

PERIODIC REVIEW BOARD INITIAL HEARING, 30 JUN 2016
HAIL AZIZ AHMED AL-MAYTHALI, ISN 840
PERSONAL REPRESENTATIVE OPENING STATEMENT

Good morning ladies and gentlemen of the Board. I am the Personal Representative for ISN 840. I will be assisting Mr. Hayil Aziz Ahmed al-Mithali with his PRB this morning.

Hayil has attended all of our meetings and is always extremely polite and cooperative. Every time I see him he is smiling and he never hesitates to answer any question I may have. While here at GTMO, he has learned English from other detainees as well as carpentry and cooking and he has grown substantially as a person. He recognizes that he made bad decisions in the past and he has no interest in repeating these mistakes. Hayil realizes that it was a mistake to go someplace else and fight for a cause that was not his. He does not blame America for his current situation, he blames himself for his actions.

His family is more than ready and willing, and is quite capable of, providing whatever support is needed for Hayil. They have already given him a share in their marketing and advertising business and hope that with his English skills he can help them with importing Goods from China.

He is interested in working in trade if he is transferred, but he would also like to continue his education, as he feels education is very important. When discussing the qualities he prefers in a wife, he lists "educated" at the top, even before "beautiful." Hayil has encouraged all of his siblings in their education, including his older sister. Even though it is traditional for the female to drop out of school when she is married, he insisted that his sister continue her education, for which she is very grateful.

He would prefer an Arabic speaking country, but does not mind going to any country. It would just take a little longer to integrate, but he is more than willing to put in every effort to succeed. He also welcomes any kind of rehabilitation or reintegration program that might be available.

Based upon my time with Hayil and the support of both his family and his Personal Counsel, I believe that he is sincere in his desire to lead a peaceful life and obtain an honest job and he has the support and dedication that will make this possible. I honestly do not believe that Hayil represents a continuing significant threat to the security of the United States of America.

Thank you for your time and attention. I am happy to answer any questions you may have throughout these proceedings.

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**Opening Statement of Jennifer R. Cowan
Private Counsel for Hail Aziz Ahmed Al-Maythali (ISN 840)**

Good morning. I am Jennifer Cowan of Debevoise & Plimpton LLP, counsel for Hayil al-Mithali. For the past eleven years, I have represented Hayil and have gotten to know him well through numerous conversations and meetings. I strongly believe that Hayil's detention is not necessary to protect against a continuing significant threat to the security of the United States and I urge the PRB to approve him for transfer.

Hayil was young when he came to Guantanamo and I will be candid in recognizing that at times, Hayil's detention has been difficult for him and he has been angry about his treatment at Guantanamo. But I think that with many years to consider his actions, he regrets the choices that he made before he was captured and detained at Guantanamo. In addition, during the past eleven years, and especially in recent years, I have witnessed him become more mature, open-minded, self-reflective and focused on the future.

I would like to give you one example of a way in which Hayil has matured during his time at Guantanamo. When I first met Hayil, he was very uncomfortable with the idea of a female lawyer representing him and very uncomfortable, generally, with the idea of speaking to a woman who was not a member of his family. In those first years, at his request, I covered my hair during our meetings and we would not shake hands. I would sit toward the back of the meeting room while a male interpreter and my male colleagues sat at the table. Hayil would not speak directly to me and instead, spoke only to the men in the room.

Over time, these limitations disappeared. When I meet with Hayil now, I do not cover my hair. We shake hands warmly, and we sit at the table together and engage in direct conversation, now partially without interpretation, due to his remarkable progress in learning English. Our conversations cover many topics--Hayil is smart and curious

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and is interested in hearing my perspective on issues and interested in better understanding the views of others.

On many occasions, Hayil and I have talked about his hopes for his life after he is released from Guantanamo. Those hopes will be familiar to many people. Most of all, he wants to marry and start a family of his own. As you can see from the letters of support written for the PRB, Hayil is very close with his parents, his siblings, and his nieces and nephews. He misses them terribly and he worries about them, and he looks forward to seeing them and speaking with them during videoconferences. On many occasions, he has expressed to me his regret at not being part of their lives because of his detention at Guantanamo, especially as his siblings and nieces and nephews grow up and he has expressed his regret that he has not had children of his own who could grow up with their cousins. Hayil very much wants to make up for lost time as quickly as possible and to become a father. He frequently asks about my children and what new experiences they have had, and at each meeting, Hayil reiterates his invitation for me and my family to attend his wedding, whenever and wherever that may be.

Hayil is clear-eyed about the work that he will need to do if he is released from Guantanamo. He has taken advantage of the educational opportunities available to detainees at Guantanamo but recognizes that he will need to complete additional training and/or education in order to have the skills necessary to support himself and his family, and he also understands that he may need to learn a new language. He is fully committed to taking the necessary steps and doing the work to create a new life for himself. He is open to any type of training and any type of job, but he is particularly interested in running a small business because his family has a small business in Yemen and they can provide guidance for that endeavor.

As you can see from the letters submitted to the PRB, Hayil's family will support him in every way possible if he is released from Guantanamo. If he were to return to

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Yemen, he would be provided with a home and partial ownership of his family's business. However, Hayil's family recognizes that even if he is released from Guantanamo, he is unlikely to be transferred to Yemen and therefore, they are prepared to support him wherever he settles, to assist him in finding a wife, and to help prepare him to start a job or a business so that he can support his family. I am also personally committed to providing whatever assistance I can to help Hayil establish himself if he is released from Guantanamo, though the nature of that support will depend in large part on the country to which he is transferred.

In their letters to the PRB, members of Hayil's family and community provide examples of specific instances in which Hayil provided assistance and support to them. These stories are consistent with my knowledge of Hayil's activities at Guantanamo. In my conversations with him, Hayil has always expressed concern and been protective of other detainees at Guantanamo. One of my other clients here was seriously ill and when they were housed together, Hayil would assist him in negotiating life at Guantanamo and when they were not housed together, Hayil would regularly ask me about how my client was feeling and ask me to convey his concern and best wishes. I understand that Hayil has also taken a similar interest in and provided assistance to other detainees who needed his help and on occasion, has acted as liaison between detainees and the guards in the detention facility.

I am confident that if Hayil is released from Guantanamo, he will use his intelligence and focus, his determination and fortitude, and his caring and thoughtfulness to create a new life for himself and become a productive and well-integrated member of whatever community he settles in. I urge the PRB to clear Hayil for release so that he can take the lessons he has learned at Guantanamo and use them to start a new chapter in his life.