

**PERIODIC REVIEW BOARD FILE REVIEW, 4 JAN 2017
SAID BIN BRAHIM BIN UMRAN BAKUSH, ISN 685
PERSONAL REPRESENTATIVE STATEMENT**

Members of the Board, thanks for the opportunity to address the concerns raised by the Periodic Review Board, conducted on 24 MAY 2016, as well as information contained in the recent unclassified dossier on Said, dated 03 OCT 2016.

Said met and participated with the Board last summer and was hopeful for your recommendation for release/ repatriation. Since the CLOWD decision, Said has become more reclusive and quiet. He is described by the guard staff, and fellow detainees, as quiet and a loner, but pleasant and polite when rare engagements occur. He is one of the more compliant detainees and spends his day reading, watching educational videos and watching soccer, his passion.

Mr. Said declined to provide an additional statement as he feels that he told the Board all he knew. Mr. Said does not trust easily and fired his Habeas staff when she failed to secure his release during the Habeas process. He has declined repeated requests to reconsider this action, or to choose new counsel.

Former Habeas Counsel, Ms. Candace Gorman, has provided a witness statement where she points out that Mr. Said is not a learned man, he attended school to the 3rd grade level, and that he has had a lot of problems during initial interrogations, and most notably during a meeting [REDACTED] in 2006, due to the serious translation errors of several of his responses. His dialect and limited language skills make communication a challenge and Said's pride often gets in the way of him admitting he does not understand the questions or the conversation in general. Ms. Gorman feels this may have left the authorities with the belief that Mr. Said had a more important role and in fact why he was at the guesthouse when he was captured. A more detailed account of the translation errors can be found in Section 3.

Mr. Said has a strong sense of protection for his family members, and it is for this reason that he will not allow us to contact them. He is fearful of retaliation to the family and does not want to bring additional shame to the family with that renewed media interest would bring.

In closing, I would like to thank the Board members for their time and consideration in granting Said a new Full Review Board.



DEPARTMENT OF DEFENSE
PERIODIC REVIEW SECRETARIAT

13 DEC 2016

MEMORANDUM FOR Periodic Review Board

FROM: PRS Personal Representative CPT [REDACTED]

SUBJECT: Personal Representative Statement Posted on PRS Website
ICO ISN 685

1. I am aware that any statements I submit may be posted on the public Periodic Review Secretariat website, subject to any U.S. Government clearance procedures.
2. I agree to permit the PR statements to be posted on the PRS public website.

12/13/2016

X [REDACTED]

CPT PRS PR

LAW OFFICE OF H. CANDACE GORMAN

H. Candace Gorman
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November 7, 2016

Periodic Review Board
Periodic Review Secretariat
U.S. Department of Defense



Re.: Saeed Bakush (ISN 685) and Algeria country conditions relevant to PRB

Members of the Periodic Review Board:

I submit this letter to describe my impressions and experience representing Mr. Bakush since early 2006, as well as to describe country conditions in Algeria relevant to the Board's review of Saeed Bakush's (ISN 685's) detention, which establishes that his repatriation to his home country will present an absolutely minimal threat to the security of the United States. Nothing in this letter is classified or protected. In this letter, I will set forth my own impressions from a decade of interaction with Mr. Bakush in the context of serving as his attorney, a description of Mr. Bakush's life prior to his detention, a description of the Algerian economy around the time of Bakush's departure from Algeria in 2001 and its substantial improvement since that time, and the general security situation in Algeria and the government's extensive counterterrorism efforts (including an account of the extensive scrutiny given to returned Guantánamo (sometimes "GTMO") detainees establishing that repatriating GTMO detainees to Algeria has presented an absolutely minimal security threat to the United States).

BACKGROUND:

I have represented Petitioner, Saeed Bakush (sometimes spelled Bakhouch), an Algerian from the Khanch province, in Algeria, since 2006, with respect to his petition for a writ of habeas corpus. I can tell you that he holds no ill will towards the United States or the American people (and he has never expressed any to my knowledge.) I can tell you that he appreciates the opportunities to better himself that have been presented to him in custody (including the many GTMO classes). Indeed, while Mr. Bakhouch is a simple man (as I note below, with a third-grade education), he nonetheless is interested in self-improvement. His stay at Guantanamo has been unremarkable and since 2005 he has been deemed a compliant detainee who has been well liked by the guards and other detainees. He looks forward to pursuing a peaceful and productive life at home in Algeria, where he would live with his humble yet stable family. He does not support terrorists or terrorism, and laments any loss of innocent life.

