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PERIODIC REVIEW BOARD (PRB), 23 JUN 2015

OMAR KHALIF MOHAMMED ABU BAKER MAHJOUR UMAR, ISN 695

PR OPENING STATEMENT

Good morning ladies and gentlemen of the board, we are the Personal Representatives for Mr. Omar Khalifa Mohammed Abu Baker. We are joined by the Private Counsel for Omar and our linguist. We have met with Omar and gotten to know him through several meetings over the past 6 months, as well as the letters that he has sent us. We hope you will see that he is a man who is peaceful, compliant, and also has quite a sense of humor. He has chosen the peaceful path while here at Guantanamo, even acting as a mediator on multiple occasions between the other detainees and the security forces. He does not harbor anger against the United States nor any other Western Nation. He simply desires to live a happy life with his family.

Omar is here with us today during Ramadan. He is ready to openly answer any and all questions you may have for him regardless of subject matter. We believe that the information provided will demonstrate that Omar is not a significant threat to the security of the United States of America. Thank you for your time and consideration in this matter.

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PC OPENING STATEMENT

Esteemed Periodic Review Board Members,

I served as pro bono counsel to Omar Khalif (ISN 695) before the Periodic Review Board as well as in the U.S. federal district court. I write to provide additional information to inform your decision as to whether Mr. Khalif represents a “significant threat to the security of the United States.”

From the outset, it is worth emphasizing that, in the course of Mr. Khalif’s habeas corpus case, a U.S. federal judge found—and the U.S. government itself conceded—that there was no evidence that Mr. Khalif ever “lifted a hand” against the United States or its allies or that he helped plan any attacks against the United States or its allies. *See Khalifh v. Obama*, WL 2382925, at *5 (D.D.C. May 28, 2010). The Court held that “the government concedes that there is absolutely no evidence... no evidence that Khalifh personally lifted a hand against the U.S.” *Id.*

Mr. Khalif has led a tumultuous life. Like hundreds if not thousands of devout Libyan Muslims, he was interrogated without suspicion of any criminal activity by former Libyan dictator Muammar al-Qaddafi’s internal security service. Although Mr. Khalif was released because he never broke any laws, the Libyan secret police continued to watch him all the same.

In 1995, when the Qaddafi regime again began rounding up religious people, Mr. Khalif knew he had only three choices: leaving the country, staying and going to prison, or fighting the Qaddafi regime. So he decided to leave the country.

Mr. Khalif lived in exile, first in Sudan and then in Afghanistan. The organization that the U.S. federal district court said he had joined, the Libyan Islamic Fighting Group (LIFG), was at that time solely an organization opposed to the Libyan dictator Qaddafi.

The federal court found that it was only many years later, and several years after Mr. Khalif was taken into U.S. custody, that this group split into two factions: one that eventually came to support international militant networks, and another that remained strictly Libya-focused. *See Khalifh v. Obama*, WL 2382925, at *3 (D.D.C. May 28, 2010). The United States designated LIFG as a terrorist group only in 2004, again, years after Mr. Khalif was taken into U.S. custody.

During his years in captivity and in the time that I have known and represented him, Mr. Khalif has repeatedly and consistently stated that he harbors no ill will towards the United States

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and that he would never use any military skills or knowledge he may possess against the United States or its allies. His chief concern when he was a free man was with the Qaddafi regime, and that regime no longer exists.

At Guantanamo Bay, prison authorities have consistently deemed Mr. Khalif to be "compliant" from a disciplinary standpoint. He has mediated a great deal between prisoners and guards. Owing to his good relations with both prisoners and prison authorities and to a penchant for listening and conflict resolution, he has helped settle many disciplinary and prison life issues in the cellblocks.

Mr. Khalif is on good terms with both prison personnel and prisoners. He treats all alike with respect and they repay him in kind. For instance, for the vast majority of his time in U.S. captivity at Guantanamo, Mr. Khalif has voluntarily met with prison medical personnel and others.

It bears emphasis that daily prison life is extremely difficult for Mr. Khalif in light of his physical state. Mr. Khalif's right leg is missing below the knee because he stepped on a landmine in 1998 in Afghanistan. His left leg was shattered in a construction work site accident in 1995 in Sudan. He still has metal pins in that leg as a result of reconstructive surgery, which often causes him severe pain. He has shrapnel in his left arm and in his left leg. He is blind out of his left eye and his sight is quite weak out of his right eye.

As a result, it is exceedingly difficult and even painful for Mr. Khalif to move around on his own. Sometimes, he tries to move by "walking" on his knee and the stump where his right leg once was. Other prisoners have helped him at times by carrying him. Even using the wheelchair or walker that is sometimes at his disposal in the cellblock at Guantanamo is difficult and painful because of the severed nerves and other injuries to his left arm. Sometimes, he is too embarrassed to ask fellow prisoners for help reaching a cup of tea. And the difficulties do not stop there. It is hard for him to eat, to shower, and even to use the toilet. Mr. Khalif has described his imprisonment in his current physical state as "living in a prison within a prison."

Mr. Khalif never harbored and does not presently harbor any ill will towards the United States. His only wish now is to be repatriated to Libya to be reunited with his family. But if the U.S. government is concerned about the present situation in Libya, then Mr. Khalif will gladly accept resettlement in any third country that the U.S. government deems suitable.

I have spoken with Mr. Khalif's brother, a resident of Libya, and he made it abundantly clear to me that Mr. Khalif's family is prepared to provide full emotional, financial, and medical support for Mr. Khalif, should he be repatriated to any part of Libya or any suitable third country.

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This is not surprising as Mr. Khalif grew up in a tight-knit family that included his parents, and many siblings. They were all very close and he enjoyed a happy family life. His relationship with his relatives was very good, particularly with his aunt, who would take him on trips outside the city in the Spring and Summer. He lived on a street with his neighbors and he has described it to me as one big family. The kids on that street were all close in age so they all enjoyed the same activities.

Mr. Khalif's family received little news from him after he left Libya many years ago. He was always reluctant to contact them in Libya because the Qaddafi regime demanded that the relatives of Libyans abroad inform the security services whenever they got in touch with their loved ones abroad. The Libyan secret police would demand detailed information about where those people were abroad and what they were doing. And if the family in Libya did not comply with these demands, then they risked expulsion from their homes and the destruction of those homes. Those families would be destitute as a result. That is the reason Mr. Khalif avoided contacting his family in Libya until recently, after the revolution and the fall of Qaddafi.

But now that Qaddafi's reign is over, Mr. Khalif has resumed regular contact with his family and looks forward to the day when he can resume life as a free man, be it in Libya with his family or in any suitable third country.

Thank you for taking into consideration the information I have provided. I remain at your disposal to assist with any questions you may have regarding Mr. Khalif.

Very truly yours,

Ramzi Kassem
Associate Professor of Law
CUNY School of Law

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