

Testimony of Jason Pinney

Before the

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

Hearing on

**Chinese Interrogation vs.  
Congressional Oversight: The  
Uighurs at Guantanamo**

July 16, 2009

Opening Remarks

Good morning Chairman Delahunt, Ranking Member Rohrabacher, and all other members of the Subcommittee. My name is Jason Pinney, and I am an attorney with Bingham McCutchen in Boston, Massachusetts. I want to begin by thanking the Subcommittee for holding these hearings concerning the continuing detention of the Uighurs at Guantanamo. Although these men have long been cleared of any wrongdoing, it is unclear why they were ever labeled as enemy combatants in the first place. As Justice Brandeis famously remarked, “sunlight is the best of disinfectants.”

For the past four years, I have been part of a team at Bingham McCutchen that has represented — on a *pro bono* basis — as many as eleven of the twenty-two Uighur men at Guantanamo. None of these men are enemy combatants, and there has never been any justification for holding them. Thirteen Uighurs are still imprisoned at Guantanamo today. They remain there because no country — including our own — has the courage to stand up to the Chinese and offer them refuge.<sup>1</sup>

The problem, however, goes far beyond our failure to resettle these men. An objective look at the evidence reveals that our country imprisoned the Uighurs as part of *quid pro*

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<sup>1</sup> Three countries have had the courage to accept Uighurs from Guantanamo. On May 5, 2006, Albania accepted five Uighur detainees. One of the men was able to make his way from Albania to Sweden, and earlier this year was granted asylum in that country. On June 11, 2009, Bermuda resettled four more Guantanamo Uighurs.

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*quo* with China. China is one of the five countries on the United Nations Security Council. In 2002 and 2003, we needed China's support to invade Iraq. In exchange for Chinese acquiescence in our war plans, we agreed, among other things, to label the Uighurs as terrorists and house them at Guantanamo.

What's more, we agreed to provide the Chinese with special and unprecedented access to the Uighur men. In September of 2002, we allowed a delegation from the Communist Chinese government to travel to Guantanamo and interrogate the Uighurs imprisoned there. The interrogations lasted for days. Our clients were forced into cells, alone, with the Chinese. No representative from the United States was present during these interrogations. In the history of our republic, I cannot think of another example where a Communist country was invited in to interrogate, unsupervised, prisoners in a United States detention facility.

### **The September 2002 Visit**

Despite our best efforts, no one has been permitted to meet with our clients. The United Nations has been barred from meeting with the Uighurs. So have several human rights groups. The press has been denied permission to speak with the men, or to publish their pictures. Even the members of this Subcommittee have been denied access to the Uighurs, despite the blessing of counsel. It makes no difference that they are innocent men. The answer has always been the same. No contact has been allowed.

The exception to this rule? The Communist Chinese government.

In September of 2002, our country permitted a delegation from the People's Republic of China to travel to Guantanamo and interrogate all twenty-two Uighurs held at the prison. Prior to the interrogations, the Americans "softened up" the men by denying them sleep and in some cases food. Our government also provided the Chinese interrogators with copies of the Uighurs' files, including detailed information on their families, despite previous assurances to the men that their information would not be shared with their Chinese oppressors. The men were left alone with the Chinese in an interrogation room for several hours. No member of the US military was present.

Many of our clients have said that these interrogations were the hardest thing they had to endure during their seven years at Guantanamo. The Chinese made threats against family, and against the men themselves. Each of the Uighurs was told that he would be sent back to China and imprisoned, or worse. The men were petrified of what would happen to themselves and their family members if the Chinese carried out on their threats. They were also subjected to stress techniques such as forced sitting for many hours in a cold room, bound and shackled. Some of this mistreatment appears to have been administered at the instruction of the Chinese.

All of this would not be possible without the support and cooperation of the United States. Military personnel went as far as forcefully holding up my clients' heads by the hair and beard so that the Chinese could take their picture.

Statements from our clients' Combatant Status Review Tribunal ("CSRT") transcripts exemplify the Uighur experiences at the hands of Communist Chinese interrogators. Remarkably, these CSRT statements were all made in response to direct questions from tribunal panel members. Sometimes, it was the first question that was asked. It appears that some military officers were concerned that the Chinese were allowed to interrogate the men.

