

ReedSmith

Gary S. Thompson
Direct Phone: +1 202 414 9418
Email: gthompson@reedsmith.com

Kristin C. Davis
Direct Phone: +1 202 414 9290
Email: kdavis@reedsmith.com

Reed Smith LLP
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3373
+1 202 414 9200
Fax +1 202 414 9299
reedsmith.com

September 10, 2015

VIA UPS AND EMAIL

United Kingdom Home Office
Attention: Visa and Immigration Office, Asylum
Direct Communications Unit
2 Marsham Street
London, England
SW1P 4DF

Re: Family Reunification Application for Ravil Mingazov, Guantanamo Detainee

To Whom It May Concern:

We write in support of the accompanying family reunification application for Ravil Mingazov. For many years, we have represented Ravil on a pro bono basis with respect to his detention – thirteen years and counting – by the United States of America at Guantanamo Bay Naval Station (“GTMO”). Thank you in advance for your consideration of this application. Ravil’s former wife, Dilyara Mingazov, and his teenage son, Yusef Mingazov (who Ravil has not seen since he was a baby), were recently granted political asylum to the United Kingdom and now reside in Nottingham, England (along with several other family members). Dilyara and Yusef have survived a long ordeal, by way of Syria, and wish to reunite with Ravil, as he wishes to reunite with them. Dilyara, Yusef, and other family in Nottingham sponsor this application and wait for Ravil with their full financial and other support. We make this application having visited with Ravil in GTMO many times over the years, and also having been in touch with Dilyara and Yusef. Ravil reviewed and signed the attached application.

Introduction

Ravil Mingazov has been unjustly imprisoned since 2002. He is in the category of “indefinite detention” – never formally charged with any wrongdoing, he is held by the United States under the theory that they can detain any person from anywhere in the world for as long as they decide to do so, without oversight or question by any independent court, foreign government, or international body. As detailed below, and in the accompanying application, Ravil has endured torture, harsh confinement, an unjust never-ending imprisonment, and a lack of fundamental due process of law before any administrative or judicial tribunal. Ravil is not alone in suffering this deplorable state of affairs, as he remains in GTMO with over 100 men – most of them, like Ravil, having done nothing wrong, having never been charged, and simply waiting in the black hole of detention without end.

Summary of Ravil's Story

On December 5, 1967, Ravil was born in Kamchatskaya, Russia; he is now 47 years old. When he was a child, Ravil's family moved from Kamchatskaya to the city of Naberezhnye Chelny, in Tatarstan, Russia. They are ethnically Tatar, a Muslim group that has endured a history of mistreatment and discrimination in Russia. As a young man, Ravil was a successful ballet dancer, dancing with various professional troupes including the Mari El Troupe. In 1987, he entered the Russian Army and danced in the Russian Army ballet troupe. He was later assigned to passport control duties on the Russian-Mongolian border.

After the Soviet Union dissolved in 1991, Ravil left the army and returned to Naberezhnye Chelny and worked in the food supply department at a nearby military installation. During that time, Ravil became more openly religious, like many did following the dissolution of the Soviet Union. He became an observant and faithful believer, but disavowed any form of militant Islam. During this time, he met and married his wife, Dilyara Mingazov.

Due to his religious observances, Ravil experienced significant hostility and prejudice during his period at the military installation (as detailed in the application). In 1999, Dilyara and Ravil's son, Yusef Mingazov, was born. The Russian authorities denied permission to give him a Muslim name, insisting on recording his name as Josef. The authorities also refused to issue passports for Ravil and Dilyara so they could visit Mecca. He and his family experienced increasing harassment for their faith. Ravil became increasingly fearful about the safety of his family, ultimately deciding to leave Russia to find a more tolerant country. In 2000, they traveled to Tajikistan. When Yusef became ill, Dilyara returned to Russia with him, leaving Ravil to forge ahead and locate a new home for the family.

Ravil was eventually able to cross the border into Afghanistan, which at that time was ruled by the Taliban. He came into contact with a group called the Islamic Movement of Uzbekistan (IMU) but he did not join them, he did not fight, and he did not train to fight. In October 2001, when the Americans began bombing Afghanistan, the conditions in the refugee camp where Ravil was being held temporarily became chaotic. He joined with a group of refugees who were fleeing the country and traveled to Pakistan by car and on foot.

