

STATEMENT OF DJAMEL AMEZIANE
BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
CASE NO. 12.865, AMEZIANE V. UNITED STATES
7 SEPTEMBER 2017

Honorable Commissioners,

My name is Djamel Ameziane. I am a victim of the United States in its war on terror. For nearly 12 years, I was held by the US military at Guantanamo Bay, without charge, trial or fair process to challenge the legality of my detention. I was held without any legitimate basis, including for more than five years after I was first cleared for transfer. I was humiliated, tortured and abused, and discriminated against as a Muslim man each and every day that I was in US custody, from early January 2002, when Pakistani authorities turned me over to the US military and I was transferred to Kandahar Air Base in Afghanistan, until the time I was forcibly returned to Algeria in December 2013, despite my fears of persecution there. The United States treated me like an animal, or worse than an animal, because the Iguanas that roam freely at Guantanamo were protected by laws. I lived in a cage and was protected by no laws. I suffered abuse and mistreatment at the hands of the US Government, and I watched other detainees suffer the same fate. My family also suffered greatly. I have lasting physical and psychological injuries as a result of what I have endured.

Regrettably, because of those injuries, and in particular because of the depression and post-traumatic stress that I continue to suffer as a result of my detention at Guantanamo, I was not able to travel from Algeria to Mexico and testify before the Commission in person as I had hoped and planned. The stress and anxiety from the uncertainty about whether I would be allowed to travel, or whether as a former detainee I might be detained or interrogated were too great. I became depressed, and my mind started to sink into a dark place, so I decided that I could not make the journey. I am very sorry. But I would like to thank the Commission and the Government of Mexico for their efforts to arrange for me to attend the hearing in person. The Mexican Government issued me a visa at its embassy in Algiers, and the Mexican Ambassador to Algeria met with me personally and was very kind and encouraging of me.

What I wanted to tell the Commission in person, and what I want to explain now, are some of the horrors that I endured at Guantanamo, and what has happened since my release. These are only a few examples; it would take me days to explain it all.

As my lawyers have detailed for the Commission, and as the US also knows well, I was a refugee from Algeria. I fled the country in the early 1990s to avoid the civil war that devastated our country. I lived legally in Vienna for several years, handing out flyers by the Opera House and later working as a chef, but was not allowed to remain in Austria. My work visa was not renewed in 1995. I went from there to Canada, where I immediately applied for political asylum. I lived in Montreal legally for five years until my asylum application was rejected at the end of 2000. Fearing return to Algeria, I panicked and fled to Afghanistan, where as a single Muslim man I could live without papers, and without harassment, while I tried to figure out what to do next. I lived there for a few months until the tragedy of 9/11 happened and the US invaded, after which I fled right away to Pakistan to escape the fighting in which I had no interest and took no part.

After arriving in Pakistan, I was welcomed initially but quickly betrayed by villagers who were rounding up foreigners and selling them for bounties. I was turned over to the Pakistani

forces, who in turn gave me to the US military, which flew me to Kandahar on a military cargo plane. I was chained, handcuffed, hooded and tied with other prisoners to the floor of the plane. When we arrived, it was total chaos and mayhem. We were beaten and brutalized by the soldiers. One thing I remember clearly were armed guards yelling, "Kill them! Kill them!" as we arrived. And I remember the soldiers had vicious, barking dogs that they would bring close to our heads, while we were chained face-down to the freezing cold ground, so close in fact that I could feel their breath on my face. The guards used the dogs to terrify us, and because they thought that we as Muslims especially did not like dogs. I was in shock, but looking back on it, that was probably the guards' intention. Because right when I thought I could not take any more abuse and might lose my mind, I was brutally interrogated. I also encountered other prisoners who were hooded and beaten, and others who were deprived of sleep to the point of hallucination, all in an effort to get them to confess to various things that the interrogators said they had done. This went on continuously while I was held in Kandahar.

In February 2002, I was transferred to Guantanamo, and I thought my life was over completely. For the 15-hour flight, I was once again chained and bound with others, with opaque goggles, earmuffs and a mask over my nose and mouth. I was chained to a seat, forbidden from speaking, and it was living hell. I was not treated like a human being.

