

PERIODIC REVIEW BOARD INITIAL HEARING, 22 SEP 2015

Moath Hamza Ahmed Al-Alwi ISN 28

PERSONAL REPRESENTATIVE OPENING STATEMENT

Ladies and gentlemen of the Board, good morning. We are the Personal Representatives for Moath al-Alwi, ISN 028. 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.

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.

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 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

UNCLASSIFIED

Approved for Public Release

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 effects of his hunger striking over the years have damaged his health to a great extent. He wishes to put this all 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.

MAIN STREET LEGAL SERVICES, INC.*City University of New York School of Law*

2 Court Square, Long Island City, NY 11101

August 31, 2015

**Re: Statement by Prof. Ramzi Kassem, Private Counsel for Moath al-Alwi (ISN 028)
Periodic Review Board Hearing Scheduled September 22, 2015**

Esteemed Periodic Review Board Members,

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. 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.¹ A court of appeals found that the judge's "haste" was "hard to understand," but upheld the decision.² The U.S. Supreme Court then declined to receive Mr. al-Alwi's final appeal.³ 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 peaceful, non-violent protest against his continuing imprisonment at Guantánamo and against some of the conditions of his confinement.

¹ *Al Alwi v. Bush*, 593 F. Supp. 2d 24 (D.D.C. 2008).

² *Al Alwi v. Obama*, 653 F.3d 11 (D.C. Cir. 2011).

³ *Al Alwi v. Obama*, 132 S. Ct. 2739 (2012).

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.

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.

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.

Should Saudi Arabia accept Mr. al-Alwi, he would gladly partake in its Interior Ministry's well-established Counseling & 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 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.

Very truly yours,



Ramzi Kassem
Associate Professor of Law
CUNY School of Law