

PERIODIC REVIEW BOARD FILE REVIEW, 4 JAN 2017
MOHAMED MANI AHMAD AL-KAHTANI, ISN 063
PERSONAL REPRESENTATIVE STATEMENT

Good morning ladies and gentlemen of the Board, I am the PR for Mr. Mohammad Mani Ahmed al-Qahtani. I met with Mohammad several times over the last few months; although depressed about his Board results, he soon came around and is now participating and hopeful for a subsequent full board hearing.

Thrown from a speeding vehicle at the age of 8, Mohammad suffered a traumatic brain injury and PTSD that would go untreated for decades. His family and the culture allowed his behavior to decline and go untreated. Mohammad was involuntarily committed in 2002 after he tried to throw himself into traffic. His father, always overprotective in the wake of the car accident and still guilt-ridden about it, checked Mohammad out against medical advice.

These pre-existing mental challenges, exacerbated by documented acts of torture have left Mohammad in a fragile state. Mohammad has shared with me many details of his mental condition and the challenges they bring. Mohammad does not trust easily and the constant rotation of medical personnel has been stressful for him. On advice of family, his personal counsel team and the personal representatives working with Mohammad, he now realizes that although the faces may change, the medicine and the advice remains the same. Mohammad is now working closely with the medical professionals here at GTMO on a path to wellness. We have noticed a marked improvement in Mohammad's physical appearance and his mental acuity in the short time that he has been working with the medical staff. His skin is no longer ashy, and he can now maintain the stamina to sit through a meeting for several hours. He is much more open in sharing his hopes and plans for the future.

Mohammad has a large family, who all long for his return. They have committed to support him both financially and emotionally. The family has educated themselves about Mohamed's illness and now understands the severity of his condition. They understand that he will require long term, specialized medical care. Mohammad has agreed to participate in the medical care and the Mohamed Bin Naif rehabilitation program, and he knows that he will most likely be committed to a psychiatric hospital for a considerable length of time.

[REDACTED]
[REDACTED] They guarantee to place him in the government supported rehabilitation and aftercare programs.

Mohammad continues to be highly compliant and has repeatedly denounced acts of violence, especially those carried out under the guise of Islam. Mohammad is hopeful about the

opportunity for a new board where he can share his hopes for the future and his cooperation with the medical staff.

We feel that under the watchful eye of the Saudi Arabian government, the al-Qahtani family, and with the proper, long term medical attention, that Mr. al-Qahtani will get the help he needs and be able to one day transition back into society. With this long term care and support of his family, it is my belief that Mohamed will not pose a significant or continuing threat to himself or the safety and security of the United States.

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DEPARTMENT OF DEFENSE
PERIODIC REVIEW SECRETARIAT

13 DEC 2016

MEMORANDUM FOR Periodic Review Board

FROM: PRS Personal Representative CPT [REDACTED]

SUBJECT: Personal Representative Statement Posted on PRS Website
ICO ISN 063

1. I am aware that any statements I submit may be posted on the public Periodic Review Secretariat website, subject to any U.S. Government clearance procedures.
2. I agree to permit the PR statements to be posted on the PRS public website.

12/13/2016

X [REDACTED]

[REDACTED]
CPT PRS PR

MAIN STREET LEGAL SERVICES, INC.
City University of New York School of Law
2 Court Square, Long Island City, NY 11101



December 2, 2016

Periodic Review Board
c/o Periodic Review Secretariat
U.S. Department of Defense

**Re: Statement by Private Counsel for Mohammed al-Qahtani (ISN 063)
Periodic Review Board File Review Scheduled January 4, 2017**

Esteemed Periodic Review Board Members,

On behalf of our client Mohammed al-Qahtani (ISN 063), we write to thank the members of the Periodic Review Board for taking the time to consider and discuss the written submissions we are presenting ahead of the January 4, 2017 file review. In this letter and the attached declaration from the expert witness who testified in the earlier hearing, Dr. Emily Keram, M.D., we wish to offer a few important clarifications in order to request an early full review. Taken as a whole, this information raises a significant question as to whether the continued detention of Mr. al-Qahtani is necessary to protect against a continuing, significant threat to the security of the United States.

