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CA: This periodic review board is being conducted at 0950 hours on 22 September 2015, at the Periodic Review Secretariat Headquarters, with regard to the following detainee: Moath Hamza Ahmed al-Alwi, ISN 28.

As a reminder, the unclassified portions of these proceedings are being recorded for the purpose of generating a transcript to be posted on the PRS website.

[Presiding member conferring with translator 1.]

TRANS 1: [Translation of above.]

CA: Representatives from the following agencies are present and are members of the Board:

DEPARTMENT OF DEFENSE;

DEPARTMENT OF STATE;

DEPARTMENT OF JUSTICE;

DEPARTMENT OF HOMELAND SECURITY;

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; AND

THE OFFICE OF THE CHAIRMAN JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; AND,
THE SECURITY OFFICER.

TRANS 1: [Translation of above.]

CA: The detainee's personal representatives, private counsel, the detainee, and one translator are located at the detention facility, U.S. Naval Station, Guantanamo Bay, Cuba. They are attending via video teleconference. This session is being observed by representatives from non-governmental organizations.

TRANS 1: [Translation of above.]

PM: Does the detainee wish to waive translation of the entire hearing, to include all written statements provided by the Personal Representative, the Private Counsel, and the detainee.

TRANS 1: [Translation of above.]

PR 1: Ma'am, the detainee wishes to waive translation only during the public session.

PM: All right. Thank you. The public session will be in English without translation. I'd ask the translators to remain and provide translations during the sessions with the detainee

So with that this Board is called to order. This Board is convened to determine whether continued law of war detention is warranted for Moath Hamza Ahmed al-Alwi, ISN 28, in order to protect against a continuing significant threat to the security of the United States. From here forward we will refer to the detainee as Moath.

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This Periodic Review board hearing session is unclassified. Classified documents and classified discussions relating to classified information will not be presented or discussed during this session.

Moath, 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 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, it is not on the lawfulness of your detention.

The personal representatives and private counsel are your representatives to assist you during this process. And finally, the translators are here to ensure that everyone understands your statements and that you understand what is being said during the hearing.

To the personal representatives and private counsel, has the detainee had an opportunity to review the Unclassified Summary?

PR 1: Yes, ma'am.

PM: I'll read the unclassified summary. Moath Hamza Ahmed al-Alwi was an al-Qa'ida-affiliated fighter who spent time with Usama Bin Ladin's security detail but probably was not one of Bin Ladin's

bodyguards. Moath traveled to Afghanistan to participate in jihad by 2000, probably trained with al-Qa'ida, and possibly helped manage an al-Qa'ida guesthouse. Moath also developed relationships with many prominent extremists in Afghanistan and spent time with al-Qa'ida and Taliban fighters on the frontlines, although we do not know whether he engaged directly in combat.

Moath has caused a great deal of trouble for the staff at the Guantanamo Bay detention facility. Moath has committed numerous disciplinary infractions, instigated noncompliant activity among other detainees, and threatened cooperative detainees, suggesting that he continues to consider the United States and US personnel his enemies. While Moath openly admitted that he traveled to Afghanistan to participate in the jihad, he almost certainly has tried to conceal the extent of his involvement in terrorist activities and has provided no information of value since October 2007.

Moath's record of noncompliance at Guantanamo, history of expressing hatred and threats toward Americans, and empathy for fighters in Syria, strongly suggests that Moath would at least be open to re-engaging if he was not fully rehabilitated and given an opportunity to reintegrate into society. Moath does not appear to have any direct associations with at-large extremists, although a cousin possibly was involved in extremist activities in 2006, and he has corresponded with several former Guantanamo detainees. Moath

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would probably prefer to be transferred to Saudi Arabia, where most of his family lives, but remains interested in developments in Yemen.

Do the personal representatives and private counsel wish to make unclassified opening statements at this time?

PR 1: Yes, ma'am.

PM: I would like to remind all participants that any information shared at this time must be unclassified. If there is a concern about the classification of the information, I will indicate as such and the proceedings will stop until the classification issue is resolved.

Has the detainee had the opportunity to review the personal representative's and personal counsel's opening statement?

PR 1: Yes ma'am.

PM: All right. Personal representatives, please proceed with your opening statements.

PR 1: Ladies and gentlemen of the Board, good morning. We are the Personal Representatives for Moath al-Alwi, ISN 28. In our submission, we have provided you with information that demonstrates Mr. al-Alwi does not pose a continuing significant threat to the security of the United States. His family is ready to provide support after his transfer, and most importantly, he is willing to attend a rehabilitation program and live his life in peace.

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As Moath's Personal Representatives, we've met with him face to face on more than a dozen occasions over the course of several months.

Throughout our interactions, we have found him to be polite, sincere, and pleasant. He has proven that he has a well-developed set of ethics and a sharp sense of right and wrong. Moath has been on hunger strike over the majority of the past several years. This has affected his health to the point where he can no longer eat a normal diet without adverse reactions. During our first meeting we asked him to attempt a transition back to a normal diet of solid food to improve his case for transfer and for his own well-being. Moath did not immediately agree to do this. However, he later sent us a message stating he would try if his representatives thought it was good for him.

