



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

October 9, 2023

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism
Geneva, Switzerland

Matthew Gillett
Vice-Chair on communications of the working group on arbitrary detention
Geneva, Switzerland

Gerard Quinn
Special Rapporteur on the rights of persons with disabilities

Aua Baldé
Chair-Rapporteur of the working group on enforced or involuntary disappearances
Geneva, Switzerland

Dear Special Procedures Mandate Holders:

Please find enclosed the U.S. response to your request for information regarding Mr. Saeed Bakhouch.

Sincerely,

Branka Bell
Acting Deputy Permanent Representative
U.S. Delegation to the UNHRC

U.S. response to request for information regarding Mr. Saeed Bakhouch

Dear Special Procedures Mandate Holders:

Thank you for your letter dated August 9, 2023, requesting information regarding Mr. Saeed Bakhouch, who was cleared for release and transferred from the detention facility at the U.S. Naval Station Guantánamo Bay to Algeria on April 20, 2023. We are grateful for the work you do across the globe to promote respect for human rights, and for the opportunity to provide the below information concerning U.S. law, policy, and practice.

The United States believes it is in both our national interest and in the interest of those individuals transferred from the Guantanamo Bay facility that each transfer results in a focus by the receiving country on the former detainee's rehabilitation and reintegration into peaceful civilian life. Additionally, under U.S. law and policy, the humane treatment of a detainee upon transfer from the Guantanamo Bay facility is a critical factor for any transfer, and the Department takes seriously the task of identifying countries for repatriation or resettlement that will respect the human rights of transferees.

The United States relies on a number of measures to ensure that transfers from the Guantanamo Bay facility are conducted in a manner consistent with the principle of non-refoulement. Prior to the transfer of any detainee, the United States obtains assurances of humane treatment, including assurances that transferred individuals will be treated in accordance with the domestic and international obligations of the receiving country. In assessing whether a transfer should proceed, the United States considers the totality of relevant factors relating to the individual and the government in question, including but not limited to the diplomatic assurances that have been provided and any concerns regarding mistreatment. The United States will not transfer any individual to a country where it determines it is more likely than not that the individual will be tortured.

Once an individual is transferred to the receiving country, that individual is subject to that country's laws and procedures. The security and humane treatment assurances negotiated by the United States with governments repatriating or resettling former Guantanamo Bay detainees do not preclude a country from applying its domestic laws to transferred individuals. However, the United States expects receiving countries to act at all times in line with the assurances provided. The U.S. government continues to engage on and monitor Mr. Bakhouch's case. We also continue to engage with the Government of Algeria to emphasize the need to abide by the humane treatment assurances provided and to press for all legal proceedings to be conducted fairly, in a timely manner, and with appropriate transparency. The United States otherwise respectfully refers any questions you have regarding the specifics of Mr. Bakhouch's status and treatment in Algeria to the Government of Algeria.

We hope this information is useful to you and look forward to continuing to work with you constructively as we pursue our shared goal of responsibly reducing the detainee population at the Guantanamo Bay facility.