Much has changed since Mr. al-Qahtani was taken into U.S. custody almost fifteen years ago and, indeed, since the hearing in June of this year. First, as the Board heard from our client and from Dr. Keram, Mr. al-Qahtani himself has changed. He now recognizes and accepts the limitations imposed on him by his mental illnesses and is committed to adhering strictly to an adequate mental health care regimen once repatriated. He appreciates the importance of regularly taking any medications prescribed by trusted physicians.

Moreover, in keeping with the Board's words of encouragement to him in its decision, Mr. al-Qahtani has been meeting with mental health personnel at Guantánamo on a regular basis since the summer and has been taking the medications they have prescribed. He is now also taking classes in English, computer science, art, and life skills.

As Dr. Keram explains, these are not small feats for someone in his condition. In her declaration, she explains that it was "extremely difficult" for Mr. al-Qahtani to overcome his distrust of U.S. medical personnel at Guantánamo in order to follow the Board's recommendations. Dr. Keram also explains that exposure to U.S. medical personnel probably comes at some cost to him as well, in that he may experience an increase in symptoms.

Our own understanding of the state of Mr. al-Qahtani's mental health prior to his imprisonment has been radically transformed by Dr. Keram's earlier findings, which were based on her evaluation of Mr. al-Qahtani, on her interview of his family, and on his recently discovered medical records. Any assessment of Mr. al-Qahtani's life before Guantánamo or of

the impact that his incarceration and interrogation have had on him must be made now in light of his severe pre-existing mental illnesses.

Mr. al-Qahtani's country, the Kingdom of Saudi Arabia, has also changed since the time he lived there as a free man. It established its rehabilitation and care program and has more recently communicated to the Board its wish to welcome Mr. al-Qahtani into that program. That program provides a structured, secure, and humane framework for his repatriation and reintegration. The two rehabilitation facilities provide for de facto psychiatric custody of repatriated detainees who suffer from mental illnesses, and the center located nearest al-Qahtani's home in the Riyadh area has access to the resources of several of the major advanced inpatient psychiatric care centers in the country, including King Khaled University Hospital, King Faisal Specialist Hospital, and the King Fahd National Guard Hospital within the King Abdulaziz Medical City.

Finally, Mr. al-Qahtani's family now fully appreciates the nature of his mental illnesses and the need for sustained care. In the past, as Mr. al-Qahtani struggled with his condition for most of his life, his family's interpretation of his mental health illnesses remained mostly traditional, favoring spiritual healing over a modern medical approach. His father long felt guilty and responsible for Mr. al-Qahtani's condition because he drove the car that crashed while carrying Mr. al-Qahtani, causing his first traumatic brain injury. As a result, Mr. al-Qahtani's father was over-protective of him, and perhaps also in denial about the severity of his condition, often bailing him out, including at times when he should not have done so.

But Mr. al-Qahtani's relatives now realize that they missed the last of many opportunities in 2000, when he suffered an acute psychotic break and should have remained in custodial care for far longer than he did at the time. Today, Mr. al-Qahtani's siblings are all established adults, many employed by the Saudi military or otherwise in government service. Their present view, as well as that of their parents, is that Mr. al-Qahtani requires sustained, consistent medical attention and treatment, which is readily available in Saudi Arabia generally and in connection with its custodial rehabilitation program specifically.

It bears emphasis that Mr. al-Qahtani cannot receive effective treatment and get better at Guantánamo or in any other U.S. custodial setting. As Dr. Keram stressed in her report, her testimony, and her attached supplemental declaration, U.S. custody and the trauma associated with it in Mr. al-Qahtani's mind are a constant cause of his condition, and will likely contribute to his further deterioration. It would be impossible to untangle that association from the underlying imprisonment.

While it is significant that Mr. al-Qahtani has followed the Board's recommendation and is now regularly taking medication prescribed by medical professionals at Guantánamo, medication is not a silver bullet that can fix patients like Mr. al-Qahtani. It can only effect lasting improvement in concert with the holistic treatment that Dr. Keram deems necessary and, importantly, in the care of doctors whom the patient can trust fully over the long run.

