

**Periodic Review Board:
Subsequent Full Review Hearing, ISN 10016 Zayn Al Ibin Mohammed Husayn
(Abu Zubaydah)**

Hearing Summary:

The 4 February 2020 Periodic Review Board (PRB) subsequent full review hearing for ISN 10016 Zayn Al Ibin Mohammed Husayn, better known as Abu Zubaydah, convened under the watch of eight observers representing the news media and non-governmental organizations:

- Indiana University
- International Committee of the Red Cross (two observers)
- Human Rights First
- Judicial Watch, Inc.
- Al Jazeera English
- Middle East Eye
- (Unknown organization)

The government reported that ISN 10016 had been training militants as early as 1989 and ran recruitment and travel facilitation networks for militants starting in 1994. His main motivation was to attack Israel in retaliation for what he viewed as crimes against Palestine, so he never pledged loyalty to Osama Bin Laden because of Al Qaeda's focus on the United States.

Abu Zubaydah's personal representative immediately noted that the detainee was consistently engaged in the PRB process, attending all meetings including those on Islamic holidays. The personal representative reported that recent conversations had centered on movies and articles discussing torture of detainees, and Abu Zubaydah had commented that some elements were true, but artistic license was apparent as in everything. The detainee intends to use an award of 300,000 euros to support himself and create a writing career centering on promoting Palestine, especially if he can be transferred to Northern Ireland or South Africa, which he feels have national experiences similar to that of Israel vs. Palestine.

The detainee's private counsel submitted a seven-page statement with five pages of attachments that chose to ignore the purpose of the PRB and focused instead on the lawfulness of the detainee's detention and conditions of confinement. Detainee's private counsel thought that a member of the CIA was on the Board and shortened his oral presentation when informed otherwise, stating the following:

- ISN 10016 is "being held incommunicado to conceal a torture program."
- The CIA provided false allegations to justify ISN 10016's confinement so he should be freed.
- Being associated in some way with the CIA, the Board has a conflict of interest and should therefore not be permitted to continue detention.

- That the Board did not postpone the previous hearing for ISN 10016 when the private counsel's wife was dying "soiled everyone who has been involved."

Observations:

Abu Zubaydah appeared to be adopting a more westernized look than in his previous hearings, perhaps to demonstrate his suitability for transfer to his chosen countries. While he remained calm and appeared attentive during the government and personal representatives' presentations, he became visibly distracted during the private counsel's arguments after the Board corrected the assumption that the CIA had a representative present. His collected attitude may have been deliberate, masking his intent to confront his accusers until he understood they were not watching.

Since this PRB hearing occurred shortly after the Military Commissions hearings where Drs. Mitchell and Jessen gave witness testimony about Enhanced Interrogation Techniques (EITs) as applied to particular detainees, ISN 10016's private counsel was probably highly aware that increased media attention would be on his client. The private counsel's oral presentation was likely intended for the public rather than the Board.

Though this detainee plans to use 300,000 euros¹ to finance a career if transferred, the Board is unlikely to view a writing career as a well-founded plan for supporting himself indefinitely. Unless Abu Zubaydah presented ratified contracts with a publisher that stipulate a certain level of income after a book publication, regardless of royalties, the Board is likely to deny transfer authorization due to the risk of recidivism.

¹ The origin of these 300,000 euros is unclear. Per statements by one of Abu Zubaydah's lawyers, the detainee intends to donate the 100,000 euros of restitution the international courts awarded him from Poland, but will keep the 300,000 euros awarded to cover his costs. The international courts also found that Lithuania and Romania should pay ISN 10016 Abu Zubaydah and ISN 10015 Nashiri 100,000 euros each, but the implication appears to be a total of 100,000 euros each from both countries.