Mr. Bakush hails from the Shawi tribe, which is a Berber tribe. Berbers are the descendants of the pre-Arab inhabitants of North Africa, and currently live in scattered communities across Morocco, Algeria, Tunisia, Libya, Egypt, Mali, Niger, and Mauretania. The Berbers have a traditionally nomadic farming lifestyle and they speak their own dialect of Arabic. I mention this in my introduction because I believe it is important to have an understanding of Mr. Bakush's not only limited education but also the language difficulties that have followed him, primarily in the early years of his detention, and may have exacerbated communication issues.

Petitioner was born on July 17, 1970 at Babar, Algeria. Petitioner had limited schooling, only finishing the third grade. In Algeria, Petitioner worked at various odd jobs, including as an automobile mechanic, and helping out in various restaurants and coffee shops. He served in the Algerian military, where he learned how to drive a truck and he has always felt that would be a good opportunity for him when he returns home. Prior to the fall of 2001 he had only left Algeria on one occasion and that was to work in Libya for a short time in the 1990s at a relative's mechanic shop; he stayed in Libya for approximately three months and then returned to Algeria. Although I have tried to obtain passport information from the Algerian government to show that Mr. Bakush was never in Afghanistan in the 1990's, as some have suggested, unfortunately I have had very limited success with the Algerian consulate and they have expressed reluctance at getting involved in U.S. domestic issues. It may be possible to provide witness accounts placing Mr. Bakush in Algeria during the relevant time, if required.

During the fall of 2001 Mr. Bakush learned of an opportunity to travel to Pakistan to study the Koran and learn how to proselytize Islam. Mr. Bakush met members of that organization (called Tabligh) on the streets in Algiers and was invited to join the organization in Pakistan where they offered to train Petitioner to pass on the message of Islam. Like some Christian evangelical organizations, the Tablighis took care of expenses for those who agreed to stay with them for at least two years and to assist them in their missionary activities overseas. Petitioner traveled to Pakistan on a valid Algerian passport, by plane from Algiers to Karachi. The plane made several stops but Petitioner did not stay at any of those locations.

After the plane landed in Karachi, Petitioner traveled by train north to Lahore, the location of the Tabligh Center where his training as a Tablighi was to take place. Petitioner was not a

particularly religious person at this time, but he took advantage of the opportunity so that he could leave Algeria and travel to other countries. As further described below, at the time, Algeria suffered from instability and political turbulence, as the country was still reeling from over ten years of civil war. Petitioner himself was not involved in any political organization or faction, but his life was affected by daily violence in the streets, and Algeria was not a safe place to live at that time.

Although he went to Pakistan with the help of the religious organization, Petitioner was planning to eventually travel further on from Pakistan to India, where he hoped that he would find a wife with whom he would ultimately return to Algeria. When he left Algeria to go to Pakistan he, like many people in his part of the world, knew little or nothing about the September 11, 2001 attacks in the United States, and he had never even heard of al-Qaeda.

Petitioner stayed in Pakistan for approximately five months. During the first three months, he attended the Tablighi's classes on the Koran in the city of Lahore. However, in the last two months of his stay in Lahore, the security situation in Pakistan rapidly deteriorated. Foreigners, particularly from Arab countries, became the targets of kidnappings and violence. In the wake of the 9/11 events, the Pakistani authorities began arresting Arabs (persons from Arab-speaking North Africa and the Middle East) and turning them over to the United States for a bounty of about \$5,000 per person. Petitioner became so afraid of the violence to the point that he would not go outdoors.

Petitioner had been staying at a mosque in Lahore run by the Tablighis, but when the kidnapping of Arabs became more profitable and widespread, it was suggested that the Arab men at the Tablighi's center move to other guesthouses where they would be safer. For

approximately one month Petitioner stayed at a guesthouse that the Tablighis arranged for him near Lahore. No one at this guesthouse spoke Arabic, however, and it was at this location that Petitioner's passport was either lost or stolen.

