



TEN PROFILES

OF THOSE ABANDONED AT GUANTÁNAMO IN NEED OF HUMANITARIAN PROTECTION

Abdul Ra'ouf Al Qassim (Libyan)
Adel Noori (Chinese Uyghur)
Ali (Chinese Uyghur)
Maher Refaat Al-Khawary (Stateless Palestinian)
Oybek Jamoldinovich Jabbarov (Uzbek)
Bahtiyar Mahnut (Chinese Uyghur)
Abdul Aziz Naji (Algerian)
Ravil Mingazov (Russian)
Houzaifa Parhat (Chinese Uyghur)
Abdul Sabour (Chinese Uyghur)

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EXECUTIVE SUMMARY

There are approximately 50 detainees at Guantánamo from “high-risk” countries where there is a very real danger of persecution or torture should they be forcibly returned, or who are unable to return to their home countries because they are stateless. In 2008, none have been charged or tried after seven years of imprisonment, and many remain in solitary confinement at a “supermaximum” security prison intended to be outside the rule of law.

What follows are short profiles of ten detainees who remain stranded at Guantánamo today. Detainees who fear return include some detainees from Algeria, China, Jordan, Libya, the Palestinian Occupied Territories, Russia, Syria, Tajikistan, Tunisia and Uzbekistan. The profiles that follow are:

Abdul Ra’ouf Al Qassim, a Libyan who had deserted the Libyan Army when he was young and fled Libya for fear of religious persecution. He was living with his wife and infant daughter in Pakistan, having fled the bombing in Kabul, when he was picked up by Pakistani police and turned over to military authorities, likely for a sizable bounty. The United States has twice tried to transfer Abdul Ra’ouf to Libya despite an undisputed fear that he would be tortured upon transfer.

Adel Noori, Ali Mohammed, Abdul Sabour, Bahityar Mahnut, and Houzaifa Parhat, Chinese Uyghurs, a Muslim minority from East Turkestan, the Uyghur homeland in far western China. Adel Noori had been well-connected to the literary and progressive political movements in East Turkestan, his friends suffered arrest and imprisonment in China because of their intellectual pursuits, and Adel is wanted in China for “political crimes” because of his involvement in a political demonstration. He was living in a house in Kabul when forced to flee the war only to fall into the arms of bounty-hunters.

Ali, Abdul, Bahityar and Houzaifa all fled China seeking a better life. Houzaifa, for instance, left China to escape “torture and too much pressure on the Uyghur people,” including economic oppression and forced abortions; Abdul fled due to the lack of “religious freedom, or [the right to practice] any of the cultural or traditional activities” of his people. They all found a Uyghur village in Afghanistan. They and fourteen others fled for safety from this village in Afghanistan after the bombing campaign began, and were turned over to the United States by bounty-hunters. Five among them were classified as non-enemy combatants and, years later, released to Albania. Seventeen remain in Guantánamo today – including thirteen with virtually identical stories to those who were released. Ali himself was classified as a non-enemy combatant before being ordered to undergo a second Combatant Status Review Tribunal in an effort to secure “consistency” in outcomes. Bahtiyar was classified as an enemy combatant, but was recommended for release during his own CSRT hearing. In July of 2008, a U.S. federal court overturned the CSRT’s ruling that classified Houzaifa as an enemy combatant. Following this decision, the U.S. government has now conceded that it will treat all 17 of the remaining Uyghurs as non-enemy combatants. Subsequently, a district court ordered the release of all seventeen into the United States. However, this decision is being challenged currently and all seventeen remain indefinitely detained pending further developments in this long-running litigation.

Maher Refaat Al-Khawary (Maher El-Falesteny), a stateless Palestinian without identification papers or official status in any country. Maher left Jordan to seek refugee papers to allow him to travel freely with his family, but he was captured by villagers in Afghanistan, and transferred to the Northern Alliance soldiers who beat him brutally and then likely sold him to the U.S. forces seeking a bounty.

Oybek Jamoldinivich Jabbarov, an Uzbek refugee had been living with his pregnant wife, infant son and elderly mother in northern Afghanistan when fighting broke out. When he accepted a ride, 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.

Abdul Aziz Naji, an Algerian amputee who was brought to Guantánamo as the victim of a Pakistani house raid in the chaotic aftermath of the U.S. invasion of Afghanistan. Abdul Aziz describes his situation as “dancing between fires.” If he were returned to Algeria, he would face threats to his life and safety from both the Algerian government and from fundamentalist insurgents. He remains in Guantánamo because no country will advocate for his release.

Ravil Mingazov, a Russian who sought refuge from religious persecution only to become a refugee twice over due to war. Ravil left Russia because of religious intolerance and persecution by the Russian intelligence and military services. He fled in search of a new home that would be tolerant of his faith and hospitable to his family. Instead, he found himself in the wrong place at the wrong time and has since endured years of abuse at the hands of the U.S. government. After more than six years of unjust imprisonment, Ravil still desires the one thing that led him to leave Russia in the first place: a new home state that will be tolerant of his religion and where he can safely live with his family.

These men – and the few dozen other men stranded at Guantánamo – need to be offered safe haven in the United States and third countries. However, until now, Albania has been the only country that has been willing to accept a small number of Guantánamo’s at-risk detainees. 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.

ABDUL RA'OUF AL QASSIM*

LIBYAN GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Abdul Ra'ouf Al Qassim is a Libyan who had deserted the Libyan Army when he was young and fled Libya for fear of religious persecution. He was living with his wife and infant daughter in Pakistan, having fled the bombing in Kabul, when he was picked up by Pakistani police and turned over to military authorities, likely for a sizable bounty. The United States has twice tried to transfer Abdul Ra'ouf to Libya despite an undisputed fear that he would be tortured upon transfer.

Summary

Abdul Ra'ouf Al Qassim is a Libyan who has been imprisoned by the U.S. government in Guantánamo Bay for seven years. He is now in imminent danger of being transferred by the U.S. government to Libya, a country which the United States has identified as a state sponsor of terrorism and which the U.S. government, international institutions and independent human rights organizations have each criticized for its brutal treatment of prisoners. Because of Abdul Ra'ouf's status as a former Guantánamo detainee – and the U.S. government's false and unsubstantiated allegations that he was associated with a group hostile to Libya's dictatorial leader – he is at grave risk of indefinite detention, torture and death if forcibly returned to Libya.

In December 2006, and again in February 2007, the U.S. government publicly declared its intention to transfer Abdul Ra'ouf to Libya, notwithstanding his fears of severe persecution if he were forcibly returned. Legal action delayed his transfer initially, but he has been cleared for release for more than two years and there is no court mandate specific to his case which currently prevents his repatriation.

Personal History

Abdul Ra'ouf was conscripted into the Libyan Army when he was about 18 years old, but eventually deserted. After leaving the army, Abdul Ra'ouf fled Libya for fear of persecution because he was an observant Muslim and knew that men were persecuted by the Qadhafi government for being observant Muslims.

During the next ten years, Abdul Ra'ouf lived abroad as a refugee to avoid being returned to Libya. In 2000, he married an Afghan woman and settled in the Afghan capital of Kabul before the U.S. bombardment began in October 2001. Abdul Ra'ouf fled with his pregnant wife to seek refuge in Pakistan. Abdul Ra'ouf's daughter is an Afghan citizen.

