

PERIODIC REVIEW BOARD INITIAL HEARING, 28 APR 2016
BASHIR NASIR ALI AL-MARWALAH, ISN 837
PERSONAL REPRESENTATIVE OPENING STATEMENT

Members of the Board, we are the Personal Representatives for Bashir Nashir Ali Al-Marwalah. When we first went to meet Bashir, he explained to me that he was very happy that we were there and he felt hopeful for the future. His demeanor is one of a serious, thoughtful man which both my partner and I can confirm.

Bashir comes from a large family that works in the medical field. Bashir learned how to work in the medical field by accompanying his father to work throughout his school years. . Bashir graduated from the Higher Institute for Health Services, Nursing School Branch. Upon his transfer, even if Bashir is not able to return to Yemen, his education and experience will serve him well wherever he is reintegrated. Bashir's goals for his future involve continuing his education, as he values knowledge, a career, building his own family and someday reconnecting with his family back home.

Bashir has spent much of his time reading and studying the medical field. In fact, whenever he has the chance, he helps other detainees with his medical knowledge. Bashir also takes the opportunity to engage with medical personnel to ask questions in order to keep his skills sharp. Bashir has spent much of his time reading many health and medical books and journals which we have included as an exhibit in his case file. In fact, because of Bashir's passion for health, he has requested that he be allowed to assist medical personnel here at Guantanamo Bay (GTMO) in the treatment of other detainees.

As you will see during Bashir's opening statement, he is also working on his English. He will not leave GTMO the same way he arrived. Bashir has broadened his mind. He has the support of his family and is looking to create a successful career and future. Additionally Bashir made friends with American attorneys who have worked with him in the past. These attorneys have stated they stand ready to offer support for Bashir wherever he may be transferred.

We appreciate you taking time to hear his case and your consideration for transfer. Bashir has learned from his mistakes and deeply regrets his actions in the past. As a result Bashir does not pose a continuing significant threat to the security of the United States. Bashir understands that in order to be recommended for transfer he must first gain the board's unanimous recommendation for transfer. Therefore he is willing and ready to answer any and all of your questions. We and Bashir's Private Counsel are here throughout this proceeding to answer your questions as well.

Statement of Private Counsel Erin E. Thomas

Members of the Board, good morning. I am Erin Thomas, private counsel for Bashir Nasir Ali al-Marwalah. Bashir and I first met in early 2011, when I was an attorney at Allen & Overy LLP. Bashir is now a client of my current firm, Covington & Burling LLP. I am thankful for the opportunity to explain to the Board why Bashir does not present a threat to the security of the United States or its allies.

Bashir deeply regrets the choices that he made as a young man, and their cost to both himself and the members of his family. If Bashir had not chosen to leave Yemen, he would still be close to his beloved family. As the oldest brother, he would have been around to provide guidance to his siblings. He would know his sister [REDACTED] and brother [REDACTED] who were both born after Bashir left. He would have a career, and likely a family of his own. His children would play with their cousins under the care of Bashir's mother, just as his sisters' children do while their own mothers go to work.

In short, Bashir longs for the things he has lost. He is ready to put the past behind him, and is eager to build a productive life outside of Guantanamo. Importantly, Bashir has demonstrated that he is very well-positioned to accomplish these goals.

First, he is trained as a nurse. Ex. 7. He was employed at the Republic Hospital in Sana'a (Ex. 6), fulfilling a life-long dream to work in the medical field and help people (Ex. 2). Bashir was an exemplary and well-liked nurse, as attested to by the support statements of 12 colleagues and teachers. Ex. 3.

While at Guantanamo, Bashir has continued his nursing education. As Bashir's request (Ex. 1), his lawyers have sent him numerous medical books in English and Arabic. Exhibit 11 lists a sample of books that Bashir has recently studied. Bashir frequently brings

his coursework to meetings with his attorneys, covered with painstaking notes and translations of medical vocabulary. A few examples are submitted as Exhibit 12.

Bashir also completed a life skills and nutrition course with a 96% average. Ex. 10. Bashir proactively seeks out other opportunities to improve his medical training, including by practicing vocabulary with doctors from the Red Cross and in the camps.