Granting an early full review so that the Board can eventually consider repatriating Mr. al-Qahtani to Saudi Arabia is the most appropriate course of action here. It is unlikely that viable

charges can be brought against Mr. al-Qahtani before a military commission or in an Article III court. In 2009, Susan J. Crawford, then the Convening Authority in charge of the U.S. Department of Defense's Military Commissions, explained that she had refused to authorize Mr. al-Qahtani's capital trial by military commission in 2008 because "we tortured Qahtani."¹ Since then, the presiding federal judge in Mr. al-Qahtani's habeas corpus case found him to be "incompetent and unable to assist effectively in this case."²

Prolonging the indefinite imprisonment of a mentally ill man who was nonetheless taken into U.S. custody would serve no purpose whatsoever. Surely, the justification for continued detention cannot be Mr. al-Qahtani's mental illnesses when it is that very detention aggravating those illnesses and preventing any lasting improvement.

Mr. al-Qahtani has learned the bitter but valuable lessons of his long imprisonment at Guantánamo. Importantly, he has consistently made it abundantly clear that he rejects wanton violence and does not endorse the ideologies and groups that promote it. Mr. al-Qahtani does not pose a threat to the United States or anyone else. His own statements to the Board and Dr. Keram's earlier testimony at the hearing and in the attached supplemental declaration—including her opinion that he is not at risk to engage in violence—both establish as much.

The Board noted that a "lack of information prevented the Board from understanding how and to what extent his psychiatric condition contributed to his decisions" in the past. Mr. al-Qahtani is eager to answer the Board's questions at his next hearing. Moreover, Dr. Keram plans to travel to Guantánamo in January to complete her evaluation of Mr. al-Qahtani. After she does so, she will be prepared to testify again to shed light on the Board's question should the Board grant the early full review that we respectfully request here.

It would be in the United States' interest and in the interest of justice to grant an early hearing so that the Board can consider repatriating a mentally ill man. The Saudi government would welcome its citizen's return. And Mr. al-Qahtani would be transferred to long-term or permanent psychiatric confinement, where he would finally receive the care he has needed since long before he ever arrived at Guantánamo.

¹ Bob Woodward, *Guantanamo Detainee Was Tortured, Says Official Overseeing Military Trials*, The Washington Post (Jan. 14, 2009) (quoting Susan J. Crawford), available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/13/AR2009011303372.html>.

² Minute Order, *Al-Qahtani v. Bush*, No. 05-CV-1971 (D.D.C. Apr. 20, 2012).

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Thank you for taking into consideration the information we have provided. We remain at your disposal to address any questions you may have regarding Mr. al-Qahtani.

Very truly yours,

Prof. Ramzi Kassem
Main Street Legal Services, Inc.
City University of New York School of Law
2 Court Square
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(718) 340-4558

Shayana Kadidal, Esq.
Center for Constitutional Rights
666 Broadway, Floor 7
New York, NY 10012
(212) 614-6438

Statement by Private Counsel for Mohammed al-Qahtani (ISN 063)
PRB File Review Scheduled January 4, 2017

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DEPARTMENT OF DEFENSE
PERIODIC REVIEW SECRETARIAT

13 DEC 2016

MEMORANDUM FOR Periodic Review Board

FROM: PRS Personal Representative CPT [REDACTED]

SUBJECT: Private Counsel Statement Posted on PRS Website ICO ISN
063

1. I have advised Mr. Ramzi Kassem, Private Counsel for ISN 063 that his statements may be posted on the public Periodic Review Secretariat website, subject to any U.S. Government clearance procedures.
2. Mr. Kassem has agreed to permit the posting of any of his statements on the PRS public website.

12/13/2016

X

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DETAINEE PARTICIPATION FORM

ISN#: 63

PRB Hearing Date: 14 Jul 16

Date: 8 Nov 16

Personal Representative(s) (Name/Rank): _____

Translator Required (circle one) YES / NO Language: Arabic

Translator (Name): [REDACTED]

Yes	No	Detainee Election
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Detainee elected to meet with Personal Representative (PR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Detainee elects the assistance of Private Counsel (PC), <i>at no cost to the US Government</i> . PC Name(s): _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Detainee elects to participate in the Periodic Review Board (PRB) process or the hearing.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Detainee elects to attend his/her PRB hearing.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The detainee received a copy of the unclassified summary of the factors and information the PRB will consider to determine if he still represents a continuing significant threat to the security of the United States. <i>Date:</i> _____

PR Comments:

[REDACTED]

16

[REDACTED]

3/8/16

DATE

PERIODIC REVIEW BOARD FILE REVIEW, 4 JAN 2017
MOHAMED MANI AHMAD AL-KAHTANI, ISN 063
DETAINEE STATEMENT

Esteemed Members of the Periodic Review Board –

I, Mohammed al-Qahtani, respectfully submit this letter in the hope that you will agree to grant me an early second hearing before the Board.

