

**EXPLORING THE NATURE OF UIGHUR
NATIONALISM: FREEDOM FIGHTERS OR
TERRORISTS?**

HEARING
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL
ORGANIZATIONS, HUMAN RIGHTS AND OVERSIGHT
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
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CONTENTS

	Page
WITNESSES	
Mr. Randall G. Schriver, Partner, Armitage International (former Deputy Assistant Secretary for East Asian and Pacific Affairs, U.S. Department of State)	9
Sean R. Roberts, Ph.D., Director and Associate Professor, International Development Studies Program, Elliott School of International Affairs, The George Washington University	17
Dru C. Gladney, Ph.D., President, Pacific Basin Institute, Pomona College	24
Ms. Shirley Kan, Foreign Affairs, Defense, and Trade Division, Congressional Research Service	58
Ms. Susan Baker Manning, Partner, Bingham McCutchen	64
Bruce Fein, Esq., Principal, The Litchfield Group	75
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
Mr. Randall G. Schriver: Prepared statement	14
Sean R. Roberts, Ph.D.: Prepared statement	20
Dru C. Gladney, Ph.D.: Prepared statement	27
Ms. Shirley Kan: Prepared statement	61
Ms. Susan Baker Manning: Prepared statement	67
Bruce Fein, Esq.: Prepared statement	77
APPENDIX	
Hearing notice	124
Hearing minutes	126
The Honorable Dana Rohrabacher, a Representative in Congress from the State of California: Material submitted for the record	127

EXPLORING THE NATURE OF UIGHUR NATIONALISM: FREEDOM FIGHTERS OR TERRORISTS?

TUESDAY, JUNE 16, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS AND OVERSIGHT,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:17 a.m., in room 2172, Rayburn House Office Building, Hon. Bill Delahunt (chairman of the subcommittee) presiding.

Mr. DELAHUNT. This hearing will come to order. I want to welcome a very distinguished group of witnesses whom I will shortly introduce; and we will be joined by another witness, I understand, via video link from Kosovo.

This is the second in a series of hearings we plan to hold which will explore the circumstances surrounding the detention of 22 Uighurs, which is a Turkic Muslim minority from Northwest China, who were incarcerated at Guantanamo Bay.

In our first hearing, our panel was again composed of distinguished experts on Uighur history. It included the three-time Nobel Prize nominee and leader of the Uighur community worldwide, Mrs. Kadeer, who, along with the rest the panel, was unanimous in stating that Uighurs were and are an oppressed minority in China. Furthermore, all agreed that the Communist Chinese Government has used the war on terror as a means to avoid criticism as they brutally persecuted and oppressed the Uighur minority.

In fact, the House of Representatives, in a resolution numbered 497, stated that the Chinese Communists had—and this is the language of that resolution; and both myself and the ranking member, Mr. Rohrabacher, were sponsors; again, I am quoting from the language of the resolution itself—“manipulated the strategic objectives of the international war on terror to increase their cultural and religious oppression of the Muslim population residing in the Uighur autonomous region.”

The regime in Beijing conflates peaceful civil disobedience and dissent with violent terrorist activity. In fact, when I asked our witnesses, that previous panel—and again, I am quoting from the transcript—if Speaker Gingrich—I was referring to Mr. Gingrich to suggest that they be returned to China—“Well, if Speaker Gingrich had his way and the 17 Uighurs were to be returned to China, what would their fate have been?”

Well, one witness, Mr. Nury Turkel, a Uighur lawyer and activist, said unequivocally that would be equal to a one-way ticket to the death chamber; and the rest of the panel agreed a return to China would be certain torture and very well may lead to a summary execution.

Well, today, we turn our attention to the East Turkistan Islamic Movement or, as it is known by its acronym, ETIM. The charge that the Uighurs at Guantanamo were terrorists was predicated on an unsubstantiated claim that they were somehow affiliated with this group. Over time, the Uighurs have been cleared by both the Bush administration and our Federal courts. And, as we all know, the Obama administration has been making every effort to resettle these men in suitable countries.

Four Uighurs have been currently resettled in Bermuda. I wish to publicly thank, and I am confident that my friend and colleague from California, Mr. Rohrabacher, joins in this, to thank the Bermuda Government, Premier Brown, who displayed great courage and decency when giving these Uighurs a new home. The Premier will shortly be receiving a letter from myself and Mr. Rohrabacher to that effect.

However, my question is: How did this accusation develop against 22 men when even the very existence of ETIM is subject to some debate, particularly in light of the fact that these men were not apprehended on the battlefield, either by Northern Alliance soldiers or by American military but, in my opinion, were the victims of a bounty system. As we have come to learn, the Uighurs were sold to American forces by unknown Afghani and Pakistani individuals for the sum of \$5,000 each.

During the Bush administration, ETIM was classified as a terrorist organization under an Executive Order numbered 13224. It is important to note that under this Executive Order it defines terrorism as actions that do not necessarily threaten the United States and its citizens. By contrast, a designation as a foreign terrorist organization—again, an acronym, an FTO—it is required that a group engage in terrorist activity and that this terrorist activity must threaten the security of the United States or its nationals.

I am unable to find, nor does any research appear, that at any time was ETIM considered for listing as an FTO.

Now, although this may be a subtle bureaucratic distinction, it is an important fact. Why, if ETIM was a threat to our national security, was it not classified as an FTO like organizations such as Hamas, Hezbollah, and al-Qaeda? These groups, properly labeled FTOs, are considered a direct and dangerous threat to the United States' national security.

In any event, my primary concern is that, in making our own assessment as to the nature of this shadowy group, the ETIM, did we place or did we unduly rely on Chinese Communist intelligence, some may even call it propaganda, Chinese propaganda to suit their own strategic objectives or tactical objectives concerning the Uighur minority?

It appears to me that we took substantial intelligence information from the Chinese Communist regime and then used that ques-

tionable evidence as our own as a significant factor in the determination that ETIM was a terrorist organization.

I am going to ask staff to hold up two poster boards, one at a time. One includes a statement taken from a Chinese document entitled: East Turkistan terrorist forces cannot get away with impunity. This is published by the Chinese Communist Information Office in January 2002. In that document, the Chinese attribute over 200 terrorist incidents resulting in 162 deaths and 400 injuries to undefined parties, simply labeled by the Chinese as East Turkistan terrorist forces.

Now, examine the second poster; and this is a statement released from our Department of Treasury published in September 2002 in response to listing ETIM as a terrorist organization. In this statement, our Government takes the Chinese statistics of 200 terrorist incidents, 162 deaths, and 400 injuries, and now attributes them to a single group, the ETIM.

Now, let me pose a rhetorical question. Why has the perpetrator of these acts suddenly changed from undefined groups to the ETIM? And why did our Government take the statistics of the Communist Chinese Government and utilize it in the classification of ETIM as a terrorist organization? That causes me profound concern.

Now, regardless of where the 13 Uighurs currently detained in Guantanamo are resettled, whether it be in Bermuda, Palau—I understand today that the prime minister of Italy, Berlusconi, has indicated that Italy will accept three of the Uighurs. Again, if that is accurate, let me say thank you to the Government of Italy.

This question about reliance, and particularly in the case of the specific case of ETIM, must be answered, because it raises serious concerns as to whether American foreign policy can be manipulated by the Communist Chinese Government or, for that matter, anyone else.

Professor Millward, who is a well-known scholar in this area, echoes my concern in an article—or maybe I am echoing his concern—in an article he wrote entitled, “Violent Separatism in the Uighur Autonomous Region: A Critical Assessment.”

On September 2, 2001, the Communist Party Secretary of that region said that the situation there was better than ever in history. That is September 2, 2001. While mentioning separatism, the party secretary for the region stressed that society is stable and people are living and working in peace and contentment. The Communists even went on to say that the nightlife is terrific. It goes on to two or three in the morning.

Two weeks later, not surprisingly, the official Chinese Communist line changed following the September 11 attacks on the United States. Official Chinese Communist pronouncements began to stress that the threat of terrorism in that region was significant.

As China’s leadership maneuvered itself side by side—and, again, these are the words of Professor Millward—with the United States on the war on terror, according to him, this required a revision of the official description of separatists in the region and what had generally been described as a handful of separatists was now a full-blown terrorist organization. Professor Millward hypothesizes

that this helped Beijing warm its somewhat at the time chilly relationship with Washington.

Well, hopefully, today this panel will cast some light on this issue. Because I believe that the case of the Uighurs is not simply about these 22 men from northwestern China. It is much more. It is about the very process we utilize in making far-reaching decisions about critical foreign policy issues and national security concerns.

When we designate a group as a terrorist organization, are we relying on foreign intelligence, whether it be Chinese Communist intelligence, in such a way that the results are seriously flawed so that the consequences harm our national security interests? Let's not forget that flawed intelligence played a key role in the decision to invade Iraq, and we learned subsequently that Saddam Hussein neither had links to al-Qaeda, nor had weapons of mass destruction.

So what I hope is that we can utilize the Uighurs, if you will, as a case study to examine the process so that we may mitigate its deficiency and help our Nation reach better decisions, acknowledge our mistakes, and, most importantly, do justice to the innocent.

Now, let me turn to my friend and colleague, the ranking member, Mr. Rohrabacher, for his opening statement; and let me indicate, too, that I know he has other commitments today, and it is my intention to let him, after we introduce the witnesses, proceed with his questioning before I do.

Dana.

Mr. ROHRABACHER. Thank you very much.

I do want to thank my good friend and chairman for not only holding this hearing but deciding that we should focus on this issue so the American people will understand the facts behind it and the relevance of this issue.

I would also right off the bat like to express my deep appreciation to the leader in Bermuda, Premier Brown, for his courage to do what is morally right in this situation. He has demonstrated, I think, the best of democracy. That is what leadership is all about, is being willing to take such tough stands. I am sorry that our own leadership here at home and even in my own party seems lacking at this moment.

I will be equally grateful to the leadership in Palau if that island nation gives refuge to these falsely accused Uighurs. The people of Palau should stand behind their leaders and show that they, too, are a morally superior group of people. And this is one way that they will certainly be acknowledged for that by those of us who perhaps don't know them now but will get to know them if they back up their leadership in this courageous decision.

Chairman Delahunt is doing a great service to our country by educating the Congress about the plight of the Uighurs and educating, hopefully, through the Congress and through these hearings, to the people of the United States, who need to understand what the occupation of East Turkistan is all about. I hope that this series of hearings helps clarify how the Uighurs who were sent to Guantanamo Bay prison, how and why that happened and how the Communist Chinese Government gained access to them while they were there and what the Chinese officials did to them while they

were there, and then also what the Chinese Government is doing to the people of East Turkistan and how that there can be perhaps some lessons learned.

A Defense Intelligence Agency expert on Chinese counterintelligence operations once said that it is the mother's milk of counterintelligence to create phony political organizations. He stated that the Chinese are especially good at it and utilize this method in order to know who to watch and who eventually to eliminate. Phony or front organizations can be used to tarnish a good cause by blaming it for violence against innocent people when in fact government agencies are often committing that very violence.

We have good reason to believe this may be the case for some of the so-called Uighur organizations. Much to my dismay, some pundits in the Republican Party have fallen for this bait and are lumping the Uighurs in with Islamic extremists.

The Bush administration did not help matters. It held Uighurs in Guantanamo as terrorists; and they did this, I believe, to appease the Chinese Government in a pathetic attempt to gain its support at the beginning of the war against Iraq and also to assure China's continued purchase of U.S. Treasuries.

Many, if not all, of the negative allegations against the Uighurs can be traced back to Communist Chinese intelligence, whose purpose is to snuff out a legitimate independence movement that challenges the Communist Party bosses in Beijing.

No patriot, especially no Republican who considers himself a Reagan Republican, should fall for this manipulation, which has us do the bidding of a dictatorship in Beijing.

In the Hall of Shame, of course, is our former Speaker, Newt Gingrich. His positioning on this should be of no surprise and is of no surprise to those of us who, during Newt's leadership, were dismayed by his active support for Clinton-era trade policies with Communist China, policies that have now had a disastrous impact on our economy, while bolstering China's economic and military powers. Most favored nation status, trading status, should never have been granted to such a vicious dictatorship.

Newt and his big corporations as well as those leaders in the Clinton administration persuaded Members of Congress in the 1980s and again in the '90s to go along with an embracing of Communist China; and, as such, those people, whether they are Republicans like Newt or whether they are those people in the Clinton administration who were advocating this, did no favor to the people of the United States.

Our current economic vulnerability to a dictatorship, to the world's—actually, the world's worst human rights abuser can be traced back to that morally flawed policy in the 1990s.

Within the span of 20 years, we have gone from having a trade deficit with Communist China of \$1.7 billion, to over \$300 billion a year today. We are losing 650,000 jobs a month, and it is obvious or should be obvious to anyone who bothers to read the labels that just about every one of these jobs that we are losing are going to Communist China.

The Chinese Communist Party has accumulated \$2 trillion of sovereign wealth funds by producing and selling American brand products to Americans. Of course, it was the Americans who once

produced these very same products here on American soil. Moving derivatives, stocks, and bonds on paper from one side of a table to the other does not create wealth. Manufacturing jobs create wealth. And this basic fact has not been lost on Communist Party bosses in Beijing. Now our leaders have to beg the Chinese to buy our Treasuries.

Well, thanks to the so-called leaders of the Republican and Democratic Party in the 1990s who set us up on this path to oblivion, we now are vulnerable to this Communist Chinese dictatorship; and it is extending its power throughout the world based on the economic relationship that it established with us back in the '90s.

Have we drifted so far away from our principles that we willingly accept leaders—and I say this was leadership in the Democratic Party during the Clinton years, and now we see a leader from that era in the Republican Party—doing the bidding of the Communist Chinese Party by attacking and, in this case, attacking people who are protesting Beijing's repressive rule? And that is what the Uighurs are guilty of. They are protesting and opposing a repressive rule by the Communist Party regime in Beijing.

Newt should come right now before this committee and explain to us how occupied East Turkistan is any different from the present-day occupied Tibet or of Latvia, Lithuania, and Estonia during the Cold war. He should explain why he has been doing the bidding of Beijing and doing so at the expense of people who are seeking freedom and democracy for their own people.

Many conservatives who are knowledgeable about these facts actually have joined with us a long time ago, Mr. Chairman, and all along have been on the side of the Uighurs and tried to spread the word, the truth about this situation; and I will include for the record now a list of about 20 of them. Rather than read them all, let me just note there are many prominent Republican leaders who are opposed to these statements that are being made by former Speaker Gingrich.

Mr. DELAHUNT. Without objection, the list will be submitted into the records of the committee.

Mr. ROHRABACHER. Thank you very much.

An ongoing attempt to appease Communist China has been behind the detention of the 17 Uighurs currently held in Guantanamo. By detaining the Uighurs, the United States was and still is an accomplice to Chinese brutal occupation of East Turkistan and the discrimination against the Uighur people that they suffer that we heard so much about during the first hearing. Both Republican and Democratic Parties need to recognize this and not cower before Beijing's now powerful economic capabilities.

It is my hope that this hearing will help dispel some of the serious confusion and propaganda about the Uighurs, both the Uighurs who are at home who are struggling for their freedom and to live in a Democratic society and these 17 Uighurs who are courageous enough to try to learn the skills that would enable them to resist the dictatorship in Beijing.

I am very proud to join my chairman, my good friend, Chairman Delahunt, in this effort. Now I am looking forward to hearing the testimony.

Mr. DELAHUNT. Thank you, Congressman Rohrabacher.

I want to acknowledge the presence of Eni Faleomavaega, my good friend who chairs the Subcommittee on Asia and the South Pacific, and invite him to make any statement he may wish.

Mr. FALEOMAVAEGA. Mr. Chairman, I don't have an opening statement, but, again, I want to commend you and Ranking Member Mr. Rohrabacher for your initiative and leadership in calling this hearing and bringing to bear a better understanding of the Uighur people and exactly the issue that you are seeking here for the kind of policies that we have enunciated since the 1990s right up to this time.

I do thank the gentleman from California for calling a spade a spade and for his very provocative thoughts. This is not a Democratic or a Republican issue, partisan in any way, but to find out exactly what the truth is.

I do want to commend our members of the panel for their appearance this morning and look forward to hearing their testimony.

Mr. DELAHUNT. And I thank the gentleman.

I wanted to note that I have alluded to the fact that this is a series of hearings. I anticipate we will have seven or eight. I intend to deploy our great staff to conduct interviews. I think it is time that the American people hear from those that have been detained.

I am sure that many, at least on this panel, are aware, as Congressman Rohrabacher indicated, that Communist Chinese intelligence agents were provided access to the inmates—the Uighur inmates in Guantanamo. That I find profoundly disturbing. Yet, at the same time, our request, myself and that of Mr. Rohrabacher, with the approval of counsel for those who were detained, to have access to hear them, to interview them, to discern as best we can the truth, because this is a search for the truth, we were denied access.

However, I had a conversation last evening with Premier Brown of Bermuda and indicated to him that myself and Mr. Rohrabacher were interested in going to Bermuda and having a briefing, a hearing, whatever the appropriate term is, and invite these now-freed Uighurs to come before this subcommittee and maybe in conjunction with other subcommittees of the Foreign Affairs Committee to listen to what they have to say. I think that is an important step. Whatever the results are, whatever the facts are, let's put them out on the table.

There seems to be a proclivity on the part of the Executive—and, again, I am not just referring to the Bush administration but as well the Obama administration—to classify, in my opinion, far too much information. This will provide us an opportunity for every single American citizen, and particularly those who are very much involved in scholarship and as students of the Uighurs, to hear from them firsthand, unfiltered, without pundits interpreting for members of the committee and for the American public as to what their experience was.

With the approval of the ranking member, it is my intention in the very near future to go to Bermuda to determine the feasibility of actually doing that and then coming back and reporting to the committee and consulting with Mr. Rohrabacher about having that kind of an exercise in Bermuda, which hopefully would educate

members of the committee, the academic community, and all of us as to their reality in terms of how they saw it and welcome anyone who has any disagreement with their view to come before this committee and testify.

I would think it would be refreshing to have people like myself and Mr. Rohrabacher and Newt Gingrich and all those others who opined to maybe listen—what a refreshing change that would be—and ask relevant questions so that as we proceed forward we don't make the mistakes that we have made in the past.

Again, I say that not as a “large D” Democrat but as a “small d” democrat and as someone who is very concerned about American foreign policy being manipulated or influenced in a way that is against our interests and against the better instincts and the values of the American people that we talk about.

So, Dana, I will report back to you. And hopefully we will be making a trip to Bermuda; and you are welcome, too, Eni.

Now let me introduce this panel.

Our first witness, Randy Schriver. Randy is one of the five founding partners of Armitage International LLC, a consulting firm that specializes in international business development and strategies. Prior to his return to the private sector, he served as Deputy Assistant Secretary of State for East Asia and Pacific Affairs. Before joining the Asia Bureau, he served for 2 years as Chief of Staff and Senior Policy Advisor to Deputy Secretary of State Richard Armitage whom, by the way, I always found to be refreshingly candid, a straight shooter.

Mr. Schriver holds a bachelor's degree in history from Williams College—not a bad school, not quite Middlebury, but not a bad school—and a master's degree in public policy from Harvard University.

Our next witness—and I am sure he is listening—will be joining us via video hookup from Kosovo. That is Professor Sean Roberts. Professor Roberts is the Director of the International Development Studies Program and an Associate Professor in the practice of international affairs at George Washington University's Elliot School for International Affairs. He is a legitimate expert on the region of Central Asia, with a particular focus on the Uighur people. He has spent several years conducting research in Uighur communities in both Central Asia and China and is the author of numerous articles and a documentary film on the Uighurs of the Kazikstan-China borderland.

Professor Roberts earned his master's degree in visual anthropology and his doctorate in social anthropology at USC.

Professor, thank you for joining us from such a far distance. I hope you can hear that welcome.

Next, let me welcome Professor Dru Gladney. He, too, is a legitimate, authentic expert in this area. He is a professor of anthropology at Ponomia College and currently serves as president of the Pacific Basin Institute in Claremont, California. He has published over 100 academic articles and numerous books. He has held faculty positions and postdoctoral fellowships at Harvard, the University of Southern California, King's College at Cambridge, and the Institute for Advanced Study at Princeton. Professor Gladney received his Ph.D. from the University of Washington in Seattle.

Following Professor Gladney will be Shirley Kan. Ms. Kan has worked at the Congressional Research Service since 1990 and writes policy analysis and provides other nonpartisan legislative support to Congress as a specialist in Asian Security Affairs. During the Taiwan Straits crisis of 1995, 1996 she directly supported the defense attachè at the Embassy in Beijing, for which she received a Defense Department Special Achievement Award.

She graduated cum laude from the School of Foreign Service at Georgetown and from the University of Michigan in an Ann Arbor, where she received a master's degree.

Next joining us will be Susan Baker Manning. She is a partner at Bingham McCutchen, which is in Boston, or headquartered in Boston, where she focuses her practice on intellectual property matters, including patent, trademark, and copyright cases. This is quite a diversion, Susan. She also maintains a thriving pro bono practice, including the representation of numerous Uighur detainees at Guantanamo, including the four who recently resettled in Bermuda.

She received her bachelor's degree from Mount Holyoke and law degree from the University of Virginia.

Ms. Manning, welcome back. We look forward to hearing from you. We will be seeking your assistance in terms of interviewing your clients and we would hope and welcome their written waiver and a consent for us to interview them.

Finally, we will hear from my good friend Bruce Fein, a nationally and internationally renowned constitutional lawyer, scholar, and writer. He served as both Associate Deputy Attorney General for the Justice Department and General Counsel for the Federal Communications Commission under President Reagan. He later served as legal advisor to then Congressman Dick Cheney on the Joint Committee on Covert Arm Sales to Iran.

I never knew that about you, Bruce.

Mr. Fein is the founding partner of Bruce Fein and Associates and is currently writing a sequel to his recent book *Constitutional Peril*.

So it is an honor to welcome the witnesses here. We all look forward to your testimony.

Why don't we begin as I introduced you, and we will begin with Secretary Schriver.

**STATEMENT OF MR. RANDALL G. SCHRIVER, PARTNER,
ARMITAGE INTERNATIONAL (FORMER DEPUTY ASSISTANT
SECRETARY FOR EAST ASIAN AND PACIFIC AFFAIRS, U.S.
DEPARTMENT OF STATE)**

Mr. SCHRIVER. Good morning, Mr. Chairman. I would gladly add that is former secretary. I am very happy in the private sector in my new life enjoying time with my family.

Mr. Chairman, thank you very much for inviting me and for holding this important hearing. Congressman Rohrabacher, Congressman Faleomavaega, thank you also for your attendance and interest in this issue.

Sadly, not enough Americans are aware of the plight of the Uighur community. This kind of hearing and the subsequent hearings you plan to hold are very valuable and very necessary, so I

commend you for this; and I commend your staff as well. It has been a pleasure to work with them in the preparations for this hearing. I look forward to working with them in the future as this process continues.

We are all here to speak about the tragic circumstances that the Uighurs find themselves in in Xinjiang and elsewhere. I have been aware of this community and their plight for quite some time, but I became much more involved and interested during my tenure as Deputy Assistant Secretary of State for East Asia. Through that experience, I did grow to have a deep appreciation for the people, for the culture, for the history, and also, of course, developed deep concern for their tragic circumstances and the position they find themselves in in Xinjiang.

As Deputy Assistant Secretary, I did have the great fortune to work with members of the Uighur Diaspora. I consider them friends and, in many cases, personal heroes of mine. I worked with the Uighur American Association.

And I saw Mury Turkel here earlier today. He was a great colleague out of government as we worked side by side on important issues, including trying to secure the release of Rebiya Kadeer. And even though we were told many times by the Chinese—

Mr. DELAHUNT. Mr. Secretary, let me interrupt you, with due respect, but I also want to acknowledge the presence here of Mrs. Kadeer, who I described earlier as a Nobel Peace Prize nominee and as really the acknowledged leader of the Uighur community worldwide.

Mr. SCHRIVER. Thank you, Mr. Chairman. I hope someday that is not just Nobel nominee; I hope that is Nobel Prize winner and laureate someday.

Again, she is a personal hero of mine and deeply impacted my views about the situation in Xinjiang. She is a living example to me of why the Chinese policies in Xinjiang are so misguided. She is somebody of passion, or energy, of intellect, and capability. She is precisely the kind of person that could enrich Xinjiang and, laterally speaking, China. Instead, she is viewed as a threat to the central leadership. This is terribly misguided, in my view.

Mr. Chairman, you and your staff asked me to talk about the issue of nationalism among the Uighur population. I think this is somewhat difficult when you talk about any community, because nationalism, of course, can manifest into quite admirable types of activities—pride in country, advocacy for one's community, and a number of ways of positive expression, but of course there are also ways that nationalism can manifest in more negative ways.

Unfortunately, I think the Uighur community is not immune to this uglier side of nationalism, although it is a very small minority within a minority. And I would add that two successive administrations—you have, of course, noted the Bush administration decision to designate ETIM in 2002; and, of course, the Obama administration has designated at least an individual, Abdulhak, as a terrorist in an individual capacity, a Uighur-born gentleman. So two successive administrations have noted that, even though it is a small minority of people within a minority, that these are actions that must be addressed directly and head on.

You did ask me and your staff asked me to talk about the designation of ETIM, a separatist group in northwest China in Xinjiang Province. This was a difficult issue for us serving in government. I came to the Asia Bureau after the designation was made, but of course my boss at the time, Deputy Secretary Armitage, was very directly involved.

We viewed the Uighur community as very understandably and rightly wanting to shed the oppression that they face and wanting to improve their lot and enjoy the freedoms that we are grateful to enjoy here. However, we felt it was important in the government to have a consistent standard internationally when we talk about terrorist activities, whether they be individuals or whether they be groups; and we looked very closely at the U.S. State Department along with members of the intelligence community about this particular group.

It was determined after a review that was based on U.S. information, I would add, as well as information provided by others, including third parties, that ETIM did meet the legal criteria under the Executive Order you mentioned.

I might also add that the Chinese authorities came to us with requests to designate many other groups, including a group that went by the acronym SHAT, repeatedly, and provided reams and reams of information about this group. But we were well aware that information coming from the Chinese Government was likely unreliable and likely related to other political agendas; and, therefore, we were unable to designate that group as well as other groups they brought to our attention. It was only the ETIM group that, in our view at the U.S. State Department at the time, met that criteria and therefore received that designation.

I know there has been criticism about that decision. I think that is part of what this hearing is to address. I find some of the charges, quite frankly, difficult to accept and analytically unsound.

The suggestion that this was done solely to ingratiate ourselves with the Chinese and to try to enlist their cooperation in the global war on terror, I think if you look at a more comprehensive way of our approach to Xinjiang, our very direct criticism in the State Department Human Rights Report about their oppression in Xinjiang; our vigorous pursuit of the release Rebiya Kadeer, despite being told by the authorities that in those circumstances would she be released; our refusal to return the Guantanamo detainees to China despite a direct request from Hu Jintao to President Bush and Colin Powell, in my view, rightfully saying they would not be returned to China because there was no confidence they would be treated in a humane fashion, all of these things taken in a much more comprehensive light I would suggest doesn't look like a policy, to me, to ingratiate ourselves with China. If anything, they were quite upset with our policies toward the Xinjiang region and the very active support for the human rights in that area.

Mr. Chairman, you and your staff also asked me to speak briefly about Guantanamo Bay and the situation there. I would simply start by saying this was a tragic situation. These individuals who were eligible for release should not have been held for as long as they were held.

We found ourselves in very difficult circumstances in the Bush administration when Secretary Powell rightfully said they wouldn't be returned to China, but the Department of Homeland Security and many Members of Congress were saying, no detainees, no matter the country of origin, should be returned to the United States. That put us in a very difficult situation trying to find a third party and a third country to accept them.

It is something that I worked on directly and found extremely frustrating. And I agree with you it was the morally courageous countries that have now stepped forward. We have some already returned to Albania, to Bermuda, and now working on others. I would certainly join you and the members of this committee in commending those that have already made this courageous decision, those who will hopefully make it going forward.

Going forward, the best possible future for the Uighur community is for the Chinese to end the oppression and move in the direction of allowing greater freedoms, greater latitude in Xinjiang for this community of people to live their lives and pursue liberty as they see fit. However, in my view, we must also continue to deal with global terrorism. No matter the nomenclature—I know global war on terror is out of favor now—but I think there is a global phenomena that must be dealt with directly.

If you look at a place like China and the terrorist incidents we know take have taken place, irrespective of the source of those incidents, we must note very sober-mindedly that we have 1.5–2 million visitors a year visiting China. We have events like the Olympic Games and the World's Fair coming up. American citizens would not be immune were there to be a serious terrorist attack in a major memorial metropolitan area in China. This is something, again, I think we have to have a sober-minded view about.

Let me close very quickly, Mr. Chairman, with some specific recommendations for the Obama administration and for others in government. I do believe the Obama administration should continue to make human rights and religious freedom a priority in our relationship with China. Any policy that is conceptually based on the premise that we can downgrade these issues in the hopes of pursuing higher priorities would be a policy, in my view, based upon false tradeoffs and potentially harmful policy.

I think President Obama himself should use his platform and his very unique capabilities, his charisma, his personal history, to reach out to this community and to highlight the plight of the Uighur community.

President Bush met with Ms. Kadeer, which I was delighted, while I served in government. I believe President Obama should do the same. I think the Obama administration should also endeavor, as I know they are, for the release of the remaining detainees, but also I think it is important that the administration and the Congress continue to take an interest in their well-being after their release. This is, after all, our responsibility, even once they are resettled, to make sure they don't face repercussions for having wrongfully been in a place like Guantanamo for as long as they were.

Fourth, I think more U.S. officials and Members of Congress should visit Xinjiang and visit with the Uighur communities directly and highlight their experiences and advocate on behalf of

this community. I would hazard a guess not many Members of Congress have visited places in Xinjiang, and I think this would be a vital addition to the public dialog.

Finally, I think the U.S. Government should support a policy similar to the policy we have in Tibet, where we could encourage a dialog between the Chinese Government and the legitimate representatives of the Uighur community to talk about their future, to talk about what genuine autonomy might mean, to talk about how to improve their lives, which, in my view, necessitates enhancing their basic freedoms, practice of their faith, freedom of speech, et cetera. And I think we should be actively promoting such a dialog for the benefit of the people there.

Again, Mr. Chairman and other members, thank you very much for allowing me to testify today.

[The prepared statement of Mr. Schriver follows:]

Testimony of Randall G. Schriver

Committee on Oversight and Government Reform

Subcommittee on International Organizations, Human Rights and Oversight

Bill Delahunt (D-MA), Chairman

Dana Rohrabacher (R-CA), Ranking Member

Thank you Mr. Chairman and thanks to the subcommittee for inviting me to testify today on this extremely important topic. You are to be congratulated for dedicating time and energy to the issues associated with the Uighur minority in China. Sadly, not enough Americans are aware of their plight and their struggle for basic freedoms. Let me also express my sincere gratitude to your staff for all the hard work that they do. In the lead up to this hearing, it was a pleasure to work with your outstanding team.

The subject of my testimony today concerns an ethnic minority in China, the Uighur population. Mostly residing in the Xinjiang province of the People's Republic of China, the Uighurs is a community of Turkic peoples that have a tumultuous history with the government of the PRC. As Deputy Assistant Secretary of State for East Asia from 2003 to 2005, I first became aware of the Uighur community. As a result of those experiences, I have come to develop a strong appreciation for the Uighur people and their culture. I also developed deep concerns regarding their socio-political status within the People's Republic of China. As documented in the State Department's annual Human Rights Report, the Uighur community has experienced continual tragic oppression at the hand of the Chinese government. Further, there is little evidence the Chinese authorities will ease their pressure on the Uighur community any time soon without strong international pressure.

I had the great fortune to enjoy personal interaction with the Uighur Diaspora in the United States. As Deputy Assistant Secretary of State for East Asia, I was part of a U.S. government team that worked for the release of then-political prisoner Rebiya Kadeer alongside the Uighur American Association. I note that Ms. Kadeer testified before your committee last week – and let me add she is a personal hero of mine. She was a prominent Uighur businesswoman and political activist who was detained by Chinese authorities in 1999 on baseless treason charges. Ms. Kadeer was a prominent personality in Xinjiang and also a mother of 9. We worked closely with people like Nury Turkel to secure her freedom even when told by Chinese authorities her release would be impossible. Eventually, on March 14th, 2005, Kadeer was released on medical grounds into the custody of U.S. federal authorities. Shortly thereafter, I had the great honor to meet Ms. Kadeer and many of her elated children. That experience is something I will never forget. Getting to know Ms. Kadeer has been a privilege and has also reinforced my firm belief that the Chinese approach to Xinjiang is misguided. Someone as talented, energetic, and passionate as Ms. Kadeer should be seen by the Chinese authorities as a great resource who will strive to enrich Xinjiang and China – rather than as someone threatening to the central leadership.

Mr. Chairman, as part of my testimony, you have asked me to address the topic of Uighur nationalism. In any society, analysis of a community's nationalism can be a problematic endeavor. Nationalism characterized by love of country, pride in culture and heritage, and activism to promote the community is to be admired and encouraged. Certainly, such aforementioned traits would describe the vast majority of the Uighurs in China, and all the Uighurs with whom I have had the pleasure to meet. But Nationalism

can also engender more problematic and even dangerous activities. Unfortunately, the Uighur community does not appear to be immune to this type of nationalistic manifestation. Even if this represents a very small minority within the minority, it would be wrong, in my judgment, to condone nationalistic sentiment that leads individuals or groups to commit acts of violence against innocent civilians.

Your staff asked me to review the specific designation as a terrorist group applied to the “East Turkistan Islamic Movement” (commonly referred to as ETIM), a separatist group operating in the Xinjiang region of the People’s Republic of China. Though the Uighur community as a whole understandably rejects Chinese authority (due to their historical track record of oppression), the United States has an obligation to the international community, and to her own citizens to apply a uniform standard with respect to terrorism. It is unacceptable and must be combated. In 2002 the United States, as part of this obligation, conducted an investigation of the activities of ETIM in the Xinjiang region, in the People’s Republic of China, and outside China. It was deemed that the group met our legal criteria to be designated as a terrorist organization, under the authority of Executive Order 13224, issued on September 23, 2001 by former President George W. Bush.

Let me add that the Chinese authorities vigorously pursued our designation of other groups alleged to be operating in Xinjiang. But we were well aware that the information provided by the Chinese government about suspected terrorists groups was unreliable, and very likely tied to ulterior political motives. In all other cases, the United States was unable to make the lawful determination concerning a terrorist status of the other groups the Chinese asked us to designate. The only organization determined by US officials to be a legally recognized terrorist organization was the ETIM. In an age where China bustles with international visitors – including two and half million U.S. visitors a year – and hosts major international events such as the Olympics and the Shanghai World’s Fair, the United States would be negligent and irresponsible if we did not take a candid and sober-minded view of groups and/or individuals who intend to commit acts of violence against innocent civilians in China to further their political agenda.

Some critics suggest that there was a different U.S. government agenda tied to the designation; a move by the United States to enlist Chinese support in the Global War on Terror. I find that linkage highly problematic. First, as mentioned, the United States was very judicious in use of this designation, and did not designate other groups China was urging us to designate. If the goal was to ingratiate ourselves with the Chinese, government officials understood that we were falling well short of any standard Beijing’s leaders may have set for us. Secondly, nobody serving in the U.S. government was naive to the counter-factual – that somehow China needed an outside authority to provide an imprimatur for their oppression. China’s treatment of Uighurs was always poor, and Chinese suppression predates the designation of ETIM as a terrorist organization. Further, if the goal was to win Chinese favor, our many other actions supporting Uighur’s in China – such as fighting for the release of Ms. Kadoc; documenting China’s repression in our human rights report; speaking out and testifying publicly about the Uighur’s plight; refusing to return Uighur detainees to China publicly citing concern that they would not be treated humanely; simply do s not support the claims of aiding and abetting a Chinese crack down.

Mr. Chairman, you also asked if I would comment about the Uighur situation at the Guantanamo Bay Detention facility. The situation of these detainees can be described nothing short of “tragic”. Originally, there were twenty-four Uighur detainees at the Guantanamo Bay Detention facility. At a very early juncture – albeit “early” is a relative term that surely sounds unsympathetic to those wrongly imprisoned

and their families – the decision was made through the Combatant Status Review Tribunal that fifteen Uighurs were eligible for release. In 2003, Secretary of State Colin Powell rightfully determined and stated that the Uighur detainees held at the Guantanamo Bay Detention facility would not be deported back to the People’s Republic of China. This decision, combined with a Department of Homeland Security decision that no detainees – regardless of country of origin – would be permitted into the United States, forced US officials into the difficult position of where to relocate the Uighur detainees. Recently, the government of the island nation of Palau has offered asylum to some Uighur detainees. Four others have been released to Bermuda. We can only hope that these sub-optimal outcomes permit the former detainees to carry-on with their lives in freedom and with dignity. I would urge the Obama Administration to continue to work towards the full resettlement of the Uighur detainees who have been determined eligible for release.

Going forward, the best possible future for the Uighur community, the Xinjiang province and the People’s Republic of China as a whole, depends on the allowance of greater freedom to the Uighur community. By ending its persecution of the Uighurs, the Chinese government would be better suited to handle to problem of insurgent activities in the long run. And more importantly, a great people could enjoy the freedom to pursue life and liberty as they see fit.

In my view, the United States must continue to concern itself with global terrorism – no matter the nomenclature. Part of that effort should involve the designation of terrorist groups worldwide who meet our legal criteria. That being said, in the context of China we must be vigilant against the possibility that the Chinese authorities might use “counter-terrorism” as a cover to excuse the Chinese-led oppression of the Uighur community. We should recognize that most of the Uighur population is peaceful and does not resort to violence against innocent civilians, and that genuine aspirations for greater freedoms should be supported.

Let me add my specific recommendations to the U.S. government going forward.

- 1) The Obama Administration should continue to make human rights and religious freedom priorities in our interactions with China; any policy that is conceptually based on the premise that down-grading those issues in pursuit of other priorities should be disabused as a policy based on false trade-offs, and a potentially harmful policy.
- 2) President Obama himself should use his unique platform to highlight the plight of the Uighur community; President Bush met personally with Ms. Kadocer, and I believe President Obama should do the same.
- 3) The Obama Administration should endeavor to ensure all Uighur detainees eligible for release from Guantanamo Bay are resettled outside of China; further, the United States should continue to take an active interest in their well-being to ensure there are no repercussions down the line for having been wrongly imprisoned in Guantanamo Bay.
- 4) More U.S. officials and members of Congress should travel to Xinjiang as part of the many official delegations that visit China; Officials and Members should publicly report their findings and advocate for greater freedoms for the Uighurs.

- 5) Similar to the U.S. government policy toward Tibet, the Obama Administration should promote a dialogue between the Chinese authorities and legitimate representatives of the Uighur community in Xinjiang to better define genuine autonomy for the Xinjiang Province, and to promote basic freedoms of the Uighur people.

Again Mr. Chairman, thank you for holding this very important hearing and for bestowing upon me the honor of testifying here today.

Mr. DELAHUNT. Thank you, Mr. Secretary. I look forward to an exchange of views with you.

Next, we will go to Sean Roberts via a video link. And hopefully it is working.

