



## **Resettlement to Canada of refugees detained at Guantanamo Frequently Asked Questions**

The Canadian Council for Refugees is calling on the Canadian government to resettle without delay some of the detainees in Guantanamo who cannot safely return to their home countries. A number of groups have shown their willingness to welcome these refugees by submitting applications on behalf of five men.

### **1. Why can't these men return to their own countries?**

There are approximately 60 men detained in Guantanamo who risk persecution, torture and even death if they return to their home countries. Many of them fled their countries years ago to escape persecution – it was while seeking refuge outside their own countries that they were arrested and eventually transferred to Guantanamo. In addition, detention in Guantanamo creates a risk for many of the men: they may face serious rights abuses because they have been unfairly and wrongly labelled “suspected terrorists”.

Canadians are familiar with the risks of torture in Syria for men labelled “suspected terrorists”, because of the experiences of Maher Arar and other Canadians tortured in Syrian jails. One of the men being sponsored is from Syria.

Canadians are also aware of abuses suffered by Uighurs at the hands of the Chinese authorities, because of the experiences of Huseyin Celil, a Canadian of Uighur origin, who is serving a life sentence in jail in China after an unfair trial. Three of the men being sponsored are Uighurs from China.

### **2. The US created the problem of Guantanamo Bay – why shouldn't they solve the problem themselves?**

The US must take responsibility for the serious injustices that have occurred at Guantanamo. The recent order made by President Obama to close the prison within a year is a positive first step. It is expected that the US will take in some of the men who cannot return home. In fact, many organizations have been working for years to have them resettled to the US and some communities there have come forward with concrete offers of support. However, in finding solutions for all the men currently detained at Guantanamo, many countries will need to play a part. Some of the men understandably do not want to settle in the US, the country whose government has abused their rights so badly.

### **3. Why should these men come to Canada – why not other countries?**

Many countries, including Portugal, France, Ireland and Switzerland, have expressed willingness to consider giving a home to some of the men. It is not expected that Canada would receive all or even most of the men, but it makes sense that Canada offer a home to a few, given its tradition of refugee resettlement and leadership on human rights. One of the men, Djamel Ameziane, has particular connections to Canada that makes this the most logical destination for him (he previously lived in Montreal and he has a brother in Canada). The sponsorships have been submitted by Canadians who welcome this opportunity to take concrete action to bring to an end the abuses suffered by these men in Guantanamo.

#### **4. How can we be sure that the men don't represent a security threat?**

Many of the men in Guantanamo were taken there not because of anything they did, but simply because they were in the wrong place at the wrong time. As such, they do not represent any kind of security threat. Yet the US government has repeatedly tried to portray the detainees at Guantanamo as the "worst of the worst" in order to justify their continued detention without charge or trial. After more than six years of investigations, the US has not found evidence on which to base charges against the men for whom sponsorships have been submitted.

As part of the sponsorship process, the Canadian government must conduct criminality and security checks before refugees are admitted for resettlement in Canada. In selecting cases for sponsorship to Canada, care was taken to exclude any cases that appeared to be inadmissible, under Canadian law, on criminality or security grounds.

#### **5. Have all of the men sponsored been "cleared for release" by the US authorities?**

Some, but not all, have been "cleared for release". However, given the Kafkaesque nature of the proceedings to which detainees are subjected, the fact that a person is not "cleared for release" does not mean that there is any evidence to justify continued detention. Furthermore, practically speaking it is not necessarily a barrier to resettlement to another country: other detainees who were not technically cleared have been repatriated and subsequently released.

#### **6. Is it true that several former prisoners from Guantanamo Bay have engaged in terrorism since their release?**

In its last days, the Bush administration put out allegations that 61 former detainees had re-engaged in terrorism, apparently as part of a last gasp effort to justify its actions at Guantanamo. This number has been repeated by some, despite the fact that the US government was unable to provide information about the identity of the alleged 61. Some of those former detainees previously alleged to have engaged in hostilities against the US had in fact done no more than give interviews in which they reported on the abuses they had suffered in Guantanamo.

#### **7. If Canada won't do anything for its own citizen, Omar Khadr, why should it help non-citizens?**

There are strong and increasing calls on the Canadian government to seek Khadr's return. In any event, the cases of those being sponsored are different from Khadr's. The Canadian government maintains that Khadr should remain to face the charges laid against him – this argument does not apply to the refugees being sponsored, who do not face any charges. The Canadian Council for Refugees is not asking for any special measures in favour of those sponsored: only that the government apply the law regarding applications for private sponsorship of refugees, including the guidelines that call for urgent processing for refugees facing arbitrary detention.

#### **See also:**

Canadian Council for Refugees, <http://www.ccrweb.ca/guantanamo.htm>

Center for Constitutional Rights, *FAQs: International Protection for Guantánamo Prisoners who Cannot be Safely Repatriated*, <http://ccrjustice.org/learn-more/faqs/resettlement-and-refugees-guantanamo>

Center for Constitutional Rights, *Closing Guantánamo and Restoring The Rule Of Law*, <http://ccrjustice.org/learn-more/reports/report%3A-closing-guant%C3%A1namo-and-restoring-rule-law>