Soon after the family arrived in Pakistan, however, Abdul Ra'ouf fell victim to the chaos of the war in Afghanistan. At the time, the U.S. military offered large sums of money – \$5,000 or more – to anyone who handed over alleged “terrorists.” The United States blanketed Afghanistan and Pakistan with leaflets promising “wealth and power beyond your dreams” or “enough money to take care of your family, your village, your tribe for the rest of your life.” Abdul Ra'ouf was living with his wife and young daughter in

* Abdul Ra'ouf Al Qassim is represented by the Center for Constitutional Rights. His profile was prepared by his counsel. For more information about Guantánamo's abandoned, contact emaclean@ccrjustice.org.

Pakistan when Pakistani police turned him over to military authorities, likely for a sizable bounty. He was later brought to Guantánamo, where he has been detained for nearly seven years without charge or trial.

Allegations

Since he has been imprisoned in Guantánamo, the U.S. government has claimed that Abdul Ra'ouf is associated with the Libyan Islamic Fighting Group (LIFG), a group opposed to the Qadhafi regime. Abdul Ra'ouf's only tenuous link with the group is that some of the men in one of the boarding houses at which he stayed in Pakistan were accused of being LIFG members. Though he has no connection with this group, the mere allegation of his association with LIFG virtually guarantees that he will be severely persecuted if forcibly returned to Libya. Suspected political opponents of the Qadhafi regime face brutal repression by Libyan authorities; the LIFG is one of the Libyan government's most detested foes. Abdul Ra'ouf was officially "cleared" for release in 2006.

Fear of Torture or Persecution in Libya

Libya is a modern-day authoritarian regime under the complete control of Colonel Muammar Qadhafi. Since assuming control in a 1969 military coup, the Qadhafi dictatorship has maintained power through severe repression of any political dissent, using methods that include routine torture, arbitrary arrest and detention, and extrajudicial killings. The rule of law in Libya is nonexistent in any meaningful sense, and independent human rights monitoring entities are flatly prohibited by the government.

Political prisoners are particularly vulnerable to torture and abuse during their imprisonment. According to a 2006 U.S. State Department report, "security personnel routinely tortured prisoners during interrogation or as punishment," including through "chaining prisoners to a wall for hours, clubbing, applying electric shock, applying corkscrews to the back, pouring lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocating with plastic bags, prolonged deprivation of sleep, food and water, hanging by the wrists, suspension from a pole inserted between the knees and elbows, cigarette burns, threats of dog attacks, and beatings on the soles of the feet."

The United States transferred two Libyan Guantánamo detainees to the Qadhafi regime based on patently unreliable diplomatic assurances. The men were transferred in 2006 and 2007, respectively, and both remain in prison without charge, trial or access to counsel. One of these individuals was transferred despite his urgent protests to officials at Guantánamo that he would be subjected to torture or worse if forcibly returned. According to one unclassified account, this man was reportedly interviewed by Libyan officials in Guantánamo who threatened to torture and perhaps kill him. As with Abdul Ra'ouf, the U.S. government alleged that this man was associated with the LIFG, despite his repeated denials. Because there is no independent monitoring mechanism within Libya and human rights organizations are outlawed by the government, little is known about this prisoner's current situation. It is feared that he has been subjected to torture and abuse. The U.S. Department of State made one visit to both prisoners in 2007, but was not permitted to meet with the men outside of the presence of Libyan officials.

Urgent Need for Humanitarian Protection

Abdul Ra'ouf has repeatedly and unambiguously expressed his strong fear of torture and persecution to his lawyers, the Red Cross, his interrogators and other military officials. Abdul Ra'ouf's fears are substantial and clearly warranted. The military's own statement on February 20, 2007 regarding its intent to transfer him to Libya underscores his vulnerability: "[Abdul Ra'ouf] will be transferred to the control of his home government for continued detention, investigation, and/or prosecution as that country deems appropriate..." It is imperative that Abdul Ra'ouf be provided safe haven.

ADEL NOORI*

CHINESE UYGHUR GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Adel Noori is a Chinese Uyghur, a Muslim minority from East Turkestan, the Uyghur homeland in far western China. Adel Noori had been well-connected to the literary and progressive political movements in East Turkestan, his friends suffered arrest and imprisonment in China because of their intellectual pursuits, and Adel is wanted in China for “political crimes” because of his involvement in a political demonstration. He was living in a house in Kabul when forced to flee the war only to fall into the arms of bounty-hunters.

Summary

Adel Noori is an ethnic Uyghur who has been cleared for release from Guantánamo. He is approximately thirty-five to forty years old, and has a wife and young daughter currently living in western China in the region in which the Uyghurs face sustained, severe and well-documented repression. After taking refuge in a Uyghur village in Afghanistan, alongside other Uyghurs who had left the religious and political repression of the Uyghur population in China, he and the other Uyghurs with him were forced to flee the U.S. bombing campaign. This led to his subsequent arrest in Pakistan, where he and others were sold by Pakistani bounty-hunters to the United States for approximately \$7,000.

In Guantánamo, Adel's efforts to prevent his fellow prisoners from sinking into despair have earned him the nickname “Hope.” Yet, after more than six years of indefinite imprisonment, the many broken promises of freedom that he has received from personnel at Guantánamo, and daily humiliation and abuse, Adel is starting to believe that he will never be released.

Personal History

Adel is a college graduate, and before his imprisonment in Guantánamo he was well-connected to the literary and progressive political movements in East Turkestan, the Uyghur homeland located in far western China. In 1990, Adel's friend Abdulhamid was killed in the uprising known as the Baren War. Adel is a close friend of Husein Celil, the Canadian citizen who was extradited to and imprisoned in China in 2006. He is also a close friend of Abdrahim Otkur, the famous Uyghur author who was arrested and imprisoned by the Chinese government during the Cultural Revolution. Through Otkur, Adel got to know Dr. David Alim, an American professor of physics at Xinjiang University who speaks Uyghur.

Adel was imprisoned by the Chinese prior to his flight to Afghanistan, and is presently wanted by the Chinese for “political crimes” based on his participation in a political demonstration in Ghulja, China in the 1990s.

To escape persecution, Adel fled China and eventually settled in a Uyghur community in Afghanistan where he lived peacefully until he was forced to flee the U.S. bombardment in Afghanistan. When the U.S. commenced military operations in Afghanistan and began bombing Kabul, Adel and the group of Uyghurs with whom he was living ran in all directions in search of safety. Adel escaped to Pakistan, and what he hoped

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would be safety. Instead, Adel was sold for bounty as the U.S. was leafleting Pakistan and Afghanistan with bounty flyers promising significant financial remuneration for the handover of individuals. Adel was transferred to Guantánamo and, despite being long ago cleared for release, he remains there today after more than six years in indefinite imprisonment.

Allegations

The U.S. Government has indicated that Adel was designated an “enemy combatant” by a Combatant Status Review Tribunal (“CSRT”). The transcript of those proceedings, released by the government as a result of FOIA litigation, is only two pages long. The transcript indicates that Adel’s enemy combatant status was ostensibly predicated on allegations that he is a member of the East Turkestan Islamic Movement (“ETIM”), and that ETIM receives support from al Qaeda. This is the same allegation that the U.S. government has leveled against each of the Uyghurs in Guantánamo. However, there is no evidence supporting the claim that Adel is a member of ETIM or has any connection to al Qaeda, the Taliban, or any other group that is or has been engaged in hostilities with the United States. Indeed, ETIM was not even classified as a terrorist organization at the time of Adel’s detention. Further, there is good reason to believe Adel was subjected to multiple CSRTs, after the initial CSRT panels determined he was not an enemy combatant. Indeed, there is nothing to materially distinguish Adel from the five Uyghurs who were deemed non-enemy combatants and released to Albania in 2006.