Bashir's nursing expertise will allow him to build a career in any country to which he is transferred. Bashir appreciates, however, that his Yemeni credentials may not be immediately recognized in another country, and has no objection to taking a less specialized job, for example as a home health aide or orderly.

Second, Bashir has used his time in Guantanamo to improve other skills. When we first met, Bashir and I communicated through a translator. Now we can hold a three hour meeting speaking exclusively in English. When he is not studying, Bashir stays productive with activities such as art classes. Exhibit 14 shows samples of Bashir's artwork, and Exhibit 20 is a letter of support from his art teacher.

Bashir is also preparing himself to be a loving husband and father. He left Yemen a young, unmarried man who never had the opportunity to be in a relationship with a woman. Bashir studies materials on healthy relationships and child rearing. Exhibit 13 lists some of Bashir's recent topics of self-study. He desires a wife who is a true partner in life.

Third, Bashir enjoys a strong support network. Bashir is much loved and deeply missed by his family. Exs. 2, 5. They are proud of his efforts to improve his education while in Guantanamo, as shown in the a picture of Bashir's father and his youngest brother proudly displaying Bashir's life skills and nutrition certificate. Ex. 10.

Bashir's family has demonstrated that they will do whatever they can to support him. They have furnished an apartment for him in Sana'a. Ex. 15. While they recognize that

Bashir cannot return to Yemen at this time, they can rent or sell the apartment to support him in another country. His family has also purchased wedding jewelry for his future wife. Ex.

16. If this jewelry cannot be used, the family can sell it and send the proceeds to him.

Bashir's father and siblings are employed, and have remained so during a very difficult period in Yemen. Ex. 18. Bashir's father and his sister [REDACTED] as well as his brothers [REDACTED] are all employed at the [REDACTED]. His sister [REDACTED] recently began working [REDACTED] nearby. The family has property in Sana'a and in the village of [REDACTED].

Bashir's family also actively assisted with the preparation of this submission, working with the Red Cross to obtain a petition for his release, which has been signed by nearly 100 individuals attesting to Bashir's good character. Ex. 4. Bashir's sister [REDACTED] a busy, working mother of four, obtained the character affidavits (Ex. 3) and Bashir's school and employment records (Exs. 6-9) during a period when Sana'a has been wracked by fighting and faces severe restrictions on its infrastructure and communications network. In short, Bashir's loving family can -- and has demonstrated that they will -- support him financially and emotionally following his transfer.

Bashir's former attorneys have also pledged their support. Ex. 1. I too am prepared to assist Bashir through phone conversations, visits if possible, financial assistance, and serving as a point of contact for authorities in his country of transfer if needed. I have experience with this through my support of a former detainee client who was transferred to Europe. We are in regular contact, and I plan to visit him later this year. I am also assisting him in completing college courses that I enrolled him in while he was in Guantanamo.

Bashir's current and former law firms, Covington & Burling and Allen & Overy, are also prepared to explore whether they have any useful contacts in Bashir's proposed or actual

country of transfer that could assist with Bashir's transition to life post-Guantanamo. The human rights organization Reprieve has offered to share contacts, best practices, and other resources for supporting a client after transfer, as explained in Exhibit 19.

Fourth, Bashir has the personal qualities necessary to lead a successful and peaceful life. I know him to be a kind, compassionate, and sincere person. Throughout his decade-long relationship with his American attorneys, he has been unfailingly gracious, thankful for our work, and curious about the way we live. He sends thank you notes after we visit, and letters of congratulations when we get married or have children. Bashir has never expressed bitterness, anti-American sentiment, or extremist views to us.

Bashir's lawyers are far from the only people who feel this way. Bashir's written submission includes letters and videos of support from family, friends, and colleagues, as well as fellow detainees. Exs. 2-5, 17, 20. Bashir's good nature extends to the Guantanamo guard force. His unclassified summary confirms that his behavior has been highly compliant.

* * * *

Fifteen years ago, a young man made a mistake. In the intervening years, that man has matured, reflected on his regret, and worked tirelessly to channel that regret into self-improvement. A strong support network stands behind him, ready to help. He sits before you, ready to answer your questions and to tell you about the new life that he longs to begin. I am confident that Bashir will not let anything distract him from accomplishing his goals.

Members of the Board, thank you for your time and consideration. I respectfully submit that you should recommend Bashir al-Marwalah for transfer.