

PERIODIC REVIEW BOARD INITIAL HEARING, 26 MAY 2016
SUFYIAN BARHOUMI, ISN 694
PERSONAL REPRESENTATIVE OPENING STATEMENT

Good morning ladies and gentlemen of the Board. As Sufyian Barhoumi's (ISN 694) Personal Representatives, we would like to thank the Board for allowing us this opportunity to demonstrate how Sufyian is no longer a continuing significant threat to the United States.

Sufyian comes from a large middle-class family, and when the economy of Algeria was in the depths of a serious recession, Sufyian, like many unemployed Algerian youths, decided to leave the country in search of a better opportunity. After stowing away on a ship to Europe, he literally worked his way from Spain through France and eventually ended up in the United Kingdom. While living and working in London for nearly a year and a half, he was shown videos of the Russian carnage and mayhem that were occurring in Chechnya, and he wanted to go there and help the Chechens. In order to do that, he made arrangements to travel to Afghanistan to receive some training that he would be able to use in Chechnya. However, Sufyian never made it to Chechnya; the cold weather, difficult terrain and the numerous border guards, coupled with his injuries, subsequent surgeries and physical therapy, forced him to abandon that plan. After the U.S. response to the events of September 11th, he sought to return to Algeria to be with his mother, but he was captured and brought to Guantanamo.

Since his detention in Guantanamo, Sufyian has been a compliant detainee who has been respectful of both the guard force and his fellow detainees. He has realized and regretted all of his mistakes. Sufyian seeks to put the past behind him and look only to the future. He has no ill-will toward the United States, and he believes that the time he spent at Guantanamo has allowed him the opportunity to grow up and mature. He has plans to go into business with his brothers, and his mother already has three marriage candidates selected for him.

Sufyian has realized what extremists have done and are doing, and he would tell young people not to go and fight; instead, he would encourage them to stay at home and take care of their families.

Sufyian is ready to answer any questions the Board may have for him and should be able to prove that he is no longer a continuing significant threat to the United States.

May 16, 2016

Statement of Private Counsel for Sufyian Barhoumi, ISN 694

Members of the Periodic Review Board:

My name is Shayana Kadidal. I am the managing attorney of the Guantanamo litigation project at the Center for Constitutional Rights in New York City. Together with my colleagues, we've represented Mr. Barhoumi for over a decade in his habeas proceedings, and I've represented him as lead counsel for more than six years. I've also been privileged to work with his excellent military commission defense team, who haven't had charges to defend against in quite some time, but remain hard at work trying to find creative ways to get Sufyian back home to his mother in Algeria.

What I remember best about my first visits with Mr. Barhoumi is that I could tell even before I walked into the room that he was regarded differently than my other clients; I could sense an air of relaxation in the attitude of the guards escorting me back to the meetings, as if they felt so comfortable with my client that they knew he couldn't pose a threat to them. The Board has before it a letter from a former guard who still remembers Barhoumi fondly more than ten years later; this is to my knowledge the first time any detainee has managed to submit a letter from a former guard in support of their release. That letter recounts how Barhoumi helped orient newcomers rotating through guard force duty at GTMO, explaining to them – in English – how things were done; how he mediated and helped defuse both camp-wide and personal disputes when they happened; how, when newbies who didn't know how to handcuff his missing left hand would get frustrated about it, he'd defuse the several layers of tension inherent in the situation by laughing about his disability, and then would show them how to do it.

I personally have never seen any other detainee treated by the guards as well as Barhoumi, even at times when relations between prisoners and the authorities were at a low point. I've known plenty of detainees who spoke better English, so that alone doesn't explain it – in fact, I think the English you'll hear him speak today at this hearing is more a *consequence* of his good historical relationships with the guards, which allowed him to practice and improve his language skills during his time here, than the cause of it. If the language barrier is one of the greatest causes of misunderstandings and conflict at GTMO, he's used his language skills to help both prisoners and guards quash problems before they grew too big to tame. It has not gone unappreciated by either group.