In Pakistan, Ravil first stayed in Lahore and travelled with other Muslims who were engaged in the peaceful practice of the Muslim religion. In March of 2002, Ravil traveled from Lahore to Faisalabad where he stayed in a guest house for Muslim refugees. While there, he did not observe any weapons in the house, nor did he observe anything in the house that concerned fighting with al-Qaida or the Taliban. A few days after he arrived, the Pakistani police conducted a night raid on the house. They simply arrested everyone in all parts of the guest house. The arrest was calm and without incident. Ravil was not told why he was arrested.

Ravil was then taken to a prison in Islamabad and transferred to U.S. custody. The U.S. took him to the notorious detention facility at Bagram, Afghanistan. There, Ravil endured harsh conditions and suffered physical, mental, and emotional abuse (as is well documented by many others). Ravil was severely beaten, slammed into the ground, hung by his arms for extended periods of time, and deprived of food and sleep. At one point, under severe duress, Ravil agreed

with his interrogators that he had attended the Al Farouq training camp, that he observed Osama bin Laden while at the training camp, and gave other “confessions.” He said these things especially because he feared that the Americans would return him to Russia if he did not confess, where he would face further persecution and imprisonment, torture, and possibly even death. At the time and in his beaten condition, Ravil believed that instead, if he “confessed,” he would be transferred to a prison in Guantánamo Bay, Cuba, where he had heard that the conditions would be better than the conditions at Bagram and certainly better than returning to Russia.

This is how Ravil Mingazov came to be shipped to GTMO in mid-2002, in the infamous fashion of all detainees – blindfolded, ear-muffled, hooded, shackled, and in all respects, treated worse than a dog in a shelter. He was not charged, nor provided with counsel or any semblance of due process, and his name was kept secret to the outside world. Ravil then endured the worst of GTMO for many years. During much of the first several years that he was imprisoned, Ravil was held in solitary confinement. He was confined to his cell for at least twenty-two hours each day. He was allowed very limited time outside of his cell to shower or for “recreation” and that time was often held at night in small cages. There was no opportunity to interact with other prisoners other than at the limited recreation times and by shouting through cell doors.

During the time of the Obama administration, while camp conditions have improved, the inherent torture of indefinite detention without due process continues. There is no opportunity to work, receive education, and no regular access to reading materials in Russian. Through the Red Cross, Ravil has recently had the opportunity to speak with his family through phone calls and video calls.

Ravil has been visited by a Russian delegation at different times. During those visits, the Russian agents threatened Ravil with imprisonment, torture, and death upon his return to Russia. These threats are consistent with how Russia has treated seven other GTMO detainees returned to Russia in 2004. This is documented in the attached report from Human Rights Watch, “The ‘Stamp of Guantanamo’ The Story of Seven Men Betrayed by Russia’s Diplomatic Assurances to the United Nations” (March 2007). These Russian Muslims all were kept in detention in Russia and suffered torture and abuse at the hands of Russian authorities despite the country’s assurances of humane treatment. Each of the detainees returned to Russia was immediately charged with criminal conduct and committed to prison in Russia where they were held for nearly four months. At the end of that time, they were released only to be further harassed, abused, and persecuted by Russian authorities (and in one case, killed). The persecution of Muslims in Russia has also been documented by the United States Department of State and the United Nations High Commissioner for Refugees (UNHCR).

Thus, resettlement in another country is Ravil’s only option for survival, and resettlement to the United Kingdom is his sole path for reuniting with his family.

