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CA: This Periodic Review Board is being conducted at 0906 hours on 10 November 2016, with regard to the following detainee: Moath Ahmed al-Alwi [sic], ISN 28.

As a reminder, the unclassified portions of these proceedings are being recorded for the purpose of generating a transcript to be posted to the PRS website.

TRANS 1: [SPEAKING IN ARABIC]

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;

TWO TRANSLATORS;

THE DETAINEE; AND,

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A SECURITY OFFICER.

TRANS 1: [TRANSLATION OF ABOVE]

CA: The detainee's Personal Representative, the detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending vidi... via video teleconference and the detainee waived translation of the unclassified summary, and Personal Representative's opening statement. These documents have been posted to the Periodic Review Secretariat website. This session is being observed by foreign, national, and local media; foreign government officials; and representatives from non-government associations [sic].

TRANS 1: [TRANSLATION OF ABOVE]

PM: Good morning. This Board is convened to determine whether continued law of war detention is warranted for Moth [sic] Hamza Ahmed Alwi [sic], ISN 28, to protect against a continuing significant threat to the security of the United States. From here forward, we'll 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's

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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 is your representative to assist you during this process. Finally, translators ensure that everybody understands your statements and that you understand what is being said during the hearing.

TRANS 1: [TRANSLATION OF ABOVE]

PM: Personal Representative, has Moath had an opportunity to review the unclassified summary?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: Thank you. I'll read the unclassified summary:

Moath Hamza Ahmed al-Alwi, ISN 28, was an al-Qaeda-affiliated fighter who spent time in Usama [sic] bin Laden's security detail but probably was not one of his bodyguards. Moath probably trained with al-Qaeda and spent time on the frontlines, although we do not know if he engaged directly in combat. Moath has maint... maintained a more compliant demeanor

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with the guard force since July 2015 when his accrued discipline time was pardoned at the start of Ramazan [sic] as part of an incentive for detainees to improve their conduct, according to Joint Task Force-Guantanamo. Moath has made several statements since early 2016 that suggest he maintains [sic] an extremist mindset and has made limited statements about his future plans.

Does Personal Representative wish to make an unclassified opening statement at this time?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

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

Has Moath had the opportunity to review your statements?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, Ma'am.

TRANS 2: [TRANSLATION OF ABOVE]

PM: All right. Personal Representative, please proceed.

TRANS 1: [TRANSLATION OF ABOVE]

PR: Good morning, ladies and gentlemen of the Board. I am the Personal Representative for Mister Moath al-Alwi. I have

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met with Moath on five separate occasions as we prepared for his second full Board hearing. As you may recall, Moath had his initial hearing on 22 September 2015. His anticipation of the Board kept him awake most of the night prior to his scheduled Board hearing, and in addition he was taken to the wrong camp on the morning of the Board despite his attempts to convince the guard staff of the error. It took more than an hour before the error was realized and rectified. This threw Moath off. Tired, not feeling well, and clearly agitated about the mix up in locations, plus translation problems once the Board started, Moath was one... unable to regain his balance and may have seemed to be evasive and hostile. Moath wants to assure the Board that he is grateful for this second opportunity to answer your questions and prove to you that he is not a continuing and significant threat to the security of the United States.

Moath has demonstrated that he is open-minded and open to change. He ended his hunger strike, and is working to gain weight and get physically fit, and he remains very positive and hopeful about his future. I found Moath to be engaged and open in all of our discussions - moderate in terms of religion and political views. Several of Moath's fellow detainees wrote character statements - all describe him as quiet and peaceful. He is artistic. He enjoys drawing, painting, singing, and

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making things with his hands. Moath has proven to be quite a skilled craftsman as witnessed by the detailed boats the he's made while in GTMO. We hope that you've had a chance to see one of his earlier works - note the intricacy in the detailed masts and the working helm. Moath hopes to use these artistic skills once released from Guantanamo. An art curator in New York is working with Moath's PC team to arrange a showing of his works.

Moath has willingly agreed to go through any rehabilitation program or process as directed by the Board. He hopes to continue his education and get the skills and credentials he needs to provide for him and hopefully a family of his own. He is interested in engineering, woodworking, architecture, and art.

Moath also has a large and loving family who eagerly await his return. They have committed to providing both financial and emotional support to Moath upon his release and rehabilitation and all stages as he integrates back into society.

Moath is here today ready to answer your questions and assure you that he is a peaceful man who renounces violence, is moderate in his beliefs, and is hopeful for a new start where he can put the past behind him and live a peaceful life as a contributing member of society. Thank you.

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PM: Since Moath's Private Counsel was unable to attend today's hearing, Personal Representatives you may now... Personal Representative, excuse me, you may now read the Private Counsel's opening statement.

TRANS 1: [TRANSLATION OF ABOVE]

PR: I am Private Counsel for Moath al-Alwi, ISN 028, and submit this statement to explain why... why Mister al... al... wal... Alwi should be approved for transfer from Guantanamo.

Beth Jacob is a partner in Kelley Drye & Warren, a national law firm, where she represents generic pharmaceutical companies. Before joining Kelley Drye, she represented the Port Authority of New York & New Jersey in litigation arising out of the attacks of September 11, 2001, and represented victims of those attacks in obtaining compensation. Earlier in her career, she was an assistant district attorney in Manhattan, prosecuting fraud and official corruption. She has represented Mister al-Alwi since the Board's decision after the initial review.