Moath's Personal Counsel, Ramzi Kassem, has met with and had regular contact with Moath's family members, most notably his father and eldest brother. Moath's brother has living space and a job waiting for him when he is transferred from Guantanamo. Additionally, his sister has a business of her own and has saved money to assist with Moath's transfer, education and training. She has also agreed to assist Moath by providing start-up funds for a business when the time arises.

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Personally, Moath would like to live near his family again and, eventually, start a family of his own. More than that, however, he wants to attend a rehabilitation and training center, where he will have the opportunity to continue his education. His ultimate goal is to pursue a college degree in engineering. Moath understands he needs skills if he's to succeed with a career, a family, and a normal life. With limited resources available at Guantanamo, he's taught himself to make cardboard furniture, how to paint, and among his favorites, how to garden. He becomes excited when discussing the possibility of learning to be a construction engineer, landscape architect, or an artist.

Moath is frustrated by his nearly 14 years of detainment without trial, as any reasonable human would be. However, he believes this is a function of politics, world unrest, and his citizenship. He does not believe that Guantanamo is representative of the American people or the American way of life. Notably, Moath remarked to us that he would eagerly agree to a transfer to the United States, should that ever become a possibility. He stated that living in the United States would open opportunities for education and employment that were never available to him before in his life.

Moath has demonstrated that he is open minded and willing to change when he sees hope of a better future. He is 36 years old and wishes to begin to live his life again as soon as possible. The

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effects of his hunger striking over the years have damaged his health to a great extent. He wishes to put all this behind him and build a normal, healthy life outside Guantanamo. Accordingly, we do not believe that Moath is a continuing significant threat to the security of the United States.

PM: Private counsel, you may proceed with your opening statement.

PC: Esteemed Periodic Review Board Members, my name is Ramzi Kassem, and I am a professor of law at the City University in New York. I serve as pro bono counsel to Moath al-Alwi, ISN 028, before the Periodic Review Board as well as in U.S. federal court. I have represented Mr. al-Alwi since 2009. I write to provide additional information to inform your decision as to whether Mr. al-Alwi constitutes a significant threat to the security of the United States.

From the outset, it is worth emphasizing that although he has been in U.S. custody at Guantánamo Bay since 2002, there is no evidence or accusation that Mr. al-Alwi ever fought against the United States or any other party. Moreover, he has not been charged nor found guilty of any crime.

A Yemeni citizen born and raised in Saudi Arabia, Mr. al-Alwi traveled to Afghanistan in early 2001 to teach the Quran and live in a society that appeared from afar to honor Islamic ideals.

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He was 24 when he fled the conflict there, was seized by the authorities in Pakistan and likely sold into American captivity for a bounty.

At a 2008 hearing, having given Mr. al-Alwi only three weeks to review a lengthy dossier compiled by the U.S. government over seven years, a federal judge ruled his detention justified. A court of appeals found that the judge's haste was hard to understand but upheld the decision. The U.S. Supreme Court then declined to receive Mr. al-Alwi's final appeal. Mr. al-Alwi has recently filed a second habeas corpus petition in U.S. federal court, which is now pending.

Even if one were to credit unverified U.S. intelligence reports that form part of the unclassified and public record in his federal habeas corpus case, Mr. al-Alwi allegedly obtained less than one full day's training at a training camp near Kabul, Afghanistan. He was never hostile to the United States and bears no ill will towards it today.

While at Guantánamo, Mr. al-Alwi has gone on hunger strike on more than one occasion, which has caused his health to deteriorate rapidly. He absolutely does not wish to kill himself, as his religion prohibits suicide. But despite the terrible toll it has taken on his health, Mr. al-Alwi chooses not to eat as a form of

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peaceful, violent protest against his continuing imprisonment at Guantánamo and against some of the conditions of his confinement.

These include humiliating groin searches, especially when prisoners are taken for phone calls with their lawyers or families; withheld medical treatment; confiscated legal papers and Qurans; solitary confinement; and other forms of unduly harsh treatment.

In response to Mr. al-Alwi's hunger strike, the prison administration at Guantánamo has chosen to force-feed him daily in a restraint chair.

It is important to highlight that hunger striking is one of a few forms of control that Mr. al-Alwi and other prisoners retain over their lives. Moreover, like sit-ins, hunger striking is a form of peaceful and civil disobedience, not a crime under domestic or international law. It is Mr. al-Alwi's way of demanding the attention of the U.S. government holding him captive, of the American people to whom it is beholden, and of concerned citizens the world over.

Mr. al-Alwi knows that governments do not always act in accordance with the values and views of their people. His hunger strike rests on the belief that the American people, if they knew, would not condone his continued imprisonment or the conditions of his confinement.

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Mr. al-Alwi fully recognizes that people outside of prison might find his hunger strike difficult to comprehend. His own family certainly does. His mother tells me that she spends much of her rare phone calls with him pleading that he stop his hunger strike. But Mr. al-Alwi sees it as the only way he has left to cry out for life, freedom and dignity.

