



Peace and Justice Commission

ACTION CALENDAR
February 15, 2011

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted By: Eric Brenman, Secretary, Peace and Justice Commission
Subject: The Safe Resettlement of Cleared Guantánamo Detainees

RECOMMENDATION

Adopt a Resolution to assist in the safe resettlement of cleared Guantánamo detainees.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on December 6, 2010, the Peace and Justice Commission adopted the following recommendation:

Adopt a Resolution to assist in the safe resettlement of cleared Guantánamo detainees.

M/S/C: (Maran/Sorgen)

Ayes: Abdul-khabir; Bohn; Kenin; Lippman; Maran; Meola; Nicely; Rabkin; Sorgen

Noes: Siegel

Abstain: None.

Absent: Litman (excused); Marley

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission, consistent with its mandate to promote peace and justice, locally, nationally and internationally, recommends that the United States lift its ban on the domestic repatriation of cleared Guantanamo detainees and that following the removal of this legal impediment, that assistance be given for their safe resettlement to the United States. It is proposed that the City of Berkeley then welcome one or two detainees to live in Berkeley, with needed housing and other support offered by the Berkeley community.

The City has a longstanding policy in support of peace and justice including previously welcoming refugees from other countries who unjustly suffered imprisonment, torture, and related traumatic experiences. Consistent with that policy leadership, the Council of the City of Berkeley is urged to take a position to support the resettlement of one or two Guantanamo detainees to Berkeley. Similar actions were adopted by the cities of Amherst and Leverette, both in Massachusetts.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager recommends that no action be taken on the Commission's recommendation at this time because of existing federal law explicitly prohibiting the domestic repatriation of Guantanamo detainees (see companion Report).

CONTACT PERSON

Wendy Kenin, Chairperson, Peace and Justice Commission

Rita Maran, Commissioner, Peace & Justice Commission

Eric Brenman, Secretary, Peace and Justice Commission, 510-981-5114

Attachment:

1. Resolution
2. Background Information

RESOLUTION NO. –N.S.

TO ASSIST IN THE SAFE RESETTLEMENT OF CLEARED GUANTANAMO
DETAINEES

WHEREAS, according to the Berkeley Municipal Code, Sections 3.68.010 (E) and (L) “Peace & Justice Commission – Findings: “Peace is inseparable from justice....[and] [t]he residents of Berkeley have in years past welcomed to our City those who have been forced into exile, or who have come fleeing torture and death”; and

WHEREAS, President Barack Obama stated in January 2009 that the prison at Guantánamo Bay Naval Base would be closed by January 2010; and

WHEREAS, as of December 2010, after 8-plus years of imprisonment without trial or charges against them, 38 detainees at Guantánamo have been cleared by the US government of wrongdoing, and it has been determined that they pose no threat to the United States; and

WHEREAS, many of these detainees cannot be repatriated because they are either stateless or have a well-founded fear of harm if returned to their home country; and

WHEREAS, the US government has asked other countries to accept cleared detainees but has banned their settlement in the United States; and

WHEREAS, Berkeley residents have in the past welcomed refugees from other countries who unjustly suffered imprisonment, torture, and related traumatic experiences.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council:

1) Urges Congress to agree to the release of cleared detainees into the United States, as requested of Congress members on July 28, 2010 by fifteen eminent non-governmental organizations* (cited below); and

2) Would welcome the resettlement of one or two cleared detainees to Berkeley upon confirmation that no Congressional ban is in place.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley send copies of this Resolution to U.S. President Barack Obama, U.S Attorney General Eric Holder, U.S. Senators for California Dianne Feinstein and Barbara Boxer, U. S. Representative for California District Nine Barbara Lee, and the UN High Commissioner on Human Rights, the Honorable Navi Pillay. A record signature copy of said Resolution to be on file in the Office of the City Clerk.