STATEMENT OF SEAN R. ROBERTS, PH.D., DIRECTOR AND ASSOCIATE PROFESSOR, INTERNATIONAL DEVELOPMENT STUDIES PROGRAM, ELLIOTT SCHOOL OF INTERNATIONAL AFFAIRS, THE GEORGE WASHINGTON UNIVERSITY

[The following testimony was delivered via video.]

Mr. ROBERTS. Hello.

Mr. DELAHUNT. We see you.

Mr. ROBERTS. Thank you, Chairman Delahunt and other members of the subcommittee, for inviting me today to speak about this important issue.

I have been asked specifically to speak about the Eastern Turkistan Islamic Movement, or ETIM. I agree very much with Chairman Delahunt that the designation of ETIM has had grave consequences for the Uighur people. It, of course, directly led to the imprisonment of 22 Uighurs, eventually cleared of all wrongdoing, in the Guantanamo detention facilities for between 5 and 7 years. Indirectly, it has allowed the Peoples Republic of China to evade international criticism over the last 8 years as it has stepped up its oppression of Uighurs' human rights in the name of fighting terrorism. And despite these serious ramifications of the ETIM's designation as a terrorism group, we have never and still do not know much about this organization or its activities.

Given the lack of reliable information about ETIM, I will not claim today to paint a comprehensive picture of the organization. Rather, by covering five major points from my longer written testimony, which I encourage you to read, I will raise some substantial doubt about the assumptions we have made in claiming that it is a dangerous terrorist group linked with international jihadi movements.

First, we should assume that ETIM has never been a large, well-organized or capable group. While there were many Uighur political organizations outside of China in the late 1990s, ETIM was virtually unknown among these groups. For this reason, many scholars studying Uighurs have disputed the organization's existence and have suggested that ETIM's designation as a terrorist group was merely a quid pro quo arrangement with the Peoples Republic of China in exchange for the PRC's support in the United

States-led global war on terror, which we have already heard about.

An interview conducted by a Western Journalist with ETIM's leader, Hahsan Mahsum, in 2002 appears to confirm that indeed the group did exist, but it also supports the assumption that it was a small organization with little to no outside support. Mahsum noted emphatically that ETIM had never received assistance from al-Qaeda and that it was not anti-American in its goals.

In all likelihood, ETIM in 2002 was a small group of young religious Uighur men from China organizing in Afghanistan to mount a challenge to the Chinese Government's rule of their homeland in the Xinjiang province but lacking the capacity and resources to do so.

Second, Mahsum's assertion that the group has never received assistance from al-Qaeda is credible in my opinion. Given that China was one of the few major states to have diplomatic and commercial interactions with the Taliban government at the end of the 1990s, it is reasonable to believe that the Taliban would have actively discouraged any Uighur presence in al-Qaeda or other terrorist organizations inside Afghanistan. This is also corroborated by South Asian media reports from the late 1990s which suggest the Taliban actively prevented Uighurs from participating in such groups at the request of China.

Third, I believe it is reasonable to assume that ETIM ceased to exist after the Pakistani Army killed Hasan Mahsum as an enemy combatant in 2002. If little was heard of ETIM before September 11th, virtually nothing was heard from or about the group after Mahsum's death. The only exceptions have been official Chinese sources, which greatly exaggerate the group's reach and capacities. While Chinese authorities have continued to arrest Uighur nationalists inside China over the last 8 years, claiming they are—

Mr. DELAHUNT. We will pause for technical difficulties. I am just hoping that someone out there knows what they are doing, because I certainly do not.

I would like to welcome to the panel the gentleman from Minnesota, Mr. Keith Ellison. If the gentleman would like to make a statement we have got, it looks like, a couple of minutes. The gentleman declines. That is probably a good decision.

Mr. ROBERTS. Hello.

Mr. DELAHUNT. Hello, we are back up, Professor. Thank you.

You were on your third point. You were talking about after the death of Mahsum in 2002, to paraphrase, it would appear that we have not heard anything about or from ETIM, if I am fairly characterizing your testimony. That is where you were when the screen went blank.

Mr. ROBERTS. Okay. Well, thank you. Let's hope we get through the rest of it without it going blank again.

I just wanted to say that in terms of that, the only exceptions were Chinese, official Chinese sources which greatly exaggerate the group's reach and capacities. While Chinese authorities continued to arrest Uighur nationalists inside China over the last 8 years, claiming that they are members of ETIM, these arrests have generally not been in response to acts of violence but are related most often to political dissent. Furthermore there is not credible evi-

dence I have seen that those arrested in China have any connections with militant groups, real or imaginary, in Afghanistan or Pakistan.

My fourth point is it is highly unlikely that the violence or the alleged planned terrorist attacks in Xinjiang during the Olympic Games last summer were perpetrated by the ETIM or any other organized terrorist groups with ties to international jihadi groups. That were no sophisticated explosives used or found on those arrested. And the most publicized attack, which involved two Uighur men allegedly driving a truck into a line of Chinese soldiers and then attacking them with knives in the city of Kashgar, looked more like an act of desperation by frustrated individuals than a well-planned act of terrorism.

Finally, fifth and most importantly, there is no conclusive evidence that ETIM or any Uighur organization for that matter has ever perpetrated a sophisticated and coordinated terrorist attack inside or outside of China. While the Chinese Government has claimed that various acts of violence in Xinjiang in Central Asia over the last decade were the work of ETIM, this has never been proven and the acts of violence themselves may not have even been acts of terrorism. No Uighur group has ever been tied to well-known methods of terrorism such as car bombings or suicide bombings which might confirm links to transnational groups. Instead they have been accused of organizing disturbances and assassinations which could be alternatively explained by a variety of other motives from popular political dissatisfaction to personal vendetta and even crime-related violence.

Now, given the lack of evidence that ETIM is an active terrorist group or even an active organization anymore, it is particularly disturbing that the United States' decision to recognize it as a terrorist group has caused substantial suffering to the Uighur people.

So the question that I would like members of the subcommittee to ponder is what led us to recognize this group as terrorists. Was it merely a quid pro quo arrangement with the Chinese in order to obtain their support in the global War on Terror; or, as Chairman Delahunt suggested, does this reflect a serious defect in how we have gathered intelligence about terrorist groups over the last 8 years.

I would be very interested to hear—and it is likely still classified—but I would like to hear from Assistant Secretary Schriver what kind of U.S. intelligence do we really have about this group. I think either of these answers to the question are unacceptable and have critical ramifications for how we continue to fight terrorism around the world.

Thank you very much, and thank you for bearing with technical difficulties.

[The prepared statement of Mr. Roberts follows:]

**Testimony before the House Committee on Foreign Affairs
Subcommittee on International Organizations, Human Rights, and Oversight**

**Sean R. Roberts, PhD
Associate Professor of Practice
Elliott School of International Affairs
George Washington University
June 16, 2009**

Chairman Berman, Representative Delahunt, and other members of the Subcommittee on International Organizations, Human Rights, and Oversight, I would like to thank you for inviting me to speak today about the Eastern Turkistan Islamic Movement (ETIM). Clarifying what we do and do not know about this relatively obscure organization should be an issue of significant importance to the government of the United States. Despite the lack of reliable information on the ETIM, the U.S. State Department recognized this group as a terrorist organization with links to Al Qaeda in 2002, resulting in grave consequences for many Uyghurs. Recognizing ETIM as a terrorist group directly led to the imprisonment of twenty-two Uyghurs in the Guantanamo detention facilities for between five and seven years despite the eventual acknowledgement that they had not been guilty of any wrong-doing. Less directly, ETIM's terrorism designation contributed to an increase in the violation of Uyghurs' rights inside China as the People's Republic largely evaded international criticism over the last eight years while using the threat of Uyghur terrorism as a pretext for hundreds of politically motivated arrests and numerous executions as well as for the establishment of stricter limitations on the Uyghurs' freedoms of speech, movement, and religious observation.

Despite these serious ramifications of the ETIM's designation as a terrorist group, we still know very little about this organization, and there remain many unanswered questions about the group's goals, its actual membership, and its capacity to perpetrate violence. Given the lack of reliable information about the organization, I will not claim to answer all of these questions today. I will, however, raise some substantial doubts about the assumptions we have made about the ETIM in claiming that it is a dangerous terrorist group linked with international *Jihadi* movements.

When the United States recognized ETIM as a terrorist group with ties to Al Qaeda in 2002, few scholars studying the Uyghur people had ever heard of this group. I, for example, spent much of the second half of the 1990s living among Uyghur communities in Kazakhstan, but I had not heard of the group prior to its classification as a terrorist organization by the United States. This was particularly puzzling to me since I had become personally acquainted with most of the major Uyghur diaspora political groups in the course of my research, participating as an observer at many of the meetings organized by transnational Uyghur political organizations in the second half of the 1990s. Given how little was known of this organization in 2002, many scholars even questioned whether ETIM existed at all and whether the group's recognition by the United States was entirely motivated by a desire to gain China's support for the American-led Global War on Terror.

It appears, however, that the ETIM, or at least an organization known as the Eastern Turkistan Islamic Party (ETIP), did exist in 2002 since at least one western journalist was able to interview its leader, Hasan Mahsum, in Pakistan shortly after ETIM was designated by the United States as a terrorist organization. At that time, Mahsum asserted that ETIM, or ETIP, had not received assistance from Al Qaeda and had no intention of targeting the United States or Americans. Rather, he painted a picture of a small group of religious Uyghur men who had lofty goals of

challenging Chinese rule in their homeland but little capacity or resources to do so.

This portrait of the organization is consistent with my understanding of the Uyghurs who lived in Afghanistan during the 1990s. While it has been documented that a small number of Uyghurs had made their way to Afghanistan in the later 1990s, most of them had gone to the country with the intent of making their way to points further westward where they hoped to obtain political refugee status. It is likely that some of the Uyghurs coming through Afghanistan at this time did find the *Jihadi* ideals of local groups attractive, but there is also evidence that the Taliban regime was not welcoming of Uyghurs who sought assistance for militant endeavors after 1999. In that year, the People's Republic of China had sent a diplomatic delegation to meet with the Taliban, and this delegation had reportedly made a deal with its Afghan counterparts, where China would provide the pariah government of Afghanistan with a variety of assistance, including updated weaponry, in exchange for the Taliban's pledge to not harbor Uyghur militants. Although it has not been substantiated, there were also rumors that China established similar agreements with Bin Laden and Al Qaeda. Whether or not the rumors concerning Al Qaeda bear any truth, China did enter into negotiations with the Taliban, and following those negotiations, stories spread in the South Asian media that the small number of Uyghurs thought to be in militant training camps inside Afghanistan were arrested, executed, or forced to leave the country.

Furthermore, there is little evidence that there was a substantial Uyghur presence in militant training camps prior to 1999. Unlike the Islamic Movement of Uzbekistan, which several times in the later 1990s had attempted to bring militants into Central Asia from Afghanistan, there are no reliable accounts that Uyghurs based in Afghanistan during this time were able to enter China and carry out attacks. When the U.S. entered Afghanistan, therefore, ETIM was in all likelihood a small and isolated band of religious nationalists who had neither strong ties with the Uyghur communities in Central Asia and China nor the assistance and support of the Taliban and Al Qaeda. This also explains why the apparent leader of the organization, Hasan Mahsum, would have given an interview to a western journalist in 2002 in which he sought to deliberately distance himself from Al Qaeda and its *Jihad*. Despite his claims in the interview that he was neither associated with Al Qaeda nor involved in anti-American activities, Mahsum was reportedly killed by the Pakistani military that same year as a suspected enemy combatant.

What we know about ETIM's activities after 2002 has primarily been supplied by Chinese authorities, who greatly exaggerate the organization's reach and capacity. Regularly, Chinese government sources have suggested that every violent disturbance created by Uyghurs in China over the last twenty years has been perpetrated by ETIM and that the entire Uyghur nationalist movement outside of China is within ETIM's terrorist network. While Chinese authorities have continued to arrest Uyghur nationalists inside China over the last eight years, claiming that they are part of ETIM's terrorist network, these arrests have generally not been in response to acts of violence, but instead are related to political dissent. Furthermore, there is not credible evidence I have seen that those arrested have any connections with militant groups, real or imaginary, in Afghanistan or Pakistan. Probably the most egregious of these arrests was China's successful request to have Uzbekistan extradite a Uyghur activist and Canadian citizen in 2006 while he was visiting relatives in Uzbekistan under the pretext that he was a member of ETIM. He is presently serving a fifteen year prison sentence in China.

It was my assumption, and I believe still a valid one, that ETIM ostensibly ceased to exist after Mahsum was killed in 2002, if not earlier. This was substantiated by the fact that nothing was heard of the organization after this time outside of Chinese government sources, which had vested interests in exaggerating the threat of Uyghur terrorism. In the run-up to last summer's Beijing Olympics, however, ETIM was once again receiving international attention. Beginning in the

Spring of 2008, stories began to emerge from China that ETIM cells had been discovered inside Xinjiang. In addition, Chinese authorities claimed to have thwarted an attempted attack on a passenger airplane perpetrated by a Uyghur woman in possession of a flammable liquid and to have suffered an attack on Chinese soldiers in Kashgar perpetrated by two Uyghur men during the early days of the games. The Chinese authorities, of course, claimed that these acts were the work of ETIM. Unfortunately, given the lack of transparency in the Chinese justice system, it is difficult to substantiate or refute these claims. Even if one takes these claims at face value, however, they hardly lend credibility to the accusations that these incidents were the work of a sophisticated international terrorist network associated with Al Qaeda. No sophisticated explosive devices were found on those arrested, and the attack in Kashgar, which involved two men allegedly driving a truck into a line of soldiers and then attacking them with knives, looked more like an act of desperation by frustrated individuals than a well planned act of terrorism.

The claims that these were acts of terrorism, however, was bolstered by the posting of several videos on *YouTube* by a group calling itself the Turkistan Islamic Party (TIP), which the community of "so-called" terrorism experts suggests, without any particular justification, is merely a new alias for ETIM. These videos showed masked men with automatic rifles speaking in the Uyghur language and threatening to disrupt the Olympics while standing in front of an Islamic banner. Just as the attacks that took place around the Olympics in Xinjiang did not utilize methods known in international terrorist networks, such as suicide bombs or car bombs, these videos lacked the cohesion of terrorist messages that come from sophisticated groups. The group, for example, claimed credit for a bus bombing in Yunnan before the Olympics, but the Chinese authorities said the attack had nothing to do with Uyghurs. Furthermore, the videos threatened to conduct bombings throughout China, but later the group only took credit for the unsophisticated disturbances mentioned earlier that took place in Xinjiang, none of which used explosive devices. Thus, while the videos looked similar to those created by established terrorist groups, those who made them seemed to be entirely disconnected from events taking place in China. In other words, they were created by people with capacities to make videos for posting to the internet, but without the capacity to organize sophisticated terrorist attacks inside China or perhaps anywhere.

In all likelihood, the people who made these videos had a vested interest in exaggerating the Uyghur terrorist threat and are not related at all to those originally part of ETIM. Many Uyghurs suggest that they were created by people in the Chinese state structure, whether on the national or provincial level, a claim that cannot be discounted given that these videos further justify China's crackdown on Uyghurs as terrorists. It is also possible, however, that they were the creation of some isolated group of Uyghur nationalists outside China who wanted to scare the Chinese state during the Olympics. One final possibility is that they were the products of transnational *Jihadists*, such as a segment of Al Qaeda, who want to recruit Uyghurs and/or create the perception that their movement has a wider reach than it does. This final theory may be substantiated by recent reports from the Jamestown Foundation's Terrorism Monitor that the Turkistan Islamic Party has begun publishing a journal, which is modeled on publications of other more established *Jihadist* groups and is posted on forums frequented by such groups.

In conclusion, it is difficult to justify the allegations that the ETIM is a sophisticated and dangerous terrorist organization with links to Al Qaeda, and it is perfectly reasonable to assume that the organization no longer exists at all. While there were likely at some point a handful of Uyghurs in Afghanistan who viewed themselves as members of this group, it never appears to have been a threat to China, let alone to the United States. The most convincing support for this argument is that there is no conclusive evidence that this group, or any Uyghur organization, has ever perpetrated an actual coordinated terrorist attack. While the Chinese government has claimed that various acts of violence in Xinjiang and Central Asia over the last decade were the work of

ETIM, this has never been proven and the acts of violence themselves may not even have been acts of terrorism. No Uyghur group has ever been tied to well-known methods of terrorism such as car-bombings or suicide bombings, which might confirm links to sophisticated transnational organizations such as Al-Qaeda. Instead, they have been accused of organizing disturbances and assassinations, which could be alternatively explained by a variety of other motives from popular political dissatisfaction to personal vendetta and crime-related violence.

Given the lack of evidence that ETIM is an active terrorist group, or even an active organization anymore, it is particularly disturbing that the United States' decision to recognize this group as a dangerous terrorist organization has caused substantial suffering to the Uyghur people. So, the question that I would like the members of the subcommittee to ponder is what led us to recognize this group as terrorists? Was it merely a *quid pro quo* arrangement with the Chinese in order to obtain their support in the Global War on Terror, or does this reflect a serious defect in the manner we have gathered intelligence about terrorist groups over the last eight years? While I am sure that our intelligence agencies' colleagues in China, Central Asia, and even Pakistan can provide us with evidence that ETIM is a dangerous terrorist organization, they also have vested reasons to do so. China's interests are obvious. The People's Republic does not tolerate Uyghur political dissent, and international recognition of a Uyghur terrorist threat gives their security organs a freer hand in cracking down on internal political dissent in Xinjiang. The Central Asian states and Pakistan likewise have reason to exaggerate the Uyghur terrorist threat in order to win favor with China. Furthermore, for the Central Asian states, a local threat of Uyghur terrorism provides a way to engage the United States on the Global War on Terror without implicating their own people, and for Pakistan, it is yet another means of deflecting attention away from that country's own indigenous terrorism problem. In this context, I question the reliability of the intelligence we may be receiving from these countries, which we would not likely trust without reservation in other matters of international importance. Let's hope we are not using it to determine who is and is not our enemy in the Global War on Terror.

Thank you very much for your attention.

Mr. DELAHUNT. Thank you. And please stay with us, Professor Roberts.

And our next witness is Dr. Gladney from Pomona, via Hawaii.

STATEMENT OF DRU C. GLADNEY, PH.D., PRESIDENT, PACIFIC BASIN INSTITUTE, POMONA COLLEGE

Mr. GLADNEY. Before I start, I should acknowledge my great pride and joy to see Sean Roberts, who I had the honor of serving very temporarily as his professor at USC, and I see that he is still prospering and doing great work. Great to see you, Sean.

Honorable Chairman, distinguished members of the Subcommittee on International Organization Human Rights and Oversight, it is my privilege to testify to you today in the case of the Uighur people. It is my firm belief—and this is based on over 25 years of personal field research, mostly in the region of Western China and including Xinjiang—that there is very little evidence to support the claim that the people in question, either the detainees in Guantanamo Bay or the Uighur people in general, are terrorists. Many of them could not either be accurately described as freedom fighters.

The vast majority of the nearly 10 million people known as the Uighurs—and in my longer testimony I provide up-to-date population figures and maps and things like that for those who need a general background information—living primarily in the province of Western China known as the Xinjiang Uighur autonomous region, which most Uighur and all pre-1940 maps of the area refer to as Eastern Turkistan, and you can still find those maps in bookstores today. They are upstanding citizens of the People's Republic of China, primarily agriculturalists and urban city developers in the largest cities and oases across that great region, one-sixth the size of all of China, the largest province in China. They are still the largest population group in the region, and, as an official minority nationality, receive certain special privileges along with certain other minorities, many of them also Muslims, including Kazakhs, Kyrgyz, Uzbeks, et cetera. But they are now being surpassed in population by a growing number of Han Chinese settlers from the interior of China.

And, Honorable Chairman, I would submit that this is the primary reason for the civil unrest and violence that we see in the region. Very little to do with terrorism; has much more to do with policies of development and integration of that province.

In a report below, I will argue that the incidents of violence that have occurred in the region are best understood as incidents of civil unrest. And the state of China last year admitted publicly in print, the government, that there were over 100,000 separate incidents of civil unrest in China across the country.

So the few that we do see in Xinjiang are just as likely civil unrest rather than terrorist acts. And these incidents can rarely be described as terrorism in the traditional sense of the term, which I take to mean random acts of violence against civilian populations.

The struggles for the independence of the Uighur people from the Chinese nation-state that have taken place since its incorporation in 1949 are best understood in the context of efforts to attain sovereignty. Coming from many, many years in the great State of Ha-

wai, we also know of other sovereignty movements that are not labeled as terrorists. And it is not a religiously or Islamic-inspired campaign, except for the fact that the Uighur or Muslim people, their concerns and issues resemble that of Tibet. And the occasional violence that takes place in the Tibetan autonomous region in China and protests against Chinese rule are rarely, if ever, described as terrorists.

As will be demonstrated below, the characterization of the Guantanamo Uighurs as ETIM terrorists by Speaker Gingrich is a misnomer at best, and, at worst, a calculated mischaracterization of a group of people whom the Bush administration and the Department of Defense determined comprise no threat to the United States, and the majority of whom are noncombatants.

At the same time, this testimony will show that the region of Xinjiang has been extremely peaceful since the late 1990s, and rather than a site of terrorist independence it has been caught up in an economic boom that would be the envy of any of its surrounding Central Asian states. This testimony will not support an independent Uighuristan or a separate state, lest it fall into the same turmoil as its Central Asian neighbors, but, rather, encourage direct autonomy, direct engagement of the Chinese with the Uighurs, to better understand their concerns and complaints, a dialogue that was also suggested by Randy Schriver in his final remarks, a dialogue that to this date has never taken place, despite the fact that there have been many dialogues, meetings and high-level encounters between official representatives of the Chinese Government and the Tibetan exile—government in exile. Nothing like this at any level has happened with the Uighurs.

And also the need for the U.S. to not contribute support, even if inadvertently, to any separatist or Islamic sentiments that might be brewing in the region. Indeed, I should comment that—and I mentioned this in my report—that unfortunately, I think partly as a direct result of U.S. policy toward these Uighurs, a growing anti-U.S. sentiment has been experienced in the region.

Speaking from over 25 years of travel and research, learning the local languages, I can account for the fact that now it is not the same as it was 20 years ago when Americans were regarded widely in this part of the world, 20 million Muslims, as a supporter, as a potential haven, and as a strong advocate of human rights and religious freedom. Today when those of us do travel to China, we are just as likely to expect to not be welcomed into mosques and Muslim homes in China as we are. And this is a real sea change over the last several years.

Indeed China itself should be congratulated for the enormous economic and social transformation of the region over the past two decades, but at the same time should be encouraged to find ways to preserve and promote the vibrant and extraordinary Central Asian civilization that Uighur culture represents.

I won't go through the rest of my testimony. As I mentioned, there are many maps and charts and population figures to document the tremendous transportation of this region over 20 years. It is really a booming economy, a magnet for migration.

But I will mention that on the subject of ETIM, along with my colleague Sean Roberts, I do detail a large number of other organi-

zations, that were as equally active as ETIM in the late 1990s, that claimed responsibility for direct acts of violence that never received any attention. Particularly on pages 23 and 24 there are charts that list, and even an anthropological graph of groups that I thought were much more violent, or at least claim to be more violent than ETIM. So it is always a surprise for those of us who study this issue that ETIM itself was singled out.

I will just mention, of course, that many of these groups go by names and labels that have eastern Turkistan in the title, and this is generally in about five different languages, not only Chinese, Uighur, but also the other Turkic languages, if it is in Central Asia and Uzbek. But we are also dealing with the Pakistani languages, Urdu, Pashtun, so it is not surprising that some of these groups could be easily conflated. But to suggest that all of them, all these incidents of violence were coordinated by any one single group, struck many of us as rather unbelievable at the time. And at the time many of us raised this objection, but we were quickly swept away as not really knowing what was happening in the country.

So I will conclude that the history of Chinese Muslim relations in Xinjiang, as Jim Millward's most recent book documents extremely well, have been relatively peaceful and quiet, broken by enormous social and political disruptions fostered by both internal and external crises. Indeed, as those of us who study this issue have documented, since about 1998 there were no reported incidents of violence up until, really, until the Olympics.

The chairman, party chairman of Xinjiang reported, as you quoted in your report in 2001, this was at a trade bazaar and he was trying to encourage tourism and investment in the region, and this is why he was so sanguine about the peacefulness of the region at the time, 2 weeks prior to 9/11.

The relative quiet of this last decade does not indicate that the ongoing problems of the region have been resolved or opposition dissolved. This is in response to many travel reporters who will go to the region and say, "Oh, there are no problems here, people are happy, booming economy, migration is up." That actually masks a lot of what is going on underneath the surface.

Those of us who speak the language, who have traveled the region over the last couple of decades, have seen that the surface does not always tell the whole truth. The opposition to Chinese rule in Xinjiang has not reached a level of a Czechnia or an Intifada, but similar to the Baath separatists or the ETA in Spain or former IRA in Ireland and England, it is one that may erupt in limited violent moments of terror and resistance.

And just as these oppositional movements have not been resolved in Europe, in Latin America, or in even the United States, we have our own problems with domestic terrorism. The Uighur problem in Xinjiang does not appear to be one that will readily be resolved. The admitted problem of Uighur terrorism and dissent, even in the diaspora, is as problematic for a government that wants to encourage integration and development in a region where the majority are not only ethnically different but also devoutly Muslim.

How does a government integrate a strongly religious minority, be it Muslim, Tibetan, Christian or Buddhist, into what I call a Marxist capitalist system. China's policy of intolerance toward dis-

sent and economic stimulus has not seemed to have resolved this issue. As a responsible stakeholder, China should find ways to open dialogue with representative Uighur individuals and groups to better cooperate in finding solutions to this ongoing problem. There has been much progress and relatively peaceful development in this important region. Surely a dialogue can be opened up in order to help ensure a more prosperous and peaceful future for both Uighur and Han Chinese alike.

Thank you sir.

[The prepared statement of Mr. Gladney follows:]

**FREEDOM FIGHTERS OR TERRORISTS?
EXPLORING THE CASE OF THE UIGHUR PEOPLE**

**By Professor Dru C. Gladney, Ph.D.
Pomona College**

**Testimony to the United States Congress
Committee on Foreign Affairs
Subcommittee on International Organizations, Human Rights, and Oversight
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TABLE OF CONTENTS

1. **EXECUTIVE SUMMARY**
2. **INTRODUCTION**
3. **CULTURAL AND HISTORICAL OVERVIEW**
4. **CHINESE NATIONALITIES POLICY, RELIGIOUS FREEDOM AND THE UIGHUR**
5. **UIGHUR RESPONSE: STRUGGLES TO SUSTAIN CULTURAL SURVIVAL**
6. **INTERNATIONAL DIMENSIONS**
7. **CYBER-SEPARATISM AND ETIM**
8. **PROSPECTS FOR THE FUTURE**
9. **BIBLIOGRAPHY**

1. EXECUTIVE SUMMARY¹

Honorable Chairman, distinguished members of the subcommittee on International Organizations, Human Rights, and Oversight, it is my privilege to testify to you today on the case of the Uighur people. It is my firm belief that there is very little evidence to support the claim that the people in question, either the detainees in Guantanamo Bay, or the Uighur people in general, are terrorists. Many of them could not either be accurately described as “freedom fighters.” The vast majority of the nearly 10 million people known as the Uighur (pronounced Oy-gur), living primarily in the province of Western China known as the “Xinjiang Uighur Autonomous Region”, which most Uyghur and pre-1940 maps of the area refer to as “Eastern Turkestan,” are upstanding citizens of the People’s Republic of China, primarily agriculturalists and urban-dwellers in the largest cities and oases across the region. They are still the largest population group in the region, and as an official “minority nationality,” receive certain special privileges along with several other minorities, many of them also Muslim (including Kazakhs, Kyrgyz, Uzbeks, etc.), but are now being surpassed in population by a growing number of Han Chinese settlers from the interior of China.

In the report below, I will argue that the incidents of violence that have occurred in the region are best understood as incidents of civil unrest and rarely can be described as “terrorism” in the traditional sense of the terms (which I take to mean random acts of violence against civilian populations). The struggles for independence of the Uighur people from the Chinese nation-state that have taken place since its incorporation in 1949 are best understood in the context of efforts to attain sovereignty, not as a religious or Islam-inspired campaign. Except for the fact that the Uighur are a Muslim people, their concerns and issues resemble that of Tibet, and the occasional violence that takes place in the Tibetan Autonomous Region in China and protests against Chinese rule, are rarely if ever described as “terrorist.” As will be demonstrated below, the characterization of the Guantanamo Uighurs as “ETIM terrorists” is a misnomer at best, and at worst a calculated mischaracterization of a group of people whom the Bush administration and the Department of Defense determined comprise no threat to the US. At the same time, this testimony will show that the region of Xinjiang (pronounced Sheen-Jeeahng), has been extremely peaceful since the late 1990s, and rather than a site of terrorist independence, it has been caught up in an economic boom that would be the envy of any of its surrounding Central Asian states. This testimony will not support an independent Uighuristan or separate state, lest it fall into the same turmoil as its Central Asian neighbors (see Figure 1), but rather encourage greater autonomy, direct engagement of the Chinese with the Uighurs to better understand their complaints, and the need for the US to not contribute support (even if inadvertently) to any separatist or Islamist sentiments that might be brewing in the region. Indeed, China should be congratulated for the enormous economic and social transformation of the region over the past two decades, but at the same time should be encouraged to find ways to preserve and promote the vibrant and extraordinary Central Asian civilization that Uighur culture represents.

¹ Dru C. Gladney is a cultural anthropologist, Professor of Anthropology at Pomona College, and currently serving as President of the Pacific Basin Institute in Claremont, CA. Further background material and analysis relevant to the subject of the current paper can be found in the author’s *Dislocating China: Muslims, Minorities, and other Sub-Altern Subjects* (Chicago Univ. Press, 2004). In addition, Dr. Gladney has published over 100 academic articles and the following books: *Ethnic Identity in China* (Fort Worth: Harcourt-Brace, 1998), *Making Majorities: Constituting the Nation in Japan, Korea, China, Malaysia, Fiji, Turkey, and the United States* (Stanford: Stanford University Press, 1998, editor), and *Muslim Chinese: Ethnic Nationalism in the People’s Republic of China*, 2 ed. (Cambridge MA: Harvard University Press, 1996).

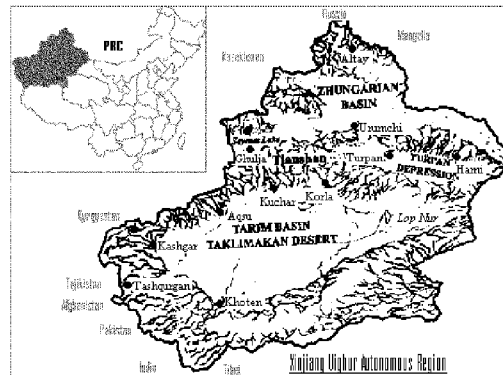


Figure 1: Countries Bordering Xinjiang

2. INTRODUCTION

In 1997, bombs exploded in a city park in Beijing on 13 May (killing one) and on two buses on 7 March (killing 2), as well as in the northwestern border city of Urumqi, the capital of Xinjiang Uighur Autonomous Region, on 25 February (killing 9), with over 30 other bombings in 1998, and 6 in Tibet that year as well. Most of these are thought to have been related to demands by Muslim and Tibetan separatists. Numerous members of the Uighur Muslim minority have been executed since those events of the late 1990s, with hundreds arrested on suspicion of taking part in ethnic riots and engaging in separatist activities. Though sporadically reported since the early 1980s, such incidents were rather frequent in the late 1990s, and harsh treatment by suspects involved in those incidents was documented in a scathing report of Chinese government policy in the region by Amnesty International.² The Wall Street Journal reported the arrest on 11 August 1999 of Rebiya Kadir, a well known Uighur businesswoman once sent to represent the Xinjiang region to the International Women's Conference in Beijing, during a visit by the United States Congressional Research Service delegation to the region, indicated China's strong response to these tensions.³ Amnesty International labeled Rebiya a "prisoner of conscience" as her only tangible offense was an unsuccessful attempt to meet with the USCRS.⁴ Her release to the US in 2005, and her active role in promoting a "World Uighur Congress" has led to her assuming a prominent position among the Uighur exile community both in the US and abroad.

It is important to note that these arrests and Uighur protests have rarely been connected to freedom of religion issues, but rather a range of "indigenous rights" issues, of which religion is only one concern. Chinese officials argue that "splittists" violate the law and that full freedom of religion is allowed under Article 36 of the constitution.⁵ An earlier White Paper on nationalities policy in China published just prior to the 50th

² Amnesty International, *Peoples Republic of China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region* (London, 21 April 1999)

³ *Wall Street Journal*, Ian Johnson, "China Arrests Noted Businesswoman in Crackdown in Muslim Region", 18 August 1999

⁴ Amnesty International, 10 March 2000, "China: Uighur businesswoman Rebiya Kadeer sentenced to eight years' after secret trial" News Service 47/00, AI INDEX: ASA 17/10/00. Cited by ikelly@amnesty.org, X-MIMETrack: Serialized by Router on fox/I.S./Amnesty International(Release 5.0.2b (Intl)|16 December 1999) at 10/03/2000 05:32:56 PM.

⁵ Freedom of Religion law, Article 36 of the PRC Constitution: "Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not

Anniversary of the PRC in October 1999, argued that religious freedom was guaranteed for all minorities, but acknowledged continuing problems in minority regions, especially vast economic inequities.⁶ The White Paper surveyed minority problems and accomplishments and concluded:

China has been a united, multi-ethnic country since ancient times.... Although there were short-term separations and local division in Chinese history, unity has always been the mainstream in Chinese history.... In China, all normal religious activities... are protected by law.... The state had offered 16.8 billion yuan [2.2 billion USD] of subsidies to minority areas by 1998.... The Chinese government is well aware of the fact that, due to the restrictions and influence of historical, physical geographical and other factors, central and western China where most minority people live, lags far behind the eastern coastal areas in development.⁷

Despite on-going tensions and frequent reports of isolated terrorist acts, there has been no evidence that any of these actions have been aimed at disrupting the economic development of the region. Not a single incident has been directed at infra-structure (railways, bridges, power stations, airports), which one would expect if there were a well-organized terrorist or separatist conspiracy. Most confirmed incidents have been directed against Han Chinese security forces, recent Han Chinese émigrés to the region, and even Uighur Muslims perceived to be too closely collaborating with the Chinese Government. Most analysts agree that China is not vulnerable to the same ethnic separatism that split the former Soviet Union. But few doubt that should China fall apart, it would divide, like the USSR, along centuries old ethnic, linguistic, regional, and cultural fault lines.⁸ If China did break apart, Xinjiang would split in a way that would resemble the tumult experienced in neighboring regions like modern Kashmir, or the mid-1990s violent civil war of Tajikistan.

The historical discussion of the Uighur in Section 3 of this paper will attempt to suggest why there have been on-going tensions in the area and what the implications are for future international relations and possible refugee flows. The ethnic and cultural divisions showed themselves at the end of China's last empire, when it was divided for over 20 years by regional warlords with local and ethnic bases in the north and the south, and by Muslim warlords in the west. Ethnicization has meant that the current cultural fault lines of China and Central Asia increasingly follow official designations of national identity. Hence, for Central Asia, the break-up of the USSR did not lead to the creation of a greater "Turkistan" or a pan-Islamic collection of states, despite the predominantly Turkic and Muslim population of the region. Rather, the USSR dissolved along ethnic and national lines that had been created by the Soviet State itself. China clearly is not about to fall apart anytime soon. Yet it also has continuing ethnic and religious conflicts and it must solve them for other more pressing reasons.

3. CULTURAL AND HISTORICAL OVERVIEW

Chinese histories notwithstanding, every Uighur firmly believes that their ancestors were the indigenous people of the Tarim basin, which did not become known in Chinese as "Xinjiang" ("new dominion") until the eighteenth century. Nevertheless, the identity of the present people known as Uighur is a rather recent phenomenon related to Great Game rivalries, Sino-Soviet geopolitical maneuverings, and Chinese nation-building. While a collection of nomadic steppe peoples known as the "Uighur" have existed since before the eighth century, this identity was lost from the fifteenth to the twentieth century.

It was not until the fall of the Turkish Khanate (552-744 C.E.) to a people reported by the Chinese historians as *Hui-he* or *Hui-hu* that we find the beginnings of the Uighur Empire. At this time the Uighur were only a

believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination" 4 December 1982: 32.

⁶ China State Council, "National Minorities Policy and its Practice in China", Beijing, Information Office of the State Council of the People's Republic of China, September 1999.

⁷ *Ibid.*, 1999: pp. 2, 3, 13-14, 34, 50.

⁸ Dru C. Gladney, "China's Ethnic Reawakening", *Asia Pacific Issues*, No. 18 (1995), pp. 1-8

collection of nine nomadic tribes, who, initially in confederation with other Basmil and Karlukh nomads, defeated the Second Turkish Khanate and then dominated the federation under the leadership of Kofli Beile in 742.⁹ Gradual sedentarization of the Uighur, and their defeat of the Turkish Khanate, occurred precisely as trade with the unified Chinese Tang state became especially lucrative. Sedentarization and interaction with the Chinese state was accompanied by socio-religious change: the traditional shamanistic Turkic-speaking Uighur came increasingly under the influence of Persian Manichaeism, Buddhism, and eventually, Nestorian Christianity. Extensive trade and military alliances along the old Silk Road with the Chinese state developed to the extent that the Uighur gradually adopted cultural, dress and even agricultural practices from the Chinese. The conquest of the Uighur capital of Karabalghasun in Mongolia by the nomadic Kyrgyz in 840, without rescue from the Tang who may by then have become intimidated by the wealthy Uighur empire, led to further sedentarization and crystallization of Uighur identity. One branch that ended up in what is now Turpan, took advantage of the unique socio-ecology of the glacier fed oases surrounding the Taklamakan and were able to preserve their merchant and limited agrarian practices, gradually establishing Khocho or Gaochang, the great Uighur city-state based in Turpan for four centuries (850-1250). With the fall of the Mongol empire, the decline of the overland trade routes, and the expansion of trade relationships with the Ming, Turfan gradually turned toward the Islamic Moghuls, and, perhaps in opposition to the growing Chinese empire, adopted Islam by the mid-fifteenth century.

