

PERIODIC REVIEW BOARD
GHALEB NASSER AL-BIHANI, ISN 128
APRIL 8, 2014

STATEMENT OF GHALEB NASSER AL-BIHANI

I am still learning English, so I would like to present my statement in Arabic.

My name is Ghaleb Nasser Al-Bihani and my ISN is 128. I was born in Tibuk, Saudi Arabia, where I lived continuously until I was about 21, but I am a Yemeni citizen. I was born in 1979. I was brought to Guantanamo when I was 22 and I am now 34 years old.

I want a chance to build a normal life the same way other people build their lives. I don't need an easy life, and I don't want a hard life. I just want an ordinary life.

I want my own family. I want to become a father, and I look forward to the day when I can hold my baby in my hands. I want to provide for my family and my child.

It may be hard, but I want to pursue my education. The first thing I want to do is take classes that will help me find a good job – like English, computer and carpentry classes. Since my days would be spent working or looking for a job, I would plan to take classes in the evening.

I also want to take care of my health. I have diabetes and related problems, including severe back pain and migraines.

I have these hopes because I want a stable life. I want a happy life for my children. I want to take good care of them and provide them with an education, because I know their future will depend on it. I want to give them a better life than I had. I lost both my parents when I was a young boy, and it was hard growing up without a mother or father. I want to be in a position where I can give my children the guidance that I did not have.

I have done my best to prepare for the life that I want. I have struggled on a daily basis here because of my health, and I have felt desperate and frustrated. You can imagine that when you feel like this, you do not always act in ways you want. Sometimes my health condition has gotten worse and made me even more tense, anxious and depressed, and given me insomnia. It got so bad last year that I asked my attorney to write a letter to the camp administration and discuss with them my health and psychological condition. I wanted to be transferred to Camp Echo just so that I could keep to myself and be in a calm environment.

But I am trying. My lawyer and relative can tell you that I have requested many books because I want to educate and improve myself, and I spend most of my time reading. In my cell now, I have many books, including English and Spanish language

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books, a book about diabetes and high blood pressure, a book about the Dalai Lama, and the biography of Martin Luther King. I like to read biographies because I want to learn about other peoples' lives and the circumstances they faced, and how they were able to overcome their difficulties and move on with their lives. I want to learn how they were able to learn positive lessons from their difficulties, and how they were able to reach their goals in life without looking at the past. I hope to have the same strength and patience to overcome my difficulties.

Given a choice, I will build the life that I imagine in a new country – maybe Qatar, or countries in Europe, Latin America, or Asia that may be willing to take me. When I think of freedom, I think of a new country – a place where I can have my own independent life, where there are opportunities, where the security situation is better, and where education is important. I thought of Qatar because it is an Arab country, so it would be familiar, but also because its economy is strong, its security situation is stable, it has job opportunities, and it can provide good medical treatment for my conditions. It is a modern country with freedoms, where I would be able to live my life as an equal person.

I want to settle in a third country. If I am transferred to such a place, I can promise you that I would not try to go back to Saudi Arabia or go to Yemen, where I have never even been or lived.

But I am willing to go to any country that the government decides is an appropriate option for me. For the chance to build this new life, I will accept security measures that other transferred detainees have been subject to. I will also participate in a rehabilitation program.

For years, I have said these things about my hopes for my life to everyone who has asked. I have said it before and I will say it again – I want to build a new future for myself.

I can't change the past, and I can't control what other people do or what goes on in a given country. But I can control my own actions. For years I have talked about what my hopes are for the future and what my decisions would be. I have struggled through the effects of my diabetes to try to improve myself, to show that these are not simply words. I have a bright vision of my future. It is all I think about. I am asking for the chance to make my vision a reality.

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EMBASSY OF
THE REPUBLIC OF YEMEN
2319 WYOMING AVENUE, N.W.
WASHINGTON, D.C. 20008

سفارة الجمهورية اليمنية
واشنطن

March 13, 2014

Periodic Review Board

c/o Pardiss Kebraiee, Private Counsel for Ghaleb Al-Bihani (ISN 128)

666 Broadway, 7th Floor

New York, NY 10012

SENT VIA EMAIL

RE: Periodic Review Board for Ghaleb Al-Bihani (ISN 128)

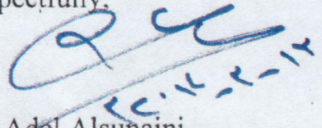
Esteemed Detainee Periodic Review Board Members,

I write on behalf of the Republic of Yemen, concerning one of our citizens in Guantanamo Bay Detention Center: Ghaleb Al-Bihani (ISN 128).

