

**Periodic Review Board:  
15 August 2023 Subsequent Full Review  
ISN 10029 Muhammad Rahim**

*Events:*

Observers from Judicial Watch, Indiana University, and two press publications attended the 15 August 2023 subsequent full review Periodic Review Board (PRB) for ISN 10029 Muhammad Rahim (“Rahim”), kunyas Skandar and Abdul Basir. The review was held in the expeditionary courtroom at GTMO because the detainee is designated as a High-Value Detainee (HVD). Rahim elected to attend his hearing and was accompanied by a personal representative, his private counsel, and a linguist.

The government made a short statement identifying Rahim (ISN 10029) as having functioned as a financier and planner for the Taliban, and as a translator, courier, and operative for Al Qa'ida. The statement stressed that he had advance knowledge of attacks like 9/11 and planned attacks like them to use against the U.S. and members of the coalition. Accompanying documents indicate that the detainee is an Afghan citizen who was 43 years old when he was captured and will turn 58 by the end of 2023.

The personal representative stated that Rahim has experienced a change in attitude since his last PRB and has been preparing for over a year for this one. The personal representative also stated that discussions of current events with the detainee have revealed a shift toward respectfulness and understanding of different perspectives. The statement concluded with a reiteration of the detainee's family's intent to support him, if transferred, and the personal representative's assurance that ISN 10029 has changed.

The private counsel's statement began with a list of his qualifications to represent detainees given his experience in the military commissions hearings and shaming the Board and the military for continuing to detain Rahim without bringing charges against him. The private counsel held that the detainee has not conspired in any attacks and has not committed personal violence against anyone. Further, all incidents of violence or non-compliance against detention personnel were blamed on deplorable housing conditions and a fear for the detainee's health.

The private counsel noted that the detainee's brother tries to live a simple and inconspicuous life that does not attract official attention, and that the detainee himself is an excellent cook who could successfully open a food truck or a restaurant if transferred.

The detainee's statement was not read to the Board in the open session but was posted to the PRB website an hour prior to the hearing. Rahim (ISN 10029) stated that, prior to 9/11, he had helped the DEA with drug eradication, assisted visiting American ambassadors, and was not a threat to U.S. interests. He blamed 9/11 on Al Qa'ida and saw it as the cause of suffering in war for both Americans and Afghans, which was not something agreed to by Afghanistan. Rahim said that the battlefield in Afghanistan no longer exists, and his health is too poor for him to return to it anyway. He also stated his belief that he is being detained out of fear that he will damage the U.S.'s reputation by reporting his treatment publicly. He said he has gained an appreciation for human rights and the education of women. He now holds the conviction that patience solves problems even though violence is a tempting immediate solution. He believes that the U.S. is filled mostly with kind people and sees the creation and sharing of good food as a unifying endeavor.

*Observations:*

Rahim's private counsel is James Connell, who is a civilian expert counsel in the KSM, et. al. Military Commission proceedings. Connell uses a distinguished methodical style of litigation, with the widest

range of tools available to him, in pursuit of his client's representation. He maintains the most consistent tone, strategy, and respect for the court and is frequently left to present arguments that the other defense teams join. The PRB is not litigation, but Connell is the counsel most apt to guide his client into the expressions and behaviors that present his client in the best light for Board evaluation, and he is adept at controlling conversation to be in his client's interests rather than necessarily answering the Board's questions.

The statement the detainee offered is unusual. Most PRB participants have requested their subsequent full review statements not be published or they have not provided one. Where statements were offered, they have not been as forthright as Rahim's. Several of the offered statements made a theme of decrying all treatment by U.S. personnel, but Rahim (ISN 10029) made a point of thanking and praising the medical and guard staff, especially considering the poor health that he claims. His assertion that he has learned to support female education and that he thinks positively of most Americans is not unusual, but his acknowledgment of having thought well of the U.S. in his youth and is returning to that assessment after thinking otherwise is more accommodating than most. Left unsaid is any acceptance of wrongdoing, apologies, or evidence of repentance for previous thoughts and actions.

PRBs often exhibit a disconnect between the messages the personal representative and the private counsel present. In this PRB, both followed similar themes and subjects, lending credence to each other.

Considering the strong representation of his personal counsel and assurances of changed attitudes, Rahim (ISN 10029) has a high probability of being approved for transfer, even though the questions and concerns of prior PRB Boards were not addressed in the public session.