In July of 2008, a U.S. federal court overturned the CSRT’s enemy combatant classification of another Uyghur, Houzaifa Parhat, ruling that the government’s allegation that ETIM has links with Al Qaeda was tenuous and unsubstantiated. Following the court’s wholesale rejection of the CSRT’s allegations against the Uyghurs, the government has now conceded that the remaining Uyghurs will be treated as non-enemy combatants.

Fear of Torture or Persecution in China

Like all of the Uyghurs held at Guantánamo, Adel would be imprisoned, tortured, and potentially executed if returned to China, or to a country subject to Chinese control or influence. Chinese persecution of the Uyghurs is well-documented. Human Rights Watch has reported that China has “opportunistically used the post-September 11 environment to make the outrageous claim that [Uyghur] individuals disseminating peaceful religious and cultural messages in Xinjiang are terrorists.” Foreign governments have consistently recognized the Chinese government’s use of torture against detainees in their custody, and the unexplained deaths of significant numbers of detainees in Chinese custody.

The recent imprisonment of Uyghur activists Husein Celil and Ablidik Abdureyim, as well as China’s denunciation of President Bush’s June 2007 meeting with World Uyghur Congress president Rebiya Kadeer, confirm that Chinese persecution of the Uyghurs continues unabated.

The Chinese have made it clear, through the interrogation of the Uyghur prisoners in Guantánamo and the pressure they have brought to bear on governments contemplating asylum for the Uyghurs, that they will imprison, torture and likely execute the Uyghurs should they be returned to China. At Guantánamo, U.S. interrogators threatened Adel with return to China, after he refused to spy on his fellow prisoners.

Urgent Need for Humanitarian Protection

Adel would welcome release to any country in which he can be safe and restart his life, without fear of repatriation. The Uyghurs imprisoned in Guantánamo were told that they were eligible for release as early as 2003. However, seventeen remain solely because of the lack of a country to which they can be released.

ALI MOHAMMED, OR ANWAR HASSAN*
CHINESE UYGHUR GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Ali is a Chinese Uyghur, a Muslim minority from East Turkestan, the Uyghur homeland in far western China. Ali and other Uyghurs fled for safety from a Uyghur village in Afghanistan after the bombing campaign began, and were turned over to the United States by bounty-hunters. Five among them were classified as non-enemy combatants and, years later, released to Albania; seventeen remain in Guantánamo today. Ali himself was classified as a non-enemy combatant—before being ordered to undergo a second Combatant Status Review Tribunal in an effort to secure “consistency” in outcomes.

Summary

Ali is an ethnic Uyghur from the Xinjiang Autonomous Region of western China. He has been cleared for release from Guantánamo. Indeed, an initial Combatant Status Review Tribunal (CSRT) determined that Ali was *not* properly classified as an enemy combatant before he was ordered to undergo a second CSRT. In ordering a second CSRT, the Assistant Secretary of Defense for Detainee Affairs expressed concerns about the appearance of inconsistency in the finding that Ali was not an enemy combatant when “16 other Uyghurs with identical circumstances were determined to be enemy combatants.” Casting even further doubt on the integrity and independence of the CSRT process, earlier communication to the Chair of a CSRT panel noted that “inconsistencies will not cast a favorable light on the CSRT process or the work done by [Office for the Administrative Review of the Detention of Enemy Combatants].”

Inconsistencies abound, however: five other Uyghurs with virtually identical factual circumstances were classified as non-enemy combatants and released to Albania as refugees in 2006. Nevertheless, a second CSRT was convened and found Ali to be an enemy combatant. He remains in Guantánamo, cleared for release but lacking a country willing to offer humanitarian protection.

Personal History

In June 2001, Ali left China, a country in which the Uyghur minority faced severe persecution. He traveled overland to Bishkek, Kyrgyzstan where he stayed for two months. While there, he was constantly harassed by local police, who extorted money from him by threatening him with deportation back to China. Ali then moved on to Almaty, Kazakhstan but was met with a similar reception. Ali traveled to Afghanistan in the hopes of seeking asylum. Ali traveled through Pakistan (he did not stay in Pakistan as he believed that there was a high risk of deportation back to China where he expected to face imprisonment or death) and was arrested by the Taliban on arrival at the Afghan border because he had no beard and was neither Afghan nor Arab. He was thereafter released and he made his way to a Uyghur village near Jalalabad.

Ali stayed in this Uyghur village in Afghanistan until it was bombed by U.S. jets during the war with Afghanistan. When the village was destroyed, Ali traveled with fellow Uyghurs who had sought protection in the same village. They initially fled to the mountains and survived during the bombing in caves, enduring very low temperatures with little food. The group fled to Pakistan seeking refuge from the fighting.

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Ali was captured in Pakistan. He and other Uyghurs had fled to Pakistan but were handed over to an Afghan warlord who reportedly received a bounty from the United States in exchange for handing them over to U.S. government forces. He was eventually transferred to Guantánamo where he remains today despite a complete lack of evidence tying him to any criminal or terrorist activity.

Allegations

Ali arrived in Guantanamo in early 2002. He was previously held in Afghanistan. Ali declined to participate in the first process provided to Guantánamo detainees, the Combatant Status Review Tribunal (CSRT). This process was initiated in 2004 – after nearly two years of detention and only in response to a decision by the U.S. Supreme Court holding that Guantánamo detainees had a right to challenge the legality of their detention in federal court. In an attempt to circumvent the order for judicial review, the U.S. government created a process that severely limited the opportunities for a genuine review: the hearing was governed by three military officers; virtually all purported evidence was classified and inaccessible to the detainee; and evidence obtained by torture was used. Nevertheless, even within this patently biased process, Ali was classified as a *non-enemy* combatant – essentially innocent of any activities that would justify his detention. However, the U.S. Department of Defense subjected Ali to a *second* CSRT in the hopes of securing an enemy combatant determination. This second reconvened tribunal - devoid of the basic safeguards of any fair process and reconvened with the explicit aim of re-evaluating and overturning a prior non-enemy combatant determination – found Ali to be an enemy combatant.

In February 2007, Ali was cleared for release officially, yet he remains in Guantánamo absent an available safe country of refuge. In July of 2008, a U.S. federal court overturned the CSRT's enemy combatant classification of another Uyghur, Houzaifa Parhat, ruling that the government's allegation that ETIM has links with Al Qaeda was tenuous and unsubstantiated. Following the court's wholesale rejection of the CSRT's allegations against the Uyghurs, the government has now conceded that the remaining Uyghurs will be treated as non-enemy combatants.

Fear of Torture or Persecution in China

As with the other Uyghur detainees, Ali fled religious and ethnic persecution as a minority in China. If returned to China, Ali would indisputably face torture or summary execution. The Chinese have made it clear, through the interrogation of the Uyghur prisoners in Guantánamo and the pressure they have brought to bear on governments contemplating asylum for the Uyghurs, that they will mistreat the Uyghurs should they be released to Chinese custody.

