

Canada urged to offer refugee resettlement to detainee at Guantanamo

BACKGROUNDER
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About Djamel Ameziane

Djamel Ameziane is an ethnic Berber from Algeria who fled his home country 16 years ago in order to escape persecution and seek a better life. He lived in Austria and then, from 1995, in Canada, where he made a refugee claim which was rejected in 2000. With few options and facing forced return to Algeria, he traveled to Afghanistan, one of the few countries he could enter without a visa. Following the 2001 military offensive against the Taliban, as a foreigner he was an easy target for corrupt local police who captured him while he was trying to cross the border into Pakistan as he fled the fighting. Mr. Ameziane was then sold to U.S. military forces for a bounty.

He was taken first to the U.S. Airbase at Kandahar, Afghanistan and then to Guantanamo in February 2002. Nearly seven years after he was first captured, he remains imprisoned without charge and without judicial review of his detention to date.

Mr. Ameziane has never been alleged by the U.S. government to have engaged in any acts of terrorism or hostilities. At no time has the United States charged him with any crime, nor accused him of participating in any hostile action, of possessing or using any weapons, of participating in any military training activity or of being a member of any alleged terrorist organization.

Detention in Guantanamo

On his arrival in Guantanamo, Mr. Ameziane was held for two and a half months in Camp X-Ray, in a 6-foot-by-6-foot wire mesh cell. Later, Mr. Ameziane was held in solitary confinement for over a year in a small windowless cell in Camp 6, one of the harshest facilities in Guantanamo.

He has been subjected to brutal acts of physical violence at Guantanamo. In one violent incident, military guards sprayed his entire body with cayenne pepper and then hosed him down with water to simulate the skin-burning effect of pepper spray. They then held his head back and placed a water hose between his nose and mouth, running it for several minutes over his face and suffocating him, repeating the operation several times. In describing that experience he writes, "I had the impression that my head was sinking in water. Simply thinking of it gives me the chills."

Following that episode, guards cuffed and chained him and took him to an interrogation room, where he was left for several hours, writhing in pain, his clothes soaked while air conditioning blasted in the room, and his body burning from the pepper spray.

Risk of human rights violations in Algeria

Mr. Ameziane could face incommunicado detention, torture and ill-treatment, and other human rights violations if he were returned to his native Algeria. As international human rights NGOs and the U.S. Department of State itself have reported, torture and ill-treatment are frequently used in detaining and interrogating persons suspected of links with terrorism. Other Algerian detainees recently returned from Guantanamo were all detained immediately upon arrival for

questioning for a period of nearly two weeks, during which they were denied access to a lawyer and their families.

Refugees in Guantanamo

Mr. Ameziane is one of approximately 50 refugees and other persons in need of international protection left at Guantanamo with no place to go. They cannot return to their country of origin, because of a risk of serious rights abuses on the basis of the stigma of having been at Guantanamo, in addition to other factors in individual cases. For more information, see *Guantanamo's Refugees*, a report of the Center for Constitutional Rights, <http://ccrjustice.org/files/Guantanamo%20Refugees2nded.pdf>

Canadian Private Sponsorship Application

The Anglican Diocese of Montreal has submitted a sponsorship application on behalf of Djamel Ameziane under the Private Sponsorship of Refugees Program. The governments of Canada and Québec are required to process this application and approve Mr. Ameziane's resettlement in Canada if he meets the regulatory requirements, i.e. he is a refugee in need of a durable solution and is not inadmissible to Canada (e.g. on criminality or security grounds).

The *Immigration and Refugee Protection Regulations* also defines a category of applicants for resettlement who are in "urgent need of protection". These are refugees whose "life, liberty or physical safety is under immediate threat and, if not protected, the person is likely to be

- (a) killed;
- (b) subjected to violence, torture, sexual assault or arbitrary imprisonment; or
- (c) returned to their country of nationality or of their former habitual residence." (IRPR 138)

Mr. Ameziane has been subjected to violence and torture in Guantanamo and continues to be subjected to arbitrary imprisonment, now lasting nearly seven years, with no prospects of safe release unless he is resettled to Canada.

He clearly meets the definition and should be processed according to Citizenship and Immigration Canada's special guidelines for refugees in urgent need of protection, including through the issuance of a Temporary Resident Permit if necessary to ensure that his arbitrary imprisonment is ended as soon as possible.

Petition to Inter-American Commission on Human Rights

In August 2008, Mr. Ameziane filed the first ever petition by a Guantanamo detainee with the Inter-American Commission on Human Rights (IACHR). The petition addresses the torture, abuse, and other human rights violations perpetrated against him during his six-year history of near-incommunicado detention at the prison. Mr. Ameziane's claims include violations of his rights to freedom from arbitrary detention; freedom from torture and cruel and degrading treatment, including the denial of necessary medical care, and religious humiliation and abuse; protection of his personal reputation, and private and family life; as well as the right to judicial remedy for violations of his rights. The petition additionally asks the IACHR to instruct the United States not to return Mr. Ameziane to Algeria.

The New York-based Center for Constitutional Rights and the Center for Justice and International Law filed the petition on Mr. Ameziane's behalf. On October 28 in Washington D.C., the IACHR will hear precautionary measures issued in his case. The full text of the petition is available at <http://tinyurl.com/5p3y6u>.