After approximately one month, the Tabligh Center said that it could no longer help its students because the situation in Pakistan had become too unsettled. The people at the guesthouse suggested a second guesthouse for Petitioner, where there were other Arabic-speaking people. Without a passport or the means to get home, Petitioner agreed, and was moved to the second guesthouse, located in the city of Faisalabad, Pakistan, around the middle of March of 2002. As far as he knew, the guesthouse was owned by a Pakistani man.

Even at this supposedly more amenable guesthouse, Mr. Bakush continued to stay inside, as he feared being turned over for a bounty. He did not know anyone at this guesthouse, where most of the people kept to themselves. He only spoke to a few people during the two weeks that he stayed there. The person running the guesthouse told him that someone would help him get a new passport so that he could return home, once things in Pakistan calmed down.

Approximately two weeks after he arrived at the guesthouse, however, it was raided by Pakistani and U.S. Forces. Petitioner was arrested along with all of the Arab nationals and Arabic speakers staying at the house (although all Pakistanis and all women who were found staying there, were released, either immediately or within a few days). During the brief two weeks that Petitioner was at this guesthouse, several people came to the guesthouse while a number of others left. One individual who arrived at the guesthouse two days before the raid was introduced to Petitioner as "Daoud." Long after the raid, Petitioner learned that "Daoud,"

the man he met at the guesthouse only two days before the raid, was wanted by the United States and was known by the moniker "Abu Zubaydah."

Shortly after his detention began, Mr. Bakush adopted a new name and country of origin. This was a foolhardy attempt to eventually get back to Algeria and was based on advice he received from Pakistani officials who were detaining him. Despite Mr. Bakush having withheld his correct name and country of origin, interrogators have conceded that the story Petitioner told of his arrest was always consistent and matches what is in DOD archives. The evidence consistently established that the Petitioner was not hiding his real name and country of origin because of any trouble that he had in his homeland or because of a problematic background. Petitioner left his country in good standing with a valid passport and had every intention of returning to Algeria.

I learned from the government's filings in Mr. Bakush's habeas case that the government contended that Bakush had 45 days of "training" in Pakistan; that he knew "they" were trying to make chemical weapons in the guesthouse where he was staying; that he had been to Afghanistan; and that he had been in Pakistan for over two years. These allegations clearly formed the government's contentions against Petitioner until the summer of 2010. However, these contentions were inconsistent from what I had learned during the course of representing Petitioner (both from government documents and witness interviews). I spent a substantial amount of time trying to determine how these allegations (which were eventually whittled down to simply Bakush's presence in the guesthouse, his misstatement of his name, and nothing more) came to be made against Mr. Bakush.

As it turned out, the "facts" that allegedly supported the contentions of "training," a long-term stay in Pakistan and visits to Afghanistan, came from a *summary* of a meeting [REDACTED] [REDACTED] in March of 2006 which contained these *admissions* by the Petitioner. However, these contentions against Petitioner fell apart when the judge in his habeas case ordered the government to provide the actual tape and transcript from the March 2006 meeting where the alleged admissions originated and it became clear that a very serious translation error had occurred. This error may well have occurred because [REDACTED] [REDACTED] spoke the [REDACTED] that was most likely difficult for the average Arabic translator. The actual properly translated transcript shows unequivocally that not only had Mr. Bakush not made those admissions at all, but that he had unequivocally denied the contentions, i.e., he stated the *exact opposite* during the meeting. When an accurate translation of the interview was obtained by the Court, the government agreed to withdraw reliance on the incorrect admission and to identify all other translations by that same individual so that those translations would not be relied upon as well. (Exs. 1 and 2)

I provide that brief history to give this Board an opportunity to better understand that the man who is designated ISN 685. Mr. Bakush is a simple man, caught up in events far larger than himself.

Algeria

In the years prior to September 11, 2001, the economy of Mr. Bakush's home country of Algeria was in a free-fall into depression exacerbated by a seemingly endless civil war, with catastrophically high unemployment that lasted throughout the 1990's. When Bakush decided

to leave for Pakistan in 2001 he had only worked odd jobs and had no regular employment. He was estranged from his family at times, and he turned to alcohol and some drug use. He saw the opportunity of getting out of Algeria with the Tablighis as not only as an adventure but as a way to turn his life around.

