

PERIODIC REVIEW BOARD, 27 MAR 2018
MOATH HAMZA AHMED AL-ALWI - ISN #028
PERSONAL REPRESENTATIVE STATEMENT

Good Morning ladies and gentlemen of the Board, I am the Personal Representative for Mr. Moath Hamza Ahmed Al-Alwi. I have been Moath's Personal Representative for approximately 30 months, during this time his behavior has remained consistent. Moath is always positive, upbeat and polite at our meetings. He is passionate about art and hopes to continue his education and training to make this passion a career. His favorite art project is his most recent ship, which was truly a labor of love. This ship far exceeds his earlier works, which have been evaluated by art critics and instructors who feel that Moath has a real talent and could make a living using this talent.

In addition to art projects, Moath spends his time cooking, attending class, and improving his English language skills. He is well mannered and amongst the most compliant currently in detention.

Moath has committed to attend any rehabilitation program that the Board directs. He feels that his interaction with detainees from different areas as well as the numerous guard staff he has met and interacted with will aid in repatriation/reintegration. I feel that Moath is a good candidate for release/repatriation and with the support and guidance of his family, his transition should be a smooth one.

Thank you for this opportunity to appear before the board. Moath, Ms. Jacob and I are standing by to answer your questions.

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Statement of Private Counsel on Behalf of Moath al Alwi, ISN 028
March 27, 2018

We are Private Counsel for Moath al-Alwi (ISN 028) and submit this statement to explain why Mr. al-Alwi should be approved for transfer from detention at Guantánamo.

I am a litigator in private practice; I represent several men previously and currently detained at Guantánamo. I have represented Mr. al Alwi for about two years, meeting and speaking with him well over one dozen times. Prof. Ramzi Kassem, Professor of Law at the City University of New York School of Law and co-director of its Immigrant & Non-Citizen Rights Clinic, has represented Mr. al Alwi for almost a decade, meeting and speaking with him numerous times, and also has been in touch with his family. Since Prof. Kassem speaks Arabic, his interactions with Mr. al Alwi are not filtered through a translator.

Mr. al Alwi should be released. He is not a threat to the security of the United States or anything else.

Over the past few years, Mr. al Alwi has been cooperative and compliant. He stopped his long-term hunger strike, persevering through painful physical reactions as his body adjusted to receiving food orally, even after adverse board rulings and even after watching the release of many other detainees who were accused of significantly more serious pre- and post-detention conduct. Instead, he has thrown himself into artistic pursuits, creating impressive paintings, sculptures and model ships. This constructive conduct has continued despite the recent restrictions on art at Guantánamo, including the confiscation of his most recent model ship, which was removed from his cell, he was told, because it was taking up too much space. In other words, his response to difficulties has been to maintain good conduct and turn to artistic

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creations – an additional indication that his release would not pose a threat and a good indicator of his current mindset and likely behavior should he be released.

Mr. al-Alwi's creations are of high artistic merit. His goal – expressed to me several times over the years – is to improve his skills and, upon release, pursue a career that will take advantage of his abilities. He would like training in crafts and model-making and is eager for instruction, since he now is almost entirely self-taught, so that he can make a career in this field. It is a surprisingly broad one. The possibilities range from displays, fabrications, carpentry, commercial modeling, architectural modeling, artistic modeling, and industrial modeling, as well as fine and decorative arts.

And his goal is not impractical. Among our submissions to the Board is a letter from Professor Erin Thompson, an art history professor at the City University of New York's John Jay College, explaining that "Mr. al Alwi's skills mean that he could find employment in all kinds of commercial settings, from a highly industrialized corporation to a smaller-scale business working with more traditional materials." She explained that he also could support himself with his artistic model-making ability, pointing to several artists in this field. The letter was submitted last year, but when I spoke to Professor Thompson recently, she endorsed her conclusions even more strongly now that she has had an opportunity to see Mr. al-Alwi's ship models in person.

In fact, public reaction to a recent exhibition including some of Mr. al-Alwi's ship models confirms that there would be a market for his work once he is released. I have been told by another artist that faculty at art schools in New York City have expressed an interest in teaching him. One major New York City art museum seriously explored accepting one of his ship models for its collection, but ultimately decided that there was not yet a large enough existing body of Mr. al-Alwi's artwork.

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During the difficult transition from life in prison to life as a free man, Mr. al-Alwi will have financial and emotional support from his devoted family. His family stands ready to assist with financial and other resources so that he will be able to obtain the instruction he needs to develop his native talent and learn to work with new materials and in a commercial setting, leading to gainful and satisfying employment in a field to which he already is committed. These are realistic plans for his future.

This is Mr. al-Alwi's third full hearing. He is a reflective and reserved man. These characteristics may make him seem unforthcoming in responding to questions, because he often likes to pause before answering and his answers can be brief or sometimes philosophical. We continue to be concerned that the Board may misinterpret his responses to its questions.

We also wish to remind the Board of the scheduling and logistical difficulties which have plagued Mr. al-Alwi's previous hearings, and point out that his continued willingness to participate in this process in the face of mistakes, adjournments and delays – none of which were at all his fault or related to his conduct in any way – is another strong factor in favor of clearing him for transfer. At his first hearing, the guards mistakenly brought him to the site for counsel meetings instead of to the hearing location, and this error was not rectified for more than an hour. Even though he was understandably frustrated, Mr. al-Alwi went forward with the hearing, but the Board still questioned his demeanor, seemingly without taking into account the extenuating circumstances.

His second hearing similarly encountered difficulties, but this time with scheduling. The first date was changed at short notice, but undersigned counsel were able to reschedule their trip to Guantánamo to accommodate the new date. Then, the night before the rescheduled hearing, a technical problem caused the hearing to be postponed – but Mr. al-Alwi was not informed of this

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until the morning the hearing was supposed to happen, when he was brought to the hearing room. His hearing was rescheduled to the November 2016 date on which it was finally held – but Prof. Kassem was by then unavailable and I could not get to Guantánamo because there were no seats on the commercial flight and I was not permitted to take one of the government planes. Nevertheless, Mr. al-Alwi agreed to go forward without the support that counsel's presence could have provided.

Mr. al-Alwi has been imprisoned at Guantánamo for over 16 years. Whatever he may have done, it is past time for him to be released to his family and be permitted to build a new peaceful life.

Respectfully,

Beth D. Jacob
Attorney

Ramzi Kassem
Professor of Law
CUNY School of Law

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