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PERIODIC REVIEW BOARD, JUNE 12, 2014
FAYIZ MOHAMMED AHMED AL KANDARI, ISN 552

**OPENING STATEMENT OF
PERSONAL REPRESENTATIVE**

Good morning ladies and gentlemen of the board, the Colonel and I are the Personal Representatives for Fayiz. Mr. Barry Wingard, on my right/left, is Fayiz's Private Counsel. To my right/left is our translator, (translator's call sign). I first met Fayiz on 11 February 2014 and corresponded regularly with both him and Mr. Wingard since. In the four months we worked with Fayiz, 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.

Fayiz 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 Alsalam 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 Fayiz back in Kuwait and they will support his rehabilitation. Fayiz 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.

Statement of Personal Representative, PRB Hearing for ISN 552

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OPENING STATEMENT OF PRIVATE COUNSELBARRY D. WINGARD

I am Barry D. Wingard, private counsel for Fayiz al-Kandari (Fayiz). I have served in the United States military for thirty years. I have been involved in representing Fayiz since October 2008 in my capacity as a military officer in the Air Force Judge Advocate General's Corps, first as a major and later as a lieutenant colonel and now as a civilian attorney. I would first like to thank you for the opportunity to represent Fayiz in his twelve and a half years in Guantánamo Bay and my six years as his attorney.

During my time as attorney for Fayiz, I have travelled to GTMO more than fifty times and travelled to Kuwait fifteen times.

Based on my relationship with Fayiz, 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 U.S. and Kuwait have 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 U.S.

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

On numerous occasions, the Emir of Kuwait has given his personal assurance and declared in 2011 that the return of his sons from Guantánamo Bay is his number one priority.

In 2014 Fayiz has agreed to attending Alsalam Rehabilitation Center for a minimum of six months and being subject to professional assessment.

In 2014 assurances from both the Ministry of Interior and Ministry of Foreign Affairs have been given (see attachments).

In 2013 the Kuwaiti Parliament passed the Terrorism Funding Act.

Parliament of Kuwait's unanimous condemnation of GTMO in 2011.

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

Family

During my representation of Fayiz, I have had the honor of meeting Fayiz's family in Kuwait on many occasions. I must admit that spending time with Fayiz's family is one of the things I look forward to when visiting Kuwait. I recently met with Fayiz's family the last week of April and mid-May 2014 and can report to the Board that they are ready, willing, and able to welcome him home.

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

An example of the family success is that of Abdullah Kamel Al Kandari, Fayiz's cousin and former prisoner in Guantánamo Bay (ISN 228). Abdullah was kept in Guantánamo 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 has posed no danger to anyone.

Fayiz

I have conducted more than one hundred meetings with Fayiz over our six-year relationship. Below is a brief list of reasons why I believe Fayiz should be released:

From the onset Fayiz has maintained his innocence and continues to assert his purpose in traveling to Afghanistan in the middle of 2001 was to perform charity in the form of paying others to repair a mosque and digging two wells.

Fayiz has a long history of charitable works consistent with the teachings of Islam.

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

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

Conclusion

After hundreds of hours within a period of six years, I share emphatically that Fayiz is no risk to the national security of the United States.

Fayiz 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. Alsalam Rehabilitation Center sits ready and able to treat Fayiz when he returns to Kuwait.

Thank you very much.