Algeria has changed a great deal since Mr. Bakush left. Indeed, Algeria has recovered spectacularly since that time. The civil war of the 1990s, which began when the military overthrew a popularly-elected moderate Islamist government, ended shortly after Bakush left and the people of Algeria were united in their opposition to the atrocities carried out by a lunatic Salafist fringe of the broader armed resistance movement. Ordinary Algerians remember the horrors of that violence, and remain strongly united behind their government's security-first zero-tolerance policies towards the small number of disorganized insurgents that occasionally carry out domestic attacks, mostly in remote border regions. Remarkably few Algerians have gone abroad to fight with ISIL. If ordinary society is effectively a police state by popular demand, the restrictions on returned Guantanamo detainees are even more severe: all are routinely held in preventive detention, all have been subject to formal judicial investigation, all but a handful have been put on trial for membership in a terrorist group outside of Algeria, and most of them have been convicted (and only afterward freed under application of an amnesty statute). Algeria employs a process designed to provide maximum scrutiny and intimidation by a demonstration of the power of the state. None of the fifteen or so Algerians returned over the years from Guantanamo has ever been provided any sort of passport/travel document or otherwise been permitted to leave the country, and there have been no reported incidents of "recidivism" among them.

THE INSURGENCY OF THE 1990S

The Algerian Civil War of the 1990s traces its origins to a military coup in 1991 that was a response to the electoral victory of an Islamist party, the Islamic Salvation Front or FIS. Armed struggle began to erupt in 1993; Bakush left the country for Libya just as violence was beginning to crest around 1994-95. The long "Dirty War" in Algeria resulted in anywhere between 100,000 and 250,000 deaths and a million people displaced.

Two competing groups drove the insurgency. The first, more mainstream group was the Islamic Armed Movement (MIA), later evolving into the Islamic Salvation Army (AIS), which was composed of political loyalists to the FIS, and was primarily rural. The second, more hardline group, the GIA, considered the FIS loyalists to be insufficiently radical, and embraced a far more violent ethos, summarized in their slogan "no agreement, no truce, no dialogue [with the military government]." The GIA primarily operated in smaller towns rather than the rural countryside; neither group was very active in the larger cities like Algiers.

In 1997 and 1998 the GIA carried out a number of notorious massacres, wiping out civilian residents of entire villages thought to have been working with the security forces, not sparing women and children, and engaging in levels of wanton brutality (sexual violence, killing of infants, mutilation of victims including pregnant women, and other atrocities) that, along with the numerical scale of the massacres, shocked the international community and ordinary Algerians.

The rural massacres turned the populace conclusively away from the Salafist radicals, and indeed ultimately away from acceptance of the legitimacy of political violence. The AIS

unilaterally declared a ceasefire in 1997 in order to distance itself from the massacres, and then disbanded itself in 1999, with its members surrendering their arms; a formal amnesty was decreed in 2000. The citizenry elected the military candidate as president in 1997, and the insurgency gradually died out over the next few years.

CURRENT COUNTERTERRORISM APPARATUS

The fact that there was effectively no "Arab Spring" mass political movement in Algeria in 2011 speaks to the lack of appetite for sudden political change among the people, based on the collective memory of the 1990s and the shared trauma of the GIA insurgency. The populace is strongly opposed to Salafist groups, and to politically-motivated violence generally. The government maintains strict controls on leaving the country, and the borders are tightly controlled even in the relatively unpopulated far southern and eastern regions. The secret police engage in monitoring of all aspects of society, including telecommunications. The overall police force is quite large for a developing country, totaling approximately 140,000, or one officer per 270 citizens. (By comparison, New York City's enormous police force is staffed at one officer per 235 residents.)

The government credentials Imams to ensure that they do not spread politically radical messages through religious services, and has programs to intervene in the lives of young people who are considered at-risk for recruitment and radicalization. The end result is that Algeria is a standout country in the Arab world in terms of the small number of its citizens who have left to become foreign fighters in conflict zones abroad. A recent report by the Soufan Group (run by Ali Soufan, a former FBI agent responsible for interrogating some of the Arabic-speaking

detainees after 9/11) indicated that Algeria has provided fewer fighters to ISIL than almost any other Arab country. Only some 200 Algerian nationals are suspected of joining ISIL, out of a total of approximately 30,000 foreign fighters and 8000 from the North African Maghreb region. (Austria, China, Germany, and Sweden each have more nationals fighting with ISIL than Algeria.) Notably, the report indicates that the Algerian government's official estimate of the total number of its citizens engaged in fighting in Syria matches closely to the Soufan Group's estimates, a sign that the government is neither ignorant of the scale of the problem nor willfully turning a blind eye to it. It is unclear whether these Algerian fighters were already expatriate fighters in countries outside Algeria when they joined ISIL; the number of Algerian fighters with ISIL has held steady since 2014, indicating that most of the Algerians joined the fight long ago, perhaps before the full scope of the global threat posed by ISIL was clear.

