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1 CA: This Periodic Review Hearing Board is being conducted at  
2 0909 hours, on 17 August 2021 with regard to the following  
3 detainee: Mohammed Ahmad Rabbani (ISN 1461). As a  
4 reminder, the unclassified portions of these proceedings  
5 are being recorded for the purpose of generating a  
6 transcript to be posted on the PRS website.

7 DC Translator: [*Translates above*]

8 CA: Representatives from the following agencies are present and  
9 are members of the Board: Department of Defense,  
10 Department of State, Department of Justice, Department of  
11 Homeland Security, Office of the Director of National  
12 Intelligence, and the Office of the Chairman of the Joint  
13 Chiefs of Staff. The following personnel are also present:  
14 Legal Advisor to the Board, Case Administrators, Personal  
15 Representative, Private Counsel, and the Security Officer

16 DC Translator: [*Translates above*]

17 CA: The detainee's Personal Representative is located at the  
18 detention facility, U.S. Naval Station Guantanamo Bay,  
19 Cuba. The Personal Representative is attending via video  
20 teleconference. The Private Counsel is also attending via  
21 video teleconference due to COVID logistical challenges.  
22 The detainee has chosen not to attend. The class-the  
23 unclassified summary has been posted to the Periodic Review  
24 Secretariat website. Foreign, national and local media,  
25 Foreign Government Officials, and Representatives from Non-  
26 Governmental Organizations may be observing this session.

27 PM: This Board is convened to determine whether continued law  
28 of war detention is warranted for Mohammed Ahmad Rabbani  
29 (ISN 1461) to protect against a continuing significant  
30 threat to the security of the United States. This session  
31 of the hearing is unclassified.

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32 PM: Personal Representative, has the detainee had an  
33 opportunity to review the Unclassified Summary?

34 PR: Yes, he has Sir.

35 PM: Thank you. I will now read the UNCLASSIFIED SUMMARY:  
36 Mohammed Ahmad Rabbani (ISN 1461), a.k.a. Abu Badr, was a  
37 financial and travel facilitator for al-Qa'ida leader  
38 Khalid Shaykh Muhammad (ISN 10024) and USS Cole mastermind  
39 'Abd al-Rahim al-Nashiri from 1997 until his arrest in  
40 September 2002 during a raid of guest houses in which  
41 Mohammed Ahmad Rabbani with his brother Abdul Rabbani (ISN  
42 1460) were detained in Karachi, Pakistan. Mohammed Ahmad  
43 Rabbani's primary jobs were to operate al-Qa'ida safe  
44 houses in Karachi, facilitate travel of mujahidin and their  
45 families to and from Afghanistan, and acquire and drive  
46 vehicles. Mohammed Ahmad Rabbani lived in Saudi Arabia  
47 until his early 20s but spent his active jihadist years in  
48 Pakistan.

49 PM: Does the Personal Representative wish to make an  
50 unclassified Opening Statement at this time?

51 PR: Yes, Sir.

52 PM: I would like to remind all participants that any  
53 information shared at this time must be unclassified. If  
54 there is a concern about the classification of the  
55 information, I will indicate as such and will stop the  
56 proceedings until we resolve the issue. Has the detainee  
57 had the opportunity to review your statement?

58 PR: He has Sir.

59 PM: Personal Representative, you may now proceed.

60 PR: Board Members, thank you for the opportunity to provide a  
61 statement on behalf of Mr. Rabbani. I'd like to also thank  
62 the board for allowing this accelerated hearing based on  
63 the last file review of Mr. Rabbani's case. I ask that the



64 Board carefully consider the information in the statements  
65 of the Private Counsel, as well as statements presented  
66 from other interested parties. I will do my best in this  
67 hearing to provide necessary information to the Board in  
68 evaluating whether Mr. Rabbani is a continuing threat to  
69 the United States, with hopes that he may be found eligible  
70 for transfer from Guantanamo. Thank you.

71 PM: Thank you. Due to the current global health pandemic, the  
72 Private Counsel has been unable to travel to Guantanamo Bay  
73 and participate in the unclassified portion of this  
74 hearing. As a result, the Personal Representative will now  
75 read the Private Counsel's opening statement. However, the  
76 Private Counsel will subsequently be available for  
77 classified discussions with the Board today.

78 PR: On behalf of the Private Counsel, will read a statement.  
79 Dear Periodic Review Board Members, I am the founder of the  
80 London-based charity, Reprieve. I have represented Ahmed  
81 Rabbani pro bona for more than ten years and got to know  
82 him and his family very well. It is my privilege to write  
83 to you on behalf of Mr. Rabbani respectfully requesting his  
84 clearance at the hearing on August 17th. A brief  
85 background - I am a member of the Louisiana and Supreme  
86 Court bars, and have spent my entire career working for  
87 charity. I spent nine years with the Southern Center for  
88 Human Rights doing civil rights work, and then founded a  
89 charitable law office in New Orleans, where I spent eleven  
90 years trying capital cases for indigent persons. I have  
91 been fortunate enough to receive more awards than I merit,  
92 including the Gandhi Peace Prize and an OBE bestowed by Her  
93 Majesty the Queen for "services to humanity". I briefly  
94 outline this background only to illustrate that my whole  
95 career has been motivated by an intense pride in our



