

By Clair MacDougall

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They were freed from Guantánamo, but they're still searching for a home.

One afternoon in July, flanked by about 10 protesters in orange jumpsuits, the lawyer Gary Thompson stood outside the cultural attaché office of the United Arab Emirates in Washington, D.C. Speaking into a microphone, he called on the UAE to stop its apparent plan to send his client, a former Guantánamo detainee, back to Russia, where he would likely be jailed and tortured. Four and a half years ago, the United States released Ravil Mingazov, a Russian national and a Muslim Tatar, and put him on a flight to the UAE, where he expected to start a new life. But when he touched down, he was immediately imprisoned in an undisclosed location along with 18 Yemeni and four Afghan detainees.

"We are here to express shock that our country is not putting pressure on the UAE. We are here to say, 'Shame on the UAE,'" Thompson said. "We will continue to protest as long as it takes. Ravil knows that we are not going to forget about him."

Thompson, who normally works as an insurance lawyer, was accompanied by the three other attorneys who formed the legal team that won Mingazov's release in January 2017. Men and women wearing Covid-19 masks walked past, and the sounds of jackhammers and construction vehicles drowned out the speeches made during the tiny demonstration over an issue that once drew hundreds to Capitol Hill. Someone emerged from the UAE's white attaché building on Massachusetts Avenue and took a few photographs before going back in.

From Enemy to Persona Non Grata

As President Biden revives the Obama-era efforts to close the detention center at the US naval base in Guantánamo Bay, Cuba, Mingazov's case raises concerns about the rights and legal status of detainees who must be resettled in third countries because of armed conflict or a risk of persecution. Of the roughly 780 detainees held as prisoners of war at the detention camp since its opening in January 2002, 150 have been resettled in 29 countries because it was unsafe for them to return to their homelands. Thirty-nine prisoners remain at the camp, with 10 cleared for release and five expected to be considered for resettlement in third countries. In recent years, however, the UAE and Senegal have sent detainees back to conflict zones, something that former Obama staffers attribute to President Trump's decision to shutter the Office of the Special Envoy for Guantanamo Closure and the resulting lack of oversight of former detainees. But Biden has yet to reopen the office, and the bilateral agreements between the US and host countries remain classified.

The legal and human rights organization Reprieve, drawing on publicly available information and data from its clients, says that former detainees who have been resettled in 19 of the 29 host countries have uncertain legal status, ranging from renewable temporary residency to being completely without documents. (The data Reprieve shared with me was anonymized to protect its clients.) According to rights organizations and lawyers representing people held at Guantánamo, the Biden administration should not only release the remaining inmates and close the prison but also ensure that former detainees who are resettled in third countries have basic rights. As Katie Taylor, the deputy director of Reprieve and coordinator for the Life After Guantánamo project, said to me about Mingazov's case, "It really is the US's mess to clean up."

The United States may not have much time to help Mingazov. In late June, Russian authorities contacted his mother and asked her to identify him for a passport, according to Reprieve and Thompson. Taylor said this echoed the preparations that occurred in the lead-up to the forced repatriation of four Afghans, one of whom, according to United Nations experts, died "due to illness resulting from years of torture, mistreatment, and medical neglect at both Guantánamo and in the UAE."

The "Ballet-Dancing Terrorist"

In 2006, Thompson met Mingazov on the opposite side of a card table in one of the shedlike wooden structures where attorneys consult with their clients at the Guantánamo Bay detention facility. One of Mingazov's ankles was shackled to the floor, and the tall man looked gaunt in his white prisoner's uniform. Thompson's colleague Douglas Spaulding, a lawyer and retired US Marine who had taken on Mingazov's case, and their Russian translator were also there. Mingazov was wary at first, as many other detainees were when lawyers started arriving to represent them, but he soon warmed to the two men, who assisted him with his Administrative Review Board hearing, a process that determined whether a detainee still presented a threat to the United States. Thompson, a long-distance runner who often spent his off time treading along the ridgelines overlooking Guantánamo Bay, bonded with Mingazov, who was also in his 40s and paid attention to his fitness. As the camp's rules relaxed over the years, the members of Mingazov's legal team would bring smoked fish, caviar, tea, and other Russian delicacies and share them over long chats about family, philosophy, and the details of the habeas corpus petition they were planning to file to challenge the lawfulness of his detention.