CURRENT IN-COUNTRY TERRORISM THREATS

AQIM, its splinter group JAK-A (formed when members of AQIM declared loyalty to ISIL), and the other small terrorist groups active within Algeria today are largely composed of unreconciled members of groups that fought the government during the civil war. A bit like Japanese soldiers holding out on small Pacific islands into the 1950s, these dead-enders have carried out opportunist insurgent attacks that are very specifically localized in the distant countryside, mostly in the mountains of the far eastern Kabilye region and the southern desert bordering Mali and Libya. Not near the area where Mr. Bakush's family resides.

Incidents of terrorist violence have been sporadic and have met with quick responses from the government. When terrorists took 800 workers (including over 130 expatriates) hostage at the remote Tiguentourine gas field on the Libyan border near Amenas in January 2013, the

Algerian government responded without hesitation, raiding the facility four days later without negotiations. The action, carried out over the protests of some countries whose nationals were held hostage, ended up killing more hostages than militants but saved the plant and ended the crisis. (Only 3 of 32 attackers were Algerian nationals.) Similarly, in September 2015 JAK-A kidnapped and beheaded a French mountaineering guide, Hervé Gourdel; within three months of the abduction, three JAK-A members directly tied to it were killed by military counterterrorism forces in multiple raids. Both actions are reflective of the Algerian government's general "no concessions" policy with respect to terrorists – a policy with consensus support among the Algerian population. A decade and a half after the end of the GIA insurgency, the nation remains intolerant of terrorism.

ALGERIA'S POLICY TOWARDS REPATRIATED GUANTANAMO DETAINEES

Returned Guantánamo detainees are subject to a mandatory twelve-day period of preventive detention, known in Algeria's French-model civil law system as *garde à vue*, during which they are held incommunicado and subject to interrogation. Everyone repatriated directly to Algeria has experienced *garde à vue* detention and everyone released from *garde à vue* has subsequently faced criminal investigation requiring appearances before a judge. (In the French civil-law model legal systems, investigating judges combine the functions of public prosecutor and trial judge.) All but four repatriates have been charged and tried under Article 87 bis (6) of the Algerian Penal Code, which criminalizes the involvement of Algerian citizens with any terrorist groups outside the country, even when the relevant acts are not directed against Algeria.

Most of these trials have resulted in convictions, but most (not all) of the convictions have been later voided after a court has found that they are subject to the terms of a general amnesty, the Charter for Peace and National Reconciliation, approved of by 97% of voters in a plebiscite held in 2005. The amnesty covers individuals who have handed in their weapons, except those guilty of mass murder, bombing attacks on public installations, and rape. Convicted detainees have generally had to go through several judicial hearings before their charges were dropped. In short, there is extensive judicial oversight of the application of the amnesty, and it has not been universally applied.

The entire system of investigation and prosecution lacks basic elements of due process (openness, ability to adduce and challenge evidence, political independence of factfinders), and essentially functions as a drawn-out show trial designed to scare returned detainees into submission. In that respect, it has worked: approximately 15 former detainees have returned to Algeria, and there have been no reported incidents of recidivism. Even Congress, which has barred outright or raised individual objections to repatriations to several Arab countries, seems to have no problem with repatriation to Algeria.

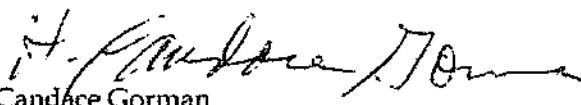
CONCLUSION

In summary, I ask this board to reconsider the decision not to clear Mr. Bakush for release. I understand from the unclassified summary of final determination that the Board was concerned by Mr. Bakush's statement that he has "no change in mindset." I think this is clearly a misunderstanding by Mr. Bakush on exactly what the Board was asking him and does not reflect a mindset bent on engaging in terrorist activities. Mr. Bakush has never harbored any ill

will towards the U.S. or its allies and his return to Algeria will be, at most, a minimal security threat to the United States.

