

PERIODIC REVIEW BOARD INITIAL HEARING, 08 DEC 2015
ZAHAR OMAR HAMIS BIN HAMDOUN, ISN 576
PERSONAL REPRESENTATIVE OPENING STATEMENT

Good morning ladies and gentlemen of the Board. We are the Personal Representatives for Mr. Zahar Omar Hamis Bin Hamdoun. We are joined by his Private Counsel and translator.

At my first meeting with Zahar, he stood and shook my hand enthusiastically. From the beginning, it was obvious that the fact that I was female did not concern him. Before the meeting was over, he gave me one of his drawings as a gift to show his appreciation for my assistance in this process. Over the past three months, we have met with Zahar close to 50 hours and he has been very cooperative, enthusiastic, polite and forthcoming with all of his answers.

Zahar has expressed regret for the decisions he has made in the past. Working to enhance his education and learn new skills, he has grown as a person during his time at GTMO. He has been exposed to a variety of cultures and religions while here and understands the importance of respecting everyone, regardless of beliefs. He knows it is important to treat everyone as you wish to be treated.

When he is transferred, he wishes to marry and start a family of his own. If possible, he wishes to continue his education as this is a duty in his family for both male or female. As for work, it will depend on the economy where he is transferred, but he would like to open a store, perhaps selling groceries, as he has experience as part of his family's business. He is willing to go to any country and he understands that returning to Yemen is not an option. Zahar is also willing to participate in any rehabilitation or reintegration program necessary.

As much as he wishes to see his mother and family again, he really does not wish to return to Yemen as there is no future due to the current instability. Of course, he does hope to someday be allowed to bring his mother, if only for a visit, wherever he may end up. Regardless of where he is transferred, he will have the full support of his family. The distance is inconsequential, as his eldest brother, who is like a father, already provides support to his family in Yemen, while living in a different country. He will do the same for Zahar.

Based on everything we have seen and heard during our time with Zahar, we do not believe he is a continuing significant threat to the United States or its interests.

We are happy to answer any questions that you may have throughout this proceeding. At this time, Zahar's Private Counsel will present an opening statement. Thank you for your time and consideration.

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PRIVATE COUNSEL PARDISS KEBRIAEI OPENING STATEMENT

Members of the Board, good morning.

I have represented Guantanamo detainees since 2007, including several men whom the government has successfully resettled. I have been working with Mr. Hamdoun for over two years.

I would like to use my time to underscore or expand on a few points in Mr. Hamdoun's personal statement.

The first concerns his family. In recent months, I have been in regular conversation with Mr. Hamdoun's family, in particular, two of his older brothers, for the purpose of preparing for this review. They put me on speakerphone while their mother listens in the background in the same home Mr. Hamdoun grew up in. They are a stable, close-knit group. Hard work and education are core values reflected in the paths of Mr. Hamdoun's siblings, down to his youngest sister, who graduated from college a few years ago, and his youngest brother, who is still trying to attend his college classes in Sana'a despite the circumstances. We have submitted information about them each, and Mr. Hamdoun will say more about how they sustain him. I want just to make two brief points, since Mr. Hamdoun has not been able to speak to his family since his review process began. One is to emphasize that the family knows that Mr. Hamdoun may not be transferred to Yemen, and they accept that possibility. In my initial conversations with one of the older brothers, while the other siblings and their mother gathered around his cell phone, I broached the subject gingerly, anticipating a fair amount of questions and frustration. Their response: "Yes, this is obvious." They know the circumstances in their country. They are honest people who have no desire to interfere with the terms of any transfer agreement and bring additional difficulty to Mr. Hamdoun or themselves. What they want is a chance for Mr. Hamdoun to rebuild his life, wherever that may be.

Additionally, I want to note that the materials included in Mr. Hamdoun's submission unfortunately do not reflect the family's effort to support this review process. Mr. Hamdoun's mother and several of his siblings had intended to submit videotaped oral statements. They spent weeks preparing their thoughts and coordinating with us on the logistics. That plan was thwarted, remarkably, by a cyclone (Chapala) in the Gulf of Aden that made a rare landfall in their region in early November, the first in decades. A week later, a second major cyclone (Megh) struck their region. Needless to say, power outages and record-level flooding in the wake of the storms prevented them from being able to provide, before our deadline, the materials they had intended to prepare.

The second area I want to expand on concerns the support Mr. Hamdoun would have after transfer from my organization in particular. We have had the experience of supporting the reintegration of several clients over the years. I have included a document in our submission specifying the range of assistance we have provided in the past and are ready to offer Mr. Hamdoun, depending on what might be necessary. My experience with two clients whom the Administration resettled in 2009 and 2010 provides a good snapshot. In those cases, we worked with the State Department and host governments on transition plans for the men; we visited them multiple times after release; we served as an ongoing point of contact for local authorities to help

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problem-solve as issues arose; we provided financial assistance and referrals for needs large and small, ranging from live-in interpreters and mental health care, to laptops and language CDs; and we tapped into our wide network of regional and local partners to help address other needs. We were a trusted and experienced resource in facilitating the transition of these clients. Critically, our support continued long-term, for several years. We would be ready to provide the same breadth and depth of support to Mr. Hamdoun.

The third issue I want briefly to address concerns his past conduct. Mr. Hamdoun regrets his decision to go to Afghanistan in 1999, as he expresses in his statement. But the question of his activities there is not settled, as the unclassified detainee profile also indicates. Mr. Hamdoun brought a habeas petition disputing the allegations against him, which was never ultimately decided by the district court. I would be glad to address Mr. Hamdoun's own narrative in more detail in the closed session.

I would like to offer a final personal observation based on my experience working with Mr. Hamdoun over the course of the past two years, against the background of the eight years I have been working with detainees. In our meetings, he is attentive and earnest. He is not withdrawn. He does not decline visits. He apologizes when he brings requests. He comes to listen, work and try. He recognizes his limitations. He tells me he has moments of low energy. He is unsettled by his inability to communicate with his family. He is frustrated about his situation. All of these are real. But I have not seen someone resigned, hardened or remote. I have seen effort – someone very much wanting and trying to believe in a better future. Someone very much wanting to be before you today. I have worked with clients after release, for years. Reintegration is a long process that takes effort, engagement and hope. Mr. Hamdoun has shown these qualities, which will serve him well going forward.

Thank you for your consideration.