Ravil’s Legal Case in the United States

In 2004, the names of the GTMO detainees became public. Our firm volunteered to take on a total of six clients, four of whom have been released. For Ravil Mingazov, the original petition for a writ of habeas corpus was filed on December 28, 2005, in the United States District

Court for the District of Columbia. For several years, the U.S. government resisted any habeas corpus review by the courts, claiming that the executive branch, and the executive branch alone, had the sole authority over detention and conditions of confinement (in effect, a return to the time before Magna Carta in 1215). After the U.S. Supreme Court reaffirmed U.S. district court jurisdiction in a series of cases from 2004-2008, the habeas corpus cases proceeded in Washington D.C. In a habeas corpus proceeding, the government does not issue charges; rather, the government must step forth and justify the detention, and under a relatively relaxed standard of proof. The government's burden was to show by a "preponderance of the evidence" that a detainee qualified as an "enemy combatant" under a broad definition of that phrase. In the first 50 cases to come to a full evidentiary hearing, the government could not carry this incredibly small burden in 35 of 50 cases.

In April 2010, Ravil's case came up for a full evidentiary hearing. The government amended its factual statement to the court five times, each time to supplement the record with purportedly newly discovered evidence. The trial then proceeded based upon all the evidence the government wished to introduce into the record.

On May 13, 2010, the United States District Court ruled that the government had failed to carry its burden; there was insufficient proof to conclude that Ravil was a member of al-Qaeda, the Taliban, the IMU, or any affiliated organization. Judge Henry Kennedy ordered Ravil to be released. A copy of the unclassified portion of the decision is attached. The Judge reviews in great detail how the U.S. government's proof against Ravil is lacking.

Despite the Judge's May 2010 order, the U.S. government appealed to the intermediate appellate court, the D.C. Circuit Court of Appeals. This resulted in a stay of any actual release. Midway through the appeal, the U.S. government asked for a new habeas corpus hearing because they claim they overlooked some more evidence that had long been in their possession. This motion lacks any merit under the court rules and precedent.

In April 2012, the appellate court then remanded the case back to the district court level (reassigned to a new judge). On August 23, 2012, Ravil filed a motion in an effort to recommence the habeas corpus proceedings. The district court has not ruled on the pending motion, now over three years stale. In effect, the habeas case is stayed and the court will not take action, notwithstanding the clear findings and order from May 2010 that Ravil be released.

Thus, Ravil remains imprisoned indefinitely even despite the successful outcome of the only evidentiary hearing regarding his case. Ravil has been subjected to various executive-branch administrative reviews within the military chain of command, but none of these have been meaningful, impartial, or anything more than perfunctory affirmations of military decisions already made.

In short: the U.S. government has never formally charged Ravil Mingazov with any crime or wrongdoing, including before any military tribunal, and yet they have held him for over thirteen years. Even after a U.S. federal court conducted a lengthy evidentiary hearing and found the government lacks evidence to justify the detention, the U.S. government has continued to hold Ravil Mingazov, and intends to do so *forever*. This idea of indefinite detention is contrary

to the most basic standards of decency and human rights, whether under international law or the laws of the United States or United Kingdom. As President Barack Obama aptly observed, GTMO “has become a symbol around the world for an America that flouts the rule of law.” U.S. Dep’t of Def., Obama Vows to Close Guantanamo Detention Facility, <http://www.defense.gov/News/NewsArticle.aspx?ID=12-130>. Such flouting of the rule of law is demonstrated by the case of Ravil Mingazov.

Ravil’s Family in Nottingham

Ravil’s family awaits him in Nottingham, willing and able to provide housing and support. Words cannot convey adequately how deeply they long to be reunited with Ravil. This application includes letters from his son Yusef and former-wife Dilyara. They have their own harrowing story, which was a part of their own application for asylum to the U.K. In short, after their return to Russia, they never heard from Ravil (having been detained at Bagram, then GTMO). For years, they lived in poverty and under harassment from Russian authorities. They emigrated to Syria, with the support of a man who married Dilyara. They then fell victim to the horrible circumstances in Syria, ending up in a refugee camp in Jordan. After many difficult months, Dilyara and Yusef were able to return to Russia (with Dilyara then divorced from the man, who stayed behind in Jordan).

In 2014, they were granted asylum in the U.K., for which they remain deeply grateful. They have other family in Nottingham – Dilyara’s mother, sister, and others. They live modestly, work hard, and are adapting to life in England. They are ready to do everything they can to receive and heal Ravil Mingazov after his long nightmare in GTMO.