*List of Non-Governmental Organizations:

Alliance for Justice, American Civil Liberties Union, Amnesty International USA, Appeal for Justice, The Constitution Project, Friends Committee on National Legislation, Human Rights First, Human Rights Watch, International Justice Network, Japanese American Citizens League, Justice at Stake, National Association of Criminal Defense Lawyers, New Security Action, Open Society Policy Center, United Methodist Church, General Board of Church and Society

Background materials re: Guantanamo cleared detainee

1. The Congressional bills on settling cleared detainees in the United States.

2. Amherst and Leverett, Massachusetts, Resolutions

3. Background material on the detainees

4. Preparing a plan for resettling and supporting cleared Guantanamo detainees in Berkeley

5. Talking Points

1. The Congressional bills on settling cleared detainees in the United States

The following material is excerpted from Guantanamo Detention Center: Legislative Activity in the 111th Congress Anna C. Henning, Legislative Attorney, June 17, 2010 Congressional Research Service, 7-5700, www.crs.gov, R40754

p. 3 Enacted Laws To date in the 111th Congress, provisions relating to Guantanamo detainees have been enacted as part of six laws: the 2009 Supplemental Appropriations Act (P.L. 111-32); the Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83); the 2010 National Defense Authorization Act (P.L. 111-84); the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88); the Consolidated Appropriations Act, 2010 (P.L. 111-117); and the Department of Defense Appropriations Act, 2010 (P.L. 111-118).

For the present purposes, we refer to H.R. 2346 – Supplemental Appropriations Act 2009: The 2009 Supplemental Act was the first relevant act; although subsequent provisions differ slightly, provisions restricting the transfer and release of detainees developed during conference committee deliberations for the 2009 Supplemental¹³ are reflected in subsequent measures. The National Defense Authorization Act and the Homeland Security Appropriations Act each contain Guantanamo-related provisions in addition to those restricting detainees' transfer or release. Subsequent FY2010 measures include provisions restricting the transfer and release of detainees which mirror those in the Homeland Security Appropriations measure.

Restrictions on Transfer and Release

All of the relevant measures enacted to date in the 111th Congress prohibit or place conditions on the use of federal funds to release or transfer Guantanamo detainees into the United States. Such measures may be prompted by perceived

security risks to U.S. citizens that some argue could arise if suspected terrorists were detained or tried in the United States.¹⁴

Restrictions on the Use of Funds to Release Detainees into the United States

All of the measures place strict bans on the use of funds to release Guantanamo detainees into the United States. The 2009 Supplemental Act banned the use of funds appropriated under that or previous acts to release any Guantanamo detainee into the continental United States, Hawaii, or Alaska.¹⁵ Section 1041 of the National Defense Authorization Act prohibits the U.S. Department of Defense from using funds authorized to be appropriated to it by that act or otherwise available to the department to release a Guantanamo detainee into the United States or its territories during the period beginning October 1, 2009, and ending December 31, 2010. The remaining FY2010 measures similarly prohibit the use of federal funds—particularly those appropriated during the 2010 fiscal year—to transfer a Guantanamo detainee into the United States or specified territories.¹⁷

p. 9, 10 □ The Homeland Security Appropriations Act includes two additional provisions affecting the treatment of Guantanamo detainees. Section 553, which appears to apply beyond the end of the 2010 fiscal year, requires that former detainees be included on the “No Fly List,” “unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies.”⁵⁰ A second provision prohibits the use of funds appropriated under that act to “provide any immigration benefit” to any former Guantanamo detainee, including a visa, admission into the United States, parole into the United States, or classification as a refugee or applicant for asylum.⁵¹ The prohibition is similar to proposals introduced earlier during the 111th Congress; however, the other proposals would apply permanently, whereas the prohibition in the Homeland Security Appropriations Act appears to apply only to funds appropriated by that act.⁵²

