

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

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

**June 16, 2009**

**OPENING STATEMENT OF CHAIRMAN BILL DELAHUNT**

This hearing will come to order.

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

In our first hearing our panel was composed of distinguished experts on Uighur diaspora history. It included three time Nobel Peace Prize nominee and Uighur leader, Rebiya Kadeer, who, along with the rest of the panel, was unanimous in stating that the Uighurs were, and are, an oppressed minority in China. Furthermore, all agreed that the Communist Chinese government has used the term “War on Terror” as a means to avoid criticism as they brutally persecute and oppress the Uighur minority. The House of Representatives in Resolution 497 stated that the Chinese Communists had, and this is the language of the resolution, “manipulated the strategic objectives of the international war on terror to increase their cultural and religious oppression of the Muslim population residing in Xinjiang Uyghur Autonomous Region.” The regime in Beijing conflates peaceful, civil disobedience with violent, terrorist activity.

When I asked our witnesses “If Speaker Gingrich had his way and the seventeen Uighurs had been returned to China, what would their fate have been?” One witness, Nury Turkel, a Uighur lawyer and activist, said unequivocally that it would be “equal to a one way ticket to the death chamber.” The rest of the panel agreed—a return to China would be certain torture and likely summary execution.

Today we turn our attention to the East Turkistan Islamic Movement or ETIM. The charge that the Uighurs at Guantanamo were “terrorists” is 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 the federal courts. And, as we all know, the Obama Administration has been making every effort to re-settle these men in suitable countries. Four Uighurs have recently been re-settled in Bermuda. For that we have to thank our friend there, Premier Brown, who showed great political courage and decency when giving these Uighurs a new home.

However, my question is how did this accusation develop against the 22 men when 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 but 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 villagers for the sum of \$5,000 a piece.

During the Bush Administration, ETIM was classified as a terrorist organization under Executive Order 13224. It is important to note that under the Executive Order defines terrorism as actions that do not necessarily

threaten the United States and its citizens. By contrast - a designation as a Foreign Terrorist Organization—a 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. In my research it would appear and I submit that this is significant that **at no time was ETIM considered a FTO.**<sup>1</sup>

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

In any event, my primary concern is that in making our own assessment as to the nature of this shadowy group—called the ETIM—did we place undue emphasis on Chinese Communist intelligence? Some may even call it propaganda to suit their own strategic objectives regarding the Uighurs.

It appears to me that we took substantial intelligence information from the Communist Chinese regime and then used that questionable evidence as our own.

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<sup>1</sup> The legal criteria for designation of an organization Section 219 of the Immigration and Nationality Act (INA) as amended are that the organization: (1) must be a foreign organization; (2) must engage in terrorist activity or terrorism or retain the capability and intent to engage in terrorist activity or terrorism; and (3) must have terrorist activity or terrorism that threaten the security of U.S. nationals or U.S. national security (national defense, foreign relations, or economic interests).

Look at these two poster boards. One includes a statement taken from a Chinese document entitled "East Turkestan Terrorist Forces Cannot Get Away with Impunity" published by the Communist Chinese 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, look at this second poster. This is a statement from the U.S. Department of Treasury published in September of 2002 in response to the UN listing of 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 East Turkistan Islamic Movement or ETIM.

Now—I ask you—why has the perpetrator of these acts suddenly changed from undefined groups to ETIM? Why did our government take the statistics of the Chinese government and use it to support terrorist classification?

Regardless of where the 13 Uighurs currently detained in Guantanamo are re-settled—in the nations of Bermuda, Palau or elsewhere—this question on

ETIM must be answered because it raises serious concerns as to whether U.S. foreign policy can be manipulated by the Communist Chinese government or, for that matter, anyone else.