Chinese persecution of the Uyghurs is well-documented. Foreign governments have consistently recognized the Chinese government's use of torture against detainees in their custody, and the unexplained deaths of significant numbers of detainees in Chinese custody. In the Xinjiang Uyghur Autonomous Region, there are arbitrary and summary executions, torture, arbitrary detention and unfair political trials. Since the escalation of the global war on terrorism, human rights violations appear to have intensified in the region. China has expanded its programmes to "re-educate" Uyghur imams, and broaden attacks on Uyghurs. In 2002, China outlawed use of the Uyghur language in all schools and public places.

Urgent Need for Humanitarian Protection

Ali left China seeking a better life; looking for somewhere that he could live, work, settle down and start a family; free from persecution based on his ethnicity. Instead he is entering his eighth year of imprisonment at Guantanamo. The guards have even told him and the other Uyghurs that they know they are innocent. Nonetheless, guards have threatened them with deportation to China. He continues to be subjected to indefinite detention until a country offers him refuge from persecution or torture.

MAHER REFAAT AL-KHAWARY (MAHER EL-FALESTENY)*
STATELESS PALESTINIAN GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Maher Refaat Al-Khawary is a stateless Palestinian without identification papers or official status in any country. Maher left Jordan to seek refugee papers to allow him to travel freely with his family, but he was captured by villagers in Afghanistan, and transferred to the Northern Alliance soldiers who beat him brutally and then likely sold him to the U.S. forces seeking a bounty. He has been held in Guantánamo for seven years, and cleared to leave for at least two years. But he has no country to which he can return, or which has accepted him.

Summary

Maher El Falesteny (Maher Refaat Al-Khawary) is a stateless Palestinian seeking residence in a safe country upon release from Guantánamo Bay. Maher has been held at the Guantánamo Bay prison since June 14, 2002 and has been cleared for release long ago even by U.S. authorities.

Personal History

Maher was born in Gaza in 1965. He has no siblings, and his parents and grandparents are now all deceased. In his late adolescence, he moved with his parents from Gaza to southern Lebanon. When he was a teenager and on his own, he moved briefly in Lebanon before going to Zarqaa, Jordan, where he was married. He and his wife returned to Lebanon for several years before relocating to Jordan permanently when Maher was in his twenties. Maher worked mainly as a supermarket cashier. The entire time he was in Lebanon and Jordan, Maher did not have identification papers of any kind. He had no official status in either country.

In the summer of 2001, Maher traveled to Pakistan hoping to obtain papers from the United Nations that would enable him to immigrate to a European country where he could resettle with his family. He did not take his family on this journey because he felt it would be difficult for them, given how young his children were at the time. In the course of this trip, while making arrangements to enter Pakistan, Maher stayed in Jalalabad, Afghanistan. During this period, Maher worked as a sheep trader. Once the United States and coalition forces attacked Afghanistan, and as the Northern Alliance approached Jalalabad, Maher fled to avoid the fighting and for his own safety. During his flight, villagers captured him and sold him to the Northern Alliance for a bounty.

When Maher was held by the Northern Alliance, he was interrogated multiple times. During at least three of these interrogations, he was beaten with a chain wrapped in a hose. After the beatings were finished, the interrogator presented a document written in Farsi to Maher. Maher does not read, write or speak Farsi, but he was required to sign the document without knowing what it said. After about thirty days as a prisoner of the Northern Alliance, Maher was turned over to American troops. First, he was taken to Bagram Air Force Base, and then on to Kandahar, where he was beaten. While at Kandahar, a soldier strangled him almost to the point of death. After about six months, he was sent to Guantánamo. At Guantánamo, the interrogations and mistreatment continued.

* Maher El Falesteny is represented by Charles Carpenter at Pepper Hamilton LLP and Steve Truitt. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo's abandoned, contact emaclean@ccrjustice.org.

Allegations

Maher was not captured by American forces, but rather was captured by villagers and turned over to the Northern Alliance for a bounty. He has never been associated in any way with Al Qaeda, the Taliban, or any group that advocates violence. His Combatant Status Review Tribunal (CSRT) does not suggest that he engaged in combat, knows how to use a weapon, or has received weapons training. Indeed, he has been cleared for release for at least two years.

Statelessness and Fear of Torture or Persecution

Maher is a man without a country. He is stateless, with no recognized country of origin and no country that claims him as a citizen. He was born in Gaza and lived in Jordan for most of his adult life. However, he was without legal documents during the entire time that he lived there. Furthermore, the only countries where he has ties – Jordan and Israel – are not countries to which he could safely return. Maher experienced threats of torture during his detention, including threats that he would be rendered to another country and tortured. Indeed, during Maher's imprisonment in Guantánamo, the United States government has allowed Jordanian officials and possibly Israeli officials access to him. They have threatened him with torture if he is sent to either Israel or Jordan.

After his transfer to Guantánamo, Maher was interrogated by an American who called himself "Torture." During an interrogation session, this American threatened Maher with rendition to Israel, stating that all Palestinians would be "returned" there and falsely accusing Maher of belonging to the terrorist group Hamas. Maher has also since been interrogated by Jordanian officials, one of whom posed as a Palestinian U.N. employee in an attempt to elicit information. When Maher refused to answer these officials' questions, the officials assured him that they knew "how to get this information out of [him] when [he] came to Jordan." There is substantial evidence that Israel and Jordan mistreat Palestinian detainees. The U.S. State Department reports that in 2006 "reputable NGOs filed numerous credible complaints . . . alleging that [Israeli] security forces tortured and abused Palestinian detainees." According to the Public Committee Against Torture in Israel, the Israeli Security Agency regularly used torture in a significant percentage of their interrogations. Jordan's record also reflects chronic detainee abuse. After a recent visit to Jordan, United Nations envoy Manfred Nowak concluded that "torture is systematically practiced" by Jordanian security services. Furthermore, reports demonstrate a greater risk of torture for those of Palestinian origin in Jordanian custody.

Urgent Need for Humanitarian Protection

On February 8, 2007, the United States government notified Maher's counsel that Maher is eligible for transfer out of Guantánamo Bay. Because of Maher's status as a stateless person (with no papers for residency in any country), it is not clear to what country the United States can release him or intends to release him. Consequently, Maher needs the protection of a third country where he can live without fear of persecution, torture or imprisonment.

Although wrongly imprisoned at Guantánamo Bay, Maher has been a model prisoner, demonstrating both a surprising lack of animosity toward the United States, and that he would not pose a threat when released. He has now been cleared for release from Guantánamo, which indicates that even the U.S. acknowledges that he does not pose any security threat to the United States or any other country. During his imprisonment, Maher has sought to mediate disputes between the guards and the prisoners. Maher needs only a country in which he can live safely in order to restart his life.

ABDUL SABOUR*

CHINESE UYGHUR GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Abdul Sabour fled China seeking a better life. He was living in a Uyghur village in Afghanistan when he and seventeen others were forced to flee for safety after the U.S. bombing campaign began in Afghanistan. All eighteen were turned over to the United States by bounty-hunters. Five among them were classified as non-enemy combatants and, years later, released to Albania. Though his circumstances are virtually identical to those classified as non-enemy combatants, Abdul was classified as an enemy combatant. He has long ago been cleared for release, yet he remains in Guantánamo today.

