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CA: This periodic review board is being conducted at 0904 hours on 8 December 2015, at the Periodic Review Secretariat headquarters, with regard to the following detainee: Zahar Omar Hamis bin Hamdoun, ISN 576.

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,

OFFICE OF THE CHAIRMEN OF THE JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATOR;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

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THE DETAINEE; AND,
SECURITY OFFICER.

TRANS 1: [Translation of above.]

The detainee's personal representatives, private counsel, the detainee, and two translators are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference. This session is being observed by foreign, national, and local media; foreign government officials, and representatives from non-governmental organizations.

TRANS 1: [Translation of above.]

PM: Good morning. Does the detainee wish to waive translation of the entire hearing, to include all written statements provided by the personal representatives, the private counsel, and the detainee?

TRANS 1: [Translation of above.]

PR 1: No, Sir.

PM: Therefore, this Board is called to order. This Board is convened to determine whether continued law of war detention is warranted for Zahar Omar Hamis bin Hamdoun, ISN 576, in order to protect against a continuing significant threat to the security of the United States. From here on forward, we will refer to the detainee as Zahar. The periodic review board hearing session is unclassified.

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TRANS 1: [Translation of above.]

Zahar, this is your periodic review board to determine whether continued law of war detention is warranted in your case. Your continued law of war detention will be warranted if such detention is necessary to protect against a continuing significant threat to the national security of the United States. The focus of this hearing is on the 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.]

The personal representatives and private counsel are your representatives to assist you during this process. And, finally, the translators are here to ensure that everybody understands your statements and that you understand what is being said here during the hearing.

TRANS 1: [Translation of above.]

Personal representatives and private counsel, has the detainee had an opportunity to review the Unclassified Summary?

TRANS 1: [Translation of above.]

PR 1: Yes, Sir.

PM: I will now read the Unclassified Summary. Zahar Omar Hamis bin Hamdoun, YM 576, travelled to Afghanistan in 1999 and trained as

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at al-Qaida's Farouq camp before acting as a weapons and explosives trainer. He probably fought under the command of an al-Qaida leader during Operation Enduring Freedom and possibly commanded foreign fighters. Zahar fled to Pakistan after the start of Operation Enduring Freedom and was captured by the Pakistani officials at a safe house in Karachi along with several al-Qaida members. The IC has linked phone numbers found among his documents to senior al-Qaida affiliated associates. Although we do not know the extent of his relationship with them, or whether he formally joined al-Qaida, Zahar's compliance record at Guantanamo Bay detention facility has been mixed, although the severity of his infractions has decreased since late 2009. He usually has been polite but uncooperative toward interrogators and has been uncooperative when asked about his activities in Afghanistan, and has sought to avoid providing additional information or discrediting his narrative that he did not take part in terrorist activities. Zahar dislikes the United States, an emotion that probably is motivated more by his frustration over his continued detention than by commitment to global Jihad. He probably sympathizes with, but is not deeply devoted to, extremist causes. He has expressed non-extremist goals to interrogators but provided few specifics about what he would do if he were to be transferred. We have seen no indications that Zahar or his family

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members have close ties to terrorists outside of Guantanamo. If transferred, Zahar probably would try to return to his family in Yemen where AQAP has grown more active in recent years. He also has relatives in Kuwait, Saudi Arabia, and the UAE. Although, we do not know whether they would be able to support him or dissuade him from returning to Yemen if he were transferred to one of those countries.

TRANS 1: [Translation of above.]

Do the personal representatives and private counsel wish to make an unclassified opening statement at this time?

TRANS 1: [Translation of above.]

PR 1: Yes, Sir.

PM: I would like to remind all participants that any information shared at this time must be unclassified. If there's a concern about classification of the information, I will indicate as such and the proceedings will stop until the classification issue is resolved.

TRANS 1: [Translation of above.]

PM: Has the detainee had the opportunity to review the PR's and PC's opening statement?

TRANS 1: [Translation of above.]

PR 1: Yes, Sir.

TRANS 2: Yeah.

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PM: Personal representatives, you may proceed with your opening statements.

TRANS 1: [Translation of above.]

PR 1: Good morning ladies and gentlemen of the board, we are the Personal Representatives for Mr. Zahar Omar Hamis bin Hamdoun. We are joined by his private counsel and translator. At my first meeting with Zahar he stood and shook my hand enthusiastically. From the beginning, it was obvious that the fact I was female did not concern him. Before the meeting was over he gave me one of his drawings as a gift to show his appreciation for my assistance in this process. Over the past three months, we have met with Zahar close to 50 hours and he has been very cooperative, enthusiastic, polite, and forthcoming with all of his answers.

TRANS 2: [Translation of above.]

PR 1: Zahar has expressed regret for his decisions he has made in the past. Working to enhance his education and learn new skills, he has grown as a person during his time in GTMO. He has been exposed to a variety of cultures and religions while here and understands the importance of respecting everyone regardless of beliefs. He knows it is important to treat everyone as you wish to be treated. When he is transferred, he will marry and start a family

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of his own. If possible, he wishes to continue his education as this is a duty in his family for both male or female. As for work, it will depend on the economy where he is transferred, but he would like to open a store, perhaps selling groceries as he has experienced as part of his family's business. He is willing to go to any country and he understands that returning to Yemen is not an option. Zahar is also willing to participate in any rehabilitation or reintegration deemed necessary.

TRANS 2: [Translation of above.]

PR 1: As much as he wishes to see his mother and family again, he really does not wish to return to Yemen as there is no future due to the current instability. Of course he does hope to someday be allowed to bring his mother, if only for a visit, wherever he may end up. Regardless of where he is transferred he will have the full support of his family. The distance is inconsequential as his eldest brother, who's like a father, already provides support to his family in Yemen while living in a different country. He will do the same for Zahar. Based on everything we have seen and heard during our time with Zahar, we do not believe he is continuing significant threat to the United States or its interest. We are happy to answer any questions that you may have throughout this proceeding. As that

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this time, Zahar's private counsel will present opening statements.

