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Camp Six detainee pins hopes on Canada

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GUANTANAMO BAY, CUBA—In an isolation cell inside a prison known as Camp Six, a former Montreal resident passes time writing letters and holding out hope that one day he can return to Canada.

Diamel Ameziane is one of about 80 prisoners in custody here at this U.S. naval base who isn't likely to be put on trial, but also isn't likely to be released anytime soon.

When U.S. Defence Secretary Robert Gates told a Senate hearing earlier this month that the U.S. administration was "stuck" with Guantanamo, he was talking about cases like Ameziane's.

"The brutally frank answer is that we're stuck," Gates told the hearing when asked about his desire to shut the prison down. Calling it a "not in my backyard" problem, Gates said "either the home government (of the detainee) won't accept them or we're concerned that the home government will let them loose once we return them."

ORDER ON NOTES' DESTRUCTION SEEN AS KEY IN KHADR CASE

Guantanamo Bay interrogators were directed to destroy handwritten notes in an attempt to minimize the chances they could have their actions questioned in court, states a newly released document that could derail the case of Canadian Omar Khadr.

The other concern is that detainees do not want to be sent back to countries they've fled – especially when branded as terror suspects.

Ameziane fled his native Algeria as a teenager and believes if sent back after years held here, he would be imprisoned or killed. He lived much of his adult life in Canada and Austria, but has no legal status in either country, so until the U.S. can find somewhere that will take him, he remains in this prison on Cuba's southeast shore.

"I have taken to pacing my tomb, focusing on my steps with my head lowered," Ameziane wrote in a recent letter to his New York lawyer. "I do this for hours on end, sometimes hearing nothing but the noise of doors slamming, the laughs of guards on the ground floor or snatches of their conversation. Or perhaps the call of one prisoner or another from under the door, but the echo of the block's empty space deforms and renders it incomprehensible."

The 41-year-old is a prolific writer and since lawyers at New York's Center for Constitutional Rights took his case in 2006 they receive letters often, in what amounts to a poetic diary of his incarceration.

"It is 5:30 in the evening," he wrote last month. "The main door of the block opens and a sigh of relief surges forth. The team of night guards has arrived to take over their shift and the daytime guards can finally leave. A new night begins in the Camp Six prison at Guantanamo Bay. In the world of the living, the sunrise and sunset marks the beginning of the day and the beginning of the night. In this underground cemetery of the living dead, however, day and night are announced by a cry of relief from the guards."

Ameziane has been classified as an "enemy combatant" and has been detained since January 2002 as a risk to national security. Only 19 cases here have been brought before the war crimes trials, including the five alleged co-conspirators of the 9/11 attacks who appeared for the first time last week, as well as Canadian Omar Khadr. They make up a small fraction of the 270 prisoners who remain.

So while U.S. President George W. Bush and both presidential hopefuls have said they'd like Guantanamo closed – the question of what becomes of the prisoners

The document confirms the Pentagon had a policy recommending that original notes be systematically destroyed – something detainees defence lawyers argue undermines their ability to challenge the government's evidence.

This is especially key to Khadr's case where it seems prosecutors will rely heavily on his alleged confessions.

The directive for interrogators is known as a SOP, or standard operating procedure, and was released late last week to Khadr's defence lawyers by the prosecution. Once reports have been written about the interrogation, the policy states, "handwritten notes may be destroyed."

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Ameziane hopes he'll end up in Canada. From 1995 to 2000, he worked in various Montreal restaurants until his refugee claim was considered, and ultimately denied. He said he wasn't told why he wasn't accepted by Canada and a spokesperson from Canada's Immigration and Refugee Board said there is no public information available on his case.

Ameziane told his lawyers he left Canada for Afghanistan a year before the 9/11 attacks in 2001, and had decided Afghanistan was one place as a devout Muslim he could reside in peace. He said he knew little or nothing of the Taliban or Al Qaeda. "He felt it was the one place left to go," lawyer Wells Dixon says.

Summaries of the Pentagon's allegations presented at hearings here called Administrative Review Boards, or ARBs, provide a different story. They allege Ameziane left Montreal for Kabul on a fake French passport in late 2000 on the encouragement of an unidentified Tunisian man. When the U.S. entered Afghanistan after the 9/11 attacks, the Pentagon says Ameziane was staying at a guest house run by an Al Qaeda specialist and fled with Taliban fighters to Tora Bora, the border area with Pakistan.

