



REPRIEVE



**THE NORWEGIAN
HELSINKI COMMITTEE**

Minister Jonas Gahr Støre
Ministry of Foreign Affairs
Pb 8114
0032 Oslo

April 2, 2009

Dear Minister Jonas Gahr Støre

RE: Guantánamo detainees in need of humanitarian protection

We are writing to you concerning the pressing issue of the closure of the US facility at Guantánamo Bay and the potential role the Norwegian Government can play in that process. It is our continued hope that the Norwegian Government will agree to offer refuge to some of the men in need of humanitarian protection who are currently detained in Guantánamo. We also hope that the Norwegian government would act to encourage other European countries to provide similar support and thus work towards the closure of the facility.

As you know, on his second day as US president, Barack Obama issued an Executive Order that committed the new administration to shutting down the Guantánamo detention facility by January 2010. The order also suspended the highly flawed Guantánamo Bay military commissions and set in motion a review of each of the detainees' files. Among the challenges confronting the Obama administration, however, is the fact that many of the

detainees cannot and should not be returned to their home countries due to credible fears of torture or other abuse.

We were greatly encouraged by the positive statements you made in January that the matter would be considered afresh in the event of a request by the Obama administration.¹ We wish to commend you in all your efforts in this important cause and we offer you the assistance of our organisations as you develop your plans.

We are similarly encouraged by positive statements that have been made by other European governments. Following Portugal's call on 10 December 2008 for European Union countries to step forward on this issue, Ministers in several European countries have taken the important step of publicly acknowledging the role that their countries can play in achieving the goal of closing the Guantánamo Bay detention facility, or have signalled their own government's willingness to consider offering detainees protection in their countries. As you know, these include the governments of Spain, Switzerland, France, Germany, Ireland, Sweden and Finland². The issue continues to be debated at the EU through the discussion by member states at the General Affairs and External Relations Council (GAERC) on 26 January 2009, the Justice and Home Affairs Council meeting on 25 February 2009, the resolution adopted by the European Parliament on 4 February 2009 and the EU delegation that visited Washington mid March 2009.

Although the statements made by European government officials and the Executive Order issued by US President Barack Obama are welcome developments, the humanitarian protection concerns remain an urgent and unresolved matter.

There are approximately 240 men who continue to be indefinitely detained in Guantánamo. An estimated 60 of these men cannot safely be repatriated as they may be at risk of torture or other human rights violations, or because they are stateless. None of these

¹ Letter addressed to the Norwegian Helsinki Committee on 8 January 2009, available at http://www.nhc.no/php/files/documents/utspill/2009/svar_guantanamobrev_store.PDF.

² See, e.g., *Portugal offers to take Guantánamo detainees*, ASSOCIATED PRESS, Dec. 11, 2008; *US diplomat praises Portugal offer on Guantánamo*, ASSOCIATED PRESS, Dec. 12, 2008; *Portugal asks EU to accept prisoners and expedite Guantánamo closure*: <http://www.the-news.net/cgi-bin/google.pl?id=995-12>, Jan. 31, 2009; *Spain Open to Accepting Guantánamo Prisoners*: ABC News, available at <http://abcnews.go.com/International/wireStory?id=6953862>; *Switzerland to consider hosting Guantánamo inmates* <http://www.the-news.net/cgi-bin/google.pl?id=995-12>; *Geneva ready to take Guantánamo prisoners*: http://www.swissinfo.ch/eng/news_digest/Geneva_ready_to_take_Guantánamo_prisoners.html?siteSect=104&sid=10279042&cKey=1233606927000&ty=nd; *France Wants Common EU Policy on Guantánamo Prisoners*, DEUTSCHE WELLE, Dec. 12, 2008; *German Official Urges Berlin to Accept Guantánamo Inmates*, DEUTSCHE WELLE, Dec. 21, 2008; *Germany considers taking in Guantánamo prisoners*, ASSOCIATED PRESS, Dec. 22, 2008; *Europeans may take Guantánamo detainees; Shutdown plan discussed*, WASHINGTON TIMES, Dec. 22, 2008; *Europe cautious on resettling Guantánamo detainees*, AGENCE FRANCE-PRESS, Dec. 24, 2008; *Martin signals Guantánamo detainees will be accepted*, IRISH EXAMINER, Dec. 29, 2008; *Ahern and Martin at odds over Guantánamo*, IRISH TIMES, Dec. 30, 2008; *US-Anwältin: Österreich soll Ex-Guantánamo-Häftlinge aufnehmen*, DIE PRESSE, Nov. 19, 2008; *DEBATE: Finland should accept Prisoners from Guantánamo*: <http://www.hs.fi/english/article/DEBATE+%E2%80%9CFinland+should+accept+prisoners+from+Guant%C3%A1namo%E2%80%9D/1135243076123>.

men has been charged by the USA. Many have even been told by the US government that they should be released, many of them years ago.