Summary

Abdul Sabour is an ethnic Uyghur from China. He fled China intending to go to America because, as he told his Combatant Status Review Tribunal (CSRT) panel, “I saw the Chinese government putting too much pressure on [the Uyghurs] and torturing us. We don’t have any religious freedom, or any other cultural and traditional activities; we don’t have those kinds of freedoms. Then I had no choice but to leave the country.” Abdul traveled to Pakistan after hearing about business opportunities there for Uyghurs, and was then advised by another Uyghur man to go to Afghanistan where there were other Uyghurs living together in a village. However, when the U.S. bombing campaign began in Afghanistan, Abdul and 17 other Uyghurs in the village were forced to flee, and were subsequently sold by bounty-hunters. Though he was cleared for release years ago, he remains in Guantánamo today for lack of a safe country to return to. China’s brutal repression against the Uyghurs is well-documented and notorious.

Personal History

Abdul grew up on a farm near Aksu, a city in Xinjiang Autonomous Region in China. He is now in his early thirties. In his youth in China, like many other Uyghurs, he became all too familiar with the Chinese government’s brutal repression of the Uyghur minority. Abdul told his CSRT panel of the repression that he and other Uyghurs experienced.

Inspired by radio programming sponsored by the United States (Radio Free Asia), Abdul left China hoping to make his way to the United States. He traveled first to Kyrgyzstan, where the police stole most of his money. Having heard about business opportunities for Uyghurs, Abdul traveled to Pakistan. There he met another Uyghur man who advised him to go to Afghanistan. Once in Afghanistan, he was befriended by Uyghurs who helped him get to a Uyghur expatriate village, where he could live and work. He arrived there in August 2001. However, not too long after, in late 2001, the villagers were forced to flee U.S. aerial bombardment of the surrounding area. Abdul fled with seventeen other Uyghurs. They first fled to the mountains for immediate protection, and then after a few days were able to escape to Pakistan, where they thought they might reach safety. However, they were instead captured and sold to U.S. forces by local villagers for a substantial bounty. At the time, the U.S. military offered large sums of money – \$5,000 or more – to anyone who handed over alleged “terrorists.” The United States blanketed Afghanistan and Pakistan with leaflets promising “wealth and power beyond your dreams” or “enough money to take care of your family, your village, your tribe for the rest of your life.”

* Abdul Sabour is represented by Sabin Willett and Susan Baker Manning at Bingham McCutchen. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo’s abandoned, contact emaclean@ccrjustice.org.

He was held at the U.S. military base at Kandahar, Afghanistan before he was transferred, in approximately June of 2002, to Guantanamo Bay, Cuba. Abdul had been held largely in isolation since his transfer until late 2008.

Allegations

Five of the Uyghurs among the group of eighteen captured together and sold by bounty-hunters in Pakistan were classified as non-enemy combatants and, years later, released to Albania. There is nothing to materially distinguish Abdul from the five Uyghurs who were deemed noncombatants and released to Albania in 2006. However, given the fundamental inadequacies of the Combatant Status Review Tribunal (CSRT) processes, Abdul was designated an "enemy combatant" by a CSRT in approximately October 2004. The CSRT transcript indicates that his enemy combatant status was ostensibly predicated on allegations that he is affiliated with the East Turkestan Islamic Movement (ETIM), and that ETIM is associated with al Qaeda. This is the same allegation that the government has made against each of the Uyghurs in Guantánamo. Abdul had never even heard of ETIM prior to Guantánamo. Indeed, there is no evidence to support the claim that Abdul is a member of ETIM or has any connection to al Qaeda, the Taliban, or any other group hostile to the United States. Moreover, ETIM was not even on the U.S. list of terrorist organizations at the time of Abdul's detention, only subsequently added presumably under Chinese pressure. Abdul has never engaged in military activity, never received military training, and never carried a weapon. Abdul was not even captured on a battlefield or in a combat zone.

In July of 2008, a U.S. federal court overturned the CSRT's enemy combatant classification of another Uyghur, Houzaifa Parhat, ruling that the government's allegation that ETIM has links with Al Qaeda was tenuous and unsubstantiated. Following the court's wholesale rejection of the CSRT's allegations against the Uyghurs, the government has now conceded that the remaining Uyghurs will be treated as non-enemy combatants.

Fear of Torture and Persecution

Abdul has explicitly asked not to be returned to China. Like all of the Uyghurs held at Guantánamo, Abdul would be imprisoned, tortured, and potentially executed if returned to China, or to a country subject to Chinese control or influence. Chinese persecution of the Uyghurs is well-documented, and the Chinese have made it clear, through the interrogation of the Uyghur prisoners in Guantánamo and the pressure they have brought to bear on governments contemplating asylum for the Uyghurs, that they will mistreat the Uyghurs should they be released to Chinese custody. The recent imprisonment of Uyghur activists Husein Celil and Ablikim Abdureyim, as well as China's denunciation of President Bush's June 2007 meeting with World Uyghur Congress president Rebiya Kadeer, confirm that Chinese persecution of the Uyghurs continues unabated.

Urgent Need for Humanitarian Protection

While maintaining at home that the Uyghurs are "enemy combatants," the U.S. government has been peddling Abdul and his countrymen abroad to dozens of countries as innocents in need of resettlement. Recent press accounts note that privately government officials concede that they determined as early as 2003 that most or all of the Uyghurs at Guantanamo had been wrongly detained and should be released. Yet, for almost six years, Abdul Sabour has been held without charge in Guantanamo and continues to be detained without justification, even after having been formally cleared for release in February 2007.

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.

BAHITYAR MAHNUT*

CHINESE UYGHUR GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



CSRT President: *If you were to be set free, you would go back to your homeland, which is China, unless you were to get asylum somewhere?*

Bahityar: *I was going to ask that. My Personal Representative told me that if I am innocent I'll go back to my home country. If I'm guilty and come back an enemy, I will stay. . . If I go back to China they will kill me, but if I wanted to stay here do I have to make myself guilty?*

CSRT President: *It is my understanding that if we determine you are not properly classified as an enemy combatant, you will be released to your home country.*

Summary

Bahityar Mahnut is a Chinese Uyghur, a group subject to severe persecution in China. He has been unlawfully imprisoned at Guantanamo for over six years despite having been long ago cleared for release. Indeed, at his first tribunal – a deeply flawed process initiated two years after his detention began – the tribunal members even recommended him for release. This recommendation was made despite the same tribunal classifying him as an enemy combatant, apparently due to a fear that an alternative classification would precede Bahityar's eventual return to certain Chinese persecution. U.S. officials have acknowledged Bahityar's innocence for years, yet he remains at Guantánamo because of a failure of any country to offer him safe haven.

Personal History

In China, Bahityar suffered from the government's repression of the Uyghur people. Yearning for freedom, Bahityar left China with two others, heading first to Kazakhstan, then to Pakistan, to start a business. In Pakistan, he learned that his life savings of \$700 would not sustain him long. He was told about a Uyghur community in Afghanistan, where he would be given food and shelter in exchange for construction work. In the village, he was put to work on a kitchen and mosque; brick-making; and paving a small road. The Uyghur community was quiet – and separated from the fighting between the Taliban and the Northern Alliance.

