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**CLERK:** This periodic review board is being conducted at 0900 hours on the 20th of November, 2013, at the Periodic Review Secretariat Headquarters, Arlington, Virginia, with regard to the following detainee: Mahmud Abd al-Aziz Mujahid.

**TRANS 1:** [Translation of above.]

**CLERK:** The following persons are present:

**DEPARTMENT OF DEFENSE;**

**DEPARTMENT OF STATE;**

**DEPARTMENT OF JUSTICE;**

**DEPARTMENT OF HOMELAND SECURITY;**

**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE;**

**OFFICE OF THE CHAIRMAN OF JOINT CHIEFS OF STAFF;**

**LEGAL ADVISOR TO THE BOARD;**

**CASE ADMINISTRATOR;**

**HEARING CLERK;**

**PERSONAL REPRESENTATIVE;**

**PRIVATE COUNSEL;**

**INTERPRETER;**

**DETAINEE;**

**SECURITY OFFICER.**

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**TRANS 1:** [Translation of above.]

**CLERK:** The detainee's personal representative, private counsel, and detainee are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba, and are attending this hearing via VTC.

**TRANS 1:** [Translation of above.]

**PM:** This board is called to order. This board is convened to determine whether continued law of war detention is warranted for detainee Mahmud Abd al-Aziz al-Mujahid in order to protect against a continuing significant threat to the security of the United States.

**TRANS 1:** [Translation of above.]

**PM:** This portion of the periodic review board hearing is unclassified. Classified documents and classified discussions relating to classified information shall not be presented or discussed during the unclassified portions of this hearing.

**TRANS 1:** [Translation of above.]

**PM:** And for our translator, I'm going off-script here, so translate from me.

As a reminder, these proceedings are being recorded for the purposes of providing a transcript of the unclassified portions. That transcript will be posted to the PRS website.

**TRANS 1:** Did you want me to translate that?

**PM:** Yes, please.

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**TRANS 1:** Oh, I'm sorry. So can you repeat that?

**PM:** I can repeat it.

As a reminder, these proceedings are being recorded for the purposes of providing a transcript of the unclassified portions. That transcript will be posted to the PRS website.

**TRANS 1:** [Translation of above.]

**PM:** Mahmud Abd al-Aziz al-Mujahid, 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 significant -- 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, and not on the lawfulness of your detention.

**TRANS 1:** [Translation of above.]

**PM:** The personal representative and private counsel are your representatives and are here to assist you during this process.

Finally, the translator ensures that everyone understands your statements and that you understand what is being said here during the proceedings.

**TRANS 1:** [Translation of above.]

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**PM:** I will now read the government's unclassified statement:

Mahmud Abd al-Aziz al-Mujahid, before his capture, traveled from Yemen to Afghanistan almost certainly to participate in Jihad and once served as a bodyguard for Osama bin Laden.

During his detention at the Guantanamo Bay detention facility, Mujahid has not provided valuable information regarding Al Qaeda's operations in Afghanistan and Pakistan, and he has avoided implicating himself during interrogations.

In recent years, however, Mujahid has shown a great propensity for cooperation and has spoken with apparent candor to interrogators about current events and detainee issues at Guantanamo.

**TRANS 1:** I read it from a script of the --

**PM:** Just the first paragraph.

[Translator 1 did as directed.]

**PM:** Hold on one second. I haven't read that part yet, the second paragraph.

So continuing with the statement, al-Mujahid has minimal associations with at-large extremists, including only an ongoing with his brother, another former bin Laden bodyguard, who may no longer be affiliated with extremism.

Al-Mujahid has stated that he would like to be

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transferred to a Western country and has mentioned nonextremist aspirations for life after Guantanamo [REDACTED]

[REDACTED]

If repatriated to Yemen, al-Mujahid would probably return to his hometown of Taiz, which has experienced modest levels of Al Qaeda in the Arabian Peninsula activity during the past year.

**TRANS 1:** [Translation of above.]

**PM:** This concludes the government's statement.

I would now like to ask the personal representative and the private counsel whether the detainee has had an opportunity to review the unclassified summary we've just presented?

[No audible response from Guantanamo Bay detention facility.]

**PM:** Guantanamo, we don't have audio from you.

Do you have audio from us?

[Affirmative response from Guantanamo Bay detention facility.]

**PM:** Are you on mute?

**PR 2:** Go ahead.

**PR 1:** Can you hear me now, sir?

**PM:** Now we have audio, yes. Thank you. Proceed.

**PR 1:** Okay. Yes, sir, we can hear you just fine.

**PM:** So I'll repeat.

[Translator 2 begins translating.]

**PR 1:** And to answer your question if he's had access to

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the unclassified dossier, sir, yes, he has.

**TRANS 2:** [Translation of above.]

**PM:** Okay. Thank you. This will then conclude the government portion of the presentation. So I'd like to turn to the personal representative and the private counsel to see if they would wish to make an unclassified opening statement in this unclassified session.