The Islamicization of the Uighur from the tenth to as late as the seventeenth century, while displacing their Buddhist religion, did little to bridge their oases-based loyalties. From that time on, the people of "Uighuristan" centred in Turpan, who resisted Islamic conversion until the seventeenth century, were the last to be known as Uighur. The others were known only by their oasis or by the generic term of "Turki". They speak a "Turkic" language, that is closely related to modern Uzbek (though unlike the Cyrillic Uzbek script borrowed from Russian, they use a modified Arabic script that was revived in the 1970s). With the arrival of Islam, the ethnonym "Uighur" fades from the historical record. Indeed, the late Joseph Fletcher concluded that contemporary Uighur identity was just as much a product of modern notions of nationalism as former Soviet and Chinese Communist policies which did much to "invent" nationalities, perhaps in order to "divide and rule" them as to recognize and incorporate them into their new nation-states. Joseph Fletcher concluded:

...The Uighur empire (ca. 760-840) once stretched as far as Kashgaria. But the idea that the Kashgarians and the inhabitants of Uighuristan were one and the same nationality--let alone that they were all Uighurs--is an innovation stemming largely from the needs of twentieth-century nationalism.¹⁰

The Uighur culture and its people's genetic make-up, reflect the fact that they migrated from Mongolia to the region now known as Xinjiang or Eastern Turkistan. The region was always been at the center of a "civilizational cross-roads", involving millennia travel and inter-mixing by speakers of Iranian, Indian, Chinese, Tibetan, Turkic, Mongolian, and even European tongues. Until their rather belated conversion to Islam (compared to the rather rapid conversion of other Central Asian peoples), the Uyghurs were shamanists, Buddhists, Manichaeans, and even Nestorian Christians. The Uyghur-dominated oases of the region, due to their superior agricultural and mercantile economies, were frequently over-run by nomadic powers from the steppes of Mongolia and Central Asia, and even intermittently, Chinese dynasties who showed interest in controlling the lucrative trade routes across Eurasia. According to Morris Rossabi, it was not until 1760, and after their defeat of the Mongolian Zungars, that the Manchu Qing dynasty exerted full and formal control over the region, establishing it as their "new dominions" (*Xinjiang*), an administration that had lasted barely 100 years, when it fell to the Yakub Beg rebellion (1864-1877) and expanding Russian influence.¹¹ Until major migrations of Han Chinese was encouraged in the mid-nineteenth century, the Qing were mainly interested in pacifying the region by setting up military outposts which supported a vassal-state relationship. Colonization had begun with the migrations of the Han in the mid-nineteenth century, but was cut short by the Yakub Beg rebellion, the fall of the Qing empire in 1910, and the ensuing warlord era which dismembered the region until its incorporation as part of the People's Republic in 1949. Competition for the loyalties of the peoples of the

⁹ For an excellent historical overview of this period, see Herbert Franke and Denis Twitchett, *Cambridge History of China: Volume 6: Alien Regimes and Border States (907-1368)* (Cambridge: Cambridge University Press, 1994)

¹⁰ Joseph Fletcher, "China and Central Asia, 1368-1884," In *The Chinese World Order*, John King Fairbank, ed. Cambridge, Ma: Harvard University Press, 1968; 364, nt. 96.

¹¹ Morris Rossabi, "Muslim and Central Asian Revolts" in Jonathan D. Spence and John E. Wills Jr. (eds.), *From Ming to Ch'ing* (New Haven: Yale University Press, 1979)

oases in the Great Game played between China, Russia and Britain further contributed to divisions among the Uighur according to political, religious, and military lines. The peoples of the oases, until the challenge of nation-state incorporation, lacked any coherent sense of identity.

Thus, the incorporation of Xinjiang for the first time into a nation-state required unprecedented delineation of the so-called nations involved. The re-emergence of the label "Uighur", though arguably inappropriate as it was last used 500 years previously to describe the largely Buddhist population of the Turfan Basin, stuck as the appellation for the settled Turkish-speaking Muslim oasis dwellers. It has never been disputed by the people themselves or the states involved. There is too much at stake for the people labeled as such to wish to challenge that identification. For Uighur nationalists today, the direct lineal descent from the Uighur Kingdom in seventh century Mongolia is accepted as fact, despite overwhelming historical and archeological evidence to the contrary.¹²

The end of the Qing dynasty and the rise of Great Game rivalries between China, Russia, and Britain saw the region torn by competing loyalties and marked by two short-lived and drastically different attempts at independence: the proclamations of an "East Turkestan Republic" in Kashgar in 1933 and another in Yining (Chulje) in 1944.¹³ As Linda Benson has extensively documented,¹⁴ these rebellions and attempts at self-rule did little to bridge competing political, religious, and regional differences within the Turkic Muslim people who became officially known as the Uighur in 1934 under successive Chinese Kuomintang (KMT) warlord administrations. Andrew Forbes describes, in exhaustive detail, the great ethnic, religious, and political cleavages during the period from 1911 to 1949 that pitted Muslim against Chinese, Muslim against Muslim, Uighur against Uighur, Hui against Uighur, Uighur against Kazak, warlord against commoner, and Nationalist against Communist.¹⁵ There was short-lived independent Uighur rule during two important periods, which Uighur today claim provide indisputable evidence of self-governance and even secular-inspired democratic rule. Uyghurs, Uzbeks, and other Central Asian Turkic peoples formed an "Eastern Turkestan Republic" (ETR) in Kashgar for less than a year in 1933, that was often inspired by religious, Islamic ideals. A decade later, the Soviet Union supported another attempt at independent Uighur rule, establishing a more secular nationalist state, another "Eastern Turkestan Republic" in the northern part of Xinjiang, now the town known as Yining (where there was a Russian consulate in recognition of this newly formed nation-state). During 1944-45, the ETR fought against the Chinese Nationalists (KMT) who were holding southern Xinjiang. Due to a wartime alliance between the KMT and the Soviets, the Russian eventually pressured the ETR to cooperate with the Chinese, and they formed an uneasy alliance, until the Chinese communists defeated the KMT and occupied the region in 1949, in what they described as a "peaceful liberation" (due to Sino-Soviet cooperation at that time). Uighur nationalists at that time had hoped to achieve a semi-independent Republic along the Soviet lines of Uzbekistan and Kazakhstan, but they had to settle for recognition as a Chinese "minority nationality" with an Autonomous Region of Xinjiang (with much less juridical authority than the Soviet Republics). The extraordinary factionalism and civil disunion during this period which caused large scale depletion of lives and resources in the region, still lives in the minds of the population. Indeed, it is this memory that many argue keeps the region together, a deep-seated fear of widespread social disorder.¹⁶

¹² The best "Uighur nationalist" retelling of this unbroken descent from Karakhorum is in the document "Brief History of the Uyghers", originating from the Eastern Turkestan Union in Europe, and available electronically at <www.geocities.com/CapitolHill/1730/buh.html>. For a review and critique, including historical evidence for the multi-ethnic background of the contemporary Uighur, see Dru C. Gladney, "Ethnogenesis and Ethnic Identity in China: Considering the Uyghurs and Kazakhs" in Victor Mair (ed.), *The Bronze Age and Early Iron Age People of Eastern Central Asia: Volume II* (Washington DC: Institute for the Study of Man, 1998), pp. 812-34. For a discussion of the recent archeological evidence derived from DNA dating of the desiccated corpses of Xinjiang, see Victor Mair, "Introduction" in Victor Mair (ed.), pp. 1-40

¹³ The best discussion of the politics and importance of Xinjiang during this period is that of an eyewitness and participant, Owen Lattimore, in his *Pivot of Asia: Sinkiang and the Inner Asian Frontiers of China and Russia*. (Boston: Little, Brown, 1950)

¹⁴ Linda Benson, *The Ili Rebellion: The Moslem Challenge to Chinese Authority in Xinjiang, 1944-1949* (New York: M.E. Sharpe, 1990)

¹⁵ Andrew Forbes, *Warlords and Muslims in Chinese Central Asia* (Cambridge: Cambridge University Press, 1986)

¹⁶ James Millward's history is the best overview of this tumultuous period, see [Eurasian Crossroads: A History of Xinjiang](#). New York: Columbia University Press, 2007.

Today, despite continued regional differences among three, and perhaps four macro-regions, including the northwestern Zungaria plateau, the southern Tarim basin, the southwest Pamir region, and the eastern Kumul-Turpan-Hami corridor, there are nearly 8 million people spread throughout this vast region that regard themselves as Uighur, among a total population of 16 million.¹⁷ Many of them dream of, and some agitate for, an independent “Uighuristan”. The “nationality” policy under the KMT identified five peoples of China, with the Han in the majority. The Uighur were included at that time under the general rubric of “Hui Muslims”, which included all Muslim groups in China at that time. This policy was continued under the Communists, eventually recognizing 56 nationalities, the Uighur and 8 other Muslim groups split out from the general category “Hui” (which was confined to mainly Chinese-speaking Muslims).

A profoundly practical people, Uighur and regional leaders actually invited the People’s Liberation Army (PLA) into the region after the defeat of the Nationalists in 1949. The “peaceful liberation” by the Chinese Communists of Xinjiang in October 1949, and their subsequent establishment of the Xinjiang Uighur Autonomous Region on 1 October 1955, perpetuated the Nationalist policy of recognizing the Uighur as a minority nationality under Chinese rule. The on-going political uncertainties and social unrest led to large migrations of Uighur and Kazak from Xinjiang to Central Asia between 1953 and 1963, culminating in a Central Asian Uighur population of approximately 300,000. This migration stopped with the Sino-Soviet split in 1962 and the border was closed in 1963, reopening 25 years later in the late 1980s.¹⁸

The separate nationality designation awarded the Uighurs in China continued to mask very considerable regional and linguistic diversity, with the designation also applied to many “non-Uighur” groups such as the Loplyk and Dolans, that had very little to do with the oasis-based Turkic Muslims that became known as the Uighur. At the same time, contemporary Uighur separatists look back to the brief periods of independent self-rule under Yakub Beg and the Eastern Turkestan Republics, in addition to the earlier glories of the Uighur kingdoms in Turpan and Karabaghghan, as evidence of their rightful claims to the region. Contemporary Uighur separatist organizations based in Istanbul, Ankara, Almaty, Munich, Amsterdam, Melbourne, and Washington may differ in their political goals and strategies for the region, but they all share a common vision of a continuous Uighur claim on the region, disrupted by Chinese and Soviet intervention. The independence of the former Soviet Central Asian Republics in 1991 has done much to encourage these Uighur organizations in their hopes for an independent “Uighuristan”, despite the fact that the new, mainly Muslim, Central Asian governments all signed protocols with China in Shanghai in the Spring of 1996 that they would not harbour or support separatist groups. These protocols were reaffirmed in the 25 August 1999 meeting between Boris Yeltsin and Jiang Zemin, committing the “Shanghai Five” nations (China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan) to respecting border security and suppressing terrorism, drug smuggling, and separatism (see Figure 2).¹⁹ The policy was enforced on 15 June 1999, when three alleged Uighur separatists (Hammit Muhammad, Ilyan Zurdin, Khasim Makpur) were deported from Kazakhstan to China, with several others in Kyrgyzstan and Kazakhstan awaiting extradition.²⁰ The Shanghai Cooperation Organization (SCO) has evolved from what was originally a trade and border settlement alliance to become an increasingly powerful multi-lateral organization with a strong focus on anti-terrorism security cooperation.

¹⁷ Justin Jon Rudelson, *Oasis Identities: Uighur Nationalism along China’s Silk Road* (New York: Columbia University Press, 1998), p. 8. For Uighur ethnogenesis, see also Jack Chen, *The Sinkiang Story* (New York: Macmillan, 1977), p. 57, and Dru C. Gladney, “The Ethnogenesis of the Uighur”, *Central Asian Survey*, Vol. 9, No. 1 (1990), pp. 1-28

¹⁸ The best account of the Uighur diaspora in Central Asia, their memories of migration, and longing for a separate Uighur homeland is contained in the video documentary by Sean R. Roberts, *Waiting for Uighuristan* (Los Angeles: University of Southern California, Center for Visual Anthropology, 1996)

¹⁹ CNN News Service, Rym Brahimi, “Russia, China, and Central Asian Leaders Pledge to Fight Terrorism, Drug Smuggling”, 25 August 1999 (electronic format <www.uygur.org/enorg/wunn99/990825c.html>)

²⁰ Eastern Turkistan Information Center, “Kazakhstan Government Deport Political Refugees to China”, Munich, 15 June 1999 (electronic format: <www.uygur.org/enorg/reports99/990615.html>)

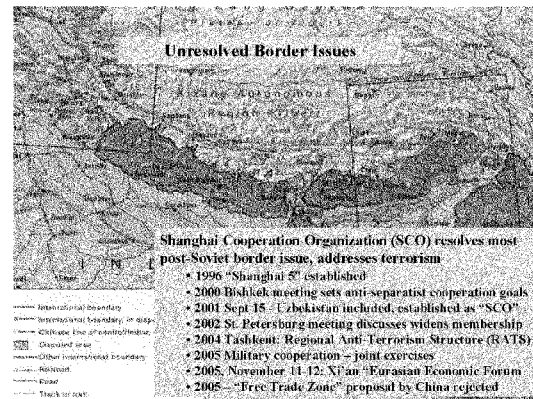


Figure 2: Overview of the Shanghai Cooperation Organization

That Islam became an important, but not exclusive, cultural marker of Uighur identity is not surprising given the socio-political oppositions with which the Uighur were confronted. In terms of religion, the Uighurs are Sunni Muslims, practising Islamic traditions similar to their co-religionists in the region. In addition, many of them are Sufi, adhering to branches of *Naqshbandiyya* Central Asian Sufism. Uighur's are powerfully attached to their musical traditions, colorful dress, and patronage of saintly tomb complexes (*mazar*).²¹ These practices are anathema to the strict Wahhabi-inspired Islamist codes of the Taliban and al-Qaida, with many Sufi's and folk artists severely persecuted by them.

However, it is also important to note that Islam was only one of several unifying markers for Uighur identity, depending on those with whom they were in co-operation at the time. This suggests that Islamic fundamentalist groups such as the Taliban in Afghanistan will have only limited appeal among the Uighur. For example, to the Hui Muslim Chinese in Xinjiang, numbering over 600,000, the Uighur distinguish themselves as the legitimate autochthonous minority, since both share a belief in Sunni Islam. In contrast to the formerly nomadic Muslim peoples, such as the Kazak, numbering more than one million, the Uighur might stress their attachment to the land and oasis of origin. Most profoundly, modern Uighurs, especially those living in larger towns and urban areas, are marked by their reaction to Chinese influence and incorporation. It is often Islamic traditions that become the focal point for Uighur efforts to preserve their culture and history. One such popular tradition that has resurfaced in recent years is that of the *Mashrap*, where generally young Uighurs gather to recite poetry and sing songs (often of folk or religious content), dance, and share traditional foods. These evening events have often become foci for Uighur resistance to Chinese rule in past years. However, although within the region many portray the Uighur as united around separatist or Islamist causes, Uighur continue to be divided from within by religious conflicts, in this case competing Sufi and non-Sufi factions, territorial loyalties (whether they be oases or places of origin), linguistic discrepancies, commoner-elite alienation, and competing political loyalties. These divided loyalties were evidenced by the attack in May 1996 on the Imam of the Idgah Mosque in Kashgar by other Uighurs, as well as the assassination of at least six Uighur officials in September 1997. It is this contested understanding of history that continues to influence much of the current debate over separatist and Chinese claims to the region.

4. CHINESE NATIONALITIES POLICY AND THE UIGHUR

²¹ See the important article by a Uighur female ethnohistorian on Uighur tomb complexes and grave veneration with beautiful color photographs by Rahilc Dawut, "Shrine Pilgrimage among the Uighurs" *The Silk Road Journal* 2009 Winter/Spring (6) 2: 56-67. (http://www.silkroadfoundation.org/newsletter/vol6num2/srjournal_v6n2.pdf)

The Uighur are an official minority nationality of China, identified as the second largest of ten Muslim peoples in China, primarily inhabiting the Xinjiang Uighur Autonomous Region (see Table 1).

Table 1
Population of Muslim Minorities in China and Xinjiang²²

Minority Ethnonym	Location	Language Family	2000 Census Population	Percent in Xinjiang
Hui	All China, esp. Ningxia, Gansu, Henan, Xinjiang, Qinghai, Yunnan, Hebei, Shandong*	Sino-Tibetan	9,816,805	7.9%
Uighur	Xinjiang	Altaic (Turkic)	8,399,393	99.8%
Kazak	Xinjiang, Gansu, Qinghai	Altaic (Turkic)	1,250,458	--
Dongxiang	Gansu, Qinghai	Altaic (Turkic)	513,805	--
Kyrgyz	Xinjiang, Heilongjiang	Altaic (Turkic)	160,823	--
Salar	Qinghai, Gansu	Altaic (Turkic)	104,503	--
Tajik	Xinjiang	Indo-European	41,028	--
Uzbek	Xinjiang	Altaic (Turkic)	16,505	--
Baonan	Gansu	Altaic (Mongolian)	14,502	--
Tatar	Xinjiang	Altaic (Turkic)	4,890	--

*Listed in order of size. Source: Yang Shengmin and Ding Hong, Editors, 2002. *An Ethnography of China* (Zhongguo Minzu zhi), Beijing: Central Nationalities Publishing House

Many Uighur with whom I have spoken in Turfan and Kashgar argue persuasively that they are the autochthonous people of this region. The fact that over 99.8 per cent of the Uighur population are located in Xinjiang, whereas other Muslim peoples of China have significant populations in other provinces (e.g. the Hui) and outside the country (e.g. the Kazak), contributes to this important sense of belonging to the land. The Uighur continue to conceive of their ancestors as originating in Xinjiang, claiming to outsiders that "it is our land, our territory", despite the fact that the early Uighur kingdom was based in what is now Outer Mongolia and the present region of Xinjiang is under the control of the Chinese State.

Unprecedented socio-political integration of Xinjiang into the Chinese nation-state has taken place in the last 40 years. While Xinjiang has been under Chinese political domination since the defeat of the Zungar in 1754, until the middle of the twentieth century it was but loosely incorporated into China proper. The extent of the incorporation of the Xinjiang Region into China is indicated by Chinese policies encouraging Han migration, communication, education, and occupational shifts since the 1940s. Han migration into Xinjiang increased their local population a massive 2,500 per cent between 1940 and 1982 compared with the 1940 level (see Table 2), representing an average annual growth of 8.1 per cent. Indeed, many conclude that China's primary programme for assimilating its border regions is a policy of integration through immigration.²³ This was certainly the case for Inner Mongolia, where Mongol population now stands at 14 per cent, and given the following figures may well be the case for Xinjiang.

TABLE 2
Muslim and Han Population Growth in Xinjiang, 1940 - 1990²⁴

²² *Renmin Ribao* [Beijing], "Guanyu 1990 nian renkou pucha zhuyao de gongbao [Report regarding the 1990 population census primary statistics]", 14 November 1991, p. 3; Dru C. Gladney, *Muslim Chinese*, p. 21

²³ For China's minority integration program, see Colin Mackerras, *China's Minorities: Integration and Modernization in the Twentieth Century* (Hong Kong: Oxford University Press, 1994)

²⁴ Table based on the following sources: Forbes, *Warlords and Muslims*, p 7; Judith Banister, *China's Changing Population* (Stanford: Stanford University Press, 1987), pp 322-3; *Minzu Tuanjie* [Beijing], No. 2 (1984), p 38; Peoples Republic of China, National Population Census Office, *Major Figures of the Fourth National Population Census: Vol. 4* (Beijing: China Statistical Publishing House, 1991), pp. 17-25

Ethnic group				% population increase	% population increase
	1940 - 1941	1982	1990	1940-1982	1982-1990
Uighur	2,941,000	5,950,000	7,194,675	102.31	20.92
Kazak	319,000	904,000	1,106,000	183.38	22.35
Hui	92,000	571,000	681,527	520.65	19.36
Kyrgyz	65,000	113,000	139,781	73.85	23.70
Tajik	9,000	26,000	33,512	188.89	28.89
Uzbek	5,000	12,000	14,456	140.00	20.47
Tatar	6,900	4,100	4,821	-40.58	17.58
Han	202,000	5,287,000	5,695,626	2,517.33	7.73
Total Population	4,874,000	13,082,000	15,155,778	168.40	15.85

Note: Military figures are not given, estimated at 275,000 and 500,000 military construction corps in 1985. Minority population growth rates during the 1980s are particularly high in part due to reclassification and re-registration of ethnic groups.

The increase of the Han population has been accompanied by the growth and delincation of other Muslim groups in addition to the Uighur. Accompanying the remarkable rise in the Han population, a dramatic increase in the Hui (Dungan, or mainly Chinese-speaking Muslim) population can also be seen. While the Hui population in Xinjiang increased by over 520 per cent between 1940 and 1982 (averaging an annual growth of 4.4 per cent), the Uighur population has followed a more natural biological growth of 1.7 per cent. This dramatic increase in the Hui population has also led to significant tensions between the Hui and Uighur Muslims in the region, and many Uighur recall the massacre of the Uighur residents in Kashgar by the Hui Muslim warlord Ma Zhongying and his Hui soldiers during the early part of this century.²⁵ These tensions are exacerbated by widespread beliefs held among the exile Uighur community and international Muslims that the Muslim populations of China are vastly underreported by the Chinese authorities. Some Uighur groups claim that there are upwards of 20 million Uighur in China, and nearly 50 million Muslims, with little evidence to support those figures.²⁶

Chinese incorporation of Xinjiang has led to a further development of ethnic socio economic niches. Whereas earlier travellers reported little distinction in labour and education among Muslims, other than that between settled and nomadic, the 1982 census revealed vast differences in socio-economic structure (see Table 3).

TABLE 3
Occupational Structure of Muslim Minorities in China
in per cent, 1982²⁷

Occupation	Hui	Uighur	Kazak	Dong Xiang	Kyrgyz	Salar	Tajik	Uzbek	Bao An	Tatar	All Ethnic Groups
Scientific Staff	5.75	4.25	11.25	1.00	7.00	3.25	5.75	17.25	1.50	23.50	4.00
Administration	1.75	0.75	2.00	0.25	1.50	0.75	2.75	3.75	2.25	4.50	1.00

²⁵ Forbes, pp. 56-90

²⁶ See the discussion of population numbers in Eastern Turkistan Information Center, "Population of Eastern Turkistan: The Population in Local Records". Munich, n.d. (electronic format: <www.uygur.org/enorg/turkistan/nopus.html>). A useful guide with tables and breakdowns is found in International Taklamakan Human Rights Association (ITHRA), "How Has the Population Distribution Changed in Eastern Turkistan since 1949". N.d. (electronic format <www.taklamakan.org/uyghur-L/et_fa_q_pl.html>, where it is reported that the Xinjiang Uighur population declined from 75 per cent in 1949 to 48 per cent in 1990. The problem with these statistics is that the first reliable total population count in the region did not take place until 1982, with all earlier estimates highly suspect according to the authoritative study by Judith Banister (*Banister, China's Changing Population*)

²⁷ Gladney, *Muslim Chinese*, p. 32; table adopted from People's Republic of China, National Population Census Office, *Population Atlas of China* (Hong Kong: Oxford University Press, 1987), pp.xx, 28

Office & related workers	1.75	1.00	2.00	0.25	1.75	0.75	2.00	3.25	0.75	4.25	1.00
Commercial workers	3.50	1.50	1.25	0.25	0.75	0.75	0.50	10.75	0.50	5.25	1.25
Service workers	4.00	1.50	1.50	0.25	1.00	0.75	0.75	6.50	0.50	4.50	1.25
Farming, forestry, fishing & animal husbandry	60.75	84.00	74.50	96.75	84.00	90.50	85.75	31.50	92.25	38.50	84.00
Production & transport	22.25	7.00	7.50	1.25	4.00	3.25	2.50	27.00	2.25	19.25	7.50
Others	0.25	--	--	--	--	--	--	--	--	0.25	--

Differences in occupational structure between the Uzbek and Tatar on the one hand, and the Uighur and Hui, on the other, suggest important class differences, with the primarily urban Uzbek and Tatar groups occupying a much higher socioeconomic niche. This is also reflected in reports on education among Muslim minorities in China (see Table 4).

TABLE 4
Educational Level of Muslim Minorities in China in per cent, 1990²⁸

Educational Level	Hui	Uighur	Kazak	Dong Xiang	Kyrgyz	Salar	Tajik	Uzbek	Bao An	Tatar	All China
University Graduate	0.6	0.5	0.5	0.05	0.3	0.3	0.2	2.6	0.2	3.6	0.5
Undergraduate	0.9	0.4	0.7	0.08	0.5	0.3	0.3	1.9	0.1	2.5	2.4
Technical School	1.6	1.6	2.6	0.30	2.4	0.9	2.1	4.7	1.0	5.8	17.6
Senior Middle School	6.2	3.5	5.5	0.60	3.4	1.6	2.5	10.8	2.9	11.0	6.4
Junior Middle School	19.9	11.9	16.4	2.80	10.2	6.3	9.3	20.3	7.2	22.0	23.3
Primary School	29.1	43.9	43.9	12.00	43.4	18.8	40.4	33.7	16.2	32.7	37.2
*Semi-literate or illiterate	33.1	26.6	12.3	82.60	24.9	68.7	33.5	8.3	68.8	4.9	22.2

*Population age 6 and above who cannot read or can read very little

The Uighur are about average in terms of university graduates (0.5 per cent) and illiteracy (26.6 per cent) as compared with all other ethnic groups in China (0.5 and 22.2 per cent respectively). The Tatar achieve the highest representation of university graduates among Muslims (3.6 per cent) as well as the lowest percentage of illiteracy (4.9 per cent), far below the average of all China (22.2 per cent). The main drawback of these figures is that they reflect only what is regarded by the state as education, namely, training in Chinese language and the sciences. However, among the elderly elite, there continues to be a high standard of traditional expertise in Persian, Arabic, Chagatay, and the Islamic sciences, which is not considered part of Chinese "culture" and education. Although elementary and secondary education is offered in Uighur, Mandarin has become the language of upward mobility in Xinjiang, as well as in the rest of China. Many Uighur have been trained in the thirteen Nationalities Colleges scattered throughout China since they were established in the 1950s. It is these secular intellectuals trained in Chinese schools who are asserting political leadership in Xinjiang, as opposed to traditional religious elites. Many Uighurs in Urumqi point to the establishment of the Uighur Traditional Medicine Hospital and *Madrassah* complex in 1987 as a beginning counterbalance to this emphasis on Han education.²⁹ However, most Uighur I have spoken with feel that their history and traditional culture continues to

²⁸ People's Republic of China, Department of Population Statistics of State Statistical Bureau and Economic Department of State Nationalities Affairs Commission, *Population of China's Nationality (Data of 1990 Population Census) [Zhongguo Minzu Renkou Ziliao (1990 nian Renkou Pucha Shuju)]* (Beijing: China Statistical Publishing House, 1994), pp. 70-3, 76. See also Dru C. Gladney, "Making Muslims in China: Education, Islamicization, and Representation" in Gerard A. Postiglione (ed.), *China's National Minority Education: Culture, State Schooling and Development* (New York: Garland Press, 1999)

²⁹ The late Uighur historian Professor Ibrahim Muti'i in an unpublished 1989 paper provides an excellent historical synopsis of the role of the Central Asian Islamic *Madrassah* in traditional Uighur education. Professor Muti'i argues that it was the *Madrassah*, more than religious or cultural continuities, that most tied the Uighur into Central Asian traditions. Ibrahim Muti'i, personal communication, May 1989.

be down-played in the state schools and must be privately re-emphasized to their children. It is through the elementary schools that Uighur children first participate formally in the Chinese nation-state, dominated by Han history and language, and most fully enter into the Chinese world. As such, the predominant educational practice of teaching a centralized, mainly Han, subject content, despite the widespread use of minority languages, continues to drive a wedge between the Uighur and their traditions, inducting them further into the Han Chinese milieu.

The increased incorporation of Xinjiang into the political sphere of China has led not only to the further migration of Han and Hui into the region, but opened China to an unprecedented extent for the Uighur. Uighur men are heavily involved in long-distance trade throughout China. They go to Tianjin and Shanghai for manufactured clothes and textiles, Hangzhou and Suzhou for silk, and Guangzhou and Hainan for electronic goods and motorcycles brought in from Hong Kong. In every place, and especially Beijing, due to the large foreign population, they trade local currency (*renminbi*) for US dollars. Appearing more like foreigners than the local Han, they are often less suspect. "We use the hard currency to go on the *Hajj*", one young Uighur in the central market square of Kunming, Yunnan Province, once told me, "Allah will protect you if you exchange money with me". While some may save for the *Hajj*, most purchase imported or luxury goods with their hard currency and take them back to Xinjiang, selling or trading them for a profit - a practice that keeps them away from home six months out of the year. As Uighur continue to travel throughout China they return to Xinjiang with a firmer sense of their own pan-Uighur identity vis-a-vis the Han and the other minorities they encounter on their travels.

International travel has also resumed for the Uighur. An important development in the last decade was the opening of a rail line between China and Kazakstan through the Ili corridor to Almaty, and the opening of several official gateways with the surrounding five nations on its borders. With the resumption of normal Sino-Central Asian relations in 1991, trade and personal contacts have expanded enormously. This expansion has led many Uighur to see themselves as important players in the improved Sino-Central Asian exchanges. On a 1988 trip from Moscow to Beijing through the Ili corridor, I was surprised to find that many of the imported Hong Kong-made electronic goods purchased by Uighur with hard currency in Canton and Shenzhen found their way into the market place and hands of relatives across the border in Almaty - who are also identified by the Kazakstan state as Uighur. However, since the late 1990s, Uighur travel abroad has been more restricted due to security concerns, and it is nearly impossible for most average Uighur citizens to obtain a passport.

6. UIGHUR RESPONSE: STRUGGLES TO SUSTAIN CULTURAL SURVIVAL

Increasing integration with China has not been smooth. Many Uighur resent the threats to their cultural survival and have resorted to violence. After denying them for decades and stressing instead China's "national unity", official reports have detailed Tibetan and Muslim conflict activities in the border regions of Tibet, Yunnan, Xinjiang, Ningxia, and Inner Mongolia. With the March 1997 bus bombings in Beijing, widely attributed (though this has never been verified) to Uighur separatists, coupled with the Urumqi bus bombings on the day of Deng Xiaoping's 1997 memorial on 25 February, Beijing can no longer keep them secret. The Yining uprising on 7 February 1997, which left at least nine dead and hundreds injured, with seven Uighur suspects arrested and most probably slated for execution, was heavily covered by the world's media. This distinguishes the last few events from on-going problems in the region in the mid-1980s that met with little media coverage.

In 1996, the *Xinjiang Daily* reported five serious incidents since February 1996, with a crackdown that rounded up 2,773 terrorist suspects, 6,000 lbs of explosives, and 31,000 rounds of ammunition. Overseas Uighur groups have claimed that over 10,000 were arrested in the round-up, with over 1,000 killed. The largest protest from 2 to 8 February 1996, was sparked by a Chinese raid on an evening *Mashrap* cultural meeting. Protests against the arrests made during the meeting led to 120 deaths and over 2,500 arrests. On 2 March 1996 the pro-government *mullah* of Kashgar's Idgah mosque and his son were stabbed by knife-wielding Uighur militants. on 27 May there was another attack on a senior government official, and in September of the same year six Uighur government officials were killed by other Uighurs in Yecheng.

The government responded severely in the late 1990s with a widespread arrests and new policy announcements. In Spring 1998, the National Peoples Congress passed a New Criminal Law that redefined "counter-revolutionary" crimes to be "crimes against the state", liable to severe prison terms and even execution. Included in "crimes against the state" were any actions considered to involve "ethnic discrimination" or "stirring up anti-ethnic sentiment". Many human rights activists have argued that this is a thinly veiled attempt

to criminalize “political” actions and to make them appear as illegal as traffic violations, supporting China’s claims that it holds “no political prisoners”. Since any minority activity could be regarded as stirring “anti-ethnic feeling”, many ethnic activists are concerned that the New Criminal Law will be easily turned against them.

On 12 June 1998 the *Xinjiang Daily* reported “rampant activities by splittists inside and outside China”, that had contributed to the closure of 10 “unauthorized” places of worship, the punishment of *mullahs* who had preached illegally outside their mosques, and the execution of 13 people on 29 May in Aksu county (an area that is 99 per cent Uighur) supposedly for murder, robbery, rape, and other violent crimes. Troop movements to the area have reportedly been the largest since the suppression of the Baren township insurrection in April 1990, perhaps related to the nationwide “Strike Hard” campaign. This campaign, launched in Beijing in April 1997 was originally intended to clamp down on crime and corruption, but has now been turned against “splittists” in Xinjiang, calling for the building of a “great wall of steel” against them. The *Xinjiang Daily* on 16 December 1996 contained the following declaration by Wang Lequan, the Region’s First Party Secretary: “We must oppose separatism and illegal religious activities in a clear and comprehensive manner, striking hard and effectively against our enemies”. These campaigns, according to an April 1999 Amnesty International report, led to 210 capital sentences and 190 executions of Uighur since 1997.³⁰

Chinese authorities are correct that increasing international attention to the plight of indigenous border peoples have put pressure on the regions. Notably, the formerly elected chair of the Unrepresented Nations and People’s Organization (UNPO) based in the Hague is the Uighur, Erkin Alptekin, son of the Uighur Nationalist leader, Isa Yusuf Alptekin, who died in Istanbul in December 1995 where there is now a park dedicated to his memory. There are numerous international organizations working for the independence of Xinjiang [under the name of Eastern Turkestan], based in Amsterdam, Munich, Istanbul, Melbourne, and New York. An organization that seeks to coordinate these disparate movements is the World Uyghur Congress, which met recently in Washington, DC, from May 21-25, and elected Madam Rebiya Kadir as President (<http://www.uighurcongress.org>). Clearly, with Xinjiang representing the last Muslim region under communism, Chinese authorities have more to be concerned about than just international support for Tibetan independence.

The real question is, why call such attention to these Tibetan and Muslim activities and external organizations? From 1998 to 2008, there was a decade without a single report of Uighur-related violence. The Istanbul-based groups have existed since the 1950s, and the Dalai Lama has been active since his exile in 1959. Separatist actions have taken place on a small but regular basis since the expansion of market and trade policies in China, and with the opening of overland gateways to Xinjiang in addition to the trans-Eurasian railway since 1991, there seems to be no chance of closing up shop. In his 1994 visit to the newly independent nations of Central Asia, Li Peng called for the opening of a “new Silk Road”. This was a clear attempt to calm fears in the newly established Central Asian states over Chinese expansionism, as was the April 1996 Shanghai communique that solidified the existing Sino-Central Asian borders. This was perhaps the clearest example of Chinese government efforts to finally solidify and fully map its domestic territories.

Practically speaking, China is not threatened by internal dismemberment. Such as they are, China’s separatists are small in number, poorly equipped, loosely linked, and vastly out-gunned by the People’s Liberation Army and People’s Police. Local support for separatist activities, particularly in Xinjiang, is ambivalent and ambiguous at best, given the economic disparity between these regions and their foreign neighbours, which are generally much poorer and in some cases, such as Tajikistan, riven by civil war. Memories in the region are strong of mass starvation and widespread destruction during the Sino-Japanese and civil war in the first half of this century, not to mention the chaotic horrors of the Cultural Revolution. International support for Tibetan causes has done little to shake Beijing’s grip on the region. Many local activists are calling not for complete separatism or real independence, but more often express concerns over environmental degradation, anti-nuclear testing, religious freedom, over-taxation, and imposed limits on child-bearing. Many ethnic leaders are simply calling for “real” autonomy according to Chinese law for the five Autonomous Regions that are each led by First Party Secretaries who are all Han Chinese controlled by Beijing. Extending the “Strike Hard” campaign to Xinjiang, Wang Lequan, the Party Secretary for Xinjiang, has declared “there will be no compromise between us and the separatists”. Documented separatist and violent incidents in Xinjiang have dropped off dramatically

³⁰ Amnesty International, *Peoples Republic of China: Gross Violations of Human Rights*

since the late 1990s. Philip Pan reported in a July 14, 2002 *Washington Post* interview that local Xinjiang security officials were only able to cite three relatively small occurrences.³¹

Beijing's official publication of the separatist issue may have more to do with domestic politics than any real internal or external threat. Recent moves such as evidenced in the 2008 Olympics suggest efforts to promote Chinese nationalism as a "unifying ideology" that will prove more attractive than communism and more manageable than capitalism. By highlighting separatist threats and external intervention, China can divert attention away from its own domestic instabilities of natural disasters (especially the 2008 Sichuan earthquake), economic crises (such as the Asian economic downturn's drag on China's currency), rising inflation, increased income disparity, displaced "floating populations", Hong Kong reunification, and the many other internal and external problems facing Jiang Zemin's government. Perhaps nationalism will be the only "unifying ideology" left to a Chinese nation that has begun to distance itself from Communism, as it has from Confucianism, Buddhism, and Daoism in the past. This is perhaps why religiously-based nationalisms, like Islamic fundamentalism and Tibetan Buddhism, are targeted by Beijing, while the rise of shamanism and popular religion goes unchecked. At the same time, a firm lid on Muslim activism in China sends a message to foreign Muslim militant organizations to stay out of China's internal affairs, and the Taliban to stay well within their Afghan borders. Although it is hard to gauge the extent of support for Uighur separatism among the broader population, it is clear that cultural survival is a critical concern for many, and a significant attempt to preserve Uighur culture is taking place, assisted to some extent by international tourism and the state's attempts to demonstrate its goodwill toward its restive Muslim population.

6. INTERNATIONAL DIMENSIONS

The People's Republic of China, as one of five permanent voting members of the UN security council, and as a significant exporter of military hardware to the Middle East, has become a recognized player in Middle Eastern affairs. With the decline in trade with most Western nations after the Tiananmen massacre in the early 1990s, the importance of China's Middle Eastern trading partners (all of them Muslim, since China did not have relations with Israel until 1993), rose considerably. This may account for the fact that China established diplomatic relations with Saudi Arabia in August 1990, with the first direct Sino-Saudi exchanges taking place since 1949 (Saudi Arabia cancelled its long-standing diplomatic relationship with Taiwan and withdrew its ambassador, despite a lucrative trade history). In the face of a long-term friendship with Iraq, China went along with most of the UN resolutions in the war against Iraq. Although it abstained from Resolution 678 on supporting the ground-war, making it unlikely that Chinese workers will be welcomed back into Kuwait, China enjoys a fairly solid reputation in the Middle East as an untarnished source of low-grade weaponry and cheap reliable labour. Frequent press accounts have noted an increase in China's exportation of military hardware to the Middle East since the Gulf War, perhaps due to a need to balance its growing imports of Gulf oil required to fuel its overheated economy.³²

Since the breakup of the Soviet Union in 1991, China has also become an important competitor for influence in Central Asia and is expected to serve as a counterweight to Russia. Calling for a new interregional "Silk Route", China is already constructing such a link with rails and pipelines. The ethnicization of several Central Asian peoples and their rise to prominence as the leading members of the new Central Asian states, will mean that economic development and cross-border ties will be strongly influenced by ancient ethnic relations and geopolitical ties.

Since the early 1990s, China has been a net oil importer.³³ It also has 20 million Muslims. Mishandling of its Muslim problems will alienate trading partners in the Middle East, who are primarily Muslims. Already, after the ethnic riot in February 1997 in the northwestern Xinjiang city of Yining, which led to the death of at least nine Uighur Muslims and the arrest of several hundred, Turkey's then Defence Minister, Turhan Tayan, officially condemned China's handling of the issue, and China responded by telling Turkey to not interfere in China's internal affairs. Since that time, possibly due to China's rising economic influence, there has been

³¹ Philip Pan "In China's West, Ethnic Strife Becomes 'Terrorism'" *Washington Post* July 14, 2002: A4.

³² James P. Dorian, Brett Wigdortz, Dru Gladney, "Central Asia and Xinjiang, China: Emerging Energy, Economic, and Ethnic Relations", *Central Asian Survey*, Vol. 16, No. 4 (1997), p. 469

³³ *Ibid.*, pp. 461-86

almost no official condemnation from Muslim populated nations over China's treatment of the Uighur or other domestic Muslim problems.