p. 52 For example, H.R. 1238 would make an alien detained at Guantanamo “permanently ineligible” for both “admission to the United States for any purpose” and “parole into the United States or any other physical presence in the United States that is not regarded as an admission.” Likewise, S. 1071, the Protecting America’s Communities Act, would amend the Immigration and Nationality Act to prohibit the admission, asylum entry, or parole entry of a Guantanamo detainee into the United States. It would also require that a Guantanamo detainee be detained for an additional six months after the “removal period” if the Secretary of Homeland Security certifies that (1) the detainee “cannot be removed due to the refusal of all countries designated by the [detainee] or under this section to receive the [detainee]”; and (2) “the Secretary is making reasonable efforts to find alternative means for removing the [detainee].” Similarly, the Protection from Enemy Combatants Act, S. 108, would forbid the release by a U.S. court of any “covered alien”—defined as any person who “was detained” at Guantanamo—into the United States. Protection from Enemy Combatants Act, S. 108, 111th Cong. (2009). It would also bar the issuance of an immigration visa or the granting of any immigration status that might facilitate a detainee’s entry into the

United States or continued presence after release from custody. However, S. 108 contains a waiver provision that would allow the President to remove the restriction where doing so would be “consistent with the national security of the United States.” S. 1081, introduced by Senator Graham, includes measures similar to those in H.R. 1238 and S. 108, but it would apply only to non-U.S. citizens who had been determined by a Combatant Status Review Tribunal to be enemy combatants. A bill to prohibit the release of enemy combatants into the United States, S. 1081, 111th Cong. (2009).

Footnote 16, p. 8: “At least prior to the enactment of the Supplemental Appropriations Act, 2009 (P.L. 111-32), the Executive considered the possibility of releasing at least some detainees who are not considered a threat into the United States. See Director of National Intelligence Dennis Blair, “Media Roundtable Discussion,” March 26, 2009, available at http://www.dni.gov/interviews/20090326_interview.pdf. The Supplemental Appropriations Act, 2009 (P.L. 111-32), Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83), National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84), and the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88), all contain provisions barring funds from being used to release Guantanamo detainees into the United States, and some of these measures also bar the release of detainees into specified U.S. territories.”

“Closing the Guantanamo Detention Center: Legal Issues.” Congressional Research Service Report, November 17, 2009. Michael John Garcia, Legislative Attorney; Elizabeth B. Bazan, Legislative Attorney; R. Chuck Mason, Legislative Attorney; Edward C. Li, Legislative Attorney; Anna C. Henning, Legislative Attorney. Transfer of Detainees into the United States, p.

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For further references, see:

p. 55 For example, H.R. 148, H.R. 565, H.R. 633, H.R. 701, H.R. 794, H.R. 817, H.R. 829, H.R. 951, H.R. 1073, H.R. 1186, H.R. 1566, H.R. 2315, and H.R. 4120; 2010 homeland security appropriations act (P.L. 111-83), H.R. 1238. National Defense Authorization Act for Fiscal Year 2011, S. 3454, 111th Cong. (2010), at § 1043. 57

2. Massachusetts Cities’ Resolutions, to Assist in the Safe Resettlement of Cleared Guantánamo Detainees. Amherst Approved: November 4, 2009.

Leverett Approved:

April 24, 2010

WHEREAS, President Obama has vowed to close the prison at Guantánamo Bay Naval Base by January 2010; and

WHEREAS, many detainees at Guantánamo have been cleared by our government of wrongdoing and have been determined to pose no threat to the

United States; and

WHEREAS, many of these detainees cannot be repatriated because they are either stateless or fear the harm awaiting them if returned to their home country; and

WHEREAS, our government has asked other countries to accept cleared detainees but has banned their settlement in the United States; and

WHEREAS, these detainees have suffered unjust imprisonment for many years; and

WHEREAS, the Pioneer Valley has many resources to help such detainees with trauma from their imprisonment; and

WHEREAS, the Pioneer Valley has welcomed in the past many refugees from a variety of traumatic experiences in other countries,

THEREFORE BE IT RESOLVED that Amherst Special Town Meeting 2009:

1) Urges Congress to repeal the ban on releasing cleared detainees into the United States and

2) Welcomes such cleared detainees into our community as soon as the ban is lifted.

And BE IT FURTHER RESOLVED that copies of this Resolution be sent to the President and Attorney General of the United States, the United States Senators for Massachusetts, and the United States Representative for Massachusetts' First District.

