

UNCLASSIFIED
Approved for Public Release

CA: This periodic review board is being conducted at 0904 hours on 27 July 2015, at the Periodic Review Secretariat headquarters, with regard to the following detainee: Faez Mohammed Ahmed al-Kandari, ISN 552.

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.

Regarding translation during the hearing, all parties agreed to proceed in English due to the detainee's proficiency in English. Translators will remain in the event any translation is required or requested by any party during the proceedings.

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 JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

UNCLASSIFIED
Approved for Public Release

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; and

SECURITY OFFICER.

The detainee's personal representatives, private counsel, the detainee, and one translator are located at the detention facility, United States Naval Station, Guantanamo Bay, Cuba. They are attending via video teleconference.

This session is being observed by foreign and national media, foreign government officials, and representatives from nongovernmental organizations.

PM: This Board is called to order. This Board is convened to determine whether continued law of war detention is warranted for Faez Mohammed Ahmed al-Kandari, ISN 552, in order to protect against a continuing significant threat to the security of the United States. From here on forward, we will refer to the detainee as Faez.

This periodic review board hearing session is unclassified. Classified documents and classified discussions relating to classified information shall not be presented or discussed during the unclassified session of this hearing.

Faez, this is your periodic review board to determine

UNCLASSIFIED
Approved for Public Release

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.

Finally, the translators are here to ensure that everyone understands your statements and that you understand what is being said here during the hearing.

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

PR 1: Yes, ma'am.

PR 2: Yes, ma'am.

PM: I will now read the Unclassified Summary:

"Faez Mohammed Ahmed al-Kandari, ISN 552, a Kuwaiti al-Qaida recruiter and propagandist who probably served as Osama bin Laden's spiritual advisor, has remained compliant with the detention staff at Guantanamo since March 2014. He continues to deny having ever conducted terrorist acts or had extremist affiliations. Several

UNCLASSIFIED
Approved for Public Release

members of his family probably also have taken part in terrorism, including attacks against U.S. targets in Kuwait. One of Faez's family members has been tied to al-Qaida affiliated groups in Syria.

PM: Does the personal representative or private counsel wish to make unclassified opening statements at this time?

PR 1: Yes, ma'am.

PR 2: 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 such and the proceedings will stop until the classified issue is resolved.

Has the detainee had the opportunity to review the personal representative's and personal counsel's opening statements? And if so, does he require translation today?

PR 1: Yes, ma'am. The detainee has reviewed both the PR and the PC's opening statements. However, he does not require translation of these statements.

PM: Thanks. Personal representatives, you may proceed with your opening statements.

PR 1: Ladies and gentlemen of the Board, thank you for hearing our case for Faez al-Kandari. We appreciate your decision to hold a full periodic review board following the file review conducted

UNCLASSIFIED
Approved for Public Release

earlier this year. We plan to demonstrate that Faez is not a continuing significant threat to the security of the United States of America.

Since Faez has been able to see his fellow countryman, Fawzi, transferred to Kuwait, and doing well, he has been excited to meet with his personal representative and his private counsel to discuss his upcoming board, knowing he has a real possibility of going home to Kuwait. For the first time since his detention began, Faez is excited about his future; he's excited about seeing his family again.

As we know, the purpose of this board is to determine if Faez poses a threat to the United States. We submit that Faez is not a significant threat to the United States, and he is ready for transfer.

Once again, our team thanks the Board for this opportunity to present information and evidence on Mr. al-Kandari's behalf.

Are you ready?

PC: Yes sir.

Good morning. My name is Eric Lewis, and I am pleased to appear you, to appear before you this morning as private counsel for Faez al-Kandari. We are grateful the Board has granted a full hearing after this Board's file review earlier this year.

UNCLASSIFIED
Approved for Public Release

This Board is charged with evaluating whether Faez will pose an ongoing security threat to the United States or American citizens or any other type of security threat. We are well aware that Faez had a full review approximately 14 months ago in which the Board determined that his continued detention was necessary. The Board noted three factors then underlying its decision: First, the Board observed that Faez appeared to have residual anger against the United States. Second, the Board was concerned with possible extremist connections of certain family members. Finally, the Board noted a lack of history regarding the efficacy of the rehabilitation program in Kuwait.