- Salahidin Abdulahat (now in Bermuda) described to his Combatant Status Review Tribunal ("CSRT") panel how he was forcibly interrogated, threatened, and deprived of sleep and food by the Chinese delegation. Furthermore, he described how "there was on American person . . . representing the president's house" who threatened to send him back to China if he did not cooperate with the delegation. He said that the Chinese "took our picture forcefully and recorded our voices and threatened to hit us and do other things." He pleaded with his CSRT panel "to not let those things happen again to us [because] it would hurt us really bad."
- Sabir Osman (still in Guantanamo) echoed these remarks. He said that the Chinese made threats against him, and told him that the American government had already agreed to turn him over to China. He also described a conversation with an MP in which "[t]he MP came in and said that they had orders from higher up and we have to hold you by your neck and they will take your picture."
- Ablikim Turahun (now in Bermuda) said that he was told if he agreed to return to China he would only be in prison for three to four years. The Chinese baited him by telling him that he could be with his family afterwards. Mr. Turahun knew the risks of believing the Chinese. He chose to stay in Guantanamo.
- Adel Abdul Hakim (now in Sweden) was told that he was "lucky" to be in Guantanamo; if they took him back to a Chinese jail, he would be "finished."

Most of the Uighurs refused to cooperate with the Chinese interrogators. As punishment, the Americans put all but two of them in solitary confinement for up to twenty days. No light, no air, no human contact.

I asked three of my clients to describe their interrogation experiences in greater detail: Abu Baker Qassim (Albania), Ablikim Turahun (Bermuda) and Kheleel Mamut (Bermuda). I have attached copies of their statements. I would like to take a brief moment to read a few excerpts from these statements.

### **The Fox in the Henhouse**

To allow China in to interrogate the Uighurs is not like allowing the British in to meet with their citizens at Guantanamo. England is an American ally. It is a democracy that promotes liberty. And, most importantly, it does not have a long history of torturing and oppressing its Muslim citizens.

China has an abysmal human rights record generally, and when it comes to the Uighurs, specifically. Everything from forced abortions to torture to executions for ideological dissent. This Subcommittee has already heard testimony on these abuses. Moreover, it has been widely acknowledged that the Chinese have used the so-called war-on-terror as a pre-text for abusing the Uighurs. Our own Department of State has concluded that:

The [Chinese] Government used the international war on terror as a justification for cracking down harshly on suspected Uighur separatists expressing peaceful political dissent and on independent Muslim religious leaders. . . . Uighurs were executed and sentenced to long prison terms during the year on charges of separatism.

In allowing the Chinese in to interrogate the Uighurs, we, by extension, aided in the persecution of the Uighurs.

**The Deal with China**

To more fully understand the significance of the Chinese visit to Guantanamo, it must be viewed in context. When the pieces of the puzzle are put together, it appears that our country made a deal with China. As part of the deal, we agreed to label the men as terrorists. In exchange, the Chinese agreed not to oppose our invasion of Iraq. The following chronology helps bring things into focus.

<p>October 11, 2001</p>	<p>China launches a campaign to label Uighurs as terrorists. As “a victim of international terrorism,” China hopes that its “efforts to fight against <b>East Turkistan terrorist forces</b> [will] become a part of the international efforts and should also win support and understanding.” — <i>Chinese Foreign Ministry Spokesman</i></p>
<p>December 6, 2001</p>	<p>In response, The U.S. refused to label the East Turkistan movement a terrorist organization. “[T]he U.S. has <b>not designated</b> or considers the East Turkistan organization as a terrorist organization.” — <i>U.S. State Department Coordinator for Counter-terrorism Francis X. Taylor</i></p>
<p>December, 2001</p>	<p>A group of eighteen Uighurs are captured together in Pakistan and sold to U.S. forces for \$5,000 a head. Four other Uighur men are separately captured and also sold to the U.S. for a bounty. All are later sent to Guantanamo.</p>
<p>February 1, 2002</p>	<p>China continues to oppress the Uighurs in the name of the war-on-terror. China instructs local authorities to crack down on Uighur “separatist techniques” including “forms of infiltration and sabotage <b>carried out in the ideological sphere</b> by ethnic separatist forces.” — <i>Xinjiang Party Secretary</i></p>

