

OYBEK JAMOLDINIVICH JABBAROV*

UZBEK GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Oybek Jamoldinivich Jabbarov is an Uzbek refugee who had been living with his pregnant wife, infant son and elderly mother in northern Afghanistan when fighting broke out. He separated from his family to seek a safe place for them all. However, when he accepted a ride from Northern Alliance soldiers, he was driven to Bagram Air Base and transferred to U.S. forces, likely for a sizable bounty. In Guantánamo, Oybek was subjected to interrogations by Uzbek interrogators even though Uzbekistan is one of the most notorious countries in the world for its use of torture against prisoners.

Summary

Oybek is a 30-year-old Uzbek national imprisoned by the United States at Guantánamo Bay. Oybek's initial detention by U.S. armed forces is the result of being in the wrong place at the wrong time, rather than being captured on the battlefield as an enemy combatant. Oybek was likely the victim of bounty hunters aligned with Northern Alliance forces, who turned him over to the U.S. military in exchange for cash. He has been in the custody of U.S. armed forces since December 2001, now well over six years. Despite being cleared for release, he remains at Guantánamo because he cannot safely be returned to Uzbekistan and no country has intervened to offer him humanitarian protection.

Personal History

Oybek was raised in Chortok, Uzbekistan. After he left school, he worked selling goods in local markets and, later, performed his compulsory service in the Uzbek national army. When he finished his military service, unemployed and with limited options, he traveled to neighboring Tajikistan to work with his brother buying goods purchased in Tashkent and selling them in the bazaars of Tajikistan.

Oybek spent the next four months in Tajikistan, where he lived in the city of Gharm. One day Oybek's mother arrived from Uzbekistan with a warning for her sons that the Uzbek authorities were looking for them. She told Oybek and his older brother, Ulegbek, that the police in Chortok had been harassing her for two months. They repeatedly visited the family house asking about the location of her sons and ordered Mrs. Jabbarov to come down to the police station for interrogations. With this information, Oybek and his brother determined that it was not safe to return to Uzbekistan, and that they should remain in Tajikistan.

Oybek did not know it at the time, but according to a 2003 "Bulletin For Wanted Criminals" published by the Uzbek Ministry of Internal Affairs, both Ulegbek *and* Oybek were listed in the document for violating Article 159 of the Uzbek Criminal Code. This particular Article is routinely used by Uzbek authorities to persecute independent Muslims, but also to silence insubordinate farmers or traders, for "anti-constitutional activities." Interestingly, the bulletin lists Oybek as having been a wanted criminal since August 1998, a time when he was actually serving in the Uzbek armed forces.

* Oybek Jamoldinivich Jabbarov is represented by Michael Mone at Esdaile, Barrett & Esdaile. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo's abandoned, contact emaclean@ccrjustice.org.

Oybek subsequently met and married his wife, an Uzbek living in Tajikistan. Towards the end of 1999, the Tajik government forcibly deported hundreds of Uzbek refugees, including Mr. Jabbarov and his family, to Afghanistan. Once in Afghanistan, Oybek started a small business traveling between villages buying and selling livestock. In December 2001, Oybek was waiting to travel north to Mazar-e-Sharif but fighting made it unsafe for civilian traffic. He was approached by Northern Alliance soldiers who offered to give him ride. Oybek agreed, but instead of taking him to Mazar-e-Sharif, they drove him to Bagram Air Base and transferred him into U.S. custody.

Ironically, Oybek felt comforted by the fact that he was in the custody of U.S. soldiers, because he had been exposed to U.S. armed forces while he was in the Uzbek army working at the airport in Tashkent. He held the United States in high regard and suspected that it was only a matter of time before the Americans would release him. Instead, Oybek has remained in U.S. custody ever since, transferred from Bagram to Kandahar and then eventually to Guantánamo. Oybek has never seen his youngest son, born after his detention.

Allegations

Oybek, like other Uzbeks detained at Guantánamo, was alleged to be affiliated with an Islamic militant group in Uzbekistan, the Islamic Movement of Uzbekistan (“IMU”). No evidence was advanced to support these allegations even though Oybek asked for proof and categorically denied these charges, saying at his Combatant Status Review Tribunal, “I served in the national army of Uzbekistan; and I’ve been fighting against this IMU and these Islamic terrorist organizations.” The U.S. has approved Oybek to leave Guantánamo, “subject to the process for making appropriate diplomatic arrangements for his departure.”

Fear of Torture or Persecution in Uzbekistan

Oybek is in grave danger if he is returned to Uzbekistan. The deplorable human rights record of Uzbekistan is well known and widely documented. The United Nations, OSCE, Human Rights Watch, and the U.S. State Department have all roundly criticized Uzbekistan for its human rights abuses. According to the U.S. State Department, in Uzbekistan, security forces routinely tortured, beat, and otherwise mistreated detainees under interrogation to obtain confessions or incriminating information. However, such harsh criticism has not moved the U.S. to rule out the potential transfer of Oybek to his native county. Nor has it stopped the U.S. from transferring other detainees to countries with abusive human rights records.

Oybek himself was interrogated by members of the Uzbek security service during his time in Guantánamo. When Oybek could not answer their questions because he did not know the answers, the Uzbek interrogator replied, “when you go back to Uzbekistan, you will know these things.” The unsubstantiated allegations the U.S. government has asserted against Oybek, which he categorically denies, and the stigma of being a Guantánamo detainee, is more than sufficient to lead to his torture, persecution or even death if he were forced to return.

Urgent Need for Humanitarian Protection

Oybek has been cleared to leave Guantánamo but remains there for lack of a country to offer him safe haven. He has been imprisoned for seven years simply for being in the wrong place at the wrong time and he is in desperate need of humanitarian protection. Oybek’s health is poor. Because of back problems, he must now at the age of 30 use a walker and sometimes, a wheelchair, for mobility. He speaks Uzbek and English, and simply desires a country in which he can restart his life.