

PERIODIC REVIEW BOARD FULL HEARING, 20 OCT 2016
MOATH HAMZA AHMED AL-ALWI, ISN 028
PERSONAL REPRESENTATIVE OPENING STATEMENT

Good morning ladies and gentlemen of the Board, I am the Personal Representative for Mr. Moath Al-Alwi. I have 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 SEP 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 his 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 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 making things with his hands. Moath has proven to be a quite skilled craftsman as witnessed by the detailed boats he has made while in GTMO. We hope you have 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 NYC, 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 assist 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.

**Statement of Beth D. Jacob, Private Counsel for Moath al-Alwi (ISN 028)
Periodic Review Board Hearing Scheduled October 20, 2016**

I am Private Counsel for Moath al-Alwi (ISN 028) and submit this statement to explain why Mr. al-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 Mr. al-Alwi since the Board's decision after the initial review.

I also have consulted with Professor Ramzi Kassem, who has represented Mr. al-Alwi since 2009, in U.S. federal court as well as before the Periodic Review Board. He is Professor of Law at the City University of New York School of Law, where he directs the Immigrant & Non-Citizen Rights Clinic, a component of the law school's clinical law firm, Main Street Legal Services, Inc., through which he and his students serve as pro bono counsel for Mr. al-Alwi.

Together, we have gotten to know Mr. al-Alwi through numerous meetings, telephone calls and letters. The unfortunate circumstances around Mr. al-Alwi's initial review (the mistake in bringing him to the wrong place and the difficulties with the 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 Mr. al-Alwi that was arranged to be placed on display at your offices. This is one of three ships he has 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 admiration 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 an NPR reporter who was able to see that larger model during an authorized tour of the prison camps at Guantanamo, as well as a photograph that he took of it and posted online. There is a third smaller boat, a gondola, that Mr. al-Alwi made as a gift for me when I began his representation.

Mr. 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 a fine attention to detail, for example in the lifeboats, the ships ladders,

and anchors. The gondola includes cushions on the benches – made from parts of the sponges given to the detainees for cleaning their quarters – and an oar threaded through an oarlock.

We have submitted a 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 craftwork shown by the models – which I think anyone can see, even without a graduate degree – but also to the possibilities for both artistic and commercial application. With his talent, Mr. 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 woodworking, 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.

Mr. al-Alwi has a strong and supportive family, with the resources to assist him whether he is returned to Saudi Arabia or sent to another country. Prof. 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 house 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 Prof. Kassem's experience with a number of repatriated and resettled Guantanamo 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.

The last factor I would like to mention is Mr. al-Alwi's conduct in detention. Even after the board's decision to continue his detention, Mr. al-Alwi still stopped his hunger strike unconditionally. This has been very difficult for him; it is hard for him to eat food without 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-Tea). We would like to point out to the Board that before the last hearing in September of 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 also is exemplary, starting well before the last Board hearing and continuing even after the Board's decision.

Mr. al-Alwi shows no hostility to Americans or others. He appreciates the actions of many Americans who have 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

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looking forward now to a future where he can live a normal life in peace, with his family and his craft.

Mr. al-Alwi has shown that he is ready to be transferred from Guantanamo. His disciplinary record is good. He stopped his hunger strike unconditionally and is cooperating with the medical staff to resume normal eating. He is applying 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 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 Mr. al-Alwi may have made in his 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.

Respectfully,

Ramzi Kassem
Professor of Law
CUNY School of Law

Beth D. Jacob
Partner
Kelley Drye & Warren