The Center for Constitutional Rights and Reprieve have determined that these individuals are at risk by reviewing individual case files prepared by lawyers in consultation with their clients detained at Guantánamo and in some cases with the clients' families.

With no safe country to return to and with no other country willing to offer them protection, these men are essentially stranded at Guantánamo. Some find themselves in the ironic position of using litigation and advocacy to prevent their transfer from Guantánamo to countries where they risk torture or other human rights violations³. While we continue to press the United States to accept some of these men, and we are hopeful that the new Administration might be receptive in this regard, the engagement of the international community will also be critical.

The men with expressed humanitarian protection concerns include detainees from Afghanistan, Algeria, Azerbaijan, China (Uighurs), Egypt, Libya, the Occupied Palestinian Territories, Russia, Syria, Tajikistan, Tunisia and Uzbekistan. These men now constitute more than twenty percent of the remaining Guantánamo prison population. Thus, in addition to the urgent need to end their indefinite detention without charge, a resolution to their predicament is critical to reaching the closure of Guantánamo.

CCR have enclosed with this letter a report providing further information on the men at Guantánamo who are in need of safe haven⁴. Finally, Human Rights Watch have enclosed a report dealing with frequently asked questions regarding those in need of humanitarian protection⁵.

If Norway accepted a few of the individuals at Guantánamo with protection concerns, and several other countries similarly accepted a small number of people, this issue would be resolved and the effort to close Guantánamo would take a significant step forward.

We would greatly appreciate your willingness to review this information and we hope that you find this helpful to better understand the at-risk population of Guantánamo detainees.

³ CCR's Libyan client, Abdul Ra'ouf Al Qassim, for example, recently wrote a fearful letter expressing alarm in light of the US government's reinvigorated efforts to transfer him to Libya despite his consistent and undisputed expressions of concern for his fate if repatriated. In an October 14, 2008 letter, Abdul Ra'ouf Al Qassim wrote: "*I would like to inform you that in these days they want to transfer me to Libya. I hope you can take an urgent action to stop them from doing so as you promised me.*" Abdul Ra'ouf is a Libyan who, like many others subsequently transferred to Guantánamo, was detained in the chaos of the immediate aftermath of the US invasion of Afghanistan. He has been told he could leave Guantánamo for years but has no country to return to safely. Lawyers have engaged in litigation and advocacy to prevent his transfer to Libya where he would be at risk of indefinite detention, torture and potentially death if he were repatriated.

⁴ See Appendix A: CCR Report: *Abandoned at Guantamamo*.


⁵ Appendix B: Human Rights Watch: *Q&A Resettlement of Guantanamo Bay detainees*.

Now that indefinite detention at Guantánamo has entered its eighth year, the intervention of foreign governments in this issue is of critical importance. Given Norway's leadership on important global human rights issues, we are hopeful that Norway might play a crucial role here in ending the indefinite detention at Guantánamo of some of these men and closing the notorious prison which has been a tragic setback for human rights and detrimental to the global cooperation in the fight against international terrorism.

Thank you again for your engagement on this matter. We remain at your disposal to provide further information in order to help find a solution. We request a meeting with you or your relevant staff in order to discuss this issue further, particularly in light of the conclusions from the 26 January meeting of the EU General and External Relations Council (GAERC).

We look forward to further communication with you and we thank you for your attention to this important matter.

Very truly yours,



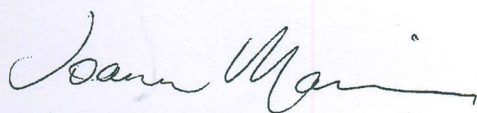
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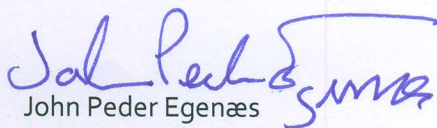
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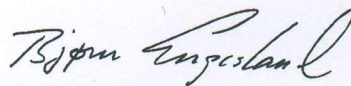
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