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## Why a Guantanamo Detainee Would Refuse a Chance to Leave

**"His decision may have been tragic, but there was more to it," says attorney who met with Mohammed Bawazir**

By **PARDISS KEBRIAIEI** 

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Men who have been resettled from Guantanamo have had uneven experiences,

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depending largely on the resources and humanitarian commitment of the country they land in.

John Moore/Getty

Earlier this year, a man named Mohammed Bawazir, one of dozens of remaining **Guantanamo** detainees whom the Obama administration has cleared for release and is working to transfer, rejected an offer of resettlement in a third country. The 34-year-old Yemeni has been detained without charge for over 14 years, like most of the remaining Guantanamo population. He has been cleared for release — told that his continuing detention is unnecessary — since 2009, for half the amount of time he has spent in prison. The media **called his refusal** an astonishing event. Experts said he might have feared the unknown and that his decision might have reflected a sort of helplessness.

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As an attorney at the Center for Constitutional Rights, I met with Bawazir in Guantanamo before he was supposed to be transferred. His decision may have been tragic, but there was more to it. Yes, he might have been fearful — he faced the prospect of landing in a country he learned about from the Internet and a short “interview” with a foreign delegate that he shuffled to in shackles. The government doesn’t provide detainees it resettles much more information or preparation than that. But sitting across from him, he had questions about what awaited him that I thought the government could have answered, and that would have left him less in the dark. His decision might also have reflected a paralysis from being held captive for 14 years, identified by a number and moved around in chains. And yet he was asserting a demand — to be near his family. His resettlement prospect was on another continent. I thought he was insisting on a life worth living.

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I thought he had heard too much about the experience of other resettled detainees: That the United States hands them over to host countries as potential threats that need to be monitored and contained, no matter that its accusations have not been proven for a single one of them. That the stigma of their imprisonment follows them for years, as if being a Muslim refugee weren't stigmatic enough on its own these days, because of a narrative

about the dangerousness of all Guantanamo detainees that took hold early on, when the government was holding men incommunicado and blocking any information about them from public view, and that censorship and distance perpetuate still today. That how men fare has been uneven, based largely on a lottery of the resources and humanitarian commitment of the country they land in, because U.S. responsibility for the men ends once they step off the plane, despite its responsibility for what came before. That at the most extreme end of resettlement experiences, a man transferred to Kazakhstan last year died six months later from medical neglect of a condition that had also gone untreated in Guantanamo. That trying to reintegrate under suspicion, surveillance and fear of being found out, without family, free movement or enforceable rights, might eventually feel like a different kind of prison, even if all you've thought about for 14 years is release.

He might have felt that he was owed more. That he had lost a third of his life and suffered senselessly. That he was being forced to give up even more after release by being made a refugee, not because he had fled home, but because the United States won't let him return. Since mid-2010, administration policy or federal law has effectively blocked the repatriation of any Yemeni detainee. **Yemen** is unstable, the administration says and the media parrots, as the government backs a Saudi bombing campaign that has killed more than 6,000 people since last year and is contributing to a political and humanitarian catastrophe in that country.

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"We're not a travel agency," the State Department has said. "Detainees do not get to pick and choose

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where they go.” The administration’s position is that transferring detainees is a matter of its discretion, not obligation, because it claims the legal and moral authority to continue holding them without charge indefinitely. Under that logic, indeed, men should be grateful just to leave Guantanamo and not expect more.

Meeting with Bawazir, I told him that the window for transfer was closing and about the implications of turning down the offer. I thought about the corner he was backed into because of the politics that have led to this eleventh hour of a seven-year promise to close Guantanamo. I thought about how hard it is to talk about what he is owed for the deprivations he has suffered, at a time when presidential candidates call for waterboarding detainees to cheers and applause during nationally televised debates. “We’re closing Guantanamo responsibly and meaningfully,” the Obama administration says. Bawazir, who remains in Guantanamo, continues to wait for that to be true.

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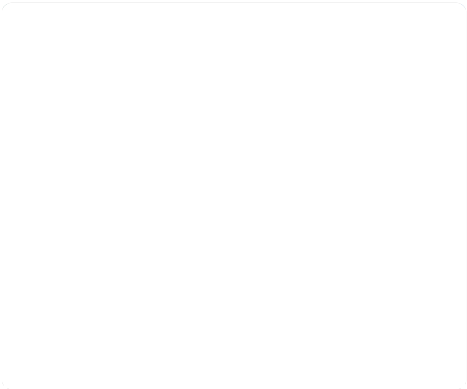
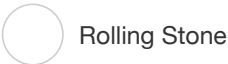
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