Thank you for the opportunity to submit this letter. I stand ready to answer any additional questions and to provide any follow up documentation.

Very Truly Yours,


H. Candace Gorman



U.S. Department of Justice

Civil Division
Federal Programs Branch
20 Massachusetts Ave. N.W.
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September 17, 2010

VIA COURT SECURITY OFFICE

H. Candace Gorman
Law Office of H. Candace Gorman

Re: Abdal Razak Ali (ISN 685) v. Barack H. Obama,
Case no. 09-cv-745 (RCL)

Dear Ms. Gorman:

I write in response to your request and Judge Leon's order regarding information concerning the interpreter who translated your client's interview [REDACTED] (as recorded in ISN 685 SIR (March 15, 2006)) and his participation in any other interviews in this case. The attached sheet contains a listing of all documents which have been produced in conjunction with this case that, to Respondent's knowledge, contain summaries of interviews in which that interpreter participated.

Please do not hesitate to contact me if you with problems or questions.

Sincerely,

A handwritten signature in cursive script that reads "Olivia R. Hussey".

Olivia R. Hussey
Trial Attorney

~~SECRET//NOFORN~~

UNCLASSIFIED//FOR PUBLIC RELEASE

JA000177

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ABDAL RAZAK ALI (ISN 685),)	
)	
Petitioners,)	
v.)	Civil Action No. 10-CV-1020 (RJL)
)	
BARACK OBAMA, <i>et al.</i> ,)	
)	
Respondents.)	

NOTICE OF FILING

NOTICE is hereby given that, on September 30, 2010, Respondents filed a classified document entitled *Respondents' Notice of Withdrawal of Reliance* via the Court Security Officer.

Dated: September 30, 2010

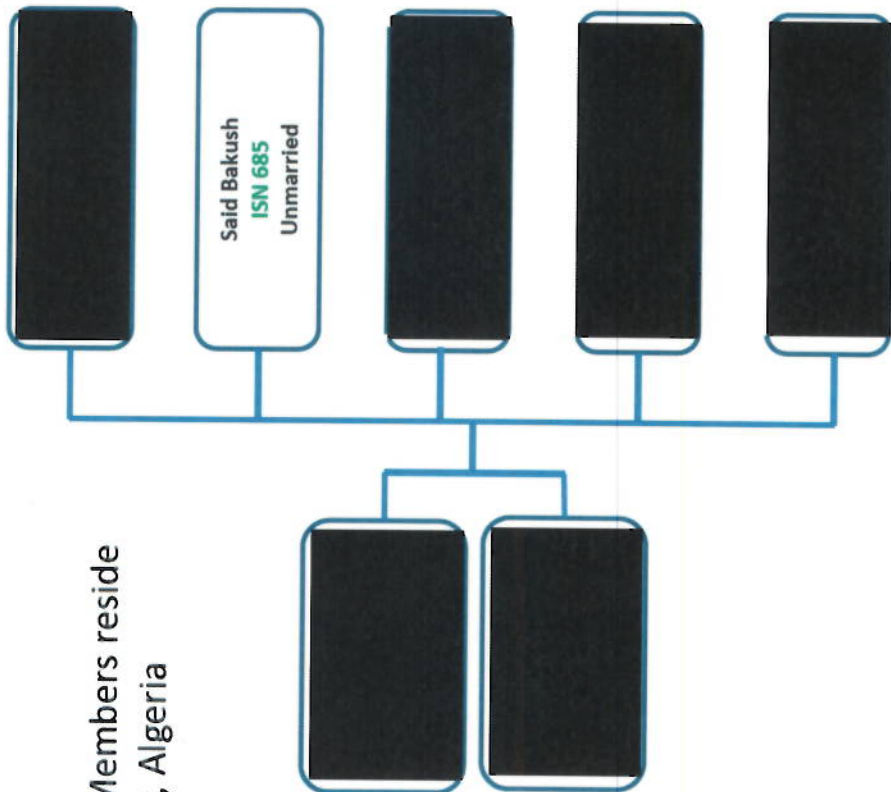
Respectfully submitted,

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ISN 685's Family Tree



Family Members reside
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