I want to address these issues directly so the Board can understand why the concerns expressed last year have been comprehensively addressed and should no longer be viewed as obstacles to Faez's release. I hope that at the end of this presentation today you will agree that today Faez poses no ongoing security threat to the United States, its citizens or military personnel or anyone else, and that clearing him for repatriation to his home in Kuwait is a wise, just and, and safe action to take at this time.

Let me begin with the efficacy of the rehabilitation program in Kuwait. Last year, I stood before this Board on behalf of another Kuwaiti, Fawzi Al Odah. I detailed the clear legal authority

UNCLASSIFIED
Approved for Public Release

of the Government of Kuwait to return Fawzi to a secure and controlled environment, and its sovereign commitment to do so. I spoke at length about the program of the Al Salam Rehabilitation Center, and the commitment of the Government of Kuwait and Fawzi and the Al Odah Family to implement an in-patient residential rehabilitation program for at least one year. The Government of Kuwait also assured at the highest level that Fawzi's repatriation would be accomplished with strict oversight and security guarantees. This Board credited the bona fides of the Government of Kuwait, but it did so based on trust rather than history.

Now, we have that history. Now, we know that the Government of Kuwait has fully met and fully implemented its commitments, as has Fawzi Al Odah. The rehabilitation program is in place and it's working. The head of the rehabilitation program and his team have provided intensive psychotherapy, spiritual counseling, and a variety of other services that will help Fawzi reintegrate into society. You will have seen Fawzi on video and see what a difference the Al Salam Rehabilitation Center has made in his life. He is optimistic; he is happy; he is ready to assume a full, useful and peaceful life. He harbors no ill will toward anyone. He just wants to move forward.

UNCLASSIFIED
Approved for Public Release

You will also have seen the head of the rehabilitation program on video and seen his statement during the file review. He is a highly experienced psychiatrist, a fellow of the Royal Society of Psychiatry in Scotland. He is trusted in this sensitive area at the highest levels in Kuwait. He is confident that Faez, like Fawzi, will also participate constructively in this program, and he is committed to assuring that Faez receives all the rehabilitation he requires and to keeping him in the facility until he and his team are satisfied that Faez is ready to reintegrate peacefully.

It is the opinion of the head of the rehabilitation program that Faez has truly changed. Faez has seen that his government can help him if he cooperates. Faez has learned, and he is cooperating fully. The head of the rehabilitation program is committed to supervising Faez's care and keeping him as an inpatient at the center, on the grounds of the Kuwait Central Prison, until it is safe to release him. That's in everyone's interest.

Faez has eagerly discussed religion with a leading Kuwaiti religious figure who has experience with many young people, including many extremists that he seeks to bring back to a proper, moderate view of Islam. He views Faez as well within the mainstream of religious thought in Kuwait, as non-violent and in no way an extremist. He has been appointed to a committee by the Minister of

UNCLASSIFIED
Approved for Public Release

Information to develop nationwide strategies and programs to prevent extremism in young people, and Faez is eager to work with him in the future.

Now, the person responsible for counter-terrorism in Kuwait is a tough man in a tough business. He too has much experience in dealing with extremists. He also has noted Faez's progress, his optimism and his desire for a quiet private life. He will make sure that Faez is subject to the kind of security measures that will remove any material security risk. Even after his release, Faez will be required to check in weekly at his local police station and to be visited at home on a regular basis by the rehabilitation professionals. Faez's internet usage, his religious instruction, his social networks, his financial affairs, among other things, will be monitored, and he will surrender his passport and not travel. He will be subject to electronic and physical surveillance and curfew measures. Faez understands and accepts that he will live his life subject to the scrutiny of his government.

In sum, the Board's concern that the Kuwait program had no track record has now been addressed. There is a track record and we submit it is an excellent one.

