

July 26, 2023

Ambassador Kaidanow  
Senior Representative for Guantánamo Affairs  
U.S. Department of State  
2201 C St., NW  
Washington, DC 20520

Dear Ambassador Kaidanow,

We want to thank you for all the work your office has done to ensure that several men who have been cleared for release were finally transferred out of Guantánamo. We also appreciate your engagement with our groups on these issues and we look forward to continuing to support your efforts to transfer the remaining men cleared for release. However, we are alarmed by some of the reports that we are hearing from attorneys of men who have recently been released. Specifically, we are deeply concerned about the ongoing imprisonment of Mr. Saeed Bakhouch, a former Guantánamo detainee, after he was repatriated to Algeria on April 20, 2023. We are writing to request that the State Department urgently intervene to assist Mr. Bakhouch and enforce Algeria's diplomatic assurances of humane treatment given to the United States before his transfer.

Mr. Bakhouch spent more than 21 years detained without charge in Guantánamo only to be imprisoned again in Algeria immediately after his transfer, under brutal conditions. Detained for more than three months at this point, Mr. Bakhouch has been held under extremely restrictive conditions while being subjected to conditions that constitute torture or other ill-treatment. According to his U.S. attorney who received reports from his family, he is only allowed 15-minute conversations, and all communications are monitored. In the course of Mr. Bakhouch's conversations with his family, he shared many harrowing experiences about his treatment in Algerian custody, including being physically assaulted, having his hair and beard forcibly shaved, and having his medication that he brought from Guantánamo taken from him upon arrival in Algeria.

Despite being transferred out of Guantánamo on the basis that he no longer posed a significant risk to the United States, Mr. Bakhouch was told by the Algerian lawyer assigned to represent him in trial that the United States provided the information to the Algerian government that led to them charging him with having sworn allegiance to Osama Bin Laden. This allegation is woefully unfounded, and we are deeply troubled by the fact that Mr. Bakhouch is being detained on this basis and enduring abuse in Algerian custody, purportedly in part because of false or incomplete intelligence information from the United States.

We are also concerned that the State Department may have failed to fully comprehend Mr. Bakhouch's mental health and needs before his transfer, potentially contributing to his current

imprisonment. We understand that before his transfer, the State Department was made aware of a medical opinion about Mr. Bakhouch's mental trauma and diagnosis of PTSD and depression related to his torture and detention, and that his U.S. attorney communicated concerns about his reintegration in Algeria to your office several times. Specifically, she warned that because of his PTSD and depression, he could become homeless or even imprisoned if not adequately supported. Unfortunately, and alarmingly, these concerns seemed to have been disregarded at best and weaponized at worst now that Mr. Bakhouch is in custody in Algeria.

The United States government is obligated to ensure that former prisoners are transferred to countries that will respect their human rights, and to follow-up after transfers to be sure that these assurances are met. Indeed, as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism [noted in her recently released Guantánamo report](#), “there are distinct and concrete international law obligations engaged for the U.S. Government before, during, and after the transfer of detainees to other countries,” and diplomatic assurances “must be written, specific, and provide for the transferring State to follow-up on the veracity of assurances post-transfer—and fundamentally, such assurances cannot override the objective *non-refoulement* determination.” The Special Rapporteur also emphasizes that there must be individual assessments specific to each detainee, transparency regarding conditions of the receiving country, and a process through which individuals can share their objections or concerns regarding a transfer to their country of citizenship or resettlement. The predicament that Mr. Bakhouch now faces is the responsibility of the U.S. and it is the U.S. that must take immediate action to remedy this situation.

While we support the Biden administration's efforts to repatriate and resettle men who are detained at Guantánamo, such negotiations must be done responsibly and with care. It is troubling that Mr. Bakhouch's human rights continue to be violated even after his transfer, and that his imprisonment and related charges could be the result of incomplete or incorrect information provided to Algeria by the United States. We urge the U.S. government to fulfill its moral and legal obligation to Mr. Bakhouch and take immediate action to ensure that Algeria upholds its humane treatment assurances, and that he is released from Algerian custody immediately and given the services he needs to reintegrate into society.

We appreciate your attention to this matter, and look forward to continuing to work together to support future transfers.

Sincerely,

American Civil Liberties Union  
Amnesty International USA  
CAGE  
Center for Constitutional Rights  
Center for Victims of Torture  
Defending Rights & Dissent

Friends Committee on National Legislation  
InterReligious Task Force on Central America  
Interfaith Communities United For Justice and Peace  
Kairos Community  
MPower Change  
Muslim Counterpublics Lab  
National Religious Campaign Against Torture  
No More Guantanamos  
North Carolina Stop Torture Now  
Rehumanize International  
Relieve US  
September 11th Families for Peaceful Tomorrows  
Tea Project  
Upper Hudson Peace Action  
Witness Against Torture  
World Can't Wait

CC: Ashley Arostegui  
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Bureau of Near Eastern Affairs  
Office of North African Affairs  
Algeria Desk