Even putting to one side the language skills, he is a natural diplomat: whenever he needs to raise something uncomfortable with counsel (for example, how they really should visit more often), there's always a sense for the feelings of the other party. He'll wait to complain about something in person in a private meeting rather than do it on a monitored call; other times he'll route requests through intermediaries to blunt their impact. It is this same set of empathic skills that I'm guessing made him a good street merchant, that allow him to enjoy watching cheesy Hollywood movies with his military defense counsel, to befriend Yemenis and Saudis and fellow Algerian prisoners alike, and that allow him to claim the title "best striker in GTMO" – after all, in soccer you can't score if others won't feed you the ball. (Barhoumi's passion for the world's

favorite sport is documented in several of the letters of support before the Board, and his claim to the title is better established now that two professional-level players have been released.) As the letter from his defense counsel notes, he's always treated everyone with "respect regardless of race, gender, ethnicity, or sexual orientation," here in prison no less than in England and France, where he lived among people of all faiths as neighbors.

Despite losing fourteen years of his life to this facility, Barhoumi has frequently said that he has "no black heart against America." That's not because he's always been treated well here – his psychological brutalization during his first few years of interrogations was well-documented in his habeas case – but rather simply because it's in his nature to be open to the best that people have to offer. I suppose that is typical of the sort of person who picks up and moves to a new country at age 22. Even now, at nearly twice that age, he has tremendous hopes for the future.

He desperately wants to return home to his mother. In 2012 he offered very publicly to plead guilty to *anything* the government was willing to charge him with in order to get a date certain when his mother could see him again. The response was that there was nothing they were willing to charge him with. So here he sits, waiting for the government to figure out what if anything it truly believes he might be guilty of. The odds are he will never be tried: as his commission counsel relates, having dropped all their previous charge sheets, "it is clear from my many interactions with military prosecutors that they have no intention of charging him again."

He has faced this situation with what the Judge called "evident" "personal strength." In today's hearing I'm sure you will see many sides of his personality: the proud fatalism that has helped him endure, but also along with it the calmness, humility, patience, and joy in living that allow him to look forward to life as a free man in the future.

As to that future, he sees himself living surrounded by the tight-knit family that economic circumstances first separated him from 21 years ago. The three eldest among his brothers have solid, salaried jobs, and the family owns property that will provide them flexibility in the future. Barhoumi himself will do fine: he describes himself as a "people person," a born salesman, and I think that's correct. He had no problem finding work buying and selling goods in Europe in his years there, and I believe he will have no problem finding his way if he goes home. They've talked about using some of their family capital to start a patisserie, and it appears that since the last time Barhoumi spoke to them, they've bought a small pizza and snack shop.

He's also worked hard on improving himself here in prison. You already know about the classes he's taken. A letter from one of his current commission defense counsel notes how he listened to audiobook versions of English books to match sound to written word, and used to come to meetings with lists of words he didn't understand from the English newspapers.

The fact that Barhoumi is from Algeria should make it particularly easy to decide to transfer him home. Every man returned from Guantánamo faces a mandatory period of preventative detention, and every one is then subject to a formal judicial investigation. Most have been tried for the crime of membership in terrorist organizations operating outside Algeria – which is an offense even if the group has no relationship whatsoever to Algeria – and most of the trials have resulted in convictions. Repatriated men are required to report to the police on a regular basis

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and are also subject to random visits by the authorities. The government also engages in extensive electronic surveillance of communications. Border controls, even in remote desert regions, are tight. As a result, remarkably few foreign fighters with ISIL have come from Algeria. No Algerian repatriated from Guantanamo has received a passport or other travel document of any sort from the Algerian government, none have been permitted to leave the country, and there have been no reported incidents of "recidivism," either domestically or abroad, among them.

I have complete confidence that Mr. Barhoumi will not pose a threat to the national security of the United States if he is sent home to Algeria. I look forward to helping to answer the Board's questions about all aspects of this case.

Yours sincerely,

Shayana Kadidal
Private Counsel to ISN 694