The Board has also expressed concern in its disposition about Faez's residual anger against the United States, which the

UNCLASSIFIED
Approved for Public Release

Board perceived during the last hearing. You will hear from Faez that he approached last year's hearing with a great deal of skepticism. After years of C-S-R-T's and A-R-B's, which didn't bring him any closer to home, he didn't have confidence that he would get a transparent and comprehensive hearing that could result in his release. So Faez withdrew, and he tried to preserve his dignity by using this one chance to talk to officials of the United States to express his frustration and sense that his long and seemingly indefinite detention was unfair. To be candid, I don't think he was given much hope in advance that the process would be fair or transparent. So, rather than talk about the future, he used his hearing to vent, and this may have come across as hostility.

I think when you see Faez today, you will see someone who has learned from experience. He understands that Fawzi Al Odah, whom he thought had false hope, actually had real hope. The defensive cynicism you may have seen last year will be gone. Faez knows you will listen to him; you will inquire into his mind and into his spirit and take a fair and honest measure of him. No one can be happy about spending thirteen-and-a-half years here. No one should be. That's human nature. But Faez bears no anger toward America or Americans. Some of the people he met, especially in the early years, didn't treat him gently or with dignity. But many others did. You

UNCLASSIFIED
Approved for Public Release

meet all sorts. Faez is a proud man, but he is a man who engages with others with energy and enthusiasm and charm. He treats others with respect; of course, he asks for respect with others. He has learned fluent English here. He is studying business. He laughs easily. When a man has hope, he's a different man. Faez has hope and I trust you will get a sense of that today.

Finally, the Board noted concern about Faez having exposure to extremists in Kuwait, including possible exposure to family members who may harbor extremist views. Faez hasn't seen any of his family for nearly 14 years. When he left, most of his siblings and cousins were still kids. He accepts that he does not know how the thinking of his relatives may have developed over the years. But he is very clear that he has no wish to have contact with possible extremists or to be involved in political issues in any way. He wants to avoid anyone that seek to involve him in any political issues, let alone extremism.

Faez's parents have made clear that when he comes home, Faez alone will live with his mother and father. No other relatives will live at home. We have submitted statements from Faez himself and a video of members of his family, demonstrating their commitment to care for him on his return, which has never been in doubt. The video also demonstrates a plan for his living arrangements after he

UNCLASSIFIED
Approved for Public Release

completes his rehabilitation, which is designed to provide him with monitoring and supervision.

You will also have met his distinguished older first cousins, both of whom have doctorates from leading North American universities. They will mentor Faez to facilitate Faez's peaceful and constructive return to Kuwaiti society.

I would ask that the Board look carefully at the statement of Faez himself, which is most probative of his mindset, his hopes and his goals, and invite the Board to spend time questioning Faez and getting a sense of that mind and spirit. He acknowledges his past frustration and his occasional tendency to be uncooperative, even provocative, arising out of that sense of hopelessness. Now, he sees a realistic path to resuming his life. He acknowledges he requires a great deal of help, having spent more than 13 years at Guantanamo Bay. He understands that he is now 40. This is a critical opportunity to move forward with a productive life.

In sum, Faez is looking forward to returning to an active, caring, yet strict and responsible government, which wants very much to receive and assist him, to loving parents who yearn to have him at home, and eventually a wife and family and to a fulfilling life, free of politics. He spent thirteen-and-a-half years of his life at Guantanamo. He wants only to turn the page and get on with his life.

UNCLASSIFIED
Approved for Public Release

He hopes to demonstrate to you that he presents no material security risk and that his repatriation is the safe, appropriate and eminently correct step to take at this time. Thank you.

PM: Thank you.

We understand that Board members may reserve questions until the detainee and witness statements have been presented in their entirety. However, does any Board member have a question for the personal representative or private counsel in this session?

[No verbal response from the members.]

PM: All right, seeing no questions, 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 0923, 27 July 2015.]

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

[END OF PAGE]

UNCLASSIFIED
Approved for Public Release

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

DET: DETAINEE

CA: CASE ADMINISTRATOR

PC: PRIVATE COUNSEL

PM: PRESIDING MEMBER

PR: PERSONAL REPRESENTATIVE

TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)

TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)