When I arrived at Guantanamo, I was placed in an outdoor cage in Camp X-Ray. My cell was like a dog kennel, and indeed it was unfit for a human being. The cell was two meters square and made of wire mesh, with a cement floor and a roof of sheet metal. At first we were not permitted to speak much at all, and we had no amenities. I was eventually given a thin mat and blanket, a bucket for water, and a bucket for human waste, as well as a few other small items. We were given food, but no time to eat it, and the guards constantly harassed us and yelled obscenities at us. They purposefully interrupted our prayers and systematically deprived us of sleep. They sprayed us with water when we slept. We were searched and harassed and demeaned constantly. At times I was also placed in solitary confinement in Camp 1, which was part of the Camp Delta complex that housed Camps 1, 2, 3 and eventually 4, all built after my arrival at Guantanamo. I was left alone for periods lasting up to one month in a cold, rusty metal cell. Everything at Guantanamo rusts quickly in the hot, salty sea air. I slept there on a very cold metal bed, but once again was often kept awake at night by guards making a racket outside my cell.

Thinking back on those early days at Guantanamo, I do not know how I did not go completely crazy. My experiences there were like a nightmare from which I could not awake. Thousands of miles from my home and my family, with no contact with the outside world, I did not even think my family would know where to look for me. They probably thought I was dead. Indeed, after I was released I learned from my brother in Canada that they did not know where I was or what had happened to me until a Canadian official told him a few years after my arrival that I was in Guantanamo. My brother could not believe it.

Again, there are so many instances in which I was abused and tormented and discriminated against that I might take me a week to explain them all.

After a few months in Camp X-Ray, I was moved around through different camps within Camp Delta, and the abuse continued as the prison filled up with more and more detainees from countries all around the world. All were Muslim. We even heard that there were children as young as maybe 10 years old held in another camp separate from ours, and

elderly men as old as their 90s. I do not know what ever happened to them, or to most of the other prisoners I encountered there.

Eventually, the physical abuse that mostly characterized my early years in Guantanamo gave way to psychological abuse. Although the physical harassment and abuse continued, as did the religious discrimination, the psychological abuse was far worse. I would rather have continued to be beaten physically than locked away in isolation and forgotten, which is what happened to me.

In April 2007, I was moved to solitary confinement in Camp 6 for no apparent reason. Perhaps it was to punish me for meeting with my lawyers and litigating a habeas corpus case to challenge my detention. Maybe it was just to be sadistic. I do not know. But what I can say with certainty is that my health and well-being took a turn for the worst in Camp 6. For to understand Camp 6, you must envision what we called a tomb above the ground. A super-max type prison made of concrete and steel, with no windows and only single cells. There, I was kept in a windowless room in isolation, and because I could see nothing but white walls for almost 24 hours a day, nearly every day, my eyesight deteriorated. I asked repeatedly for an eye exam, but adequate medical treatment was denied to me for almost one year. I received an examination and was promised glasses for a long time, but did not receive glasses until months later, and only after my attorney found out and made a request on my behalf. Even then, the glasses I received were the wrong prescription, and I could not wear them without hurting my eyes further. Camp 6 was also kept deliberately cold 24 hours a day, and as a result I suffered from rheumatism in my legs and feet, which continues to this day. All the while, too, interrogators continued to harass and threaten me, including with forced transfer to Algeria, where they led me to believe I would be tortured and killed.

