

**Periodic Review Board:
Subsequent Full Review Hearing, ISN 1457 Sharqawi Abdu Ali Al Hajj**

Hearing Summary:

The 26 February 2019 Periodic Review Board (PRB) Subsequent Full Review Hearing for ISN 1457 Sharqawi Abdu Ali Al Hajj convened before three members of the public representing:

- Human Rights First
- Judicial Watch, Inc.
- Unidentified press organization

ISN 1457 underwent his initial PRB hearing on 15MAR2016, and the Board found him to be a continuing threat to the U.S., so recommended him for continued detention under the Authorization for the Use of Military Force (AUMF). The Board cited the detainee's decision not to attend the initial review as impactful to the determination, as it had to weight reports of ISN 1457's behavior toward the guard force and other detainees and the indications of continuing commitment to violent action against the U.S. they contained over the detainee's own written statement and personal representative's statement otherwise, because the Board could not question ISN 1457. The Board subsequently performed a file review on 1NOV2016 and determined that "significant question is raised as to whether the detainee's continued detention is warranted," and convened an additional full review on 28FEB2017. ISN 1457 did attend the full review, but ultimately the Board found him to be a continuing threat because he refused to answer questions, had recently expressed support for extremism, and his "age, health, and length of detention do not sufficiently mitigate his current threat level." The Board performed further file reviews on 4OCT2017, 14MAR2018, and 13SEP2018, which all concluded that "significant question is not raised as to whether the detainee's continued detention is warranted." This Subsequent Full Review was triggered by the requirement to conduct full reviews every three years.

The detainee is a citizen of Yemen and will be turning 45 this year. He arrived at GTMO in September 2004, with several aliases including "Riyadh the Facilitator," "Haytham," and "Aziz." The government asserted in the summary for the initial review that ISN 1457 self-reported on his former extremist activities, associations, and associates throughout the remainder of 2004 with the intent to "improve his living situation," and that afterward he emerged as a leader among the rest of the detainees, praised continued extremist activity, and corresponded with recidivists. The government summary for the subsequent full review offered little detail, but restated from previous summaries that ISN 1457 has displayed a career interest in violent jihad, had been a close associate of Osama Bin Laden and ISN 10024 Khalid Sheikh Muhammad, and involved himself in facilitating the movement of Saudi Arabian donations and multinational fighters for Al Qa'eda.

In this Subsequent Full Review, ISN 1457's Personal Representative reported that the detainee has refused meetings all thirteen times they were arranged for him. The Personal Representative has maintained a form of contact with the detainee through his Private Counsel, and noted that ISN 1457 has expressed "there is nothing more he can do with his case" and that "nothing has changed since his last Full Review."

The Private Counsel for ISN 1457 is Pardiss Kebriaei, who is also involved in the detainee's *habeas corpus* case. The Private Counsel was unable to speak to the Board in person, but submitted a two-page statement asserting that the detainee is on hunger strike when he does not need to take medications that require food, and is suffering deteriorating physical and mental health. Private Counsel also asserted that ISN 1457 now considers war to be futile, and would like to answer the Board's

questions about his earlier activities, but is concerned that any answers he gives would be used as evidence against him in his *habeas* case in a form of self-incrimination. Per the Private Counsel's statement, the detainee shares no plans for self-support if transferred out of GTMO, but intends to marry and start a family wherever he resides.

Personal Observations:

Due to "comm. problems with GTMO"¹ the day before, no video feed was available for ISN 1457's subsequent full review, and audio feed was of low quality. The Board reported that the detainee's Personal Representative was in attendance, but that the detainee had elected not to attend, and the detainee's Private Counsel was unable to attend. The speaker for the Board maintained a neutral tone. The Personal Representative also attempted to maintain a neutral tone, but in emphasizing that he had tried to meet with the detainee and was intending to continue trying, he gave several tonal indications of mild exasperation.

No further observations developed from the audio feed. However, the Private Counsel statement portrays ISN 1457 as an atypical-pattern hunger striker now suffering the medical complications of extended hunger striking. The Board is unlikely to authorize the detainee for transfer to a third country, on the basis of continuing inability to gauge the detainee's current mentality, but if the Board does authorize transfer, choice of a recipient country may require evaluation of any candidate country's ability to provide specific types of internist and gastro-intestinal medicine. It is also noteworthy that the Private Counsel's statement contains neither reference to any educational opportunities that the detainee has taken, nor to interrogation the detainee underwent prior to detention at GTMO. Education featured in several private counsel statements for detainees approved for transfer, so its absence may indicate the detainee has refused all opportunities. Absence of reference to prior interrogation may reflect that Private Counsel now considers that information immaterial to the detainee's threat level.

¹ Reported to observers by both the escorting personnel and the facilitating personnel separately.