Thank you for your time and consideration.

TRANS 2: [Translation of above.]

PM: Thank you very much. Private Counsel you may proceed with your opening statements.

TRANS 1: [Translation of above.]

PC: Members of the board, good morning. I am Pardiss Kebriaei, Mr. Hamdoun's private counsel. I have represented Guantanamo detainees since 2007, including several men whom the government has successfully resettled. I have been working with Mr. Hamdoun for over two years. I would like to use my time to underscore or expand on a few points in Mr. Hamdoun's personal statement.

TRANS 2: [Translation of above.]

PC: The first concern is his family. In recent months, I have been in regular conversation with Mr. Hamdoun's family, in particular, two of his older brothers, for the purpose of preparing for this review. They put me on speaker phone while their mother listens in the background in the same home Mr. Hamdoun grew up in. They are a stable, close knit group. Hard work and education are core values reflected in the paths of Mr. Hamdoun's siblings, down to his youngest sister who graduated from college a few years ago and

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his youngest brother who is still trying to attend his college classes in Sana'a despite the circumstances. We have submitted information about them each, and Mr. Hamdoun will say more about how they sustain him. I want to just make two brief points since Mr. Hamdoun has not been able to speak to his family since this review process began. One is to emphasize that the family knows that Mr. Hamdoun may not be transferred to Yemen, and they accept this possibility. In my initial conversations with the older brothers, while the other siblings and their mother gather around his cell phone, I broached the subject gingerly anticipating a fair amount of questions and frustration. Their response: "Yes, this is obvious." They know the circumstances in their country, they are honest people who have no desire to interfere with the terms of any transfer agreement and bring additional difficulty to Mr. Hamdoun or themselves. What they want is a chance for Mr. Hamdoun to rebuild his life wherever that may be.

TRANS 2: [Translation of above.]

PC: Additionally, I want just to note that the materials included in Mr. Hamdoun's submission unfortunately do not reflect the family's effort to support this review process. Mr. Hamdoun's mother and several of his siblings had intended to submit videotaped oral statements. They spent several weeks preparing their thoughts and

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coordinating with us on the logistics. That plan was thwarted remarkably by a cyclone in the Gulf of Aden that made a rare land fall in their region in early November, the first in decades. A week later, a second major cyclone struck their region. Needless to say power outages and record-level flooding in the wake of the storms prevented them from being able to provide before our deadline the materials they had intended to prepare.

TRANS 2: [Translation of above.]

PC: The second area I want to expand on concerns the support that Mr. Hamdoun would have after transfer from my organization in particular. We have the experience of supporting the reintegration of several clients over the years. I've included a document in our submissions specifying the range of assistance we have provided in the past and are ready to offer Mr. Hamdoun, depending on what might be necessary. My experience with two clients whom the administration resettled in 2009 and 2010 provides a good snapshot. In those cases, we worked with the State Department and host governments on transition plans for the men; we visited them multiple times after release; we served as an ongoing point of contact for local authorities to help problem solve as issues arose; we provided financial assistance and referrals for needs large and small, from live-in interpreters and mental health care to laptops to language

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CDs. And we tapped into our wide network of regional and local partners to help address other needs. We were a trusted and experienced resource in facilitating the transitions of these clients. Critically, our support continued long-term for several years. We would be ready to provide the same breadth and depth of support to Mr. Hamdoun.

TRANS 2: [Translation of above.]

PC: The third issue I want briefly to address concerns his past conduct. Mr. Hamdoun regrets his decision to go to Afghanistan in 1999 as he expresses in his statement. But the question of his activities there is not settled as the unclassified detainee profile also indicates. Mr. Hamdoun brought a Habeas petition disputing the allegations against him which was never ultimately decided by the district court. I would be glad to address Mr. Hamdoun's own narrative in more detail in the closed session.

TRANS 2: [Translation of above.]

PC: I would like to offer a final personal observation based on my experience working with Mr. Hamdoun over the course of the past two years, against the background of the eight years I have been working with detainees. In our meetings, he is attentive and earnest, he is not withdrawn, he does not decline visits, and he apologizes when he brings requests. He comes to listen, work, and

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tries. He recognizes his limitations. He tells me he has moments of low energy. He is unsettled by his inability to communicate with his family. He is frustrated about his situation. All of these are real, but I have not seen someone resigned, pardoned, or remote. I've seen effort; someone very much wanting and trying to believe in a better future. Someone very much wanting to be before you today. I've worked with clients after release for years; reintegration is a long process that takes effort, engagement and hope. Mr. Hamdoun has shown these qualities which will serve him well going forward. Thank you for your consideration.

TRANS 2: [Translation of above.]

PM: Thank you for that. We understand that Board members may reserve questions until the detainee and witness statements have presented in their entirety.

TRANS 1: [Translation of above.]

PM: Does any member of the board have a question for the personal representatives or private counsel at this time?

TRANS 1: [Translation of above.]

[No verbal response from the members.]

PM: Okay. Seeing no questions, this concludes this portion of the hearing. I ask that all remain seated until further instructed by the case administrator.

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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 0931, 8 December 2015.]

[At this point, the unclassified portion of the hearing ended.]

[END OF PAGE]

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER
DET: DETAINEE
PC: PRIVATE COUNSEL
PM: PRESIDING MEMBER
PR 1: PERSONAL REPRESENTATIVE ONE
PR 2: PERSONAL REPRESENTATIVE TWO
TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)