

CA: This periodic review board is being conducted at 0905 hours on 12 June 2014, at the Periodic Review Secretariat headquarters, with regard to the following detainee: Faez Mohammed Ahmed al-Kandari, ISN 552.

As a reminder, the unclassified portions of these proceedings are being recorded for the purpose of generating a transcript to be posted on the PRS website.

Representatives from the following agencies are present and are members of the board:

DEPARTMENT OF DEFENSE;  
DEPARTMENT OF STATE;  
DEPARTMENT OF JUSTICE;  
DEPARTMENT OF HOMELAND SECURITY;  
OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE;  
OFFICE OF THE CHIEF OF STAFF.

The following personnel are also present:

LEGAL ADVISOR OF THE BOARD;  
CASE ADMINISTRATORS;  
PERSONAL REPRESENTATIVES;  
PRIVATE COUNSEL;  
TWO TRANSLATORS;  
THE DETAINEE; and  
SECURITY OFFICER.

TRANS 1: **[Translation of above.]**

CA: The detainee's personal representatives, private counsel, the detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference.

TRANS 1: **[Translation of above.]**

CA: This session is being observed by foreign, national, and local media; foreign government officials, and representatives from nongovernmental organizations.

PM: This board is called to order. This board is convened to determine whether continued law of war detention is warranted for Faez Mohammed Ahmed al-Kandari, ISN 552, in order to protect against a continuing significant threat to the security of the United States.

TRANS 1: **[Translation of above.]**

PM: This periodic review board hearing session is unclassified. Classified documents and discussions relating to classified information shall be presented or discussed -- shall not be presented or discussed during the unclassified session of this hearing.

TRANS 1: **[Translation of above.]**

PM: Mr. al-Kandari, this is your periodic review board to determine whether continued law of war detention is warranted in your case. Your continued law of war detention will be warranted if such detention is necessary to protect against a continuing significant

threat to the national security of the United States. The focus of this hearing is on the threat you may pose to the United States and its interests if transferred or released from U.S. custody, and not on the lawfulness of your detention.

TRANS 1: **[Translation of above.]**

PM: The personal representatives and private counsel are your representatives to assist you during this process.

Finally, the translators ensure that everyone understands your statements and that you understand what is being said here during the hearing.

TRANS 1: **[Translation of above.]**

PM: Personal representatives and private counsel, has the detainee had an opportunity to review the Unclassified Summary?

TRANS 1: **[Translation of above.]**

PC: Yes, sir.

PR: Yes, sir.

TRANS 1: **[Translation of above.]**

PM: Thank you for your affirmative response. I will now read the Unclassified Summary:

"Faez Mohammed Ahmed al-Kandari, ISN 552, traveled to Afghanistan for the first time in 1997, returned to the Middle East in 1998, and thereafter served as a recruiter and propagandist for al-Qaida. He returned in 2001 to Afghanistan, where he almost

certainly received extremist training from al-Qaida, provided support to al-Qaida-affiliated charity, and probably fought on the frontlines against coalition forces.

While in Afghanistan, the detainee probably served as Usama bin Ladin's spiritual advisor and confidant, and possibly developed close ties with other al-Qaida leaders. He also possibly fought in Bosnia during the 1990s. During interviews, however, the detainee consistently has denied involvement with al-Qaida or other extremist groups.

During his time at the Guantanamo Bay Detention Facility, the detainee mostly has been compliant with guard staff and has committed no significant disciplinary infractions apart from participating in hunger strikes. Throughout his detention, he has expressed anti-American sentiments, encouraged other detainees to conduct violent jihad after release, and voiced support for his mujahidin brothers overseas, indicating he almost certainly retains an extremist mindset. The detainee has provided some information of value during debriefings but since May 2008 has declined participating in interviews, probably to avoid contradicting his original narrative of having traveled to Afghanistan for charitable purposes.

The detainee during his detention has remained in contact with several family members. If repatriated to Kuwait, he probably

would return to his family after a stay in the Al Salam Rehabilitation Center. His family is capable of supporting him financially, but their numerous connections to extremists could afford him opportunities to reengage, which may appeal to him given his apparent residual anger at the U.S. and Kuwait over his detention.

TRANS 1: **[Translation of above.]**

PM: Do the personal representatives and private counsel wish to make an unclassified opening statement at this time?

TRANS 1: **[Translation of above.]**

PR: Yes, sir.

PM: Taking your affirmative response, I remind all participants that any information shared during this portion of the session must be unclassified. If there is a concern about the classification of the information, I will indicate such and will halt the proceedings until the classification issue is resolved.

TRANS 1: **[Translation of above.]**

PM: Personal representatives and private counsel, you may proceed with your unclassified opening statements.

TRANS 1: **[Translation of above.]**

PR: Good morning, ladies and gentlemen of the board. The Colonel and I are the personal representatives for Faez. Mr. Barry Wingard, to my left, is Faez's private counsel. To my far left is

██████████ our translator.

I first met Faez on 11 February 2014, and corresponded regularly with both him and Mr. Wingard since. In the four months that we've worked with Faez, it is apparent that he cares deeply about returning to his family in Kuwait. Additionally, he is compliant and his behavior during our meetings reflects a well-spoken, thoughtful young man who is ready to quickly move on to adulthood and make up for lost time.

Faez is a religious man. He is a principled man. He is an intelligent man. His family is ready to receive him in Kuwait. The Kuwaiti Government built Al Salam Rehabilitation Center proving they eagerly await his return and want to assist him to acclimate and move on with his life. The Kuwait Ministry of Interior, Kuwait Ministry of Foreign Affairs, and the Emir, himself, have given their assurances that they want Faez back in Kuwait and they will support his rehabilitation.