3. Detainee Backgrounds: Ravil Mingazov and Djamel Ameziane, two cleared detainees. Ravil Mingazov was born in Russia in 1967. He became a ballet dancer with several dance troupes. Conscripted into the Russian Army at the age of 19, he first served in the Army ballet troupe. After his conscription ended in 1988, he served voluntarily until 1996 and later returned to the military in the food supply section, where he took over a program that was in bad shape and transformed it into a model program, "the best in all the Army's." In recognition of his achievement, he said that the General gave him a watch. Ravil states that his trouble began when he converted to Islam while still in the Russian Army, amidst general intolerance towards Muslim soldiers. When Ravil's requests for fair treatment, such as halal food and time for worship, fell on deaf ears, he sought assistance outside the Army—from his mayor and from a political party. His commanders retaliated, and the KGB stepped up its surveillance and harassment, ransacking Ravil's house.

Ravil, now married to a Muslim woman and the father of a young child, weighed his options. His request for a passport was denied for reasons that were not explained to him. He then decided to travel to a Muslim country where he would be free to practice his faith. He left his wife and child behind, planning on sending for them once he had located a hospitable place for them to live. Sometime after he reached Afghanistan, the U.S. invaded. Mingazov fled with other refugees to the Tablighi Islamic Center in Lahore, Pakistan, where he stayed from January to March 2002. In March, three days after Ravil moved to a house for Muslim refugees in Faisalabad, Pakistan, Pakistani police arrested Mingazov and 16

other residents because, unknown to them, someone staying in the house was believed to have had some connection to Abu Zubaydah. The men were brought to a prison in Islamabad, Pakistan. After one month there, Ravil was turned over to U.S. custody and held at Bagram air base in Afghanistan, where he was beaten, slammed into the ground, hung by his arms, and deprived of food and sleep.

Ravil was so afraid to return to Russia that he fabricated stories about himself--that he had attended the al-Farouq training camp and that he had listened to Usama bin Laden--in order to be sent from Bagram to Guantánamo. A Red Cross representative assured him he would enjoy humane treatment there in accordance with the Geneva Conventions. Mingazov's fears of repatriation are well-founded. A report by Human Rights Watch documents the treatment that seven other Russians who were imprisoned at Guantanamo received upon their return to Russia in 2004. All were detained, beaten, and harassed, and one of the men was ultimately killed.

At his Administrative Review Board hearing in 2006, Ravil tried to correct his record. To date, the U.S. has never charged Mingazov with any crime. A judge ordered Ravil's release on May 13, 2010, under the writ of habeas corpus. Current status: Cleared, no charges. The government has appealed his habeas win, so it will be spring 2011 at least before the appeals court hears his case again.

Contact for more information about Ravil Mingazov
Allison M. Lefrak, Litigation Director World Organization for Human Rights USA
2029 P Street, NW, Suite 202 Washington, DC 20036 office: (202) 296-5702
ext. 202; fax: (202) 296-5704 <http://humanrightsusa.org>
alefrak@humanrightsusa.org
(Additional biographical information is available upon request to the City of Berkeley Peace & Justice Commission)

Djamel Ameziane

FOR IMMEDIATE RELEASE

October 29, 2010
1:16 PM

CONTACT: Center for Constitutional Rights [1]
press@ccrjustice.org

First Guantánamo Detainee Before Inter-American Commission on Human Rights Given Hearing Today

Attorneys from CCR and CEJIL Say Djamel Ameziane is an Excellent Candidate for Resettlement

<http://www.commondreams.org/newswire/2010/10/29-10>

WASHINGTON - October 29 - Today, Mr. Djamel Ameziane, the first individual detained at Guantánamo to file a petition with the Inter-American Commission on Human Rights, was granted a hearing to determine whether his petition will be heard by the international body. Mr. Ameziane filed his petition with the

Commission in August 2008 to challenge his years-long detention without charge at Guantánamo and his risk of forcible repatriation to his native Algeria, where he fears persecution and torture. While the Commission promptly issued urgent protective measures to prevent his transfer from Guantánamo to any country where he would likely face persecution or torture, Mr. Ameziane remains at risk. Mr. Ameziane's indefinite detention and risk of transfer to torture will end only when a third country comes forward to offer him a safe haven.

