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CA: This Periodic Review Board is being conducted at 0904 hours on 26 May 2016, with regards to the following detainee: Sufyian Barhoumi, ISN 694.

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.

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: 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; AND

OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO 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...

(GTMO INTERRUPTS DUE TO TECHNICAL ISSUES)

(PRS IT RESTARTS VTC SYSTEM AT 0906)

(RESUME 0909)

CA: We will now resume... resume the Board. 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 and the detainee waived translation of the unclassified summary, the Personal Representatives' and Private Counsel's opening statements. These documents have been posted to the Periodic Review Secretariat's website. This session is being observed by non... Representatives from Non-Governmental Organizations.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Good morning. This Board is convened to determine whether continued law of war detention is warranted for Sufyian Barhoumi, ISN 694, to protect against a continuing significant threat to the United States. From here forward, we'll refer to the detainee as Sufyian. This session of the hearing is unclassified.

TRANS 1: **[TRANSLATION OF ABOVE]**

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PM: Sufyian, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it's necessary to protect against this 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. It is 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, and finally, the translators ensure that everybody understands your statements and that you understand what is being said during the hearing.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: For the Personal Representatives and Private Counsel, has Sufyian had a chance to review the unclassified summary?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR 1: Yes, Ma'am.

PC: Yes, Ma'am.

PM: Thank you. I'll read the unclassified summary:

Sufyian Barhoumi, ISN 694 illegally immigrated to the United Kingdom from Algeria in the 1990s and was radicalized and recruited

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at the Baker Street Mosque in London to travel to Afghanistan for jihad. Sufyian obtained false... falsified passport in the United Kingdom and traveled to Afghanistan in 1999, intending to fight in Chechnya but ultimately deciding to stay in Afghanistan because of tight Russian border security and because of an injury he suffered to his left hand while training to disarm land mines.

Sufyian received advanced training at several camps in Afghanistan, including at Khaldan and Derunta. While he probably was not a member of al-Qaeda or the Taliban, he worked with multiple violent extremist groups as part of the Khaldan group, was well known by several leaders in al-Qaeda, and traveled to several training camps and guest houses through Afghanistan between 2000 and 2001 to provide training in remote control improved explosive devices. Following the onset of Coalition operations, Sufyian most likely traveled to Tora Bora with members of al-Qaeda, eventually fleeing to Pakistan and staying at several safe houses along the way while evading Pakistani authorities. He agreed to provide training on how to construct remote control improvised explosive devices at the safe house of well-known al-Qaeda facilitator Abu Zubaydah, ISN 10016, in Faisalabad. While at Zubaydah's safe house, Sufyian probably agreed to join Zubaydah's Martyr's Brigade and plot further attacks against the United States. He was arrested during a raid by Pakistani

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Police, along with Zubaydah and several al-Qaeda members at Zubaydah's hou... safe house in Faisa... Faisalabad in March 28, 2002. Sufyian probably blames Zubaydah for his detention at Guantanamo, and in 2005 said, "All my problems are because I was at the house with Zuba... Abu Zubaydah."

Since his arrival to Guantanamo Bay in June 2002, Sufyian has accrued a low number of disciplinary infractions compared to the rest of the detainee population. He is considered to be compliant with Guantanamo detention staff, according to Joint Task Force-Guantanamo reporting. Most of Sufyian's infractions have been minor instances of failing to follow instructions or camp rules, probably as a show of passive resistance or as a mean to advance individual concessions, rather than to make political or ideological statements according to Joint Task Force-Guantanamo reporting. Sufyian has answered questions regarding his travel to Afghanistan and training he underwent; nevertheless, he has largely avoided implicating himself as an explosive expert or trainer. He has maintained in interviews throughout his detention that he only wanted to fight in Chechnya and was not a member of al-Qaeda or any other extremist group.

Sufyian has stated that he would like to be reunited with his mother in Algeria following his release. We've not identified any associations between Sufyian and at-large terrorists, but given his

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skillset as an experienced remote controlled improvised explosive device expert and trainer, Sufyian could serve as a valuable asset to extremist groups should he seek to re-engage.

