

PERIODIC REVIEW BOARD FULL HEARING, 08 DEC 2016
SAID SALIH SAID NASHIR, ISN 841
PERSONAL REPRESENTATIVE OPENING STATEMENT

Good Morning Ladies and Gentlemen of the Board. I am the Personal Representative for ISN 841, Mr. Hani Saleh Rashid Abdullah. I will be assisting Hani with his case this morning along with the assistance of his Private Counsel.

I would first like to thank you for allowing Hani a second chance to answer your questions. I believe that there was some miscommunication during our Initial PRB that made it difficult to understand his answers. I would also like to explain that due to the short preparation time, Hani's Private Counsel and I assisted in the preparation of Hani's statement to you. In doing so, we used only the words that he has told us himself. Then myself and the translator went over it with Hani and made adjustments based on his input at our meeting. However I then had to finalize it without the opportunity to run it past Hani one last time before submitting it to you. Before the actual Board, we will ensure that Hani sees a translated copy so if there are any errors he can address them directly with you during the Board.

During all of his time at Guantanamo, Hani has remained a relatively compliant detainee and this didn't change even during the long period while he awaited his results from his Initial PRB. He continued with his classes during this time and has continued to cooperate with the guards. At the time of writing this statement I have only had the opportunity to meet with him once since he received his results, but during that meeting he was his usual smiling self and he never expressed any resentment for the long wait. As a matter of fact, I don't believe I heard even one complaint from him. He did express surprise about the Board's decision and he really didn't understand why the Board felt he was being evasive and untruthful.

After my recent discussion with Hani, I really do believe that with at least some of his answers, he did not fully understand all of the words in the questions. I am hopeful that this time we will be able to avoid that same scenario and that by the end of today, the Board will be more satisfied with his responses.

Hani is extremely good natured and with his electrician background as well as the education he has obtained here, especially with computers, I feel that he is capable of making an honest living wherever he is transferred. I honestly do not believe that Hani is a threat to the United States or its interests.

Thank you for your time and for this second chance for Hani. I look forward to answering any questions you may have during this Board.

Statement of Charles H. Carpenter

Good morning, Ladies and Gentlemen of the Board. I am Charley Carpenter, and am here as private counsel to ISN 841. Thank you for the opportunity to address you again today. I will limit my remarks to the issues identified by the Board's questions at the April 21, 2016 hearing but am ready to answer any questions the Board may wish to put to me as private counsel.

In the final analysis it is Hani, not I, who must answer your questions, in the clear and specific terms that the Board earlier found lacking earlier. Further, Hani, as I have come to know him over the past 12 years, is a relatively simple, perhaps naïve, man, not given to artifice or scheming. Please bear this in mind when listening to Hani's answers: he is not a professional or learned witness. Further this hearing is highly stressful for him. These facts cut across all his testimony, past and to come later today.

In discussing with Hani this resumed hearing we have advised him that more detail is necessary concerning why he accepted money to travel to Afghanistan, what specific conversations preceded this trip and what understandings he had of what he was to do in Afghanistan when he arrived, how long he was to stay, and related issues. Likewise we similarly advised him about his acceptance of money to return to Yemen, money given by a later notorious HVD who was unknown at the time to Hani, and details of his training (including any indoctrination lectures) while he was in training.

Finally I ask the Board to recall the situation for Hani in Pakistan, where he was in hiding, wary, and desperate to return home, conditions leading to evasive behavior. Like a drowning man, he was not in a position to interrogate the man who threw him a life ring no matter how reasonable such questions may appear in 20-20 hindsight.

Since the April hearing, I have been able to confirm Hani's testimony with respect to his departure from Aden in 2001: specifically, his co-worker confirmed to me that Hani did not sell his tools when he left Aden, and that Hani had otherwise made clear that he intended to return shortly to resume his employment. We have not been able to get a signed statement from the co-worker given the short notice for this hearing and difficulties in communicating with Yemen, given the ongoing civil war there; we will provide a statement if we get one before the hearing.

I believe when you hear Hani's testimony you will agree that, like the others captured at the same time in the same place, that he poses no risk to the United States or its allies.

Thanks again for the opportunity to speak to you. I would be happy to answer any questions.