Faez is not a continuing significant threat to the security of the United States. He is a man with a caring family, supportive government, and deep desire to resume his life. His family and the Kuwaiti Government have created an ideal scenario for him to safely return to Kuwait, and he is ready.

Thank you for your time and consideration. The Colonel and I are happy to answer any questions you may have throughout this

proceeding. We will now defer to Mr. Wingard for his opening statement.

TRANS 1: **[Translation of above.]**

PC: I am Barry D. Wingard, private counsel for Faez al-Kandari, Faez. I have served in the United States military for 30 years. I have been involved in representing Faez since October 2008, in my capacity as a military officer in the United States Air Force Judge Advocate General's Corps; first as a major and then as a lieutenant colonel and now as a civilian attorney.

I would first like to thank you for the opportunity to represent Faez in his twelve and a half years in Guantanamo Bay and my 6 years as his attorney. During my time as his attorney, I've traveled to Guantanamo Bay more than 50 times and I traveled to Kuwait more than 15 times.

Based on my relationship with Faez, I unequivocally declare that he is not a threat to the national security of the United States for the following reasons:

Kuwait - Since 1991, the relationship between the United States and Kuwait is the strongest in the Middle East. The United States and Kuwait had a robust bilateral defense agreement. Kuwait provided the main platform for Operation Iraqi Freedom and Operation New Dawn. Currently, the U.S. houses several thousand troops in Kuwait, and Kuwait regularly purchases billions of dollars in

military hardware from the United States.

I've conducted endless meetings with Government of Kuwait officials and have visit the Al Salam Rehabilitation Center more than a dozen times -- more than a half a dozen times. From the Emir of Kuwait himself to the Minister of Interior and Foreign Affairs, Kuwait has done everything within its power to facilitate the return of Faez back to Kuwait. Below are but a few examples of Kuwait's efforts:

On numerous occasions, the Emir has given his personal assurance and declared in 2001 that the return of his sons from Guantanamo Bay is his number one priority;

In 2014, Faez has agreed to attend -- attending the Al Salam Rehabilitation Center for a minimum of six months and thereafter being subjected to the professional assessment;

In 2014, assurances from both the Ministry of Interior and the Ministry of Foreign Affairs have been given, and we've included those as attachments;

In 2013, the Kuwait Parliament passed the Anti-Terrorist Funding Act;

The Kuwait Parliament unanimously condemned Guantanamo Bay in 2011;

In 2009, Kuwait spent more than 40 million dollars to build and staff the Al Salam Rehabilitation Center.



As far as Faez's family goes, during my representation of Faez, I've had the honor of meeting Faez's family in Kuwait on many occasions. I must admit that spending time with Faez's family is one of the things that I look forward to when visiting Kuwait. I recently met with Faez's family the last week of April and mid-May, and can report to the board that they are ready, willing, and able to welcome him home.

Faez's family consists of doctors, lawyers, politicians, and even ministers within the Government of Kuwait, as seen in the video that we previously submitted. Since the beginning, Faez's family has stood by him during his regular calls home.

An example of the family success is that of Abdullah Kamel al-Kandari, Faez's cousin, a former prisoner in Guantanamo Bay who had the ISN of 228. Abdullah was kept in Guantanamo Bay for six years before being returned to Kuwait. Once in Kuwait, Abdullah returned to the al-Kandari family, resumed his career as a professional athlete, started a family, and poses no risk to anyone--no danger to anyone.

Faez - I've conducted more than 100 meetings with Faez over a six-year relationship. Below is a brief list of reasons why I believe Faez should be released:

From the onset, Faez has maintained his innocence and continues to assert his purpose in traveling to Afghanistan in the

middle -- in mid -- middle of 2001, was to perform charity in the form of paying others to repair a mosque and digging two wells.

Faez has a long history of charitable work consistent with the teachings of Islam.

By all accounts, Faez has been a cooperative and compliant detainee, and he has never been a physical threat in Guantanamo Bay.

Faez has spent his twelve and a half years reading, writing, teaching and becoming fluent in the English language. Faez has several business ideas that we frequently discuss. Faez has stated on numerous occasions that his goal in life is to get married, start a family, and conduct business in Kuwait.

In conclusion - After hundreds of hours within a period of six years, I share emphatically that Faez is no risk to the national security of the United States. Further, Faez has done everything he has been asked to do. The Government of Kuwait and his family have given every assurance that they can possibly give. The Al Salam Rehabilitation Center sits ready and able to treat Faez when he returns to Kuwait.

I thank you very much.

**[Translator 1 conferred with Translator 2.]**

TRANS 2: **[Translation of above.]**

PM: Thank you.

We understand the board members may reserve questions until the detainee and witness statements have been presented in their entirety.

TRANS 1: **[Translation of above.]**

PM: Does any member of the board have a question for the personal representative or private counsel at this time?

TRANS 1: **[Translation of above.]**

**[No verbal response from the members.]**

PM: Seeing no questions, this concludes this portion of the hearing.

I would request that all members remain seated until further instructed by the case administrator.

TRANS 1: **[Translation of above.]**

CA: We will take a 15-minute recess to prepare for the next sessions.

**[The public session closed at 0937, 12 June 2014.]**

**[At this point, the unclassified portion of the hearing ended.]**

**[END OF PAGE]**

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

DET: DETAINEE

CA: CASE ADMINISTRATOR

PC: PRIVATE COUNSEL

PM: PRESIDING MEMBER

PR: PERSONAL REPRESENTATIVE

TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)

TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)