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Congress of the United States
House of Representatives

May 13, 2009

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The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW Rm 5111
Washington DC 20530

Dear Attorney General Holder:

Although I am still awaiting your responses to my letters dated March 13 and April 23, and have yet to receive the briefings I have requested from the FBI, U.S. Marshals Service, and the Department of Homeland Security per your prohibition, I nonetheless write again for clarification regarding comments you made before the Senate Appropriations Committee on May 7.

During the hearing, you are reported as stating that, "With regard to those you would describe as terrorists, we would not bring them into this country and release them, anyone we would consider to be a terrorist." While this is important information that should have been provided in response to my letters, I am concerned that your failure to define who may be considered a terrorist will result in further confusion with regards to the administration's intentions.

Because neither this Congress nor the American people have been provided with a plan for the transfer, release, or prosecution of detainees held at Guantanamo Bay, I believe you must – at the very least – provide the American people with a list of the individuals held at Guantanamo Bay that this administration does not consider to be terrorists, especially given that information I have received indicates that all current detainees are considered medium- to high-security threats. Further, you should declassify and release all information regarding the capture, detention, and threat assessment of any detainees scheduled for release into the general public.

I have grave concerns that you are playing fast and loose with the definition of "terrorist" and may be misleading the American people regarding its plans to release the Uyghur detainees into the U.S. Let me be very clear – the Uyghurs held at Guantanamo Bay are trained terrorists and members or associates of the Eastern Turkistan Islamic Movement (ETIM), a designated terrorist group affiliated with al Qaeda, as designated by both the U.S. government and the United Nations (U.N.). Whether their intended victims were Chinese or Americans, a trained terrorist is a terrorist.

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According to testimony and government documents, many of the Uyghur detainees have admitted to training at ETIM camps in Tora Bora under the direction of Abdul Haq prior to their capture by Pakistani authorities in the Federally Administered Tribal Areas (FATA) of Pakistan.

As you may know, the ETIM is a terrorist group that uses violence against civilians for the creation of an independent, Islamic state – in the image of the Taliban's Afghanistan – in the Xinjiang region of China.[1] The group is linked to a number of terrorist attacks in China during the mid-1990s, including several bus bombings that killed dozens and injured hundreds of innocent civilians[2], as well as threats of attacks against the 2008 Olympics in Beijing. Over the past decade, the group has predominantly operated out of Afghanistan and Pakistan and has developed close links with al Qaeda and the Taliban.

On August 19, 2002, then Deputy Secretary of State Richard Armitage designated the ETIM as "a terrorist group that committed acts of violence against unarmed civilians."[3] The group was designated by the State Department under Executive Order 13224, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism," which defines terrorist as "activity that (1) involves a violent act or act dangerous to human life, property, or infrastructure; and (2) appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking."[4] In 2004, the State Department further added the ETIM to the "Terrorist Exclusion List" (TEL) under section 411 of the USA Patriot Act of 2001 (P.L. 107-56), which prohibits members of designated terrorist groups from entering into the U.S.[5]

Later in 2002, the U.S. Embassy in Beijing reported that two members of the ETIM were deported from Kyrgyzstan after allegedly plotting to attack the U.S. embassy there.[6] Following the attempted attack, the U.S., Peoples Republic of China, Afghanistan, and Kyrgyzstan asked the United Nations to designate the ETIM as a terrorist group under Security Council resolutions 1267 and 1390, which provide for the freezing of the group's assets.[7]

Last month, the Obama Administration added the current leader of the ETIM (also recognized as the ETIP), Abdul Haq, to terrorist lists under Executive Order 13224, following U.N. recognition of Haq, under Security Council Resolution 1267, as an individual affiliated with Osama bin Laden, al Qaeda, or the Taliban. According to Stuart Levey, Treasury under

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[1] CBS News Internet Terrorism Monitor. "*East Turkistan Islamic Party Appeals For New Recruits in New Video.*" <http://www.cbsnews.com/blogs/2009/04/15/monitor/entry4948735.shtml?source=search_story>

[2] Gunaratna, Rohan and Acharya, Arabinda. *Islamic Terrorist Threats to China.* p. 42

[3] Congressional Research Service. *U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy.* p. 5.

[4] CRS Report. P. 5

[5] CRS Report. P. 6

[6] CRS Report. P. 5

[7] CRS Report. P. 5

secretary for Terrorism and Financial Intelligence, "Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2008 Olympic Games in China."[8]

The ETIM's relationship with al Qaeda has grown since it was invited by the Taliban to conduct training in Afghanistan in the late 1990s, followed by the move of the ETIM headquarters from the Xianjang region to Kabul in September 1998.[9] By 2005, Abdul Haq had been admitted to al Qaeda's "Shura Council"[10] and on November 16, 2008, an al Qaeda spokesman "stated that a Chinese citizen named 'Abdul Haq Turkistani' was appointed by Osama bin Laden as the leader of two organizations – 'al Qaeda in China' and 'Hizbul Islam Li-Turkistan.'" This appointment was also confirmed by Abu Sulieman, a member of al Qaeda.[11]

It is abundantly clear that the Uyghur detainees held at Guantanamo Bay are affiliated with the ETIM and trained under Abdul Haq in 2001. According to the detainees' sworn statement to U.S. authorities, many acknowledged that they had trained in an ETIM training camp in Tora Bora from June to November 2001 and at least one confirmed, "The person running the camp was named Abdul Haq."[12]

