

## GUANTANAMO BAY

# Guantánamo captive: I don't want to go home

■ A Guantánamo Bay captive is so fearful of returning to his homeland that he is fighting U.S. plans to send him there.

BY CAROL ROSENBERG

crosenberg@MiamiHerald.com

Even as the White House pledges to empty the prison camps at Guantánamo Bay, a 30-year-old prisoner is so afraid of returning to his native Tajikistan that he is asking to stay at the U.S. Navy base in Cuba.

Umar Abdulayev was brought to Guantánamo in the earliest crude Camp X-Ray days. Now, "he's told us he'd rather stay another seven years in Guantánamo than go back to Tajikistan," said Chicago attorney Matthew J. O'Hara.

So while O'Hara has argued, like other detainees' lawyers, that his client is wrongly imprisoned, an innocent swept up in the aftermath of the Sept. 11, 2001, terrorist attacks, the lawyer is trying to resist an Obama administration plan to send him to his homeland.

Abdulayev fled civil war in his homeland at age 13. He claims in court filings that he was visited by Tajik intelligence agents during his U.S. detention with a sinister offer: Spy on Muslim radicals in the former Soviet Republic in exchange for his release. When Abdulayev refused, the detainee claims, the agents threatened retribution.

Now, a Justice Department-led panel sorting through Guantánamo detainee files has decided to let the Tajik go. Government lawyers notified U.S. District Judge Reggie Walton on June 3 that they will no longer defend his detention, and want U.S. diplomats to arrange to repatriate him.

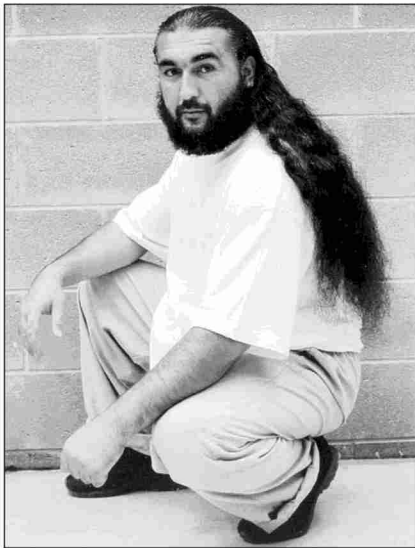
### U.S. WEIGHS OPTIONS

At the Justice Department,

spokesman Dean Boyd refused to address Abdulayev's specific claims. Broadly, he said the United States doesn't send foreigners with a credible fear of torture to another nation.

"The U.S. government is working to make appropriate arrangements to carry out these transfers in a manner consistent with national security and foreign policy interests of the United States, as well as U.S. policies concerning humane treatment."

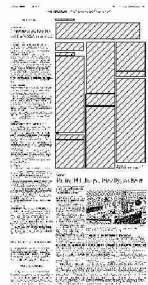
Obama has ordered the controversial prison camps emptied by Jan. 22. The task force is moving to



AMERICAN RED CROSS

**FEARFUL:** Umar Abdulayev, 30, shown in a recent Red Cross photo, said he has been threatened by Tajik intelligence agents.

downsize the prison camps population, which Tuesday was fewer than 230 foreign men. Detainees and their advocates for years have claimed abusive treatment, false imprisonment and sought trial or release.



Abdulayev wants neither, unless a third country agrees to give him asylum, O'Hara said.

He argues that his client is twice cursed — not only because he rebuffed the overtures of the secular security forces but because he carries “the stigma of having been held at Guantánamo.”

The Pentagon has consistently declined to say which nations' intelligence agencies collaborated with the U.S. military at Guantánamo but says U.S. troops safeguard outsiders' visits.

The New York Center for Constitutional Rights, which coordinates Guantánamo legal defense efforts, says captives have claimed they were interrogated by agents from China, Tunisia, Jordan, Libya and Tajikistan.

It is not possible to independently verify such claims. But Defense Department documents disclosed through the courts have revealed that former Defense Secretary Donald Rumsfeld authorized an interrogation technique called “false flag,” which would permitted U.S. interrogators to pose as foreigners.

At this stage, Abdulayev is a bit of an anomaly at the prison camps.

He is the last Tajik at Guantánamo. The Bush administration earlier repatriated 11 others, two of whom Abdulayev claims likewise rebuffed agents' recruitment efforts and were returned in March 2007 and are now serving 17-year prison sentences.

He also appears to be a cooperative captive. The public portion of his Pentagon files show the 5-foot-6-inch did not take part in hunger strikes that swept through the prison camps in the first few years, and that

he consistently went before panels of senior officers to challenge the allegations against him.

## **DENIES TERROR CLAIMS**

Until the Obama administration dropped its effort to detain him, the military alternately claimed he was in league with al Qaeda, the Taliban and a Tajik terror movement. He claimed that he was just a refugee who worked in construction.

In November, O'Hara said, he underwent an emergency appendectomy at the prison camps hospital and is now held at the communal Camp 4 medium-security site for cooperative captives.

U.S. policy has responded in different ways to various detainees' claims of persecution if repatriated. Under Secretary of State Colin Powell, for example, the State Department decided that cleared captives from China's Uighur minority could not be safely returned to their communist homeland and sought third-country resettlement.

But the U.S. government does not see Tajikistan as necessarily oppressing devout Muslims.

A State Department advisory says while the nation of 7.3 million is “the poorest of the former Soviet republics in Central Asia” it is “a nominally constitutional, democratic, and secular republic, dominated by President Emomali Rahmon who has been in power since 1992.”

It also notes that “corruption is pervasive, and numerous observers have noted that power has been consolidated into the hands of a relatively small number of individuals” in the nation where “rampant illicit trafficking of Afghan opium” endangers social stability.