Muslim nations on China's borders, including the new Central Asian states, Pakistan, and Afghanistan, though officially unsupportive of Uighur separatists, may be critical of harsh treatment extended to fellow Turkic and/or Muslim co-religionists in China on a popular level. However, officially their governments rarely intervene in China's domestic affairs. The April 1996 signing of border agreements between China and the five neighboring Central Asian nations revealed that there would be no hope for Uighur separatists that they would receive any official support from their Central Asian sympathizers. The text of the Mutual Declaration of the representatives of Kazakhstan and the People's Republic of China signed on 5 July 1996 specifically prevents Kazakhstan from assisting separatists in China. It also indicates that the Uighurs within Kazakhstan will receive little support from their government, and a number of suspected Uighur separatists have in fact been returned to China from Kazakhstan and Kyrgyzstan. As stated above, the importance of trade between Central Asia and China is the primary reason. In addition, none of the countries in the region wishes to have border problems with China. At a popular level, however, the Uighurs receive much sympathy from their Central Asian co-religionists, and there is a continuing flow of funds and materials through China's sporadically porous borders.

Dorian, Wigdortz, and Gladney have documented the growing interdependence of the region since the mid-1990s.³⁴ Trade between Xinjiang and the Central Asian republics has continued to grow, and the number of Chinese-Kazak joint ventures continues to rise, now approaching several hundred. Xinjiang exports a variety of products to Kazakhstan, as well as to Uzbekistan, Kyrgyzstan, Russia, and Ukraine. Increased economic cooperation with China is providing Central Asia with additional options for markets, trade routes, and technical assistance.

As noted in the discussion of the Uighur people above, cross-border ethnic ties and interethnic relations within Xinjiang continue to have tremendous consequences for development in the region. Muslims comprise nearly 60 per cent of Xinjiang's population, and most of them are Uighur. Being Turkic, the Uighurs share a common Islamic, linguistic, and pastoralist heritage with the peoples of the Central Asian states (Table 5).

The Uighurs and other Turkic groups in the region are also closer culturally and linguistically to their Central Asian neighbours than they are to the Han Chinese. This closeness was demonstrated most dramatically following the Sino-Soviet 1960 breakdown in political relations, that in part led to an Ili rebellion in 1962 which contributed to nearly 200,000 Uighurs and Kazaks fleeing across the border to the Soviet Kazak Republic.³⁵ The majority of the 160,000 Uighurs in Kazakhstan today stem from that original migrant population. Most scholars feel, however, that given the comparatively stronger economy in China and the numerous border agreements signed between the Central Asian states under the aegis of the Shanghai Cooperation Organization, a similar uprising now would not lead to such a large cross-border migration. Not only is the border much more secure on the Chinese side than in 1962, but the other Central Asian states would most likely refuse to accept them.

TABLE 5
Ethnic populations of Central Asia, Xinjiang (thousands)³⁶

	Kazakhstan	Kyrgyzstan	Tajikistan	Turkmenistan	Uzbekistan	Xinjiang (China)
Kazaks	6,535	37	11	88	808	1,710.00
Kyrgyzz	14	2,230	64	1	175	139.80
Tajiks	25	34	3,172	3	934	33.51
Turkmen	4	1	20	2,537	122	--
Uzbeks	332	550	1,198	317	14,142	14.46
Russians	6,228	917	388	334	1,653	8.10

³⁴ *Ibid.*, p. 480

³⁵ The best documentation of this period and the flood of Kazaks and Uighurs to the USSR from Xinjiang is to be found in George Moseley, *The Party and the National Question in China* (Cambridge MA: MIT Press, 1966)

³⁶ Dorian, Wigdortz, Gladney, p. 465

Ukrainians	896	108	41	36	153	--
Byelorussians	183	9	7	9	29	--
Germans	958	101	33	4	40	--
Tatars	328	70	72	39	657	4.82
Karakalpaks	--	--	--	--	412	--
Koreans	103	18	13	--	183	1.00
Uighurs	185	37	--	--	36	7,195.00
Han	na	na	na	na	na	5,696.00
Hui	na	na	na	na	na	682.00
Mongolian	na	na	na	na	na	138.00
Dongxiang	na	na	na	na	na	56.40

Opportunities in Xinjiang's energy sector attract many migrants from other parts of China. China's rapidly growing economy has the country anxiously developing domestic energy sources and looking abroad for new sources. In 1993, with domestic oil consumption rising faster than production, China abandoned its energy self-sufficiency goal and became a net importer of oil for the first time. During 1996, China's crude oil production reached a record high of 156.5 million tons, while imports of crude were up 37.5 per cent over 1995, to 22 million tons. China is expected to import as much as 30 per cent of its oil by the year 2000. As China develops into a modern economy, it should see a rise in demand comparable to that experienced in Japan, where demand for natural gas and other energy needs has quadrupled in the past 30 years. This is particularly why China has begun to look elsewhere for meeting its energy needs, and Li Peng signed a contract in September 1997 for exclusive rights to Kazakhstan's second largest oil field. It also indicates declining expectations for China's own energy resources in the Tarim Basin. Estimated 10 years ago to contain 482 billion barrels, today, even the president of China National Petroleum Corporation admits that there are known reserves of only 1.5 billion barrels.

China hopes to make up for its dependence on Kazakstan oil by increasing trade. China's two-way trade with Central Asia has increased dramatically since the Chinese government opened Xinjiang to the region following the collapse of the Soviet Union in 1991. By the end of 1992, formal trade had jumped by 130 per cent; total border trade, including barter, is estimated to have quadrupled since the early 1990s. Ethnic ties have facilitated this trading surge: those with family relations benefit from relaxed visa and travel restrictions. Large numbers of "tourists" from Kazakstan, Tajikistan, and Kyrgyzstan make frequent shopping trips into Xinjiang and return home to sell their goods at small village markets. Xinjiang has already become dependent on Central Asian business, with the five republics accounting for more than half of its international trade in 1993.

Most China-Central Asia trade is between Xinjiang and Kazakstan (Xinjiang's largest trading partner by far). From 1990 to 1992, Kazakstan's imports from China rose from just under 4 per cent to 44 per cent of its total. About half the China-Kazak trade is on a barter basis. Through 1995, China was Kazakstan's fifth largest trade partner, behind Russia, Holland, Germany, and Switzerland. China's trade with Kyrgyzstan has also increased rapidly. Through 1995, Kyrgyzstan was Xinjiang's third largest trading partner, after Kazakstan and Hong Kong. As early as 1992, China ranked as Uzbekistan's leading non-CIS trading partner. Since then, bilateral trade has increased by as much as 127 per cent per year, making Uzbekistan China's second largest Central Asian trading partner. This may be one of the most promising economic relationships developing in Central Asia. The large and relatively affluent Uzbek population will eagerly purchase Chinese goods once remaining border restrictions are relaxed and better transportation is built. Bilateral trade with Tajikistan increased nearly ninefold from 1992 to 1995. However, with much of Tajikistan in turmoil in the mid-1990s and the country suffering from a deteriorating standard of living, trade dropped by half in 1996. Trade between China and Turkmenistan has also risen rapidly. China is already importing Turkmen gas to satisfy the growing energy requirements in the northwest corner of the country. The sale of natural gas accounts for 60.3 per cent of the total volume of Turkmen exports.

While the increasing trade between Central Asia and China is noteworthy, it essentially is a reflection of China's rapidly growing trade with the entire world: trade with Central Asia increased by 25 per cent from 1992 to 1994; during the same period total Chinese trade increased almost twice as fast. In fact, during 1995, only 0.28 per cent of China's US\$ 280.8 billion overseas trade involved the five Central Asian republics, about the same as the trade with Austria or Denmark. Despite the small trade volumes, China is clearly a giant in the region and will play a major role in Central Asia's foreign economic relations. For example, China's two-way trade with Kazakstan is greater than Turkey's combined trade with all five Central Asian republics. This is so even though predominantly Muslim Central Asia is of a much higher priority for Turkey than for China.

Multinational corporations are beginning to play a larger role in the development of the region. In Kazakhstan, for instance, foreign firms are estimated to control more than 60 per cent of electric power output. A proposed Turkmenistan-China-Japan natural gas pipeline, part of the envisaged "Energy Silk Route" which would connect Central Asia's rich gas fields with northeast Asian users, demonstrates the potential for co-operation among countries. But it also highlights the growing importance of international companies - in this case Mitsubishi and Exxon - in financing and influencing the course of oil and gas development in the region. With a potential price tag of US\$ 22.6 billion, this pipeline - as well as many smaller and less costly ones - would not be possible without foreign participation. Hence, the "new Great Game" between China and Central Asia involves many more players than the largely three-way Great Game of the nineteenth century. Yet these new international corporate forces do not supersede local ethnic ties and connections that extend back for centuries.

There is a risk that unrest in the Xinjiang Uighur Autonomous Region could lead to a decline in outside oil investment and revenues, with such interests already operating at a loss. Exxon once reported that its two wells struck in the supposedly oil-rich Tarim basin of southern Xinjiang came up dry, with the entire region yielding only 3.15 million metric tons of crude oil, only a small fraction of China's overall output of 156 million tons. The World Bank lends over US\$ 3 billion a year to China, investing over US\$ 780.5 million in 15 projects in the Xinjiang Region alone, with some of that money allegedly going to the Xinjiang Production and Construction Corps (XPCC), which human rights activist Harry Wu has claimed employs prison *laogai* labour.

It is clear that ethnic separatism or Muslim complaints regarding Chinese policy will have important consequences for China's economic development of the region. Tourists and foreign businessmen will certainly avoid areas with ethnic strife and terrorist activities. China will continue to use its economic leverage with its Central Asian neighbours and Russia to prevent such disruptions. China's security measures and development investment have insured a decade of peace in the region since the troubles of the 1990s, and this has dramatically assisted trade and investment in the region. The question then becomes, if China's development policies have been so successful, why are the Uighurs still restive?

Landlocked Central Asia and Xinjiang lack the road, rail, and pipeline infrastructure needed to increase economic co-operation and foreign investment in the region. Oil and gas pipelines still pass through Russia, and road and rail links to other points are inadequate. A new highway is planned between Kashgar, Xinjiang, to Osh, Kyrgyzstan, to facilitate trade in the area. At the same time, China is planning a new rail link between Urumqi and Kashgar. New links from Central Asia could follow several routes west through Iran and Turkey, or Georgia and Azerbaijan, to the Black Sea or the Mediterranean; south through Iran to the Persian Gulf or through Afghanistan and Pakistan to the Arabian Sea; or east through China to the Pacific. All the routes pass through vast, remote, and perhaps politically unstable regions, and those involving Iran face difficulties in gaining Western financing.

China's international relations with its neighbours and with internal regions such as Xinjiang and Tibet have become increasingly important not only for the economic reasons discussed above, but also for China's desire to participate in international organizations such as the World Trade Organization and the Asia-Pacific Economic Council. Though Tibet is no longer of any real strategic or substantial economic value to China, it is politically important to China's current leadership to indicate that they will not submit to foreign pressure and withdraw from Tibet. Uighurs have begun to work closely with Tibetans internationally to put political pressure on China in international fora. In a 7 April 1997 interview in Istanbul with Ahmet Türköz, vice-director of the Eastern Turkestan Foundation, which works for an independent Uighur homeland, he noted that since 1981, meetings had been taking place between the Dalai Lama and Uighur leaders, initiated by the deceased Uighur nationalist Isa Yusup Alptekin. As previously mentioned the elected leader of UNPO (the Unrepresented Nations and People's Organization based in The Hague), an organization originally built around Tibetan issues, is Erkin Alptekin, the son of the late Isa Alptekin. These international fora cannot force China to change its policy, any more than the former annual debate in the U.S. over the renewal of China's Most-Favoured Nation status. Nevertheless, they continue to influence China's ability to co-operate internationally. As a result, China has sought to respond rapidly, and often militarily, to domestic ethnic affairs that might have international implications.

Following the breakup of the Soviet Union, the Chinese government feared that the new independence of the neighbouring Central Asian Republics might inspire separatist goals in Xinjiang. It also worried that promoting regional economic development could fuel ethnic separatism by resurrecting old alliances. China, however, was reassured by an agreement reached in April 1996 with Russia, Kazakhstan, Kyrgyzstan, and Tajikistan to avoid military conflict on common borders. It is also resting easier after assertions from Muslim states that they would

not become involved in China's internal affairs. Thus, China's policy of encouraging economic development while keeping a tight lid on political activism seems to have the support of neighbouring governments, despite not satisfying the many demands of local and cross-border ethnic groups.

Despite increasing investment and many new jobs in Xinjiang, the Uyghurs and other ethnic groups complain that they are not benefiting as much as recent Han immigrants to the region. As noted above, this is a major factor in Uyghur complaints about cultural preservation. A front page article in *The New York Times* has documented the "urban renewal" projects in Kashgar that have decimated the cultural heritage of the city, what many Uyghurs feel is at the heartland of their ancient civilization.³⁷ They insist that the growing number of Han Chinese not only take the jobs and eventually the profits back home with them, but that they also dilute the natives' traditional way of life and leave them with little voice in their own affairs.

7. CYBER-SEPARATISM AND ETIM

Though generally silenced within China, Uyghur voices can still be heard virtually, on the internet. Perhaps due to Chinese restrictions on public protest and a state-controlled media, or the deleterious effect of a war on domestic terrorism that this testimony has documented began in the late 1990s, very few Uyghur protests can be heard today in the region, at least not public ones. International campaigns for Uyghur rights and possible independence have become increasingly vocal and well organized, but only outside of China and on the internet. Supporting primarily an audience of approximately over 500,000 expatriate Uyghurs (yet few Uyghurs in Central Asia and China have access to these internet sites), there are at perhaps as many as 50 international organizations and web sites working for the independence of "Eastern Turkestan," and based in Amsterdam, Munich, Istanbul, Melbourne, Washington, DC and New York. Estimates differ widely on the number of Uyghurs living outside of China in the diaspora. As Sean Roberts has noted, Uyghurs in Central Asia are not always well-represented in the State censuses, particularly since 1991. Shichor estimates approximately 500,000 living abroad, about 5-6% of the total world Uyghur population.³⁸ Uyghur websites differ dramatically on the official Uyghur population numbers, from up to 25 million Uyghur inside Xinjiang, to up to 10 million in the diaspora.³⁹

Although the United Nations and the United States government have agreed with China that at least one international organization, ETIM, is a Uyghur-sponsored terrorist organization, the vast majority of the Eastern Turkestan independence and information organizations disclaim violence. Supported largely by Uyghur émigré's who left China prior to the Communist takeover in 1949, these organizations maintain a plethora of websites and activities that take a primarily negative view of Chinese policies in the region. Although not all organizations advocate independence or separatism, the vast majority of them do press for radical change in the region, reporting not only human rights violations, but environmental degradation, economic imbalances and alternative histories of the region. In general, these websites can be divided roughly into those that are mainly information-based and others that are politically active advocacy sites. Nevertheless, whether informational or advocacy, nearly all of them are critical of Chinese policies in Xinjiang.

Key informational websites that mainly provide Uyghur and Xinjiang related news and analyses, include the [Turkestan Newsletter](#) (Turkistan-N) maintained by Mehmet Tutuncu of SOTA, [www.euronet.nl/users/sota/Turkestan.html](#), the Open Society Institute's [www.crsianet.org](#). The Uyghur Information Agency's [www.uyghurinfo.com](#), and the virtual library of the Australian National University based "Eastern Turkestan WWW VL" [www.ccs.uky.edu/~rakhim/et.html](#). An increasing number of scholars are building websites that feature their own work on Xinjiang and provide links to other sites and organizations engaged in research and educational activities related to the region. One of the best sites in this genre is that by

³⁷ See Michael Wines, *The New York Times*, May 27, 2009, "Urban renewal hits Silk Road China will demolish site in Kashgar, historic town inhabited by Uyghurs" p. A1.

³⁸ See Yitzhak Shichor, "Virtual Transnationalism: Uyghur Communities in Europe and the Quest for Eastern Turkestan Independence." Unpublished paper, 2002.

³⁹ See, for example, [www.Uyghur.org](#), the site supported by Anwar Yusuf, President of the Eastern Turkestan National Freedom Center in Washington, D.C. who has suggested there are up to 25 million Uyghurs worldwide. Shichor (*ibid.*) based on information from Enver Can in Munich, estimates there are about 500 Uyghurs in Germany (mostly in Munich), 500 in Belgium (mostly from Central Asia), 200 in Sweden (mostly from Kazakhstan), 40 in England, 35 in Switzerland, 30 in Holland and 10 in Norway. In addition, there are an estimated 10,000 Uyghurs in Turkey, 1,000 in the United States, 500 in Canada, and 200 in Australia (mostly in Melbourne).

Dr. Nathan Light of the University of Toledo, which not only includes most of his dissertation and useful articles on Uyghur history, music, and culture, but also directs readers to other links to the region: <http://www.utoledo.edu/~nlight>. While there are a plethora of internet sites and web-links to Xinjiang and Uyghur human rights issues, there is as yet no central site that is regularly updated. Information on Uyghur organizations and internet sites can be found at www.uyghuramerican.org. An interactive question-and-answer site with a "Special Report: Uyghur Muslim Separatists" can be found at the Virtual Information Center, an open-source organization funded by USCINCPAC, www.vic-info.org.

There are a growing number of Central Asia-related sites that increasingly contain information and discussion of events in Xinjiang, even though Xinjiang is often normally not considered a part of Central Asian Studies, and due to its rule by China, often falls under Chinese studies or Inner Asian studies. See for example, Harvard's Forum for Central Asian Studies, www.fas.harvard.edu/~centasia, which run by Dr. John Schoeberlein, maintain the Central Asian Studies World Wide site, <http://www.fas.harvard.edu/~casww/>, and the list-serve, CentralAsia-L: http://www.fas.harvard.edu/~casww/CASWW_CentralAsia-L.html that frequently reports on Xinjiang-related issues. An informational website for "For Democracy, Human Rights, Peace and Freedom for Uzbekistan and Central Asia," with links to Uyghur and East Turkistan sites is <http://www.uzbekistanerk.org/>. In addition, "Silk Road" sites, increasingly focus on the Uyghur issue. For example, [The Silk Road Foundation](http://www.silk-road.com/), is a general information site for Central Asia, with sections on Xinjiang and a links page to other Uyghur issues: <http://silk-road.com/toc/index.html>. Interestingly, a NOVA/PBS website reports on the Taklamakan Mummies, an issue often used to establish claims of territorial history by China and the Uyghurs, particular page is a report research developments concerning the tracing of the mummies ethnicity: <http://www.pbs.org/wgbh/nova/chinamum/taklamakan.html>.

While most of these sites do not claim to take a position on the Uyghur independence issues related to Xinjiang, most of them tend to report information that is more supportive of Uyghur claims against the Chinese State. An example is the GeoNative "informational site" www.geocities.com/athens/9479/uyghur.html maintained by the Basque activist, Luistxo Fernandez, who seeks to report "objectively" on minority peoples less represented in the world press. Yet his site, which does provide a useful chart on English/Uyghur/Chinese transliterated placenames, after providing a basic summary of the region, contains the statement: "Chinese colonization by Han people is a threat to native peoples."⁴⁰ [Abdulrahim Aitbayev's Page](http://www.geocities.com/athens/9479/uyghur.html) is another so-called informational Website containing current reports of Chinese police action in various areas of Xinjiang, as well as links to other sites and articles that are generally critical of China: <http://www.ccs.uky.edu/~rakhim/et.html>.

An important addition to "informational" websites is the site maintained by the Uyghur service of Radio Free Asia, as part of its regular broadcast to Xinjiang and surrounding regions, reportedly beamed from transmitters in Tajikistan and Kyrgyzstan (see <http://www.rfa.org/service/index.html?service=uyg>). According to their site, Radio Free Asia (RFA) broadcasts news and information to Asian listeners who lack regular access to "full and balanced reporting" in their domestic media. Through its broadcasts and call-in programs, RFA aims to fill what is regarded as a "critical gap" in the news reporting for people in certain regions of Asia. Created by Congress in 1994 and incorporated in 1996, RFA currently broadcasts in Burmese, Cantonese, Khmer, Korean, Lao, Mandarin, the Wu dialect, Vietnamese, Tibetan (Uke, Amdo, and Kham), and Uyghur. Although the service claims to adhere to the highest standards of journalism and aims to exemplify accuracy, balance, and fairness in its editorial content, local governments have often complained of bias in favor of groups critical to the regimes in power. The Uyghur service has been regularly blocked and criticized by the Chinese government, and has been cited in the past for carrying stories supportive of so-called separatists, especially the case of Rebiya Kadeer, but despite the cooperation of the U.S. and China on the war on terrorism, the site has continued its regular broadcasting. When I asked the Uyghur director of the service, Dr. Dolkun Kamberi, if the increased Sino-U.S. cooperation on terrorism and the labeling of ETIM as an international Uyghur terrorist group had lead to any restriction on their funding or broadcast content, he said that there had been no changes in funding level or content.

⁴⁰ See www.geocities.com/athens/9479/uyghur.html. "The entire paragraph reads: Area: 1.6 million sq. km. Population: 14 million (1990 census), Uyghurs: 7.2 million (official), 14-30 million (estimates by the Uyghur organizations abroad). Capital: Urumchi. The Sinkiang-Uyghur Autonomous Region in China (Xinjiang Uyghur Zizhiqu in Chinese) is also known under the names Eastern Turkestan or Chinese Turkestan. Uyghur people prefer Uyghuristan. It is inhabited by the Uyghurs also known under names Uighur, Uigur, Uygur, Weiwuer, Sart, Taranchi, Kashgarlik. The other native peoples are Kazak, Uzbek, Kyrgyz, Tajik, Tatar. Chinese colonization by Han people is a threat to the native peoples."

Funding for the informational sites are generally traceable to academic organizations, advertising, and subscription. It is much harder to establish funding sources for the advocacy sites. While most sites are supported primarily by subscribers, advertising, and small donations from Uyghurs and other Muslims outside of China sympathetic to the Uyghur cause, there is no evidence that the organizations and the sites they sponsor have ever received official government sponsorship. Other than the Radio Free Asia Uyghur service, which is supported by the U.S. government, there is no other government that officially supports dissemination of information related to Uyghur human rights issues. However, many Uyghur organizations in the past have claimed sympathy and tacit support from Turkey, Saudi Arabia, Iran, Australia, Germany, France, Holland, and Canada.

Advocacy sites openly promote international support for Uyghur- and Xinjiang-related causes. These sites and organizations they often represent take a strong and critical stance against Chinese rule in Xinjiang, giving voice they say to a "silent majority" of Uyghur in Xinjiang and abroad who advocate radical political reform, if not outright independence, in the region. These sites include the International Taklamakan Human Rights Association, which contains links to several articles and Websites concerning East Turkistan, Uyghurs, and Uyghuristan: <http://www.taklamakan.org/>; the Uyghur American Association, that contains links to articles and websites concerning issues of human rights and territorial freedom among Uyghurs in Xinjiang, as well as listing 22 other organizations around the world that do not have Websites: <http://www.uyghuramerican.org/>; the East Turkistan National Congress, led by Enver Can in Munich <http://www.eastturkistan.com/>.

An interesting U.S. based site includes the Citizens Against Communist Chinese Propaganda (with one page entitled "Free East Turkistan!"), which bills itself as a counter-propaganda site (using the fight fire with fire approach), based in Florida and led by Jack Churchward who started the organization, Free Eastern Turkestan, that originally made its name for itself through a series of protests against a Chinese owned and operated theme park, "Splendid China", located in Kissimmee, Florida that they found denigrating to especially Uyghurs and Tibetans (with its mini-replicas of mosques and the Potala Palace): <http://www.cacep.org/>.⁴¹ The Uyghur Human Rights Coalition is a website reporting human rights abuses of Uyghurs in China and containing links to articles and other sites, <http://www.uyghurs.org/>. KIVILCIM is an East Turkistan Information Website advocating independence, but in Uyghur language: <http://www.kivilcim.org/> along with <http://www.doguturkistan.net/>. Other advocacy sights include the East Turkestan Information Center www.uygur.org, the Eastern Turkestan National Freedom Center www.uyghur.org, The Uyghur Human Rights Coalition www.uyghurs.org which publishes personal testimonies of human rights abuses, and other more popular sites including www.taklamakan.org, www.ugvur.net, www.turpan.com, www.afn.org, www.eastTurkestan.com. As most of these sites are cross-linked, they often repeat and pass along information contained on other sites.

There are a number of publicly known Uyghur advocacy organizations, which grew to nearly 20 in the late 1990s, but seemed to have declined in membership and activities since September 2001.⁴² In the United States, one of the most active information and advocacy groups in the Washington, D.C. area is the Uyghur American Association who's chairmen have been Alim Seytoff and Turdi Hajji.⁴³ Founded like many advocacy groups in the late 1990s, it supports various public lectures and demonstrations to further raise public awareness regarding Uyghur and Xinjiang issues. The Uyghur Human Rights Coalition (www.uyghurs.org), and located near the Georgetown University campus, tracks human rights issues and has organized several demonstrations and conferences in the Washington, DC metro area, originally very active in pushing for the release of Rebiya Kadir.⁴⁴ One of the earliest Uyghur advocacy organizations established in the U.S. in 1996 was the

⁴¹ For a comparative study of the role of theme parks in ethnic identity construction in China and the U.S. see Dru Gladney, In Press. "Theme Parks and Path Dependency: Comparing the Polynesian Cultural Center and the China Ethnic Cultural Park" in "Chinese Ethnology: Practice and Theory" Taipei: Academia Sinica.

⁴² A list of some of the international Uyghur and East Turkistan organization can be found on <http://uyghuramerican.org/Uyghurorganiz.html> and http://www.uygur.org/adres/uygur_organization.htm.

⁴³ See their website introduction: <http://uyghuramerican.org/> "The Uyghur American Association was established on May 23, 1998 in Washington D.C. at the First Uyghur American Congress. The growing Uyghur community in the United States created a need for a unified Uyghur organization to serve the needs of the community here and to represent the collective voice of the Uyghurs in East Turkistan."

⁴⁴ See their organizational statement www.uyghurs.org "The Uyghur Human Rights Coalition (UHRC) is a 501(c)(3) nonprofit dedicated to educating Americans, particularly university students, about the Chinese government's human rights violations against the Uyghur people of the Xinjiang Uyghur Autonomous Region of China (known to the Uyghurs as East Turkistan). Through its educational efforts, the UHRC strives to build

International Taklamakan Human Rights Association (ITHRA, www.taklamakan.org), whose president is Ablajan Layli Namen Barat, maintains the active list-serve, UIGHUR-L, as well as list-serve covering events in Inner (Southern) Mongolia, SMONGOL-L. In Europe, most the Uyghur organizations are concentrated in Munich where there are the largest number of Uyghur émigrés, including the Eastern Turkestan (Uyghuristan) National Congress (www.eastturkistan.com) whose president is Enver Can; the East Turkstan Union in Europe led by Asgar Can, the Eastern Turkestan Information Center (www.uygur.org) led by Abduljelil Karakash which publishes the on-line journal, *The World Uyghur Network News*; and the World Uyghur Youth Congress (www.uighurinfo.com) chaired by Dolqun Isa; in Holland, there is the Uyghur Netherlands Democratic Union (UNDU) led by Bahtiyar Semsiddin and the Uyghur House chaired by Shaheili; the Uyghur Youth Union in Belgium chaired by Sedullam and the Belgium Uyghur Association chaired by Sultan Ehmet; in Stockholm, Sweden the East Turkestan Association chaired by Faruk Sadikov; in London there is the Uygur Youth Union UK chaired by Enver Bugda; in Moscow the Uyghur Association chaired by Serip Haje; in Turkey organizations include the East Turkestan Foundation led by Mehmet Riza Bekin in Istanbul, the East Turkestan Solidarity Foundation led by Sayit Taranci in Istanbul, and the East Turkestan Culture and Solidarity Association led by Abubekir Turksoy in Kayseri; in Canada is the Canadian Uyghur Association based in Toronto and chaired by Mehmetjan Tohti; in Australia is the Australian Turkestan Association in Melbourne chaired by Ahmet Igamberdi; in Kazakhstan there are several organizations based in Almaty listed on the internet, but they are difficult to contact in the region having met with recent government sanctions, including Nozugum Foundation, the Kazakhstan Regional Uyghur (*Ittipak*) Organization chaired by Khahriman Gojamberdie, the Uyghuristan Freedom association chaired by Sabit Abdurahman, the Kazakhstan Uyghur Unity (*Ittipak*) Association chaired by Sheripjan Nadirov, and the Uyghur Youth Union in Kazakhstan chaired by Abdurxii Turdycyev; and in Kyrgyzstan one finds in Bishkek the Kyrgyzstan Uyghur Unity (*Ittipak*) Association chaired by Rozimchmet Abdalnbakiev, the Bishkek Human Rights Committee chaired by Tursun Islam. While these are the main organizations listed on the internet, many of them are no longer accessible and there are several other smaller organizations that are not readily listed.

It is difficult to assess who the audience is for these websites and organizations, as they are all blocked in China, and mostly inaccessible in Central Asia due to either inadequate internet access or the high costs of getting on the net. Many Uyghurs I have talked with in China and in Central Asia have never heard of most of these sites. Interestingly, government officials in Xinjiang interested in the information provided on these sites also have said they do not have access. It is clear that Uyghurs in the Western diaspora, particularly in Europe, Turkey, the United States, Canada, and Australia are frequent readers and contributors to these sites. In addition, events in the region since September 11 have led an increasing number of journalists and interested observers of the region to begin visiting the sites more regularly. In terms of content, it is interesting to note that a cursory monitoring of these sites reveals very little that can be associated with militant or radical Islam, and almost no calls for an Islamic “Jihad” against the Chinese state. Most of the issues as noted above involve documenting the plight and history of the Uyghurs under Chinese rule in Xinjiang as opposed to their glorious, independent past and long history in the region. It is also important to note that few Chinese inside or outside of China have visited these sites so that they are quite unaware of these alternative histories. Although there are several sites available in Turkish and Uyghur, there is not one in Chinese. As such, like all internet groups, it is a self-selected audience and rarely reaches beyond those who already support and are interested in the agenda supported by the site.

Financial support for these organizations and websites come mostly from private individuals, foundations, and subscriptions (though these are rare). While it has been reported that wealthy Uyghur patrons in Saudi Arabia and Turkey, who became successful running businesses after migrating to these countries in the 1940s, have strongly supported these organizations financially in the past, there is no publicly available information on these sources. Many Uyghur who migrated to Saudi Arabia and Turkey in the 1930s and 1940s, became successful in construction and restaurant businesses, and were thus in a much better position to support Uyghur causes than the more recent Uyghur émigrés.⁴⁵ Uyghurs in Central Asia and in the West who have been able to migrate from Xinjiang in increasing numbers in the last 20 years or so have generally been much poorer off than the

a broad base of support for the Uyghur people's struggle to obtain democratic freedoms and self-determination and to protect their culture and environment.”

⁴⁵ Recent discussions on the internet regarding Turkey's lack of support for the Uyghur cause have begun to proliferate, see Demet Tözcan, “Döğü Türkistan yine yok mu sayılacak?” *Turkistan Newsletter* Mon, 20 Jan 2003 19:15:51, *Turkistan Bulteni* ISSN:1386-6265.

earlier émigrés in the Middle East. This is starting to change, however, as they and their children become more well-established in the U.S., Canada, Europe, and Australia.

Although most of these websites have limited funding and circulation, they should not be dismissed as forming only a "virtual" community without any substantial impact on events within Xinjiang. Not only have these websites served as an important source of information not available in the official Chinese media, but some scholars have begun to argue that internet sites often help to sway public opinion by virtue of their widespread availability and alternative reporting of important events.⁴⁶ While analysts are divided about the potency of the internet for swaying public opinion or influencing domestic events, there is an emerging consensus that it has clearly altered the way information is circulated and opinions are formed. Perhaps more importantly, scholars have concluded that the "virtual communities" formed by internet websites establish links and connections that can lead to broad social interactions and coalitions which have impacted political and socio-economic events. For example, it has been shown that social movements in East Timor, Aceh, Chechnya, and Bosnia have been given strong support through these internet communities, providing not only increased information but large financial transfers as well.⁴⁷ While "cyber-separatism" would never be able on its own to unseat a local government, it is clear that it does link like-minded individuals and raise consciousness about issues that were often inaccessible to the general public. For an isolated region such as Xinjiang, and the widely dispersed Uyghur diaspora, the internet has dramatically altered the way the world sees the region and the Chinese state must respond to issues within it.

It is clear that there are more than just internet organizations involved in separatist activities in and around Xinjiang. As noted above, the East Turkestan Islamic Movement (ETIM) was recognized by the United Nations in October 2002 as an international terrorist organization responsible for domestic and international terrorist acts, which China claimed included a bombing of the Chinese consulate in Istanbul, assassinations of Chinese officials in Bishkek, and Uighur officials in Kashgar thought to collaborate with Chinese officialdom.⁴⁸ This designation, however, created a controversy in that China and the U.S. presented little public evidence to positively link the ETIM organization with the specific incidents described.⁴⁹ In 2001, the US State Department released a report that documented several separatist and terrorist groups operating inside the region and abroad, militating for an independent Xinjiang.⁵⁰ The list included "The United Revolutionary Front of Eastern Turkestan" whose leader Yusupbek Mukhlisi claims to have 30 armed units with "20 million" Uyghurs primed for an uprising; the "Home of East Turkestan Youth," said to be linked to Hamas with a

⁴⁶ For studies of the influence of internet in influencing wider public opinion in Asia, see a recent collection of essays in the *Asian Journal of Social Science* edited by Zaheer Baber in a special focus on "The Internet and Social Change in Asia and Beyond", Vol. 30, No 2, 2002.

⁴⁷ For studies related to the internet's role in building community and mobilizing support for specific causes, see Derek Foster, 1997, "Community and Identity in the Electronic Village" in David Porter, editor, *Internet Culture*. New York: Routledge Press; Steven G. Jones, 1997, "The Internet and Its Social Landscape" in Steven G. Jones, editor, *Virtual Culture: Identity and Community in Cybersociety*. London, New Delhi: Sage; Tim Jordan, 1999, *Cyberpower: The Culture and Politics of Cyberspace and the Internet*. London and New York: Routledge; Douglas Rushkoff, 1994, *Cyberia: Life in the Trenches of Hyperspace*. New York: Harper Collins; and Mark A. Smith and Peter Kollock, editors, 1999, *Communities in Cyberspace*. London and New York: Routledge.

⁴⁸ The East Turkestan Islamic Movement (ETIM) is known only as a shadowy group known only to be previously active in Afghanistan and founded in the mid-90s by Hassan Mashum. Mashum had served three years in a labor camp in Xinjiang and who recruited other Uighurs, including his number three leader Rashid who was captured with the Taliban and returned to China in Spring 2001. See Hutzler, Charles, "China-Iraq Policy Is Risky For US" *Asian Wall Street Journal*, September 10, 2001.

⁴⁹ "China Also Harmed by Separatist-Minded Eastern Turkestan Terrorists," *People's Daily*, October 10, 2001; Eckholm, Erik, "U.S. Labeling of Group in China as Terrorist is Criticized," *New York Times*, September 13, 2002; Hutzler, Charles, "U.S. Gesture to China Raises Crackdown Fears" *Wall Street Journal*, September 13, 2002.

⁵⁰ McNeal, Dewardic L. "China's Relations with Central Asian States and Problems with Terrorism." US Department of State, Congressional Research Service Report, 2001. See also Scott Fogden's excellent thesis, *Writing Insecurity: The PRC's Push to Modernize China and the Politics of Uighur Identity*. MscEcon Thesis, University of Wales, Aberystwyth, 2002

reported 2000 members, the "Free Turkestan Movement" whose leader Abdul Kasim is said to have led the 1990 Baren uprising discussed above; the Organization for the Liberation of Uighuristan" how leader Ashir Vakhidi is said to be committed to the fighting Chinese "occupation" of the "Uighur homeland;" and the so-called "Wolves of Lop Nor" who have claimed responsibility for various bombings and uprisings. The State Department report claims that all of these groups have tenuous links with al Qaeda, Taliban, the Hizb-ut-Tahrir ("Islamic Revival"), and the Tableeghi Jamaat. Many of these groups were listed in the Chinese report that came out in early 2002, but failed to mention ETIM. It came as some surprise, therefore, when at the conclusion of his August 2001 visit to Beijing, Deputy Secretary of State Richard Armitage identified ETIM as the main coordinating Uyghur group to be targeted as an international terrorist group, responsible for the vast majority of violent incidents.⁵¹ Even the Chinese report, on which many believe the U.S. report was based, did not link all the groups to ETIM. At the time, very few people, including activists deeply engaged in working for an independent East Turkistan, had ever heard of the ETIM group.⁵² Even the US military did not seem to be aware of the group, as the 28 September 2001 "Special Report: Uighur Muslim Separatists" issued by the Virtual Information Center in Honolulu which is funded by USCINCPAC (the Pacific Asia Command) not only did not mention ETIM, but concluded regarding separatist violence in Xinjiang that there is "no single identifiable group but there is violent opposition coordinated and possibly conducted by exiled groups and organizations within Xinjiang."⁵³ Privately, State Department officials have admitted to me personally that they felt the designation was a mistake. Since that time, no other groups have been so designated.

The main criticism raised by those critical of this designation is that, with so many identified groups, it has not been made clear why ETIM in particular was singled out, unless it was for the political purpose of strengthening US-China relations. Calling them "scapegoat terrorists" the *Oxford Analytica* report on the ETIM issue concludes that ETIM and other groups are only a "dubious threat" and has been used as an excuse for increased repression.⁵⁴ Interestingly, the Mukhlisi's United Revolutionary Front was not included with ETIM, despite its frequent claims of responsibility for violent acts in Xinjiang, such as the 1997 train derailment and police station bombings.⁵⁵ At the same time, many Uyghur have complained to me that although there have been many reported terrorist bombings in Tibet and frequent organized protests against Chinese rule that have led to violence outside of Tibet, given the sympathy shown to Tibetans in the West, they do not see the U.S. ever siding with China in condemning a Tibetan independence organization as terrorist.⁵⁶ Despite international

⁵¹ Conclusion of China Visit Press Conference, Deputy Secretary of State Richard L. Armitage, Beijing, China, U.S. Department of State, August 26, 2002.

⁵² For example, Mehmet Hazret in a recent interview (see following discussion), claimed he had never heard of ETIM: "I hadn't even heard of ETIM until the Chinese government mentioned its name in a report in January 2002," he said. "But I knew the leaders of this group whom the report mentioned. For many years, they were in Chinese prisons for political reasons, and they escaped from China. We don't have any organizational relations with them because politically we don't share the same goals. But I cannot believe they carried out any terrorist attacks as the Chinese authorities say they did, because they themselves are victims of Chinese state terrorism." Radio Free Asia, Uyghur service, "Separatist leader vows to target Chinese government (RFA)", 24 January 2003. <http://www.rfa.org/service/index.html?service=uyg>

⁵³ See a "Special Report: Uighur Muslim Separatists" *Virtual Information Center*, 28 September 2001, p. 6.

www.vic-info.org.

⁵⁴ See "China: China Increases Suppression in Xinjiang" *Oxford Analytica* 20 December 2002. The report concludes: "Distinguishing between genuine counter-terrorism and repression of minority rights is difficult and the Uighur case points to a lack of international guidelines for doing so. In any case, Chinese policies, not foreign-sponsored terrorism, are the cause of Uighur unrest. China's development and control policy in Xinjiang is unlikely to stabilise the region as long as development benefits remain so unevenly distributed."