The Yemeni government has issued a number of written guarantees and assurances in supporting of Mr. Al-Bihani's release of transfer to Yemen. We herein affirm the continued validity of all of those guarantees and assurances. Moreover, we firmly reiterate that we would also support his resettlement in a suitable third country to which he consents.

On behalf of Mr. Al-Bihani's family and countrymen, we extend our sincere gratitude to you for your attention to this most urgent matter.

Respectfully,


Mr. Adel Alsunhaini

Charge d' Affaires

202-965-4760



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REPUBLIC OF YEMEN
MINISTRY OF FOREIGN AFFAIRS
THE MINISTER



المجلس
الوزیر

March, 12th 2014

To the Periodic Review Board (PRB) for the detainees at Guantanamo Bay

Re: The Hearing of Mr. Ghaleb Al-Bihani

I am writing to state the Government of Yemen willingness to receive Mr. Al-Bihani in Yemen should he be approved for transfer, as his hearing before the PRB is scheduled for April 8, 2014.

The announcement of president Obama to lift the self imposed moratorium on transferring Yemeni detainees at Guantanamo Bay to Yemen and the fact that Mr. Al-Bihani has been detained at Guantanamo without charge for over 12 years urge us to expedite his release and transfer.

I would like as well to seize this opportunity to reiterate the Government of Yemen position for the release of the Yemeni detainees at Guantanamo and their transfer either to Yemen or to a third country according to their will.

Dr. Abu Baker Al-Qirbi

Minster of Foreign Affairs.

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[REDACTED]

March 24, 2014

Pardiss Kebriyai
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Re: Ghaleb Nasser Al-Bihani
ISN 128
Periodic Review Board Hearing, April 8, 2014

Dear Ms. Kebriyai:

At your request, I have reviewed the documents you provided in the above-referenced matter regarding Guantanamo (GTMO) detainee, Ghaleb Nasser Al-Bihani. The following report contains my opinions. I reserve the right to modify these should additional information become available in the future.

Reason for referral

Mr. Al-Bihani was referred for evaluation and opinion regarding the following issues:

1. Significance of Mr. Al-Bihani's behavior in custody
2. Mr. Al-Bihani's credibility
3. Mr. Al-Bihani's efforts to improve himself while in custody
4. Urgent need for medical care secondary to serious health condition

Qualifications

I am board certified in Psychiatry and Neurology with a sub-specialization board certification in Forensic Psychiatry. I have been in practice for over 20 years. [REDACTED]

[REDACTED]

[REDACTED] I have worked as a clinician and a forensic evaluator in a number of jails and prisons in the Federal Bureau of Prisons, state prisons, and local detention facilities in North Carolina and California. I am familiar with accepted standards of conditions of confinement and provision of medical and mental health services to individuals incarcerated in local, state, and federal confinement facilities in the United States.

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Re: Ghaleb Al-Bihani

I have evaluated several GTMO detainees over the past ten years at the request of the Office of Military Commissions-Defense Counsel, the United States District Court, District of Columbia, and several habeas attorneys. The following are some of the issues I have evaluated in previous assessments of GTMO detainees:

1. Diagnostic assessment, functional assessment, required treatment, and prognosis;
2. Capacity to participate in legal proceedings;
3. Whether conditions of interrogation at Bagram and Kandahar Airfields and GTMO were consistent with conditions known to be associated with false confessions;
4. Rehabilitative potential;
5. Effects of conditions of confinement at GTMO on detainee mental and physical health;
6. JTF-GTMO Hunger Strike policy and procedures;
7. Joint Medical Group (JMG)-GTMO behavioral health services.

With respect to testimony, I have qualified as an expert witness in the States of California and Arizona; U.S. District Courts in California, Washington, North Carolina and the District of Columbia; as well as in the tribunal of the Military Commissions at the U.S. Naval Station Guantanamo Bay, Cuba.

Collateral information

Collateral information obtained from you included unclassified attorney notes from meetings with Mr. Al-Bihani from July 2011 to December 2013, an unclassified declaration by Mr. Al-Bihani from April 2013, and minimal medical records related to Mr. Al-Bihani from 2013.

Limits of opinions

My opinions are limited by the fact that I was unable to interview Mr. Al-Bihani. I had requested a telephone call with him for the purposes of this evaluation. I understand that this request was denied.