And I would also like to say before they make that statement I express the gratitude on behalf of the board members here for the extremely well done effort that you did and the work you put forward in presenting to us both the opening statements from the detainee, but also the witnesses that you brought forward and the witness statements that you provided for the board's consideration. All of those statements were very -- we felt very well focused and precisely consistent with what we were hoping to receive. So our gratitude and thank you for that before we -- before you begin.

Over to you.

**PR 1:** Thank you, sir.

**PM:** Can you mute here?

[The information technology clerk did as directed.]

**PR 1:** Good morning, ladies and gentlemen of the board, I'm Major [REDACTED]. Lieutenant Colonel [REDACTED] and I are the personal representatives for Mr. Mahmud al-Mujahid, and we

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will be happy to answer any questions you have during these proceedings.

**TRANS 2:** [Translation of above.]

**PR 1:** As the advocates for Mr. al-Mujahid, and through our collaboration with Mr. David Remes, the private counsel for this case, we have strived to provide you with the information that demonstrates that Mahmud poses no significant threat to the security of the United States.

**TRANS 2:** [Translation of above.]

**PR 1:** Throughout this process, we, as the personal representatives, have been thoroughly impressed with Mahmud's professionalism, candor, and willingness to actively participate in these proceedings.

**TRANS 2:** [Translation of above.]

**PR 1:** I believe that after careful review of the documents that we've provided, and after you've had a chance to hear Mahmud's comments to the board, you will share that opinion and recommend that he be transferred from detention.

**TRANS 2:** [Translation of above.]

**PR 1:** At this time, I'd like to introduce Mr. David Remes for his opening statement. I thank you for your time and your consideration.

**TRANS 2:** [Translation of above.]

**PC:** Good morning, members of the board. Thanks for giving

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me the opportunity to speak on behalf of Mr. Mujahid this morning.

As a preliminary matter, I would like to say that Mr. Majuhid [sic] has worked very hard to develop an understanding of the English language, can understand it for the most part, and can speak it pretty well. We would ask that there be no translation of what you say to him and that he be allowed to speak to you in English. If he has any question about the meaning of what you're saying, he will seek clarification from the translator here.

And we think that will --

**PM:** Any board members have concern with that?

**PC:** -- be easier on the board and also help demonstrate the hard work that he's put into advancing himself and preparing himself for life after Guantanamo.

**PM:** Can we unmute?

[The information technology clerk did as directed.]

**PM:** Thank you.

**PC:** And with that, I would --

**PM:** If I could just finish, Mr. Remes, thank you for your suggestion, and we graciously accept that offer.

**PC:** Good. Thank you. And if there's any difficulty on your end, please let us know, of course.

We've given you our written submissions. Our written

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submissions lay out our case, as it were. I would not read the submissions unless you would like us to, but if you don't have a special request for that, I'd simply like to summarize very briefly that Mr. Mujahid has been a model detainee. While he is here, he has been compliant; he has been cooperative; he has assisted the administration in resolving conflicts between the detainees and the administration. And among the detainees themselves, he is a conciliator.

He is mild. He is calm. He has no wish to change that characteristic on the outside; he will continue to be calm and mild and become a solid, productive citizen wherever he goes.

In that regard, as you have mentioned, Mr. Presiding Member, Mr. Mujahid has expressed a preference to go to a Western country. I'd like to emphasize that that is a genuine preference and a heartfelt preference. He believes that he can find more opportunity in a Western country and a more open-minded and tolerant attitude and culture than he can find in Yemen.

And of course, as we all know, Yemen is a country in turmoil. It is an impoverished country, and it is a country that Mr. Mujahid would go to willingly if that is the way out of Guantanamo. But his preference would be to go to a Western country.

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To emphasize the point: He wants to be released; he wants to have the opportunity to go on with his life, to pick up where he left off to the extent that he can. But he wants to be released; and if the choice is Yemen versus a foreign country, he'd go to a foreign country. But if he can get out of here sooner by going to Yemen, he'd willingly go to Yemen.

Now, I suppose, it's time for Mr. Mujahid to begin his own testimony; is that correct?

**PM:** Before we proceed there, let me just ask: We understand that board members may reserve questions until the detainee and all witness statements have been presented in their entirety.

But does any board member have a question for either the personal representative or the personal counsel in this unclassified session at this time?

**TRANS 1:** [Translation of above.]

**PM:** Any questions?

Okay. So no questions from the board at this time.

**TRANS 1:** [Translation of above.]

**PC:** With respect, sir, we would prefer to dispense with translation because it will not really serve the board's interest unless Mr. Mujahid needs clarification of anything that is said in English.

**PM:** Yes, that's fine. That's our understanding as well.

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And the order normally would be for witnesses to go before the detainee, but we're welcome to take the detainee's statement at this time if you would like to proceed.

Can we do that?

Can we get one second, please.

[The public session closed at 0924, 20 November 2013.]

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

**[END OF PAGE]**

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**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  
TRANS 2: TRANSLATOR TWO