Mingazov is from Naberezhnye Chelny, the second-largest city in the Republic of Tatarstan, a region bridging Russia and Central Asia that is home to the Tatars, an ethnic minority of around 5 million, many of whom practice Sunni Islam. A ballet dancer, Mingazov joined the ballet troupe of the Russian Army and performed in the military band after he was conscripted. He once joked to Spaulding that he was "the world's only ballet-dancing terrorist."

In the army, Mingazov became more observant of his religion. He requested halal meat and time for daily prayer, which he said led his superiors to target him. He traveled from Russia to Tajikistan in 2000, hoping to resettle in Afghanistan and live more devoutly, according to leaked US government profiles of the detainees, though Mingazov's lawyers say he ultimately wanted to move to Pakistan or the Middle East. Pakistani security forces arrested him on March 28, 2002, in Faisalabad, Pakistan, during a sweep of what the US said was an Al Qaeda safe

house, according to these documents. The US government accused him of being a member of the Islamic Movement of Uzbekistan (IMU), said to be an Al Qaeda affiliate, and of having participated in Al Qaeda training in camps in Afghanistan—a charge Thompson says Mingazov denies.

The Long Road out of Guantanamo

In April 2010, Thompson and the rest of the legal team challenged Mingazov's detention in the D.C. Court of Appeals. Thompson knew the court and Judge Henry Kennedy Jr. well but had represented clients only in insurance and fair housing cases, never in a classified hearing. Lawyers were required to read evidence and take notes in a secure facility across the Potomac River in Crystal City, Va., and they were unable to communicate with the detainees during proceedings. In most cases, the lawyers were not allowed to know the sources of the evidence, and they were forbidden from sharing classified information with their clients. "It's like going into court with your hands tied behind your back," Thompson said. "You have no way to test the evidence, and that's why it shocks the legal conscience."

In an unclassified but redacted opinion, Judge Kennedy rejected the government's claims that Mingazov was a member of the IMU, the Taliban, and Al Qaeda and that he had attended an Al Qaeda training camp. Kennedy pointed to inconsistencies in intelligence reports and questioned the accuracy of translations. The judge concluded that Mingazov may have been "something more than an innocent traveler seeking a new home for his family" but that the government had failed to prove he was part of "the command structure of any terrorist organization."

Kennedy ordered Mingazov's release in 2010, but the government appealed and continued to do so for six years. In 2011, President Obama established the Periodic Review Board, with representatives from six agencies, which would consider the threat posed to the United States by the remaining detainees. On June 21, 2016, the PRB finally granted Mingazov a hearing in a trailer, where Thompson attested to his client's "peaceful" and "cheerful" nature. Mingazov's statement to the board was not included in the unclassified transcripts of the two-hour hearing, and the statement in which he argued his innocence in a previous petition is still classified. The summary of the determination by the PRB said that while he failed "to demonstrate sufficient candor related to events prior to detention," he appeared to have been only "a low-level fighter."

Now Mingazov was cleared to leave, but he had to find a new home. He didn't want to return to Russia, where former Guantánamo detainees had been tortured in 2004. Latvia came up as an option, but Mingazov feared it was too close to Russia. Then a place in the UAE opened at the last minute. He understood he would need to attend a rehabilitation program that would last six months. But Mingazov liked the idea of living in an Arabic-speaking and Muslim country, and he and Thompson said they would run the Abu Dhabi Marathon together after he had settled in.

But with Trump winning the 2016 presidential election and pledging to keep Guantánamo open and "load it up with bad dudes," time was running out. A day before Trump's inauguration, Mingazov flew out with two other detainees. Thompson feared Trump would order the plane to turn around, but Mingazov made it. Over the next four years, Trump would release only one more detainee. Thompson told me, "It felt like the end of a movie."

