

[ORAL ARGUMENT SCHEDULED FOR NOVEMBER 24, 2008]

Nos. 08-5424, 08-5425, 08-5426, 08-5427, 08-5428, 08-5429

**In the United States Court of Appeals
for the
District of Columbia Circuit**

JAMAL KIYEMBA, Next Friend, *et al.*,
Petitioners-Appellees,

v.

GEORGE W. BUSH, President of the United States, *et al.*,
Respondents-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**AMENDED BRIEF OF *AMICUS CURIAE* UYGHUR AMERICAN
ASSOCIATION IN SUPPORT OF APPELLEES AND IN SUPPORT OF
AFFIRMANCE OF THE DISTRICT COURT**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 29(c) and 26.1(a), and Rule 29(b) of the United States Court of Appeals for the District of Columbia Circuit, the Uyghur American Association (“UAA”) hereby states as follows:

1. UAA is a non-profit community membership corporation organized under Section 501(c)(3) of the U.S. Tax Code. It has no parent corporation and no publicly held corporation owns 10% or more of its stock.

2. UAA has undertaken the Uyghur Human Rights Project. The Uyghur Human Rights Project has no parent corporation and no publicly held corporation owns 10% or more of its stock.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

(A) Parties and Amici. The Uyghur American Association (“UAA”) are participating in this case as *amici* in support of Appellees.¹ All parties, intervenors, and amici appearing before the district court are listed in the Brief for Appellants. Except for the following *amici*, all parties, intervenors, and amici appearing in this Court are listed in the Brief for Appellants: (1) The Brennan Center, The Constitution Project, and The Rutherford Institute; (2) The National Immigrant Justice Center and the National Association of Criminal Defense Lawyers; (3) Law Professors Michael Churgin, Niels Frenzen, Bill Ong Hing, Kevin Johnson, Daniel Kanstroom, Steve Legomsky, Gerald Neuman, Margaret Taylor, Susan Akram, Chuck Weisselberg, Sarah H. Cleveland, Hiroshi Motomura, and Michael Wishnie; (4) Legal historians Paul Finkelman, Eric M. Freedman, Austin Allen, Paul Halliday, Eric Altice, Gary Hart, H. Robert Baker, William M. Wiecek, Abraham R. Wagner, Cornell W. Clayton, David M. Cobin, Mark R. Shulman, Marcy Tanter, Samuel B. Hoff, Nancy C. Unger, and Karl Manheim.


(B) Ruling Under Review. References to the ruling at issue appear in the Brief for Appellants.

¹ Pursuant to Federal Rule of Appellate Procedure 29(a), all parties have consented to the filing of this brief.

(C) **Related Cases.** In *Kiyemba v. Bush*, Nos. 05-5487, 05-5489

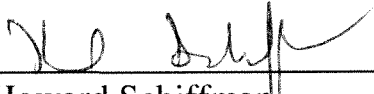
(D.C. Cir.), the Government appealed from two district court orders that prohibit the Government from removing some of the petitioners in this appeal from Guantanamo Bay, Cuba, unless thirty days' advance notice is given to the court and petitioners' counsel. That appeal was argued on September 25, 2008.

In *Parhat v. Gates*, 532 F.3d 834 (D.C. Cir. 2008), this Court, upon reviewing a finding by the Combatant Status Review Tribunal under the Detainee Treatment Act, held that the evidence before the tribunal was insufficient to categorize Parhat as an enemy combatant under the Department of Defense's definition, and directed the Government "to release or to transfer the petitioner, or to expeditiously hold a new CSRT." *Id.* at 854. This Court entered that judgment in four other Detainee Treatment Act actions, brought by four other petitioners in this case. *See Abdusemet v. Gates*, Nos. 07-1509 through 07-1512 (D.C. Cir. Sept. 12, 2008).


