Congress of the United States
Washington, DC 20515

June 11, 2009

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Mr. Holder:

We are writing in strong opposition to the reported demand of the Communist Chinese government that the United States return the Uighurs currently being detained at Guantanamo Bay to China. We are convinced that any Uighur detainees that are returned to the Communist regime will undoubtedly be tortured and likely killed. The United States is prohibited by international and domestic law from moving detainees to nations where they face the threat of torture.

On June 10th we initiated a series of hearings that will examine persecution of the Uighur minority in China and the circumstances surrounding the detention of the Uighurs at Guantanamo Bay. Our distinguished panel included human rights experts and leaders in the Uighur community including Mrs. Rebiya Kadeer, who herself served time in a Communist Chinese prison for advocating for Uighur rights. Mrs. Kadeer was later released and moved to the United States where she continued her advocacy. This extraordinary work has led to three Nobel Peace Prize nominations and public recognition by President George W. Bush.

Our witnesses confirmed the Human Rights Report produced by the Department of State that the Chinese government has engaged in systematic oppression of the Uighur people including restrictions on their religious freedoms and forced abortions. Particularly concerning was the unanimous view that the Communist Chinese government has used the "war on terror" as a pre-text to further oppress the Uighur people. They explained that oftentimes peaceful dissent and the voicing of concerns over human rights conditions is classified as "terrorism" in China and unfair trials are conducted that result in quick verdicts—including the death penalty—that have no veneer of due process. Mrs. Kadeer herself testified that she observed first hand the torture of Uighur detainees in China.

When we asked our panel specifically "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." Both the Bush Administration and the federal judiciary determined the Uighur detainees to be non-enemy combatants. Men who have done nothing wrong do not deserve to face certain torture and death following seven-plus years of wrongful internment.

We also request that you not accept any "diplomatic assurances" from the Chinese government that these men will not be tortured or killed upon their return. As we have learned during our

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Congressional oversight hearings on the case of Maher Arar, diplomatic assurances are not always reliable. Mr. Arar was seized at Kennedy International Airport in 2002 as he tried to change planes on his way home from a family vacation. Mr. Arar was then subjected to solitary confinement before he was rendered to Syria. Once in Syria, although our government had allegedly received diplomatic assurances he would not be tortured, Mr. Arar suffered exceptionally brutal treatment including imprisonment for nearly a year in an underground cell the size of a coffin. Eventually the Syrian government let him go, finding Mr. Arar had done nothing wrong. Based on its human rights record as reported by our own Department of State, we do not believe the Chinese government can be trusted to treat the remaining Uighurs who are not terrorists in a respectful, humane way.

Finally, we want you to know that our Oversight Subcommittee will continue to investigate the Chinese treatment of its Uighur minority and the incarceration of the Uighur men at Guantanamo. As mentioned before, we have already discovered that the Chinese government has used our "war on terror" to demonize and wrongfully prosecute innocent Uighur men and women for exercising basic civil rights and religious freedoms. We have also learned that our own government may have relied too heavily on Chinese intelligence which contributed to the wrongful detention of these Uighur detainees. We believe there is evidence that suggests a pattern of behavior that sheds light on the true intentions of the Chinese government and our government's acquiescence.

Again, we oppose the request of China and urge you not to let the Chinese government – once again – rob these men of their freedom.

Sincerely,

Bill Delahunt
Member of Congress

Dana Rohrabacher
Member of Congress