"Mr. Ameziane is an ideal resettlement candidate. He is college-educated, speaks several languages including French and English, and loves to draw and paint, read mystery novels, cook and play soccer. He is healthy and hopeful, and dreams of rebuilding and enjoying a quiet life in freedom," said J. Wells Dixon, Senior Staff Attorney at the Center for Constitutional Rights (CCR). "If one country in Latin America offers safe resettlement to this one man, we will be one step closer to closing Guantánamo."

Viviana Krsticevic, Executive Director for the Center for Justice and International law (CEJIL) added, "Djamel Ameziane has been detained in Guantanamo for over eight years without charges. Guantánamo has become a shameful symbol of impunity. Now is the time for the United States to seriously commit to closing Guantanamo." Djamel Ameziane is appealing to the international community to offer him protection and the chance to rebuild his life in safety.

The Americans transported him first to the Airbase at Kandahar, Afghanistan, and then to Guantánamo Bay, Cuba, where, after more than six years, he remains imprisoned without charge and, to date, without judicial review of his detention. If Djamel is ever to leave Guantánamo in safety, he needs the protection of a third country to offer him resettlement.

For more information on CCR's work with Mr. Ameziane and documents relating to his

IACHR case, visit the *Ameziane v. Obama and Ameziane v. United States* [2] case page [2].

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.

Contact person for Djamel Ameziane: Cortney Busch, Repriev, P.O. Box 52742, London EC4P 4WS Tel: 020 7353 4640 (Additional biographical information is available upon request to the City of Berkeley Peace & Justice Commission)

4. Preparing a plan for resettling and supporting cleared Guantanamo detainees in Berkeley

A. Consultant: Nancy Talanian, No More Guantanimos (www.nogitmos.org) PO Box 618, Whately, MA 01093 Tel:413-665-1150

B. Proposed Cleared Guantanamo Detainee Resettlement Plan

An interfaith coalition in Tallahassee, Florida, prepared a detailed plan, including housing, jobs, translation services, transportation, medical and dental, counseling, and other aspects of resettlement in order to accept three Uyghur detainees from Guantánamo Bay in their community. This plan, along with another plan prepared by a Uyghur community in Fairfax County, Virginia, were instrumental in Judge Ricardo Urbina's October 2008 ruling that the 17 Uyghur detainees at Guantánamo must be released into the United States. The Obama administration won its appeal of the ruling. We can use this plan as a template for the Berkeley detainee project.

C. Groups which can be called upon to support the Berkeley cleared detainees include Berkeley-based congregations, social services, human rights, torture survivor, peace and justice groups, as well as these organizations:

East Bay Sanctuary Covenant
2362 Bancroft
Berkeley CA 94720
510-540-5296

Lutheran Social Services, San Francisco Office
290 8th Street
San Francisco, CA 94103
415.581.0891; Fax 415.581.0899

American Friends Service Committee (Quakers)
65 9th Street
San Francisco CA 94103
415-565-0201 smcneil@afsc.org

Center for Justice and Accountability Pamela Merchant, Executive Director,
pmerchant@cja.org ☐ 870 Market St Suite 682 San Francisco, CA 94102 T415-544-0444 F415-544-0456, <http://www.cja.org>

The Center for Justice and Accountability is an international human rights organization dedicated to deterring torture and other severe human rights abuses around the world and advancing the rights of survivors to seek truth, justice and redress. CJA uses litigation to hold perpetrators individually accountable for human rights abuses, develop human rights law, and advance the rule of law in countries transitioning from periods of abuse.