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**CERTIFICATE REGARDING CONSENT
OF THE PARTIES AND SEPARATE AMICUS BRIEFS**

The UAA certifies that all parties have consented to the filing of this *amicus curiae* brief. Pursuant to D.C. Circuit Rule 28(d)(4), the UAA certifies that a separate *amicus* brief is necessary in this case. The UAA sought to file an *amicus* brief concerning the history of Uyghur oppression, the Uyghur American community, and the resettling of the petitioners into the United States, including the support that the UAA, the Uyghur community, and others throughout the United States would offer petitioners upon release, as well as general American and political sentiment concerning the petitioners' circumstances. The UAA expects that the legal scholars and institutes that have consent to file briefs in support of petitioners will present legal arguments on Constitutional issues such as separation of powers, and *habeas* relief. While the UAA can provide some insight on those issues, its interest in this case, and the areas for which it is uniquely qualified, are the aforementioned factual issues. Those factual issues will necessarily be the focus of its brief, and not legal argument. Given these divergent purposes, the UAA certifies that filing a joint *amicus* brief with the other *amici* would not be practicable and that the UAA thus must submit a separate brief.



Howard Schiffman
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American Uyghur Association

GLOSSARY

ETIM	East Turkestan Islamic Movement
LIRS	Lutheran Immigration and Refugee Services
PRC	People's Republic of China
UAA	Uyghur American Association

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IN SUPPORT OF APPELLEES AND
IN SUPPORT OF AFFIRMANCE OF THE DISTRICT COURT

INTEREST OF AMICUS CURIAE

The UAA submits this brief as *amicus curiae* in support of petitioners and in support of affirmance of the District Court. The UAA is a tax-exempt, non-profit community membership organization organized under the United States Tax Code, Section 501(c)(3). The UAA is based in Washington, D.C. and has

approximately 600 members. Established in 1998, its mission is to promote the preservation and flourishing of a rich, humanistic and diverse Uyghur culture, and to support the right of the Uyghur people to use peaceful, democratic means to determine their own political future. Under the auspices of the Uyghur Human Rights Project, the UAA also raises awareness of human rights abuses that occur in East Turkistan and promotes improved human rights conditions for Uyghurs and other indigenous groups in East Turkistan.

Ms. Rebiya Kadeer is the president of the UAA and has received numerous human rights awards for her work on behalf of the Uyghur Diaspora. Being of Uyghur heritage herself, Ms. Kadeer was subjected to persecution and imprisoned for years by the PRC, and was granted refugee status by the United States. The UAA researches and produces articles, reports and educational materials regarding Uyghur issues, participates in seminars and lectures to discuss oppression faced by Uyghurs, organizes demonstrations to protest against and raise awareness of the oppression and torture of Uyghurs throughout the world, offers resources to Uyghur political prisoners and refugees, lobbies the executive and legislative branches of the United States government to raise awareness regarding the plight of the Uyghur people, and undertakes a wide range of other activities relevant to its members and the Uyghur Diaspora.

The UAA's interest in this case arises from its commitment to providing a community for, and resources to, Uyghurs in the United States. UAA officers and members have worked tirelessly to create a network of financial, educational, housing, medical, legal and other resources from individuals and a variety of refugee, civic and religious organizations throughout the United States to develop a comprehensive short-term and long-term plan for resettling petitioners within the United States. The purpose of proffering information to the district court regarding these arrangements was to demonstrate the practical feasibility of either resettling petitioners here or providing supervisory conditions upon their release as the United States continues its interminable efforts to find a host country. UAA officers and members provided information contained in the proffer for the October 7 hearing and were present at the hearing or otherwise available to testify.

Thus, the UAA considers itself uniquely qualified to offer the Court guidance on the history of the Uyghur people and their oppression, the make-up and success of the Uyghur American community, the practical ability of resettling petitioners in the United States, and American sentiment towards petitioners. The UAA's extensive lobbying efforts have also informed it of political sentiment towards petitioners. The relevance of this information is underscored by the Government's claims that petitioners lack a "voluntary connection" to the United

States, are unsuitable for release into the “general population” of the United States, are not welcomed to be released into the United States by the political branches, and by the Government’s apparent concern that suitable conditions be instituted if they are to be released into the United States.

