

**STATEMENT OF
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Mr. Chairman, Members of the Subcommittee, Thank you for the opportunity to testify here today, It is an honor to address this Subcommittee on such an important issue and to share my thoughts on the plight of the Uighurs and the implications for an effective national security policy. I would like to address several points in my testimony this morning. The nature human rights conditions in the Xinjiang Uighur Autonomous Region or the XUAR, the security situation there, and the interrogation of suspects at GTMO by Chinese authorities.

Amnesty views with sadness and grave concern the recent ethnic violence in Xinjiang, which has been one of the worst outbreaks of violence in China in decades. Violence has once again placed this region in the headlines, but the causes and human rights conditions that underlie these riots have been developing for decades, both in the fundamental conditions that exist in the region, and in policies and programs and reactions of the central and local government in the XUAR.

The recent violence is not an isolated event, but part of the wider story. In 1955, the People's Republic of China established the Xinjiang Uighur Autonomous Region (XUAR), in recognition of the Uighurs' predominance in the region, a status which according to the Chinese Constitution entitles ethnic minorities to organs of self-government in order to exercise autonomy. According to the latest Chinese census in 2000, there are more than 18 million people living in the XUAR, of whom 47 per cent are Uighurs, 40 per cent are Han Chinese and 12 per cent are other ethnic groups, including Kazakhs,

Kyrgyzs, Tatars, Uzbeks and Tajiks. The Han Chinese population has increased significantly from an estimated 6 per cent in 1949 due to central government policies that include providing financial incentives to Han Chinese who migrate to the region. This sustained influx of Han Chinese migrants into the region, are destroying customs and, together with employment discrimination, fuelling discontent and ethnic tensions.

On paper Islam is one of the official religions of China and the people are accorded special privileges because of their cultural background, in reality the government has pursued a policy of undercutting the Uighurs cultural, linguistic and religious life. According to an Amnesty report in 2009, the authorities maintain tight control over mosques and religious clergy, intervening in the appointment of local imams, stationing police within and outside mosques, and closely monitoring all religious activities. Government employees in the XUAR, including teachers, police officers, state enterprise workers and civil servants risk losing their jobs if they engage in religious activity. Chinese authorities have also put many obstacles in the way of Uighurs attempting to make the pilgrimage to Mecca, known as the Hajj, which is a requirement for all practicing Muslims. Children under the age of 18 are not allowed to enter mosques or to receive any sort of religious education. Many young Uighurs are afraid that if they do enter a mosque, or are found to be praying at home, they will be expelled from school. A supposedly bilingual education policy has instead effectively made Mandarin the sole language of instruction, and is stealthily undermining the foundations of Uighur culture.

The post-Mao era in the 1980s liberalized policies throughout China allowing citizens greater freedom, including freedom of religion and expression, and strengthened legal protections. However, since the mid to late 1990s, Uighurs experienced a sharp reversal in policy, as authorities embarked on an aggressive campaign against the “three evils”: “terrorism, separatism and religious extremism”. As a result, increased numbers of Uighurs have been subjected to arbitrary arrests, unfair trials and torture, and their economic, social and cultural rights have been slowly eroded. This has worsened post 911 as the authorities cast Uighur discontent within the framework of international terrorism. Academics and other observers consider these claims unsubstantiated.

In 2008, the authorities used a series of violent incidents, allegedly carried out by Uighur separatist groups, as a pretext for launching a sweeping crackdown on the Uighur population in the XUAR. According to official media, almost 1,300 people were arrested in 2008 on state security charges that included terrorism, separatism and religious extremism, and 1,154 were formally charged and faced trials or administrative punishments. On August 14th, Wang Lequan, Communist Party Secretary of the XUAR, announced a “life and death” struggle against Uighur “separatism”.

Currently there are thousands of Uighur political prisoners; imprisoned without charge or trial or after unfair trials. Torture is common and statements extracted through torture are used to convict Uighurs including subjecting them to the death penalty. The coercive methods reportedly used by Chinese Public Security agents include physical beatings, prodding with electricshock batons, the insertion of needles under the fingernails and the use of stress positions.

Uighurs are imprisoned for peaceful political activities and persecuted for their religious and ethnic background. Uighurs who have been returned to China from other countries face imprisonment, torture and execution. It is against this underlying set of conditions that we have to view the current situation for the Uighur detainees at Guantanamo. No other group of prisoners were so clearly wrongly apprehended and detained - reportedly sold to the US by Pakistani forces, after they fled from Afghanistan. Soon after they were picked up in 2002 it was realized that they posed no threat to the United States.

From the outset, ill-treatment was a predictable part of a detention regime operated away from independent judicial oversight, and the Uighur detainees were not spared such abuse. In May 2004, Amnesty International alleged that agents of the Chinese government had been in Guantánamo in 2002 and had participated in the ill-treatment of Uighur detainees, including by sleep deprivation, threats and environmental manipulation.

