

PERIODIC REVIEW SUBSEQUENT FULL REVIEW 26 FEB 2019
**SHARQAWI ABDU ALI AL HAJJ, ISN 1457 PERSONAL
REPRESENTATIVE STATEMENT**

Good Morning Esteemed members of the Board. I am the Personal Representative to Sharqawi Abdu Ali Al Hajj, ISN 1457. Since my appointment as his Personal Representative, I have attempted to meet Sharqawi on thirteen seperate occassions. Unfortunately, each scheduled meeting has resulted in a refusal to participate on his part. As fruitless as my efforts may appear, I have been able to maintain an open line of communication with his Private Counsel. She encoururages him to attend my meetings during their phone conversations or written communique. Despite our combined efforts, Sharqawi has refused to participate in the PRB process. He has stated through his Private Counsel that there is nothing more he can do with his case, citing that nothing has changed since his last Full Review in February of 2017. His Private Counsel has provided a written statement on his behalf that outlines his current disposition.

I remain steadfast in my attempts to meet with Sharqawi in order to provide the Board with substantial information that may lead to his release or transfer.

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PERIODIC REVIEW BOARD
SUBSEQUENT FULL REVIEW, FEBRUARY 26, 2019
SHARQAWI ABDU ALI AL-HAJJ, ISN 1457
PRIVATE COUNSEL STATEMENT

I am Private Counsel for Sharqawi Al Hajj. I have been habeas counsel for Guantanamo detainees since 2007. I have represented Mr. Al Hajj since 2016, and spent several dozen hours communicating with him by phone and in person. Mr. Al Hajj does not pose any threat today that would necessitate the extreme measure of continuing detention after 17 years. I consent to the public release of this statement in support of his subsequent full review.

Mr. Al Hajj is now 44 years old. By all appearances, he is a man in ill health. While the source of his ailments is disputed, the symptoms from which he suffers are observable, including chronic weakness, acute abdominal pain requiring management through medication, and recurring jaundice. His longstanding sickness has depleted his capacity to cope with his detention, and he has resorted for years to denying himself food as a desperate form of protest. In 2017, his health deteriorated to the point of being found "mentally dulled" in his cell, and requiring hospitalization in the Detainee Acute Care Unit. Gov't Opp. at 11, *Al Hajj v. Trump*, Case No. 09-cv-745 (D.D.C.) (Dkt. No. 1884-1). Today his food intake continues to be entirely abnormal; he eats small amounts of food on a given day for the purpose of taking his pain medication, then nothing for days until his pain becomes intolerable and he needs medication again. He weighs in the range of 105-108 pounds. He spends most of the day sitting or lying down.

In particular, I have observed a new apparent change in Mr. Al Hajj's mental health. In recent months, he has made despairing statements that may seem mundane in the context of the detainee population at Guantanamo, but that are uncharacteristic of Mr. Al Hajj in the four years I have worked with him, and compelled me for the first time to contact camp authorities. See Petr's Motion for Status Conference, Ex. A, *Al Hajj v. Trump*, Case No. 09-cv-745 (D.D.C.) (Dkt No. 1919). What these observations may or may not reveal about his actual mental state and risks is impossible to evaluate under the circumstances, because Mr. Al Hajj does not consistently accept care or trust his providers, competent and well-intentioned as they may be, for reasons that have been amply documented in his habeas proceedings.

Mr. Al Hajj appeared before the Board at his last full hearing in February 2017. What he stated publicly on the record then holds true today. That he is a changed person from the young man who went to Afghanistan in his 20s. That he has come to believe wars and fighting are futile and wants no part in them, against Americans or anyone else. That he understands he would not be repatriated to Yemen, and does not wish to return as long as the fighting there continues, but desires resettlement in a third country where he can live away from conflict. That after 17 years in captivity, it is difficult to imagine the outside, but that he knows he wants to get married and start a family with the time he has left.

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Mr. Al Hajj spent weeks preparing his statement, read it to the Board in his best English, and submitted to a lengthy question-and-answer period. In support of his review, his younger brother and family in Yemen also submitted statements, offering financial and moral support after his release, wherever that may be.

Mr. Al Hajj has declined to participate in these proceedings because he does not believe there is more he can presently say or do under the circumstances to make his case. In recommending continued detention after Mr. Al Hajj's full review in February 2017, the Board noted Mr. Al Hajj's "refusal to answer questions about pre-detention activities and motivations," and asked for "details" regarding these activities at his subsequent review. Unclassified Summary of Final Determination, March 30, 2017. The government's allegations about Mr. Al Hajj's past conduct are disputed and have not been resolved in his habeas proceedings. As a detainee whom the government once considered for prosecution, Mr. Al Hajj has thus had reasonable concerns about the risk of subjecting himself to questioning about disputed conduct, without an understanding or assurances about how the information might be used outside of his PRB proceedings.

The Board also noted that it "considered [Mr. Al Hajj's] recent statements in support of extremism." *Id.* But Mr. Al Hajj engaged fully at his hearing on questions about his present mindset and views and future intentions. Without having access to the government's information about such statements, as he does not, Mr. Al Hajj would also seem unable to address any further specific concerns.

The Board also found that Mr. Al Hajj's "age, health ... do not currently mitigate his current threat level." This would seem an area where further relevant information could be provided. Given Mr. Al Hajj's tenuous condition, including a possible shift in his mental state since his last full review, and the impediment of trust to a proper evaluation of his health by Guantanamo personnel, an independent medical evaluation of Mr. Al Hajj would seem warranted. Mr. Al Hajj has made such a request through his habeas case, which remains pending before the district court. Counsel would ask the Board to consider making a recommendation permitting an independent medical evaluation of Mr. Al Hajj to proceed, as part of its authority to consider detainees' "physical and psychological condition" in assessing whether continued law of war detention is warranted. PRB Policy Memorandum, Attachment 3, para. 3(b)(6).

Thank you for your consideration. I am available to answer any questions you may have about Mr. Al Hajj.

Sincerely,

Pardiss Kebriaci
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