

Talking Points for Amherst Guantánamo Resolution:

Why these two men? How did they get chosen?

Pioneer Valley No More Guantánamos members reviewed the stories of several detainees remaining at Guantánamo to find men whose stories touched us. We first checked with the men's habeas counsel to ensure they supported the group's plan on behalf of their clients. The military cleared Ahmed Belbacha, an Algerian, for release in 2007. 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.

How did you make contact with the two men?

Our members and other community members have sent letters to both men, and our group sent a letter to Mingazov along with a Russian translation. All mail to Guantánamo prisoners is censored, so currently we do not know whether either man has received our letters.

How did we get their stories? How do you know they're true?

(VAR.) Why do you believe these men's stories? How do you know they didn't make those stories up about who they are and how they got picked up?

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.

Why this community?

Amherst 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. Amherst also has welcomed refugees from many countries who are now member of its community. The two men we have in mind 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.

Why do you think they will be welcome here?

(REPEAT FROM ABOVE) Amherst has welcomed refugees from many countries who are now members of its community. The two men we have in mind 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. Amherst is also the home of the Hampshire Mosque, where the men would be able to worship.

How is this going to be financed?

(VAR.) What plans do you have for detainees' care? Jobs, homes, health care, mental health care?

We would 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.

What about contacts with the Muslim community?

We are grateful that there is a mosque in Amherst where the one or two men could worship. In light of the government's targeting of Muslims over the last eight years, and the FBI's infiltration of mosques, we expect that many Muslims are unwilling to speak out in the men's favor, to criticize the government's actions at Guantánamo, or to take the lead in support of the resolution and the men's resettlement.

How about the fact that Ahmed is cleared and Ravil is not?

Until a prisoner has been cleared for release (AND Congress lifts the current ban), he cannot be released into the U.S. even if he has never been charged with a crime. Only 18 current detainees have been charged so far. Ahmed was cleared by the DoD in February 2007, whereas Ravil Mingazov continues to wait for his habeas corpus hearing, which he hopes will clear him.

Ahmed's and Ravil's stories are similar in that both men left their home countries and had no permanent legal status anywhere else when they were captured in Pakistan. Neither engaged in hostilities against the U.S. and neither was captured on the "battlefield." The reason that Ahmed has been cleared and Ravil has not can be attributed to the lack of legal protections afforded to the men since their capture. First, none of the men who were sent to Guantánamo Bay prison received the competent battlefield vetting required by the fourth Geneva Convention, which would have prevented most of the innocent bystanders from ending up at Guantánamo.¹ Second, the Bush administration took steps to prevent the men from appealing their detentions, beginning with President Bush's 2002 executive order giving himself the right to hold anyone, anywhere in

¹ "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/

the world as an “enemy combatant” indefinitely without court review. After a series of Supreme Court rulings against the administration, in June 2008, the Court ruled definitively that detainees at Guantánamo Bay have the right to challenge their detention before a neutral judge through the writ of habeas corpus. Those hearings are taking place gradually.

Why can’t they go home?

Ahmed Belbacha was a government worker who fled Islamic terrorists in his home country of Algeria who had targeted government employees in their campaign to create an Islamic state. Now that he has been in Guantánamo, he fears he would be either killed by the Islamic terrorists or tortured by the government.

Ravil Mingazov converted to Islam while still in an Army intolerant towards Muslim soldiers and sought fair treatment such as time to pray. His commanders retaliated, and the KGB engaged in surveillance and harassment, ransacking Ravil’s house. He had no choice but to leave in search of a hospitable place where he and his family could live and worship freely. He fears being sent back to Russia, where seven other Guantánamo detainees who were returned faced torture, imprisonment, and death.²

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.

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.

Why should Town Meeting consider the resolution? Why is it a local issue?

² 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/>

First, Amherst has a history of addressing unjust government policies dating back to slavery, and

Are we doing something illegal?

No. Article 14 resolves first to “urge Congress to repeal the current ban on releasing cleared detainees into the United States,” which treats detainees who have been wrongly held and have been cleared for release as though they were dangerous, and which interferes with President Obama’s stated plan to close Guantánamo Bay prison by 2010 by relying entirely on U.S. allies to accept all cleared detainees. The article then resolves to “welcome such cleared detainees into our community” only after the ban has been lifted, by which we mean that no law would remain preventing the men’s resettlement in our community.

All U.S. government plans to release detainees from Guantánamo Bay prison include the men’s destination. Under current law, the administration must notify Congress weeks in advance of moving any detainee from Guantánamo Bay to any other location and to provide a plan. Therefore, we would not be able to bring any cleared detainee from Guantánamo to our community without the express approval of the Obama administration and the men themselves and possibly of Congress.

Why bring them to Amherst? Will they be welcome here?

We hope so. Amherst and the surrounding communities have a long history of welcoming refugees who have escaped trauma in their countries. Amherst has a mosque and a large Muslim community, as well as an international community that includes current and former international students and faculty who have chosen Amherst as their home. It will be up to the men to decide whether to settle in Amherst and, if they do move here, how long they stay.

What kind of community will they fit into?

We believe the men, who have spent nearly eight years at Guantánamo Bay prison, would be happy to live freely in a hospitable community such as Amherst where they could support themselves.

We know that Ravil Mingazov fled harassment while in the Russian Army as a result of his conversion to Islam and he sought a country where he and his family could live and freely worship as Muslims. As a worker, he had distinguished himself while in the Army for taking over a food distribution program that was in disarray and converting it to a model program. In appreciation for his achievement, the general presented him with a watch. Ahmed Belbacha left a government job as an accountant when he fled Islamic terrorists in his native Algeria who targeted government workers like himself. In his adopted country, he accepted work in industrial cleaning businesses and later cleaned hotel rooms to support himself and to send money home to his parents in Algeria.

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. The Bush administration was prepared to release Belbacha in early 2007, and the Obama administration agrees he should be released. 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.

Do they want to come to Amherst?

We have not asked them. Given the current and past congressional bans on resettling any current or former Guantánamo detainees in the U.S., we could not offer the men homes in Amherst. We do not want to raise their hopes until we can lawfully make such an offer.

Where will they live? Who will give them a job?

(VAR.) This is just a feel-good thing. You've got to have a plan.

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. We have been pleased to receive an outpouring of support for the men from interfaith clergy, and members of several congregations are represented within the Pioneer Valley No More Guantánamos group.

Regarding employment, both men have work experience. Belbacha lived and worked in the U.K. for two years and studied English there. 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 in the area.

We consider the passage of Article 14 as a necessary step for the U.S. government to finally close Guantánamo Bay prison with justice, to start healing the wounds that the mistreatment of the detainees have caused in the world, and to make Americans and the world safer by taking away a key al-Qaeda recruiting tool. Congress's current ban does not differentiate between men who have been cleared for release and the handful of men who have been charged for crimes of international terrorism; all are being denied entry into U.S. communities or prisons as though their imprisonment at Guantánamo proves guilt; it does not.

Our government cannot expect U.S. allies to take all the men from Guantánamo who cannot return to their home countries, merely because misinformation and fear-mongering in the U.S. have resulted in a nationwide "not-in-my-back-yard" ban. Our community can pave the way for other communities to welcome other men at Guantánamo Bay who have been cleared for release but cannot return home.

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.

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.

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.