STATEMENT OF THE ISSUE

Petitioners are seventeen Uyghurs held at Guantanamo Bay for more than six years after the United States military took custody of them in Pakistan. The Government (i) has cleared all of the petitioners for release or transfer; (ii) has conceded that petitioners should not be treated as enemy combatants, (iii) has not charged them with any crime, and (iv) has not cross-examined or otherwise challenged any of the witnesses or evidenced proffered by petitioners regarding the practical arrangements in place for release and resettlement into the United States. International treaties, federal law, and the policy of the United States Department of State all prohibit their return to the People’s Republic of China (“PRC”) because of the considerable likelihood that they will be tortured or persecuted. Having previously labeled petitioners as enemy combatants and having maintained that they are unsuitable for release into the United States, the Government is unable to find another country suitable for resettling them. The issue in this case is whether, in these circumstances, the district court erred by granting petitioners’ motion for

habeas corpus relief and instructing the Government to release petitioners into the United States.

STATUTES AND REGULATIONS

All applicable statutes and regulations are contained in the Brief for Appellant.

SUMMARY OF ARGUMENT

The district court ordered the Government to bring petitioners to Washington, D.C. and release them into the care of 17 Uyghur families who committed themselves to providing them with immediate care and with assistance in complying with any supervisory conditions. These families are but a small segment of a larger Uyghur American community that has primarily established itself in the nation's capital, where they have sought refuge from the PRC's oppressive crusade against the Uyghur people. Uyghurs have suffered years of oppression at the hands of the Chinese government—a government that the United States believes has used the War on Terror as a pretext for continuing its oppressive crusade. The Uyghur community in Washington, D.C. is dedicated and experienced in resettling Uyghur refugees, and has established a comprehensive, long-term plan for resettling petitioners in the United States.

Section A discusses how the PRC has oppressed the Uyghur people. After living autonomously for centuries in Central Asia, China took control of their

specific region to capitalize upon its oil reserves. The PRC has systematically oppressed them through deliberate displacement, prohibitions on exercising their religious beliefs, denial of government programs, mass arrests, torture, and public executions.

Section B details the United States' view of the PRC's human rights abuses against the Uyghurs. Counteracting the Government's suggestion that petitioners are not welcome here, this section demonstrates that the political branches are acutely aware of the PRC's manipulative and gross conduct towards the Uyghur people and consider the petitioners' return to China impossible because of the near certainty that they will be tortured, with some Congressional members explicitly calling for their release into the United States.

Section C introduces this Court to the Uyghur community in the Washington, D.C. area, and outlines the plan for resettling petitioners into the United States. A tightly knit community with a diverse range of talent and knowledge, it has arranged a resettlement program that demonstrates a thorough and exhaustive understanding of the petitioners' needs upon being released. Drawing from the most experienced and qualified organizations and individuals, they have established a strategy for addressing both their immediate concerns and long-term issues associated with their resettlement.

ARGUMENT

A. The Persecution of Uyghurs by the PRC is Well-Documented

The Uyghur (pronounced WEE-gur) people are an ethnic minority that live in the rural northwestern province of China known as East Turkistan, which is referred to by PRC as the Xinjiang Uyghur Autonomous Region.² Dist. Ct. Oct. 9, 2008 Opinion (hereafter “Opinion”), J.A. 1601; *see also* Human Rights in China (HRIC) and Human Rights Watch, *Devastating Blows: Religious Repression of Uighurs in Xinjiang*, 17 HUMAN RIGHTS WATCH SERIES (C) ASIA, No. 2, at 1, 11 (2005) (hereafter *Devastating Blows*), available at <http://www.hrw.org/reports/2005/china0405/china0405.pdf>.³ The Uyghurs share a similar ancestry to the people of Turkey. *See Devastating Blows* at 11. Despite their Turkish roots, the Uyghurs have an established history in Xinjiang, dating back to the 7th Century. *Id.* at 9. Today, the Uyghur people number approximately 8 million. *Id.* at 10. Uyghurs practice a moderate form of Islam. *See* Shirley A. Kan, *U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy*, CONGRESSIONAL RESEARCH SERVICE (CRS) REPORTS, No. RL33001, at 5

² The term “Uyghur” can also be written Uighur, Uygur, or Weigur, as there is no standardized spelling.