However, in late 2001, the village was forced to flee U.S. aerial bombardment of the surrounding area. Bahityar fled with seventeen other Uyghurs. They camped out for several days in the mountains of Afghanistan because they could not find a road in the rugged terrain. They eventually were able to make their way to Pakistan, thinking they would be safer there with their village insecure. However, after crossing into Pakistan, Bahityar and the other Uyghurs were offered a meal, and then sold for bounty – turned over to U.S. forces for a sizable sum. Thirteen of that group remain in Guantánamo today, Bahityar among them.

Allegations

Bahityar underwent a Combatant Status Review Tribunal (CSRT) in 2004, two years after he was initially detained. This flawed process relied largely on secret evidence not available to the detainee himself; allows the use of evidence obtained under torture; denies detainees access to counsel; and lacks a neutral and independent decision maker. As troubling to Bahityar was the fact that a finding that he was innocent provided no relief.

* Bahityar Mahnut is represented by the Law Offices of Elizabeth Gilson. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo's abandoned, contact emaclean@ccrjustice.org.

In an exchange with the Tribunal President during his Combatant Status Review Tribunal, the President asked, “*If you were to be set free, you would go back to your homeland, which is China, unless you were to get asylum somewhere?*” Bahityar, aware that return to China would mean certain persecution, responded: “*I was going to ask that. My Personal Representative told me that if I am innocent I’ll go back to my home country. If I’m guilty and come back an enemy, I will stay. I was going to ask you about this. If I go back to China they will kill me, but if I wanted to stay here do I have to make myself guilty?*” The President offered no reassurance that a finding that he was not an enemy combatant could protect him: “*It is my understanding that if we determine you are not properly classified as an enemy combatant, you will be released to your home country.*”

Apparently both Bahityar and the Tribunal understood that this was not a choice at all: he could be found innocent and be sent to China for possible torture and even death, or be classified an enemy combatant, thereby saving his life at the cost of his liberty. In a bizarre twist, the Tribunal chose neither option. Instead, it adjudged Bahityar an enemy combatant, yet simultaneously recommended “favorable consideration for release” and urged that he “not be sent back to China.” Thus, in an apparent attempt to protect him from repatriation, the Tribunal erroneously classified Bahityar an enemy combatant. That misguided decision sealed his fate; as an enemy combatant he would not leave Guantanamo for Albania in 2006 with the five Uyghurs captured with him who had been classified as non-enemy combatants. These men had the same facts, the same circumstances of arrest, and the same allegations against them as the Uyghurs who remained, yet they had the opposite classification and now live as refugees in Albania, the one country which has opened its doors to Guantánamo detainees in need of safe haven.

Fear of Torture or Persecution

As Bahityar acknowledged in his CSRT, his fate as a Uyghur in China would be worse even than his fate in Guantánamo. Uyghurs are a Turkic Muslim minority group that has been, and continues to be, brutally oppressed by the Chinese government. China’s brutal repression of the Uyghurs is well-documented and undisputed. In the Uyghur homeland, there are arbitrary and summary executions, torture, arbitrary detention and unfair political trials. Human rights violations reportedly have intensified in the region in recent years. China has expanded its programs to “re-educate” Uyghur imams, and broaden attacks on Uyghurs. In 2002, China outlawed use of the Uyghur language in all schools and public places.

As recognized repeatedly by the U.S. State Department, China plainly has used the global war on terrorism as a pretext for oppressing Uyghur Muslims with impunity. In particular, China has “opportunistically used the post-September 11 environment to make the outrageous claim that [Uyghur] individuals disseminating peaceful religious and cultural messages in Xingjian are terrorists.”*

The U.S. government has acknowledged that the Uyghurs at Guantánamo cannot and will not be repatriated to China – despite Chinese demands – because they would likely be tortured or killed. However, despite the U.S. government’s acknowledgement of the Chinese government’s repression of the Uyghur minority, the U.S. government allowed a Chinese delegation access to the Uyghurs imprisoned at Guantánamo.

Urgent Need for Humanitarian Protection

While Bahityar plainly deserves release, he must not be sent to China where he would be arrested, tortured and possibly even killed. He needs to find a home where he can—finally—be a free man, reunite with his family and live a normal life.

* [U.S.] Congressional Research Service, *Report for Congress: China’s Relations with Central Asian States and Problems with Terrorism* 3-4, 8 (Dec. 17, 2001).

ABDUL AZIZ NAJI*

ALGERIAN GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Abdul Aziz Naji describes his situation as “dancing between fires.” If he were returned to Algeria, he would face threats to his life and safety from both the Algerian government and from fundamentalist insurgents. He was brought to Guantánamo as the victim of a Pakistani house raid in the chaotic aftermath of the U.S. invasion of Afghanistan. Yet, he remains in Guantánamo because no country will advocate for his release.

Summary

Abdul Aziz Naji is an Algerian imprisoned for seven years. He worked with a social service provider in Pakistan for several months before losing his leg as a result of a tragic accident. Following a year-long hospitalization and recuperation, he was taken by Pakistani forces in a house raid in the months after the U.S. invasion of Afghanistan. Abdul Aziz remains in prison largely because there is no country that will advocate for his release. He faces threats from the Algerian government because of the stain of Guantánamo and the risk of recruitment from Algerian fundamentalists, who will likewise associate him with terrorism. He also faces the risk of retaliation from these fundamentalists because of his prior service in the Algerian army. Abdul Aziz is an amputee who needs appropriate care, not indefinite imprisonment without charge.

Personal History

Abdul Aziz was born in Batna, Algeria in 1975. After sixth grade, he began work in his father's blacksmith shop and later completed his required military service in the Algerian Army. After his service, Abdul Aziz, like many young Muslims, traveled to Mecca on pilgrimage and then, during early 2001, worked briefly with a charitable organization, which he identified as “Askar Tiba,” which he knew to be one of the main charities providing humanitarian assistance to needy Muslims and Christians in Kashmir. Abdul Aziz was only involved for a few months with its charitable activities, but it was important to his religious belief in offering to volunteer his services. While carrying food and clothing to poor villages one night with a group of other volunteers, Abdul Aziz stepped on a landmine (one of many unexploded ordnance that lace the region) and sustained a serious injury, resulting in the loss of his lower right leg. He was taken to a hospital in Lahore, Pakistan where he was treated for several months and fit with a prosthetic leg. He spent many months after that in rehabilitation, living with a few generous families in the city who offered to board him.

An amputee with few resources and in need of the most basic assistance, Abdul Aziz was directed by acquaintances to an Algerian in Peshawar to help find a wife. While visiting this man in May 2002, he and his host were arrested during a raid of the man's house by Pakistani police, one of the many house raids in the area. The reason for the arrests was never explained. In fact, the Pakistanis told Abdul Aziz that they would release him. But instead, he was taken by Americans stationed in Peshawar and brought to Guantánamo.

Allegations

The U.S. government has not brought any charges against Abdul Aziz. Only vague, unsubstantiated allegations have been made. The tribunals that have been established ostensibly to validate the detention of

* Abdul Aziz Naji is represented by Ellen Lubell and Doris Tennant at Tennant Lubell LLC. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo's abandoned, contact emaclean@ccrjustice.org.

Guantánamo prisoners after years of detention have not provided any meaningful opportunity for review of his case: Abdul Aziz's "hearing" was governed by three military officers; virtually all purported evidence was classified and inaccessible to the detainee; and evidence obtained by torture was used. Even if these proceedings were to be deemed legitimate, they do not support a case that Abdul Aziz should be detained.