Opinions

The following are my opinions in this matter to a reasonable degree of medical probability.

Significance of Mr. Al-Bihani's behavior in custody

Over the past ten years I have conducted several face-to-face evaluations of GTMO detainees and have reviewed files and provided consultation regarding several other GTMO detainees. The majority of these detainees exhibited behavior while in custody at GTMO identical to Mr. Al-Bihani's. These include episodic refusal to meet with Joint

Re: *Ghaleb Al-Bihani*

Medical Group (JMG) clinicians, episodic non-compliance with treatment recommended by JMG clinicians, episodic participation in hunger strikes, and disciplinary infractions such as refusing guard commands to return to cells after communal time, sharing food, and covering cameras. It is clear that these behaviors may be rooted in causes other than malintent.

I have spent considerable time with detainees, their attorneys, and Joint Task Force staff discussing these behaviors and their antecedents and offer the following observations as possible explanations for Mr. Al-Bihani's behavior in custody.

Behaviors such as participation in the hunger strike and episodic non-compliance with JDG personnel are often rooted in a detainee's sense that their indefinite confinement constitutes cruel, degrading, and inhumane treatment. The hunger strike is a method of exerting their humanity and autonomy by engaging in what they refer to as a "peaceful protest" of their detention. Intermittent non-compliance with JDG personnel serves a similar psychological function. When a detainee is deprived of the ability to make basic decisions concerning their daily activities, they may seek to be able to influence decisions in the small arena left to them. This includes their oral intake, compliance with minor rules such as sharing food, and more serious issues such as guard requests regarding movement within the institution.

With respect to the issue of refusal to meet with JMG clinicians and to follow JMG clinician treatment plans, many detainees have told me that it has been impossible to form a clinician-patient relationship with JMG clinicians. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Concurrently, detainees told me that their access to medical care and treatment was controlled by interrogators, with access contingent upon their providing information during interrogations. Although over the past several years I have been assured that JMG clinicians no longer participate in intelligence matters, their earlier involvement has made it impossible for some detainees to trust JMG clinicians who deliver care after this practice ended.

More recently, detainees have discussed other issues that have undermined their confidence in the ability of JMG clinicians to practice medicine in their best interest. Of greatest concern to GTMO detainees is the ongoing role of the Joint Detention Group (JDG) in the medically recommended treatment. Detainees have told me that some JMG clinicians have told them that their recommended treatment plans would have to be reviewed and approved by JDG personnel. For example, detainees have told me that a JMG will order a medically necessary item, such as an extra blanket but this will not be given to them either because the JDG misplaces the order or overrides it. Detainees report that some JMG are apologetic for not being able to practice medicine independent

of JDG participation. Detainees also report that JDG personnel sometimes do not forward their requests to be seen by medical personnel.

Detainee confidence in the ability of JMG personnel to form appropriate clinician-patient relationships is undermined by the frequency with which JMG personnel rotate through GTMO. Detainees have often told me that they occasionally have a clinician whom they perceive as interested and helpful in their care, and that it is painful for them when these clinicians rotate out of GTMO and a new clinician takes their place. Some detainees do not want to establish clinician-patient relationships that they view as temporary. Others are intermittently compliant, accepting medical attention and treatment from those clinicians whom they feel are less affected by factors that contradict their best interests.

Mr. Al-Bihani's credibility

Several of the detainees I worked with gave conflicting statements to interrogators. In evaluating the underlying causes of such discrepancies, I have interviewed detainees directly and in several instances have also read their interrogation plans. These two sources of information have demonstrated several reasons for detainees providing conflicting information to interrogators separate from malintent. [REDACTED]

[REDACTED] Some detainees reported that prolonged sleep deprivation led to their reporting conflicting stories as a result of endorsing information they thought the interrogators were seeking, because of confusion or in the hope that they would be allowed to sleep. Other detainees told me they provided conflicting stories in the hope that it would bring about their release or other favorable treatment. [REDACTED]

Attorney notes from January 2012 indicate Mr. Al-Bihani's report that his access to medical care has, at times, been contingent on his compliance with interrogations. Thus, his credibility may have been undermined by conflicting motivations. If Mr. Al-Bihani was exposed to any other of the above concerns he may have additional reasons for providing conflicting information.