³ All internet sources last visited October 28, 2008.

(updated Sept. 2008), *available at* http://assets.opencrs.com/rpts/RL33001_20080911.pdf (hereafter “*CRS Report*”).

Beginning in the early 1990s, China increased its attempts to assert greater power over the Uyghurs. As noted by the United States Department of State, this increased control coincided with intensified repression of the Uyghurs. *See* Teresa Watanabe, *State Department Report on Persecution and Repression of Believers Globally Says U.S. Monitoring is a promising Tactic. Others See Talk but Little Action*, L.A. TIMES, Sept. 9, 2000, at B2. East Turkistan holds vast oil reserves. *Devastating Blows*, at 1. China estimates that by 2010, its largest source of oil could come from the Uyghur homeland. Peter S. Goodman, *Oil Investors Tapped Out of Wells: China Orders Private Drillers to Halt Desert Operations*, THE WASHINGTON POST, November 1, 2005, at D1. China has sought to nationalize those oil reserves, drawing the monetary benefits of the oil away from the local Uyghur entities and into the hands of the Han Chinese. *Id.*

Chinese repression of Uyghurs takes two forms: systematic suppression of Uyghur culture, and torture. First, the PRC uses a variety of methods to suppress Uyghur culture in Xinjiang. The most glaring example of this is the plantation movement, where Han Chinese are deliberately resettled in Xinjiang to oust the Uyghurs and dilute the concentration of Uyghurs in Xinjiang. Where Uyghurs once comprised 90% of the population of Xinjiang, now Han

Chinese make up 50% of the population. See Tim Luard, *China's Changing Views of Terrorism*, BBC News Online, Dec. 15, 2003, at <http://news.bbc.co.uk/2/hi/asia-pacific/3320347.stm>. Despite being three time zones away from Beijing, Uyghurs are required to follow time in the capital, and not local time. See Elisabeth Rosenthal, *Defiant Chinese Muslims Keep Their Own Time*, N.Y. TIMES, Nov. 19, 2000, at sec. 1, p.3. The government also cut funding for Mandarin-language education for Uyghurs; the result is that Uyghurs are increasingly excluded from the workforce, especially government jobs, in favor of native-speaking Chinese.

The Uyghurs have also been denied the freedom to practice Islam. Official observances of Ramadan are banned, and government workers are restricted from observing Ramadan entirely; retired government workers are prohibited from entering mosques. See Edward Wong, *Curbs Imposed on Muslims in Western China During Ramadan*, N.Y. TIMES, Sept. 8, 2008, at A7 (hereafter “*Curbs Imposed*”). Religious schools have been shut down. *Devastating Blows*, at 13. In some areas, Uyghurs may not even observe Islamic tenets regarding their appearance: men are barred from growing beards and women from wearing veils. *Curbs Imposed*, at A7. Imams are required to attend patriotic education courses and to demonstrate ideological conformity with the Communist party. *Devastating Blows*, at 30. Even simple events such as public meetings are forbidden in some Uyghur neighborhoods. *Curbs Imposed*, at A7.

Uyghur groups, such as those led by Rebiya Kadeer, have protested the Chinese cultural oppression as a denial of human rights. These movements are met with swift and violent responses by the PRC. For example, in February 1997, Uyghurs held a demonstration against the repression of their cultural and religious identity. While the protest was peaceful, the Chinese government's response was not. Police put down the protest by shooting unarmed demonstrators, which ignited a three-day riot that left nine people dead and hundreds injured.

Devastating Blows, at 13.