⁵⁵ "Exile Group Claims Bomb Blast in Xinjiang," *AFP (Hong Kong)*, 1 March 1997, FBIS, FTS19970513001183

⁵⁶ Bombings in Tibet and other "terrorist acts" have been frequently reported in the press. "Explosion Hits Tibet's Capital After China Announces New Regional Leader," *Agence France Presse (Hong Kong)*, 9 November 2000, FBIS, CPP20001109000079; "Explosion Hits Tibet's Capital After China Announces New Regional Leader," *Agence France Presse (Hong Kong)*, 9 November 2000, FBIS, CPP20001109000079; "London Organization - Migrants' Shops Bombed in Tibet," *AFP (Hong Kong)*, 27 December 1996, FBIS, FTS19970409001372; "Tibet Blames Dalai Lama for Bombing in Lhasa," *Tibet People's Radio Network*

protests, on 27 January 2002 China executed a Tibetan monk found guilty of lethal bombings in Tibet.⁵⁷ Yet few believe Tibetan organizations for a "free" or independent Tibet would ever be considered "terrorist." Many feel that it is only due to the fact that they are Muslims that one Uyghur group has been singled out as being terrorist. The real issue for this testimony, however, is that despite the designation of ETIM, there are active Uyghur-related activist groups which can be said to be supportive of terrorism, but have never been proved to be directly implicated in any specific incident.

Following Armitage's announcement and the State Department's report, the Chinese State Council issued its own report on January 21, 2002, charging that from 1990-2001 various Uyghur separatist groups "were responsible for over 200 terrorist incidents in Xinjiang" that resulted in the deaths of 162 people and injuries to 440 others. The report, titled "East Turkestan Terrorist Forces Cannot Get Away With Impunity," also dismissed allegations that Beijing had used the U.S.-led war on terror as a pretext to crack down on Uyghurs. The report condemned numerous Uyghur groups including Hazret's ETLO; the ETIM; the Islamic Reformist Party "Shock Brigade"; the East Turkestan Islamic Party; the East Turkestan Opposition Party; the East Turkestan Islamic Party of Allah; the Uyghur Liberation Organization; the Islamic Holy Warriors; and the East Turkestan International Committee (see Figure 3).

Uyghur Radical Activist Groups, Selected List	
<p>United Revolutionary Front of Eastern Turkestan Leader: Yusupbek Mukhlisi (aka Modan Mukhlisi)</p> <p>36 armed units, including expert bomb makers. Mukhlisi boasts of having "twenty-two million Uyghurs" ready to conduct armed struggle against PRC. Claim to have ties to several groups across the border in Kazakhstan.</p>	<p>East Turkestan Islamic Movement (ETIM) Leader: Hassan Mouran</p> <p>Reportedly responsible for assassinations of Uyghurs viewed as "collaborators" with the PRC and Central Asian governments. Dispersed throughout the region: in Tajikistan, China, Uzbekistan, Afghanistan, and Chechnya. No. 3 leader Rashid repatriated to China from Pakistan</p>
<p>Wolves of Lop Nor Leader: not listed</p> <p>Claimed responsibility for a number of bombings on trains and for several assassinations. Home city of Lop Nor is the site of one of China's largest nuclear test sites</p>	<p>Free Turkestan Movement Leader: Abdul Kasim</p> <p>Led April 1980 uprising in Baren, Xinjiang. PRC officials report 22 people were killed. Weapons used in the Baren may have come from Afghan Mujahadeen.</p>
<p>Home of East Turkestan Youth Leader: not listed</p> <p>Branded as Xinjiang's Hamas. Report 2,000 members; may have undergone explosives training in camps inside Afghanistan.</p>	<p>Organization for the Liberation of Uighuristan Leader: Ashir Valindi. Committed to armed struggle against Chinese "occupation" of the "Uyghur homeland"</p>

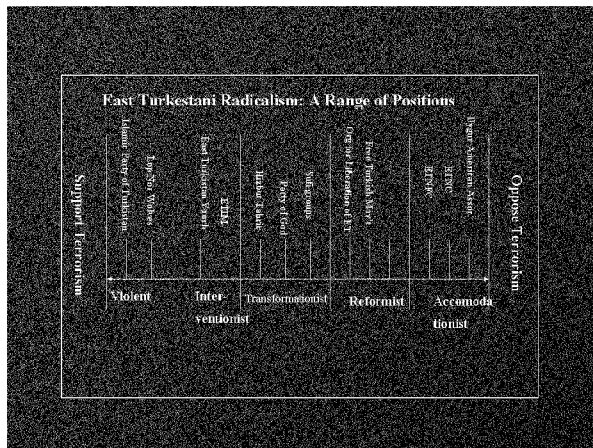
Figure 3. Table of Uyghur extremist groups, adapted from "China's Relations with Central Asian States and Problems with Terrorism," US Department of State, Congressional Research Service Report, 2002, and CIA, Foreign Disruptive Support, Intelligence, and Policy, Center for Strategic Studies, University of Oxford, University of Wales, Aberystwyth, September 2002.

Figure 3: Uyghur Radical Groups Select List

(Lhasa), 27 December 1996, FBIS, FTS19970409001370; Che, Kang, "Bomb Explodes in Lhasa, Local Authorities Offer Reward for Capture of Criminals," *Ta Kung Pao (Hong Kong)*, 30 December 1996, FBIS, FTS19970409001371; "Suspect Detained for Bomb Attack on Tibetan Clinic," *AFP (Hong Kong)*, 14 January 1999, FBIS, FTS19990114000015; "AFP: Explosion Hits Tibet's Capital after China Announces New Regional Leader," *Agence France Presse (Hong Kong)*, 9 November 2000, FBIS, CPP20001109000079.

⁵⁷ See John Pomfret, "China Executes Tibetan Monk for Alleged Bombings" *Washington Post Foreign Service* Tuesday, January 28, 2003; Radio Free Asia reported that the government is silencing any reporting on the execution: <http://www.rfa.org/service/article.html?service=can&encoding=2&id=98250>.

It is important to note that an internet search of many of these organizations and their backgrounds reveals little information if any. In addition, these organizations and many of the internet news and information organizations discussed above have rarely if ever claimed responsibility for any specific action, though many are sympathetic to isolated incidents regarded as challenging Chinese rule in the region. Interestingly, there seems to be very little support for radical Islam and a search for the term "jihad" (holy war) among the various websites and news postings related to these groups turns up almost no use of the term or call for a religious war against the Chinese. As noted by Jankowiak and Rudleson above, many of the Uyghur nationalists are quite secular in their orientation, and overthrow of Chinese rule is related to issues of sovereignty and human rights, rather than those of religion. By contrast, Uyghur expatriots with whom I have spent time in the U.S., Canada, Turkey, and Europe, however, tend to be quite religious, yet I have rarely heard them call for a holy war against the Chinese. Again, their concerns are more related to historic claims upon their ancestral lands, Chinese mistreatment of the Uyghur population, and a desire to return home to a "free East Turkestan". A Uyghur family with whom I spent the Ramadan feast in Toronto in 2000 maintained a deeply religious life in Canada that they claimed was not possible in China. Although disavowing violence, their daily prayer was for a free "Uyghuristan" where their relatives could be free to practice religion. In Istanbul, the Uyghur community is quite active in the mosques in Zeytinburnu and Tuzla, and strongly advocate a "liberated East Turkestan," but on several visits to these communities since 1993 I have never once heard them call for a jihad against the Chinese government, even in its most mild sense that John Esposito has described as "defensive jihad", or protecting Islam from persecution.³⁸ If one were to compare ETIM with many of these other groups, it could be argued that ETIM as so described, is not even as radical as some of the other groups, based on their publications (see Figure 4).



activities. A case in point is East Turkestan Liberation Organization (ETLO), led by the secretive Mehmet Emin Hazret. In a January 24, 2003 telephone interview with the Uyghur service of Radio Free Asia, Hazret admitted that there may be a need to establish a military wing of his organization that would target Chinese interests, he nevertheless denied any prior terrorist activity or any association with the East Turkestan Islamic Movement (ETIM). "We have not been and will not be involved in any kind of terrorist action inside or outside China," Hazret said. "We have been trying to solve the East Turkestan problem through peaceful means. But the Chinese government's brutality in East Turkestan may have forced some individuals to resort to violence."¹ Hazret, a former screenwriter from Xinjiang, migrated to Turkey in his 40s, denied any connection between his organization and al-Qaeda or Osama bin Laden. Nevertheless, he did see the increasing need for a military action against Chinese rule in the region: "Our principal goal is to achieve independence for East Turkestan by peaceful means. But to show our enemies and friends our determination on the East Turkestan issue, we view a military wing as inevitable...The Chinese people are not our enemy. Our problem is with the Chinese government, which violates the human rights of the Uyghur people." Once again, a common pattern in his response regarding Chinese rule in the region was not to stress Islamic jihad or religious nationalism, but to emphasize human rights violations and Uyghur claims on Eastern Turkestan.

Chinese authorities are clearly concerned that increasing international attention to the treatment of its minority and dissident peoples have put pressure on the region, with the US and many Western governments continuing to criticize China for not adhering to its commitments to signed international agreements and human rights. Last year China ratified the International Covenant on Economic, Social, and Cultural Rights. Article One of the covenant says: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Article 2 reads: "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence." Although China continues to quibble with the definition of "people", it is clear that the agreements are pressuring China to answer criticisms by Mary Robinson and other high-ranking human rights advocates about its treatment of minority peoples. Clearly, with Xinjiang representing the last Muslim region under communism, large trade contracts with Middle Eastern Muslim nations, and 5 Muslim nations on its western borders, Chinese authorities have more to be concerned about than just international support for human rights.

8. PROSPECTS FOR THE FUTURE

To an extent never seen before, the continued incorporation of Xinjiang into China has become inexorable, and perhaps irreversible. The need for the oil and mineral resources of the region since China became an oil importing nation in 1993 means that Chinese influence will only grow. To be sure, the Uighur are still oriented culturally and historically toward Central Asia in terms of religion, language, and ethnic custom, and interaction has increased in recent years due to the opening of the roads to Pakistan and Almaty. China has also recently announced opening the border between Afghanistan and Xinjiang via the ancient Wakhan Corridor, where there is no road but only an ancient donkey trail used since Silk Road days.² Certainly, pan-Turkism was appealing to some, but not all, Uighurs during the early part of this century. Historical ties to Central Asia are strong. Turkey's late Prime Minister Turgut Ozal espoused a popular Turkish belief when, on his first state visit to Beijing in 1985, which sought to open a consulate there, he commented that the Turkish nation originated in what is now China. Yet separatist notions, given the current political incorporation of Xinjiang into China, while perhaps present, are not practicable. As noted above, this is predicated on the assumption that China as a nation holds together. If China should fail at the centre, the peripheries will certainly destabilize, with Xinjiang and Tibet having the strongest prospects for separation given their cultural unity and attempts at government-in-exile.

The problems facing Xinjiang, however, are much greater than those of Tibet if it were to become independent. Not only is it more integrated into the rest of China, but the Uighur part of the population is less than half of the total and primarily located in the south, where there is less industry and natural resources, except for oil. As noted above, however, unless significant investment is found, Tarim oil and energy resources will never be a viable source of independent wealth. Poor past relations between the three main Muslim groups, Uighur, Kazak, and Hui, suggest that conflicts among Muslims would be as great as those between Muslims and Han Chinese. Most local residents believe that independence would lead to significant conflicts between these groups, along

ethnic, religious, urban-rural, and territorial lines. Given the harsh climate and poor resources in the region, those caught in the middle would have few places to flee. Xinjiang Han would naturally seek to return to the interior of China, since Russia and Mongolia would be in no position to receive them. Yet given the premise that only a complete collapse of the state could precipitate a viable independence movement and internal civil war in Xinjiang, there would be few places the Han would be able to go. Certainly, the bordering provinces of Gansu and Qinghai would be just as disrupted, and Tibet would not be an option. Uighur refugees would most likely seek to move south, since the north would be dominated by the Han and the western routes would be closed off by Kazakhstan and Kyrgyzstan. That leaves only the southern routes, and with the exception of Pakistan, no nation in the region would probably be equipped to receive them. Certainly, they would not be better off in present-day Tajikistan and Afghanistan. Given the on-going conflicts in Kashmir, even Pakistan, the most likely recipient of Uighur refugees, would probably not wish further destabilization of the region. Note also that the main southern route to India and Pakistan, along the Karakorum highway through the Torglurat pass, is generally passable less than six months out of the year. India, despite its poor relations with China, would certainly not want to add to its Muslim population. During many conversations in Xinjiang with local residents, Muslim and Han alike, it became clear that this fact is well-known. Most think that in such a worst-case scenario, there would be nothing to do but stay and fight.

In terms of religious freedom, as with many other policies, the Chinese constitution is laudable if honored, but in a country where rule of law often gives way to local and national politics, it often only honored in the breach. As long as religion is perceived by Chinese officials as a threat to Chinese sovereignty, mosques and religious practice will be observed and in some cases restricted. In light of international Islamic interest, however, Chinese officials have to be careful regarding any oppressive treatment of religious practice -- generally casting it as "splittist" or seditious as in the February 1997 incident in Ili.

In the past 10 years, the opening of China to the outside world has meant much for the Uighur who, if they can obtain a passport, might travel beyond China's borders through Pakistan along the Karakorum highway, through the Ili valley into Kazakhstan, or by several CAAC flights to Istanbul from Urumqi. The number of Uighur pilgrims travelling on the *Hajj* to Mecca has increased by 300 per cent in the 1990s, but has since dropped off precipitously (though other Muslims from China travel much more freely). International contacts have allowed the Uighur to see themselves as participants in the broader Islamic *Umma*, while at the same time being Muslim citizens of the Chinese nation-state. As they return from the *Hajj*, many Uighur who generally travel together as a group have told me that they gained a greater sense of affinity with their own as one people than with the other multi-ethnic members of the international Islamic community. State promoted tourism of foreign Muslims and tourists to Muslim areas in China in hopes of stimulating economic investment is also an important trend related to this opening of Xinjiang and its borders. Urumqi, a largely Han city constructed in the last fifty years, is undergoing an Islamic facelift with the official endorsement of Central Asian and Islamic architecture which serves to impress many visiting foreign Muslim dignitaries. Most foreigners come to see the colourful minorities and the traditional dances and costumes by which their ethnicity is portrayed in Chinese and foreign travel brochures. One Japanese tourist with whom I once spoke in Kashgar, who had just arrived by bicycle from Pakistan across the Karakorum highway, said that a tourist brochure told him that the real Uighurs could only be found in Kashgar, whereas most Uighur believe that Turfan is the centre of their cultural universe. Yet many of these Kashgaris will in the same breath argue that much of traditional Uighur culture has been lost to Han influence in Turfan and that since they themselves are the repositories of the more unspoiled "Uighur" traditions, tourists should spend their time, and money, in Kashgar. This search for the so-called "real Uighur" confirms that the nationality statistics and tourism agencies have succeeded. The re-creation of Uighur ethnicity has come full circle: the Chinese nation-state has identified a people who have in the last 40 years taken on that assigned identity as their own, and in the process, those who have accepted that identity have sought to define it and exploit it on their own terms. The Uighur believe they have a 6,000 year cultural and physical history in the region. They are not likely to let it go.

The history of Chinese-Muslim relations in Xinjiang, as Millward's (2007) book documented, has been one of relative peace and quiet, broken by enormous social and political disruptions, fostered by both internal and external crises. The relative quiet of the last decade does not indicate that the on-going problems of the region have been resolved or opposition dissolved. The opposition to Chinese rule in Xinjiang has not reached the level of Chechnya or the Intifada, but similar to the Basque separatists of the ETA in Spain, or former IRA in Ireland and England, it is one that may erupt in limited, violent moments of terror and resistance. And just as these oppositional movements have not been resolved in Europe, the Uyghur problem in Xinjiang does not appear to be one that will readily go away. The admitted problem of Uyghur terrorism and dissent, even in the diaspora, is thus problematic for a government that wants to encourage integration and development in a region where the majority population are not only ethnically different, but also devoutly Muslim. How does a

government integrate a strongly religious minority (be it Muslim, Tibetan, Christian, or Buddhist) into a Marxist-Capitalist system? China's policy of intolerance toward dissent and economic stimulus has not seemed to have resolved this issue. As a responsible stakeholder, China should find ways to open dialogue with representative Uighur individuals and groups to better cooperate in finding solutions to this on-going problem. There has been much progress and relatively peaceful development of this important region. Surely a dialogue can be opened up in order to help insure a more prosperous and peaceful future, for both Uighur and Han alike.

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¹ Radio Free Asia, Uyghur service, "Separatist leader vows to target Chinese government (RFA)", 24 January 2003. <http://www.rfa.org/service/index.html?service=uyg>.

² See the Stratfor report documenting the Afghan Prime Minister's request for China to open the Wakhan corridor, June 11, 2009, "China: Afghan FM Seeks Wakhan Corridor Supply Route" (http://www.stratfor.com/sitrep/20090611_china_afghan_fm_seeks_wakhan_corridor_supply_route)

Mr. DELAHUNT. Thank you, Professor Gladney.
Next we will go to Ms. Kan.

STATEMENT OF MS. SHIRLEY KAN, FOREIGN AFFAIRS, DEFENSE, AND TRADE DIVISION, CONGRESSIONAL RESEARCH SERVICE

Ms. KAN. Good morning. I am Shirley Kan, and I am honored to testify before you on this important question. And I work for CRS so I will just try to stick to some objective assessments without any of the policy recommendations of Randy and others.

The United States faced a dilemma after the September 2001 terrorist attacks of enlisting China's full support in their international fight against terrorism, but without being complicit in China's crackdown against Uighurs.

Human rights and Uighur groups have warned that after the 9/11 attacks, the PRC shifted to use the international counterterrorism campaign to justify the PRC's long-term cultural, religious, and political repression of Uighurs both inside and outside of China.

The Uighurs have faced crackdowns by the PRC Government for what it combines as the threat of so-called three "evil forces": That is, separatism, extremism and terrorism, thus combining nationalism, religion, and charges of terrorism. If the Uighurs have grievances, they are very directly targeted against the PRC regime.

The Bush administration's decision in 2002 to designate one Uighur-related organization called the "East Turkistan Islamic Movement" as a terrorist organization was controversial both inside and outside of the government. Since then, the United States has refused to designate any other Uighur groups charged by China as "terrorist organizations."

Deputy Secretary of State Richard Armitage personally announced while on a high-profile visit to Beijing on August 26, 2002, that after months of bilateral discussions, he designated ETIM as a terrorist group that committed acts of violence against unarmed civilians.

Later, Assistant Secretary of State James Kelly defended the designation as a step based on independent "U.S. evidence" that ETIM had links to al-Qaeda and committed violence against civilians, "not as a concession to the PRC," he said. The State Department designated ETIM as a terrorist organization under Executive Order 13224. Later in 2004, the Secretary of State also included ETIM in a "Terrorist Exclusion List" to exclude certain foreign aliens from entering the United States.

However, the United States has not further stigmatized ETIM by naming it to the primary U.S. list of terrorist organizations. The State Department has not designated ETIM on the list of Foreign Terrorist Organizations. Before 2008, the last bombing incident in Xinjiang was reported in 1997. Although many Uighur or East Turkistan advocacy groups around the world have been reported for decades, the first available mention of ETIM was found in 2000. Xinjiang has basically been a peaceful area.

But after the September 11, 2001 attacks, China issued a new report in January 2002, charging ETIM and other "East Turkistan terrorist groups"—they are put in this vague term of "East

Turkistan terrorist groups”—charging them with attacks in the 1990s and linking them to the international terrorism of al-Qaeda.

In December 2003, the PRC’s Minister of Public Security issued its first list of wanted “terrorists,” accusing four groups as—again this vague term—“East Turkistan terrorist organizations,” and also 11 individuals, who were all Uighurs, as “terrorists,” with Hasan Mahsum at the top of that list. However, the list was intentionally misleading or mistaken, because Mahsum was already dead. Pakistan’s military reportedly killed Mahsum—ETIM’s reported leader—and others on October 2, 2003, in Pakistan. Then the leadership of what it called the Turkistan Islamic Party (TIP) announced in December 2003 that former Military Affairs Commander, Abdul Haq, took over as the leader. However, the PRC’s Ministry of Public Security did not list Abdul Haq.

Two months ago, in April, the Treasury Department designated Abdul Haq as a terrorist and leader of the East Turkistan Islamic party (ETIP) another name something for ETIM, again targeted under Executive Order 13224.

The Treasury Department declared that Haq, in January 2008, had directed the military commander of ETIP to attack cities in China holding the Olympic Games. But Treasury did not state that such attacks actually occurred. Also Treasury noted that as of 2005—that is, 4 years prior, Haq was a member of al-Qaeda’s Shura Council, that is the consultative group. In the same month, the U.N. Security Council listed Haq as a Uighur, born in Xinjiang in 1971, the leader in Pakistan of ETIM, and an individual specifically associated with al-Qaeda (rather the Taliban).

In 2008, there were videos threatening the Olympic Games, posted to the Internet by a group calling itself TIP, and several violent incidents, apparently unrelated to the Olympic Games, both in primarily Han—that is, ethnic Chinese—cities of eastern and southern China and in Xinjiang in the far West. Nonetheless, the Olympic Games took place on August 8 to 24, 2008, primarily in Beijing, with no attacks directed against the events.

In another video in Uighur posted to YouTube in February 2009, a group calling itself TIP again discussed organizing in Afghanistan in 1997, the leadership succession from Hasan Mahsum to Abdul Haq, oppression by China against the Uighurs, and China’s concerns about the Olympic Games in 2008. It showed photos of bombings in Eastern and Southern China in May and July 2008, and videos of training in the use of various weapons. However, there was no reference to al-Qaeda or the violent incidents reported in Xinjiang in August 2008.

In addition to designations on the U.S. terrorism lists and assessments of any threats against the 2008 Olympic Games, U.S. policymakers have faced a dilemma of how to resolve the fates of 22 Uighur detainees at Guantanamo. While arguing that the United States had reason to detain the 22 ethnic Uighurs at Guantanamo during the early chaotic days of the war in Afghanistan, the executive branch nonetheless began to contend in 2003 that at least some of the Uighurs could be released; and then conceded, in 2008, that all of them were no longer enemy combatants.

However, the Uighurs posed a particular problem, because the United States would not send them back to China where they

would likely face persecution, torture, and/or execution. Even without having custody of these Uighurs, the PRC has already branded them as ETIM members and suspected terrorists.

The Departments of Defense and State have sought a third country to accept them. In 2006, only Albania accepted five. However, the Bush administration did not grapple urgently with how to release the 17 remaining Uighurs until mid-2008 and offered conflicting assessments about the Uighur detainees before finally declaring them as not dangerous and suitable for release both to third countries or in the United States.

In July 2008, the Under Secretary of Defense for Policy wrote to the chairman and the Ranking Republican that many of the Uighurs detained at Guantanamo received what he called “terrorist training” at a camp run by ETIM. He also wrote that ETIM received funding from al-Qaeda. However, he nonetheless stressed that the Departments of State and Defense aggressively have asked over 100 countries to accept those same detainees.

Moreover, in September 2008, the Justice Department conceded in a court filing that all of the 17 remaining Uighur detainees were no longer enemy combatants. But in the next month, the Justice Department argued against their release in the United States due to their dangerous “military training,” thus undermining the State Department’s ongoing diplomacy with foreign countries to accept them as not dangerous.

Then in February 2009, the Department of Defense’s review of the detainees, led by the Vice Chief of Naval Operations, confirmed that they are not security threats, since they were moved to the least restrictive area called Camp Iguana. Afterwards, Defense Secretary Robert Gates himself testified in late April that “it is difficult for the State Department to make the argument to other countries that they should take these people that we have deemed in this case to be not dangerous, if we won’t take any of them ourselves.”

In February, Sweden awarded asylum to one of those Uighurs who had gone to Albania. In early June, Palau agreed to accept Uighur detainees, and Bermuda accepted four of them. Another option has been resettlement in the United States. Thank you.

[The prepared statement of Ms. Kan follows:]

House Foreign Affairs Committee
Subcommittee on International Organizations, Human Rights, and Oversight
Hearing on June 16, 2009,
"Exploring the Nature of Uighur Nationalism: Freedom Fighters or Terrorists?"

Testimony of Shirley Kan
Specialist in Asian Security Affairs
Foreign Affairs, Defense, and Trade Division
CRS

The United States faced a dilemma after the September 2001 terrorist attacks of enlisting China's support in the counter-terrorism fight without being complicit in China's crackdown against Uighurs. Human rights and Uighur groups have warned that, after the 9/11 attacks, the PRC shifted to use the international counterterrorism campaign to justify the PRC's long-term cultural, religious, and political repression of Uighurs both in and outside of China. The Uighurs have faced crackdowns by the PRC government for what it combines as the threat of "three evil forces" (of separatism, extremism, and terrorism). Yet, if Uighurs have grievances, they are directed against the PRC.

The Bush Administration's decision in 2002 to designate one Uighur-related organization called the "East Turkistan Islamic Movement" (ETIM) as a terrorist organization was controversial inside and outside the government. Since then, the United States has refused to designate any other Uighur groups charged by China as "terrorist organizations." Deputy Secretary of State Richard Armitage personally announced while on a high-profile visit in Beijing on August 26, 2002, that after months of bilateral discussions, he designated ETIM as a terrorist group that committed acts of violence against unarmed civilians. Later, Assistant Secretary of State James Kelly defended the designation as a step based on independent "U.S. evidence" that ETIM had links to Al Qaeda and committed violence against civilians, "not as a concession to the PRC." The State Department designated ETIM as a terrorist organization under Executive Order 13224 (to freeze assets).

Later, in 2004, the Secretary of State also included ETIM in the "Terrorist Exclusion List (TEL)" (to exclude certain foreign aliens from entering the United States, under Section 411 of the USA PATRIOT Act of 2001 (P.L. 107-56)).

However, the United States has not further stigmatized ETIM by naming it to the primary U.S. list of terrorist organizations. The State Department has not designated ETIM on the list of Foreign Terrorist Organizations (FTOs), under the Immigration and Nationality Act (INA).

No group calling itself ETIM claimed responsibility for violent incidents in the 1990s. Although many Uighur or East Turkistan advocacy groups around the world have been reported for decades, the first available mention of ETIM was found in 2000. But after the September 11, 2001, attacks, China issued a new report in January 2002, charging ETIM and other "East Turkistan terrorist groups" with attacks in the 1990s and linking them to the international terrorism of Al Qaeda.

In December 2003, the PRC's Ministry of Public Security issued its first list of wanted "terrorists," accusing four groups as "East Turkistan terrorist organizations" (ETIM, East Turkistan Liberation Organization (ETLO), World Uyghur Youth Congress, and East Turkistan Information Center) and 11 Uighurs as "terrorists," with Hasan Mahsum at the top of the list. However, the list was intentionally misleading or mistaken, because Mahsum was already dead. Pakistan's military reportedly killed Mahsum (ETIM's reported leader) and others on October 2, 2003, in Pakistan. Then, the leadership of what it called TIP announced in December 2003 that former Military Affairs Commander Abdul Haq took over as the leader. However, the PRC Ministry of Public Security did not list Abdul Haq.

In April 2009, the Treasury Department designated Abdul Haq as a terrorist and leader of the East Turkistan Islamic Party (ETIP), another name for ETIM, again targeted under E.O. 13224 ("Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism"). The Treasury Department declared that Haq, in January 2008, had directed the military commander of ETIP to attack cities in China holding the Olympic Games. But Treasury did not state that such attacks actually occurred. Also, Treasury noted that as of 2005 (four years prior), Haq was a member of Al Qaeda's Shura Council (consultative group). In the same month, the U.N. Security Council listed Haq as a Uighur born in Xinjiang in 1971, the leader in Pakistan of ETIM, and an individual associated with Al Qaeda (rather than the Taliban).

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In addition to designations on U.S. terrorism lists and assessments of threats against the 2008 Olympic Games, U.S. policymakers have faced a dilemma of how to resolve the fates of 22 Uighurs detained at Guantanamo. While arguing that the United States had reason to detain 22 ethnic Uighurs at Guantanamo during the early chaotic days of the war in Afghanistan, the Executive Branch nonetheless began to contend in 2003 that at least some of them could be released and then conceded in 2008 that all of the Uighur detainees were "no longer enemy combatants." However, the Uighurs posed a particular problem, because the United States would not send them to China, which claims their citizenship but where they fear persecution, torture, and/or execution. Even without custody of the Uighurs, the PRC already branded them as suspected terrorists and ETIM members. The Departments of Defense and State have sought a third country to accept them.

However, the Executive Branch did not grapple urgently with how to release the Uighurs until mid-2008 and offered conflicting assessments about the Uighur detainees before finally declaring them as not dangerous and suitable for release, both to a third country as well as in the United States.

In July 2008, the Under Secretary of Defense for Policy wrote to Congress that "many" of the Uighurs detained at Guantanamo received "terrorist training" at a camp run by ETIM. He also wrote that ETIM received funding from Al Qaeda. However, he nonetheless stressed that the Departments of State and Defense aggressively have asked over 100 countries to accept those same detainees.

Moreover, on September 30, 2008, the Justice Department conceded in a court filing (at the U.S. District Court for the District of Columbia) that all of the 17 remaining Uighur detainees were "no longer enemy combatants." But in the next month, the Justice Department argued against their release in the United States due to their dangerous "military training," thus undermining the State Department's ongoing diplomacy with foreign countries to accept them as not dangerous.

Then, in February 2009, the Defense Department's review of the detainees led by the Vice Chief of Naval Operations confirmed that they were not security threats since they were moved to the least restrictive area of Camp Iguana. Afterwards, Defense Secretary Robert Gates testified (at a hearing of the Senate Appropriations Committee) on April 30, 2009, that it is "difficult for the State Department to make the argument to other countries they should take these people that we have deemed, in this case, not to be dangerous, if we won't take any of them ourselves."

In 2006, only Albania accepted five, leaving 17 Uighur detainees. In February 2009, Sweden awarded asylum to one of those released to Albania. In early June 2009, Palau agreed to accept Uighur detainees, and Bermuda accepted four of them. Another option has been resettlement in the United States.

Mr. DELAHUNT. Thank you Ms. Kan.
And next we will go to Ms. Susan Baker Manning.

**STATEMENT OF MS. SUSAN BAKER MANNING, PARTNER,
BINGHAM MCCUTCHEM**

Ms. BAKER MANNING. Good morning, Chairman Delahunt, Ranking Member Rohrabacher, other members of the subcommittee. I very much appreciate the opportunity to address you this morning. Again, my name is Susan Baker Manning. I am a partner with Bingham McCutchen, and I have represented for many years a number of the Uighur detainees at Guantanamo. That includes the four men who were released to Bermuda last Thursday, to our great joy. It includes some of the people released to Albania in 2006, including the gentleman we see in the picture over here, whose name is Abdul Hakim, and I represent two more of the 13 Uighur men who languish at Guantanamo even today, even though they have long been cleared for release and their innocence is widely, if not universally, recognized.

I have been asked to address, by your staff in particular, some of the issues related to the *Parhat v. Gates* decision by the DC Circuit. In *Parhat v. Gates*, the DC Circuit looked at the evidence that the Department of Defense had compiled to rationalize the detention of Hozaiifa Parhat, one of the four men now in Bermuda. And I think it is important to emphasize “rationalize” the detention of Hozaiifa and the other men. There is no evidence that we have ever seen in the 4 long years of vigorous litigation that the original justification for detaining any of the Uighur men was an affiliation with ETIM or with any other ostensible Uighur organization of any kind.

But it is abundantly clear that when the Department of Defense was forced to state a rationale in a public way for their detention in 2004, 2005, in the wake of the Supreme Court’s *Rasul* decision, that ETIM became the hook for doing just that.

And so I am happy to address any of the many, many facets of the Uighur cases in the Uighur situation, but I will focus in this particular testimony on the *Parhat* decision and its analysis of the facts, and, in particular, its analysis of the evidence related to ETIM.

The DC Circuit was the first court to ever look at the evidence in any Uighur case. It is not the only one to do so. And any court that has ever looked at the evidence has ruled for the Uighurs, but it was the first one.

Mr. DELAHUNT. Let me interrupt you at this point in time. If you can state for the record—we are not asking you to disclose—but the information that the court had access to included both unclassified and classified information; is that correct?

Ms. BAKER MANNING. Yes, sir, that’s right.

Mr. DELAHUNT. Thank you.

Ms. BAKER MANNING. And the information that the court was analyzing in the *Parhat* case consisted of the hearing record of the Combatant Status Review Tribunal.

And if you will indulge me for backing up a moment just to sort of frame the procedural process here. In 2005 when Congress passed the Detainee Treatment Act, which purported to strip the

Federal courts of habeas jurisdiction to consider Guantanamo cases, something that was found to be unlawful by the Supreme Court.

But at that time, Congress created a new cause of action that would allow any Guantanamo detainee to challenge the basis of his detention in the DC Circuit. There were a limited number of questions that could be addressed in a DTA proceeding, but one of those was whether the detainee's classification as an enemy combatant was justified by a preponderance of the evidence. The evidence before the Combatant Status Review Tribunal was, we think, the government's best case. It was certainly their opportunity to put together in a robust way, in a way that would ultimately become public and was expected, frankly, to ultimately become public, to put forward their best case to, again, not justify in the first instance, but to rationalize the detention of people who had already been in prison at that time for many, many years.

And in the case of the Uighurs, by the time the CSRTs were conducted, the great majority of them had already been cleared for release and the Bush administration was actively seeking new homes for them. Nevertheless, they were put through the CSRT process, to the surprise of certainly members of the State Department and others who were on record as noting they thought that that was surprising, if not inappropriate, given that they had already been cleared for release.

If I can also by way of stepping back just note a couple of things that were undisputed—that are undisputed. We have seen a lot of misinformation recently about who the Guantanamo detainees are. We have heard discussion of Speaker Gingrich's disturbing comments and willingness to send them to their deaths in China. And we have heard a great deal of information, sort of accusations, and I should say slander, from people who suggest that these are al-Qaeda terrorists and the like. That is simply not true. There has never been any allegation of that and certainly never been established.

So, if I can remind us all of a couple of the key facts. As I and others have noted, the military has cleared every single one of the men, Uighur men, at Guantanamo for release. The great majority of them were cleared for release 6 years ago, in 2003. The Bush administration conceded, as Ms. Kan noted, in 2008 that none one of them was an enemy combatant.

Now, that takes on the language of "no longer an enemy combatant." I have got a Federal judge who has written an opinion calling that term Kafkaesque. If you are not an enemy combatant, you were never an enemy combatant. These men were never enemy combatants. They should never have been in Guantanamo. And when that error was realized, they should have been released immediately. Two Federal Courts, as I will detail a little bit more, have taken a look at the evidence. Both the DC Circuit—

Mr. DELAHUNT. I am going to interrupt you once more, because I think this is very important. You are in a particularly—you have a particular perspective that no one else has. I know I have not, nor the ranking member, nor members of the committee sought access to classified information. You are not disclosing it, I understand that. But you have reviewed these records in detail.

Ms. BAKER MANNING. Yes, sir.

Mr. DELAHUNT. You have had access to this information. Would you state—was your statement unequivocal that there was no evidence that the individuals whom you represented had any links whatsoever to al-Qaeda; is that an accurate statement?

Ms. BAKER MANNING. That is an accurate statement, sir. And you don't even need to rely on my representation for that; you can rely on the DC Circuit for that. There is no connection whatsoever to these men and al-Qaeda and the Taliban.

Mr. DELAHUNT. I think that is really important, because what we are hearing today from Members of this body is that there are links. Let's start to disassemble that inaccurate statement. I thank you.

Ms. BAKER MANNING. Thank you, sir. That is just wrong.

One of the interesting things that we have seen since the four men were released to Bermuda is, if you read your paper yesterday, you will see a number of articles reporting statements, reporting the things that they have never been able to tell the world, things they have been telling me for years: We had never heard of al-Qaeda until we were questioned about al-Qaeda in Guantanamo.

The great majority of them had never even heard of ETIM until they were questioned by interrogators about ETIM. These are important things.

Mr. DELAHUNT. I am going to, because I have been interrupting you, I am going to ask you just to wrap up right now because I want to give my time and his time to the gentleman from California. But I know he will have a number of questions to you.

[The prepared statement of Susan Baker Manning follows:]

Testimony of Susan Baker Manning

Before the

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS, AND
OVERSIGHT
HOUSE COMMITTEE ON FOREIGN AFFAIRS

Hearing on

**Exploring the Nature Uighur
Nationalism: Freedom Fighters or
Terrorists?**

June 16, 2009

Good morning Chairman Delahunt, Ranking Member Rohrabacher, and all members of the Subcommittee. My name is Susan Baker Manning, and I am a partner with Bingham McCutchen. I want to thank you for holding this hearing—both for me, for my four clients recently freed to Bermuda, and for the 13 innocent Uighur men who languish in Guantanamo. I am extremely grateful for your leadership in examining the important issues before the Subcommittee today, including the role of Chinese government propaganda in rationalizing the detention of the Uighurs at Guantanamo Bay.

For over four years a team of Bingham attorneys and staff have acted as *pro bono* counsel to two of the thirteen Uighur men incarcerated today at Guantanamo Bay, as well as all four Uighur men who were granted refuge in Bermuda last week. We have litigated their cases vigorously at every level of the federal courts, including the Supreme Court where we are currently seeking review. We have become intimately familiar with what is—and, equally important, what is *not*—supported by the evidence. Every federal court that has looked at the evidence has ruled for the Uighurs.

The first federal court to do so was the United States Court of Appeals for the District of Columbia Circuit. It issued a detailed opinion in *Parhat v. Gates*, 532 F.3d 834 (D.C. Cir. 2008), analyzing the administration's evidence (classified and unclassified) regarding the East Turkistan Islamic Movement ("ETIM"). The unanimous panel—made up of two Republican appointees and one Democratic appointee—vacated Huzaifa Parhat's enemy combatant classification. It held that there was no evidence that Mr. Parhat was a member of ETIM, no credible evidence that ETIM was associated with either al Qaeda or the Taliban, nor credible evidence that ETIM had ever fought the U.S. The Court rejected the government's ETIM evidence as wholly inadequate and likely little more than anti-Uighur propaganda by the Chinese government.

The D.C. Circuit ordered the government to release Mr. Parhat, to transfer him, or conduct another CSRT. The government conceded that there was no purpose to holding

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Page 2

another CSRT for Mr. Parhat. Nevertheless, it imprisoned him at Guantanamo until last Thursday when it finally transferred him and three others to Bermuda for release.

Background

Before I discuss the *Parhat* case in more detail, I'd like to remind the Subcommittee of some of the undisputed facts in the Uighur cases. In 2002, twenty-two Uighurs were sent to Guantanamo. Most had been present together in a Uighur village in the mountains of Afghanistan. All were sold to U.S. forces by bounty hunters. In 2005, five of the twenty-two were determined not to be enemy combatants, while the remaining seventeen were mislabeled enemy combatants even though the facts were the same as to all. However, the seventeen Uighur men have been exonerated repeatedly—by the U.S. military, by the Bush administration, and by multiple federal courts. Specifically:

- The military itself has cleared all of the Uighurs for release. Most of them were cleared for release *six years ago*, in 2003.
- The Bush administration has conceded that none of the seventeen Uighur men classified as “enemy combatants” was in fact enemy combatant. It made that concession in the fall of 2008 after imprisoning them for over seven years.
- Noting the government’s concession that none of the Uighurs are enemy combatants, the U.S. District Court for the District of Columbia held that there is no lawful basis for imprisoning noncombatant Uighurs at Guantanamo. Although the district court’s release order was overturned on appeal, the finding that the Uighurs’ imprisonment is unlawful remains undisturbed.
- It is recognized at every level of the U.S. government that the only reason the Uighurs have been imprisoned long after being cleared for release is that they cannot be lawfully returned to China, where they would likely be tortured or killed.
- In 2006, the government released five of the Uighurs to Albania on the eve of an appellate court hearing regarding the legality of their continued detention. They have been living peaceful productive lives ever since. One was just granted permanent asylum in Sweden.