In the tribunals, the U.S. government alleged that Abdul Aziz was a member of a group called Lashka-e-Tayyiba (LET), and that Askar Tiba and LET are the same organization. It is not clear that they are the same organization – and Abdul Aziz did not know them to be connected. Regardless, Abdul Aziz was not a member of either organization. He sought out Askar Tiba only to provide humanitarian assistance. Even if the organizations are the same, LET's provision of social services took place at that time with the blessing of the Pakistani government. According to an expert in the Middle East Policy Institute in Washington, DC, LET did (and still does) have a military wing, but it is completely separate from its humanitarian assistance operations, which provide social services in regions few government agencies can reach. LET's charitable efforts were well-known in the region; and many young Muslims volunteered in the organization's social welfare mission, without having any involvement in the group's military activities. Indeed, the U.S. government has never contended that Abdul Aziz was captured on a battlefield or ever engaged in armed conflict, and Abdul Aziz's testimony is clear that his work was limited to providing humanitarian assistance.

Fear of Torture or Persecution in Algeria

Abdul Aziz' family lives in Algeria, and he wants very much to be with them. But if he were to return, he would face a double threat, which he has described as "dancing between fires." If he were forcibly returned to Algeria, it is likely that he would be subjected by the government to long-term imprisonment, arbitrary detention, torture and potentially death, simply because he has been branded by the U.S. as being associated with terrorism. Indeed, Abdul Aziz was visited by an Algerian delegation while in Guantánamo which asked him if he was a member of Groupes Islamiques Armés (GIA), a militant Algerian organization. He was alarmed that they would ask him such a thing, as it signaled that the mere fact of his incarceration in Guantánamo had triggered for the Algerian government an assumed—and false—association with the GIA.

On the other hand, if Abdul Aziz were returned to Algeria, he would also likely be a target of violence or recruitment by fundamentalists fighting the Algerian government. For them, too, the fact of his incarceration in Guantánamo would trigger an assumed association with terrorism. Ironically, he fearfully disclosed to his counsel just recently that members of GIA had attempted to recruit him and had terrorized him when he was a teenager in Algeria. His service in the Algerian army in the mid-1990s fighting fundamentalists opposed to the government could add a further threat, as insurgents have specifically targeted and murdered former service members. Abdul Aziz has described incidents that occurred near his family's home where insurgents set up roadblocks, stopped buses, and killed passengers who had worked for the military.

Urgent Need for Humanitarian Protection

Abdul Aziz has been detained without charge for seven years in Guantánamo. He has no expectation of being charged, nor does he have any clarity about what the future holds for him. His case demonstrates that geopolitics largely determine whether one remains in or is released from Guantánamo. No Algerians have been released because the U.S. and the Algerian governments have not reached agreement about transfer, and some of these men, like Abdul Aziz, also reasonably fear that repatriation to Algeria would mean certain torture and persecution. Abdul Aziz' detention is particularly difficult because of his health problems. The well-made prosthetic leg he received in Pakistan was badly damaged when he was beaten by U.S. forces in Bagram and Guantánamo. He was eventually provided a new one, but it is of poor quality and does not fit him properly, making his daily activities extremely difficult. Abdul Aziz remains highly motivated to work and support himself, and retains a remarkable equanimity of spirit for one denied freedom for so long.

RAVIL MINGAZOV*

RUSSIAN GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Ravil left Russia because of religious intolerance and persecution by the Russian intelligence and military services. He fled in search of a new home that would be tolerant of his faith and hospitable to his family. Instead, he found himself in the wrong place at the wrong time and has since endured years of abuse at the hands of the U.S. government. After more than six years of unjust imprisonment, Ravil still desires the one thing that led him to leave Russia in the first place: a new home state that will be tolerant of his religion and where he can live safely with his family.

Summary

Ravil Mingazov is a former ballet dancer who fled religious discrimination and mistreatment in Russia. He was rounded up in a Pakistani house raid far from any conflict and turned over to U.S. authorities, who ultimately transferred him to Guantánamo. Ravil has been in Guantánamo for six years but cannot go back to Russia, where seven former Guantánamo prisoners returned to face imprisonment, abuse, torture and even death. Ravil fears that he would likely suffer similar mistreatment if he does not receive humanitarian protection outside of Russia.

Personal History

Ravil was born in Kamchatskaya, Russia, in December 1967. His family later moved to Naberezhnye Chelny, Tatarstan, Russia, where his mother still resides. He studied ballet at the Naberezhnye Chelny Art School. Ravil was subsequently a ballet dancer with various troupes and even performed on national television. In 1987, he joined the army as a ballet dancer in the famed Russian army ballet troupe. Later, he was assigned passport control duties on the Mongolian border.

After the Soviet Union dissolved, Ravil left the army and returned to Naberezhnye Chelny, eventually finding a job in the food supply department at a nearby military installation. During this time, Ravil became a practicing Muslim. He married a Muslim woman and they had a son. Due to his religion, he experienced significant hostility and prejudice. The army unit refused to serve *halal* meat. Abusive incidents against Muslim soldiers went without investigation or redress, and there was general intolerance towards Muslim soldiers. Ravil provided support for the Muslim soldiers, finding appropriate food and seeking aid for victims of prejudice. This, in turn, led to conflicts with his commanders: his requests for religious accommodations were denied, he was denied permission to travel, and he was interrogated. His house was ransacked and searched, his wife was denied a passport, and the family was refused permission to give their son a Muslim name.

Ravil was reluctant to leave his home country, but fearful for himself and his family, he eventually left to find a place to live that would accommodate and tolerate his family's faith and ensure them safety. He planned to find such a place and then bring his wife and son there to join him. He traveled to Tajikistan and, from there to an Uzbek refugee camp in Afghanistan. Ravil had been living in the camp for only a short period when the Americans invaded Afghanistan. In the chaos of war, he found himself as a refugee twice over, evacuating Afghanistan with other refugees fleeing the fighting. Ultimately, Ravil reached an Islamic center in Pakistan

* Ravil Mingazov is represented by Doug Spaulding and Allison Lefrak at Reed Smith LLP. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo's abandoned, contact emaclean@ccrjustice.org.

sympathetic to Muslim refugees. He had only been staying there briefly when, one night, Pakistani police burst into the house and arrested all of the refugees. After his arrest, Ravil was taken to a prison in Islamabad and then transferred to U.S. custody. U.S. forces brought him to Bagram, Afghanistan, where he was subjected to severe abuse. At Bagram, he was beaten, slammed into the ground, hung by his arms, deprived of food and sleep, and eventually transferred to Guantánamo. He has been in Guantánamo ever since – without charge or trial.

Allegations

The government has not provided any evidence about the reasons for Ravil's arrest and continuing imprisonment. Ravil was a refugee who was arrested at a house in Pakistan, far from any armed conflict. He has never agreed with the way Al Qaeda or the Taliban interpret the Muslim religion—a religion he knows to be based only on peace and forgiveness.

Fear of Torture or Persecution

Muslims often face persecution in Russia on account of their faith. The U.S. State Department has repeatedly documented the harassment and persecution of Muslims in Russia. Likewise the United Nations High Commissioner for Refugees (UNHCR) has observed that religious persecution in Russia has generated significant numbers of refugees and asylum seekers.