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96 Constitution. I am sure you also work daily to see the  
97 promise of that wonderful document fulfilled. I have  
98 represented many clients facing execution, or detention in  
99 Guantanamo. I dare say that no client in my four decades of  
100 practice has suffered quite as acutely as Mr. Rabbani. Much  
101 of the paperwork before this Board outlines the history of  
102 Mr. Rabbani's case, but I would like to highlight a number  
103 of issues with which this Board may be unfamiliar, which  
104 will emphasize who he is and what he has been through.  
105 First, I should note that the Pakistan government has filed  
106 a letter from a cabinet minister, Shahzad Akbar, in support  
107 of Mr. Rabbani. I have known Mr. Akbar for many years as a  
108 highly respected human rights lawyer himself, and I have  
109 been in discussions with him and with the Prime Minister of  
110 Pakistan, Imran Khan, who I have also known personally for  
111 years. Their support for their citizen is rare for a  
112 government, but it is also critically important. It means  
113 that we -you and I -can depend on both of them to work  
114 closely with us, and with Reprieve staff, to ensure that  
115 Mr. Rabbani integrates swiftly and safely back into  
116 Pakistan society. It is also significant that an important  
117 ally like Pakistan is strongly urging us to repatriate  
118 their citizen. Resolving his case is also particularly  
119 urgent given his declining physical and mental health. Mr.  
120 Rabbani was originally detained when turned over to the  
121 U.S. by corrupt Pakistanis who hoped for rewards, who  
122 falsely said he was a terrorist called Hassan Ghul. At the  
123 time, Mr. Rabbani was at his home in Karachi, which the  
124 Board will know is 1,000 kilometers from the battlefields  
125 of Afghanistan. The bounties were being used a great deal  
126 in Pakistan, as noted in General Musharraf's autobiography,  
127 In the line of Fire, where he says that more than 300

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128 people were turned over for money. Much of Mr. Rabbani's  
129 version of events is further corroborated in the 2014 U.S.  
130 Senate Report that deals specifically with this case and  
131 says that "enhanced interrogation techniques" (EITs) were  
132 used on him "without authorization". Remarkably, the Report  
133 revealed to us that Hassan Ghul was captured while Mr.  
134 Rabbani was in custody and brought to the same prison as  
135 Mr. Rabbani. Ghul was released back to Pakistan, where he  
136 went back to his wicked ways, and was killed in a drone  
137 strike in 2012. Mr. Rabbani, meanwhile, was sent to  
138 Guantanamo where he remains 19 years later. What saddens  
139 Mr. Rabbani more than anything is that, when he was  
140 abducted by the Pakistanis in September 2002, he did not  
141 know his wife was pregnant. She later gave birth to his son  
142 [REDACTED] who has written to you separately. While Mr. Rabbani  
143 has never met his child, who is now 17, I have met him on  
144 my trips to Pakistan. I can confirm that the only thing the  
145 family wants is to have Mr. Rabbani home so he can help  
146 support them, and help achieve his son's goal of becoming a  
147 lawyer (inspired by none other than Abraham Lincoln). In  
148 addition to helping Mr. Rabbani, we have been trying to  
149 support his son's educational goals, as there is nothing I  
150 feel we can do that will more effectively ensure that he  
151 gets into a positive career. He is a good kid, and I know  
152 that he will do well. I know that the Board prefers to  
153 look forward rather than backwards, and I will not address  
154 in detail the assertions that have been made against Mr.  
155 Rabbani over the years. However, even if we accepted them,  
156 the simple fact is that many of the allegations against  
157 Ahmed deal with events that occurred over 20 years ago at  
158 this point. I do wish to make one point - one important  
159 point here: the military commissions prosecutors were

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160 willing to facilitate his return to Pakistan if he  
161 testified against one of the High Value Detainees in the  
162 commissions, and we (the defense team) spent a considerable  
163 time debriefing Mr. Rabbani with them. Mr. Rabbani made  
164 every effort to cooperate over many days. The problem we  
165 encountered was that Mr. Rabbani said he could not repeat  
166 the statements the prosecutors wanted to hear, because they  
167 were falsehoods extracted from him when the EITs were being  
168 used on him. He had no problem -he wanted to -and he knew  
169 that if he repeated the lies he had told, he would go home.  
170 I think we can agree that it speaks volumes about his  
171 honesty that he would not repeat an untruth even though it  
172 would set him free. Mr. Rabbani's health is in a dangerous  
173 state. Part of this is brought on by a long term peaceful  
174 hunger strike. While people may differ on the propriety of  
175 a hunger strike, I can assure the Board that he is  
176 motivated only by a desire for justice and he only  
177 committed to it after losing patience, more than ten years  
178 into his detention. He was heavier when originally turned  
179 over by the Pakistani authorities. He is now significantly  
180 under half that weight. He experiences difficulty, and he  
181 suffers other serious medical conditions. As attested to by  
182 the statement by a medical doctor, Mr. Rabbani is in  
183 significant medical danger. I fear that without an  
184 immediate resolution of his case, and repatriation to  
185 Pakistan where he can receive proper care that Mr. Rabbani  
186 may perish in Guantanamo, which would be a tragedy and  
187 would cause our country significant embarrassment with a  
188 close ally. He has also suffered mentally, and we will  
189 ensure that he - when he gets home he will get the therapy  
190 that he needs. Regardless, as a testament to Mr. Rabbani's  
191 positive spirit, he has used his time in Guantanamo