Yusef wrote in a letter addressed to “Governments that can assist bringing my Father back to me”:

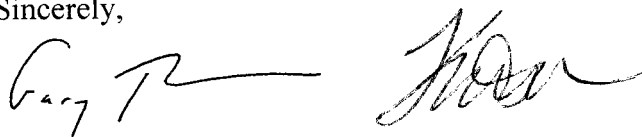
My name is Yusuf Mingazov and I am 13 [now 15] years old and I go to school. I have a very important appeal, Give me back my father, Please!! His name is Ravil Mingazov and he is in Gantanamo Bay Prison. I am waiting for him since a very long time, since 2000. I was only a year old when I last saw him. My mother has been telling me all about him since my childhood and I only saw him in a very old family video and he was playing with me. My father is the best in the world, the most kindest person, if you see him and talk to him you will understand what I mean. I feel devastated without him. Please give him back to me, I need him so much. Help my Father please!!!! I hope that you will not refuse my request and I await your help very anxiously. For me, the most important thing in my life is to get my father back.

Conclusion

There is a glimmer of hope for Yusef. We respectfully request that the U.K. now grant Ravil's family reunification application.¹ We ask that the U.K. consider this application separate and apart from whatever the U.S. decides to do with Ravil. There is much speculation about what is happening next for GTMO detainees, from relocation to U.S. soil to endless detention at GTMO until death. If granted, this application might create an opening for Ravil's release in the immediate future.

We are eager to meet or talk with anyone at any time about Ravil's plight. To that end, we also copy the British Embassy here in D.C., among others. As our own government and courts have ceased even to listen, we can only appeal to the outside world committed to the rule of law.

Sincerely,

The block contains two handwritten signatures in black ink. The signature on the left is 'Gary T.' followed by a long horizontal line. The signature on the right is 'Kristin Davis' in a cursive script.

Gary Thompson & Kristin Davis
Counsel for Ravil Mingazov

¹ If Ravil's application does not meet the criteria for a family reunification grant, we ask that, in the alternative, it be treated as an asylum application. As noted below, there is ample evidence that supports his need for asylee status.

Respected Organisations of Human Rights and Governments that can Assist in bringing my Father back to me!!

My name is Yusuf Mingazov and i am 13 years old and i go to school. I have a very important appeal, Give me back my father, Please!! His name is Ravil Mingazov and he is in Guantanamo Bay Prison. I am waiting for him since a very long time, since 2000. I was only a year old when i last saw him. My mother has been telling me all about him since my childhood and I only saw him in a very old family video and he was playing with me. My father is the best in the world, the most kindest person, if you see him and talk to him you will understand what i mean. I feel devastated without him. Please give him back to me, i need him so much.

HELP MY FATHER PLEASE !!!!

I hope that you will not refuse my request and i await your help very anxiously. For me, the most important thing in my life is to get my father back.

With Respect and Proud to be

Yusuf, son of Ravil Mingazov

Letter from Yusuf to Ravil

Letter from Yusuf to the most beloved father,

Assalaamualaikum Warahmatullahi Wabarakaatuh, My Beloved Father,

I miss you so much and i am waiting for you so much and i want to be with you and never be separated from you again. I feel so bad without you and i am jealous of everybody who has a father and i know that you are the best, kindest and the most generous and caring father!! I love you so much!! i beg Allah to make our reunion soon in the state of us being alive and healthy AAmeen !!

My mother told me so much about you and still tells me how you loved me, played with me!! I know you very well now and i feel you so close to me. When me and my mother talk about you, we always end up crying together. Thank you for all your letters, cards and pictures, i treasure them all!! My Dearest father, i need you very much !!

I am studying well at school and i love to play football. I know how to swim and i like to play computer games. My mother tells me that i am an exact copy of you in all my actions, in my eyes and my smile and looks and habits. We love you and await your return anxiously!! You are so dear to us and we treasure you!! I study the Quran at school and i am particular about my prayers (Salah) and i always remember you in my prayers.

My dearest father i always remember you and i dream of the day we will meet and never be apart again, Aameen !!

Love you very much !! I am kissing your hands and hugging you tight !!

Your Beloved Son

Assalaamualaikum Warahmatullahi Wabarakaatuh

Yusuf Mingazov