From One Prison to Another

Not long after Mingazov's resettlement in the UAE, his teenage son, Yusuf, who was living with his mother in Nottingham, England, started to sense that something was awry. Yusuf was 3 years old when his father was detained, and the first time the two spoke to each other was on a video call when his father was still in Guantánamo. Now 22 and a college student in London, Yusuf said it's difficult to describe the emotions he feels when he sees his father now. Through his family's stories, he knew his father as a strong, noble, and patient man and as an accomplished ballet dancer and a good soldier. He had an idea of what his father used to look like, because of a family video and a photograph of Mingazov with a mustache leaning forward and smiling over him as a wide-eyed, chubby-cheeked baby.

The long video calls continued until his father left Guantánamo. But once he was in the UAE, the calls were less frequent and came at random times, Yusuf said. When they could speak, Mingazov told his son about the difficulties in the new prison—the solitary confinement and mistreatment—but then the calls would suddenly be cut off. “To see him broken like this,” Yusuf said, “it's something different; it's hard for him to be broken like this.” Yusuf softens the news for his grandmother Zuhra, with whom he talks regularly. “Her hope was to see him,” Yusuf said, “but now it's for me to see him again, because she thinks she will die before she sees him again.”

Mingazov's lawyers and Reprieve have written to the UAE government but have been given no reason as to why he is still being detained after more than four years. Yusuf said he finds it baffling that his father was imprisoned again after his release. “They said at the beginning it was a rehabilitation center or something for him to adapt to new changes,” he said, “but they haven't allowed him to do anything.”

The conditions under which resettled former detainees live are inconsistent, with some still separated from their families and placed under strict travel restrictions. While some have been reintegrated into host countries, many others have limited access to social services such as physical and mental health care. Reprieve says that for ex-detainees to succeed in establishing normal lives, they must be granted clear legal status, and the US government must ensure that host countries respect their rights and fulfill their resettlement agreements.

Mansoor Adayfi, a Yemeni former detainee who was resettled in Serbia, told me that the Biden administration needs to speak to more detainees about how reintegration could be improved. Incarcerated at the age of 18 for 14 years, Adayfi complained about the isolation, the near-impossibility of getting married and establishing a family, and the monitoring by security services. He said he hopes to reunite with his family in Qatar but doesn't know when he will be allowed to move. Adayfi, who just published a book about his time in Guantánamo titled *Don't Forget About Us Here*, worries that he and others remain mentally trapped within the prison walls. He joked that it was “Guantánamo 2.0.”

A spokesperson for the US State Department responded to my questions via e-mail about ongoing plans for Guantánamo's closure and the resettlement of the remaining 39 detainees, writing that the department was searching for countries that would agree to “appropriate security

and humane treatment assurances” and was “deeply concerned by reports regarding the potential forced repatriation of a former Guantanamo Bay detainee to Russia from the UAE. We have discussed our concerns with the UAE and will continue to follow the situation closely.” When asked later about the recent repatriation of six Yemenis held in the UAE, a spokesperson wrote that the UAE “affirmed that the resettlement would be conducted with the consent of the former detainees” and thanked the UAE for hosting them.

Veteran Guantánamo reporter Carol Rosenberg, now at The New York Times, said in a recent radio interview that it would take “thousands” of hours of diplomacy and a Congress willing to let the administration move some detainees to US soil to close the detention center. Steve Vladeck, a legal scholar, said that Biden has stated he wants to close the detention camp, but it’s unclear how much “political capital” he is willing to spend. Some House Democrats have started petitioning Biden to close the prison, but there is still resistance, especially among Republicans. Vladeck fears that a lack of pressure on the part of the public could hold these efforts back. “Guantánamo was all but forgotten under the Trump administration,” he told me. “I fear that we are headed for more of that, even with an administration that is committed to doing what I think is the right thing.”

Back in London, Yusuf has become used to waiting for his father’s release. Life rolls on: He does his homework; he goes where he wants and eats what he wants. But his mind often wanders to his father, who has never been found guilty and has been imprisoned for almost 20 years. “He’s innocent. Why shouldn’t he be released? They’ve kept him in there for too long,” Yusuf told me. “We have to fight.”

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