

House Committee on Foreign Affairs
Subcommittee on International Organizations, Human Rights, and Oversight

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Statement of:
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Thank you, Mr. Chairman, for inviting me to speak to the Subcommittee today about my client, Oybek Jamo Idinivich Jabbarov, an Uzbek national who is being unlawfully detained at Guantánamo Bay, Cuba.

My client is one of approximately 30 detainees who represent “Guantánamo’s refugees.” These are detainees who have been cleared for release by the U.S. government -- for some, years ago, yet they remain imprisoned at Guantánamo because they come from “high-risk” countries where there is a potential danger of persecution or torture should they be forcibly returned, and no country, other than Albania, has been willing to accept these refugees from Guantánamo for resettlement. Indeed, the United States has already transferred detainees from Guantánamo to high-risk countries despite credible individualized fears of persecution or torture upon their repatriation. My client is one of these refugees, who fears repatriation to his native Uzbekistan.

Oybek’s 6-year long imprisonment at the hands of the U.S. government is a tragic case of being in the wrong place at the wrong time. Now 30 years old, Oybek and his pregnant wife, infant son, and elderly mother were living with other Uzbek refugees in northern Afghanistan in 2001 when fighting broke out between the Taliban and the Northern Alliance. Oybek was not captured on the battlefield, nor was he armed. Instead, he accepted a ride from a group of Northern Alliance soldiers he met at a roadside teahouse who said they would give him a ride to Mazar-e-Sharif. Unfortunately, instead of driving him to Mazar-e-Sharif, the soldiers took

Oybek to Bagram Air Base where they handed him over to U.S. forces, undoubtedly in exchange for a sizable bounty. In a desperately poor, war-torn country, Oybek was an easy mark for soldiers responding to leaflets dropped throughout Afghanistan by the U.S. military offering thousands of dollars in cash rewards to anyone who turned over a Taliban or foreign fighter.

After Bagram, Oybek was taken to a prison in Kandahar, Afghanistan, and then transferred to Guantánamo Bay in June 2002. During his first few months at Guantánamo, an FBI agent told Oybek, “you’re a free man, you’re not a problem” and to be patient while diplomatic arrangements were made for his release. But months turned into years and still nothing happened. Finally, in February 2007, Oybek received approval from the U.S. government to leave Guantánamo. This news brought little comfort, however, because Oybek fears for his life if he is returned to his native Uzbekistan, a country with a long and well-documented history of human rights abuses, including the widespread use of torture.

Indeed, Oybek had a chilling encounter with Uzbek officials who came to Guantánamo in September 2002 to interrogate him. The Uzbek interrogators told Oybek he would be sent to prison upon his return to Uzbekistan and implied he might face torture to force him to confess to things he did not know.

They asked him questions about the Islamic Movement of Uzbekistan (“IMU”), an outlawed militant group in Central Asia despised by the Uzbek government. They called Oybek a “wahhabi”-- a pejorative term broadly used by Uzbek authorities to describe individuals they view as radical Islamic extremists. The Uzbek interrogators also told Oybek he would be sent to prison upon his return to Uzbekistan for the alleged crime of “illegally” crossing the border into Tajikistan without a visa -- even though no such visa was required at the time. They showed him a photo array and asked if he could identify any of the individuals pictured. When he did not

recognize any of the faces, one Uzbek interrogator banged his fist on the table and told him menacingly, “when you go back to Uzbekistan, you will know these things.” Oybek understood the security officer to mean that they would torture him until he told them what they wanted to hear.

My client is more Borat, than he is Kahlid Sheik Mohammed. Unfortunately, Oybek fits the very profile of someone who will face persecution, arrest, imprisonment, and torture at the hands of Uzbek authorities. While Oybek would like to practice Islam freely, even the most basic acts of wearing a prayer cap, keeping a beard, and going to mosque in the Ferghana valley, where he is from, are viewed with grave suspicion by the Uzbek security services.

Even worse, the stigma attached to his prolonged detention in Guantánamo will follow him home with dire consequences. The U.S. government has accused Oybek of being a member of the IMU, as well as supporting al Qaida and fighting for the Taliban -- all of which Oybek denies and for which no credible evidence has ever been proffered. But these accusations are tantamount to a death sentence if Oybek should ever fall into the hands of the Uzbek authorities. Having been branded by the United States as an alleged member of an outlawed extremist group that is especially loathed by the Uzbek government, Oybek should expect to face the harshest legal, even extra-judicial treatment if returned to his country. Yet, despite the grave and obvious danger facing him, the U.S. government refuses to rule out repatriating Oybek to his native Uzbekistan.

Oybek yearns to be reunited with his family -- to finally meet his youngest son who was born just after his arrest, but he is afraid he will never see his family again if he is returned to Uzbekistan. He is afraid that if he is returned to Uzbekistan he will be killed.

My client continues to languish behind the thick concrete walls and barbed wire of Camp 5 in Guantánamo, the result of a grave mistake, not of his own making. It is our mistake that he sits there and we as a nation need to recognize that Guantánamo does not contain just “the worst of the worst.” It also contains far too many mistakes like my client, a poor soul who was not captured on the battlefield as an armed enemy combatant, but was simply in the wrong place at the wrong time.

We are a great nation, but we are, as our founding fathers envisioned, a perpetual work in progress. Sometimes, our nation has made mistakes -- slavery, our treatment of Native Americans, the internment of Japanese Americans, and Jim Crow, to name a few. But part of our greatness lies in our capacity to recognize when we have made a mistake, and to make it right.

Therefore, I think it is fair that we as a nation ask ourselves: How many more days must Oybek remain in Guantánamo for our mistake? How many more days must he sit his 8x12 cell, before we make it right?

Thank you. I am happy to answer any questions you may have.