There has been an enormous amount of misinformation spread recently about the Uighurs. But the basic facts of these cases are well known and beyond dispute. Let me talk about those facts for a moment.

- The Uighurs are not terrorists. None has ever engaged in or planned any sort of terrorist activity, or been accused of terrorist activity. *This is undisputed.*
- None of the Uighurs has ever engaged in hostilities against the U.S. None has ever contemplated engaging in hostilities against the U.S.

Page 3

None has even been accused of contemplating hostiles against the U.S. *This too is undisputed.*

- Most of the Uighurs had never even heard of the ETIM until they were questioned about it by U.S. interrogators. Nor had they heard of al Qaeda.
- None of the Uighurs have undergone terrorist training. Many of them were previously accused of having obtained “military training” because they were shown how to break down and reassemble a single Kalashnikov rifle. Some, but not all, fired two or three bullets at a target. To call that “military training” or “terrorist training” is absurd. In this country, such conduct would be protected by the Second Amendment. In Afghanistan—a country that had no effective government, much less a police force, in 2001—is certainly unremarkable.
- None were in a “terrorist training” camp. In the fall of 2001, eighteen Uighurs—including all of the men now living peacefully in Albania or Bermuda—were in a Uighur expatriate village in the mountains of Afghanistan. It is undisputed that the so-called “camp” had only Uighurs. There were no Taliban or al Qaeda there. Moreover, what happened there was not “training.”
- The Uighur men at Guantanamo object to the oppression of their people by the Chinese government, and to Chinese human rights abuses. But so does the U.S. government.
- ETIM was placed on the exclusion list *after* the Uighur men at Gitmo had been in U.S. custody for over a year. This was part of the Bush administration’s *quid pro quo* for China’s support of the Iraq war.

The D.C. Circuit’s *Parhat v. Gates* Opinion

When Congress purported to strip the federal courts of jurisdiction over Guantanamo *habeas* claims—an effort the Supreme Court found unconstitutional in *Boumediene v. Bush*, 128 S.Ct. 2229 (2008)—it created a new cause of action under the Detainee Treatment Act of 2005 that allowed any detainee to challenge his classification as an enemy combatant. In 2006 my firm filed a case on behalf of Huzaiifa Parhat and other Uighurs that became a lead DTA case.

Under the DTA, the D.C. Circuit had jurisdiction to consider three specific issues, one of which was whether the decision of a Combatant Status Review Tribunal (“CSRT”) to label the detainee an “enemy combatant” was supported by a preponderance of the evidence.¹ It took well over a year of DTA litigation to obtain even one page of

¹ Detainee Treatment Act of 2005 § 1005(e)(2)(C).

Page 4

evidence that purported to justify the Mr. Parhat's imprisonment. When counsel finally received the records of his CSRT, we immediately moved for judgment due to the lack of evidence.

The key facts were undisputed:

- "It is undisputed that [Parhat] is not a member of al Qaida or the Taliban, and that he has never participated in any hostile action against the United States or its allies."²
- There was "no source document evidence was introduced to indicate ... that the Detainee had actually joined ETIM, or that he himself had personally committed any hostile acts against the United States or its coalition partners[.]"³
- "No evidence was introduced to support" the proposition that ETIM was focusing its efforts on the United States "or that the Detainee himself had played any role in doing so; in fact the Detainee denied that he considered the United States an enemy."⁴
- "[T]he Tribunal was presented with no evidence that the Detainee had any involvement with any ETIM operations targeting United States' interests or those of its allies[.]"⁵

As the Court noted, the Tribunal had based its decision to classify Mr. Parhat as an enemy combatant on its finding that he was "affiliated with forces associated with al Qaida and the Taliban (i.e., the East Turkistan Islamic Movement,) that are engaged in hostilities against the United States and its coalition partners."⁶

² *Parhat*, 532 F.3d at 835-36. As Mr. Parhat and his companions have repeatedly stated since being freed in Bermuda, they had never even heard of al Qaeda until after they arrived in Guantanamo. *See, e.g.*, Jonathan Kent, "We'd never heard of al Qaeda," THE ROYAL GAZETTE (June 13, 2009), available at www.royalgazette.com/siftology.royalgazette/Article/article.jsp?articleId=7d966a73003001e§ionId=60; For Gitmo Uighurs, new life is no walk on the beach, CHRISTIAN SCIENCE MONITOR (June 15, 2009), available at <http://www.csmonitor.com/2009/0616/p06s04-woeu.html>.

³ *Id.* at 843.

⁴ Brief in Support of Motion for Judgment as a Matter of Law (unclassified), *Parhat v. Gates*, No. 06-1397 (D.C. Cir. filed Jan. 7, 2009) (quoting Tribunal statement of decision).

⁵ *Id.*

⁶ *Id.* at 843 (quoting Tribunal Statement of Decision) (internal quotations omitted).

Page 5

But as the Tribunal itself acknowledged, the ETIM allegation was itself not reliable. The Tribunal President wrote:

The Tribunal found the Detainee to be enemy combatant because of his *apparent* ETIM affiliation . . . (as ETIM is *apparently* associated with al Qaida and Taliban because they have received support from them), but despite the fact that the ETIM is *said to be* making plans for future terrorist activities against U.S. interests, *no source document evidence was introduced to indicate whether or how this group has actually done so, that the Detainee has actually joined ETIM, or that he himself had personally committed any hostile acts against the United States or its coalition partners.*

The Court found the Tribunal's rationale for labeling Mr. Parhat an enemy combatant wanting:

The Tribunal's determination that Parhat is an enemy combatant is based on its finding that he is "affiliated" with a Uighur independence group, and the further finding that the group was "associated" with al Qaida and the Taliban. The Tribunal's findings regarding the Uighur group rest, in key respects, on statements in classified State and Defense Department documents that provide no information regarding the sources of the reporting upon which the statements are based, and otherwise lack sufficient indicia of the statements' reliability. Parhat contends, with support of his own, that the Chinese government is the source of several of the key statements.⁷

The Court rejected the Tribunal's finding as unfounded. As noted above, it was undisputed that Mr. Parhat was not a member of ETIM.⁸ As to the claims that ETIM is "associated" with al Qaeda, or that ETIM had engaged in hostiles with U.S. or coalition forces, the former administration relied on four classified documents. Although the public unclassified version of the *Parhat* opinion redacts the Court's specific discussion of these documents, its overall analysis is instructive. In short, it rejected government say-so.

⁷ *Id.* at 836 (emphasis added). *See also id.* at 834 (also noting lack of evidence connecting Mr. Parhat with ETIM).

⁸ *Id.* at 843 ("no source document evidence was introduced to indicate . . . that [Parhat] had actually joined ETIM"). The Court did not rule upon the government's guilt-by-association theory that being present in the same Uighur village as an alleged ETIM member could constitute an "affiliation" between Parhat and ETIM. *See id.* at 844.

Page 6

The documents make assertions—often *in haec verba*—about activities undertaken by ETIM, and about that organization’s relationship to al Qaida and the Taliban. The documents repeatedly describe those activities and relationships as having “reportedly” occurred, as being “said to” or “reported to” have happened, and as things that “may” be true or are “suspected of” having taken place. But in virtually every instance, the documents do not say who “reported” or “said” or “suspected” those things.[] Nor do they provide any of the underlying reporting upon which the documents’ bottom-line assertions are founded, nor any assessment of the reliability of that reporting.⁹

The Court was unmoved by the government claim that repetition of these assertions was an indication of their reliability: “Lewis Carroll notwithstanding, the fact that the government has “said it thrice” does not make an allegation true.”¹⁰ Nor did it find persuasive the government claim that assertions must be true because they appeared in Defense Department and State Department documents. “This comes perilously close to suggesting that whatever the government says must be treated as true[.]”¹¹

The D.C. Circuit made it clear that it would act as a court of law, insist that evidentiary standards be met, and—importantly—not accept Chinese propaganda uncritically:

Insistence that the Tribunal and court have an opportunity to assess the reliability of the record evidence is not simply a theoretical exercise. Parhat contends that the ultimate source of key assertions in the four intelligence documents is the government of the People’s Republic of China, and he offers substantial support for that contention.[] Parhat further maintains that Chinese reporting on the subject of the Uighurs cannot be regarded as objective, and offers substantial support for that proposition as well.[]¹²

⁹ *Id.* at 846-47.

¹⁰ *Id.* at 848-49 (quoting Lewis Carroll, *The Hunting of the Snark* 3 (1876) (“I have said it thrice: What I tell you three times is true.”)).

¹¹ *Id.* at 849 (also noting the repeated use of qualifiers and the lack of any reliability assessment).

¹² *Id.* at 848 (classified footnotes omitted).

Page 7

Because the Court found that the Tribunal's decision was not supported by credible evidence, it vacated Mr. Parhat's enemy combatant classification and ordered the government to "release Parhat, to transfer him, or to expeditiously convene a new Combatant Status Review Tribunal to consider evidence submitted in a manner consistent with this opinion."¹³ On August 4, 2008, the government conceded that it would not re-CSRT Parhat.¹⁴ It imprisoned him for another year until transferring him to Bermuda for release on June 11, 2009.

Other Evidence of the U.S. Military's Reliance on Chinese Propaganda.

Although the documents in the *Parhat* case cited by the Court with regard to Chinese propaganda were classified, at least one Uighur CSRT hearing record had an unclassified description of how ETIM had "allegedly" been involved in terrorist acts within China, and was "allegedly" connected to al Qaeda.¹⁵ The document's source? The Chinese Information Office of the State Council. It was propaganda top to bottom—and yet it was part of the rationale for imprisoning another of my Uighur clients at Guantanamo.

The U.S. Government Conceded That None of the Uighurs are Enemy Combatants.

Every one of the Uighur men was labeled an "enemy combatant" based on the same tenuous alleged affiliation with ETIM the Court analyzed and rejected in *Parhat*. In the wake of the D.C. Circuit's decision, the Bush administration conceded that none of the Uighur men were enemy combatants.¹⁶ It could not connect of the Uighurs at

¹³ *Id.* at 836.

¹⁴ Petition For Rehearing at 1-2, *Parhat v. Gates*, No. 06-1397 (D.C. Cir. filed Aug. 4, 2008) ("After reviewing this Court's decision, the government has determined that it would serve no useful purpose to engage in further litigation over his status. As the Court is aware, the government had concluded that Parhat should be cleared for release, and it has now determined that it will treat Parhat as if he were no longer an enemy combatant[.]").

¹⁵ Combatant Status Review Tribunal hearing record for Edham Mamet (ISN 102) at Exhibit R-5 (unclassified), *Mamet v. Bush*, No. 05-1602 (D.D.C. filed Dec. 29, 2005).

¹⁶ See Government's Motion to Enter Judgment from *Parhat v. Gates* in These Actions, With Modification, and to Remove from Oral Argument Calendar at 4, *Abdul Semet v. Gates, et al.*, Nos. 07-1509, 07-1510, 07-1511, 07-1512 (D.C. Cir. filed Aug. 18, 2008) (conceding non-combatant status as to four Uighur men); Judgment, *Abdul Semet v. Gates, et al.*, Nos. 07-1509, 07-1510, 07-1511, 07-1512 (D.C. Cir. Sept. 12, 2008) (granting government motion and vacating enemy combatant classification of four Uighur men); Notice Of Status, *In re Guantanamo Bay Detainee Litigation* (a.k.a. *Kiyemba v. Bush*), Misc. No. 08-442 (TFH), 05-1509 (RMU), 05-1602 (RMU), 05-1704 (RMU), 05-2370 (RMU), 05-2398 (RMU), and 08-1310 (RMU) (D.D.C. filed Sept. 30, 2008) (conceded that none of the 12 other Uighur men were enemy combatants either).

Page 8

Guantanamo with ETIM, and made no attempt to prove any connection between ETIM and our enemies. Four of the men have been released to Bermuda, but the other thirteen remain imprisoned at Guantanamo.

President Obama specifically noted in his May 21, 2009 on detainee issues that the courts had ordered the executive branch to release the 17 Uighur men. The President also confirmed his intention to release the cleared Uighur men: “The United States is a nation of laws, and we must abide by these rulings.”

I submit to you that the President is exactly right. If we respect the Constitution and the rule of law, this country cannot continue to knowingly imprison innocent men for even another day. Chinese propaganda was used to rationalize the imprisonment of men who should never have been at Guantanamo at all. Releasing all of the Uighurs *now* is one of the most important steps the American government could take to reject China’s manipulation of the “war on terror,” and its false claim that Uighur political dissent is a form of terrorism.

Conclusions and Recommendations

The prison at Guantanamo Bay has become notorious—the best recruiting poster our enemies could ever have imagined. President Obama has ordered that it be closed, and has made clear that his administration will work with Congress as it takes the necessary steps to carry out his Executive Order. But the issues facing the administration and Congress are not simple, and are made more difficult by misinformation about the detainees. This Subcommittee’s hearings are an important tool for bringing the truth to light.

My colleagues and I have known the Uighur men for several years now. But until a few days ago, the only Americans who did were their guards and us. To this day the Department of Defense refuses to allow any detainee to speak with the press or have his picture taken. The Uighurs, like other men at Guantanamo, are faceless—and therefore profoundly dehumanized.

Now that four Uighur men have been released to Bermuda, the world can see them for who they really are. Chairman Delahunt and Ranking Member Rohrabacher, I urge you to go to Bermuda to meet the Uighur men. Talk with them yourselves. It is critical that Members of Congress from both sides of the aisle understand who we are really talking about here. Only then will Congress be able to make fully informed decisions on critical issues related to the upcoming closure of Guantanamo Bay, and to our nation’s detention policies going forward.

Thank you for this opportunity to speak with you.

Attachments:

- *Parhat v. Gates*, 532 F.3d 834 (D.C. Cir. 2008) (unclassified opinion)
- Combatant Status Review Tribunal hearing record for Edham Mamet (ISN 102) at Exhibit R-5 (unclassified), *Mamet v. Bush*, No. 05-1602 (D.D.C. filed Dec. 29, 2005) (relying on and citing Chinese government propaganda re ETIM)

Mr. DELAHUNT. But I did read those statements, that according to these individuals, they had never heard of al-Qaeda, they had never heard of this so-called ETIM or ETIP. It seems to have changed names according to the need of the moment. But we will get back to you.

Let me just conclude with my friend from Washington, DC, and I would ask him to be concise so that we can let Congressman Rohrabacher have 20 minutes or so, whatever he needs. And I want to assure the rest of the panel over here I don't intend to pose questions until everyone else has an opportunity, so I will try to bat clean-up. Bruce.

**STATEMENT OF BRUCE FEIN, ESQ., PRINCIPAL, THE
LITCHFIELD GROUP**

Mr. FEIN. Thank you, Mr. Chairman. I will try to be brief, as a concession to the shortness of life, about the importance of these issues that you have addressed today.

I want initially to begin to suggest that the Founding Fathers would be shocked at the necessity of this hearing. I think also this committee and the Congress is responsible for the fact that it was the executive branch that was enabled to unilaterally label this group as a terrorist organization without any due process of the law. This Congress today could end that.

You just pass a bill I could draft in 10 minutes that says no monies in the United States can be utilized to list ETIM as a terrorist organization. It is another example of how over the years Congress has forfeited its obligation to police national security matters to the executive branch.

Why did you authorize this monstrous violation of due process of law, this listing in secret? No one has an opportunity to defend. No judicial review anywhere. That is the responsibility of this Congress to take this power back. And the abuse is there, because you let the executive branch get away with it. That is the first thing to remember. All this pointing the finger at Bush and Obama and whatever, the buck stops here. We the people are sovereign.

The second thing I want to say is we need to remember who we are as a people. This hearing is about the United States of America, every bit as much as it is about the Uighurs, what we stand for as principles.

And let me just give a personal—you know I grew up in Concord where you did, Mr. Chairman. One of the first things I memorized was the Concord Hymn:

By the rude bridge that arched the flood.
Their flag to April's breeze unfurled.
Here once the embattled farmers stood.
And fired the shot heard round the world.

And we wrote in our own charter, the Declaration of Independence, the circumstance that justified rising up against a government that was violating those unalienable rights to life, liberty and the pursuit of happiness and establishing a new government. And it says when you are subject to a long train of abuses that evince a design to reduce the people to tyranny, you not only have a right, a duty to revolt.

And let's apply that standard to the Uighurs here and what terminology accurately describes them. Now, Ms. Kadeer should be there with Lexington Green with those other eight who died at the Battle of Lexington and Concord, rather than listed as an association of some kind of terrorist organization.

We, the United States people, said we have a right to revolt if we are denied right to jury trial, if the prologue legislatures to distant places, if there is a subordination of the civil authority to the military authority, if there is no independent judiciary. These are trifles compared to what the Uighurs are suffering. They don't get any trial at all, not to say a jury trial. Do they get to elect their leaders? No taxation without representation was the cause of our revolution. They don't get any vote at all in any circumstances whatsoever.

And I think that we have come as a Nation—it is not just the Uighurs—to embody the psychology of the empire instead of recognizing the roots, who we are as a people. Why are we selling these people who have the same right we had to throw off the bonds of vassalage, and we are criticizing them because they may voice protest, even though it is largely nonviolent.

We have Sheila Jackson Lee. Mr. Ellison, remember John Brown at Harpers Ferry? That became the Battle Hymn of the Republic. Are you going sit there and do nothing in consequence of this enormous oppression? The fact that the United States of America refused—not only the executive branch but the Congress could have enacted a law that says those 17 Uighurs are hereby permanent residents of the United States—did nothing, that is a disgrace.

We care more about the Chinese buying our bonds than showing our true character? That is a disgrace. I am humiliated to be an American associated with that. We go to Bermuda and Palau. We have all the power in the world to defend ourselves. It just to me it is an insult.

And the last thing. It is the United States of America and our character that is at issue here. The Uighurs should not have to go through this again. We should not have the executive branch being able to list these people as terrorists, or anybody else, without any due process of law.

We had that in our own experience in the United States. It was called McCarthyism. We used to have a list of subversive organizations that the Attorney General promulgated without any due process, and it was held illegal by the United States Supreme Court, *Joint Anti-Fascist Refugee Committee v. McGrath*. And we got rid of that.

We should know by now when you give authority to do things in secret, the danger will be inflated and it will be manipulated and there will not be justice.

I will stop now and take questions there, but I can't emphasize—

Mr. DELAHUNT. I am thinking you should just keep rolling on, Mr. Fein.

Mr. FEIN. And the last thing is, again, this is the mentality of the people. To a hammer everything looks like a nail; to a counterterrorist, everything looks like a terrorist. And that is why you need checks. That is why you need due process of law here.

And we just think about a comparison today. We find in the streets of Tehran people are rising up and saying, no, their election was fraudulent. The United States isn't condemning these people as terrorists. Well, they don't even have elections in Xinjiang. At least they had the pro forma pretense in Iran. And we even have the audacity to suggest they are terrorists. I won't say anymore because I think our own history speaks for itself.

[The prepared statement of Mr. Fein follows:]

STATEMENT OF BRUCE FEIN

RE: EXPLORING THE NATURE OF UIGHUR NATIONALISM: FREEDOM
FIGHTERS OR TERRORISTS

BEFORE THE HOUSE INTERNATIONAL RELATIONS COMMITTEE

JUNE 16, 2009

Dear Mr. Chairman and Members of the Subcommittee:

I am pleased to share my views on Uighur nationalism as either an expression of the natural right to establish a government to secure unalienable rights to life, liberty, and the pursuit of happiness enshrined in the United States Declaration of Independence, or as terrorism. I am convinced the facts best fit the former characterization. A few pages of history are worth volumes of logic on that score.

The Declaration defines the circumstances when a people like the Uighurs enjoy not only a right but are saddled with a duty to overthrow an oppressive government aimed to reduce them to vassalage; and, to establish new forms that will secure their unalienable rights:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness...[W]hen a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their

right, it is their duty, to throw off such Government, and to provide new Guards for their future security.” Exemplary of King George III’s despotism that justified the American Revolutionary War were denial of jury trial, a subservience of civil to military authority, taxation without representation, and a pliable judiciary.

By any reasonable interpretation of the Declaration of Independence, Uighurs have suffered persecution at the hands of the Chinese government to justify a resort to force. Consider the following.

Oppressed Uighurs in East Turkestan (China’s Xinjiang province) are neglected relics of the “big power” politics that informed the 1945 Yalta Conference’s cynical division of Europe and Asia. As President George W. Bush declared in Riga, Latvia on May 6, 2005, “[T]he Yalta Conference was a huge mistake in history.” And Uighur subjugation under Chinese Communist (PRC) tyranny has intensified.

The Uighur people occupy a corner of Central Asia called “Xinjiang or the New Territory” by the PRC. During the Nineteenth Century, they were a pawn in the hands of the Russian and British Empires. Sporadic uprisings against their oppressors eventuated in the short-lived establishment of an independent Uighur republic in 1944. But Soviet dictator Joseph Stalin quickly exerted control over the new republic through KGB infiltration of the Uighur leadership. As a derivative of the Yalta Conference, Stalin signed the Sino-Soviet Friendship Treaty on August 14, 1945, which sold out the independent East Turkestan to China. The United States acquiesced because it wished to strengthen the hand of Generalissimo

Chiang Kai Sheik in his civil war with Communist Mao Tse Tung. Further, the United States then thought that the Soviet Union would be a cooperative partner in advancing its policies in the Far East. The 1945 Pact was followed by the Sino-Soviet Treaty inked by Stalin and Mao in Moscow on February 14, 1950, which extinguished any idea of an independent Uighur republic for the duration of the Cold War. Chairman Mao is said to have clucked, "Xinjiang is a colony, a Chinese colony."

The Berlin Wall fell in 1989. Central and Eastern Europe escaped from Soviet clutches. In 1991, the Soviet Union disintegrated. Uighurs believed their hour was at hand. In April 1990, they organized the Barin Uprising, followed by a large scale non-violent demonstration in the Hotan region in 1995. From February 5-7, 1997, Uighurs in Ili region demonstrated peacefully for freedom from Chinese rule. The PRC crushed the demonstration with military force slaying 407 unarmed civilians. Many Uighurs were arrested and sentenced to execution within seven days.

With the witting or unwitting assistance of the United States, Uighur persecution has climbed since the 1997 atrocities. In the aftermath of 9/11 and to elicit the PRC's non-opposition to invading Iraq, the United States designated the East Turkistan Islamic Party (ETIM), a phantom organization, as a foreign terrorist organization in August 2002. The PRC exulted at the counter-terrorist pretext available to destroy Uighurs and their non-Han Chinese culture. Uighur activists were falsely accused of terrorism and executed. The Uighur language was purged

from the classroom and cultural events. At a meeting of the National People's Congress on January 18, 2008, Mr. Rozi Ismail, head of the Department of Justice in Xinjiang, reported more than one thousand political cases during the previous five years. More than 15,000 Uighurs had been arrested and sentenced to prison for a term of years, for life, or for execution.

Since 2002, the PRC has forcibly relocated young Uighur women. In 2007, the number of relocations surpassed 1.5 million, and approximately 130,000 had been directly relocated to Han Chinese regions, such as Tianjin, Shandong, Jiansu, etc. Of that number, more than 80% were Uighur women. During the last three years, relocations reached 3.3 million, and more than 90,000 were moved directly as cheap labor to factories in Chinese villages and hamlets. At the same time, the PRC dispatched large numbers of Han Chinese in the opposite direction to achieve demographic ethnic cleansing. The United States has remained largely mum to avoid friction with the PRC and jeopardizing its financing of staggering United States debt.

The State Department's 2007 human rights report on China documents a government campaign of discrimination and persecution of Uighurs and the destruction of their cultural identity by changing the demographics in favor of the Han Chinese in the Xinjiang Uighur Autonomous Region (XUAR).

The report relates: "Racial discrimination was the source of deep resentment in some areas, such as the XUAR, Inner Mongolia, and Tibetan areas..."

The government's policy to encourage Han migration into minority areas resulted in significant increases in the population of the Han Chinese in the XUAR...

The migration of the ethnic Han into the XUAR in recent decades caused the Han-Uighur ratio in the capital of Urumqi to shift from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities...

The XUAR government tightened measures that diluted expressions of Uighur identity, including measures to reduce education in ethnic minority languages and to institute language requirements that disadvantage ethnic minority teachers...

Since 2001 authorities have increased repression in the XUAR, targeting in particular the region's ethnic Uighur population. In January XUAR Party Secretary Wang Lequan again urged government organs to crack down on the 'three forces' of religious extremism, 'splittism,' and terrorism, and to 'firmly establish the idea that stability overrides all.' It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the 'three forces,' were instead actually used to target those peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent

Muslim religious leaders, sometimes citing counterterrorism as the reason for taking action...

Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. On February 8, authorities executed Ismail Semed, an ethnic Uighur from the XUAR, following convictions in 2005 for 'attempting to split the motherland' and other counts related to possession of firearms and explosives. During his trial, Semed claimed that his confession was coerced...On April 19, foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession...During the year the government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution...

Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted. According to reports, possession of such materials resulted in lengthy prison sentences."

In sum, Uighurs in the XUAR are denied every human right protected by the United States Constitution, including self-government, freedom of speech, freedom of religion, freedom of association, freedom of press, due process, protection against invidious discrimination, ex post facto laws, torture and arbitrary detention.

The United States acknowledges the repression of Uighurs by refusing its requests for repatriation. Uighurs have a well-founded fear of torture or

persecution based on ethnicity, religion, or political belief. The United States has released five Uighurs from Guantanamo Bay, but dispatched them to Albania.

The Government of China alleges that many Uighurs are part of ETIM, which was listed by the Secretary of State under Executive Order 13224 on September 3, 2002. Whether such a group constitutes a genuine terrorist organization is doubtful. A story in The Washington Post (December 5, 2006, A13), reported that then-Deputy Secretary of State Richard L. Armitage met with Chinese officials in Beijing in late August 2002 to discuss Iraq. He said at the time that ETIM was placed on the foreign terrorist list by President Bush after months of discussions with China, while making clear that China should respect the human rights of its minority Uighur population.

“They had been after us to put ETIM on the list,” Armitage said in a recent interview. He said the decision did not have anything to do with winning China’s tacit approval with the Iraq invasion. “But at the time, we didn’t know when we were going to invade Iraq. It was done in response to information gathered by the intelligence group.”

Internationally recognized East-West Center’s study on separatist movements in Xinjiang observed a cynical transformation in rhetoric between China’s pre-9/11 and post-9/11 view of the threat raised by Uighurs.

In welcoming Chinese and international trade partners to the Urumqi trade fair on September 2, 2001, Xinjiang Party Secretary Wang Lequan together with

Abdulahat Abdurishit proclaimed that the situation in Xinjiang was “better than ever in history.” While mentioning separatism, they stressed that “society is stable and people are living and working in peace and contentment.”

In the aftermath of 9/11, “the official line on Xinjiang” somersaulted. “PRC pronouncements began to stress the threat of ‘terrorism’ in Xinjiang as China’s leadership maneuvered to position itself ‘side by side with the United States in the war against terror.’ This apparently required a revision of the official description of separatists in Xinjiang. What had generally been described as a handful of separatists was now a full-blown terrorist organization.”

President Bush met with a Uighur human rights activist, Rebiya Kadeer, on July 29, 2008 in the White House to honor her courage and convictions. She does not believe that ETIM even exists, at least as a Uighur organization. She had contributed the following article to National Review Online on September 14, 2005:

I am a terrorist. I would argue that I'm not, but because the Chinese government says I am a terrorist, it must be true...

The Chinese authorities sent me to prison for eight years in 1999 because I'd sent newspaper articles to my husband in America about the plight of the Uyghur people. They accused me of "leaking state secrets to foreign organizations." I'd used my status as a successful businesswoman — once lauded by the same people who later imprisoned me — to work for the protection of Uyghurs' human rights. The Chinese government was so terrified I might say something that impugned their infallibility, they arrested me just as I was about to meet a U.S. congressional research committee in my hometown of Urumchi. ..

When I was released, I was warned not to speak on behalf of the Uyghur people when I came to America, or my children and by

business would be "finished." I think they were trying to scare me, and to give credit where credit is due, they did. True to their word, they consequently ransacked my office and dragged away two former colleagues who are still in detention. They accused me of owing millions in debts and taxes, and threatened to break every one of my son's ribs if he didn't sign a statement saying this was "true." Who wouldn't be scared by that?...

I have been terrified for young Uyghur mothers who become pregnant when the Chinese government say they shouldn't; and I have been horrified when their pregnancies have been forcibly terminated. I have been terrified for the Uyghurs' ancient culture; and watched horrified as the Chinese authorities have stooped to burning Uyghur books. I have been terrified for those Uyghurs who have stood up and objected; and been horrified when they have been executed as "terrorists." And yes, I have been horrified by the treatment of my friends and family....

On July 10, 2008, the Uighur American Association issued the following press release emblematic of Chinese Communist repression of Uighurs:

According to Chinese state media reports, five Uyghurs were shot to death by police in Urumchi, the regional capital of East Turkistan (also known as Xinjiang Uyghur Autonomous Region) on July 9. The Xinhua News Agency reported that the five were members of a 15-member criminal gang, including five women and 10 men, that had trained for "holy war" and had wielded knives, injuring one policeman, during the raid. Two other Uyghurs were said to have been injured in the raid. Xinhua also reported that three men in the group had been implicated in a recent stabbing at a beauty salon in Urumchi...

In recent months, as the Beijing Olympic Games have drawn closer, officials in the People's Republic of China (PRC) have intensified the persecution of Uyghurs in East Turkistan, while simultaneously ratcheting up claims of Uyghur terrorism and religious extremism.

The Uyghur American Association (UAA) has learned of unofficial accounts of the Urumchi raid that are at odds with the official version of events. According to these accounts, the 15 young Uyghurs were not religious extremists, and were merely gathered peacefully in an apartment in the Chen Guang residential area of Urumchi...

UAA calls upon the PRC government to provide evidence to the international community regarding its allegations of the criminal

nature of the 15 Uyghurs, and to ensure that any criminal proceedings carried out with regard to the ten surviving Uyghurs are held in a free and fair court, in accordance with international legal norms...

Also on July 9, a court in Kashgar, in the southern part of East Turkestan, sentenced five Uyghurs to death out of a group of 15. Two of the five were shot to death immediately after being sentenced, and the other three were sentenced to be executed after a two-year reprieve. The remaining 10 Uyghurs were sentenced to life imprisonment. All 15 were convicted of terrorism charges...

"As the Olympics approach, instead of showing progress in its treatment of Uyghur people and enhancing the transparency of its judicial system, the PRC is clamping down even harder and using executions and imprisonment to choke off peaceful Uyghur dissent,"
said Ms. Kadeer."

In recent years, and particularly in the past few months, using 'terrorism' as a justification, Beijing has undertaken a renewed, systematic, and sustained crackdown on all forms of Uyghur dissent in East Turkestan....

The persecution of Uighurs did not alleviate in 2008. The State Department's Country report elaborates:

"Executions of Uighurs whom authorities accused of separatism, but which some observers claimed were politically motivated, were reported during prior reporting periods. In February 2007 authorities executed Ismail Semed, an ethnic Uighur from the XUAR, following 2005 convictions for "attempting to split the motherland" and other counts related to possession of firearms and explosives."

"Many political prisoners remained in prison or under other forms of detention at year's end, including rights activists Hu Jia and Wang Bingzhang; Alim and Ablikim Abdureyim, sons of Uighur activist Rebiya Kadeer; journalist Shi Tao; dissident Wang Xiaoning; land-rights activist Yang Chunlin; Internet writers Yang Zili and Xu Wei; labor activists Yao Fuxin, Hu Mingjun, Huang Xiangwei, Kong Youping, Ning Xianhua, Li Jianfeng, Li Xintao, Lin Shun'an, Yue Tianxiang, Li Wangyang, and She Wanbao; CDP cofounder Qin Yongmin; family planning whistleblower Chen Guangcheng; Bishop Su Zhimin; Christian activist Zhang Rongliang; Inner Mongolian activist Hada; Uighurs Tohti Tunyaz and Dilkex Tlivaldi; and Tibetans Jigme Gyatso, Tenzin Deleg, and Gendun Choekyi Nyima. Labor activist Hu

Shigen was released in August. Political prisoners obtained parole and sentence reduction much less frequently than ordinary prisoners."

"In August Mehbube Ablesh, a Uighur writer, poet, and employee of Xinjiang People's Radio, was fired from her post and detained by police after posting articles online that criticized the central government and provincial leaders."

"At year's end Korash Huseyin, the former editor of the Uighur-language Kashgar Literature Journal, remained in an undisclosed prison. In late 2004 Huseyin was sentenced to three years for publishing Nurmuhemmet Yasin's short story "Wild Pigeon," which authorities considered critical of CCP rule of Xinjiang. Yasin remained in prison serving a 10-year sentence. Authorities continued to ban books with content they deemed controversial."

"The government tightly controlled the practice of Islam, and official repression of Uighur Muslims in the XUAR increased. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in the XUAR. Measures to tighten control over religion in XUAR included increasing surveillance of mosques, religious leaders, and practitioners; detaining and arresting persons engaged in unauthorized religious activities; curbing illegal scripture readings; and increasing accountability among implementing officials. On August 5, authorities in Kashgar reportedly issued accountability measures to local officials responsible for high-level surveillance of religious activity in the region. Also in August in Kashgar, authorities called for enhancing controls of groups that included religious figures as part of broader CCP measures of "prevention" and "attack." Authorities in Hotan reportedly restricted women from wearing head coverings (Hijab) in government offices. Coupled with news of a proposed government ban on headscarves, this led to large protests in March. In addition some men were required to shave their beards.

The government reportedly continued to limit access to mosques, detain citizens for possession of unauthorized religious texts, imprison citizens for religious activities determined to be "extremist," pressure Muslims who were fasting to eat during Ramadan, and confiscate Muslims' passports to strengthen control over Muslim pilgrimages. Following violent clashes in western Xinjiang during the Olympic Games, XUAR authorities imposed widespread detentions, restricted movement within the XUAR, and established curfews in some cities. XUAR party secretary Wang Lequan declared in September that the XUAR government would carry out "preemptive attacks," implement

"antiseparatist reeducation" across the region, and increase policing of religious groups.

XUAR authorities maintained the most severe legal restrictions in the country on children's right to practice religion. Authorities continued to prohibit the teaching of Islam outside the home to elementary and middle-school-age children in some areas, and children under the age of 18 were prohibited from entering mosques. In August authorities reportedly forced the return of Uighur children studying religion in another province and detained them in the XUAR for engaging in "illegal religious activities."

According to procuratorial officials, XUAR authorities arrested nearly 1,300 persons on state security charges during the first 11 months of the year. Authorities approved the prosecution of 1,154 of these individuals for committing one or more of the "three evils" of terrorism, separatism, and extremism. This was a dramatic increase from 2007, when the number of individuals arrested for state security crimes nationwide was 744.

Authorities reserved the right to censor imams' sermons, and imams were urged to emphasize the damage caused to Islam by terrorist acts in the name of the religion. Certain Muslim leaders received particularly harsh treatment. Authorities in some areas conducted monthly political study sessions for religious personnel, which, according to one CCP official who took part in a study session, called for "creatively interpreting and improving" religious doctrine. Authorities also reportedly tried to restrict Muslims' opportunities to study religion overseas. The China Islamic Conference required religious personnel to study "new collected sermons" compiled by an Islamic Association of China (IAC) committee, including messages on patriotism and unity aimed at building a "socialist harmonious society." In contrast to the heavy-handed approach to Muslims in the XUAR, officials in Ningxia, Gansu, Qinghai, and Yunnan Provinces did not interfere heavily in Muslims' activities.

In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, teachers, professors, and university students in the XUAR were sometimes not allowed to practice religion openly. Authorities imposed restrictions on state employees' observance of Ramadan and prohibitions on closing restaurants during periods of fasting. A local party secretary, Zhang Zhengrong, reportedly called on schools to strengthen propaganda education during Ramadan and to put a stop to activities including fasting and professing a religion. The Kashgar Teachers College

reportedly implemented a series of measures to prevent students from observing Ramadan, including imposing communal meals and requiring students to obtain permission to leave campus. School authorities also made students gather for a school assembly at a time of day coinciding with Friday prayers.

The government took steps to prevent Muslims from traveling on unauthorized pilgrimages. The government continued to enforce a policy barring Muslims from obtaining hajj visas outside of China. The government published banners and slogans discouraging hajj pilgrimages outside those organized by the IAC. Foreign media reported that XUAR officials confiscated the passports of Uighur Muslims in some areas to prevent unauthorized hajj pilgrimages. Government officials in some areas also arbitrarily detained Muslims to prevent them from going on the hajj, required them to show that their hajj travel funds were not borrowed from other sources, required them to pay a large deposit to retrieve their passports for overseas travel, and required them to pass a health test.

Official reports noted that 11,900 Muslims traveled to Mecca during the year for the hajj pilgrimage. This figure did not include participants who were not organized by the government, for whom there were no official estimates but who numbered in the thousands in previous years.

The government's policy to encourage Han Chinese migration into minority areas has significantly increased the population of Han in the XUAR. In recent decades the Han-Uighur ratio in the capital of Urumqi has shifted from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities. According to 2005 statistics published by XUAR officials, eight million of the XUAR's 20 million official residents were Han. Hui, Kazakhs, Kyrgyz, Uighur, and other ethnic minorities comprised approximately 12 million XUAR residents. Official statistics understated the Han population, because they did not count the tens of thousands of Han Chinese who were long-term "temporary workers." While the government continued to promote Han migration into the XUAR and fill local jobs with migrant labor, overseas human rights organizations reported during the year that local officials under direction from higher levels of government have deceived and pressured young Uighur women to participate in a government sponsored labor transfer program.

The XUAR government took measures to dilute expressions of Uighur identity, including measures to reduce education in ethnic minority languages in XUAR schools and to institute language requirements that disadvantaged ethnic minority teachers. The government continued to apply policies that prioritized Mandarin Chinese for instruction in school, thereby reducing or eliminating ethnic-language instruction. Graduates of minority language schools typically needed intensive Chinese study before they could handle Chinese-language course work at a university. The dominant position of standard Chinese in government, commerce, and academia put graduates of minority-language schools who lacked standard Chinese proficiency at a disadvantage.

During the year authorities increased repression in the XUAR, and targeted the region's ethnic Uighur population. In August officials in XUAR reiterated a pledge to crack down on the government-designated "three forces" of religious extremism, "splittism," and terrorism. In September XUAR CCP Chair Wang Lequan stated that "this winter and next spring we will launch a concentrated antiseparatist reeducation campaign across the whole region." It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the "three forces" were instead actually used to target those peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action.

Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. In April 2007 foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession. During the year the government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution.

Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted. According to reports, those possessing such materials received lengthy prison sentences, such as Uighur Mehbube Ablesh, who was detained for expressing sensitive views online. Uighurs who remained in prison at year's end for their peaceful expression of ideas the government found objectionable included Abdulla Jamal, Tohti Tunyaz, Adduhelil Zunun, Abdulghani Memetemin, and Nurmuhemmet Yasin."

In sum, if the United States were to honor the principles of its own Declaration of Independence, It would recognize not only the right, but the duty of Uighurs to revolt against the People's Republic of China and to establish a new government dispensation to secure their unalienable rights to life, liberty, and the pursuit of happiness.

Mr. DELAHUNT. Well, thank you Mr. Fein, and we admire your passion. And I think you know that I, too, have been an advocate for recapturing, if you will, the role of the first branch in the proper constitutional order as envisioned by our founders. And I too agree that we have ceded too much to the Executive. And that has to come to an end or we will become a Parliament that one could describe as more in the nature of the Chinese Parliament as opposed to the United States Congress. And we have to take back that authority.

And you are right about secrecy. And that is why we will go, if we are invited and if we can work it out, we will go to Bermuda and listen to what these men have to say to us and to the American people. It is time that everyone be given an opportunity to speak out. Secrecy promotes utilitarianism and totalitarianism.

With that I yield to my friend from California, and then we will go to Eni, and then I want to recognize, too, that we have been joined by the gentlelady from Texas, Sheila Jackson Lee. And by the way, that distinguished white-haired gentleman from Virginia—who I am often confused with, I guess we Irish look alike—Jim Moran.

Mr. ROHRABACHER. I think it behooves me to note that while I do agree with the chairman and most of the witnesses on a large percentage of what has been said today, rather significant percentage, there are areas of disagreement that I have. And I would like to just mention those in passing, as we get on to the discussion specifically of the Uighurs.

I do not agree with the last witness whatsoever, his assessment of what is going on since 3,000 of our citizens were slaughtered, 3,000 of our citizens were slaughtered in front of our face. This is not just a criminal situation where we can give rights that are guaranteed to the citizens of the United States to people who are captured in a battlefield situation across the world.

I believe we have not had other thousands of people slaughtered because the situation in Guantanamo has prevented that. But when you agree with that, as I do, and that is being my position, it would behoove us, I believe, that we should have a very, and, I would say, forceful policy toward people who are highly suspected of being involved in this terrorist network that is out to slaughter

Americans, as they already have. Then it also behooves me to say and all of us to say that, because we have not extended these same kind of rights, because that would hinder our efforts to protect our own people, we must be—how do you say—we must be absolutely committed to admitting mistakes when the mistakes are made and recognized.

The problem that we have here is not that we fought a war without giving constitutional rights to people who were engaged with military activities in Afghanistan, which had just served as a basis for attack that caused so many deaths, more deaths than were caused at Pearl Harbor. But our problem is, once it was recognized, that there was an error that was made in terms of the Uighurs. Our people did not admit that mistake. And our leaders, demonstrated by Mr. Gingrich as well as other leaders, showed a distinct lack of courage, and in fact showed actually worse than that by suggesting that we send the Uighurs back to China, that they showed their own level of commitment to truth.

And I would suggest—I am sorry, people are fallible, and I do not believe as you just suggested that we should be in any way extending constitutional rights in a wartime situation. And if we did, I really believe that there would be many, many more dead Americans right now. But at the same time, I would agree with witnesses and agree with your assessment.

I might add to Mr. Fein, I certainly agree with your assessment that the Uighurs and other people like them should be considered as on par with our Founding Fathers. The fact is that there are people all over the world who long for freedom, long for democracy, long to control their own destinies. The American people should be on their side. We should never be on the side of the oppressor; we should always be on the side of the oppressed.

That is the challenge that was given to us by Thomas Jefferson and George Washington and all those other people throughout our history who struggled to maintain the principles our country was founded upon.

So while I may be someone who believes in the mission that set up Guantanamo, and believe in enhanced interrogation, I certainly understand that the United States fell short in the case of the Uighurs, and perhaps in some other folks in Guantanamo too. It is possible other people—after all, we have freed from Guantanamo hundreds of prisoners. Hundreds of prisoners have been freed who went there, and that kind of was an admission of mistakes. But we also know that a significant number of the prisoners that were freed ended up going back and killing Americans on the battlefield.

I am sorry; my loyalty is to the people of the United States. But I think how we show that is also that we remain true to the fundamental principles that make us Americans. After all, we are from every religion, every ethnic group, every part of humanity is here in the United States of America. What makes Americans, hopefully, is a commitment to liberty and justice for all, and giving them the ability to have self-determination in the East Turkistans of the world.

So with that said, let me go into a little bit about this specific case. Shall I say, Mr. Secretary or Mr. Assistant Secretary, do you believe that the reports that were provided you and the administra-

tion about acts of violence were based on direct knowledge by American intelligence, or were those reports provided by Chinese intelligence to our own people?

Mr. SCHRIVER. Congressman Rohrabacher, my strong impression is that it was based on a comprehensive view of information available. But the information provided by the Chinese was not taken at face value. One of the reasons some have raised the questions why ETIM, why not these other organizations, the information provided by the Chinese had to be corroborated by the United States. Information also had to be collected independently of information provided by the Chinese and by third parties as well. So in the case of that, that criteria was met.

Mr. ROHRABACHER. So we have that many agents out there in East Turkistan to verify these acts of violence. Maybe I am mistaken. Do we have that many agents out there verifying all these things?

Mr. SCHRIVER. Well, my understanding is when this specific case was being worked, dedicated people to this effort, including people from our embassy and consulates, do a proper investigation to either corroborate what the Chinese had provided or to collect independent information.

Mr. ROHRABACHER. On all of these 200 cases of reported violence.

Mr. SCHRIVER. I suspect not, Congressman.

Mr. ROHRABACHER. I would suspect not, too.

Mr. SCHRIVER. But I think what the statement said is that there were reportedly claims of this many attacks. It didn't verify.

Mr. ROHRABACHER. And did we verify independently the existence of the ETIM?

Mr. SCHRIVER. Well, I didn't hear anybody suggest that it didn't exist. In fact, a previous panelist suggested that the leader himself had been interviewed. So I think, again, there is a question of why this organization and not others. And I would return to the point that this was an organization that, for whatever reason, limited itself to independent corroboration and a proper investigation.

Mr. ROHRABACHER. So you don't believe that this coincidence that the chairman pointed out with the 200 acts of violence and the number of deaths and injuries, that seems to indicate that we had just taken those statistics from Chinese—from the Chinese Government itself, and then just resubmitted it out in our name, do you think that is just a coincidence that we actually verified those things?

Mr. SCHRIVER. No. Again, I looked very carefully at that statement and it said "elements of," it didn't say ETIM, and it said "reportedly committed."

Mr. ROHRABACHER. Weasel word is what we call them. Now, weasel words. Now, so we used weasel words to make sure that we could use information that obviously was spoon-fed us by the intelligence arm of the world's worst human rights abuser. Beijing, by its very nature, by its bigness alone, not to mention the crimes, is the world's worst or biggest human rights abuser. And just from what you are saying, it doesn't—I mean you, are trying to tell us that those things were corroborated, but you are not saying that, are you?

Mr. SCHRIVER. What I am suggesting is that the designation was made based on independent information collected and some corroboration of the information provided, as well as by—

Mr. ROHRABACHER. But not in individual cases, just on a general concept.

Mr. SCHRIVER. Well, it was based on the criteria established in the Executive Order and the assessment as to whether that criteria was met.

Mr. ROHRABACHER. I would suggest that even from what you are saying, that it would be proper for us to surmise that our Government was just basically being spoon-fed information and that we were not doing that.

Mr. SCHRIVER. If I could respond to that, there were many organizations which the Chinese brought forward. And again, I took office after this particular designation was made, but I used to be the personal recipient of volumes and reams of information from the Chinese about alleged terrorist organizations that we were not in a position to designate, because we were not able to make those assessments.

So I respectfully would reject a notion that we were spoon-fed and simply relied solely on that.

Mr. ROHRABACHER. And—

Mr. DELAHUNT. Would you—just one moment.

Mr. ROHRABACHER. Sure.

Mr. DELAHUNT. What I find interesting, Mr. Secretary, is that up to the designation, the Communist Chinese Government spoke about multiple terrorist groups. And after the designation, everything was ascribed to ETIM. In other words, that designation in my opinion was a signal to—not an intentional signal, but a signal to Beijing, if you use ETIM, that is going to resonate in the State Department and among the executive branch. And that, I would suggest, was very dangerous.

I yield back.

Mr. ROHRABACHER. I would agree with the chairman. Are there any acts of violence against a civilian population, aimed at terrorizing that population, that you can think of, that the ETIM was guilty of? That it was verified?

Mr. SCHRIVER. I couldn't go into the full review of the organization and the incidents for a variety of reasons. I would not disagree with anything that has been said about secrecy and the problematic nature of making these decisions. But in fact, I did take an oath to not reveal classified information. I am privy to some of this. Much of it I am not privy to.

Mr. ROHRABACHER. Do you know any secret information that would indicate that the ETIM, that you are privy to, that you have seen, that would indicate that the ETIM had committed an act of violence against a civilian target? That is what terrorism is.

Mr. SCHRIVER. I understand.

Mr. ROHRABACHER. Fighting for your freedom against, as Mr. Fein says, fighting against the British troops or against Chinese military and occupiers.

Mr. SCHRIVER. Let me say, as I said in my testimony, I am confident in the decision that was made at the time, based on the criteria set forth in the Executive Order. I would certainly not have

any objection to further—by this committee or anybody else—further review of those decisions. These lists should be active and fluid tools. If this committee is charged with a full examination of these issues, perhaps a classified briefing would certainly be appropriate.

Mr. ROHRABACHER. Well, I am just asking you. You don't have to break a rule about classification by simply saying whether or not you know of something.

Mr. SCHRIVER. As I said, I am confident in the decision that was reached in August, 2002.

Mr. ROHRABACHER. That is not what I asked you. Do you know of any specific incident where the ETIM was accused of actually committing an act of violence against a civilian target?

Mr. SCHRIVER. Again, I was not an intelligence official. I was not involved in this review. When I state I have confidence, I have seen reports saying that the criteria have been met, yes.

Mr. ROHRABACHER. That is not what I asked you, whether you think the criteria had been met. I asked you if you had known about. But we will move on.

Again, when we make mistakes—and we do make mistakes. We have made mistakes in every war that we have been in. But it behooves us to admit our mistakes and to correct it. I think we should be embarrassed that our leaders are not willing to do that in the case of the Uighurs and perhaps in the case of several other people in Guantanamo. I say that as a supporter of the basic strategy of using that in this time of terrorism, when people have targeted American cities and American neighborhoods.

Let me ask about some of this here. Some of the experts here on the ETIM and the East Turkistan population, do the Uighurs and do these organizations in any way—are they advocating an independent country that would be a democratic country? One would expect something like Mongolia. Or are we talking about a group of people that are advocating an Islamic-based country in which church and state are one and that we might expect to be allied with more radical elements within the Islamic world?

That is open to the panel.

Mr. GLADNEY. I think I can refer you to page 24 of my testimony, and there I give you a spectrum based on my own research and others of the possible groups out there. And there is the whole spectrum, sir. There are groups on the Internet.

Now, the problem with looking at a YouTube video or a posting on the Internet, you don't know how many people are involved with that. One of the problems with some of these organizations, they have been described as one-man presidencies, one man organizations.

Mr. ROHRABACHER. They might be fronts for the Chinese.

Mr. GLADNEY. They may be front from other groups. So I am disturbed that YouTube postings are taken as serious material if it is not corroborated.

Mr. ROHRABACHER. So you have cast doubt on the postings that we can see.

Let's go to the lawyer here. Your clients want to establish a Muslim state, that the church and state is the same that might be inclined to be allied with these other radical Muslim elements?

Ms. BAKER MANNING. No, sir. Absolutely not. That has never for a moment been the goal of any of them. None of them would even admire such a goal. We explained to them recently that these kinds of charges were being leveled against them in the American debate, and they laughed out loud at the absurdity of the suggestion.

Mr. ROHRABACHER. All right.

Yes.

Ms. KAN. We have a record to go on. Whatever some people might or might not do would be speculation, but we do have a record of what has actually happened; and that is, in exile, there are at least two large Uighur communities in exile. One is in Germany, and one is right here in Washington, DC. And so they have sought to go to Western democratic countries when they are able to. In fact—

Mr. ROHRABACHER. Are there any of these groups that have been identified in Iran or in radical Islamic countries?

Ms. KAN. They speak Uighur. They don't speak Arabic.

Mr. ROHRABACHER. Persian, I think.

Ms. KAN. Right. Or that other language. Exactly.

They have gone to live in Munich, in Germany. The German Government is well aware of the large Uighur community there. We have a rather large Uighur community here. Just last month, the World Uighur Congress held its third general assembly right here on Capitol Hill at the new Capitol Visitors Center at which six Members of Congress spoke to Rebiya Kadeer at the World Uighur Congress.

Mr. ROHRABACHER. What was the position there on the separation of church and state, which is basically kind of the element, the essence of what radical Islam is all about?

Mr. FEIN. Mr. Congressman, the Uighurs are of Turkic ethnicity. You will remember Turkey is a government that overwhelmingly represents a Muslim population. It is more secular than most of Christian Europe. The separation of church and state that Ataturk ushered in is stronger than in western European allies, members of the EU.

Mr. ROBERTS. Can I add a point?

Mr. DELAHUNT. Please, Professor Roberts.

Mr. ROBERTS. I just wanted to note that there is a long history of Uighur nationalist groups. And I think that what we see after the fall of the Soviet Union is that none of them have really had the opportunity to establish a comprehensive program as you are asking about. I think only now do we see that starting to happen after Ms. Kadeer was released into the U.S. and she has taken a leading role in the World Uighur Congress.

Prior to that, a lot of the Uighur nationalists were actually in the Soviet Union, and the Soviet Union was supporting ideas of ethnic autonomy in China largely as a ploy in the Sino-Soviet split. And then later, in the '90s, most of the Central Asian states kind of started to restrict any Uighur nationalist groups on their territory, in part at the request of the Chinese Government.

So I guess the short answer is I think that right now is the time where we may see a group of Uighurs in a comprehensive way put forth a program. But I have not really seen a united program to date.

Mr. ROHRABACHER. Thank you.

Mr. Chairman, I want to thank you very much for holding this hearing. I want to thank the witnesses. I am going to be going off to another event that I have scheduled myself for. I apologize.

But, again, those of us who have supported the war against radical Islam feel very strongly, as you noted, and as you should have noted, that what we have tried to do in Guantanamo is aimed at protecting the people of the United States. Every war that has ever happened, mistakes are made and people—innocent people are hurt. What makes us a moral people is not that we don't make mistakes during times of war. What makes us an honorable people is that, when we make a mistake, we admit it, because that should be at the heart of our soul and character as Americans. We admit it, and we try to make it right.

In this case and perhaps in several other cases in Guantanamo, trying to protect our people, trying to prevent another 9/11, perhaps something wrong happened, and I am ashamed the leadership of my party has not stepped up and done the honorable thing.

We just had a Member of Congress who, I think, had courage to stand up. He just left. Mr. Moran. And I really respect him for what he has done and having the courage to stand up recently on that.

With that said, I want to thank you for the hearing; and I will be looking forward to look into this issue more. Because what we have got here, I believe, is the worst type of situation, where Communist China, a massive abuser of human rights, is manipulating our Government and our own leaders for their benefit. And we can't let that stand.

Thank you very much, Mr. Chairman.

Mr. DELAHUNT. Thank you, Congressman Rohrabacher.

Now I will go to Eni Faleomavaega, and then we will go to Mr. Ellison.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I note with interest the fact that this is not an issue that was just brought to the subcommittee's attention in a matter of a couple of months. This has been going on for almost 2 years now.

I do want to say for the record I duly commend you and the gentleman from California for pursuing this. Unfortunately, it has taken now 2 years, and we are still trying to get more answers to the questions that have been raised as you had initiated and especially to some of the comments and observations made by our expert witnesses now before us.

I seem to get a common thread with all the testimony that has been provided here, the fact that the Uighurs are totally innocent of anything that seems to have brought them to this stage of classifying them as terrorists. Do I hear a disagreement of that sense?

This is something that our Government, unfortunately, made a mistake in passing judgment, in classifying, first, ETIM as a terrorist organization. The next thing we know, we heard 22 or more—because of some bounty hunters that turned these 22 Uighurs over to us and now transferred them to Guantanamo, and now we got into more complications because of the problems that we did.

I would like to ask the panel, what would be your recommendation to resolve this issue once and for all?

Mr. FEIN. Well, my recommendation is Congress enact the statute, at least with regard to the Uighurs, and give them permanent residency in the United States of America, like we should have done all along, rather than begging other countries to take it.

The other thing, there needs to be, in my judgment, a complete overhaul of the system, the procedures by which organizations are designated as terrorist organizations. There is no due process at all. It is the classic example where you don't have a right to know the charges against you. That is not a system that is going to get anything that is reliable whatsoever.

We need to remember as well there is always the backup of the criminal law. If people conspire to do things that are bad, you can prosecute them. And conspiracy is forward looking. You get them before they have even taken virtually a single step toward its execution.

But at least in a prosecution you have due process. You have a chance to defend yourself. The government just lists individuals or organizations as terrorist organizations. You are associated with them, you give \$5, then you immediately come under suspicion. No one knows how you get there.

Mr. FALEOMAVAEGA. Mr. Fein, I hate to interrupt your comments, well taken, but supposedly we are in a state of war, and sometimes in a state of war we are under martial law. And I am sure you are well aware of the historical significance of that fact during the time of the Civil War where Abraham Lincoln, our famous President, did some things that were somewhat unconstitutional.

But I am not going to argue you your point. I just want to say sometimes due process doesn't come about.

Mr. FEIN. Let's take the very case right here, Mr. Congressman. Because that issue was raised, habeas corpus, and the United States Supreme Court held in the Boumediene case habeas corpus was unconstitutionally suspended by this Congress.

Mr. FALEOMAVAEGA. I also recall the fact that the Supreme Court made the decision and President Jackson said, "You made the decision, now you go enforce it."

Mr. FEIN. But remember, the reason why the Uighurs got here today is because of that decision. They got into court because of that decision.

Mr. FALEOMAVAEGA. Sir, that is the reason why we are having the hearing.

Mr. FEIN. Exactly. That is why you shouldn't be worried about constitutional rights.

Mr. FALEOMAVAEGA. My time is running out, and I have got to ask more questions. I appreciate your statement there, Mr. Fein.

Ms. Kan, you indicated that the fact that Mr. Armitage made the formal statement that the ETIM is considered a terrorist group, and then Assistant Secretary James Kelly reaffirmed that decision made by the administration. But I noted that you mentioned that it was based on independent evidence that Assistant Secretary Kelly stuck to the decision made by Mr. Armitage or, for that mat-

ter, by the Bush administration that these people should be classified as terrorists.

I was curious, what was the independent evidence that that decision was based upon? Was it something outside of what the Chinese intelligence shared with us, or something that none of us know at this point? I think the chairman made that very point, critical. Does this require, Mr. Schriver, that we have to have a classified briefing in terms of this independent evidence that Ms. Kan had referred to earlier?

Mr. SCHRIVER. Well, I would encourage that. I don't know that there is a need for me to repeat what I said earlier, but one of the reasons this organization was designated and not the many others that the Chinese brought forward to us is that we had a process where we could either corroborate information provided, independently gather and collect the information, or seek a third party.

Mr. DELAHUNT. Will the gentleman yield?

Mr. FALEOMAVAEGA. I would gladly yield.

Mr. DELAHUNT. You know what happens, Mr. Schriver? Every member here has attended classified briefings. We go into these classified briefings, and we leave with very little information. What we discover is that we are then prohibited from discussing classified information that in our opinion ought to be out in the public domain. There is a great tool—and I think Mr. Fein understands this. There is a great tool that the Executive has.

We will have a classified briefing. Now that means that the members who attend that briefing—and I don't attend those kind of briefings—are never able to discuss it. Yet, among ourselves—and this is commonplace, among Republicans and Democrats—what was that all about? And it was totally unsatisfactory, and it didn't even meet minimal standards in terms of, in our opinion, being appropriately classified.

That is the problem that Mr. Fein is passionately bringing to our attention. Because the mistake that we make is to confer upon the Executive, whether that be a Democratic or a Republican administration, the ability to play this rope-a-dope game. And that is what it comes down to.

We clearly share the concern about threats to our national security. We all do. But we also know what is real and what is pretend and what is meant to deal with embarrassment.

The ranking member is correct. It is sometimes easy to say you made a mistake. There is no one on this side of the dais that doesn't make multiple mistakes daily. But what we seem to do and we get here in Washington is classified, it is super secret, and the American people are never told what the truth is.

Here is my problem with ETIM. How big is it? Is it two? Is it dozens? Is it hundreds? Where did this military training take place? Was it an installation the size of Fort Bragg? What were the weapons that were involved?

Reports that I read in the media indicate that there was one AK-57. By the way, there is no reference to these 22 individuals that were detained as a result of a bounty system, that they were involved in that training. What is the relationship with al-Qaeda, other than some double, triple, quadruple kind of connection that I am sure, if you ran it out, we would all be part of al-Qaeda.

Mr. ROBERTS. Congressman, this is a question—kind of American civics question. Does Congress have the right to have a closed classified hearing? Would you be able to question the intelligence on this? Because my opinion is that there is probably a dozen not even specialists in Xinjiang and Uighurs in the United States. And we all know each other. To my knowledge, nobody was brought in to discuss this issue.

Mr. DELAHUNT. Were you brought in, Professor Roberts, to discuss this issue about the classification of ETIM?

Mr. ROBERTS. I was not. In fact—

Mr. DELAHUNT. Do you speak Uighur?

Mr. ROBERTS. I do.

Mr. DELAHUNT. Secretary Schriver, you don't speak Uighur, do you?

Mr. SCHRIVER. I do not.

Mr. DELAHUNT. I don't mean to personalize this. Let me pause for a moment.

Professor Gladney, do you speak Uighur?

Mr. GLADNEY. Some; better Turkish.

Mr. DELAHUNT. Well, your Uighur is better than mine, I can assure you of that.

Secretary Schriver, last week in the testimony proffered by Ms. Kadeer, who, I dare say there is no one on the planet that knows the Uighur community, both inside and outside of China, like the gentlelady who is with us here today, she had never heard of ETIM. If this is a terrorist group, they certainly were well versed in being secret.

This is the problem in terms of the Congress and the American people relying upon a secret process that has consequences. Because that was the hook. As Susan Baker Manning says, that was the hook that kept these 22 Uighurs incarcerated for almost 7 years. Yet, I think it was Professor Gladney in his testimony indicated that someone from the State Department personally told him that it was a mistake. Am I mischaracterizing?

Mr. GLADNEY. That is correct.

Mr. DELAHUNT. Mr. Secretary, was there debate over this designation within the Department of State? You know, we are all human beings. We are all subject to different views. Was there some dissension as to the designation? If there was not, why was ETIM never designated as an FTO, a foreign terrorist organization? Can you explain that to me?

Mr. SCHRIVER. First of all, in terms of admitting mistakes, myself, others who served in the administration, I hope are big enough to step up to that challenge. And I think in my own testimony I have acknowledged Guantanamo was a tragic error and the circumstances they find themselves under. I would be prepared—it might be an awfully boring hearing—but to go through all the mistakes I have made, and there are plenty.

But the issue is whether or not this particular designation at that particular time was an appropriate designation based on the evidence and based on the criteria of the Executive Order. My belief is that it was. But I would—

Mr. DELAHUNT. I respect your belief. Was there consideration to place ETIM on the foreign terrorist—listed as a foreign terrorist or-

ganization which, my understanding, is of a significant—a higher degree of significance than under the Executive Order?

Mr. SCHRIVER. I would confess this falls a bit out of my expertise, but my understanding is it is not only sort of in precedence, in a higher precedence, as you suggest, but it is also based on different criteria and relies on information related to activities outside of the country. We did have some of that information, but I think people felt the case wasn't as strong to go to that second designation.

Mr. DELAHUNT. Okay. I interrupted somebody. I don't know who. Let me yield back the gentleman his time, Congressman Faleomavaega.

Mr. FALEOMAVAEGA. This is always one of the problems being chairman. You can do anything you want. But I do thank the chairman for his allowing me to do this.

I have as part of my jurisdiction in my subcommittee the Central Asian countries. I wanted to ask the panel, as a result of—I guess this is based on the Soviet-Sino agreement, that we ended up having Kazikastan, Kurgestan, Uzbekistan, Tajikistan, and Turkmenistan as independent countries as a result of the demise of the former Soviet Union.

Was there ever a discussion historically about having Uighuristan as another republic? It seems to me the time when this was going on there was a fear of Balkanization of the different countries. I suspect that this is probably one of the biggest concerns that the Peoples Republic of China was having, the fear of breakouts among the different groups. China is trying to bring Taiwan into the fold, Hong Kong, Macau, all these bases of where China is claiming sovereignty overall.

But I just wanted to ask the panel, was there ever any movement or any consideration seriously of having Uighuristan as a possible republic, just as the way these other five countries are now part of the Central Asian region? I just wanted to ask.

I was very impressed with your statement, Dr. Gladney, concerning the history not only of Uighuristan but the other areas there, too, surrounding it.

Mr. GLADNEY. Of course, there would not have been a discussion of that possibility, because Xinjiang has never been a part of the former Soviet Union. In my testimony I do say there was certainly some hope among Uighurs on the street.

Interestingly enough, it wasn't in 1991, 1992, when the Central Asian states were established with the demise of the former Soviet Union. It was really in the '90s, in 1997 with the reincorporation of Hong Kong that that hope was enlivened. I was frequently traveling to the region at that time; and there were a lot of discussions of that

reintegration of Hong Kong, if it were not to go well, then there would be more opportunities for those kinds of imagined situations.

But, clearly, from the China side it was much more fear of that possibility. And of course many people, when they focus on Xinjiang and Tibetan independence issues, they forget that really the jewel in the crown that China sees as a part of all this issue of separatism is really Taiwan. So you can't really distinguish these issues about China's desire to maintain a unified country.

In my testimony also I go into the historical establishment of incorporation of Xinjiang as part of the People's Republic of China. And there were—prior to that, in 1949, there were two separate states, Eastern Turkistan Republics established in the '30s and in the '40s. Those were legally bona fide nation states. They were recognized. They were democratic. One was quite secular, supported by the Soviets. The other in the south was more Islamically inspired. But, nevertheless, the Uighurs look to those two independently recognized states as the historical precedence for a separate Uighuristan. But those were very short-lived and—

Mr. FALEOMAVAEGA. I just have one more question because my time is out. Again, Mr. Chairman, I appreciate your indulgence.

Was there a desire among the Uighur people to have a sovereignty within a sovereignty, to the extent that they just want to be autonomous but be part of the mother country in that respect and to be free but not totally independent? They are not seeking total independence from China. All they want is more of an autonomous relationship, I suppose similar to what the Dalai Lama has been trying for years to seek with China. Is this basically what the Uighur people are seeking to establish in its relationship between China and the Uighurs?

I notice, Secretary Schriver, you are shaking your head.

Mr. SCHRIVER. I am shaking my head, but I think there are people that are probably more expert. My impression is maybe perhaps to some that is a suboptimal outcome, but it is probably the most realistic outcome and one that gives very concrete objectives that can be pursued, defining what genuine autonomy would mean, as the Tibetans have, and then pursue through negotiation with China that kind of outcome. So I think that is the current circumstance, and that is the objective. And I think U.S. policy should support that.

Mr. FALEOMAVAEGA. I also have China as part of my subcommittee with my good friend from Massachusetts.

But I think to settle the issue once and for all, Mr. Fein, you indicated earlier, pass a statute, bring these 22 Uighurs into the United States and be done with it. Is this about as best as we can resolve the situation and not go back and forth? Well, we made a mistake. Is this the best way that we can correct the mistake that we have made?

Mr. FEIN. I think the answer is yes; and, of course, there is precedent as well. Mr. Rohrabacher mentioned the killings—remember Pearl Harbor and 5 months after we had concentration camps.

Mr. FALEOMAVAEGA. I think Ms. Kan and I very well remember Hawaii.

Mr. FEIN. We did make amends in that same circumstance in the Civil Liberties Act in 1988. The same thing we can do today.

Mr. FALEOMAVAEGA. They say, what we did to the native Hawaiians, we took their land; we stole it fair and square.

Mr. ROBERTS. I think also another thing that needs to be done that was obvious in the exchange between Congressman Rohrabacher and Assistant Secretary Schriver is that we need to define what we are talking about when we are talking about terrorism. I know Assistant Secretary Schriver kept on saying that it met the

criteria at the time, but maybe the question is that criteria should be reviewed and we should really think about what we are talking about when we are talking about terrorism. If we are really fighting all violent separatist movements around the world, that is, obviously, not a winnable war.

Mr. FALEOMAVAEGA. Dr. Roberts, I know what you mentioned about terrorism, but let's talk about colonialism. Let's talk about patriotism. Let's talk about nationalism. I think our patriots during the Revolutionary War were considered terrorists. I think the Israelis who fought very hard to gain independence were classified as terrorists. So it is a matter of perspective, I suppose. How do you do that? Ho Chi Minh was considered a nationalist patriot because all he wanted to do was fight against 100 years of French colonialism in Vietnam. How many Americans know about that fact?

Mr. FEIN. But the statutes do define and the Executive Orders define the criteria. They can vary. But it just isn't Humpty Dumpty; I make it mean whatever I want it to mean on a current day. That is what rule of law means. You have to write down standards so you can apply them evenhandedly.

I do agree with the suggestion you had that we should review what the standards are and see whether or not the distinctions you made we can put in words in the statute so it prevents, for example, the immigration authority holding people as terrorists in Burma because they are fighting against the oppressive regime there and can't get in the United States.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you so much. Let's go to Bermuda and Palau and settle this thing once and for all.

Mr. DELAHUNT. I concur with that. I look forward to the trip to Palau. I thank my friend.

Mr. Secretary, there was a report that was done by Mr. Fine, who is the Inspector General at the Department of Justice, that confirmed that the Uighur detainees were interviewed, were interrogated, and there are other reports that indicate they were intimidated by Communist Chinese intelligence agencies while at Guantanamo.

Is it a common practice to allow intelligence agents from foreign countries into Guantanamo or other facilities to interrogate detainees that are incarcerated?

Mr. SCHRIVER. Again, slightly outside my purview, but my understanding is the decision was based on a general application of access to the detainees from people representing the countries of origin. I personally think in the case of the Uighurs it was ill-advised.

Ms. BAKER MANNING. May I comment on that, Mr. Chairman?

Mr. DELAHUNT. Yes, please.

Ms. BAKER MANNING. The reports that you have seen that the Uighurs were intimidated by Communist Chinese officials in Guantanamo, if the report is that they were intimidated, that is a dramatic understatement. What actually happened is they were abused and threatened, and it was made abundantly clear to them—this is a paraphrase of one of them reporting to me—but he was told by his Chinese interrogator after being kept up for a day and a half and softened up by U.S. soldiers so that they would cooperate with the Chinese interrogators, he was told by his Chinese

interrogator that he was lucky to be in Guantanamo because as soon as they got him back to China, he was dead. That is what actually happened in these interrogations.

The important thing to remember for the broader context of what we are talking about here today is that Secretary Armitage—Assistant Secretary Armitage went to Beijing in late August, 2002. ETIM goes on the terrorist list I think a couple weeks later. And right after that is when the Chinese interrogators show up in Guantanamo.

I have never heard it suggested to me that this is a coincidence. It can't possibly be a coincidence. So it seems that there is a direct connection between this cooperation, going on the terrorist list, and these abusive, threatening interrogations that happen in Guantanamo with the complicity of U.S. soldiers. That is a remarkable series of events—and to our great shame.

Mr. DELAHUNT. Mr. Secretary, can you tell us how the decision was made to allow Chinese Communist intelligence agents into Guantanamo to interview these detainees?

Mr. SCHRIVER. I cannot. I would just repeat I think it was ill-advised. My suspicion would be that it was part of a general policy access to the countries of origin. But I think in this case it was very ill-advised if applied in that way.

Mr. DELAHUNT. Well, if it was the Department of State and they read their own human rights reports, not only was it ill-advised but I would say that it was morally repugnant where, with a human rights report that describes in great detail the persecution and the gross violation of human rights perpetrated on the Uighurs in China, to allow Communist Chinese agents, security agents into Guantanamo, is beyond unacceptable.

It is my intention at some point in time to determine how that decision was made. Because Attorney Baker Manning is correct. This isn't going to be satisfied simply by saying it was ill-advised, with all due respect. And then fast forward to now and we have a former Speaker of the House of Representatives suggesting that these individuals be sent back to China. I am sure you reject that suggestion. But it is most disturbing.

Do you know if the decision to allow these intelligence or these security agents into Guantanamo was made by State, by Justice, or by Defense?

Mr. SCHRIVER. I am not sure I can answer with precision, but my memory is it was not the State Department. It seems to me I would have been aware of that decision.

Again, I apologize if my language suggested sort of an offhanded view of this. No, it was absolutely inappropriate and unacceptable to have them treated in that manner at Guantanamo, as well as a lot of other activities in that detention facility, in my view.

Mr. DELAHUNT. If you know—I am always interested in how these decisions are implemented. If you know, did we provide the transportation for the Communist security agents to come to Guantanamo?

Mr. SCHRIVER. I don't know.

Mr. DELAHUNT. I mean, I just have this rather disgusting vision of putting up Communist Chinese security agents at some hotel somewhere on the base after providing them with transportation on

some Gulfstream aircraft. And they are told that they are lucky they are in Guantanamo because if they returned to their homeland, they would be tortured and most likely summarily executed. That is disturbing. And when I think of the American taxpayers supporting this activity, I am sure—maybe you can tell me I am wrong—but I am sure that it wasn't a Communist Chinese aircraft, military aircraft that landed at Guantanamo. If you know.

Mr. SCHRIVER. I don't know the specific circumstances and the issues associated with transportation. But I would just underscore I think it is important that Secretary Powell at an early juncture said under no circumstances would they be returned to China.

President Bush, when Hu Jintao, as a part of maybe three or four issues he chose to raise with President Bush during a summit meeting, said we want them returned to China, President Bush refused. So there is certainly recognition, based on everything we know about their treatment in Xinjiang, that they would not be treated fairly or humanely and they faced these risks. Certainly that was appreciated and put into action through policy by members of the Bush administration.

Their circumstances at Guantanamo I think are tragic, as I said in my testimony. It bears close scrutiny from this committee and others.

Mr. DELAHUNT. Anyone is free to respond. I am directing some of these questions to the Secretary because I have made these notes as you have each testified. But how do you account—here we have the Chinese Government saying that there were various groups involved in violent acts or demonstrations, whatever they were. And then, subsequently, we come out with the same statistics, practically the same language, and attribute it all to one group.

Those 200—and the numbers, 200, 120, and 40, was that an error on our part or were—

Mr. SCHRIVER. I think the language that you put up said elements of ETIM. It didn't attribute all the acts. I think it is important to be very precise at the Department of State and other executive agencies when you are reporting on these activities, and perhaps more precision was required there.

Ms. BAKER MANNING. If I may, Mr. Chairman. The type of caveats that we see in some of the language here, what Representative Rohrabacher calls "weasel words," I think quite accurately so, in the *Parhat* case when the DC Circuit Court of Appeals, the three-judge panel, two Republican appointees, a Democratic appointee, they come up with a unanimous opinion that is all about how shoddy the evidence is in the case, that the government's best case against these guys—and they are all identically situated, even though they are focusing on Parhat in that particular case. They are all the same.

They have a lengthy opinion that is very, very specific and very detailed and, among other things, addresses precisely this issue of things are said to be true, ETIM reportedly did this, there is information that such and such has happened; and it is precisely those kinds of weasel words, in the gentleman's phrase, that, among other things, causes the DC Circuit to reject this. This is not even worth considering, and we are going to reject it. It cannot possibly

justify any official act like imprisoning these men. Because there is just nothing there.

Mr. FEIN. If I can add, one of the questions raised was, does Congress have the authority to demand classified briefings in ways that enable you to get access to genuine information that you can discuss, not just conduct soliloquies with yourself?

I think the constitutional law is very clear. The Gravel case in 1972 establish that then Senator Gravel could declassify 47 volumes of the Pentagon papers that allegedly were going to cause all sorts of calamities that never did. Under the speech or debate clause in the congressional oversight power, the court held that act was shielded from any retaliation, any regulation by the executive branch or the judicial branch; and the effort to try to indict him was squashed.

My view is the law is clear. If Congress wishes, you can demand, even through a provision of the appropriations power, no information shall be collected and classified by the United States of America with the use of U.S. funds that can be withheld from committees of Congress exercising oversight functions. And I believe that would be constitutional. It would enable you to go and say, you can't tell me to keep quiet. This is what the law is. You can't spend money if you are going to conceal that from us. You have to have oversight power.

I think the Church Committee hearing showed what happens when it is just a game out there and you don't know. The Church Committee got into the real details and had some real reforms that were enacted afterwards. But, without that, we may solve the Uighur issue. There will be another case in 5 or 10 years. It will be the same reason. We will be back here holding a hearing.

Mr. DELAHUNT. You are arguing for a truly select committee in dealing with this whole issue of transparency, secrecy, and classification within our own Government to maintain the viability and the health of our democracy. That is why I think—and I said this in my opening statement—not only is this about 22 individuals and justice to them, but it is also about remedying the serious issues that I think need to be addressed because of what we are learning as a result of Guantanamo, not just these 22 detainees.

I intend to have a hearing on the CSRTs, the Combatant Status Review Tribunals. Lawyers that were there, that participated, describe it as a sham. I don't know how we provoke—again, it is not those kind of issues that people are going to follow with assiduously. They are just not going to do it. But they are so fundamental.

Because you are right, Mr. Fein. Today, it is the Uighurs. A year from now, it is Irish Americans. And that would make me very nervous. But it is about our democracy and really those principles.

And with all due respect, and I appreciate your sincerity and I know you are well-intentioned, Mr. Secretary, but bureaucratic speak just ain't gonna make it. You are going to get people like my friend from California who is going to say it like it is: These are weasel words. And I am not accusing you of that. But when we read what we get from the executive branch, we know what caveats have to be put in there. That is not what, I dare say, American democracy is about.

Do we know what happened, by the way, to the families of these detainees that were incarcerated in Guantanamo? Do we have any information, Mr. Secretary?

Mr. SCHRIVER. I don't. But I know Ms. Kadeer, after her release, her sons faced persecution and imprisonment. So I suspect the Chinese are certainly not above that kind of heavy hand with others.

Mr. DELAHUNT. Because once—I understand from a newspaper report that the four in Bermuda are using pseudonyms in an effort to protect their families back in northwest China.

Ms. BAKER MANNING. That is right.

Mr. DELAHUNT. I mean, let's put this on a very, very human level here.

Well, let me throw some questions to Mr. Roberts, since he seems nice and relaxed there. Can you tell us anything about this purported link between al-Qaeda and ETIM?

By the way—and I will pose this to the panel as well as you, Mrs. Kadeer—all of the experts have hardly heard of ETIM. Yet, our Government, according to the Secretary, has independent information about ETIM. Has anyone heard about it? If you have heard about it, how big is it? Is it cohesive or is it just a group that got together and came up with a name?

