

**UNCLASSIFIED**  
**APPROVED FOR PUBLIC RELEASE**

PERIODIC REVIEW BOARD GHALEB  
NASSER AL-BIHANI, ISN 128  
APRIL 8, 2014

**OPENING STATEMENT OF**  
**PERSONAL REPRESENTATIVE**

**Bottom Line Up Front:** Detainee does not meet the standard for “continuing significant threat to the security of the United States.”

Ladies and gentlemen of the Board, good morning. I am the Personal Representative for Ghaleb Nasser Al-Bihani, ISN number 128. In our submission, we have provided you with information that demonstrates that Mr. Al-Bihani should not be considered a continuing significant threat to the security of the United States.

Looking at the factors listed in the DTM 12-005 for assessing whether a detainee meets this standard, they can be grouped into three general categories: factors that go to whether a detainee has the capacity to be a significant and continuing threat to the security of the United States, whether he has the motive, and whether he will have the opportunity. In the vulnerability assessment methodologies with which I am familiar, if any of the three is absent or sufficiently low, then a threat is considered to be negligible.

Over the past 6 months, I have worked closely with Mr. Al-Bihani. I believe that he currently has neither the motive nor the capability to be a significant threat to U.S. National Security, and that he will not become one after his transfer. I say this as both a warfighter and as someone who has years of experience performing vulnerability assessments.

Starting with motive, Mr. Al-Bihani’s wish is, ideally, to be transferred to a third country where he can build a new and independent life. Camp records indicate that he has expressed this desire repeatedly over the past several years, since 2009. While the compendium for Mr. Al-Bihani implies that he may have ill intentions toward the U.S. when it states that he has been a “...problematic detainee throughout his tenure...,” camp records instead show that there have been only isolated and relatively minor incidents since 2009. He and his Private Counsel will speak more during their statements about his motives and his efforts to prepare for a better future. Our medical expert witness will address in her testimony how Mr. Al-Bihani’s health problems can affect behavior.

In terms of capability, Mr. Al-Bihani does not have skills that would present a “significant” threat to U.S. National Security. Mr. Al-Bihani did not hold a leadership position with Al Qaeda or the Taliban – he didn’t even fight with them. He was not involved in any specific attacks. Twelve years ago, he was an assistant cook in one of the groups that fought against the Northern Alliance, prior to U.S. combat operations, and then surrendered. The compendium itself states that he “... probably did not hold a leadership position in either [Al Qaeda or the Taliban].” And while his compendium lists

**APPROVED FOR PUBLIC RELEASE**

**UNCLASSIFIED**

Personal Representative Statement, PRB for ISN 128



**UNCLASSIFIED**  
**APPROVED FOR PUBLIC RELEASE**

various training, even if he had received every bit of the training listed, it would be equivalent to that provided to a **Private** in the U.S. Army – by himself, not a significant threat to a nation's security.

In terms of opportunity, any concerns the Board may have about his environment after release can be mitigated. Again, if given a choice, Mr. Al-Bihani wants to go to a third country to build an independent life. Wherever he is transferred, he is willing to agree to appropriate security measures, and he is willing to participate in a rehabilitation program. As you will hear, he will also have the support and positive influence of his relative, and NGO support, to help ensure his successful reintegration.

Based on these factors, the U.S. has insufficient reason to believe that Mr. Al-Bihani has the motive or capability to be a significant continuing threat to U.S. National Security – or that any concerns about potential opportunity cannot be addressed. In closing ladies and gentlemen, Ghaleb Nasser Al-Bihani does not meet the standard to be considered a continuing significant threat to the security of the United States.

**APPROVED FOR PUBLIC RELEASE**

**UNCLASSIFIED**

Personal Representative Statement, PRB for ISN 128



PERIODIC REVIEW BOARD GHALEB  
NASSER AL-BIHANI, ISN 128  
APRIL 8, 2014

**OPENING STATEMENT OF PRIVATE**  
**COUNSEL PARDISS KEBRIAIEI**

Good morning. My name is Pardiss Kebriaei and I am the Private Counsel for Ghaleb Nasser Al-Bihani. Thank you for the opportunity to assist Mr. Al-Bihani in this review process.

I have represented Guantanamo detainees since 2007, including men who have been resettled in third countries and repatriated to Yemen. I have represented Mr. Al-Bihani since early 2011. I have had over two dozen meetings and phone calls with him since then, for a total of over 100 hours of conversation.

I began representing Mr. Al-Bihani after the close of his habeas case, so most of those hours have been spent discussing the here and now, and the future. I would like to share two main observations of Mr. Al-Bihani based on our conversations and interactions.

The first is that Mr. Al-Bihani has been talking about his wish for a new start in a third country for years. From our first phone call in April 2011, he spoke about wanting resettlement. He has continued to express this desire in virtually every conversation we have had since then, asking me about possibilities from Qatar, to Spain, to Costa Rica, to Uruguay. As he will tell you, he will accept transfer to any country the government determines is appropriate, including Yemen or Saudi Arabia. But if he had a choice, he would be sent to a third country. This is not because he thinks a third country is the fastest route for release, although certainly, he wants that route. It is not because he thinks this is what the Board wants to hear, because he has been saying for years that he wants resettlement. He will tell you more about his motivations, but what he has expressed to me continuously is his desire for a new beginning. A break from what has come before. A real chance to build a better life in an environment where there is stability, economic and educational opportunity, and calm. I believe that he wants these things.

The second is that I have observed Mr. Al-Bihani try hard to prepare himself for the life he wants to build. We have submitted to the Board a long list of books he has requested over the years. He has asked for Arabic-English dictionaries, Spanish language books, GED books, and DVDs on Latin America. He has asked for the latest research on diabetes, for yoga magazines, and self-help books. He has taken pages of notes on his readings. He has worked with his doctors to make various medical requests. He has come to every meeting we have scheduled over the past three years to work with me. He came to every meeting his Personal Representative and I scheduled over the past six months to prepare for this review, and said he was hopeful about it. Two weeks ago, he sat in a three-hour meeting pushing through a migraine headache to work on the



**UNCLASSIFIED**  
**APPROVED FOR PUBLIC RELEASE**

statement that he is going to read to you. He began these efforts years ago, before anyone was checking. And he has tried to persevere in spite of his chronic health problems, which have at times been debilitating.

Wherever Mr. Al-Bihani is transferred, my organization will help support his rehabilitation and reintegration. For several clients who were resettled and repatriated by the Administration in 2009 and 2010, we worked with the State Department and host governments on transition plans for clients; we visited clients multiple times after release; we served as an ongoing point of contact for local authorities; we provided financial assistance and referrals for needs ranging from live-in interpreters to mental health care; and we partnered with other NGOs and organizations to help address other needs. We were a trusted and experienced resource in facilitating a successful transition for these clients, who are now rebuilding their lives. We would offer the same assistance for Mr. Al-Bihani.

We are still in contact with a client who was approved for transfer and resettled in a European country in 2009. The government's assessment of him was not dissimilar to some of the assertions about Mr. Al-Bihani. Like dozens of resettled men, he went to a country where he had never been, where support had to be provided, and it was. It is five years later. He is fluent in the language of that country and working as an interpreter, he got married a couple of years ago, and he just had his first child. The United States successfully transferred him, as it has many others, and it can do so again with Mr. Al-Bihani. He is his own person and he should be evaluated on his own merits.

I will now turn it over to Mr. Al-Bihani to speak directly to you about his efforts and intentions.

**APPROVED FOR PUBLIC RELEASE**

**UNCLASSIFIED**

Private Counsel Statement, PRB for ISN 128