The second form of Uyghur repression is imprisonment and torture. In 1998 alone, over 200,000 Uyghurs were imprisoned without trial, and 3,500 were executed. See Nora Boustany, *Rights Violators Know No Boundaries*, THE WASHINGTON POST, June 16, 1999, A25. These mass arrests often culminate with public executions. See *CRS Report*, at 6 (executions held before rally of 20,000); see also *Persecution of the Uyghurs in the Era of the "War on Terror,"* UHRP and UAA Reports, at 4 (Oct. 2007), at http://uhrp.org/docs/Persecution_of_Uyghurs_in_the_Era_of_the_War_on_Terror.pdf (hereafter *Persecution of Uyghurs*) (citing sources). In one security sweep in 2005, over 700 Uyghurs were arrested. *Persecution of Uyghurs*, at 5. After arrest, these Uyghurs have been subjected to a catalogue of tortures, such as: inserting of wires and horsehair into the penis; dousing prisoners with pepper and chili powder in the mouth, nose, and genitals;

exposing prisoners to extreme heat and cold; using electric batons on inmates; regular beatings; chemical injections causing loss of bodily control; shackling prisoners in painful positions; cigarette burns; submerging prisoners into water and sewage; and deprivation of sleep, food, and water. *Id.*

B. The Political Branches of the Government Sympathize with the Plight of the Uyghur People and Have Made it Clear that Their Return to China is Not an Option

The United States Congress has continuously noted and condemned Uyghur oppression since the 1990s. In 1996, the House condemned the religious repression of Uyghurs in Xinjiang. *See* H.R. Res. 461, 104th Cong. (1996) (Passed by House June 27, 1996). In 2000, both the Senate and House passed a concurrent resolution calling for the release of Rebiya Kadeer, who was then imprisoned and is now the President of the UAA. *See* S. Con. Res. 81, 106th Cong. (2000) (Passed by both House and Senate July 24, 2000). In 2003, a bill was again introduced in the House calling for Ms. Kadeer's release. *See* H.R. Res. 477, 108th Cong. (2003) (Introduced in House December 8, 2003). In 2007, two House bills were introduced condemning the oppression of the Uyghurs. *See* H. R. Res. 497, 110th Cong. (2007) (Introduced in House June 19, 2007); H. R. Res. 608, 110th Cong. (2007) (Introduced in House August 2, 2007). Just this year, the Senate and House have introduced three resolutions condemning human rights abuses of the Uyghurs by the PRC. *See* H.R. Res. 1370, 110th Cong. (2008) (Introduced in House July

23, 2008); S. Res. 574, 110th Cong. (2008) (Introduced in Senate May 22, 2008); H.R. Res. 1140, 110th Cong. (2008) (Introduced in House April 23, 2008).

Likewise, the PRC's manipulation of the war on terror to further its oppressive objectives has not gone unnoticed. The Department of State has taken note of the PRC's strategy of using the War on Terror as a pretext to oppress independent Muslim religious leaders and "peaceful political dissent" by Uyghur separatists. See U.S. Department of State, *China (includes Tibet, Hong Kong, and Macau)*, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2004 (released Feb. 2005), at <http://www.state.gov/g/drl/rls/hrrpt/2004/41640.htm>. In 2005, the House also heard testimony before the Committee on International Relations regarding this manipulation. *Falun Gong and China's Continuing War on Human Rights: Hearing Before the H. Int'l Relations Committee*, 109th Cong. 109-62 (2005) (statement of Gretchen Birkle, Acting Principle Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State), available at http://commdocs.house.gov/committees/intlrel/hfa22579.000/hfa22579_of.htm. Last year, the House passed a resolution also acknowledging that the PRC deliberately manipulated the War on Terror to further oppress the Uyghurs. See H. R. Res. 497, 110th Cong. (2007) (Passed by House June 19, 2007). The PRC has even accused the Dalai Lama of colluding with Uyghur separatist groups to carry out terrorist attacks on China. See Chris Buckley, *China*

Accuses Dalai Lama of Taking Olympics Hostage, Reuters, Mar. 23, 2008, at <http://www.reuters.com/article/latestCrisis/idUSPEK342692>.