Survivors International Uwe Jacobs, uwe.jacobs@yahoo.com
info@survivorsintl.org;
415-546-2080x104, 415-546-2084 703 Market Street #301 San Francisco,
CA 94103 www.survivorsintl.org

The Center for Victims of Torture (CVT) CVT is a private, nonprofit,

nonpartisan organization founded in 1985. With headquarters in Minneapolis, Minnesota, and offices in St. Paul, Minnesota and Washington, D.C., CVT also operates healing centers in Jordan, Sierra Leone and the Democratic Republic of Congo. CVT's mission is to heal the wounds of torture on individuals, their families and their communities and to stop torture worldwide. 717 E. River Parkway, Minneapolis, MN 55455, (612) 436-4800 cvt@cvt.org

The Human Rights Center, University of California School of Law
Eric Stover, Faculty Director and Adjunct Professor of Law and Public Health at UC Berkeley. Camille Crittenden, Executive Director 460 Stephens Hall, #2300, Berkeley, CA 94720-2300 Phone: 510-642-0965; Fax: 510-643-3830; Email: hrc@berkeley.edu
The Human Rights Center promotes human rights and international justice worldwide and trains the next generation of human rights researchers and advocates.

Amnesty International USA Western Regional Office 350 Sansome St, Ste 210, San Francisco, CA 94104 phone: (415) 288-1800; fax: (415) 391-3228; 1-866-A-REGION; aiusasf@aiusa.org

National Religious Campaign Against Torture (NRCAT, Philadelphia, PA) and local affiliate: Bay Area Religious Campaign Against Torture (BARCAT – Berkeley, CA) Convenor, Louise Specht louisespecht@juno.com Tens of thousands of people of diverse faith traditions, including evangelical Christians, mainline Protestants, Roman Catholics, Orthodox Christians, Quakers, Unitarians, Muslims, Jews, Buddhists, Sikhs, and Hindus, as well as representatives of over 130 religious organizations, are working together to end U.S.-sponsored torture.

5. Talking Points for Cleared Guantánamo Detainee Resolution

A. Why these men? How did they get chosen? □ No More Guantánamos reviewed the stories of several detainees remaining at Guantánamo to find men whose stories touched them. They first checked with the men's habeas counsel to ensure they supported the group's plan on behalf of their clients. Djamel Ameziane is appealing to the international community to offer him protection and the chance to rebuild his life in safety. He needs the protection of a third country to offer him resettlement. The other prisoner, Ravil Mingazov of Russia, has never been charged with a crime and is waiting for a habeas corpus hearing he hopes will clear him for release. □ □

B. How did we get their stories? How do you know they're true? □ We have used information from a variety of sources, including government documents; lawyers' reports based on their reviews of government evidence and their interviews of the prisoners and their families and others; NGO reports; and books, articles and blogs. □ □

C. Why bring them to Berkeley? Will they be welcome here? □ We hope so.

Berkeley is a community of open-minded people who question stereotypes and false labels like “the worst of the worst,” so we expect to have an honest and reasoned public dialogue about the resolution, based on facts rather than misinformation and rumor. Berkeley also has welcomed refugees from many countries who are now members of its community. The men would face persecution or death if returned to their home countries, and we see their need for a hospitable place to live as no different than the need of any refugee. We have local service agencies and individuals who we believe would help them settle in. Berkeley has a Muslim community, as well as an international community that includes current and former international students and faculty who have chosen Berkeley as their home. It will be up to the men to decide whether to settle in Berkeley and, if they do move here, how long they stay. □

D. How is this going to be financed, and what plans do you have for detainees’ care: jobs, homes, health care, mental health care? □ We will seek donations of money, goods and voluntary services from the community to give the men the necessities, and we would provide them with language and job training so that they can support themselves. If and when Congress lifts the ban on relocating any Guantánamo Bay prisoners in the U.S., it should also approve the funds that President Obama requested to close the facility, which could be used to relocate the cleared prisoners in communities. □ We know that in the past, local groups offering to host refugees have gathered the necessities for them from volunteers within a few weeks. Even though the current ban would prevent us from hosting any men through September 30, 2010, we have contacted local clergy in our area, who have been supportive, and we are inviting community members to volunteer their time and to make donations if and when the men come. For special needs, such as mental health care for victims outside the area, we have contacted providers outside our community. □ □

E. What about contacts with the Muslim community? □ We are fortunate that there are mosques in the East Bay where the one or two men could worship.

