

PERIODIC REVIEW BOARD FULL HEARING, 27 JUL 2015
FAEZ MOHAMMED AHMED AL-KANDARI, ISN 552
PERSONAL REPRESENTATIVE OPENING STATEMENT

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 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 Representatives 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.

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PRIVATE COUNSEL OPENING STATEMENT

My Name is Eric Lewis, and I am pleased to appear before you this morning as Private Counsel for Fayeز Al Kandari.

We are grateful that the Board has granted a full hearing after this Board's file review earlier this year.

This Board is charged with evaluating whether Fayeز 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 Fayeز had a full review approximately fourteen months ago in which the Board determined that his continued detention was necessary. The Board noted three factors underlying its decision: first the Board observed that Fayeز 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 Fayeز' release. I hope that at the end of the presentation you will agree that today Fayeز 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 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 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 levels 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 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

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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 resume a full, useful and peaceful life. He harbors no ill will toward anyone. He just wants to move forward.

You will also have seen the head of the rehabilitation program on video and you have seen his statement during the file review. He is a highly experienced psychiatrist and 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 Fayez, like Fawzi, will also participate constructively in the program, and he is committed to assuring that Fayez receives all the rehabilitation he requires and to keeping him in the facility until he and his team are satisfied that Fayez is ready to reintegrate peacefully.

It is the opinion of the head of the rehabilitation program that Fayez has truly changed. Fayez has seen that his government can help him if he cooperates. Fayez has learned, and he is cooperating fully. The head of the rehabilitation program is committed to supervising Fayez' 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.

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

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 has also noted Fayez' progress, his optimism and his desire for a quiet private life. He will make sure that Fayez is subject to the kind of security measures that remove any material security risk. Even after his release, Fayez 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. Fayez' internet usage, religious instruction, social networks and 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. Fayez 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 Fayez' residual anger against the United States, which the Board perceived during the last hearing. You will hear from Fayez that

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he approached the last hearing with a great deal of skepticism. After years of CSRTs and ARBs, which did not bring him any closer to home, he did not have confidence that he would get a transparent and comprehensive hearing that could result in his release. So, Fayeze withdrew and 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 do not 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 the hearing to vent, and this may have come across as hostility.

I think that when you see Fayeze 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 is gone. Fayeze knows you will listen to him; you will inquire into his mind and spirit and take a fair and honest measure of him. No one can be happy about spending 13 ½ years here. No one should be. That is human nature. But Fayeze bears no anger toward America or Americans. Some of the people he met, especially in the early years, did not treat him gently or with dignity. But many others did. You meet all sorts. Fayeze is a proud man, but he is a man who engages with others with energy, enthusiasm and charm. He treats others with respect; of course, he asks for respect from others. He has learned fluent English. He is studying business. He laughs easily. When a man has hope, he is a different man. Fayeze has hope. I trust you will get a sense of that today.

Finally, the Board noted concern about Fayeze having exposure to extremists in Kuwait, including possible exposure to family members who may harbor extremist views. Fayeze has not seen any of his family members for nearly fourteen 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 would seek to involve him in any political issues, let alone extremism.

Fayeze's parents have made clear that when he comes home, Fayeze alone will live with his mother and father. No other relatives will live at home. We have submitted statements from Fayeze 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 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 Fayeze to facilitate Fayeze's peaceful and constructive return to Kuwaiti society.

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I would ask that the board look carefully at the statement of Fayeze himself, which is most probative of his mindset, his hopes and his goals, and I invite the Board to spend time questioning Fayeze and getting a sense of his 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 that he requires a great deal of help, having spent more than thirteen years at Guantanamo Bay. He understands that he is 40. This is a critical opportunity for him to move forward with a productive life.

In sum, Fayeze 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 to a wife and family and to a fulfilling life, free of politics. He has spent thirteen and a half years of his life at Guantanamo. He wants only to turn the page and get on with his life. 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.