I cannot deny that your decision following my last hearing was very difficult for me. It had required a lot of effort and mental preparation for me to appear in the last hearing. As I trust you will understand, doing something like this is never easy for someone like me, with my health condition.

I had a lot of hope that your decision would be different. When I finally saw the decision, it sent me into a period of difficult thoughts and isolation. I did not wish to speak with anyone for some time.

But with the support of my family and good advice from my fellow prisoners, my lawyers, and my Personal Representative, I have started to look ahead to the future again.

I paid close attention to the Board's words of encouragement and have been doing my best to meet and work with mental health officials here at Guantanamo on a regular basis. I meet with them once a week, for an hour each time. I have also been taking the medications they prescribe, including two pills a day to calm me down, another pill most nights a week to help me sleep, and a fourth pill two or three times a week when I start having anxiety attacks.

This has been very difficult for me, because of the doubts that I have. But I have decided to make this effort and will continue to do so. Following the advice of these doctors, I have even begun exercising lightly every day, by walking around the recreation yard.

I have also registered for classes in English, computer science, art and life skills. The classes take place almost daily. While the sun exposure and having to concentrate tire me quickly, I am determined to try, to do what I can to improve and to show everyone that I am serious about changing.

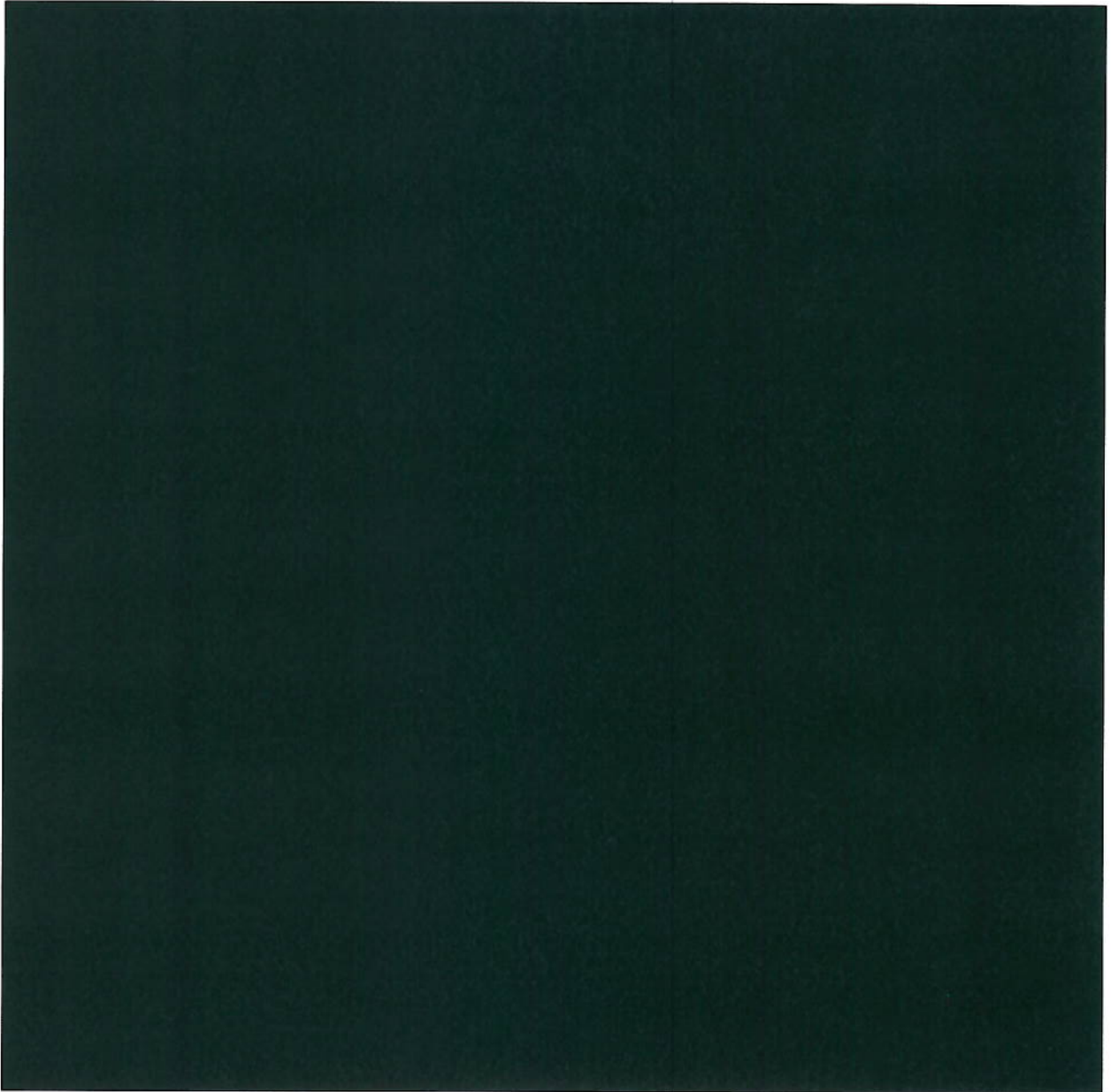
My brothers have a job waiting for me in their transportation company. In addition, I am already receiving a salary which is being kept in a savings account for me. This money will be used for my living expenses upon repatriation and clearance from the rehabilitation center.