F. Why can’t they go home? □ The detainees fear that they would face torture, imprisonment, and death if they returned to their home countries, based on knowledge of what has happened to others who returned home. □

G. Why are you doing this? □ We believe that closing Guantánamo Bay prison with justice is necessary to make the United States and the world safer. Misinformation about the prisoners has prevented the administration from carrying out its plan to resettle at least some of the men within the U.S. If it could do that, other countries would be more willing to help than they are, when the administration’s hands are tied by a congressional ban against resettlement in U.S. communities or prison. □ By using two men’s stories as examples of the men remaining at Guantánamo, we hope that our community will see these men as individual human beings in need of humanitarian assistance, rather than the false image perpetuated for nearly eight years of faceless, nameless “terrorists.” We are confident that when our community looks at the facts, they will see the men as human beings who deserve fair treatment and a presumption of innocence until proven guilty.

H. What makes you think it will be safe to release them?

Two administrations have now had opportunities to scrutinize both men's current and past records and statements and to examine all allegations that have ever been made against them. Mingazov will not be eligible for release until a federal judge reviews his habeas petition and thoroughly examines any public or classified evidence the government has against him. He will not be released unless the judge finds the government has held him unlawfully and orders his release. Djamel Ameziane, after more than six years, remains imprisoned without charge and, to date, without judicial review of his detention. If Djamel is ever to leave Guantánamo in safety, he needs the protection of a third country to offer him resettlement.

I. How can you be sure they won't be anti-American and angry? □ Other released detainees have indicated that they do not blame the American people for what our government and the U.S. military has done to them. We believe the men will be grateful to the community for the opportunity to leave Guantánamo and to live freely and rebuild their lives. □ "Guest Post by Lawrence Wilkerson: Some Truths About Guantanamo Bay," Washington Note, March 17, 2009, http://www.thewashingtonnote.com/archives/2009/03/some_truths_abo/ □ Human Rights Watch, "The 'Stamp of Guantanamo' The Story of Seven Men Betrayed by Russia's Diplomatic Assurances to the United States," March 2007, Vol. 19, No.2(D), <http://www.hrw.org/reports/2007/russia0307>

J. Why is the government allowing cleared detainees to go? □ When judges order the men's release, as they have in 31 of 38 habeas corpus hearings, the government can appeal or release the men. Most of the 70 or so men who have been cleared but not yet released were cleared during the Bush administration. The Obama administration has carefully reviewed their records and those of other detainees, to determine which have committed crimes or engaged in hostilities against the U.S. They have determined that the men pose no danger to the U.S. or its allies

K. Where will they live? Who will give them a job? □ We will not bring the men to our community until we have arranged for the housing, goods and services they will need. We know what is involved in hosting refugees in our community, and some of our members have experience in offering sanctuary to refugees who have stayed in our community. We are in contact with specialists in resettling refugees, service agencies that can provide the services they need, and community members whose donations of time, goods, and temporary housing will help ensure a smooth transition for the men. □ Regarding employment, the men have good work experience.

Djamel Ameziane is college-educated, speaks several languages including French and English, and worked as a supervisor responsible for supplying drinking water and waste disposal. He traveled to Austria, where he worked as a top-paid chef in an Italian restaurant. Mingazov has been learning English while at Guantánamo Bay prison. We are prepared to help the men find English-as-a-Second-Language (ESL) training and job skills training, if needed, to help them qualify for gainful employment.

L. If the government lets them out, will they have any sort of status?

If the government releases them to the U.S., they would have immigration status under the Department of Homeland Security and would be permitted to work.

M. What sort of help will they receive from the government?

We are not sure. President Obama has asked Congress for \$60 million to close Guantánamo Bay prison and to resettle the remaining detainees. Given what the men have suffered, we hope that the men would be given some government assistance with which to rebuild their lives. To date, however, Congress has not awarded any funding for those purposes. On the other hand, the Obama administration has awarded Palau, the island nation that has agreed to accept several Guantánamo Uighur detainees temporarily, a total of \$200 million in U.S. foreign aid over a period of several years.

(Additional information is available upon request to the City of Berkeley Peace & Justice Commission)