As has been reported to Congress, before September 11th, 2001, the Chinese government made a strict distinction between Uyghurs and terrorists. Although the PRC has long held that separatism is an “evil force,” it was one of three distinct evil forces, separate and distinct from “terrorism” and “extremism.” *See CRS Report*, at 5. Terrorism was never before equated with Uyghur separatism; in fact, despite separatist movements in Xinjiang, in 2001 the Communist Party Secretary flatly stated that Xinjiang was not a place of terror. *See Persecution of Uyghurs*, at 1-2. Exactly one month after the attacks of September 11, 2001, however, China began to conflate the Uyghurs with terrorists, and to make unsubstantiated claims that the Uyghurs were in league with Al Qaeda and the Taliban. *See Erik Eckholm, U.S. Labeling of Group in China As Terrorist is Criticized*, N.Y. TIMES, Sept. 13, 2002, at A3. On October 11th, 2001, the PRC proclaimed ties between the Uyghurs and undefined “international terrorists.” *See John Leicester, China Calls for International help in its Fight Against Muslim Separatists*, Associated Press, Oct. 11, 2001. In November 2001, China further declared that the former “separatists” were now “international terrorists.” *Persecution of Uyghurs*, at 2. The label “East Turkestan terrorist forces” was applied to any Uyghur separatist activity. *Devastating Blows*, at 15. Although the

U.S. Department of State designated the so-called East Turkestan Islamic Movement (“ETIM”) as a terrorist organization in 2004, the most recent report to Congress confirms that there are serious concerns regarding the credibility of the sources linking ETIM to al Qaeda and the Taliban.⁴ *See CRS Report*, at 7-10; *see also* Tim Luard, *China’s Changing Views of Terrorism*, BBC News Online, Dec. 15, 2003, at <http://news.bbc.co.uk/2/hi/asia-pacific/3320347.stm>; Erik Eckholm, *U.S. Labeling of Group in China As Terrorist is Criticized*, N.Y. TIMES, Sept. 13, 2002, at A3; Mike Jendrzeczyk, Editorial, *Condemning the Crackdown in Western China*, ASIAN WALL ST. J., Dec. 16, 2002 (“[T]he Bush administration is now increasingly concerned about China’s diplomatic offensive, as Beijing uses the U.S. decision on ETIM to justify a broad crackdown on peaceful Uighur dissent and Muslim religious activities – a crackdown that long predates September 11.”).

As a signatory to the Convention Against Torture, which the United States Senate has ratified, the United States cannot transfer individuals to countries where there are “substantial grounds for believing that [they] would be in danger of being subjected to torture.” Convention Against Torture, Art. 3, opened for

⁴ Nevertheless, there is absolutely no evidence that the Uyghurs or Uyghur separatists have any animosity towards the United States; even the government in this case admits that the Uyghurs’ only goal is to fight against the the Chinese government, and not the United States. Brief of Appellant, at 1. Moreover, the district court found that there is no factual basis for finding that the current detainees ever had any contact with the Taliban. *Opinion*, J.A. 1601.

signature Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85 (noting that reasonable grounds include “the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”); *see also* 8 U.S.C. § 1231(b)(3)(A). And while the Government portrays petitioners as creating their current predicament by refusing to return to China (*see, e.g.*, Brief for Appellants at 2), that simply is not the case. Not only have the political branches made clear that returning petitioners to China is not an option, the Government conceded this very point to the district court. *See* Brief for Appellants at n.5; Transcript, Motion/Status Hearing - Uighur Cases, In re: Guantanamo Bay Detainee Litig., Civ. Action No. 05-1509 (RMU) (D.D.C. Oct. 7, 2008) (hereafter “Proffer Hearing”), J.A. 1542 (“[T]heir own home country is one that U.S. policy prevents us from returning them to force -- forcibly because of humanitarian concerns.”).

“The Uighurs are a difficult problem,” Secretary of State Colin Powell said in an August 12, 2004, briefing, “and we are trying to resolve all issues with respect to all detainees at Guantánamo. The Uighurs are not going back to China.” U.S. Department of State, *Roundtable with Japanese Journalist* (Aug. 12, 2004), *available at* <http://www.state.gov/secretary/former/powell/remarks/37356.htm>. The following year, Navy Secretary Gordon England confirmed “we have Uighurs from China that we have not returned to China because of concerns and issues

