

**PERIODIC REVIEW BOARD, 28 JUNE 2016
MUSAB OMAR ALI AL-MUDWANI, ISN 839
PERSONAL REPRESENTATIVE STATEMENT**

Good morning ladies and gentlemen of the board. I am the Personal Representative for ISN 839. Thank you for the opportunity to present the case for Musab Omar Ali Al-Mudwani.

At a very young age, Musab was recruited in Yemen to support the movement in Afghanistan. The trip was sold to him as a tremendous charity opportunity filled with adventure. Additionally, Musab perceived it to carry very little commitment as he already had a return plane ticket for the following month. However, when he arrived in Afghanistan he discovered vastly different expectations and a highly suspicious organization that confiscated his passport and tickets upon arrival. New recruit movements were very restricted and the oppression forced him and others to avoid asking questions. Musab quickly realized his mistake, but changing his situation became extremely difficult. He desperately wished to return home, but the situation was growing precarious. Finally, coalition attacks presented the opportunity to flee back to Yemen, but this proved to be very difficult as well and he never made it.

Musab never held extremist views or any desire to harm Americans. As a result, it is no surprise he has been highly compliant as a detainee and very respectful with detention staff. During his entire time at Guantanamo, Musab has denounced extremism and only desires release to his family. Although his parents are gone, he intends to make up for the pain he has caused his brothers and sister through leading an entirely peaceful life. Musab's brothers have pledged to support him financially as long as necessary. However, his plan is to find a wife and have children to which he intends to support as an accountant. He has pursued life skills training to help him attain this career and has produced many practice accountant documents in preparation for the future (included in the submissions).

I am confident Musab is honest in his intentions after Guantanamo because of his peaceful and compliant past. His time at Guantanamo has greatly expanded his perspective on the world and helped him develop more sound judgment. I firmly believe he does not represent a continued significant threat to the United States of America or its allies. Finally, he has skills to support himself in a peaceful existence.

Musab is open to transfer to any country, but would prefer an Arab speaking nation where he can more easily pursue a career and start a family. I am pleased to answer any questions you may have.

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MUSAB OMAR ALI AL-MUDWANI, ISN 839
PERSONAL COUNSEL STATEMENT

Ladies and Gentlemen of the Board, thank you for the opportunity to present this statement in support of my client, Musa'ab al Madhwani, ISN 839. I know Musa'ab well, and I am proud to represent him before this Board. I first met Musa'ab in January 2007. He remains the honest, polite, fine young man I met almost a decade ago. Shortly after our first meeting, rumors began to circulate around the camp that the detainees might no longer be able to meet with their lawyers. Musa'ab wrote me a beautiful letter saying:

If the government severs communications between us, and we are not able to ever meet, I want to say to you: Thank you for standing by me in this ordeal of mine. . . . I will never forget compassionate Patricia who gave me hope and made me realize that there is still goodness in this nation.

In the decade since that letter, I have met and spoken with Musa'ab scores of times. Musa'ab has never lost his appreciation for the goodness of America and Americans.

Musa'ab has always been truthful, even when the truth is inconvenient or unflattering. From our first meeting, Musa'ab told me (with considerable embarrassment) how two men persuaded him to run away from home and travel to Afghanistan in the summer of 2001. He also told me about the many months he spent as a refugee, travelling through Pakistan, Afghanistan, and Iran in search of a way to get home to Yemen. In 2009, I sat down and mapped out his travels, including the length of time Musa'ab said he stayed in each place. I consulted independent documentation that Musa'ab could not have seen or known about. Somewhat to my surprise, I was able to confirm Musa'ab's account of his travels, right down to the day.

Musa'ab has always been more interested in helping other people than in dwelling on his own problems. I remember being nervous about telling Musa'ab of a setback in his habeas case. But Musa'ab took the setback in stride and then spent the rest of our meeting comforting me. Recently, Musa'ab heard about some problems in my family. He wrote me a long letter to cheer me up, then apologized that his circumstances prevented him from giving me more than just moral support.

Many aspects of Musa'ab's character have remained constant throughout the decade I have known him, including his candor, generosity, and sense of humor. But some things have changed – dramatically and for the better. Musa'ab is no longer the shy, gullible youth whom two men convinced to run away from home and go to Afghanistan. After hearing Musa'ab testify over the course of two days in 2009, federal Judge Thomas Hogan agreed with the government's internal assessment of Musa'ab as a young, naïve, unemployed Yemeni who posed no danger to the United States:

The record reflects that [Musa'ab] was, at best, a low-level al-Qaida figure. It does not appear he even finished his weapons training. There is no evidence that he fired a weapon in battle or was on the front lines. There is also no evidence that he planned, participated in, or knew of any terrorist plots. Classified documents in the record confirm the Court's assessment. As does the fact that he appears to have been a model prisoner during his

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seven years of detention. The Court fails to see how, based on the record, [Musa'ab] poses any greater threat than the dozens of detainees who recently have been transferred or cleared for transfer.

Anam v. Obama, 696 F. Supp. 2d 1, 16 (D.D.C. 2010). I have watched Musa'ab grow from a naïve, gullible youth into a confident, independent man. Musa'ab once was afraid of being alone in the dark, but now he reaches out to calm his brothers' fears and resolve their disputes. Instead of being a follower, swayed by peer pressure and the strong personalities around him, Musa'ab now thinks and acts independently, according to his own core beliefs.

Musa'ab has also taken advantage of the opportunities available to him here to prepare himself for life outside of Guantánamo. Before leaving home, Musa'ab gained some business experience by helping out in his father's pharmacies. Here, Musa'ab has built on that experience by learning about computers and studying accounting and business skills with another detainee who has significant business training and experience. Musa'ab has applied himself diligently to these studies, and he asked me to bring him a book on how to use the Excel computer program. These accounting and general business skills will assist Musa'ab in finding employment and making the transition to civilian life.

Over the years I have spoken by phone with Musa'ab's family. This loving and supportive family has long since forgiven Musa'ab for his youthful error in running away from home. Unfortunately, both of Musa'ab's parents died while he has been at Guantánamo. The family remains close, and Musa'ab's sister and brothers have maintained contact with Musa'ab through letters and phone calls. Musa'ab's siblings have made detailed plans to support him in the event the Board decides he can be released or transferred. They understand that if allowed to leave, he will likely be going to a country other than Yemen. Fortunately, the family has the resources to support Musa'ab in his transition to civilian life, to provide him a job and home and marriage prospects, and to travel to be with Musa'ab, regardless of where he is transferred. I should note that neither I nor Musa'ab's other lawyers ever requested or received information in 2014 from Musa'ab's family regarding their financial circumstances. The first time we asked for that information was this year, in preparation for this hearing. The family is eager to give Musa'ab the emotional and financial support he will need in transitioning from detention to peaceful family life. Musa'ab's four siblings and his brother-in-law have submitted statements in support of Musa'ab's case, as have my co-counsel Darold Killmer and Mari Newman, who met personally with Musa'ab's family in Yemen.

Darold, Mari, and I are also eager to provide support and assistance to Musa'ab, whether he is transferred to Yemen or some other country. If I could, I would invite Musa'ab to come and live with my family. Since that is not possible, I hope to do the next best thing and visit him wherever he is living. We have all promised to attend Musa'ab's wedding, regardless of where it takes place. The human rights group Reprieve has significant experience in helping detainees transition to civilian life, and Reprieve has offered to share its advice, contacts, best practices, and other resources to help us provide support to Musa'ab if he is transferred to a country other than his homeland. We are committed to supporting his transition to a peaceful and productive life outside of Guantánamo. I would be happy to answer any questions the Board may have.

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