If you want to begin to understand what this feels like, to be locked in isolation in an entirely white cell without relief for months or years on end, I ask you please to consider this: go into your bathroom wherever you live, close and lock the door, and remain there for one year. You will be allowed to have exactly one censored book or magazine at a time, from a limited library. The only time you will leave is occasionally for a quick shower, where you will be mostly naked in front of your guards, to harass you and offend your religious beliefs, or maybe for an hour every day or two where you will be taken to another cell where you can see a small patch of sky and nothing else. This might happen at any time including the middle of the night, so you might not actually see the sky. Maybe or maybe not there will be another prisoner nearby, and maybe or maybe not the guards will allow you to speak with one another. The only other time you will leave your cell is to be interrogated and threatened, or to meet with your lawyer, which would immediately be followed by further interrogations about what you discussed with your lawyer. Indeed, the guards did whatever they could to discourage and prevent us from meeting with our lawyers. Sometimes they would say, for example, "You have a reservation today." Reservation to us meant interrogation, so we would refuse, only to find out later that it was supposed to be a meeting with our lawyers. If you can start to imagine this sort of thing happening day in and day out, week after week, then you can start to understand how I suffered terribly and nearly lost my mind in that horrible place. You would be lucky if you do not lose your mind as some of the men did, and as I nearly did, staring at the walls of Camp 6.

When President Obama came into office in January 2009 was the only time when I had much hope, although it was soon to be dashed. Conditions improved in the camps when he came into office. We were moved out of isolation and allowed to interact in a more communal environment even in Camp 6. For the first time, we were allowed to pray and celebrate the

Muslim holy days together without fear of retribution. We were comforted and sustained by our faith, and by each other, but we were reminded of our home and families with whom we had no contact except through occasional, censored letters sent through the ICRC, or through our lawyers.

Still, when Obama came into office, I had some hope, at least for a short time. When he came into office transfers out of Guantanamo continued and several detainees like me who feared persecution in their own countries were resettled in third countries, mostly in Europe. I thought I would be transferred too, perhaps to Austria, Canada or Luxembourg, each of which had expressed interest in resettling me. But it did not happen. On the contrary, the US authorities purposefully blocked my transfer to any country except Algeria, the place I had fled violence and instability almost a decade earlier, and the one place I feared most.

I want you to understand that I had been approved for transfer by 2008, when the Bush administration concluded there was no military reason to detain me. This was a huge relief when my lawyers told me, but it meant almost nothing as a practical matter. When Obama came into office, his task force also reviewed my case and approved me for transfer right away. When this happened, I lost the right to litigate my habeas case because the government said, and the judge agreed, there was nothing left to be done because I would get out soon. But that did not happen, of course, and I was held for several more years.

To make matters worse, the US government went to court to stop my lawyers at CCR from telling anyone I had been approved for transfer by either administration. My lawyers were prohibited from saying simply that "Djamel Ameziane has been approved for transfer from Guantanamo." Indeed, after my lawyers filed the petition and request for precautionary measures at issue today before the Commission, in large measure in order to try to prevent my forced transfer to Algeria, my habeas lawyers at CCR were prevented from informing the Commission that I was approved for transfer. They could not even inform their co-counsel at CEJIL. In particular, when this matter was referred for friendly settlement discussions, which I was aware of and followed closely from Guantanamo through my lawyers, they were barred by the US from informing the Commission or CEJIL that I was approved for transfer. They were also prevented from informing OAS member states of my cleared status, including one country that expressed interest in resettling me but which I will not name here in order to honor its request for confidentiality. The bottom line is that the US cleared me for transfer, but did everything in its power to keep me in detention and keep secret from the outside world my cleared status. And I remind you that this was the Obama administration, which vowed to close the prison but failed to take the necessary steps to achieve that goal.

I remained in detention for several more years. By January 2011, transfers essentially stopped entirely. For the next two years, only about four or five men were released from the prison by Obama. During this time, too, ironically, the US authorities did not even make serious efforts to transfer me to Algeria. They did nothing, which was quite obvious to those of us who remained in detention, waiting for our turn to come. We saw and felt no progress. It was extremely depressing, our hopes risen only to be dashed again. It was this inaction, too, that caused the outbreak of a hunger strike at the prison in April 2013. The US military's reaction to the strike was swift and barbaric. Rather than address the detainees' concerns and try to alleviate their concerns, the military locked everyone back in single-cell isolation in Camp 6. Many men were also force-fed, and in one instance that I was aware of, the guards shot some detainees with rubber bullets at point-blank range for resisting. This

only caused the hunger strike to spread to most of the other detainees. I, too, joined the strike in protest, and because at that point I had really lost all hope and wanted to die. I was finished. During the summer of 2013, I lost 60 lbs., my nose bled and my skin deteriorated into rashes and scabs. I was a wreck, emotionally, too. I could not even bear to meet with my lawyers in person. We communicated only by mail.