192 productively. You are likely aware of his artwork, which  
193 itself is extraordinary. I am currently working with Fatima  
194 Bhutto, granddaughter of the former prime minister, on an  
195 art show that will include, and be inspired by, Mr.  
196 Rabbani's works. We have used his talent for art as a kind  
197 of ... [sound cuts out]

198 CA: GTMO, sound check. Can you hear us?

199 PR: Presiding Member, shall I continue?

200 PM: Yes, please.

201 PR: He has also suffered mentally, and we will ensure that he  
202 gets home he will get the therapy that he needs.  
203 Regardless, as a testament to Mr. Rabbani's positive  
204 spirit, he has used his time in Guantanamo productively.  
205 You are likely aware of his artwork, which itself is  
206 extraordinary. I am currently working with Fatima Bhutto,  
207 granddaughter of the former prime minister, on an art show  
208 that will include, and be inspired by, Mr. Rabbani's works.  
209 We have used his talent for art as a kind therapy for him,  
210 and I like to think it has helped. He has a second very  
211 positive outlet, which is a very clear goal for his future.  
212 His true dream is to run a restaurant and put his passion  
213 for cooking into action. We have therefore been working on  
214 a cookbook. Mr. Rabbani was a professional cook before his  
215 detention and has spent the last year adapting some of his  
216 older recipes. It is all the more remarkable that he does  
217 this with his digestive problems. Far from giving in to  
218 despair, Mr. Rabbani's devotion to this project  
219 demonstrates that he will be successful upon release. I  
220 shall certainly help him publish his cook book, and if it  
221 makes any money that will help both his son's education and  
222 with establishing his little restaurant in Karachi. This  
223 cookbook is a very realistic project, and I suspect he will



224 sell more copies than I ever do of my books! I have spent  
225 the last few weeks sharing his recipes with various  
226 professional chefs, who have been testing them, and  
227 offering suggestions. This process has been rather mouth-  
228 watering, as they send me pictures of some delicious  
229 dishes. Overwhelmingly, their responses have been positive,  
230 and they have assured me that they will help him promote  
231 his talents as a chef upon release. Mr. Rabbani has also  
232 freely volunteered to submit to "security arrangements"  
233 upon his return home. This is something Reprieve has helped  
234 facilitate in other cases. It is, in our view, not  
235 necessary in any meaningful sense, as we will work closely  
236 with Mr. Rabbani to reintegrate him into society, and he  
237 will be one of our easiest and most cooperative clients  
238 upon his release. However, it allows both the Board and the  
239 government of Pakistan additional assurance that all will  
240 be well on his repatriation. I would be remiss if I did  
241 not note the significant political changes that have  
242 occurred that affect Mr. Rabbani's approach to the Board.  
243 When he last appeared before the Board, it was under a  
244 President who had made clear that there would be no new  
245 transfers from Guantanamo. Mr. Rabbani, along with other  
246 detainees, is certainly aware of the recent statements by  
247 Secretary of Defense, during his confirmation hearing:  
248 Quote: "If confirmed, I would reinvigorate the review  
249 process using available information to determine whether a  
250 detainee no longer poses a continuing significant threat to  
251 the security of the United States and whether there is a  
252 suitable country to which to transfer such a detainee. The  
253 Periodic Review Board Process is currently the best means  
254 available for making such determinations in a systematic  
255 manner. If the PRB process concludes that the threat from



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256 individual detainees may be sufficiently mitigated, then  
257 the U.S. Government should identify options for the  
258 transfer of such detainees to other countries that have  
259 provided credible security assurances in accordance with  
260 applicable legal and policy requirements." End quote.  
261 These statements reveal the new administration's commitment  
262 to a fulsome review of a detainee's continuing status. I  
263 have discussed this with Mr. Rabbani and he very much  
264 wishes to take part in the review - so long as his mental  
265 and physical health permits, he will do so in person;  
266 regardless, I will do so on his behalf. Finally, on a  
267 personal note, I would like to emphasize that it is truly  
268 an honor to appear before this Board on behalf of Mr.  
269 Rabbani. Over the many years I have represented him, I have  
270 come to know him quite well. He is a thoughtful, kind, and  
271 funny man, whose greatest aim in life is to care for his  
272 family - and to cook excellent meals to be enjoyed by  
273 others. Read on behalf of the Private Counsel.

274 PM: Board Members may reserve questions until all statements  
275 have been presented in their entirety. However, does anyone  
276 have any questions at this time?

277 PM: Okay. With no further questions, this concludes this  
278 portion of the hearing. I ask that all remain seated until  
279 further instructed by the Case Administrator.

280 CA: We will now take a short recess to prepare for the  
281 remaining sessions. Time now 0927.

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