May-June, 2002	The Uighurs are transferred to Guantanamo.
August 26, 2002	U.S. Deputy Secretary of State Richard Armitage meets with senior Chinese officials in Beijing to discuss the invasion of Iraq and immediately announces that a group called the “East Turkistan Islamic Movement” (“ETIM”) will be placed on the State Department’s list of terrorist organizations.
September, 2002	A Chinese delegation visits Guantanamo and interrogates twenty-two Uighur prisoners.
October 25, 2002	Chinese President Jiang Zemin travels to Texas to meet with President Bush to discuss the war in Iraq.
December, 2002	An FBI report confirms that the Uighurs are being used to gain Chinese support for the war in Iraq. “US officials [are] considering whether to return the Uighurs to the Chinese, possibly <b><u>to gain support for the anticipated US action in the Middle East.</u></b> The Uighur detainees at GTMO [are] convinced that they would be immediately executed if they were returned to China.” — FBI Agent ( <i>name redacted</i> )
January 14, 2003	China intensifies its oppression of the Uighurs. “Xinjiang will always keep up the intensity of its crackdown on <b><u>ethnic separatist forces</u></b> and deal them <b><u>devastating blows</u></b> without showing any mercy.” — <i>Statement of Xinjiang Party Secretary Wang Lequan</i>
May 25, 2004	Amnesty International reports on the Chinese Guantanamo visit, including allegations that “ <b><u>the detainees were subjected to intimidation and threats, and to ‘stress and duress’ techniques such as environmental manipulation, forced sitting for many hours, and sleep deprivation, some of which is alleged to have been on the instruction of the Chinese delegation.</u></b> ” The report calls for the Uighurs not to be repatriated to China.
May 27, 2004	China denies the report stating: “Abuse is . . . strictly forbidden by Chinese law, so how could we carry out this kind of act in other countries?” “Such accusations by Amnesty International are totally groundless.” — <i>Chinese Foreign Ministry Spokesman Liu Jianchao</i>
August 12, 2004	Colin Powell confirms that the Uighurs are not going back to China. “The Uighurs are a difficult problem . . . and we are trying to resolve all issues with respect to all detainees at Guantánamo. The Uighurs are not going back to China.” — <i>Secretary of State Colin Powell</i>

May, 2008	A Department of Justice report confirms that “several Uighur detainees were subjected to sleep deprivation or disruption while being interrogated at Camp X-Ray by Chinese officials.” As one FBI agent noted, “the treatment of the Uighur detainees was either carried out by the Chinese interrogators or <b><u>was carried out by U.S. military personnel at the behest of the Chinese interrogators.</u></b> ”
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### **Abandoning our Principles**

So what does all of this mean? I think it means that our country sacrificed a small oppressed minority in order to win the support of the Communist Chinese government for our invasion of Iraq. In doing so, America turned its back on the values and freedoms that serve as the bedrock of our republic. We should have been offering to help the Uighurs in their struggle against oppression. Instead, we sacrificed them to advance our own interests.

I think we can do better. We have the strength and character as a nation to stand up to countries that persecute their citizens and smother liberty. We are strong enough to withstand Chinese pressure. We are capable of doing the right thing.

According to the Chinese, the lonely man who confronted a tank in Tiananmen Square is a terrorist. So is the Dalai Lama. So is Rebiya Kadeer. So is the old Uighur woman, armed only with the cane she needs to walk, who stood alone against the Chinese army in the streets of Urumchi earlier this month.

And yet our own government yielded to this propaganda. Not just in 2002 — but in 2009. I am sad to say that many members of this Congress embraced the lies when they lobbied against the release of Uighurs in the United States earlier this year. Four of these Uighurs are free men in Bermuda today. They are peaceful and law abiding — ask any Bermudian. But as unimaginable as it is to say, thirteen of their brothers — brave dissidents from the world’s leading Communist power, long cleared by the American military, both the Bush and Obama administrations, and by the U.S. courts — remain prisoners of a propaganda machine that has beguiled two Presidents, the Congress, and the American people.

### **Closing Remarks**

Thank you for this opportunity to speak with you, and thank you for your diligent efforts to uncover the truth behind the imprisonment of the Uighurs at Guantanamo.