The US government never directly responded to the allegations, but a May 2008 report of the Office of the Inspector General of the US Justice Department revealed that an agent of the Federal Bureau of Investigation had reported that “several Uighur detainees were subjected to sleep deprivation or disruption while being interrogated at Camp X-Ray by Chinese officials prior to April 2002”. One of the detainees had alleged that “the night before his interrogation by Chinese officials, he was awakened at 15-minute intervals the entire night and into the next day”. The Inspector General’s report stated that “some Chinese officials visited GTMO and were granted access to these detainees for interrogation purposes”. The Uighur detainees told the Combatant Status Review Tribunals in late 2004 and early 2005 that they had been ill-treated by members of the Chinese delegation. In the District Court hearing on 21 August 2008 cited above, Judge Ricardo Urbina indicated his concern that “there have been a number of situations that have arisen with respect to the interrogation of the Uighurs which appear to run contrary to what these people were assured would happen; one of which was having a Chinese interrogator when these people were told no Chinese interrogator would participate in interrogation”.

For the years since then, in the absence of judicial oversight, the indefinite and isolating nature of the detentions at Guantánamo has remained cruel, inhuman and degrading. In February 2007, for example, Uighur detainee Ali Mohammed (aka Anvar Hassan) was being “held in isolation in Camp 6, a ‘super-max’ prison, at least 22 hours a day. He never sees direct sunlight and has no access to fresh air. During his two hours per day of ‘recreational time (which on alternating days, is in the middle of the night), Ali is placed in a cage where he can sometimes see other prisoners but is punished if he tries to touch or greet them. He is compelled to complain to get clean clothes. He is denied privacy when he uses the toilet; even female guards can see him. His food and drinks are always cold. He eats every meal alone. Like all Guantánamo prisoners, he is not allowed any visitors other than occasional trips by counsel and the Red Cross, and he is not allowed to make phone calls. As [the US Supreme] Court recently affirmed, even convicted murderers cannot be made to endure conditions like these without first providing them the benefit of due process”.

The physical and psychological well-being of detainees kept in such conditions has long been of concern. The treatment of the Uighurs has illustrated the pursuit of unfettered executive power that has characterized the USA's conduct in the "war on terror" and led to systematic human right violations, including arbitrary detention torture and other ill-treatment. Resolving their situation should mark not only a new start for these men, but also full recognition by the USA of its obligation to ensure that anyone whose rights under international law have been violated in US custody has access to effective remedy.

Remedy for the Uighur detainees – arbitrarily detained in violation of international human rights law – is long overdue. Remedy includes reparation, one aspect of which is restitution. The latter should, whenever possible, restore the victim to the original situation before the violation occurred, including the restoration of liberty.

Four Uighur former Guantanamo inmates are now in Bermuda, four in Albania and one, Adel Abdu Al-Hakim, in Sweden. Consider for a moment what the men recently released have lost. They have lost seven years of their lives. Quite apart from the personal deprivation of liberty that is also seven years of lost earning potential - one fifth of a working life. Their families too have been without their primary breadwinner all this time.

Furthermore, what kind of future do they have to look forward to? They certainly haven't had the opportunity to learn or develop a trade while in detention, nor are many of them returning to a society they know well. Some may not even speak the local language. However idyllic Bermuda may appear in press photographs, it is a world away from the Central Asian steppe the Uighurs are used to. A refugee center in Albania surely lacks any appeal whatsoever.

Some released inmates may be grappling with medical or mental health problems. We know five inmates have committed suicide since the detention facility in Guantanamo opened and in March this year the Department of Defense reported that 34 inmates were on hunger strike. Such figures give some

insight into the harrowing nature of the detainees' experiences - yet no provision has been made to support their rehabilitation.

A recent study of the post-release lives of 62 former GTMO inmates compiled by Professors Eric Stover and Laurel Fletcher of UC Berkeley found that two out of every three former detainees reported psychological problems resulting from their confinement. Only six had been able to find permanent jobs. Some are indigent and destitute.

Releasing inmates cleared for release, such the Uighurs, is not in and of itself enough. We have a moral and legal obligation to aid the reintegration of former inmates back into society. These men have been convicted of no crime. In our system that means they are innocent. No ifs or buts.

Innocent men wrongly held for seven years have a right to compensation yet we understand some detainees have even been asked by the Camp authorities to sign a waiver stating that they will not seek redress as a condition of their release.

How low we have sunk. The Obama administration can't simply shove cleared detainees out the gates of Camp Delta and forget about them. The United States must take responsibility for rebuilding lives it has ruined.

If simple decency is not reason enough, consider also that "Guantanamo stigma" means that former detainees with no other source of support have little choice but to turn to radical mosques and extremist networks for help. It is in our interests to help these individuals make a fresh start. Indeed our very security may depend on it.

In the pursuit of any conflict there are always mistakes and always casualties, but it is incumbent on us to act honorably, to tell the truth, and to freely acknowledge our mistakes. In the long and sorry saga of the detention facility at Guantanamo Bay, no cases are more deserving of our sympathy and our apologies

than the Uighurs, both for the length of their detention and the manner of their treatment, and who have never posed any genuine or meaningful threat to the United States.