceeding versus an administrative board and therefore, he did not want to attend without having his lawyer present. But since that time, he has attended every meeting with me and feels very... and has been very cordial. He's easy to get along with and is obviously a very intelligent person who communicates well. He has worked well with both a female Personal Representative and a Private Counsel.

Since Sharqawi has moved camps, he has worked to build relationships with fellow detainees. During our conversation, he has indicated that since he has been here, he has learned to appreciate other people's cultures which he has not done before. He is actively participating in classes to prepare for his life after Guantanamo and he speaks English quite well. His Private Counsel has been in contact with his family to confirm that they will support him after his departure from GTMO. He is open to repeat... repatriation anywhere and he feels he's capable of working in other cultures since he has learned to work with detainees in GTMO.

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I appreciate your consideration of his case today as he answers your questions so that you can decide if he still poses a threat to United States.

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

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

PC: Members of the Periodic Review Board, good morning. My name is Pardiss Kebriaei, and I am Private Counsel for Sharqawi Al Hajj. Thank you for the opportunity for Mr. Al Hajj's subsequent full review. We are encouraged that the Periodic Review Board has been continuing its work. The Board's purpose of determining whether continued detention is still necessary is vital for men like Mr. Al Hajj, who has been held in U.S. custody for over 15 years.

I am currently a Senior Attorney at the Center for Constitutional Rights, which has represented Guantanamo detainees since 2002, including dozens of men whom the United States, under Bush... under the Bush and Obama administrations, has successfully repatriated or resettled. I have represented detainees for nearly ten years. I have represented Mr. Al... Al Hajj since last year. I'll make a few brief points about the past, present, and future with respect to Mr. Al Hajj.

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With respect to the past, in Mr. Al Hajj's habeas proceedings, the government's Case-in-Chief relied on statements Mr. Al Hajj made during several interrogations in Bagram and in Guantanamo in 2004. To the extent the Board is considering any of this information as part of its review, it should know that then Chief Just... Chief... Chief Judge Royce Lamberth at the D.C. District Court struck all of these statements as unreliable. He found that they were tainted by prior physical and psychological coercion that Mr. Al Hajj experienced in prisons after his capture. Mr. Al Hajj is here to answer your questions about his present views and conduct, and his future intentions, but this point about the past bears noting.

With respect to the present, Mr. Al Hajj is 43 years old today. The impulses and views that led to his detention were by a young man in his 20s. The government's unclassified profile of Mr. Al Hajj states that he "most likely continues to view America as his enemy." That description is outdated. Mr. Al Hajj's detention has necessarily entailed interactions with Americans of different stripes over the years that have complicated and changed his views; blanket statements no longer apply.

A medical expert opinion is also included in Mr. Al Hajj's detainee sub... submission. Far from having the desire or energy for any involvement in conflict, the hardship of the past 15 years makes him want to turn away.

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Finally, with respect to the future, Mr. Al Hajj would accept resettlement in any safe country the government believes is appropriate. His family stands ready and able to provide financial and moral support for his reintegration wherever that may be, as they have stated in the detainee submission. My organization, which has worked closely with envoys from the Defense and State Departments on detainee transfers in prior years, also stands ready to assist. Thank you.

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

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

**(NO VERBAL RESPONSE FROM BMS)**

PM: With no questions, that concludes... this concludes this portion of the hearing. I ask that we all remain seated until further instructed by our 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 0923 hours, 28 February 2017.]**

**[END OF PAGE]**



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)