

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2008/06/30/uighurs-guantanamo>

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In a ruling that is years late, but is nonetheless brave and important, a federal appellate court held last week that a prisoner at Guantanamo has been wrongly deemed an enemy combatant. Huzaifa Parhat one of 16 Uighurs who remain in military detention at Guantanamo was reportedly determined eligible for release more than four years ago, though the risk of persecution in his native China and the lack of alternatives has prevented his release.

Parhat is an ethnic Uighur, part of a Muslim minority from western China. Like the [16 other Uighurs who remain in military detention at Guantanamo](#), Parhat claims that he was never a combatant and that he ended up in US custody by mistake. Parhat says that he was living with a group of other Uighurs in Afghanistan when the 2001 war started, that his group was led across the border to Pakistan, and that the Pakistanis sold them to the United States for a bounty.

US officials realized pretty quickly that the Uighurs were no threat. Indeed, Parhat and others were reportedly determined to be eligible for release from Guantanamo more than four years ago. The reason that they remained at Guantanamo was that they could not return to their home country, and no other country including the United States would agree to accept them.

Parhat and the other Uighurs would risk serious persecution if returned to China. Since their continued imprisonment at Guantanamo represents an unjustifiable wrong, and they have nowhere else to go, they should be paroled into the United States.

Chinese Fears of Splittism

Uighurs in China face imprisonment, torture, and even execution for what the Chinese government deems to be separatism or splittism. Having fled to Afghanistan under the rule of the Taliban would be sufficient, under the Chinese governments standards, for the 17 Uighurs at Guantanamo to be viewed as a dangerous threat.

The Uighur population of western China is under tight Chinese control. Because the Chinese fear that ethnic Uighurs want independence for their region of the country, the government has taken draconian steps to repress Uighur nationalist sentiment. As Islam is perceived as underpinning Uighur ethnic identity, the government also represses most outward expressions of Islam.

For Uighurs to celebrate Muslim religious holidays, study religious texts, or show their religious identity through their personal appearance are acts that are strictly forbidden at state institutions, including schools. The Chinese government vets who can be a cleric, what version of the Koran is acceptable, where religious gatherings may be held, and what may be said at such gatherings.

Even the most peaceful Uighur activists, if they practice their religion in a way that the authorities deem inappropriate, face potential arrest and torture.

Whether to Return the Uighurs to the Chinese

US officials have made it clear that they will not send any of the Uighurs to China, but this option was once deemed within the range of possibility.

In a document that was released via a Freedom of Information Act (FOIA) request, an unnamed FBI official who worked at Guantanamo in late 2002/early 2003 mentioned the idea. At the time of my TDY [temporary duty at Guantanamo], he said, US officials were considering whether to return the Uighurs to the Chinese, possibly to gain support for anticipated US action in the Middle East. The Uighur detainees at GTMO were convinced that they would be immediately executed if they were returned to China. The next paragraph in the document was entirely censored.

In a document contained in an earlier FOIA release, an unnamed FBI official described an interview with a Uighur detainee, stating that [CENSORED] advised that he still has faith and trust in America and please do not return him to [CENSORED]. The censors codes show that the first excision in the sentence was made to hide a persons name, but that second excision was made because the information that

would have been revealed no doubt the word China was considered classified. It is sad that US classification authority was used to protect the Chinese from embarrassment.

While no Uighurs were ever returned to China and in fact the US managed to convince Albania to take five of them in 2006 the US did allow Chinese officials to visit Guantanamo at one point and interrogate the Uighur detainees.

They didn't treat me good, one Uighur explained, when asked about the visit in a 2004 administrative proceeding. Saying that the Chinese officials made threats, he described how they photographed him and said that he and the other Uighurs were going to be sent back to China.

Walking in Circles

The appellate court's opinion in Parhat's case has not yet been released because it, too, contains classified information, but a redacted version is being prepared. Importantly, in the one-page order that has so far been released, the court told the government either to release or transfer Parhat, or in what would be a pointless and agonizing exercise at this point to hold a new set of administrative proceedings for him.

In the meantime, Parhat is living a life of useless tedium. He recently described his daily routine to his lawyer, who wrote:

Abdusemet, another Uighur at Guantanamo, has described days on end of doing nothing more than eating, praying, pacing, and sitting on his bed. I am starting to hear voices, sometimes. There is no one to talk to all day in my cell and I hear these voices, Abdusemet told his lawyer, worriedly.

What did we do? he asked. Why do they hate us so much?

International Alternatives to Detaining Immigrants

A Roadmap to Justice for CIA Torture

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