

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

ABU BAKKER QASSIM and A'DEL ABDU
AL-HAKIM,

Detainees,
Guantánamo Bay Naval Station,
Guantánamo Bay, Cuba;

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

Case No. 05-0497 (JR)

**SECOND DECLARATION OF
SUSAN BAKER MANNING IN
SUPPORT OF APPLICATION FOR
PRELIMINARY INJUNCTION**

I, Susan Baker Manning, declare:

1. I am over 18 years of age. I am an attorney licensed to practice law in the State of California, and am associated with Bingham McCutchen LLP, pro bono counsel to the petitioners in the above-captioned action. I have personal knowledge of the facts stated herein, except those stated on information and belief, and, if called upon, could and would testify competently to them.

2. Attached hereto as Exhibit F is a true and correct copy of a March 16, 2005, Financial Times article by Demetri Sevastopulo entitled "Uighurs face return to China from Guantánamo." The article is submitted in further support of the petitioners' Application for Preliminary Injunction. I am informed and believe that Petitioners are ethnic Uighurs from western China.

3. The article reports that the Pentagon has determined that half of the Uighur Chinese detained at Guantánamo have no intelligence value and should be released. It also reports that, based on official U.S. concerns that they would be tortured, the Government previously determined that they

should not be returned to China. According to the article, because efforts to find a safe haven for the Uighur detainees have failed, the Government is now considering releasing them to China anyway.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of March 2005.

/s/
Susan Baker Manning

EXHIBIT F



Uighurs face return to China from Guantanamo

>By Demetri Sevastopulo in Washington

>Published: March 16 2005 02:00 | Last updated: March 16 2005 02:00

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The US may have to consider sending Muslim Chinese prisoners at Guantánamo Bay to China, following failed efforts to persuade European countries to accept them as political refugees, according to a senior administration official.

The Pentagon determined last year that half of the two dozen Uighur Chinese captured in the war on terrorism have no intelligence value and should be released. The US has so far resisted Beijing's demands for repatriation out of concern that they may be tortured once back in China.

Last year Colin Powell, then secretary of state, said the US would not send the Uighurs back to China. But the administration official said efforts to persuade the Europeans - most recently Sweden - had collapsed.

"We don't want to send them to China, and Europe has failed, so we have to look elsewhere and engage the United Nations High Commissioner for Refugees," said the official. "If these efforts fail, the US may be forced to reconsider sending them to China."

The US held preliminary talks last year with the UNHCR but has not been in contact with the commission since then, said Ron Redmond, a UNHCR spokesman.

The administration official said the US would repatriate the Uighurs only if Beijing provided "iron-clad" guarantees they would not be tortured. In the meantime, the US will approach Panama, after talks last year, and other Latin American countries about the Uighurs.

"Sending these people back to China would be a violation of the Torture Convention," said Tom Malinowski, Washington advocacy director for Human Rights Watch. "There are no guarantees that could possibly assure a reasonable realistic person that these detainees won't be tortured."

The Pentagon denied that the government was considering changing its policy.

"The US continues to release, or transfer under appropriate conditions, detainees from Guantánamo," said Matthew Waxman, deputy assistant defence secretary for detainee affairs. "Our policy is that we do not transfer individuals to other countries where we believe they are likely to be tortured."

The fate of many of the more than 500 Guantánamo detainees remains in limbo while legal challenges go through US courts.

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