Mr. Al-Bihani's efforts to improve himself while in custody

The collateral information reviewed demonstrates efforts on Mr. Al-Bihani's part to improve himself while in custody. These include compliance with medical treatment from JMG clinicians whom he has trusted and requests for medical assistance in improving his health. His declaration indicates that he requested medical assistance in obtaining shoes, socks, mattress, diet, and glucose monitor, all of which would reduce symptoms related to diabetes. He also has read self-help and other books and has expressed the desire to leave GTMO for resettlement in an area where he can make a fresh start in life.

Urgent need for medical care secondary to serious health condition

Mr. Al-Bihani is diagnosed with diabetes. Medical records from GTMO reflect consistently elevated fasting blood glucose levels. He reports other symptoms consistent with diabetes including diabetic neuropathy and problems with vision. Psychological symptoms consistent with prolonged hyperglycemia include anxiety and irritability. As a diabetic, Mr. Al-Bihani is at risk for serious health consequences, especially, but not limited to, times he participates in hunger strikes. Mr. Al-Bihani's declaration states that he has been admitted to the detention hospital on multiple occasions for treatment of complications of diabetes.

Mr. Al-Bihani is in need of urgent medical evaluation and treatment for diabetes. As noted above, he is unlikely to be able to establish a consistent appropriate clinician-patient relationship with JMG personnel.

Mr. Al-Bihani's diagnosis and symptoms of diabetes may also be a factor in lowering his ability to be a future threat after release if his symptoms have caused chronic impairment in mobility, vision, etc.

Thank you for referring this matter to me for evaluation and report.

Sincerely,

A large black rectangular redaction box covering the signature area.

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PERIODIC REVIEW BOARD
GHALEB NASSER AL-BIHANI, ISN 128
APRIL 8, 2014

STATEMENT OF HOOD

My name is Mohammed Allawo, and I am the Executive Director of the National Organization for Defending Rights and Freedoms (HOOD), based in Sana'a, Yemen. I submit this statement to the Periodic Review Board for its review of Ghaleb Nasser Al-Bihani (ISN 128).

HOOD is a leading human rights organization in Yemen, established in 1998 by a group of members of parliament, lawyers, jurists, and human rights advocates. We have a main office in Sana'a, as well as teams in a number of different governates and districts. We regularly consult and collaborate with international organizations, including the UN Office of the High Commissioner for Human Rights. We also engage in constructive dialogue with governments, including the Yemeni government, and have a positive relationship with many Yemeni officials, including the Human Rights Minister and the Foreign Minister. As a respected and established organization, our members also participated in the Yemeni National Dialogue to further efforts for a democratic Yemen.

For many years, we have worked to support efforts for the repatriation of Yemeni detainees at Guantanamo who have been approved for transfer or ordered released by U.S. courts. We have engaged in dialogue with the Yemeni government and human rights organizations about proposals for a rehabilitation center for these returning detainees, and in 2009, HOOD and the [REDACTED] collaborated on a proposal for such a rehabilitation center.

When possible, we have also provided support to former detainees who have needed assistance. For example, we were able to provide financial assistance to [REDACTED] who was repatriated to Yemen in September 2009, to facilitate his marriage. We were able to provide employment assistance to [REDACTED] who was repatriated to Yemen in December 2009. [REDACTED] had been employed by the Ministry of Oil and Minerals in Yemen prior to his detention, and HOOD was able to assist [REDACTED] in regaining his employment with the Ministry after his return. We maintain contact with a number of other former detainees as well, and periodically check to see how they are doing and if there are ways we can help.

HOOD understands through the Center for Constitutional Rights, the legal representatives for Ghaleb Nasser Al-Bihani, that he is currently being reviewed by the Periodic Review Board, which will determine whether he may be approved for transfer. If Mr. Al-Bihani is approved for transfer and Yemen is determined to be an appropriate destination for him, HOOD is willing to do everything we can to support Mr. Al-Bihani's rehabilitation and reintegration. If properly structured and implemented, a rehabilitation program itself will, among other things, assist Mr. Al-Bihani in securing employment and other benefits, including a government stipend, housing, and assistance with the costs of

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Statement of HOOD, PRB for ISN 128

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marriage, so that he can be self-sufficient and build the independent life we understand he desires. The rehabilitation program in Saudi Arabia, for example, provided this kind of assistance to returning Guantanamo detainees. HOOD stands ready to work with Mr. Al-Bihani, the Center for Constitutional Rights, and the relevant authorities to support and facilitate his rehabilitation and reintegration process.

Mohammed Naji Allawo
Executive Director of HOOD

A handwritten signature in blue ink, appearing to read 'M. Naji Allawo', is written over the typed name.

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