PM: Do the Personal Representatives or Private Counsel, wish to make an unclassified opening statements?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR 1: Yes, Ma'am.

PC: Yes, Ma'am.

PM: All right. I'd like to remind everybody that all... any information shared at this time, must be unclassified. If there is a concern with classification of the information, I'll indicate as such and stop the proceedings until I resolve the issue. Has Sufyian had an opportunity to review your statements?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR 1: Yes, Ma'am.

PC: Yes, Ma'am.

PM: All right. Personal Representatives, please proceed.

TRANS 1: **[TRANSLATION OF ABOVE]**

PR 2: Good morning ladies and gentlemen of the Board. As Sufyian Barhoumi's 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.

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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 Afghan... Al... 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 and 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.

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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.

PM: Thank you. Private Counsel, please proceed with your unclassified opening statement.

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Members of the Periodic Review Board:

Good morning. My name is Shayana Kadidal. I'm 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 over 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

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against in quite some time, but remain hard at work trying to find creative ways to get Sufyian back to his mother... back home to his mother in Algeria.

What I remember 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 Guantanamo, 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 would defuse the several layers of tension inherent in that situation by laughing about his disability, and then he 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

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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 a little bit 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 conflicts at GTMO, he's used his language skills to help both prisoners and guards quash problems before they grew too big to tame, and that has not gone unappreciated by either group.

Even putting to one side the language skills, he's 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 phone call. Other times he'll route requests through intermediaries to blunt their impact. It's 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

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title "best striker in Guantanamo." After all, in soccer you can't score if others won't feed you the ball. By the way, Barhoumi's passion for the world's favorite sport is documented in several of the letters before the Board, and his claim to the title, Best Striker, is better established now that two professional-level players have been released from here. As the letter from his defense counsel notes, he's always treated everyone with quote, "respect regardless of race, gender, ethnicity, or sexual orientation," unquote, 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 quote, "no black heart against America," unquote. 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's typical of the sort of person who picks up and moves to a new country at age 22, and.. and 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

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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 the government was 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... he will never be tried. As his commission counsel relates, having dropped all their previous charge sheets quote, "it is clear from my many interactions with military prosecutors that they have no intention of charging him again," unquote.

He has faced this situation with what his District 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... and the joy in living that allow him to look forward to life as a free man ba... 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 in Algeria, 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

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and selling goods in Europe in his years there, and I believe he'll have no problem finding his way if he goes home. They've... the... his brothers have talked about using some of their family capital to start a patisserie, and it appears that since the last time he has spoke to them, they've brought a small... they've bought a small pizza and snack shop.

Sufyian 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 the written word, and how he used to come to meetings with lists of words he didn't understand from the English newspapers in order to better learn the language.

Finally, the fact that Barhoumi is from Algeria should make it particularly easy to decide to transfer him home. Every man returned from Guantanamo to Algeria, faces a mandatory period of preventative detention, and everyone 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 those trials have resulted in convictions. Repatriated men are required to report to the police on a regular basis and are also

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subject to random visits by the authorities. The government engages in extensive electronic surveillance of communications. Border controls, even in remote desert regions, are tight, and 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 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 personally 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.

PM: Thank you. Board Members may reserve questions until detainee and witness statements have been presented in their entirety. Does anyone have a question at this time?

(NON-VERBAL RESPONSE FROM BMS)

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: All right. With no questions, this concludes this portion of the hearing. I'd ask that we all remain seated until further instructed.

TRANS 1: **[TRANSLATION OF ABOVE]**

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

TRANS 1: [TRANSLATION OF ABOVE]

[The public session closed at 0928, 26 May 2016.]

[END OF PAGE]

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER
CA: CASE ADMINISTRATOR
DET: DETAINEE
PC: PRIVATE COUNSEL
PM: PRESIDING MEMBER
PR 1: PERSONAL REPRESENTATIVE ONE
PR 2: PERSONAL REPRESENTATIVE TWO
TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)