Moreover, Russia has a criminal justice system notorious for lacking due process and fairness. Security forces in Russia have been involved in extrajudicial killings; torture, violence and other brutal treatment; and arbitrary arrest and detention. The United Nations body responsible for monitoring state compliance with the Convention Against Torture has acknowledged “numerous and consistent allegations of widespread torture and other cruel, inhuman or degrading treatment or punishment of detainees . . . commonly with a view to obtaining confessions.”

While in Guantánamo, Russian detainees were threatened with coercive interrogations in Russian prisons. Muslim “security” detainees are particularly at-risk of abusive treatment in Russian detention facilities. Indeed, seven former Guantánamo prisoners released to Russia in 2004 were kept in detention and suffered torture and abuse at the hands of Russian authorities despite the country's assurances of humane treatment. After serving prison terms in Russia, they were released only to be further harassed, abused and persecuted by Russian authorities.* In June 2007, one of the former detainees who was returned to Russia was killed in a police raid on an apartment building in Nalchik, the capital of the internal republic Kabardino-Balkariya.

Urgent Need for Humanitarian Protection

Ravil has been imprisoned without charge or trial in Guantánamo for seven years. He cannot safely return to his home country because of the risk of torture or persecution. Russia is notorious for its persecution of Muslims and for torture and abuse in its prisons. Ravil seeks only a place to live safely with his family. Without the offer of humanitarian protection from the U.S. or another country, Ravil will continue to be imprisoned indefinitely without charge.

* Human Rights Watch, *The “Stamp of Guantánamo” The Story of Seven Men Betrayed by Russia's Diplomatic Assurances to the United States*, March 2007, Vol. 19, No.2(D).

HOUZAIFA PARHAT*

CHINESE UYGHUR GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Houzaifa Parhat fled China seeking a better life. He was living in a Uyghur village in Afghanistan when he and seventeen others were forced to flee for safety after the U.S. bombing campaign began in Afghanistan. All eighteen were turned over to the United States by bounty-hunters. Five among them were classified as non-enemy combatants and, years later, released to Albania. Upon a review of the government's case, a U.S. federal court overturned the CSRT's decision classifying Houzaifa as an enemy combatant, citing a complete lack of evidence to substantiate the government's claims. Though he has long ago been cleared for release, he remains in Guantánamo today.

Summary

Houzaifa Parhat is a Uyghur who has been cleared for release from Guantánamo and whose detention a U.S. court has recognized to be illegal. Indeed, the government has effectively conceded that the detention of Houzaifa and the other Uyghurs is illegal. He remains in Guantánamo because, as with the other Uyghurs held at Guantánamo, Houzaifa would be imprisoned, tortured, and potentially executed if returned to China or to a country subject to Chinese control or influence, and no other country has agreed to accept him.

Houzaifa left China in 2001 and initially traveled to Pakistan and then onto Afghanistan, where he lived in a small Uyghur village. When the village was bombed, Houzaifa fled with seventeen other Uyghurs to Pakistan, where he was sold to the U.S. military for a bounty. He was held at the U.S. military base at Kandahar, Afghanistan before he was transferred to Guantánamo.

Personal History

Houzaifa, 36, is from Ghulja, a city in western Xinjiang, near the Kazakhstan border. Houzaifa struggled to make a living in the fruit business before leaving China in May 2001. He left to escape Chinese “torture and too much pressure on the Uyghur people,” including economic oppression and forced abortions. Houzaifa traveled to Pakistan and then on to Afghanistan in the hope that he would not be forcibly returned to China from that country.

Houzaifa fled to Pakistan, with the 17 other Uyghur men, in October of 2001 when the Uyghur village in Afghanistan was bombed. Initially taken in by Pakistani villagers, Houzaifa and the other Uyghurs were then sold by them to the U.S. military for a bounty. At the time, the U.S. military offered large sums of money – \$5,000 or more – to anyone who handed over alleged “terrorists.” The United States blanketed Afghanistan and Pakistan with leaflets promising “wealth and power beyond your dreams” or “enough money to take care of your family, your village, your tribe for the rest of your life.” In a press briefing in November 2001, Secretary Rumsfeld praised this practice, stating that these leaflets were “dropping like snowflakes in December in Chicago.” Houzaifa was one of the many victims of this manufactured incentive.

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After being handed over to U.S. forces, Houzaifa was held at the U.S. military base at Kandahar, Afghanistan before he was transferred, in approximately June of 2002, to Guantanamo Bay, Cuba. Since then, Houzaifa has been held in isolation.

Allegations

Five of the Uyghurs among the group of eighteen captured together and sold by bounty-hunters in Pakistan were classified as non-enemy combatants and, years later, released to Albania. There is nothing to materially distinguish Houzaifa from the five Uyghurs who were deemed noncombatants and released to Albania in 2006.

However, given the fundamental inadequacies of the Combatant Status Review Tribunal (CSRT) processes, Houzaifa was designated an "enemy combatant" by a CSRT in approximately October 2004. The transcript of those proceedings indicates that his enemy combatant status was ostensibly predicated on allegations that he is affiliated with the East Turkestan Islamic Movement (ETIM), and that ETIM is associated with al Qaeda. This is the same allegation that the government has made against each of the Uyghurs in Guantánamo. There is no evidence to support the claim that Houzaifa is a member of ETIM or has any connection to al Qaeda, the Taliban, or any other group that is or has been engaged in hostilities with the United States.

Yet, in July of 2008, a U.S. federal court overturned the CSRT's enemy combatant classification of Houzaifa, ruling that the government's allegation that ETIM has links with Al Qaeda was tenuous and unsubstantiated. Houzaifa has never engaged in military activity, never received military training, and never carried a weapon. He was not even captured on a battlefield or in a combat zone. Following the court's wholesale rejection of the CSRT's allegations against the Uyghurs, the government has now conceded that the remaining Uyghurs will be treated as non-enemy combatants.

Fear of Torture and Persecution

Houzaifa has explicitly asked not to be returned to China. Like all of the Uyghurs held at Guantánamo, Houzaifa would be imprisoned, tortured, and potentially executed if returned to China, or to a country subject to Chinese control or influence. Chinese persecution of the Uyghurs is well-documented, and the Chinese have made it clear, through the interrogation of the Uyghur prisoners in Guantánamo and the pressure they have brought to bear on governments contemplating asylum for the Uyghurs, that they will mistreat the Uyghurs should they be released to Chinese custody. Foreign governments have consistently recognized the Chinese government's use of torture against detainees in their custody, and the unexplained deaths of significant numbers of detainees in Chinese custody. In the Xinjiang Uyghur Autonomous Region, there are arbitrary and summary executions, torture, arbitrary detention and unfair political trials. Since the escalation of the global war on terrorism, human rights violations appear to have intensified in the region. China has expanded its programmes to "re-educate" Uyghur imams, and broaden attacks on Uyghurs. In 2002, China outlawed use of the Uyghur language in all schools and public places.

Urgent Need for Humanitarian Protection

While maintaining at home that the Uyghurs are "enemy combatants," the government has been peddling Houzaifa and his countrymen abroad to dozens of countries as innocents in need of resettlement. Recent press accounts note that privately government officials concede that they determined as early as 2003 that most or all of the Uyghurs at Guantanamo had been wrongly detained and should be released. Yet, for seven years, Houzaifa has been held without charge in Guantanamo and continues to be detained without justification, even after having been formally cleared for release in February 2007, his enemy combatant decision overturned in July 2008, and his release ordered by a federal district court judge in October 2008.