

DJAMEL AMEZIANE**ALGERIAN GUANTÁNAMO DETAINEE IN NEED OF HUMANITARIAN PROTECTION;
CLEARED FOR TRANSFER SINCE OCTOBER 2008****URGENT PROTECTION REQUIRED:**

The Inter-American Commission on Human Rights of the Organization of American States issued urgent precautionary measures on August 20, 2008, requiring that all necessary measures be taken to ensure that Mr. Ameziane is not transferred or removed to a country where he would likely face torture or other persecution.

On March 20, 2012, the Commission accepted jurisdiction to decide the merits of Mr. Ameziane's human rights law claims, concluding in part that he would face a "substantial risk" of torture and abuse in Algeria.

Date of Birth:	April 14, 1967
Place of Birth:	Algiers, Algeria
Citizenship:	Algerian
Ethnicity:	Berber
Education:	Institut Hydraulique de Ksar Chellala, college diploma, 1991
Languages:	French, Arabic, English, German (limited)
Family:	Single; no children
Prior Employment:	Water and waste disposal technician; chef; salesman
Prior Residences:	Vienna, Austria; Montreal, Canada
Medical Illness:	None
Criminal History:	None
Place of Detention:	Camp 6, Guantánamo Bay (communal living reserved for "most compliant" detainees without security or disciplinary problems)
Status:	Detained at Guantánamo since February 2002; Cleared for release since October 2008
Personal Interests:	Football; cooking; drawing; writing; reading mystery novels and French fashion magazines for men

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Overview

Mr. Ameziane is a college-educated citizen of Algeria. An ethnic Berber, Mr. Ameziane fled his home country more than 20 years ago in order to escape escalating violence and insecurity, and in search of a better life. He traveled first to Austria, where he worked as a high-paid chef in an Italian restaurant, and then to Canada, where he sought political asylum and lived for five years but was ultimately denied refuge. Fearful of being deported to Algeria, and faced with few options, Mr. Ameziane went to Afghanistan. He traveled to Afghanistan because it was the only country he could think of where, as a Muslim man, he might live peacefully and without constant fear of being returned to Algeria. He fled that country soon after the fighting began in October 2001, but was captured by a local Pakistani tribe. The tribe turned him over to Pakistani authorities, who apparently sold him to the U.S. military for a bounty, as was practice at the time. The Americans transported Mr. Ameziane first to the airbase at Kandahar, Afghanistan, and then to Guantánamo Bay, Cuba, where he remains imprisoned without charge or a judicial determination of the legality of his detention.

Biography

Mr. Ameziane was born in 1967 in Algiers to a close-knit family of four brothers and four sisters. He attended primary school, secondary school and university in Algeria. After obtaining a college diploma, he worked for the government as a supervisor responsible for supplying drinking water and waste disposal. Mr. Ameziane speaks French, English, and Arabic fluently. He also speaks some limited German.

In 1992, Mr. Ameziane left Algeria to escape escalating instability and oppression under the one-party government then in power. He transited through Italy to Vienna, Austria, where he lived legally for several years. Mr. Ameziane began working as a dishwasher in Vienna, but his talent allowed him to rise quickly to become the highest-paid chef at *Al Caminetto Trattoria*, a well-known Italian restaurant. In 1995, following the election of a new government, more restrictive immigration policies kept him from extending or renewing his visa, and his work permit was denied without explanation. He was forced to leave the country.

Mr. Ameziane traveled directly to Canada because of its large French-speaking population and his belief that Canada's immigration policy would be more favorable to him. Immediately upon his arrival, he told immigration officials that he wanted to apply for asylum because he was afraid of being deported to Algeria. As he awaited a decision, Mr. Ameziane obtained a temporary work permit and worked diligently for an office supply company and for various restaurants in Montreal. His application was denied in 2000 for reasons that were not explained to him, and he was forced to uproot his life and leave the country he had made his home for the past five years.

Fearful of being forcibly returned to Algeria, and confronted with few options, Mr. Ameziane traveled to Afghanistan, where he felt he could live freely without discrimination as a Muslim man, and where he would not fear deportation to Algeria. He did not participate in any military training or fighting in Afghanistan, and soon after the war started he fled to escape the fighting. He was captured by local tribal authorities after crossing the border into Pakistan. They turned him over to Pakistani police, who turned him over to U.S. forces for a bounty. Later, at Guantánamo, American soldiers told Mr. Ameziane that the Pakistanis sold prisoners to them for \$2,000 each in Afghanistan, and for \$5,000 each in Pakistan.

Mr. Ameziane has never been alleged by the U.S. government to have engaged in any acts of terrorism. He has also consistently denied that he ever engaged in any acts of terrorism, or ever picked up a weapon or participated in any military training or fighting. In sum, he has never had any involvement with extremism, terrorism or any act of violence whatsoever. Tragically, he was nonetheless sent to Guantánamo Bay in early February 2002.

Imprisonment at Guantánamo

For more than a decade, Mr. Ameziane has remained indefinitely detained at Guantánamo, despite being cleared for transfer by President Bush in October 2008 and again by the Obama Administration's Guantánamo Review Task Force in May 2009.