To conclude, I sincerely hope that these efforts will improve my hearth and that they will also demonstrate to you that I deserve a second chance to appear before you to answer your questions.

Signed:

Mohammed al-Qahtani

Guantanamo ISN 063



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DEPARTMENT OF DEFENSE
PERIODIC REVIEW SECRETARIAT

13 DEC 2016

MEMORANDUM FOR Periodic Review Board

FROM: PRS Personal Representative CPT [REDACTED]

SUBJECT: Detainee Statements Posted on PRS Website ICO ISN 063

1. I have advised ISN 063 that his statements may be posted on the public Periodic Review Secretariat website, subject to any U.S. Government clearance procedures. I have also advised him that other documents relating to his case will be posted, including the government's unclassified summary, the statements of his PR and PC, and the unclassified summary of the final determination of the Board.
2. ISN 063 has agreed to permit the posting of any of his statements on the PRS public website.
3. I have advised ISN 063 that the statement(s) of his PR, PC and witness includes his medical information. ISN 063 has agreed to permit posting this information to the PRS public website.

12/13/2016

X [REDACTED]

[REDACTED]
CPT PRS PR

SUPPLEMENTAL DECLARATION OF EMILY A. KERAM, M.D.
REGARDING MOHAMMED AL-QAHTANI

Pursuant to 28 U.S.C. § 1746, I certify that the following is true and correct to the best of my knowledge:

1. My name is Emily A. Keram.
2. I am a medical doctor and am board certified in psychiatry and neurology with sub-specialization board certification in forensic psychiatry. I have been in practice for over 20 years. I have treated patients with Posttraumatic Stress Disorder (PTSD) secondary to both combat stress and Prisoner of War confinement, at the U.S. Department of Veterans Affairs Community Based Outpatient Clinic in Santa Rosa, CA for 16 years. I also have expertise treating patients with schizophrenia.
3. I have previously provided the Periodic Review Board with a written report dated June 5, 2016 and stemming from my evaluation of Mohammed al-Qahtani and related information. I also testified before the Period Review Board on June 16, 2016 during Mr. al-Qahtani's hearing. I respectfully offer this declaration to supplement my report and testimony, and in support of a request for an early second hearing before the Board.
4. I am aware that the Board's July 2016 decision was difficult for Mr. al-Qahtani to process. He initially reacted by withdrawing to his cell, attempting self-harm, and manifesting other forms of discouragement. His reaction was entirely expectable, especially in the context of the following factors:
 - a. The length of his current indefinite detention;
 - b. His strong desire to be reunited with his family;
 - c. The fact that there has been an acceleration in the release of detainees;
 - d. The availability of the Saudi Rehabilitation program; and
 - e. The sincerity of his original statement to the Board.
5. Given that these factors underpinned his hope for a favorable outcome, I believe the implications of his reaction are that he sustained a period of increased depression, hopelessness, and awareness of his lack of control over his life.
6. That Mr. al-Qahtani was able to work through his initial response to the Board's decision likely reflects that he still has some hope that he will eventually be released. He then focused on the content of the Board's explanation of their decision, understood their reasoning, and accepted their recommendations. I believe this was likely an extremely difficult decision for Mr. al-Qahtani to make for the following reasons:
 - a. His mistrust of Joint Medical Group (JMG) personnel; and

