

PERIODIC REVIEW BOARD INITIAL HEARING, 21 JUL 2016
OMAR MOHAMMED ALI AL-RAMMAH ISN 1017
PERSONAL REPRESENTATIVE OPENING STATEMENT

Good morning ladies and gentlemen of the Board. I am the Personal Representative for Omar Mohammed Ali Al-Rammah (ISN 1017), who goes by a nickname Zakariya. Thank you for this opportunity to show Zakariya is not a continuing significant threat to the United States.

Zakariya, whose birth name is Faysal Mohammed Alawi Ali Salem, was born and raised in Jedda, Saudi Arabia, although his family is Yemeni by blood. Zakariya comes from a moderate family that highly values education. In fact, both his older brothers pursued advanced degrees at foreign universities. As a typical rebellious youngster, Zakariya did not put much effort into his schooling and, instead, focused on playing soccer, dancing and having fun. He also chose not to attend mosque or practice Islam until he reached high school when someone at a nearby mosque showed him a video describing heaven and hell. This scared him enough that he turned towards a more strict faith. This eventually led him to head for Bosnia in the 1990's so he could help protect the Muslims from the atrocities of that period. After only a month of basic training his barracks was shelled, injuring his leg and forcing him back home to get proper care. After a couple years spent recovering and completing additional schooling, someone at mosque showed him videos of the Chechen conflict and he again felt the need to go help the Muslims there. After a short stay in Afghanistan to finish his basic training, he ended up in Georgia.

Once Zakariya arrived in Georgia, the Chechens there essentially told him they didn't trust Arabs to do any fighting and sent him to provide support in the rear areas of the conflict. This left Zakariya to spend his time performing menial tasks such as loading food for transport. One day, Zakariya took a cab between towns and the cab was ambushed. Zakariya and two other passengers were apprehended while the Chechen driver was killed next to Zakariya. He was eventually handed over to Americans and, after being held an extended time in Afghanistan, he was finally transferred to Guantanamo Bay. His traumatic capture experience finally brought home the brutal reality of his choices and forever altered his view of armed conflict.

While at Guantanamo, Zakariya has settled into a much more moderate practice of Islam, sometimes even earning the displeasure of other detainees for his willingness to speak with female guards and staff members. He participated in numerous class offerings and likes to spend his time playing video games and watching American movies. Zakariya greatly admires Western culture and wants to move to an accommodating country with religious freedoms, preferably in Europe. He wants to marry a woman who is educated, who he can take dancing and live somewhere where she doesn't have to keep her head covered. He understands that he has limited education and job training and is willing to accept any job he can to provide for a family. Zakariya is ready to answer any and all questions to prove he is not a continuing significant threat to the United States. Thank you.

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Good morning. I am Beth Jacob, a member of the law firm Kelley Drye & Warren, private counsel for Faysal Alawi Ali Salem, also known as Zakaria al Baidany. He has been called Zakaria for most of the last dozen years, so I will use that name in referring to him.

I would like to give you a little background about myself, so you can have context to consider my comments about Zakaria. Shortly after law school, I became a prosecutor in the New York City District Attorney's Office in Manhattan, where I worked for eight years, investigating and prosecuting organized crime, official corruption, white collar crime, large scale tax evasion and financial frauds. Some years after I left the District Attorney's Office, I defended the Port Authority of New York and New Jersey – the owner of the World Trade Center complex – in some of the litigations arising out of the September 11, 2001 attacks. On a pro bono basis, I helped victims of those attacks make claims against insurers and obtain compensation from the fund established by the United States government for that purpose. Now, most of my work is representing generic pharmaceutical companies in patent infringement litigation against brand pharmaceutical companies.

Along with others in my previous and current law firms, I have represented men detained at Guantanamo since 2005.

I have known Zakaria only a few months, when he asked if I could be his private counsel at this hearing because a series of departures from the firm that had been working with him left him without a lawyer. But in those few months, I have spoken and met with him almost a dozen times. I talked with his previous lawyers and read their notes. He has always been friendly and polite; I do not wear a headscarf or a skirt when we meet; and he shakes my hand and thanks me profusely at the beginnings and ends of our meetings.

At Guantanamo, Zakaria has taken many classes, and you have letters from two of his teachers. But what he likes best is to play videogames and to watch American movies – he likes adventure movies and romantic stories, where he can follow the plots despite his limited English. He told me that when he watches movies, he is transported to another world. And he told me that through watching American movies, he learned about open societies and cultures, where men and women can interact freely. Now, Zakaria's ambition is a life with friends both male and female, and his dream is to be able to go out dancing at night with his wife and then come home to their children. His thoughts about employment are modest and realistic – he would like to work in a store, perhaps one selling sweets, or drive a taxi.

Zakaria is not someone who is interested in political or religious philosophy, or who wants to change the world or other people. When he was young, he liked music and dancing, (even though that was not accepted in Saudi Arabia where he grew up), and playing soccer. He then made what he readily admits were wrong decisions that he regrets intensely. He was scared by a story of heaven and hell, got religion as a result, and was guided to Bosnia and then Chechnya to support his fellow Muslims, decisions that he now regrets deeply. He was captured in a violent ambush in Georgia, where the young man sitting next to him was shot dead before his eyes – a shock that still reverberates when he talks about it today. He was transferred to American custody and held in CIA black sites before he was transferred to Guantanamo.

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These experiences traumatized him – especially the death of the young man, the first death he had seen.

He has gained a reputation as a good cook. And while I have not had the privilege of sampling his cooking, we have had discussions about food and spices, and about different kinds of coffees.

Zakaria grew up in a family that valued education and was not unduly religious. We have not been able to provide statements from his family, because – despite several efforts by the International Red Cross (which my firm has confirmed independently through conversations with the ICRC) and others – he has not been able to make contact with his family since his arrival at Guantanamo. Zakaria's last conversation with his mother was in 2002 from Georgia, when she told him to come home. He has given me the names of his family in Saudi Arabia, his mother's family in Yemen, a businessman who is a family friend, and his home phone number from 15 years ago, and we are actively trying to locate them. From what he says, his family is well educated and has resources, and will be able to help support him financially as well as emotionally wherever he ends up living.

But in the absence of family, before we are able to locate them, we have made arrangements to provide support and structure to ensure that he is able to make a safe and successful transition to life after transfer from Guantanamo, wherever he ends up. I am sure many of you know of Reprieve's "Life After Guantanamo" program, with its impressive track record of successfully helping several dozen detainees from Guantanamo after they were transferred. Reprieve has agreed that Zakaria can participate in that program, and we have submitted a letter from them to that effect that describes the program in more detail. And Zakaria has not one, but two, international law firms – mine and his previous counsel – who are committed to continuing our work as his lawyers to give him or find for him whatever assistance is needed. I have explained all of this to Zakaria, and he is very grateful.

You will see that Zakaria will be forthright with you about his past and that his remorse is genuine. He was a young unsophisticated kid who behaved stupidly. The independent responsibilities suggested by the profile, in my opinion, would have been beyond his capabilities. He never was engaged in fighting, and his first experience of violence shocked him to his core. As Zakaria puts it, he has learned, through a very hard lesson, not to follow bad advice. That this lesson remains learned is clear from his conduct at Guantanamo. For years, he has been housed with the compliant and Westernized detainees, and his ambition is for a future where he can go out dancing. It is clear that Zakaria will not be a threat to the United States or anyone else if he is released.

Thank you.

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