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Fate of Chinese Separatists Held in Guantanamo Uncertain

Following the September 11, 2001 attacks in the United States, the communist government of China offered its nominal support for the U.S. war on terror, and has often referred to Uyghur nationalists as "terrorists." Some human rights organizations have charged that China's "war on terror" is being used by the Chinese government as a pretext to repress the Uyghurs (among others).

The lawyer representing the 17 detainees, Sabin Willett, flew to Guantanamo Bay during the weekend of November 1 to inform his clients that the U.S. Justice Department has blocked legal pleas asking that they be allowed to go to the U.S. mainland, where several refugee and Christian organizations have offered to shelter and help relocate them. Willett wrote in a letter to



Justice Department lawyers: "After years of stalling and staying and appellate gamesmanship, you pleaded no contest — they are not enemy combatants." He added, "You have never charged them with any crime."

The 17 Uyghurs were in a self-contained camp in Afghanistan when the U.S.-led coalition bombing campaign began in October 2001. They fled to the mountains, but were captured by Pakistani authorities, who then handed them over to the U.S. military. Apparently finding no evidence to hold them as "terrorists," the U.S. government has asked more than 100 countries to accept them as refugees, but none has agreed. Willett has blamed U.S. authorities for prompting the refusals because the men have been inaccurately labeled as "terrorists."

The *Guardian* quoted a U.S. Justice Department statement as saying that the men "are linked to an organization that the State Department has labelled to be a terrorist entity, and it is beside the point that the organization is not 'a threat to us' because the law excluding members of such groups does not require such proof."

Back on October 7, a federal judge ordered that the men be released and brought to Washington, D.C., where there is a significant Uyghur community. However on October 21, in a 2-1 decision, the Court of Appeals for the District of Columbia Circuit agreed to a request from the U.S. government to suspend the release and scheduled oral arguments in the case for November 24.

An October 21 report from AFP observed: "The group has been held in limbo at Guantanamo — despite being cleared for release by the US government — because officials can not find a country willing to



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take them. The men cannot be returned to China because of fears they would be tortured there as political dissidents.”

Although several parts of the U.S. Constitution protect the rights of accused criminals against indefinite detention (e.g., Article One, Section 9 protects the right of habeas corpus, and the Sixth Amendment guarantees that “the accused shall have the right to a speedy and public trial”), the Bush administration has circumvented these rights by holding detainees at Guantanamo, which is outside U.S. territory. Furthermore, such detainees are often denied even the rights afforded to prisoners of war under the Geneva Conventions.

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