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- b. Exposure to JMG personnel is a likely reminder of being tortured given their participation in his interrogation. This means he likely experiences some increase in PTSD symptoms of intrusion (unwanted and painful thoughts, memories, and images of torture and other trauma), nightmares, anxiety, depression, insomnia, and hypervigilance with exposure to JMG staff.
7. His acceptance of the Board's recommendations is the strongest possible evidence of his resolve and commitment to get well and rejoin his family. The change is so significant that it warrants review of his case now. Factors to assess in the next review would include the following:
 - a. Treatment compliance;
 - b. His treatment team's assessment of his response to treatment; and
 - c. The extent to which he has been able to develop trust in JMG staff, learn that they are different from JMG staff present during his torture, and can accept help from them.
8. It remains my opinion that, despite the availability of competent clinicians at Guantánamo and Mr. al-Qahtani's best efforts, he cannot receive effective treatment from them and would not achieve lasting therapeutic benefit from treatment there or in any other U.S. custodial setting. This is because he remains in the environment in which he was tortured, exposure to this environment causes continued symptoms, and the most effective treatment requires the involvement his family members.
9. It remains my opinion that Mr. al-Qahtani requires multi-modal treatment for his symptoms of PTSD and schizophrenia. Medication, although helpful in improving the frequency and intensity of some of his symptoms, is not sufficient to provide meaningful relief from his suffering. Although Mr. al-Qahtani is taking medication prescribed by JMG clinicians, at best, medication would provide modest PTSD symptom improvement without fully addressing their underlying causes.
10. It remains my opinion that it is also highly likely that Mr. al-Qahtani will continue to experience episodic worsening of symptoms as his indefinite detention continues. As a result, medications would likely need to be increased over time and would only be considered palliative. An effective, multi-disciplinary approach, away from the location in which PTSD-related trauma occurred and which involves his family, is necessary for him to repair the rending of his sense of self, dignity, and humanity. This rending underpins his underlying symptoms of depression, anxiety, and existential crisis.
11. It remains my opinion that there are protective factors in place that argue against the possibility of Mr. al-Qahtani engaging in future violence. These include Mr. al-Qahtani's rejection of violence and his acceptance of the limitations in occupational and social functioning imposed by his psychiatric illnesses. I also remain of the opinion that, from the perspective of a forensic psychiatric Violence Risk Assessment, Mr. al-

Qahtani's psychiatric diagnoses do not place him at risk of engaging in violence in the future.

12. It remains my opinion that Mr. al-Qahtani's desire to uphold his family's honor is an additional factor that further decreases his risk for future violence. Protecting one's family honor is an individual duty whose primacy cannot be underestimated in Saudi culture. Mr. al-Qahtani is well aware of the shame that any sort of proscribed behavior on his part would bring to his family. His need to protect his family's honor will be a powerful factor in his future decision-making. It is my opinion that, had Mr. al-Qahtani known that his previous history could bring shame upon his family, it is highly unlikely that he would have engaged in any such activity.
13. In its decision, the Board noted that a "lack of information prevented the Board from understanding how and to what extent his psychiatric condition contributed to his decisions" in the past. In late-January 2017, I plan to travel to Guantánamo to complete my evaluation of Mr. al-Qahtani. That will enable me to testify again before the Board to address this question during a second hearing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of December, 2016.



EMILY A. KERAM, M.D.
1160 N. Dutton Avenue, Suite 255
Santa Rosa, CA 95401

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DEPARTMENT OF DEFENSE
PERIODIC REVIEW SECRETARIAT

13 DEC 2016

MEMORANDUM FOR Periodic Review Board

FROM: PRS Personal Representative CPT [REDACTED]

SUBJECT: Witness Statement Posted on PRS Website ICO ISN 063

1. I have advised the witness, Dr. Emily Karem, that her statements may be posted on the public Periodic Review Secretariat website, subject to any U.S. Government clearance procedures.
2. Dr. Karem has agreed to permit the posting of any of her statements on the PRS public website.