Ameziane was arrested in early 2002 in Pakistan and after a brief detainment in Kandahar, brought to Guantanamo as part of the first group to be housed in primitive outdoor pens. He was given internee serial number 310.

The hearing notes acknowledge Ameziane is not accused of receiving "military or terrorist training and did not see any fighting." Nor, do they say he was involved in planning or financing terror attacks.

One of the most curious allegations is contained in a May 2005 ARB summary. Under the heading "Connections/Associations" it states: "The detainee attended the Al-Salaam mosque in Montreal, Canada." Another summary names the "Al Umah mosque."

His lawyer calls the mosque reference "appalling."

"This mission has legal and political issues that may lead to interrogators being called to testify, keeping the number of documents with interrogation information to a minimum can minimize certain legal issues," the policy states, according to an affidavit released yesterday by Khadr's military lawyer, U.S. Navy Lt.-Cmdr. Bill Kuebler.

"If handwritten notes were destroyed in accordance with the SOP, the government intentionally deprived Omar's lawyers of key evidence with which to challenge the reliability of his statements," Kuebler wrote in an email. If the U.S. government is proven

"To say that attendance at a mosque somehow connects him to terrorism is just insulting – it is racist," Dixon said in an interview at his New York office, noting Ameziane doesn't remember either mosque name but said he attended more than one in Montreal.

Dixon believes that as a foreigner in Afghanistan, Pakistani forces sold Ameziane to the United States for a \$5,000 bounty – something hundreds of the freed Guantanamo prisoners said had happened to them. He was trying to flee the war when he was captured, Dixon says.

"Djamel categorically denies allegations of terrorism. But even if everything they said were true, they aren't, but if they were, they're not a basis for holding someone in indefinite detention."

Working with Toronto refugee lawyer Andrew Brouwer, Dixon and his partners are now trying to get Canada to set an example by accepting Ameziane.

"It is obvious the U.S. has no intention of fulfilling its own legal obligations to Djamel or the other refugees at Guantanamo Bay," Brouwer said, noting he believes the U.S. should be obliged to grant asylum to prisoners here.

"That leaves the rest of the world with a choice: abandon them to ongoing indefinite imprisonment at Guantanamo Bay because they are 'the U.S.'s problem', or step in to protect their human rights by giving them asylum."

Quebec is ideal, Brouwer argues, because Ameziane has lived there, has links and speaks French. The constitutional rights centre has also offered financial help to ensure that Ameziane is supported for his first year in Canada until he can find employment and a place to live.

Canada did come close to accepting Uyghur detainees who have also been held here for years. They had been erroneously picked up in Pakistan and sold for a bounty to the U.S. in the months after 9/11 – their captors not realizing the minority Muslim group stood in opposition to China, not the U.S.

Although the United States had not formally asked Canada to take the Uyghur detainees, negotiations had been in the works when a Canadian, Huseyin Ceilil, was detained in China and accused of terrorism. Dixon believes the Canadian government pulled back from their offer to accept the Uyghur detainees so as not to

to have destroyed evidence in "bad faith," the war crimes law under which Khadr is charged requires that the case be thrown out.

Last night, Pentagon spokesperson Cmdr. Jeffrey Gordon told The Associated Press he was reviewing the matter.

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jeopardize their negotiations to help Celil.

But lawyers believe Ameziane, and perhaps others from Guantanamo who need to be resettled, could end up in Canada if the U.S. employs the Canada-U.S. Safe Third Country Agreement.

Signed in December 2002, a little-publicized Article 9 of the controversial accord allows the U.S. to send up to 200 migrants to Canada each year. At the time it was signed, it pertained mainly to Haitian and Cuban migrants taken from ships intercepted at sea and housed in Guantanamo.

The deal was harshly criticized by refugee advocates who said it was a political trade-off so the U.S. would sign the agreement that allows Canada to return refugees who enter from the United States. Human Rights Watch refugee policy director Bill Frelick called it "unseemly."

"They're doing a little horse trading," he said. "It's basically come down to trading in people."

But the possibility now does exist that the U.S. could request that Canada accept its Guantanamo prisoners, like Ameziane, and Canada is under obligation, at the very least, to consider the possibility.