In the end, President Obama recommitted to closing the prison and transfers began again. The hunger strike subsided, but I and many other men never really recovered from that point onward. Indeed, the few months that followed are somewhat of a blur to me now. My lawyers went back to court to press my case because I still was not being transferred. But the reaction of the State Department was harsh: the president's new Guantanamo Envoy began forcibly repatriating detainees to countries where they feared persecution, notwithstanding resettlement offers elsewhere. That is what happened to me.

In December 2013, I was forced back to Algeria. Although I feared persecution, which I had conveyed to the US authorities and the ICRC, as well as to this Commission, I did not kick and scream and cling to my cell door as some men did. I went to the plane to accept whatever further fate awaited me. I was broken, I was finished, I had nothing left.

I was transferred from Guantanamo Bay on December 4, 2013 at about 3:00 am (Guantanamo time). I arrived at the airport in Algiers on the same day at 8:00 pm (Algerian time). It was a direct flight, on board of a military cargo plane, which lasted about twelve hours. I was transferred along with another Algerian prisoner, Belkacem Bensayah. My feet were chained to the floor of the plane and my hands were shackled to my waist for the entire flight. I was blindfolded and was wearing noise-cancelling headphones as well. The procedure was essentially the same as when I was brought to Guantanamo. After arriving in Algiers, I was handed over to the Air Force Border Guards, who boarded the plane, cuffed my hands behind my back, and pulled my t-shirt up to cover my face. I was only wearing a t-shirt while on the plane, where the temperature was very cold. The temperature was also very cold when I arrived in Algeria. They brutally got me out of the plane and put me in a police car and drove me to the police station where I was subjected to a short interrogation. After they took my fingerprints and a mug shot, I was turned over to the secret police, the GDNS (General Directorate of the National Security), where I remained until December 10, 2013. I was subjected to several interrogations, which were conducted by various intelligence agencies. I was held in a large cell along with criminals and drug traffickers – Common Law criminals – in poor living conditions, especially as far as hygiene is concerned, which had a serious impact on my health. I became very ill as a result, and I believe because of that I was released.

On December 10, 2013, I was taken to a courthouse in Algiers where I met with the General Prosecutor, and I was then interrogated by the Investigative Judge. I was placed under judicial supervision and then released on probation. And I was ordered to report to the court once a month while waiting for the court to render its decision, which I did as directed.

At that time I was released and went to live with my brother. I was very ill and could not speak or get up from bed for a long time. My family was very worried for my health, and also worried that the secret police would come and take me away forever. I also did not have any identity documents. I had no right to work or ability to earn income. Indeed, the US kept some money that I had when I was captured and to this day has refused to return it to me. This is money that I earned while working in Canada, and money that I need in order to fulfill my most basic needs for food, clothes and shelter. Instead, I have had to borrow

money in order to take the bus to report to the court and in order to live. I still have little spare clothing, and I have no home of my own. My brother has offered me temporary lodging in his small home where he lives with his six children, but I fear that I may become a burden to him. I do not have any money to rent an apartment and the officials from various government agencies have explicitly indicated to me that they will offer me neither financial nor housing assistance, nor will they offer me any kind of assistance whatsoever. I have also sought assistance from the ICRC and received again the same response, they cannot help me in this way.

To summarize, the US government has not only refused to compensate me for twelve years of imprisonment in Guantanamo, but it has seized the money I had earned through my hard work in Canada. Even the Algerian police officers who detained me when I first arrived to Algeria were outraged to learn such a thing. They said that it was so petty from a country to do such a thing when it claims to be the leader of human rights and plays the role of the world's "vigilante police."