about returning them to their country.” Navy Secretary Gordon England, *U.S. Dep’t of Defense News Transcript—Defense Department Special Briefing on Combatant Status Review Tribunals* at 3 (Mar. 29, 2005), available at <http://www.defenselink.mil/transcripts/2005/tr20050329-2382.html>; see also Mark Mazzetti & John Hendren, *U.S. Quietly Exploring Alternatives to Guantanamo Bay*, L.A. TIMES, June 15, 2005 (“The repatriation of nearly two dozen ethnic Uighurs from China detained at Guantanamo Bay has been held up because of State Department concerns that the Uighurs might be tortured or killed after being turned over to Chinese custody.”) In fact, just a few months ago, the Chairman of the House Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight, along with the Ranking Member of that subcommittee, have both called for the transfer and release of petitioners into the United States. See *CRS Report*, at 13 and n.50.

C. Practical Arrangements for Resettling Petitioners In the United States, or for Use as Supervisory Conditions

The petitioners should be released into the United States where the Uyghur American community is eager to provide the necessary support they will need to resettle here. Uyghurs in America have followed closely the circumstances of petitioners. Decl. of Rebiya Kadeer, President, UAA, In re: Guantanamo Bay Detainee Litig., Civ. Action No. 05-1509, ¶ 11 (RMU) (D.D.C. July 2008)

(hereafter “Kadeer Decl.”). There is “widespread sympathy” throughout the American Uyghur community for petitioners. *See* Decl. of Alim Seytoff, Gen. Sec’y of the UAA, In re: Guantanamo Bay Detainee Litig., Civ. Action No. 05-1509 (RMU) (D.D.C. July 21, 2008) (hereafter “Setyoff Decl.”); Kadeer Decl.

¶ 13. This sympathy is shared by Uyghurs who live and work in Washington, D.C. *See* Steve Hendrix, *D.C. Area Families Are Ready to Receive Uighur Detainees*, WASHINGTON POST, Oct. 8, 2008, at A08 (hereafter “*D.C. Area Families*”), available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/07/AR2008100702685.html>. With approximately 300 Uyghur Americans living and working in the nation’s capital, the D.C. area has the largest concentration of Uyghurs in America. *See* Petitioner’s Proffer Re: Available Services and Support for Resettlement in the United States, In re: Guantanamo Bay Detainee Litig., Civ. Action No. 05-1509, (RMU) (Oct. 7, 2008) (Hereafter “Proffer”), J.A. 1471. The UAA is based in Washington, D.C. Like the United States, it believes that the Uyghur people, who are described as “staunchly pro-American, should be able to determine their political future through democratic means.

The Washington, D.C. Uyghur community first began in the 1980s when students settled in the area. *See D.C. Area Families*, at A08. In the mid-1990s, coinciding with the collapse of the Soviet Union, the number of asylum seekers increased. *Id.* Most Uyghurs have settled in the Virginia suburbs of

Washington, D.C., which is populated with several mosques, such as the Virginia Islamic Center. Today, most Uyghurs come to escape persecution or to pursue higher education. *See* Matthew Barakat, *D.C. Uyghurs Wait to Take in Gitmo Detainees*, Associated Press (Oct. 10, 2008), available at <http://www.npr.org/templates/story/story.php?storyId=95590542> (hereafter “*D.C. Uyghurs*”). The vocations pursued by the D.C. Uyghur community run the gamut, and includes chemical engineers, lawyers, small business entrepreneurs, tradesmen, and information technology specialists. *See D.C. Area Families*, at A08; *see also D.C. Uyghurs*. Overall, Uyghur refugees who settle in the D.C. area tend to be college educated and are drawn to the area because of the ability to remain active in Uyghur human rights issues. *See D.C. Area Families*, at A08.