Following the U.S. invasion of Afghanistan in fall 2001 cooperation between the ETIM and the Taliban increased. It is reported that the ETIM's leader prior to Abdul Haq, Hasan Mahsum, "led his men to support Taliban and fight alongside them against U.S. and the coalition forces. On 2 October 2003, Hasan Mahsum was killed, along with 8 other Islamic militants, by a Pakistani army raid on an al Qaeda hideout in South Waziristan area in Parkistan."[13]

Additionally, a January 2008 al Qaeda in Afghanistan publication, "Martyrs in Time of Alienation," identified 120 "martyrs" – including five Uyghurs from Xianjiang and who trained in Tora Bora – who fought with the Taliban in Afghanistan against U.S. troops. One is reported to have been killed fighting U.S. forces during the invasion in 2001.[14] Hasan Mahsum confirmed, prior to his death in 2003, that ETIM members trained and fought with al Qaeda forces in Afghanistan.[15]

In addition to their affiliation in a designated terrorist organization and association with al Qaeda leader Abdul Haq, these detainees fervently believe in the creation of a Taliban-style Islamist state in northwestern China and do not share American values of respect, tolerance, and

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[8] U.S. Treasury Department. *Treasury Targets Leader of Group Tied to Al Qaida.* <<http://www.treas.gov/press/releases/tg92.htm>>
[9] Gunaratna. p. 60
[10] CRS Report p. 6
[11] Gunaratna p. 54
[12] The Guantanamo Docket – The New York Times. << http://projects.nytimes.com/guantanamo/detainees/277-bahtiyar-mahnut#2>>
[13] Gunaratna p. 52
[14] CRS Report. P. 7
[15] Gunaratna. P. 61

religious pluralism. In fact, one recent press account stated that, "Not long after being granted access to TV, some of the [Uighurs] were watching a soccer game. When a woman with bare arms was shown on the screen, one of the group grabbed the television and threw it to the ground, according to the officials."[16]

I am certainly no friend of the Chinese government. I have long been critical of their repressive treatment of Uyghur Muslims as documented in the State Department's most recent human rights report. But we ought to have no tolerance for terrorism in any form. Further, violent aims of this nature do not know national boundaries. Thousands of Americans, including the president and high-ranking U.S. government officials, traveled to the 2008 Beijing Olympics, a stated terrorist target for the ETIM.

If their affiliation, associations, and recent behavior were not troubling enough, I am also concerned about their potential further radicalization over the past eight years while held with al Qaeda members at Guantanamo Bay. Without a declassified threat assessment, how can the American people know for sure if the Uyghurs have not been further radicalized since their capture? How can we assess their potential threat once released into the U.S.? Will they attack Chinese targets within the U.S., provide intelligence to the ETIM or al Qaeda abroad, or even stage an attack on Americans at the direction of these terrorist groups?

Reports indicate that the ETIM's philosophy has dramatically evolved as a result of their training and cooperation with al Qaeda and the Taliban over the last decade. According to two experts, Rohan Gunaratna and Arabinda Acharya, "In the post-9/11 era, ETIM began to believe in the global jihad agenda. Today, the group follows the philosophy of al-Qaeda and respects Osama bin Laden. Such groups that believe in the global jihad do not confine their targets to the territories that they seek to control… [The ETIM] is presenting a threat to Chinese as well as Western targets worldwide."[17]

Without detailed information about each Uyghur detainee, including a threat assessment, the American people cannot be expected to tolerate trained terrorists being released into their communities. If your actions over the past two weeks are any indication, I would not be surprised if this administration were to ride roughshod over the security of the American people and release the Uyghurs into the U.S. on some quiet Friday evening, when members of Congress are traveling home and the members of the press have already filed their weekend reports.

That is not the transparency nor sound judgment you promised you would bring to the Justice Department when you appeared before the House Commerce-Justice-Science Appropriations subcommittee last month. If you will not share this information with Congress or the American people, how can we be expected to accept your assurances that the Uyghur

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[16] Hook, Janet. *"Democrats face hard time over Guantanamo."* Los Angeles Times. <http://www.latimes.com/news/nationworld/nation/la-na-gitmo-politics7-2009may07,0,3870315.story>
[17] Gunaratna. P. 65

detainees you intend to release into the U.S. are not "terrorists," according to your definition of the word? However, according to our definition, anyone who trains to kill civilians in Tora Bora, whose leader is a member of al Qaeda's Shura Council, does not share our most basic values of tolerance and diversity, and who may have been further radicalized over the last eight years is most unequivocally a terrorist and should not be released into the U.S.

As the ranking member of the appropriations subcommittee that will be charged with considering funding your proposal to transfer or release detainees to the U.S., I believe that your plan could cost upwards of a billion dollars. Before you ask this Congress and the American people to write this check to fund your plan, we have a right to see it.

I continue to await your responses to my three letters, dated March 13, April 23, and today, as well as the briefings I have requested from the FBI, U.S. Marshals Service, and Department of Homeland Security that have been denied over the last two weeks at your insistence.

Best wishes.

Sincerely,

FRANK R. WOLF
Member of Congress

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