

## **Article 14: Information Supporting “Resolution to Assist in the Safe Resettlement of Cleared Guantánamo Detainees”**

### **What does this resolution do?**

The resolution calls on Amherst Town Meeting to:

- Urge Congress to repeal the ban on releasing **cleared** detainees into the United States and
- Welcome such **cleared** detainees into our community as soon as the ban is lifted.

### **Why this resolution now?**

Our Pioneer Valley No More Guantánamos (PVNMG) group and other coalitions around the country are hearing and sharing the stories of individual Guantánamo detainees, some of whom have been held for nearly 8 years without judicial review. This resolution asks our local community to look beyond the stereotype that all the men at Guantánamo are “terrorists,” and instead to look at each man as a human being who deserves human rights and a presumption of innocence until proven guilty. We also want to welcome to our community one or two men whom the administration determines pose no danger to the U.S. but who would face persecution if they were returned to their home countries. By doing so, Amherst Town Meeting would offer hope for justice to other cleared Guantánamo detainees and to the many others still awaiting court review that they hope will clear them for release. We would also set an example for other communities across the country.

### **How does Amherst’s resolution fit into the plan to close Guantánamo Bay prison?**

Our Amherst resolution would counteract “not-in-my-backyard” statements and Congressional bans on housing Guantánamo detainees in U.S. communities or prisons, which have put in jeopardy President Obama’s plan to close the prison by next January. Community coalitions like ours in North Carolina, Colorado, Florida and Virginia are supporting the prison’s closing by welcoming detainees, sharing their stories with their communities, or both.

We believe that Congress’s blanket ban on releasing cleared detainees within U.S. communities is based on fear rather than facts. Experts including current and former government officials, retired generals, and military interrogators have urged our government to close Guantánamo Bay prison in order to cut off a key recruiting tool for al-Qaeda and to make our country and our soldiers safer from acts by terrorists and armed militants. Foreign governments see the prison’s closure as beneficial, but they understandably ask why the U.S. refuses to accept any detainees but asks other countries to do so.

### **Who is really detained at Guantánamo Bay prison?**

A large number of men were mistakenly sent to Guantánamo after the U.S. military distributed thousands of leaflets offering large bounties to those who turned in “terrorists.” Had the military conducted competent battlefield tribunals, as required by Article 5 of the Geneva Conventions, they would have concluded that the men were innocent bystanders and not fighters. The Obama administration has charged only 17 of the 221 detainees who remain at Guantánamo Bay prison with crimes, and it has cleared 76 detainees whom it believes would pose no danger to the U.S. or its allies if released. Those men are waiting either to be sent home or to be allowed to settle in other countries. More than a dozen of the 76 men were ordered released by judges as a result of habeas corpus hearings,<sup>1</sup> and about 30 of the men were cleared for release by military review boards during the Bush administration.

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<sup>1</sup> In all, of the 38 habeas hearings that have been held thus far for Guantánamo detainees, judges have ordered 31 detainees released.



### **Why are they still being held?**

Dozens of detainees are still waiting for their hearings under the writ of habeas corpus, an 800-year-old procedure for challenging the legality of one's imprisonment before a neutral judge. The government has relied on laws and policies that denied the men habeas corpus, which have been struck down as unconstitutional by the U.S. Supreme Court.

### **Would it cost the Town money?**

We are not asking the town to take responsibility for any men who might come to our community if and when the ban is lifted. As our community has done for other refugees in the past, we will work with local and regional service agencies experienced in settling refugees. We and other volunteers and contributors would provide for their needs for housing, food, clothing, transportation, health care and mental health care, language and job training, employment, access to a place of worship, and other necessities.

### **Will we be safe with these men in our community?**

Our government has cleared detainees whom it believes pose no danger to the U.S. or its allies and who have never committed hostile acts. On that basis, we can be reasonably certain that these men would not endanger the community.

### **Do you have specific detainees in mind?**

Our group has chosen to work on behalf of two detainees. **Ahmed Belbacha**, a native of Algeria, left in 1999 after he received death threats from Islamic militants because he worked for a government-run oil company. He sought asylum in the U.K., where he lived and worked for two years. In June 2001, while his asylum appeal was still pending, he left for a holiday in Pakistan, where he was seized by locals and, like many men who ended up at Guantánamo, was sold to U.S. forces for a bounty. He has been cleared for release since 2007, yet he remains at Guantánamo because the government has not found a country willing to take him.

**Ravil Mingazov** joined the Russian Army's ballet corps at age 19 and converted to Islam while still in the Russian Army. He tried to remedy the Army's intolerance toward Muslim soldiers by talking to his superiors, but his efforts intensified his harassment, and the KGB ransacked and searched his house. Mingazov decided to seek a Muslim country where he and his wife and young son could practice their Muslim faith. War broke out after Mingazov reached Afghanistan, so he fled to Pakistan. A few days after he settled in a house for Muslim refugees, the house was raided by Pakistani police, and he and the 16 other residents were all arrested because, unknown to them, someone staying in the house was believed to have a connection to Abu Zubaydah. The U.S. has never charged Mingazov with any crime, but he is still waiting for a habeas corpus hearing, which he hopes will clear him for release. Until he has been cleared and Congress lifts its current ban, we cannot welcome him to our community.

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### **For more information**

PVNMG hopes you will support this resolution, and we welcome your questions and comments. Please direct them to Ruth Hooke, one of our Amherst members, at 256-8441. Ruth is a Town Meeting member and the resolution's lead petitioner.