Many Uyghur expatriates are familiar with the logistical needs required by Uyghurs who have fled to the United States to escape persecution, including UAA President Ms. Kadeer. *See* Kadeer Decl. ¶ 14 (noting that she was “welcomed and supported by members of the Uyghur American community” upon her arrival). The Uyghur American community has routinely helped refugees with those needs. *Id.* Indeed, it is reported that Uyghurs have one of the highest U.S. approval rates for asylum seekers. *See D.C. Uyghurs*. “The Uyghur American community is ready, willing, and able to provide support to any Uyghurs who are released from Guantanamo to America,” including “logistical support with regard

to language, cultural, and religious matters.” *See* Seytoff Decl.; *see also* Kadeer Decl. ¶ 14. The community is also ready to provide services related to conditions of temporary release, such as “transportation, language, and the like, that may be necessary to meet reporting obligations to government officials and to interact with courts, government officials, and the world at large.” *See* Seytoff Decl. Indeed, seventeen Uyghur American families in the Washington, D.C. area have committed to providing immediate housing and support for the petitioners to help them meet any supervisory conditions imposed upon their release or as part of a bridge to more permanent resettlement arrangements that have been made. *See* Proffer, J.A. 1471, 1532.

Petitioners’ Proffer identified three individuals who were ready to testify regarding specific long-term resettlement services and support that have been arranged for petitioners upon release. *See* Proffer, J.A. 1469-1472. Kent Spriggs was one such person. An attorney experienced in working with Guantanamo detainees who have been released to their home country, Mr. Spriggs also is a member of a steering committee in Tallahassee, Florida faith-based communities that are experienced in resettling refugees in a variety of situations. *Id.* at 1470. The committee has committed to resettling three Uyghur detainees and developed a comprehensive plan to that effect. *Id.* at 1470, 1527-1531. The plan utilizes various religious organizations and covers issues such as monetary aide,

spiritual services, housing and furnishings, vocational opportunities and legal issues concerning such, transportation, medical care, mental health care, language instruction, and general social integration. *Id.* at 1527-1531.

Another such person is Susan Krehbiel, Vice President of Lutheran Immigration and Refugee Services (“LIRS”) in Baltimore, Maryland. *See* Proffer, J.A. 1469. LIRS is a contractor with the United States Department of State’s Office of Refugee Settlement. *Id.* at 1470. It has provided services to refugees and immigrants for nearly 70 years and has helped to resettle more than 300,000, including more than 7,000 this year alone. *Id.*; LIRS, *An Introduction From Our President* (2008), at <http://www.lirs.org/who/intro.htm>. The LIRS Refugee Co-Sponsorship Manual was included as an Exhibit to the Proffer. *Id.* at 1474-1524. This 50-page manual details everything from navigating the immigration and refugee process to specific practical advice for how a co-sponsor should prepare their home and family for the arrival of a sponsee. *Id.*


Finally, the Proffer explained that the Center for Constitutional Rights has identified a donor of substantial means who is willing to establish an appropriate 501(c)(3) account to provide funds for resettling the refugees. *Id.* at 1471-1472. The Government never challenged any aspect of the Proffer, nor sought to cross-examine any of the witnesses who were available to testify in connection with the Proffer. *See* Proffer Hearing, J.A. 1584.

CONCLUSION

Having persecuted the Uyghur people for decades, the PRC successfully continued that campaign by manipulating the War on Terror following the attacks of September 11, 2008. Since the 1980s, Uyghurs seeking to flee this persecution have been welcomed by a sympathetic United States, where a dedicated and resourceful community of Uyghurs has thrived in the nation's capital. The petitioners should be released there, where the community has resourcefully established a comprehensive resettlement plan that includes individuals and a variety of organizations well-suited to meet the petitioners' needs. For these reasons, the UAA respectfully requests that the judgment of the district court be affirmed so that the district court may proceed with the previously-scheduled hearing on appropriate supervisory conditions.

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CERTIFICATE OF COMPLIANCE

I hereby certified that this brief complies with the type-volume limitation of Fed. R. App. P. 29(d) and Fed. R. App. P. 32(a)(7)(B) because the brief contains 4,579 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii). I hereby certify that this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the typestyle requirements of Fed. R. App. P. 32(a)(6) because it has been prepared with Microsoft Word in a proportional typeface with 14 characters per inch in Times New Roman.



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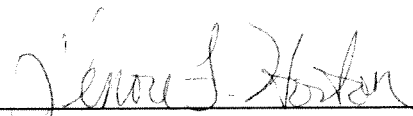
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