Professor James Millward echoes my concern in an article he wrote entitled “Violent Separatism in Xinjiang: A Critical Assessment” On September 2, 2001 the Xinjiang Communist Party Secretary said that the situation there 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.” The Communists even went on to say that “Xinjiang’s nightlife continues until 2 or 3 AM! Two weeks later, not surprisingly, the official Communist line changed. Following the September 11<sup>th</sup> attacks, official Communist pronouncements began to stress the threat of “terrorism” in Xinjiang as China’s leadership maneuvered itself “side by side with the United States in the War on Terror.” According to Professor Millward this required a revision of the official description of separatists in Xinjiang and what had generally been described as a handful of separatists was now a full-blown “terrorist organization.” Professor Millward hypothesized that this helped Beijing warm its somewhat chilly relationship with Washington.

Hopefully, today our experts will cast some light this issue because I submit that the case of the Uighurs is not simply about these 22 men from North Western 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 or otherwise, in such a way as to be seriously flawed so that it

harms our national interests? We should never forget that flawed intelligence played a key role in the decision to invade Iraq and we learned subsequently that Saddam neither had links to al-Qaeda nor had weapons of mass destruction. So I submit we should use the Uighurs as a case study to examine the process so that we may mitigate its deficiencies and help our nation reach better decisions, acknowledge our mistakes and do justice to the innocent.

Let me now turn to my friend and colleague, Mr. Rohrbacher, for any statements he may care to make.

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Thank you, Dana.

I am now pleased to welcome 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, Mr. Schriver served as Deputy Assistant Secretary of State for East Asian and Pacific Affairs. Before joining the Asia Bureau, he served for two years as Chief of Staff and Senior Policy Advisor to Deputy Secretary of State Richard Armitage. Mr. Schriver holds a bachelors degree in history form Williams College and a masters degree in public policy from Harvard University.

Our next witness joining us via video hook-up from Kosovo will be 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 the George Washington University's Elliott School for International Affairs. He is an 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 Kazakhstan-China borderland. Professor Roberts earned his Masters degree in Visual Anthropology and his Doctorate in Social Anthropology at the University of Southern California. Professor thank you for joining us from such a far distance.

I am next eager to welcome Professor Dru Gladney. Professor Gladney is a Professor of Anthropology at Pomona College and currently serves as President of the Pacific Basin Institute in Claremont, California. He has published over 100 academic articles and numerous books. Professor Gladney has held faculty positions and post-doctoral fellowships at Harvard University, the University of Southern California, Kings College, Cambridge, and the Institute for Advanced Study, Princeton. Professor Gladney received his PhD 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 non-partisan legislative support to Congress as a specialist in Asian Security Affairs. During the Taiwan Strait Crisis of

1995-1996, she directly supported the Defense Attaché at the Embassy in Beijing, for which she received a Defense Department Special Achievement Award. Ms. Kan graduated cum laude from the School of Foreign Service at Georgetown University and from the University of Michigan in Ann Arbor where she received a masters degree.

Next joining us will be Susan Baker Manning. Ms. Manning is a partner at Bingham McCutchen where she focuses her practice on intellectual property matters, including patent, trademark and copyright cases. Ms. Manning also maintains a thriving pro bono practice including the representation of numerous Uighur detainees at Guantanamo, including the four who were recently re-settled in Bermuda. Ms. Manning received her bachelors degree from Mount Holyoke College and her law degree from the University of Virginia. Ms. Manning, welcome—we look forward to hearing how your clients are doing.

Finally we will hear from my friend, Bruce Fein. Mr. Fein, a nationally and internationally renowned constitutional lawyer, scholar, and writer, served as both associate deputy attorney general for the Justice Department and general counsel for the Federal Communications Commission under President Ronald Reagan. He later served as legal adviser to then Congressman Dick Cheney on the Joint Committee on Covert Arms Sales to Iran. Mr. Fein is the founding partner of Bruce Fein & Associates Inc. and is currently writing a sequel to his recent book, “Constitutional Peril.”

It is an honor to welcome the witnesses here and I look forward to hearing your testimony.