12/13/2016

X [REDACTED]

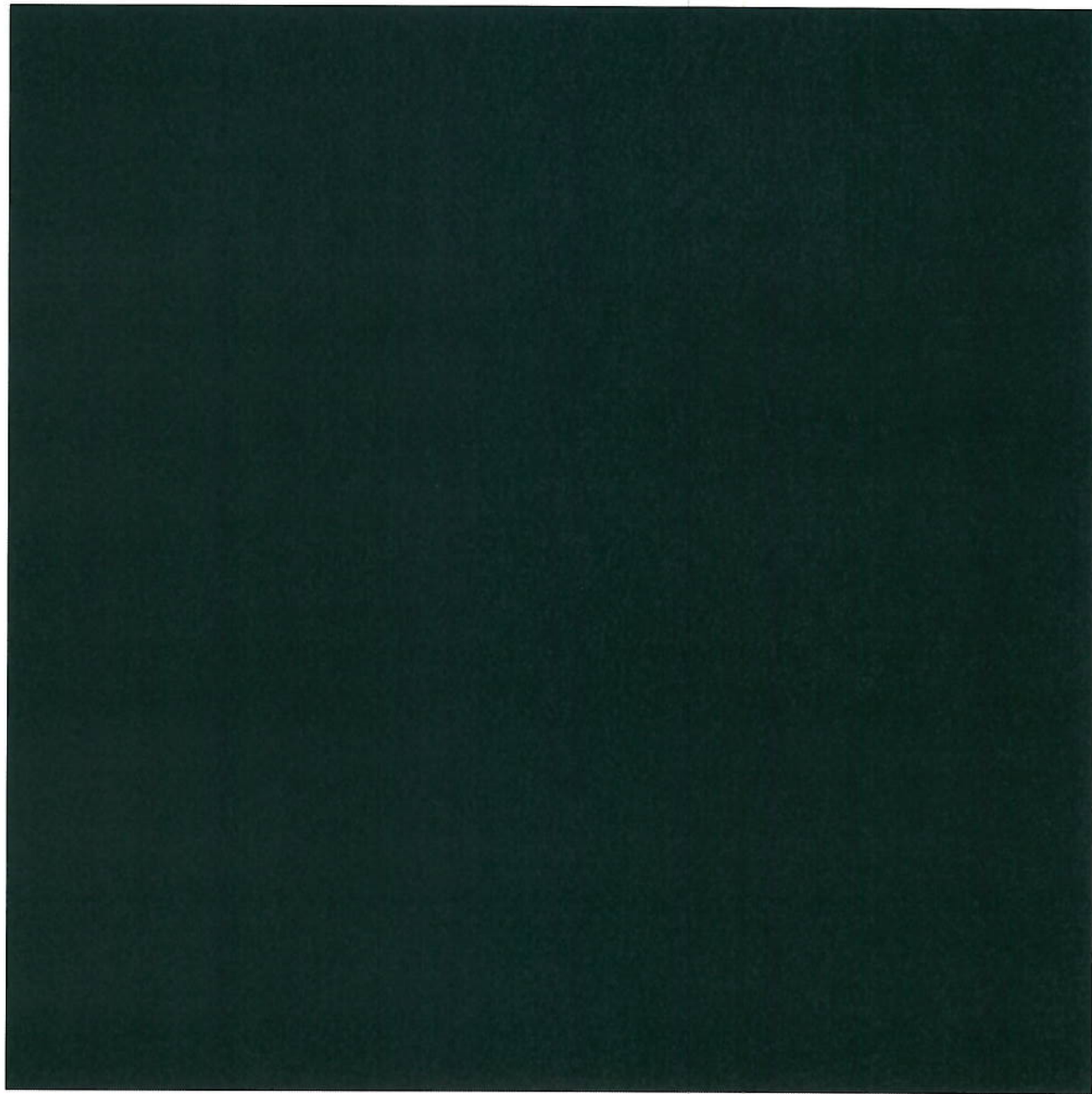
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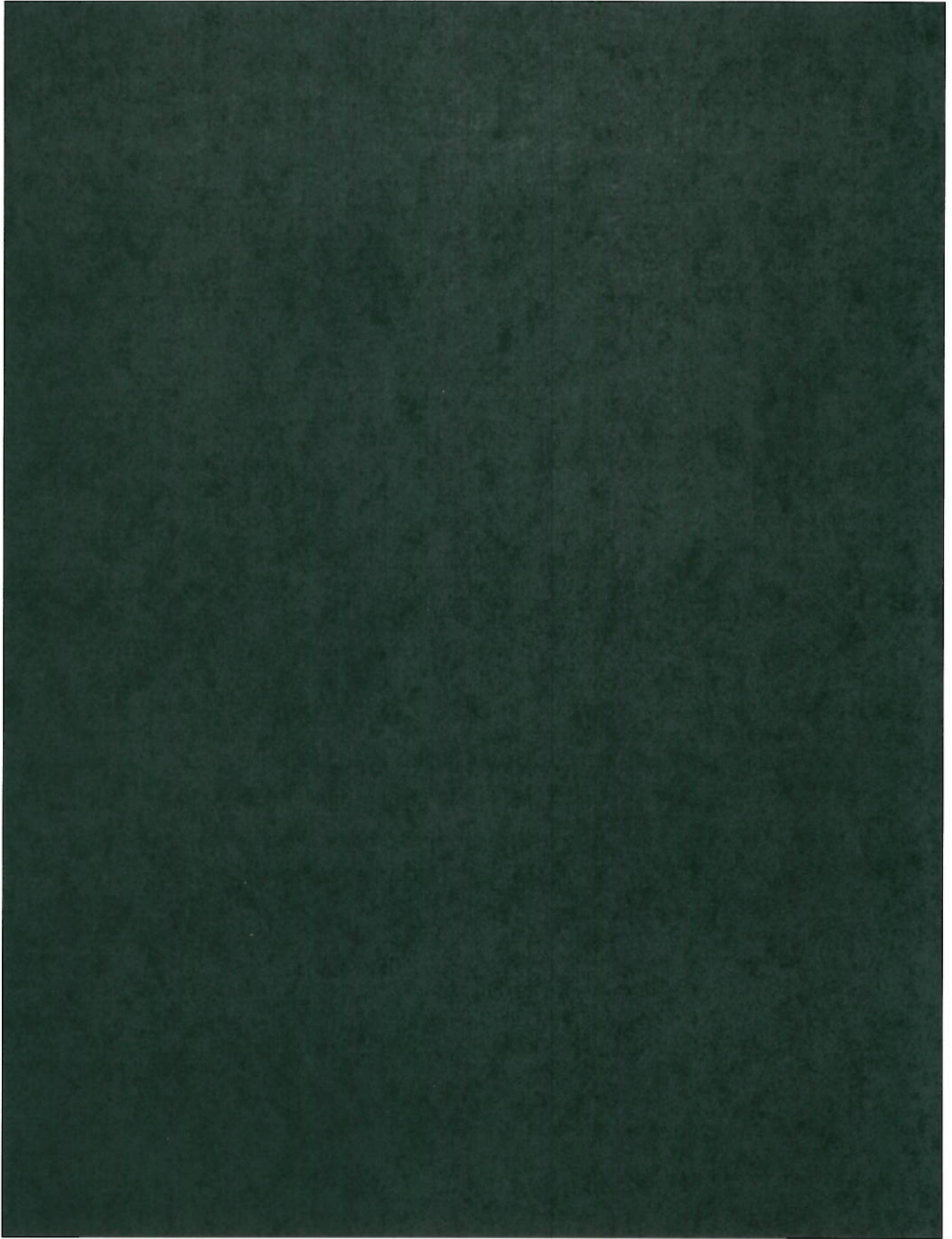
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Mohamed Mani Ahmad Al Kahtani (ISN 063) Family Tree

Number	Name	Age	Relationship	Residence	Profession
1.			Father		
2.			Mother		
3.			Brother		
4.			Brother		
5.			Brother		
6.			Brother		
7.			Brother		
8.			Brother		
9.			Brother		
10.			Brother		
11.			Maternal Uncle		
12.			Maternal Uncle		
13.			Maternal Uncle		
14.			Maternal Uncle		
15.			Maternal Uncle		
16.			Maternal Uncle		
17.			Maternal Uncle		
18.			Brother-in-Law		
19.			Paternal Cousin		
20.			Paternal Cousin		
21.			Brother-in-Law		
22.			Brother-in-Law		
23.			Paternal Cousin		
24.			Paternal Cousin		
25.			Paternal Cousin		
26.			Paternal Cousin		
27.			Maternal Cousin		
28.			Maternal Cousin		
29.			Paternal Cousin		



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