

HOUZAIFA PARHAT*

CHINESE UYGHUR GUANTÁNAMO DETAINEE IN NEED OF PROTECTION



Houzaifa Parhat fled China seeking a better life. He was living in a Uyghur village in Afghanistan when he and seventeen others were forced to flee for safety after the U.S. bombing campaign began in Afghanistan. All eighteen were turned over to the United States by bounty-hunters. Five among them were classified as non-enemy combatants and, years later, released to Albania. Upon a review of the government's case, a U.S. federal court overturned the CSRT's decision classifying Houzaifa as an enemy combatant, citing a complete lack of evidence to substantiate the government's claims. Though he has long ago been cleared for release, he remains in Guantánamo today.

Summary

Houzaifa Parhat is a Uyghur who has been cleared for release from Guantánamo and whose detention a U.S. court has recognized to be illegal. Indeed, the government has effectively conceded that the detention of Houzaifa and the other Uyghurs is illegal. He remains in Guantánamo because, as with the other Uyghurs held at Guantánamo, Houzaifa would be imprisoned, tortured, and potentially executed if returned to China or to a country subject to Chinese control or influence, and no other country has agreed to accept him.

Houzaifa left China in 2001 and initially traveled to Pakistan and then onto Afghanistan, where he lived in a small Uyghur village. When the village was bombed, Houzaifa fled with seventeen other Uyghurs to Pakistan, where he was sold to the U.S. military for a bounty. He was held at the U.S. military base at Kandahar, Afghanistan before he was transferred to Guantánamo.

Personal History

Houzaifa, 36, is from Ghulja, a city in western Xinjiang, near the Kazakhstan border. Houzaifa struggled to make a living in the fruit business before leaving China in May 2001. He left to escape Chinese “torture and too much pressure on the Uyghur people,” including economic oppression and forced abortions. Houzaifa traveled to Pakistan and then on to Afghanistan in the hope that he would not be forcibly returned to China from that country.

Houzaifa fled to Pakistan, with the 17 other Uyghur men, in October of 2001 when the Uyghur village in Afghanistan was bombed. Initially taken in by Pakistani villagers, Houzaifa and the other Uyghurs were then sold by them to the U.S. military for a bounty. At the time, the U.S. military offered large sums of money – \$5,000 or more – to anyone who handed over alleged “terrorists.” The United States blanketed Afghanistan and Pakistan with leaflets promising “wealth and power beyond your dreams” or “enough money to take care of your family, your village, your tribe for the rest of your life.” In a press briefing in November 2001, Secretary Rumsfeld praised this practice, stating that these leaflets were “dropping like snowflakes in December in Chicago.” Houzaifa was one of the many victims of this manufactured incentive.

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After being handed over to U.S. forces, Houzaifa was held at the U.S. military base at Kandahar, Afghanistan before he was transferred, in approximately June of 2002, to Guantanamo Bay, Cuba. Since then, Houzaifa has been held in isolation.

Allegations

Five of the Uyghurs among the group of eighteen captured together and sold by bounty-hunters in Pakistan were classified as non-enemy combatants and, years later, released to Albania. There is nothing to materially distinguish Houzaifa from the five Uyghurs who were deemed noncombatants and released to Albania in 2006.

However, given the fundamental inadequacies of the Combatant Status Review Tribunal (CSRT) processes, Houzaifa was designated an "enemy combatant" by a CSRT in approximately October 2004. The transcript of those proceedings indicates that his enemy combatant status was ostensibly predicated on allegations that he is 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 Houzaifa is a member of ETIM or has any connection to al Qaeda, the Taliban, or any other group that is or has been engaged in hostilities with the United States.

Yet, in July of 2008, a U.S. federal court overturned the CSRT's enemy combatant classification of Houzaifa, ruling that the government's allegation that ETIM has links with Al Qaeda was tenuous and unsubstantiated. Houzaifa has never engaged in military activity, never received military training, and never carried a weapon. He was not even captured on a battlefield or in a combat zone. Following the court's wholesale rejection of the CSRT's allegations against the Uyghurs, the government has now conceded that the remaining Uyghurs will be treated as non-enemy combatants.

Fear of Torture and Persecution

Houzaifa has explicitly asked not to be returned to China. Like all of the Uyghurs held at Guantánamo, Houzaifa 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. Foreign governments have consistently recognized the Chinese government's use of torture against detainees in their custody, and the unexplained deaths of significant numbers of detainees in Chinese custody. In the Xinjiang Uyghur Autonomous Region, there are arbitrary and summary executions, torture, arbitrary detention and unfair political trials. Since the escalation of the global war on terrorism, human rights violations appear to have intensified in the region. China has expanded its programmes to "re-educate" Uyghur imams, and broaden attacks on Uyghurs. In 2002, China outlawed use of the Uyghur language in all schools and public places.

Urgent Need for Humanitarian Protection

While maintaining at home that the Uyghurs are "enemy combatants," the government has been peddling Houzaifa and his countrymen abroad to dozens of countries as innocents in need of resettlement. 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. Yet, for seven years, Houzaifa has been held without charge in Guantanamo and continues to be detained without justification, even after having been formally cleared for release in February 2007, his enemy combatant decision overturned in July 2008, and his release ordered by a federal district court judge in October 2008.