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CA: This Periodic Review Board is being conducted at 1025 hours on March 27, 2018, in regard to the following detainee: Moath Hazma Ahmed al-Alwi.

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.

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 OF THE JOINT CHIEFS OF**

**STAFF.**

The following personnel are also present:

**LEGAL ADVISOR TO THE BOARD;**

**CASE ADMINISTRATORS;**

**PERSONAL REPRESENTATIVE;**

**PRIVATE COUNSEL;**

**TWO TRANSLATORS;**

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**THE DETAINEE; and a  
SECURITY OFFICER.**

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: The detainee's Personal Representative, 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 and the detainee waived translation of the unclassified summary, and Personal Representative and Private Counsel's opening statements. These documents have been posted to the Periodic Review Secretariat website. This session is being observed by foreign, national, and local media.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: This Board is convened to determine whether continued law of war detention is warranted for Moath Hamza Ahmed al-Alwi 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 Moath. This session of the hearing is unclassified.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Moath, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it is

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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.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: The Personal Representative and Private Counsel are your representatives to assist you during this process. Finally, the translators ensure that everyone understands your statements and that you understand what is being said during the hearing.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Personal Representative and Private Counsel, has the detainee had an opportunity to review the unclassified summary?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR: Yes, sir, he has.

PM: Thank you. I will now read the unclassified summary:

Moath Hamza Ahmed al-Alwi, ISN 28, was an al-Qa'ida-affiliated fighter who spent time with Usama bin Ladin's security detail but probably was not one of his bodyguards. Moath probably trained with al-Qa'ida and spent time on the frontlines, although we do not know if he engaged directly in combat. Moath traveled to Afghanistan in 2000 to participate in

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Jihad, probably trained with al-Qa'ida, and may have helped manage an al-Qa'ida guest house. He developed relationships with many prominent extremists in Afghanistan and spent time with al-Qa'ida and Taliban fighters on the front lines, although we do not know whether he engaged directly in combat.

Do the Personal Representative and Private Counsel wish to make opening... unclassified opening statements at this time?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR: Yes, sir, we do.

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

Has the detainee had the opportunity to review your statements?

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Yes, sir.

PR: Yes, sir, he has.

PM: Personal Representative, please proceed then.

TRANS 1: **[TRANSLATION OF ABOVE]**

PR: Good morning, ladies and gentlemen of the Board. I am the Personal Representative for Mr. Moath Hazma Ahmed al-Alwi. I have been Moath's Personal Representative for approximately 30

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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 skills. He is well mannered and among the most compliant currently in detention. Moath has committed to attend any rehabilitation programs that the Board directs. He feels that his interaction with the detainees from different areas as well as the numerous guard staff he has met and interacted with will aid in repatriation or reintegration.

I feel that Moath is a good candidate for release or 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.

PC: We are Private Counsel for Moath Hazma Ahmed al-Alwi and submit this statement to explain why he should be... I'm

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sorry... Mr. al-Alwi should be approved for transfer from detention at Guantanamo. I'm a litigator in private practice. I represent several men previously and currently detained at Guantanamo. I have represented Mr. al-Alwi for about 2 years, meeting and speaking with him well over one dozen times.

Professor Ramzi Kassem, professor of law at the City University of New York School of Law and co-director of its Immigrant and Non-Citizens 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 Professor 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

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restrictions on art at Guantanamo, 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 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 ability. 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 scaled business working with more

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traditional materials." He explained that he also could support himself with his artistic model making, 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.

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

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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 as the board may misinterpret his responses to his questions. We also wish to remind the board of the scheduling and logistical difficulties which has plagued Mr. al-Alwi's previous hearings and point out 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 Guantanamo to accommodate the new date. Then, the night before the rescheduled hearing, a technical problem caused

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the hearing to be postponed, but Mr. al-Alwi was not informed of this 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 finally was held, but Professor Kassem was by then unavailable and I could not get to Guantanamo 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 in prison at Guantanamo 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. Thank you.

PM: Board Members may reserve questions until the detainee and witness statements have been presented in their entirety.

Does anyone have a question for the detainee at this time?

**(NON-VERBAL RESPONSE FROM BMS)**

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: With no questions, this concludes this portion of the hearing. I ask that all remain seated until further instructed by the Case Administrator.

TRANS 1: **[TRANSLATION OF ABOVE]**

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CA: We will take a 5-minute recess to prepare for the remaining sessions.

TRANS 1: [TRANSLATION OF ABOVE]

[The public session closed at 1041, 27 March 2018.]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

CA: CASE ADMINISTRATOR

DET: DETAINEE

PM: PRESIDING MEMBER

PR: PERSONAL REPRESENTATIVE

TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)

TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)

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