

ABDUL NASSAR¹

CHINESE UYGHUR GUANTÁNAMO REFUGEE IN NEED OF PROTECTION



Abdul Nassar is a Uyghur from a province of China, known to its native population as East Turkistan. Uyghurs from this region are subject to severe and well-documented persecution by the Chinese government. After studying in Pakistan, Abdul joined other Uyghurs in a small Uyghur village in Afghanistan. After the U.S. invasion of Afghanistan, the village was bombed and Abdul and his countrymen were forced to flee. Months later, Abdul and the other Uyghurs were sold to U.S. forces for a bounty. Abdul remains in Guantánamo today – after more than six years without charge or trial, and even after having been officially cleared for release by the U.S. government – simply because no country has offered him safe haven.

Summary

Abdul Nassar is a Uyghur refugee from China. Abdul left his home to secure an education in Pakistan, where he studied for three years at a technical school. After hearing about Uyghurs living in a village near the Pakistani border in Afghanistan, Abdul traveled there to join his countrymen. When the village was bombed in October of 2001, Abdul and others from the village fled to the mountains. With the same misfortune of the 17 other Uyghurs from his village, Abdul was sold by the local Pakistani villagers to the U.S. military for a substantial bounty, and subsequently sent to the U.S. prison at Guantánamo. Because of the unsubstantiated accusations leveled against him by the United States, and the well-documented and brutal repression of the Chinese government against the Uyghur minority, Abdul is at risk for torture, abuse and persecution if returned to the custody of the Chinese government. Abdul has explicitly asked not to be returned to China or to a country subject to Chinese control or influence because of this very legitimate fear.

Background

Abdul Nassar is a Uyghur refugee in his early thirties. Abdul left his home city of Kashgar to secure an education in Pakistan, where he studied for three years at Lahore Institute, a technical school. Having had no basic educational foundation back in China, Abdul grew frustrated with the slow progress of his studies in Pakistan. Upon learning about Uyghurs living in an expatriate village located in the White Mountains of Afghanistan near the Pakistan boarder, Abdul left Pakistan and traveled to Afghanistan join his countrymen. He found the Uyghur village, which was quiet and entirely disconnected from fighting between the Taliban and the Northern Alliance.

However, in October 2001, the village was no longer isolated and protected. Due to U.S. aerial bombardment of the surrounding area, the Uyghurs in the community – including Abdul – were forced to flee. Eighteen men fled in total from this village. They camped out for several days in the mountains of Afghanistan because they could not find a road in the rugged terrain. They eventually were able to make their way to Pakistan, thinking they would be safer there with their village insecure. However, after crossing into Pakistan, Abdul and the other Uyghurs were offered a meal,

¹ Abdul Nassar is represented by Sabin Willett at Bingham McCutchen. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo's refugees, contact emaclean@ccrjustice.org.

and then sold for bounty – turned over to U.S. forces for \$5,000 each. Thirteen of that group remain in Guantánamo today, Abdul among them.

Abdul and the other Uyghurs were initially transferred at the U.S. military base at Kandahar, Afghanistan where Abdul was detained for approximately six months. During that time, he was interrogated and physically abused, including with repeated beatings. In approximately June of 2002, he was transferred to Guantanamo Bay, Cuba. Since then, Abdul has been held in virtual isolation – denied access to his family, friends, and the outside world.

Allegations

The transcript of Abdul's Combatant Status Review Tribunal (CSRT) proceedings indicates that his status was ostensibly predicated on allegations that he is a member of, or affiliated with, the East Turkestan Islamic Movement (ETIM), and that ETIM is associated with al Qaeda. This is the same allegation that the government has made against each of the Uyghurs in Guantánamo. There is no evidence to support the claim that Abdul is a member of ETIM or has any connection to any other group that is or has been engaged in hostilities with the United States. Indeed, Abdul had never even heard of ETIM prior to his transfer to U.S. custody. He has never engaged in military activity, never received military training, and never carried a weapon. Abdul was not even captured on a battlefield or in a combat zone.

As the U.S. government has admitted, there is nothing to materially distinguish Abdul from the five Uyghurs living in the same Uyghur village in Afghanistan, sold for bounty, transferred to U.S. custody and subsequently released years ago as refugees after having been officially deemed to be *non-enemy* combatants in 2005.

Fear of Torture and Persecution in China

Abdul has explicitly asked not to be returned to China. Like all of the Uyghurs held at Guantánamo, Abdul would be imprisoned, tortured, and potentially executed if returned to China, or to a country subject to Chinese control or influence. Chinese persecution of the Uyghurs is well-documented, and the Chinese have made it clear, through the interrogation of the Uyghur prisoners in Guantánamo and the pressure they have brought to bear on governments contemplating asylum for the Uyghurs, that they will mistreat the Uyghurs should they be released to Chinese custody. The recent imprisonment of Uyghur activists Husein Celil and Ablikim Abdureyim, as well as China's denunciation of President Bush's June 2007 meeting with World Uyghur Congress president Rebiya Kadeer, confirm that Chinese persecution of the Uyghurs continues unabated.

Urgent Need for Humanitarian Protection

Abdul has been detained in Guantanamo, without charge, for over six years. The U.S. government formally announced in February 2007 that he has been cleared for release, and recent press accounts note that privately government officials concede that they determined as early as 2003 that most or all of the Uyghurs at Guantanamo had been wrongly detained and should be released.

Nonetheless he remains detained at Guantanamo because no country has offered him the humanitarian protection necessary for him to be released.