

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).

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

In another video in Uyghur 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 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 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 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.