Since then, I have continued to try to improve my situation but it has been very difficult because of my prior detention at Guantanamo. As I have explained, I have obtained documentation, but still have no permanent work, no money, and no place of my own to live. But for the generosity of my brother, I would be homeless today at 50 years old. Indeed, I fear that I am a burden to my family.

I have realized too the toll that my time in Guantanamo has taken on my family. While I was detained my dear father died. I learned of my father's death when I was in the hell of Camp 6, locked in a windowless room for 24 hours a day. I urge you to think about that and how you would feel under those circumstances that I have already described. You would be crushed and devastated as I was, and you would hope to die as I once did in that awful place.

I also learned since from my brother in Canada that mother, who is now very elderly, tried to send clothes and other items to me in Guantanamo, to care for me. I never received them. My brothers knew I would not, but how could they stop my mother from trying, it is what mothers do, they said. My mother, and my other family members, are surely also victims of Guantanamo.

There was also a time when I wanted to have a family of my own but this too has been prevented both by my detention at Guantanamo and by the after-effects of my detention. I am unemployed, in ill-health, and in need medical care. I have no access to employment, as I have said. In Algeria, the rate of unemployment is very high, and with someone like me who has been out of the workforce for more than a decade and who carries stigma of Guantanamo, it is impossible. Also as I have said, I struggled for a long time to get my identity papers, signed up for public assistance and housing but have not received it, and tried to find work consistently but unsuccessfully. I have had some temporary jobs filling in for others when they take vacation, and done some English-French translation work for my lawyers and some others, but that is it.

In Spring 2016, I was also put on trial in Algeria. I was notified a few days ahead of the trial that I would face criminal charges alleging my membership in a terrorist group outside of Algeria. I was very surprised and terrified, and contacted my lawyers at CCR. I was certain a guilty plea would be manufactured to ensure I remained in prison forever even though I was innocent. But thankfully, and to my surprise, the trial lasted fifteen minutes and I was acquitted. Not only that, but I was fully exonerated of any wrongdoing and released without

conditions. This is how I was ultimately able to obtain a passport. I am now free and clear as far as the Algerians are concerned. I am very thankful for this, particularly as I had feared persecution for so many years. It is a weight that has been lifted from me.

But it is still very difficult, and painful, to think about everything that happened to me at Guantanamo, to learn how my family suffered, and to move forward with my life. I am 50 years old, and I lost many prime years of my life to Guantanamo. It was all for no good reason, and at great, great cost. There have been so many terrible events that it is hard, especially now, to remember every injustice. Thinking about it overwhelms me and I get numb. My mind sometimes goes blank. I know from my experience that Guantanamo was created to destroy people, to destroy Muslims, who are the only people to have

been held there, and it has nearly destroyed me. I want to be free of it forever, to forget and move on with my remaining years.

Members of the Commission, what I respectfully ask of you today is this: please issue a merits decision and decide my case. I ask you to order reparations and other relief so that I can get the assistance that I need and move forward with my life, and put Guantanamo behind me forever.

I also want an apology. I ask the representatives of US: will you say on behalf of your government that you are sorry for what the US Government did to me?

To the Commission I also have one final request. I ask you please to stay involved on the issue of Guantanamo and make sure your voice is heard by the US and the international community. Please help the men who remain at Guantanamo, including my countryman Sufyan Barhoumi. I have seen his family, his mother and his brothers since my release, and they are devastated by his continuing detention, as my family was for many years. Please, remain involved on these issues, and urge OAS member states to accept detainees for resettlement. To do what El Salvador and Uruguay have done by taking men from Guantanamo. Help to close this horrible prison.

Thank you.

Signed: 

Date: September 02, 2017

Witnessed:

DJAMEL AMEZIANE

APC DE KHRAICIA

VU ET EGALISE LA SIGNATURE :

Mr : DJAMAL AMEZIANE

Date : 03 SEPT 2017

C.I.N/ P.C N° : 223446

Délivré le : 10-03-2014

Par : DRARIA ALGERIE

Le Président de L'APC DE KHRAICIA

L'Officier de l'Etat Civil

Dj. CHEIKH