Today, Mr. al-Alwi's disciplinary status at Guantánamo is compliant. He is not on punishment status and he presents voluntarily for tube-feeding and to be weighed. He currently weighs approximately 97 pounds.

My present understanding is that Mr. al-Alwi intends to finally end his hunger strike if he is approved for release by the Periodic Review Board. This would also doubtless please his mother. Understandably, he is concerned about readjusting to a normal diet here at Guantánamo and hopes that he would receive the necessary medical and dietary support to make that transition safely and smoothly.

If released from Guantánamo, Mr. al-Alwi intends to learn a professional skill or develop one of the skills he acquired in prison in order to rebuild his life. At Guantánamo, Mr. al-Alwi excelled in the art classes that were offered. He learned to use cardboard to fashion shelves, drawers, small tables, and other furniture, to rave reviews from fellow prisoners and the guard force alike.

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Mr. al-Alwi also taught himself how to make sweets and other treats, which he offers to fellow prisoners and guards. He has prepared kunafah, an Arab dessert, and has even developed his own version of Snickers bars. Many guards cannot believe that he is able to make these treats on the cellblock using only the limited ingredients at hand.

Another prisoner who used to be a professional cook even assured Mr. al-Alwi that, with his skills, he could open a business. Recently, I learned that one of Mr. al-Alwi's sisters had asked him for one of his recipes during a phone call and that he had refused, jokingly telling her that he couldn't just give up his trade secrets.

Mr. al-Alwi loves the art lessons and the computer lessons he has been able to take at Guantánamo. Unfortunately, however, he has found the English lessons less useful as they are often taught by interpreters who are not themselves fully bilingual or trained to teach English as a second language. Also, his disciplinary status sometimes prevented him from enrolling in classes.

Of course, once a free man, Mr. al-Alwi also wishes to marry and start a family.

His most immediate wish, however, is to regain his freedom, be it in the Kingdom of Saudi Arabia, where he was born and raised and where his family still resides, or in any third country that the U.S. government deems suitable.

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Should Saudi Arabia accept Mr. al-Alwi, he would gladly partake in its Interior Ministry's well-established Counseling and Rehabilitation Program, with the full support and cooperation of his family.

Indeed, Mr. al-Alwi's entire family has resided legally in Saudi Arabia for decades. He only has a few relatives remaining in Yemen and among them he only knows his elderly maternal aunt.

In Saudi Arabia, Mr. al-Alwi has two brothers and three sisters, all in Jeddah. One of his brothers is a small scale merchant. He is married with three sons. His other brother is still a student. Their father is a car dealer and most of his relatives are in that line of business.

Mr. al-Alwi's immediate relatives have made it abundantly clear to me that they are prepared to provide full emotional, financial, and medical support to Mr. al-Alwi, should he be returned to Saudi Arabia or resettled in a third country.

The family has provided ample evidence to the Board, in written and video-recorded form, directly attesting to their readiness to welcome and support Mr. al-Alwi. The videos feature Mr. al-Alwi's mother, his brother, his nephews, and the family home in Jeddah, including Mr. al-Alwi's living quarters. From my experience with a number of repatriated and resettled Guantánamo prisoners since

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2005, the extent and nature of the support that Mr. al-Alwi's family is prepared to provide set the ideal conditions for his release.

Thank you for taking into consideration the information I have provided. I remain at your disposal to assist with any questions you may have regarding Mr. al-Alwi.

PM: Thank you. The Board members may reserve questions until the detainee statement has been presented in their entirety. Does any member of the board have a question for the personal representatives or private counsel in this unclassified session?

BM: I have a question for the PR. The question for the personal representative. That is in your statement you mentioned that the detainee would be willing to try to eat solid food. But it appears he hasn't tried yet. Can you explain that?

PR 1: He has tried in the past. However, we found it necessary that he requires adequate medical support to transition back to a solid food diet so he becomes ill anytime he attempts solid food at this time.

PR 2: Essentially he winds up purging the food afterwards involuntarily.

BM: So is it the issue - is the issue that he doesn't have adequate medical treatment to go along with the solid food?

PR 2: I don't think were qualified or have that knowledge sir.

BM: Roger. That's all I have.

PM: Any other questions? All right. With no further questions

PC: Ma'am. Ma'am, with your permission may I comment on that last question?

PM: All right.

PC: To the last question, whether medical support is required for transition from a long term hunger strike to a solid food diet. My understanding sir from having had multiple conversations with medical experts having represented a number of hunger strikers in addition to Mr. al-Alwi, my understanding from those medical experts is that yes, the answer to your question is yes. One cannot simply transition directly to a solid food diet. It has to happen gradually with support from medical personnel and nutritional experts.

PM: All Right. Thank you. There are no other questions from the board at this point. So, this concludes this portion of the hearing. I ask that all remain seated until further instructed by the Case Administrator.

CA: We will take a 15-minute recess to prepare for the remaining sessions.

[The public session closed at 1005, 22 September 2015.]

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

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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 (LOCATED AT PRS HQ)
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)