I also have consulted with Professor Ramzi Kassem, who has represented Mister al-Alwi since 2009, in U.S. federal court as well as before the Periodic Review Board. He is a Professor of Law at the City University of New York School of Law, where he directs the Immigrant and Non-Citizen Rights Clinic - a component of the law school's clinical law firm, Main Street

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Legal Services, Inc. - through which he and his students serve as pro bono counsel for Mister al-Alwi.

Together, we've gotten to know Mister al-Alwi through numerous meetings, telephone calls and letters. The unfortunate circumstances around Mister al-Alwi's initial review - the mistake in bringing him to the wrong place and the difficulties with interpreters - prevented the Board from recognizing that he was no threat to the United States or any other country, and that he is a good candidate for resuming a productive life as a peaceful member of society.

I hope the members of the Board have had an opportunity this morning to see the ship model created by Mister al-Alwi that the PR arranged to be placed on display at your offices. This is one of three ships he's created, in a flowering of talent after his last hearing before the Board. He has been engaged in art and craftsmanship for some years at Guantanamo. He had crafted furniture such as small tables, shelves, and drawers, to the administration [sic] of other prisoners, the guard force, officers, and visitors alike.

A second, larger, ship has a rudder connected to the helm which moves when the wheel is turned. We have submitted a transcript of an interview with NPR reporter who was able to see that larger model during an authorized tour of the prison camps



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at Guantanamo, as well as a photograph that he took of it and posted online. There is a third smaller boat - a gondola - that Mister al-Alwi made as a gift for me when I began representation.

Mister al-Alwi figured out how to design and create the ship models by himself. He received no instruction, and of course, he is working with limited materials and tools. They are meticulously crafted with fine attention to detail, for example in the lifeboats, the ships ladders, the anchors. The gondola includes cushions on the benches - made from parts of the sponges given to the detainees for cleaning this qua... wa... their quarters - and an oar threaded through an oarlock.

We have submitted the letter from a professor at John Jay College in New York City, who is an art historian and curator of exhibits of artwork. She attests not only to the artistic talent and craftsmanship... craftwork shown by the models - which I think anyone can see, even without a graduate degree - but also the possibilities for both artistic and commercial application. With his talent, Mister al-Alwi could choose to work in industry, where, as the professor explains, model building is still a needed skill. He could choose to pursue professional training in woodwork and become a carpenter or craftsman. He has told me that he would like to learn how to build real boats

- designing and crafting the interiors of luxury craft, such as yachts. He also could continue to create craft models, and there is a market for those as well. These are skills which can be used in most any country to which he is transferred.

Mister al-Alwi has a strong and supportive family, with the resources to sis.. to assist him whether he is returned to Saudi Arabia or sent to another country. Professor Kassem has been in close contact with them for years, and they have been welcoming to me. As their statements and videos demonstrate, they even have a room waiting for him at the family home and have kept his car in front of the house. They are employed. His sister, for instance, is a merchant who sells coffee and similar items. He is in regular contact with his family and they will be a stabilizing influence on him when he is released. From Professor Kassem's experience with a number of repatriated and resettled Guantanamo prisoners since 2005, the extent and nature of the support that Mister Alwi's [sic] family is prepared to provide set the ideal conditions for his release.

The last factor I would like to mention is Mister Alwi's [sic] conduct in detention. Even after the Board's contin.. decision to continue his detention, Mister Alwi [sic] still stopped his hunger strike unconditionally. This has been very difficult for him. It is hard for him to eat food without

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vomiting it up, and especially at the beginning, this meant that he took the liquid nutritional supplements - Ensure - by mouth instead of by tube; but he has been working at this and taking the medications prescribed by the Guantanamo medical staff. He is not yet able to eat the standard meals, but he is gaining weight and trying to return to normal eating, which is challenging since it may require a special diet intended to facilitate his transition back to a normal diet - a so-called BRAT diet, for bananas, rice, apples, and tea. We would like to point out to the Board that before the last hearing in September 2015, he did try to eat something out of respect for the Board so that he could make a good appearance, but it backfired when his body rejected the food and he lost sleep as a result. His disciplinary record is also exemplary, starting well before the last Board... Board hearing and continuing even after the Board's decision.

Mister Alwi [sic] shows no hostility towards Americans or others. He appreciates the actions of many Americans who opposed the ongoing imprisonment of people in Guantanamo, in addition to his lawyers, as well as some members of the guard force who treat him well. He is looking forward now to a future where he can live a normal life in peace with his family and his craft.

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Mister Alwi [sic] has shown that he is ready to be transferred Guantanamo. His disciplinary record is good. He stopped his hunger strike unconditionally, and co... is cooperating with the medical staff to resume normal eating. He has applied his talents in a way that will serve him well upon his release. He is willing to return to the Kingdom of Saudi Arabia or to be resettled in a third country, as deemed suitable by the U.S. government. His family is ready to provide financial, practical, and emotional support, wherever he is sent.

Whatever mistakes Mister Alwi [sic] may have made in the past, he is more than ready to move into a peaceful and productive future. He poses no threat to any person or country. We ask the Board to approve him for transfer. Thank you.

PM: Board Members may reserve questions until detainee and witness statements have been presented in their entirety. Does anyone have a question at this time?

(NON-VERBAL RESPONSE FROM BMS)

TRANS 1: [TRANSLATION OF ABOVE]

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

TRANS 1: [TRANSLATION OF ABOVE]

CA: We will take a 15-minute recess to prepare for the remaining sessions.

TRANS 1: [TRANSLATION OF ABOVE]

[The public session closed at 0927, 10 November 2016.]

[END OF PAGE]

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)