As one of the first prisoners to arrive at Guantánamo, Mr. Ameziane was held in the now-infamous metal cages of Camp X-Ray. Starting in 2006, he was held for more than a year in solitary confinement in a small windowless cell in Camp 6, which the International Committee of the Red Cross described as more restrictive than “supermax” prison facilities in the United States. In addition to the inhumane conditions of his detention, he was subjected repeatedly to brutal acts of physical violence by military guards. In one unprovoked incident, guards sprayed him all over with cayenne pepper and then hosed down with water to accentuate the effect of the pepper spray and make his skin burn. They then held his head down and placed a running water hose between his nose and mouth, running it for several minutes over his face and suffocating him, repeating the operation several times. He wrote of that experience, “I had the impression that my head was sinking in water. Simply thinking of it gives me the chills.” Following that episode, the guards bound him in cuffs and chains 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. He also spent as many as 25 and 30 hours at a time in interrogation rooms, sometimes with techno music blasting, “enough to burst your eardrums.”

For the injuries and ailments resulting from his imprisonment and abuse, he has never been afforded adequate medical care. For example, his vision deteriorated as a result of his time in Camp 6, from staring at the white walls of his small cell all day. It took a year of repeated requests for him to receive even a basic, cursory eye examination. He also developed rheumatism in his legs because of the extremely cold temperatures when he was in Camp 6, for which he could not even get a pair of socks.

Thankfully, Mr. Ameziane was moved to less-restrictive conditions in Camp 4, and his health was restored steadily. He has since been moved back to Camp 6, which is now a communal prison facility reserved for the “most compliant” detainees without disciplinary problems. Mr. Ameziane can now take advantage of limited opportunities to exercise, improve his considerable language skills, and learn to draw.

However, there are some things his years at Guantánamo have cost him that can never be retrieved. His father died during this period, before Mr. Ameziane could see or communicate with him one last time, and his mother is now very elderly. His brothers and sisters have had wedding ceremonies he has been unable to attend, and had children who have never known their uncle. He has lost the last decade of his life to Guantánamo, and his detention continues to be indefinite and perpetual. Nevertheless, he continues to have remarkable strength and hope for his future.

Legal Challenges

Mr. Ameziane filed a petition for a writ of habeas corpus in the U.S. District Court for the District of Columbia in February 2005. He filed a motion for expedited judgment in February 2009, arguing that the government's evidence failed to raise any genuine issues of fact requiring a full hearing on the merits. The Court denied that motion in April 2009, and the case was proceeding slowly toward a final ruling on the merits. However, in May 2009, the Court stayed the case indefinitely without issuing a ruling on the merits of Mr. Ameziane's petition because the government argued he had long been cleared for transfer and the only open question in his case was the country to which he would be transferred.

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Mr. Ameziane also filed a petition before the Inter-American Commission on Human Rights (“IACHR”) in August 2008. His petition challenged his arbitrary detention and mistreatment at Guantánamo, including his torture and abuse, and the denial of adequate medical care, as well as his risk of forcible transfer to Algeria. The IACHR promptly issued urgent precautionary measures to ensure that he is not transferred or removed from Guantánamo to any country, including Algeria, without his express consent. On March 20, 2012, the IACHR issued a landmark admissibility report in Mr. Ameziane’s case. This ruling marks the first time the IACHR has accepted jurisdiction over the case of a man detained at Guantánamo, and underscores the fact that there has been no effective domestic remedy available to victims of unjust detentions and other abuses at the base. The IACHR will now move to gather more information on the substantive human rights law violations suffered by Djamel Ameziane, including the harsh conditions of confinement he has endured, the abuses inflicted on him, and the illegality of his detention.

Fear of Return to Algeria

Mr. Ameziane has a credible fear of persecution if he were to be returned to Algeria. He is a member of the persecuted Berber minority group. The stigma of having spent time in Guantánamo would also be enough to put him at risk of being imprisoned if he is returned. In Mr. Ameziane’s hometown in Kabylie, an unstable region in the north of Algeria known for frequent, violent clashes between the Algerian army and Islamic opposition groups, practicing Muslims are automatically suspected of being supporters of such groups and are frequently harassed and targeted for arrests and detention by the government solely because of their religious practices. Algeria has a documented history of torture and ill-treatment of its prisoners, particularly those suspected of links with terrorism, which international human rights organizations and the U.S. Department of State itself have recognized. Amnesty International has reported that the most serious violations of human rights abuses have been committed by the DRS, Algeria’s “military security” police, in cases of individuals detained on suspicion of terrorist activity. All of the Algerians transferred out of Guantánamo so far have been 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. Several of them now face the prospect of fundamentally unfair trials. Some were returned against their will, and at least one has suffered serious persecution.

Need for Humanitarian Protection

Mr. Ameziane remains trapped at Guantánamo until a third country offers him safe resettlement. After he is released, Mr. Ameziane hopes to get married and start a family of his own; to work and live a quiet life in freedom; and to begin the process of rebuilding and enjoying his life after Guantánamo.

Legal Representation

Mr. Ameziane is represented by attorneys at the Center for Constitutional Rights. For more information about him, please visit ccrjustice.org/Ameziane or contact:

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