



14 June 2011

Navanethem Pillay
UN High Commissioner for Human Rights
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland

Dear Madam,

**IN THE MATTER OF FAYIZ AL KANDARI DETAINED AT GUANTANAMO BAY
DETENTION CAMP SINCE 2002**

I write in respect of the above subject.

By way of introduction, my name is Lawyer Adel Abdul Hadi and I am Managing Partner of Al Oula Law Firm (Adel Abdul Hadi & Partners) located in the State of Kuwait. I am a member of the defense team appointed to represent Fayiz Al Kandari, one of the two Kuwaiti detainees at Guantanamo Bay Detention Camp since 2002. Al Kandari was detained on allegations of being a member of a terrorist organization. Al Kandari has from the time of his arrival at Guantanamo maintained his innocence and no concrete evidence appears to support the allegations made against him.

He was captured by Pakistani forces in 2002 and handed over to US forces who incarcerated him at the Guantanamo Bay Detention Camp. Since then, he has undergone over 400 interrogation sessions using enhanced interrogation techniques during which he was systematically tortured. Despite being so brutally tortured, he constantly maintained that he was innocent. Notwithstanding the absence of solid and compelling evidence against him, the US Government still refuses to release him. So far, Al Kandari has spent about nine years in incarceration and still his testimony remains the same. He has continued to maintain his innocence of the allegations made against him and seeks justice.

We acknowledge that recently, the President of the United States the Honorable Barack H. Obama had issued an order to the effect that certain Guantanamo detainees (including my client Fayiz Al Kandari) will be detained indefinitely. The basis for this order is the mere suspicion that these detainees are a threat to the national security of the United States. Following this order made by Mr. President, an online media campaign was launched by the Kuwait people demanding the immediate release of the two Kuwaiti detainees. The Petition calling for their immediate release received 16,500 signatures and was also supported by 40 Kuwait Members of Parliament. This campaign is still ongoing and has caused the Kuwait Parliament to recommend that support should be given to ensure the immediate release of both detainees.

We use this opportunity to seek your organization's assistance in putting pressure on the US Government to adopt one of the two solutions we propose in connection with this Guantanamo issue. We propose that the US Government should either:

- (1) Give the detainees a free and fair trial in a court of law even if this trial will be conducted in their country of origin; or
- (2) Release them and repatriate them back to their countries.

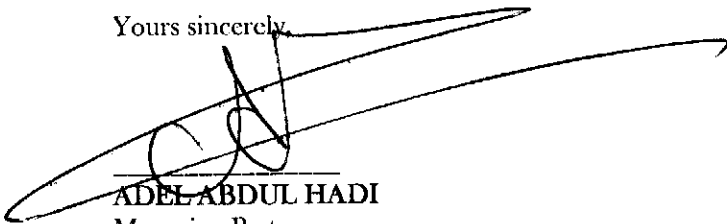
We are convinced that any of these two options are legal and just especially in the case of my client who has been detained for over 9 years.

It is necessary to draw your attention to the fact that the Kuwait government has fulfilled all conditions stipulated by the US administration for the release of detainees from Guantanamo Bay. Kuwait has enhanced the monitoring system of returned citizens and built a multi-million dollar rehabilitation centre to facilitate their return. Since these conditions have been met, we believe that it is only humane to release Fayiz Al-Kandari immediately and repatriate him back to Kuwait.

We are confident that your assistance in this matter will go a great length in obtaining justice for my client Fayiz Al-Kandari and we therefore solicit your support and assistance.

We look forward to receiving your response to this letter as soon as possible and thank you for your cooperation.

Yours sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'ADEL', is written over a horizontal line. The signature is highly cursive and extends significantly to the right of the line.

ADEL ABDUL HADI
Managing Partner