Professor Roberts.

Mr. ROBERTS. First of all, I think that we don't know very much at all about ETIM.

And it is interesting. I have been a part of some other panels the last couple of years, particularly right around the Olympics where I encountered some terrorist experts "who do contract work for the U.S. Government." And they would go through charts with the organizational structure of the group and provide all this definitive information; and then, as soon as they were questioned by somebody who actually was a specialist in the region and in the Uighur people, they actually stepped down, which, to me, was very suspicious. My assumption—

Mr. DELAHUNT. Are you suggesting, Professor, that there is a cottage industry of terrorist experts out there that come and appear on cable news shows and testify when necessary?

Mr. ROBERTS. Not only that, I think also—I think some of them are doing contractual work for the Defense Department and other agencies in the U.S. Government. And my impression of the people I encountered was that they didn't really have much more substantive information than was available on the Internet. And, as Dr. Gladney said, we can't always trust everything that is on the Internet.

As I said in my testimony, I think that it is highly likely that ETIM was a group of a handful of people in Afghanistan in the late '90s. But I also have encountered lots of information from the late '90s when the Chinese Government was engaging the Taliban, particularly on the issue of Uighur separatists.

I think that one of the questions that arises when you look at the Uighur situation, why wasn't there a separatist movement based in Afghanistan? I think in all likelihood the Taliban strongly discouraged it, if not tried to prevent anything like that happening. I think that ETIM, after this purported leader's death, may not have existed at all.

What is interesting is now these videos that were on YouTube I think are something that raise some interesting questions. I said in my written testimony I think that those videos could be either Chinese Government or they could be perhaps, as Dr. Gladney said, one-person shop, two-persons shops, somewhere, anywhere in Germany and Istanbul and the United States, trying to exaggerate the power of a potential Uighur terrorist threat, because they obviously have not had much success with political attempts to get attention.

Or, finally, they could be attempts by transnational terrorist groups to recruit Uighurs, because they see that the Uighur people have kind of been abandoned by the West.

Mr. DELAHUNT. Thank you.

Ms. Kan, do you wish to comment?

Ms. KAN. First of all, this is an important question. Because there have been a lot of allegations and insinuations about ETIM in any connection or vague, ambiguous terms of association or affiliation with al-Qaeda. We do not base our assessments in the United States on what China says at face value. No reputable analyst in the U.S. Government would do that.

So, looking at what the United States officials have said that can be more specific than these ambiguous terms of association or affiliation, since 2002—it has been almost 9 years—we have only been able—I can only find two, which is, one, that supposedly the camps in Afghanistan received money from al-Qaeda funding; and, secondly, the newest assertion that the leader of ETIM was included in al-Qaeda's Shura Council. Beyond that, there is really nothing else about if there is an ETIM, if there is any kind of connection or relationship, that it is part of the network that has committed any attacks against U.S. interests.

Mr. DELAHUNT. Professor Roberts.

Mr. ROBERTS. I just want to add one thing. I do think it is very important to note that there have not been any instances of suicide bombings or car bombings, nowhere where we could say we have explosive devices that would point to a Uighur group being associated with a transnational terrorist network. To me, that is the most striking evidence against this argument.

I think that it is fair to say almost any specialist in the Uighurs is open to seeing evidence that in fact there are large groups of Uighurs involved with al-Qaeda. But I think that the evidence is against it. There may be one or two people associated with al-Qaeda, but it is also interesting that we have not seen a lot of information about Uighurs in Pakistan's Northwest Province right now. We hear about Uzbeks, but we don't hear about Uighurs. So I think that is another point that questions whether we are talking about one or two people who may be associated with al-Qaeda or whether we are talking about any significant movement.

Ms. BAKER MANNING. If I may offer one more thing on this point.

The sensible sort of funding relationship and whether an ETIM member has contact with al-Qaeda, one of the specific issues considered by the DC Circuit in the *Parhat* case was whether there was any evidence that ETIM is associated with either al-Qaeda or the Taliban. And the court, although it was based on classified evidence that, although I am privy to, I cannot for obvious reasons

comment on, once we reviewed the evidence, including the evidence on this point, 3 days after we received that evidence for the first time, we moved for judgment, and we got judgment.

Mr. DELAHUNT. 3 days.

Ms. BAKER MANNING. The court engaged in a review of precisely this issue, was there any evidence in the government's best case of a connection between ETIM and al-Qaeda, and the court ruled for us on precisely that point.

Mr. DELAHUNT. You know what concerns me is that we don't even know what ETIM really is. And we have this allegation out there about links to al-Qaeda, and it gets amplified every time there is a discussion, and it becomes an accepted fact. And that is what is really disturbing. If there is evidence, let's listen to it. But, again, it is that veil of secrecy.

I mean, up until recently, the Vice President—the former Vice President continued to maintain there was some relationship between al-Qaeda and Saddam Hussein, when just a review of the history of the region would indicate that Osama bin Laden considered Saddam Hussein an apostate, a defiler of Islam.

I mean, we have to be more careful as a people and as policy-makers in terms of what we say, and we are prone oftentimes to throw away a comment that has very little validity.

I mean, maybe we will have to have a classified briefing. But I have attended classified briefings, and I can remember weapons of mass destruction and mushroom clouds and operational relationships. I can remember being told that al-Qaeda camps existed in Iraq. It was false.

Do we know where this village or this camp existed in Afghanistan? No. We are making it up. That is what the rest of the world is thinking. And now we find ourselves in this very difficult, embarrassing situation.

And Dr. Gladney, what I found remarkable, and you pointed it out in your testimony, is that our own military, the U.S. military, had never heard of ETIM according to a report at the end of 2001. And yet, again with all due respect, we are designating ETIM less than a year later through an Executive Order as a terrorist organization.

Mr. Secretary, I think Ms. Baker Manning said it well. If you were sitting here—you are sitting out there, and you are putting August 22nd together and then, you know, different reports, and all of a sudden ETIM emerges as a terrorist organization—what inferences would you be drawing? Dr. Gladney, if you will, can you amplify what I alluded to in terms of our own military not having heard of ETIM?

Mr. GLADNEY. I wish I could. Just based on a SINCPAC report that was published which they extensively examined, a special report, Uighur Muslim Separatists, Virtual Information Center, dated 28 September, 2001, ETIM was not even mentioned.

Mr. DELAHUNT. What conclusion can we reach, Mr. Secretary? I mean, you see the predicament that serious people have about the designation or the existence of ETIM. Even if we grant you that it existed, you know, because a leader acknowledges this—and who is this guy Hak?

And, by the way, has anybody heard from ETIM in the last 4, 5, 6, 7 years? Where are they? Where are they? Can anybody answer? Dr. Roberts; Dr. Gladney; Mr. Fein; you, Mr. Secretary; Ms. Kan; can someone tell me where they are? Are they taking any responsibility for any acts, any violent acts? The only ones that seem to be giving them any credibility is the Chinese Communist Government in Beijing. Will anyone comment?

Because here in September post-9/11, in September 2001 the United States military does an in-depth study of the region with a focus on Uighur Muslim separatists; and there is no mention of ETIM. If you were me, Mr. Secretary, what would you think?

Mr. SCHRIVER. Well, again—

Mr. DELAHUNT. Put yourself in my position.

Mr. SCHRIVER. I understand the tone and your purpose in having this hearing and trying to draw people out on these issues. I think it is an important issue. But again if you look at sort of the comprehensive approach of the administration it is just analytically unsound that this was simply to try to engage the Chinese on counterterrorism cooperation because there are so much other efforts that would run contrary to that. In fact, this is a data point that is inconsistent with our overall approach to Xinjiang and to the Uighur community.

Mr. DELAHUNT. With all due respect, I don't agree with you. I think if I am negotiating and the Chinese are really important, they are a major—they are a super power, we know that. If I can just feed the beast a little bit, give them a dollop, if you will, of, okay, we know you have got a problem. We know that you are concerned not so much about Islamic jihadis but a growing sense of a possible independence movement or demands for more autonomy or demands for human rights. Okay, give us what you have. And you gave us some stuff. You gave us some statistics. And, you know, all right, rather than having a whole bunch of—because the testimony from these experts are there were groups out there that were of more consequence than the ETIM. Is that true, Mr. Gladney?

Mr. GLADNEY. That was our feeling at the time.

Mr. DELAHUNT. Professor Roberts, is that your understanding, that if you take a look at the Uighur dissidents that there were some groups that existed that were of more consequence than ETIM? Or am I misstating it?

Mr. ROBERTS. No, absolutely. I wouldn't say that—I have never really encountered a group that has any militant capabilities, though. But there is no doubt that in the Uighur community—I was in Kazakhstan for much of the 1990s, spent most of that time in Uighur communities, knew all of the political leaders, and I never once encountered the Eastern Turkistan Uighur movement. And I lived in Uighur neighborhoods where I encountered all kinds of visitors from organizations in Turkey, from organizations in Germany, from organizations in all other countries, but I never heard of the Eastern Turkistan Islamic movement until February 2002 when it was designated a terrorist organization.

Mr. DELAHUNT. Mr. Fein.

Mr. FEIN. Mr. Chairman, let me make a couple of observations.

One, what this hearing shows is sunshine is the best disinfectant. We still have all this shrouded in secrecy. And if we think of the history of all of the leaks of classified information, none of them have been shown to be greatly detrimental to the United States of America, including the Pentagon Papers.

There is a risk anytime to have a totally open society. But the consequences of—you know, this discussion today, which just illustrates it is not limited to the Uighurs, there have been injustices to many other groups as well, that is why they have habeas corpus and are being released. It shows that all the claims that if you do this in the public, you let it out, all these calamities will happen. History just doesn't bear that out.

That was said before the Church Committee hearings as well. You can't have any of these hearings. We will never have anyone who will ever do a covert operation again. It didn't happen that way.

And to the extent that there is some kind of inhibition, so what? The benefits to democracy to getting it right are so much better to have members like you know what is going on.

The same questions that you are asking Mr. Schriver has been asked to those people in Congress who are actually the ones who are making those decisions, and you had it right to get the answers to them, and if you did they wouldn't have been listed on the organizations of terrorist groups.

Mr. DELAHUNT. Let me yield to the gentlelady from Texas, Sheila Jackson Lee, for as much time as she may consume.

Ms. JACKSON LEE. Mr. Chairman, first of all, I want to thank you for your kindness to yielding to me.

I am a member of the full committee, and the chairman has been gracious with his time to allow me to be involved in what I think is an enormously crucial issue. And if you ever want to be dressed down or undressed down, let Bruce Fein get in the mix of it. And it is appropriate that you have done so, and I do appreciate it.

I am going to be somewhat redundant, because I like making the record very, very clear. Because we have seen the denunciation of Bermuda. We have seen a representation on the public stage of all kinds of things. And it is always the last word that someone hears is what they go off with. And so I imagine that the public has already been, I will use the term tainted, meaning the American public. They have got their attitude about the Uighurs, and they believe that we have released major terrorists who are floating in the sea in Bermuda and that we are reckless and uncaring.

So let me try to, first of all, say, coming from a Caribbean American heritage, I want to thank the people of Bermuda for responding to what was a necessity. And, frankly, I want everyone to know that Bermuda would like to have snow slopes and terrible weather, but, unfortunately, they are in an area that doesn't allow them to have that. So when you do see them on video you are going necessarily see them in a beautiful backdrop. I thank again the people of Bermuda for what I think is helping to establish freedom.

The other thing that I would like to mention as I pose this question is my sense of outrage of the continued peppering of sweetness on Iran, even in light of the atrocious public scenes that we have seen and the clarity of understanding that elections that seem to

come out one way were—the statistics show that 70 percent of the people might have voted the other way. And, again, I don't pretend to select Iranian leaders, but I will say that that certainly brings a question to me.

I will add the backdrop to the sugaring and pampering that we have done of our good friends in China. And let me make it very clear, I am a friend of Mainland China. We have a wonderful consulate. They have been always so very gracious. But it always amazes me how we are able to use a lot of sugar when we talk to people who have some extreme failings that don't allow us to speak openly and forthrightly.

Not only are we dealing with the Uighurs, we are dealing with the Tibetans. I have been in the Tibetan mountains to the extent that I have even been thrown off a yak, not while I was drinking yak milk, but literally that is one of my famous acts here in the United States Congress, and for the panel that was called cultural exchange. But, obviously, he was not interested in too much dialogue.

So I have been in the temples. I have seen and discussed with those individuals about their crisis. I have met with the representative of the Dalai Lama, as well as the Dalai Lama, but particularly with his representative and spoke extensively about these issues.

So let me try to ask a question to Susan Baker Manning. How do you know the Uighurs and those gentlemen that are now in Bermuda were not associated with al-Qaeda?

Ms. BAKER MANNING. I know that because it is undisputed. They have never been accused of being associated in any way, shape, or form with either al-Qaeda or the Taliban. The government has conceded this repeatedly. It is in a number of military documents. It is undisputed. And the DC Circuit has noted that it is undisputed. They have no association whatsoever with al-Qaeda, the Taliban. They never took up arms against the U.S., any members of the coalition. They have never been accused of taking up arms against anyone.

Ms. JACKSON LEE. So if we were to seek a written affirmation or an affirmation we could go to Federal judiciary court papers.

Ms. BAKER MANNING. Yes, ma'am.

Ms. JACKSON LEE. Would we have access to these military documents that you suggested? Have you had access to them?

Ms. BAKER MANNING. There is a classified and unclassified portion of the record to which I have access. I could certainly provide the unclassified portions of that to the committee.

We have had some discussion about access to classified information. I have encouraged the executive branch to share with this committee its correspondence with Attorney General Holder. I have encouraged them to share the relevant classified information with the Uighurs, because it is critical that Congress understand who we are really talking about here. There is a great deal of misinformation.

Ms. JACKSON LEE. On the unclassified—and I am grateful for the chairman's yielding. I just have a pointed question.

On the unclassified, will I—in sort of supporting the chairman if he has asked for it, I would like to ask for it. On the unclassified, would we find written language that says that?

Ms. BAKER MANNING. What you will find is you will find that in the *Parhat v. Gates* opinion issued by the DC Circuit—actually, it is attached to my written testimony today. I can point you to the specific passage in there.

The court notes, after review of both the classified and the unclassified evidence in that case—and all the Uighurs are the same. Evidence is the same. The court notes, after review of both the classified and the unclassified evidence, that there is no allegation that Parhat was in any way a part of either the Taliban or al-Qaeda; and the court also notes that there is no evidence that he was a member of ETIM.

Ms. JACKSON LEE. And the reason why I just continue to focus on this—and I thank you for that—is that the spoken word sometimes is loose and light. But we have court affirmation having—the court having reviewed the classified documents.

And the other aspect of it is we are on Foreign Affairs, some of us are on Armed Services, some of us are on Homeland Security, all part of the synergism of protecting America; and the first frontliners of blame, rightly so, is the government for saying I told you so. These are in fact terrorists.

But we have investigated documents, documents that were the results of an investigation that says that they were not associated. Let me then ask you, why were they in the Afghan camps, as have been alleged?

Ms. BAKER MANNING. Well, as we have seen from discussions that the four men released to Bermuda have had with the press over the last few days, the first time they have ever been able to tell the story themselves, the same stories they have been telling me, these men end up in Afghanistan because Afghanistan is at the time a place that has no reciprocity with China. Every single one of them leaves China because of the oppression of the Uighur people.

Al Abu Hakeem, the gentleman in this picture right there, he leaves China in part because that little girl sitting on his lap is his niece. His sister was about to be forced to abort that child under China's one child policy. His sister escapes. He escapes about the same time.

They are fleeing the remarkable persecution of their people within China. Every single one of the 22 Uighur men who ended up in Guantanamo was leaving to escape that kind of oppression. Every single one of them is philosophically opposed to the Communist Chinese regime and to its remarkable and well-documented oppression of human rights and of their people specifically. But not one of them has ever sought to take up arms against China or anyone else.

Ms. JACKSON LEE. Do we have a court order that—the release, I am sorry, of these individuals, are they able to see their families? Are families coming to Bermuda? Or how is that working?

Ms. BAKER MANNING. The four gentlemen who are now in Bermuda are free. They are not able to travel because their Chinese passports were long ago lost. And the Bermudans have indicated

that they are willing to move them toward citizenship. That is a somewhat time-consuming process. It probably won't happen within the year. But upon their naturalization as citizens of Bermuda and, therefore, the commonwealth, they would be able to travel. And I understand there will be some restrictions about whether they will be able to travel to the United States. But they would be able to travel abroad. They will be able to see their families.

Ms. JACKSON LEE. Will their families be able to come to Bermuda?

Ms. BAKER MANNING. Yes, ma'am. The difficulty is that most of their family members are still in China, and there are enormous concerns with treatments of their families by the Chinese Government. There are just enormous concerns about that. So the difficulty is not whether the Bermudans would allow the family members to come visit them. The Bermudans have made it quite clear to me that they are more than welcome. The difficulty is getting out of China.

Ms. JACKSON LEE. Let me thank you very much.

Mr. DELAHUNT. Would the gentlelady yield for a moment? I want to inform her that it is the intention of the committee to go to Bermuda.

Ms. JACKSON LEE. That was my next point. I would like to join you. And I think that is an excellent suggestion, Mr. Chairman.

Mr. DELAHUNT. And I have discussed it with the ranking member. We would hope—and, clearly, there are logistical issues, and this is a matter that would have to be discussed with our Speaker and Chairman Berman. But it would be my hope that we could conduct a hearing in Bermuda and have these four individuals testify.

Because, as I said earlier I think it is very important that we—and not we necessarily but the American people hear from them directly without the filter of pundits and talking heads and those that may or may not have a particular bias. And I think it would be very, very instructive and very, very informative and hopefully accelerate the process of closing down Guantanamo as promised by President Obama and sought, actually, by President Bush, Defense Secretary Gates, Secretary Powell, and others.

Because what has happened—and I am sure you have noted it, Congresswoman—is that there have been many statements such as send them back to China by people who are—

Ms. JACKSON LEE. Misinformed.

Mr. DELAHUNT. Misinformed but who are—people who are perceived to be leaders in this country. And they have created such a hostile environment that the actions of our Government are not necessarily welcoming to those who were hoping to resettle here in the United States. Instead, we go around the world to countries who I never really, in all honesty, knew existed, such as Palau, as well as Bermuda and Italy and others, hat in hand asking that they accept these individuals whom it is indisputable are no threat to the United States and hopefully can contribute to whatever society they end up in.

It is my current intention to take a trip probably this weekend and speak to the Bermudan authorities and sit down with people on the ground from the executive branch and discuss the logistics

of our going there and having these individuals come before us so that we can put to rest whatever the facts are, their views. And if anybody wants to refute them, now is the time for them to stand up after they testify.

So that is the intention of the committee, and that is my own short-term plan. But I would anticipate some time after the July district work period to go to Bermuda and to have a briefing, have a hearing, whatever it is appropriately called.

With that, I yield back to the gentlelady.

Ms. JACKSON LEE. And, Mr. Chairman, I thank you for your graciousness.

I think that is highly appropriate. I think it should be known that the chairman is also on the Judiciary Committee, and this is perfectly in sync with those issues.

I will have just two brief questions, and then I will conclude my remarks. And that is to ask Mr. Fein, how do we fix this going forward? And then I have a question for a professor who is traveling.

But how do we fix this going forward? You enunciated that—I had left because, in fact, I am going back to a Homeland Security Committee hearing, a committee that I chair, dealing with securing the critical infrastructure, dealing with issues of chemical security. And, you know, over there we are trying to be the face of securing America.

But you mentioned something about our values, civil liberties. I almost think—if I can refresh people's memory about the Japanese camps in World War II, and I would ask them would we still want to have those camps today even if they existed and there was no one in them, or we say, well, we are holding them because we may have to do it again.

Don't people understand that is what Guantanamo Bay equalizes? Because it was no less serious when the Japanese bombed Pearl Harbor. It was like the world had come to an end. Well, it was like the world had come to an end on 9/11.

But we got ourselves back together. We realized that that was a heinous thing to do. And so no one voted to say, Well, why don't we keep these in here? Because we may hear about so and so, maybe might have been with the Japanese on that heinous act. But we closed them. And I guess our shame is to never do that again.

Why is it that we are in this complex situation with Guantanamo Bay and we seem to fail in our remembrance of history?

Mr. FEIN. Well, there is a whole host of reasons. One of those that is most unpleasant to mention is, at present, Congresswoman, the names of the victims are difficult to pronounce—Brumidi and Hamdan or whatever. It doesn't sound like Smith and Joe and whatever that we heard about during Watergate. So people think it is not going to happen to me.

A second reason is because I think the government and the executive branch tried to inflate the fear 5 million fold, calling the challenge the equivalent of fighting Stalin, Hitler, Mussolini, Hirohito, Lenin combined.

It is clearly a danger out there. That is why we have criminal justice systems. That is why we have covert actions. And, therefore, it became this idea—remember the worst of the worst at Guantanamo Bay? And we believed that because we find this the equiva-

lent of refighting World War II, and there are all these allusions to Munich and things of that sort.

So people get frightened, and they trusted their government and said, Okay, I guess that is what we have to do. And it took finally the Supreme Court in Boumediene that said, you know, the rights do apply there; habeas corpus applies here. And that is why we have the hearings on the Uighur.

And Congressman Dana Rohrabacher didn't quite understand that. He said, "Well, why, Mr. Fein, are you wanting these people to have rights?" Well, he wouldn't be sitting there and questioning the other panelists if we didn't have that Supreme Court decision.

Habeas corpus does apply. And it is something that we need to reestablish, in my judgment, an entire different culture that recognizes, yeah, being an open society creates some risk. But that is who we are as a people. And it prevents a lot more injustice than risk that it creates.

How do you go forward in addressing these issues? I think when we think about the listing of organizations as terrorists, some kind of stigma, building upon what we learned from our own—we had a list of subversive organizations that we had around for about four decades as well. I was in the Office of Legal Counsel. We abolished the damn thing finally under President Nixon.

We need to have a set of hearings. What are the criteria and the due process that ought to go forward if we are going to list anybody at all without an actual trial? How much do we get from these listing organizations other than being able to make people frightened? There has never been any systematic study of that.

How much judicial review can we have? Because, at present, you are listed. That is it. You don't know what the charges are against you. You don't even know how to refute it.

The standing issue is, well, you are an organization abroad. You don't have standing in the United States to bring a lawsuit.

How are you going to hire a lawyer?

A whole examination of how we go about the process of listing and how many different lists we have. Executive order lists under the Economic Emergency Powers Act. It should be—you might call it mini Church Committee hearings on all of these different ways you get listed. Individuals, organizations, no due process at all. How accurate are they? Is there any examination after the fact? Should these people be on the list at all or not?

And that is what I think is critical that could come out of this hearing. Because the Uighurs are just a microcosm of this much, much larger issue of secrecy and arbitrariness and just listing people.

It reminds me a little bit of the Pope's Index of Forbidden Books. Oh, you are just thrown off the list. Okay, now no one can read it anymore.

You need process out there. Perhaps the most important idea in the history of civilization has been two words, due process. Always come back to that. Due process, the most important idea that we have ever contributed to civilization.

Ms. JACKSON LEE. Well, you have given us a road map.

We have lost a dear professor. It looks like we have talked him into oblivion. But we appreciate what he was able to put on the record; and I will peruse the record, Mr. Chairman.

But what I want to just point out—and I want to thank the other witnesses. I will not pose questions to you. But what I want to say to Mr. Fein, that is an appropriate, if you will, road map for us. To bring us back to the questioning of these practices that we utilize, in essence, to secure ourselves and really probe into the criteria.

For example, Mr. Chairman, I hope we can look into what has been called the Iranian Resistance Movement. They are located in Paris, France. I am sure you have received many invitations. We have been castigated, some of us, for trying to listen to them. I just want to find out what they are. They indicated their resistance. They have been labeled as terrorists. We have had some comings and goings.

But there are a number of groups like this that I think are crucial. The whole issue of due process is crucial. And we have had moments in our culture. We have had moments with McCarthyism.

I was on the COINTELPRO subcommittee dealing with the investigation of the King and Kennedy assassinations, the one that they organized in late 1978. And let me just say that I was there when I was about 2 years old. But I was a staffer, and we had what we called COINTELPRO, which is the surveillance of Dr. Martin Luther King.

And we thought that was securing America. And we had all kinds of allusions or suggestions that he was a Communist and taking over America, and tragically we lost him in a tragic assassination that was successful. We don't know whether the creation of that aura contributed to the misthought of individuals, just as the tragedy that happened in the Holocaust Museum.

So we have got to find the terrorists, yes. We have got to know whether they are domestic or foreign, yes. But we have got to find a way to frame our fight in the work or in the mind-set of due process.

I conclude, Mr. Chairman, by saying the beginning of the Constitution says that we, the people, have formed to create a more perfect union. We have never said it could be superbly 100 percent, but we said more perfect. And I think that goes to the Founding Fathers leaving, in this instance, Great Britain, and found that it was not perfect.

And so I am hoping that we can work for a more perfect union and look at the hearings on these terrorist lists and particularly follow up on the Uighurs. And I think this is instructive, and I think it is instructive for the State Department.

I appreciate, Mr. Secretary, your representation of my fellow Texan who had an interest in this, but I also think it is extremely important that we look at Guantanamo Bay and ask ourselves a question: Would we want the Japanese camps here today as a symbol of America? Then do we want to have Guantanamo Bay as a continuing symbol of America?

With that, Mr. Chairman, I yield back.

Mr. DELAHUNT. I thank the gentlelady.

Ms. JACKSON LEE. And I am not sure, it looked like Ms. Kan was trying to say a word.

Mr. DELAHUNT. Go ahead.

Ms. KAN. I appreciate your comment.

I would just make one clarification, that those camps in World War II, they were actually for Americans who happened to be of Japanese heritage. They were not Japanese. They were Americans. And that was part of the historical record.

On your earlier question of whether or not we ought to ask questions about these designations, including the most recent one in April by the Treasury Department, there are indeed questions. Because we don't need to go back to the 1990s or the 19th century. We can focus on the concerns about the threats last year surrounding the Olympic Games. And that is what Treasury tied the individual to those supposed threats last year. That is not the—

Mr. DELAHUNT. But if I am correct, there were no incidents.

Ms. KAN. There was no attack against the Olympic Games. There were incidents in May and July that were in Han ethnic Chinese cities.

Mr. DELAHUNT. But not in the autonomous Uighur region.

Ms. KAN. Well, that is just the point. When they happened in the Han ethnic Chinese cities in the east and the south, China denied that they were terrorism. When there were incidents in the far west, in Xinjiang, China immediately called them terrorist incidents.

And there is another discrepancy, that the threats that were posted on YouTube—and we by no means take them at face value—they claimed credit for the incidents on the eastern part of China, but in fact those were not considered terrorist incidents by China nor by the United States Government. And there were some mistakes in making those claims at the same time.

Mr. DELAHUNT. This is just—you know, this has been very informative. It was Professor Gladney, I think that you said that the majority of information regarding ETIM was traced back to Chinese sources. And I think your words were that leaves a significant credibility gap. Am I stating the gist of your own statement?

Mr. GLADNEY. Yes, sir, I believe that your quotation that started this whole session set it out very perfectly. That clearly the statistics, whether they were reportedly—are the words used—were verbatim repeated. In other words, there was not even the effort to check if there were 443 civilian injuries or it was 445. It was 444.

Mr. DELAHUNT. You can do a better job of pasting and cutting here.

Mr. GLADNEY. My students would get a C minus for that report.

Mr. DELAHUNT. That is shoddy.

You know, I was just thinking, prior to 9/11—and you can respond, too, Mr. Secretary—was there ever any reference anywhere which would have linked ETIM or any of the Uighurs to al-Qaeda? Was that referenced anywhere in your knowledge in any reporting to the government, whether it is classified or unclassified or top secret or code red or code blue or whatever?

Mr. GLADNEY. Can I speak to that, sir?

I think even more interesting is that al-Qaeda themselves, whether bin Laden or his spokespersons, have never raised the

Uighur cause as of interest to them. There is one reference to one of his lieutenants in one statement. But bin Laden himself has never mentioned the Uighur cause. There are a lot of theories about that.

But he has mentioned specifically other so-called Muslim liberation causes, whether it was in Chechnya, or Mindanao, or whatever. So al-Qaeda is interested in supporting these.

The other incident—the other aspect of this whole situation that should be made clear is that Uighurs traditionally have not been interested in radical Islam. They have a strong Sufi tradition. Sufis are persecuted by the Taliban and by al-Qaeda. There is some Wahabi influence in the region. It may be growing.

But, traditionally, we have all called attention to the fact that Uighur culture is long, history of celebrating, a vibrant culture, dance, music, vibrant colorful clothing, all of the kinds of things that we have seen Taliban trying to wipe out. So it has never resonated with the al-Qaeda.

Mr. ROBERTS. If I—

Mr. DELAHUNT. We welcome back from Kosovo Professor Roberts.

Mr. ROBERTS. I have been here. I have just been off the screen, I think. I just want to note, also, if you are examining this issue about foreign intelligence, I would also suggest that sources from places like Kazakhstan and Pakistan and Kyrzykstan are also—I would not see them as credible third-party sources in this instance, because they have their own interest also in classifying Uighurs as terrorists.

Mr. DELAHUNT. Again, let me throw this to the panel. Do they support a Sharia state? Have we ever heard that? Because that is being stated by colleagues of mine here in the United States Congress.

Of course, that conjures up images of the extreme form of Wahabism that has been embraced by, obviously, al-Qaeda. But is there any evidence of that anywhere in any document? Mr. Secretary, are you aware of any?

Well, I think I have kept you here long enough. But this has been extremely informative. You have left us with more questions, but we have made a commitment to pursue, to create a record hopefully that will be—

Ms. KAN, you mentioned that it was met—the designation was met with controversy outside and inside the State Department. Do you remember making that statement?

Ms. KAN. Yes.

Mr. DELAHUNT. Do you want to expand and amplify, or would you prefer to avoid that answer?

Ms. KAN. I don't think I can get into specifics. But over the time of my research several sources have told me that it was controversial inside.

Mr. DELAHUNT. Within the Department of State.

Ms. KAN. But I think Randy can speak to that better.

Mr. SCHRIEVER. Well, again, not having directly participated in this decision my recollection is, yeah, there were different views, but the controversy was mostly surrounding the very issues we are talking about today: What are the second and third order effects that we may not be able to control? Will this give the Chinese an

imprimatur that we certainly don't want them to have for their repressive activities in Xinjiang?

So I think the controversy mostly rested in believing that was the right designation, but would it be the appropriate thing to do in light of some of the possible consequences.

Mr. DELAHUNT. Has anyone—I want to get back to where are the ETIM now. Do you have any information that they have existed in the past 3 years, 5 years, 6 years, 8 years? Mr. Secretary.

Mr. SCHRIVER. If you allow me to answer that indirectly, I think people could sort of create a road map of where some of the folks ended up or morphed into this other organization, ETIM.

But I am not aware that anyone from the Bush administration who participated in this decision would object to a new administration reviewing that decision or saying that things have changed from the time in fall of 2002 when the decision was made. It is highly appropriate if the nature of the organization has changed or, as some suggest, no longer even exists that the government should take a fresh review of that. I wouldn't object to that. I don't think my boss would object to that, who made the original designation. It seems to me an entirely appropriate thing to do.

Mr. FEIN. Mr. Congressman, it shows some of the flaws, again, in the legal structure here. If you are listed as an FTO, the government is required to reexamine the listing at a minimum every 5 years and perhaps 2 years; and it is supposed to base its listing on the most recent window of time. Whereas—

Mr. DELAHUNT. Does that really occur in the real world?

Mr. FEIN. Maybe when—

Mr. DELAHUNT. Other than in a perfunctory manner?

Mr. FEIN. At least it has some element of sunset to it. And you are able under the statute after 2 years to go and petition the administration to take a new look.

Now, maybe it is pro forma. But there isn't even that opportunity, just bureaucratic inertia in the—when you are listed by an Executive Order, it can be there for ages. It can just appear as an entity. Just people worried in post-9/11 I don't want to be said I removed a terrorist organization. That leaves you vulnerable—were you weak on terrorism—if there is some incident.

Mr. ROBERTS. If I can add one thing, Congressman Delahunt, is that I think the people who will try to convince others that ETIM is still a threat will point to these things on the Internet related to the so-called Turkistan Islamic Party. Now, that is a completely—as far as I know, I have no evidence that that exists anywhere but on the Internet.

It may indeed exist somewhere else. I saw last week an issue of Jamestown Foundation's Terrorist Monitor which purports that this organization is now putting out journals. And they found these on jihadi Web sites, which makes me really question how much they are related to Uighurs at all. But that would be one group that people will point to.

Mr. DELAHUNT. Well, thank you, Professor.

Ms. Kan.

Ms. KAN. On your question about Sharia law, maybe I can just add a small point.

If you look at the authoritative history of Xinjiang and the Uighur people going back to the Qing Dynasty and also in the Republican era, Republic of China era, when the Kuomintang controlled things, Sharia law was allowed. The Xinjiang people practiced Sharia during the Republican era. It was only when the Communist Party of China started to take control in 1950 that the Communist Party, which bans these kinds of religions, tried to ban Sharia law, but it was in place historically. So what does that mean if people want to reinstitute something that they have had historically and was allowed previously?

Mr. DELAHUNT. Well, this has been extremely informative. I am confident that some of you will be invited to return as we proceed, using the case of the 22 Uighurs who had been or are currently incarcerated at Guantanamo as an object lesson, as a case study, if you will, for I think some very serious issues that have been raised here today.

Thank you, Professor Roberts. We appreciate your input.

And to all of you, again, thanks; and we are done.

[Whereupon, at 1 o'clock p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

SUBCOMMITTEE ON
INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS, AND OVERSIGHT

William D. Delahunt (D-MA), Chairman

June 12, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend the following OPEN hearing of the Subcommittee on International Organizations, Human Rights and Oversight, to be held in Room 2172 of the Rayburn House Office Building:

DATE: Tuesday, June 16, 2009
TIME: 9:00 a.m.
SUBJECT: Exploring the Nature of Uighur Nationalism: Freedom Fighters or Terrorists?

WITNESSES: **Panel I**
Mr. Randall G. Schriver
Partner
Armitage International
(Former Deputy Assistant Secretary for East Asian and Pacific Affairs, U.S. Department of State)

Sean R. Roberts, Ph.D.
Director and Associate Professor
International Development Studies Program
Elliott School of International Affairs
The George Washington University

Dru C. Gladney, Ph.D.
President
Pacific Basin Institute
Pomona College

Panel II
Ms. Shirley Kan
Foreign Affairs, Defense, and Trade Division

Congressional Research Service

Ms. Susan Baker Manning
Partner
Bingham McCutchen

Bruce Fein, Esq.
Principal
The Litchfield Group

By Direction of the Chairman

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MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DANA ROHRBACHER, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA



**STATEMENT CALLING FOR RELEASE OF THE UIGHURS
INTO THE UNITED STATES**

**Prominent Conservatives Say Continued
Indefinite Detention Violates the Constitution**

May 29, 2009

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STATEMENT CALLING FOR THE RELEASE OF THE UIGHURS

At present, seventeen Chinese Muslims—or Uighurs—are still being held at Guantanamo Bay, where they have been detained for nearly seven years. The courts, the United States military, and the former administration under President Bush have long recognized that these men are not “enemy combatants,” and do not pose a threat to the United States. After nearly seven years, there are no legal or moral grounds for holding these men one day longer. We call upon the U.S. government to end the unlawful detention of these men, release them into the United States, and recognize the United States’ obligations to resettle some Guantanamo detainees in our country in order to encourage other nations to share in this responsibility.

In the fall of 2008, federal district judge Ricardo Urbina ordered the release of these seventeen Uighur detainees whom the Bush administration admitted were not enemy combatants. Detained for nearly seven years, these seventeen men were ordered to appear at a hearing in Washington, D.C. to determine the terms of their release. The Justice Department appealed the release order, and in February 2009, the U.S. Court of Appeals for the District of Columbia Circuit reversed the district court order on the ground that the courts lack power to order such a release.

Unfortunately, the Uighurs cannot be repatriated to China, their homeland, due to state sponsored persecution, and it is an open question whether any other country would admit them. Indeed, both the Defense and State Departments have been trying for more than five years to persuade other countries to accept them and have failed in that effort. While it is clearly necessary for the United States to detain foreign terrorists to protect national security, that is not at issue here. Throughout the litigation process, the Bush administration agreed that the Uighurs are not enemy combatants, and there is no evidence that these men pose any threat to the United States. Rather, the record from the court proceedings shows that the Uighurs represent a persecuted minority in China, that these men cannot return to their home country, and that numerous resources are available to help them resettle in the United States, including the assistance of the Uyghur American Association.

The continued detention of the seventeen Uighurs in Guantanamo continues to compromise our principles and undermine our standing in the world. It also severely damages our credibility with our allies. When the United States government refused to admit detainees who are not enemy

combatants into the country, this undermined the ability of the State Department to negotiate for other countries to accept any detainees.

Those detainees for whom we have evidence of terrorism offenses should be prosecuted in our federal courts to the fullest extent of the law. But in order to close the Guantanamo detention facility successfully and to encourage our allies to partner with us in resettling the remaining detainees, the United States must accept our share of responsibility. Since resettlement in China is not an option, no other home has yet been found, and the Uighurs do not pose any threat to the United States, there is no good reason to object to their release into the United States. In fact, the court records included a detailed plan by the Uyghur American Association to assist these men in resettling in the United States.

This is not a partisan issue. Conservatives and liberals, Republicans and Democrats, advocates of a strong president, a strong Congress, and a strong federal judiciary all believe that the system of checks and balances created by our country's founders is required to preserve Americans' freedoms, liberties, and our country's security. When our government lacks a legal basis to detain people and there is no evidence that they pose a threat to the United States, they should be released promptly. We call on the U.S. government to promptly release these seventeen Uighurs. We encourage the Administration to act promptly to find homes for the remaining detainees who are also recognized as not being enemy combatants.

SIGNATORIES

Stephen E. Abraham—Partner, Fink & Abraham LLP; Lieutenant Colonel, Military Intelligence, United State Army Reserve (Ret.)

Mickey Edwards, President, Aspen Institute; Lecturer at the Woodrow Wilson School of Public and International Affairs, Princeton University; former Member of Congress (R-OK) and Chairman of the House Republican Policy Committee

Richard A. Epstein—James Parker Hall Distinguished Service Professor of Law, University of Chicago Law School; Senior Fellow at the Hoover Institution

Thomas B. Evans, Jr.—Chairman, The Evans Group, Ltd.; former U.S. Representative (R-Del.); former Co-Chairman Republican National Committee

David Keene—Chairman, American Conservative Union

William H. Taft, IV, Of Counsel, Fried, Frank, Harris, Shriver & Jacobson; former Legal Advisor, Department of State, George W. Bush Administration; Deputy Secretary of Defense, Reagan Administration

Don Wallace, Jr.—Professor of Law, Georgetown University Law Center; Chairman, International Law Institute

John W. Whitehead—President, The Rutherford Institute

Lawrence B. Wilkerson—Visiting Pamela C. Harriman Professor of Government at the College of William and Mary; Professional Lecturer in the University Honors Program at the George Washington University; former Chief of Staff to Secretary of State Colin Powell; Colonel, United States Army (Ret.)

**Affiliations Listed for Identification Purposes Only*

